

## Councilmembers

Position No.

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



## Orting City Council

Regular Business Meeting Agenda  
Orting Multi-Purpose Center  
202 Washington Ave. S, Orting, WA  
October 10th, 2018  
7 p.m.

**Mayor Joshua Penner, Chair**

1. **CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.  
REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**
2. **PUBLIC COMMENTS**
3. **PRESENTATION**
  - A. Andrew Barkis- Legislative Topics.
  - B. Smize Foundation.
4. **PROCLAMATIONS**
  - A. Domestic Violence Awareness
    - *Mayor Penner/Marie Saplan, Exodus Housing*
5. **PUBLIC HEARING**
  - A. AB18-84-Property Tax Levy- Resolution No. 2018-15, a Resolution of the City of Orting, Washington.
    - *Scott Larson*

### **Requests for Consent Agenda Items to Be Pulled For Discussion**

6. **CONSENT AGENDA**
  - A. Study Session Minutes of September 19, 2018.
  - B. Regular Meeting Minutes of September 26, 2018.
  - C. Payroll and Claims Warrants.

**Motion:** *Move to approve Consent Agenda as prepared. OR*

**Motion:** *To approve Consent Agenda with the exception of agenda item(s) #\_\_\_\_\_.*

### **Consent Agenda Items Pulled For Discussion.**

7. **COMMISSION REPORTS**
  - Planning Commission
8. **BUSINESS**
  - A. AB18-83-Selection of Deputy Mayor for 2019.
    - *Deputy Mayor Harman*  
**Motion:** *To approve the appointment of \_\_\_\_\_ as Deputy Mayor for the year 2019, effective January 1, 2019.*

**B. AB18-85-Comprehensive Plan Amendment Docket Extension.**

- *Mark Bethune/ Emily Terrell*

*Motion:* *To extend the Comprehensive Plan Docket to November 1<sup>st</sup>, 2018.*

**C. AB18-86-Council Review of Ethics Investigation Report.**

- *Charlotte Archer*

*Motion:* *See Agenda Bill for alternatives available to Council under Policy No. 2017-04, Code of Ethics for the City Council.*

**D. AB18-87- Public Works Shop Maximum Price.**

- *Mark Bethune*

*Motion:* *To Approve a greatest maximum price of \$2,258,984.42.*

*\*Agenda Item 8E will continue after the Executive session*

**9. EXECUTIVE SESSION**

RCW 42.30.110 (i) (3), relating to Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency.

**8. BUSINESS (CON'T)**

**E. AB18-88- City Property Geo-Technical Site Characterization.**

- *Mark Bethune*

*Motion:* *Move to approve \_\_\_\_\_ as the low bidder for the site characterization geo technical review for the amount of \$ \_\_\_\_\_.*

**10. ADJOURNMENT**

*Motion:* *Move to Adjourn.*

**Upcoming Meeting: Budget Retreat, October 13<sup>th</sup>, 9am, (PSB), Study Session Meeting: October 17<sup>th</sup>, 2018, 6pm (MPC)**



City of

**ORTING WASHINGTON**

Small Town.  
Big View

## ***PROCLAMATION***

### ***Recognizing Domestic Violence Awareness Month***

**WHEREAS**, domestic violence is a confrontation between family or household members involving physical harm, harassment, sexual assault, or reasonable fear of physical harm; and

**WHEREAS**, domestic violence is not only a personal tragedy, but a crime that affects men, women, children, neighborhoods, and communities; and

**WHEREAS**, domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the United States - more than car accidents, muggings, and rapes combined; and

**WHEREAS**, children who grow up in violent homes are more likely to also be abused and neglected; and

**WHEREAS**, the City of Orting believes that our community, including every residence, should be a place of safety for all individuals; and

**WHEREAS**, the City helps victims obtain resources and discuss safety plans; and

**WHEREAS**, the City's legal department prosecutes domestic violence related cases to hold perpetrators accountable for their actions;

**NOW, THEREFORE**, be it proclaimed that the Mayor of the City of Orting declares October as Domestic Violence Awareness Month and encourages all citizens to actively stand against domestic violence in our community year round.

**Dated this 10<sup>th</sup> day of October, 2018**

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**Joshua Penner, Mayor**



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: Hearing- 2019 Property Tax Levy.</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	N/A		<b>AB18-84</b>
	<b>For Agenda of:</b>	N/A	10/17/18	10/10/18 & 10/31/18
	<b>Department:</b>	Finance		
	<b>Date Submitted:</b>	9/27/18		
<b>Cost of Item:</b>	<u>N/A</u>			
<b>Amount Budgeted:</b>	<u>N/A</u>			
<b>Unexpended Balance:</b>	<u>N/A</u>			
<b>Bars #:</b>	N/A			
<b>Timeline:</b>	By November 30, 2018			
<b>Submitted By:</b>	Scott Larson			

**Fiscal Note:**

**Attachments:** Property Tax Resolution, County Assessor Documents

**SUMMARY STATEMENT:**

This resolution will raise our property tax cap by \$206,412.96 to \$1,288,969.50, which is an increase of 19.07% over the prior years' levy which was \$1,082,556.54.

- The increase in the total amount of property tax collections is driven by \$42.88 million in new construction, and an increase in assessed valuation of \$94.26 million or 14%.
- Assessed valuation for 2018 and 2019 are \$669.58 million and \$806.72 million respectively.
- The rate that would be paid by citizens would remain at \$1.60 per \$1,000 of assessed valuation.
- The Council also has the statutory authority to collect an excess levy of \$68,753.28 or \$0.085 per \$1,000 of assessed valuation without a vote of the people due to the Library District's levy being less than \$0.50 per \$1,000 of assessed valuation.

**RECOMMENDED ACTION:** No action is required at this time. This will be discussed next at the study session on October 17<sup>th</sup>, 2018.

**CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2018-15**

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**A RESOLUTION OF THE CITY OF  
ORTING, WASHINGTON, REQUESTING  
THE HIGHEST LAWFUL LEVY**

**WHEREAS**, the City Council of the City of Orting, Washington (hereinafter, the "District") has met and considered its budget for the calendar year 2019; and

**WHEREAS**, the District's actual levy amount from the previous year was \$1,082,556.54; and

**WHEREAS**, the population of this District is less than 10,000; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORTING, WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1. Declaration of Highest Lawful Levy.** Be it resolved by the governing body of the taxing District that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2018 tax year.

The dollar amount of the increase over the actual levy amount from the previous year shall be \$206,412.96 which is a percentage increase of twenty-nine and eighty-eight tenths percent (19.067176%) from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in value of state assessed property, any annexation that have occurred and refunds made.

**Section 2. Effective Date.** This Resolution shall be effective immediately upon passage, and shall be implemented for the 2019 tax year, as stated above.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_\_ DAY OF OCTOBER, 2018.**

CITY OF ORTING

\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

Approved as to form:

\_\_\_\_\_  
Charlotte Archer, City Attorney  
Kenyon Disend, PLLC



**MEMORANDUM**

**DATE:** September 14, 2018  
**TO:** Pierce County Taxing Districts  
**FROM:** Mike Lonergan, Assessor-Treasurer  
**RE:** **Preliminary Certification of Assessed Values/Levy Limit Factor**

Enclosed is the Preliminary Certification of Assessed Values for your taxing district. These values include last year's State Assessed Property Values.

For budget preparation assistance to applicable districts, Levy limit factor worksheets, court ordered refund information, and sample ordinance/resolutions are included. The amount of the prior year's additional revenue from increase in state assessed property listed on the preliminary values memo may be added to the levy limit calculation for estimating budget purposes.

**Submit original ad valorem Budget / Levy Certifications & an approved Ordinance or Resolution no later than November 30th:**

Pierce County Council  
Attention: Clerk, Rm. 1046  
County City Building  
930 Tacoma Ave. S  
Tacoma, WA 98402

**And a copy to:**  
Pierce County Assessor-Treasurer  
Attention: Levy Dept.  
2401 S. 35<sup>th</sup> St. Rm. 142  
Tacoma, WA 98409

(Failure to submit a budget request & the district's Resolution/Ordinance may adversely affect next year's Levy collection)

**Preliminary Values Are Subject to Change.**

Districts will receive **Final** values in December.

Amended Levy Certifications may be submitted to the Pierce County Council & Pierce County Assessor-Treasurer after final values have been calculated.

The district's Ordinance/Resolution **must** identify these three components.

- The **dollar amount of the previous year's levy**. The actual levy received, including refunds.
- The **dollar amount of increase** reflects the difference between the previous year's actual levy and the 1% growth of the highest lawful levy, or a lesser amount if banking levy capacity.
- The **percent of increase** equals the change over the prior year's actual levy plus the dollar amount of increase equal to the district's highest lawful levy for this year, or a lesser amount if banking levy capacity.

The sample Ordinance/Resolution enclosed provides the amounts for districts wishing to request their highest lawful levy.

**See reverse for answers to frequently asked questions.**



**Pierce County**

**Mike Lonergan, Assessor-Treasurer**

2401 South 35th Street  
Tacoma, WA 98409-7498  
(253) 798-6111 FAX (253) 798-3142  
ATLAS (253) 798-3333  
www.piercecountywa.org/atr

September 14, 2018

OFFICIAL NOTIFICATION TO: **ORTING**

RE: 2018 PRELIMINARY ASSESSED VALUES

**FOR REGULAR LEVY**

Total Taxable Regular Value (includes prior yrs. State assessed utility value)	806,719,473
Highest lawful regular levy amount since 1985	1,276,207.43
<b>Last year's actual levy amount (including refunds)</b>	<b>1,082,556.54</b>
Additional revenue from current year's NC&I	68,753.27
Additional revenue from annexations (RCW 84.55)	0.00
Additional revenue from administrative refunds (RCW 84.69)	1,688.30
<i>No additional revenue from administrative refunds will be allowed if you are limited by your statutory rate limit.</i>	
Last year's additional revenue from increase in state-assessed property	188.37

**FOR EXCESS LEVY**

Taxable Value (includes prior yrs. State assessed utility value)	801,618,373
Timber Assessed Value	-
Total Taxable Excess Value	801,618,373

2018 New Construction and Improvement Value 42,876,128

*If you need assistance or have any questions regarding this information, please contact Kim Fleshman  
253.798.7114 [kfleshm@co.pierce.wa.us](mailto:kfleshm@co.pierce.wa.us).*



**Pierce County**

**Mike Lonergan, Assessor-Treasurer**

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**TAX LEVY LIMIT 2018 FOR 2019**

**ORTING  
< 10,000**

**REGULAR TAX LEVY LIMIT:**

	<b>2017</b>
A. <u>Highest regular tax which could have been lawfully levied beginning with the 1985 levy</u> [refund levy not included] times limit factor (as defined in RCW 84.55.005).	1,276,207.43
	1.01
	1,288,969.50

B. Current year's assessed value of new construction, improvements and wind turbines in original districts before annexation occurred times last year's levy rate (if an error occurred or an error correction was made in the previous year, use the rate that would have been levied had no error occurred).	42,876,128
	1.603532678390
	68,753.27

C. Current year's state assessed property value in original district if annexed less last year's state assessed property value. The remainder to be multiplied by last year's regular levy rate (or the rate that should have been levied).	9,664,964
	9,664,964
	0.00
	1.603532678390
	0.00

D. <b>REGULAR PROPERTY TAX LIMIT (A + B + C)</b>	<b>1,357,722.78</b>
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**ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:**

E. To find rate to be used in F, take the levy limit as shown in Line D above and divide it by the current assessed value of the district, excluding the annexed area.	1,357,722.78
	806,719,473
	1.683017234754

F. Annexed area's current assessed value including new construction and improvements times rate found in E above.	0.00
	1.683017234754
	0.00

G. <b>NEW LEVY LIMIT FOR ANNEXATION (D + F)</b>	<b>1,357,722.78</b>
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**LEVY FOR REFUNDS:**

H. RCW 84.55.070 provides that the levy limit will not apply to the levy for taxes refunded or to be refunded pursuant to Chapters 84.68 or 84.69 RCW. (D or G + refund if any)	1,357,722.78
	1,688.30
	1,359,411.08

I. <b>TOTAL ALLOWABLE LEVY AS CONTROLLED BY THE LEVY LIMIT (D,G,or H)</b>	<b>1,359,411.08</b>
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J. Amount of levy under statutory rate limitation.	806,719,473
	1.600000000000
	1,290,751.16

K. <b>LESSER OF I OR J</b>	<b>1,290,751.16</b>
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1.685110031639



**EXAMPLE OF ORDINANCE/RESOLUTION  
REQUESTING HIGHEST LAWFUL LEVY**

**Ordinance/Resolution No. \_\_\_\_\_  
RCW 84.55.120**

WHEREAS, the \_\_\_\_\_ of \_\_\_\_\_ has met and considered  
(Governing body of the taxing district) (Name of the taxing district)  
its budget for the calendar year 2019; and,

WHEREAS, the districts actual levy amount from the previous year was \$ 1,082,556.54 and,  
(Previous Year's Levy Amount)

WHEREAS, the population of this district is  more than or  less than 10,000; and now, therefore,  
(Check One)

**BE IT RESOLVED** by the governing body of the taxing district that an increase in the regular property tax levy is hereby authorized for the levy to be collected in the 2019 tax year.  
(Year of Collection)

The dollar amount of the increase over the actual levy amount from the previous year shall be \$ 206,412.96  
which is a percentage increase of 19.067176% from the previous year. This increase is exclusive of  
(Percentage Increase)

additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**SAMPLE**

**If additional signatures are necessary, please attach additional page.**

This form or its equivalent must be submitted to your county assessor prior to their calculation of the property tax levies. A certified budget/levy request, separate from this form is to be filed with the County Legislative Authority no later than November 30th. As required by RCW 84.52.020, that filing certifies the total amount to be levied by the regular property tax levy. The Department of Revenue provides the "Levy Certification" form (REV 64 0100) for this purpose. The form can be found at: <http://dor.wa.gov/docs/forms/PropTx/Forms/LevyCertf.doc>.

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.



# Levy Certification

Submit this document to the county legislative authority on or before November 30 of the year preceding the year in which the levy amounts are to be collected and forward a copy to the assessor.

In accordance with RCW 84.52.020, I, \_\_\_\_\_,  
(Name)

\_\_\_\_\_, for \_\_\_\_\_, do hereby certify to  
(Title) (District Name)

the \_\_\_\_\_ County legislative authority that the \_\_\_\_\_  
(Name of County) (Commissioners, Council, Board, etc.)

of said district requests that the following levy amounts be collected in \_\_\_\_\_ as provided in the district's  
(Year of Collection)

budget, which was adopted following a public hearing held on \_\_\_\_\_:  
(Date of Public Hearing)

Regular Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Excess Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Refund Levy: \_\_\_\_\_  
(State the total dollar amount to be levied)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users, please call (360) 705-6718. For tax assistance, call (360) 534-1400.

## COUNCILMEMBERS

### **Position No.**

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Dave Harman
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



**ORTING CITY COUNCIL**  
**Special Meeting & Study Session Minutes**  
Orting Multi-Purpose Center  
202 Washington Ave. S, Orting, WA  
September 19<sup>th</sup>, 2018  
6pm

**CHAIR, DEPUTY MAYOR DAVE HARMAN**  
**SPECIAL MEETING STARTS AT 6PM FOLLOWED BY STUDY SESSION.**

## SPECIAL MEETING

### **1. CALL MEETING TO ORDER PLEDGE AND ROLL CALL.**

Deputy Mayor Harman called the meeting to order at 6:02pm. Councilmember Gunther led the Pledge of allegiance.

**Councilmembers Present:** Deputy Mayor Dave Harman, Councilmembers Nicola McDonald, Tod Gunther, Michelle Gehring, John Kelly, Scott Drennen, and Greg Hogan.

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Greg Reed, PW Director, JC Hungerford, City Engineer.

### **2. GEO TECH STUDY FOR FUTURE CITY HALL PROPERTY- RESOLUTION NO 2018-13.**

Administrator Bethune briefed regarding a request for an environmental assessment at the future site for City Hall/Police/Court Facilities. Contaminated soil may be present at that site. When a geotechnical analysis was done for the building foundation and stormwater design, the scent of petroleum was present. It is believed to be gas or diesel, but further testing is needed to determine what may be present and what levels. Historic records show that there are two existing fuel tanks on the property that were closed in place per Washington Department of Ecology records. The City received 3 proposals and Council was provided the bid from PBS Engineering & Environmental Inc. This assessment will assess soil and groundwater conditions in the vicinity of the removed structure. City Administrator Bethune also briefed on the request to deviate from the purchasing policy.

*Councilmember Drennen made a motion to Approve Resolution No. 2018-13, A Resolution of the City of Orting, Authorizing Deviation from the Purchasing Policy for Professional Service of Geotechnical Engineering Services. Second by Councilmember McDonald. Motion passed (7-0).*

*Councilmember McDonald made a motion to Authorize The Mayor To Enter Into A Contract With PBS Engineering & Environmental Inc., For Phase II Environmental Site Assessment contract In The Amount Of \$9, 575.00. Second by Councilmember Kelly. Motion passed (7-0)*

### **3. ADJOURNMENT**

*Councilmember McDonald made a motion to Adjourn. Second by Councilmember Hogan. Motion passed (7-0).*

Deputy Mayor Harman adjourned the special meeting at 6:10pm.

## **STUDY SESSION**

### **1. CALL MEETING TO ORDER**

Deputy Mayor Harman opened the study session at 6:10pm.

**Councilmembers Present:** Deputy Mayor Dave Harman, Councilmembers Nicola McDonald, Tod Gunther, Michelle Gehring, John Kelly, Scott Drennen, and Greg Hogan.

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Greg Reed, PW Director, JC Hungerford, City Engineer.

### **2. COMMITTEE REPORTS**

#### **Public Works**

Councilmember Drennen briefed that the Committee continues to work on the following projects: Kansas St, and SW Connector. Actions that are moving forward are: Emergency Evacuation Bridge, alternative alignments of Kansas Street.

#### **Public Safety**

Councilmember Kelly briefed that at the last meeting they talked about the delivery of Police Vehicles which will be sometime this month or the next. They reviewed a list of fees that are charged for citations and infractions. Councilmember Hogan briefed that they are still working on the Recreational Vehicle Ordinance.

#### **Community and Government Affairs**

No report, items are all on the agenda.

### **3. STAFF REPORTS**

Administrator Bethune briefed on the following:

- Work continues on facilities and he will be meeting with Helix about the City Hall project, and will come up with budget numbers for the budget retreat in October;
- The pole barn has been ordered for the Public Works Facility and they will come up with a maximum cost which will be presented to Council in October;
- City staff will be part of an earthquake drill on October 18<sup>th</sup> at 10:18am.

Public Works Director Greg Reed briefed on the following:

- Repairs being made to the Water Treatment Plant;
- Bid out for trees to be removed from Cemetery and trimming the lawn;
- Break in at lower Harman station;
- Interviews for Building Official will be tomorrow the 20<sup>th</sup>;
- Interviews for Maintenance worker 1 will be a week after that;
- McDonalds meter had to be switched out;
- Well three is now off line with no issues;
- Staff is preparing for the asset management system which will be active soon.

Councilmember Drennen asked about recent incidents on the trail just outside City limits. Mayor Penner shared briefly on two incidents and stated that they are being investigated. Chief Gard is working to put on a self-defense class which will take place sometime in November. Patrols have been stepped up even though the incidents are outside city limits. They are working with South Sound 911 to call OPD in incidents that are so close to town.

Deputy Mayor Harman asked to move item 5 E up before item 5A as Mr. Hungerford needed to leave the meeting early. Council agreed.

#### **4. AGENDA ITEMS**

##### **E. AB18-82-Gratzer Ballfield- Engineering Design Scope and Budget**

JC Hungerford briefed on the scope and budget for design and permitting for Gratzer Park. A grant was received from the Department of Commerce to build a multipurpose field. The City got an extension until June of 2019. Design should be done by December. This includes the cost of permits.

Action: Move to consent agenda for the September 26<sup>th</sup> meeting.

##### **A. AB18-78- Red Hat Days- Sponsorship Application**

Red Hat Days made application for sponsorship to the Community and Government Affairs Committee. The Committee moved this forward with a recommendation to approve sponsorship. This is a Tier II sponsorship. They do have to ensure that the use of alcohol is only within the restricted areas. Insurance was provided.

Action: Move forward to the consent agenda for the September 26<sup>th</sup> meeting.

##### **B. AB18-79-Grant Requests.**

Councilmember Gunther briefed that the Mayor requested that Grants for 2019 be approximately 1% of the budget; which comes to approximately \$40,000. The total amount in grant requests comes to \$50,000. The Committee came up with the following recommendations for awards:

- Chamber of Commerce/Orting Community Float- \$2,500
- Farmers Market- \$3,500
- Food Bank- \$3,000
- Opportunity Center, DBA The Haven-\$10,000
- Orting Historical Society-\$500
- Senior Center-\$13,000
- Tacoma/Orting Recovery Café-\$10,000

Those recommendations add up to \$42,500. The Mayor stated that the recommendations will be brought back at budget time and will be up to Council to determine. He stated this figure still reflects the 1% goal and will be helpful to reduce discussions at budget season.

Councilmember Drennen would like the reporting of grant recipients to be more in line with celebrating their success and contribution to the Community, rather than them thanking the City for the grant funds.

##### **C. AB18-80- Business Licensing**

Administrator Bethune briefed on the proposal to use the State for the processing of City business licenses. This is currently managed by staff. This will require a change to the City's business licensing code. Council was also asked to consider the price we charge for a business license. The Mayor and staff are recommending a two tiered business license structure of \$50 per year for business that have revenue of more than \$10,000 per year, and \$0 for those with revenue of less than \$10,000 per year. There is no fee to the City for this service. This would be effective in 2019. Discussion followed.

Action: Council consensus was to move this forward to the consent agenda for the 26<sup>th</sup> with the recommended price structure. Page 5 should be checked to see if it should say apply to the City administrator.

##### **D. AB18-81-Approve Sole Source Vender Bay Valve.**

City Administrator Bethune briefed on this agenda bill item. As part of our new Purchasing Policy, we are having to approve sole source vendors as their services are procured throughout the year. This request would approve Bay Valve as the sole source provider of Limatorque Blue Ribbon Services, to complete repair and maintenance work on the gear boxes

that drive a number of the valves at our wastewater treatment plant. Action: Move forward to the consent agenda for the Council meeting of September 26<sup>th</sup>, 2018.

**F. City Facilities**

Administrator Bethune pulled this item from the agenda.

**5. ADJOURNMENT**

*Councilmember McDonald made a motion to Adjourn. Second by Councilmember Gehring. Motion passed (7-0).*

Deputy Mayor Harman adjourned the meeting at 7:16pm.

ATTEST:

\_\_\_\_\_  
Jane Montgomery, City Clerk, CMC

\_\_\_\_\_  
Joshua Penner, Mayor

## Councilmembers

### **Position No.**

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## Orting City Council

Regular Business Meeting Minutes  
Orting Multi-Purpose Center  
202 Washington Ave. S,  
Orting, WA  
September 26<sup>th</sup>, 2018  
7 p.m.

**Mayor Joshua Penner, Chair**

### **1. CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Mayor Penner called the meeting to order at 7:00pm. Deputy Mayor Harman led the pledge of allegiance.

**Councilmembers Present:** Deputy Mayor Dave Harman, Councilmembers Tod Gunther, John Kelly, Scott Drennen, Greg Hogan, and Michelle Gehring.

**Absent:** Councilmember McDonald.

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Greg Reed, Public Works Director, Charlotte Archer, City Attorney.

*Deputy Mayor Harman made a motion to excuse Councilmember McDonald. Second By Councilmember Gehring. Motion passed (6-0)*

### **Request for Modifications to the Agenda.**

No Requests were made.

### **2. PUBLIC COMMENTS:**

Patti Justus

Ms. Justus stated that she is now the Committee Chair of Red Hat Days. Red Hat Days is on October 6<sup>th</sup>, and Mr. Justus invited the Council to attend. She listed the events and stated the parade was at 2:00pm.

### **3. REPORT- CHIEF OF POLICE**

Chief Gard gave a report on recent crime activity that OPD has responded to in the last month on the trail just outside the city limits. He stated that even though the crime happens outside the City limits they are working with PC Sheriff and South Sound 911 to send an OPD Officer to those calls as well. They are also getting information out thru social medial. Officer Boone has been teaching kids at school tips on how to be safe while walking and bicycling to school. They also have made a big emphasis to go after low level offenders. The approach is multifaceted and they are working with local police departments to suppress these types of crimes Chief Gard also reported that he will be sponsoring a self-defense class in November.

Deputy Mayor Harman spoke about the trail incidents and concerns from citizens who do not know where the City limits are. He spoke with Pierce County and they have no problem with the City putting up signs on the trail. He also informed Council that the trail association is working to repaint markers along the trail so that dispatchers will know where the individuals are when they call in. He also stated that Pierce County will be cutting overgrown brush along the trail soon and that the Trail Association is working on crossing problems at High Cedars as well.

### **Request For Consent Agenda Items To Be Pulled For Discussion.**

No items were pulled.

#### 4. CONSENT AGENDA

- A. Regular Meeting Minutes of September 12, 2018.
- B. Payroll and Claims Warrants.
- C. AB18-78- To Approve the Sponsorship Application from Orting Red Hat Days.
- D. AB18-80- To Adopt Ordinance No. 2018-1036, An Ordinance Of The City Of Orting, Washington, Amending Orting Municipal Code Sections 3-2-4 And 3-2-7 Pertaining To Business Licenses, In Response To Washington State Enhanced House Bill 2005.
- E. AB18-81- To Approve Resolution No. 2018-14, A Resolution Of The City Of Orting, Washington, Approving Bay Valve as A Sole Source Service Provider, Of Litorque Blue Ribbon Certified Service.
- F. AB18-82- To Approve The Scope And Budget For Gratzner Park Phase 2 From Parametrix In The Amount Of \$52,681.

*Councilmember Drennen made a motion to approve Consent Agenda as prepared. Second by Councilmember Hogan. Motion passed (6-0)*

#### 5. BUSINESS

**A. AB18-70- FORECLOSED PROPERTY REGISTRATION – Ordinance No. 2018-1034, An Ordinance of the City Of Orting, Washington, Relating To the Registration of Foreclosed Properties, Adopting New Orting Municipal Code Chapter 5-11., Establishing Registration Procedures for Properties Subject To Foreclosure Located Within the City Of Orting.**

City Attorney Archer briefed that in an effort to provide Code Enforcement with additional tools to combat negative impacts caused by properties in various stages of the foreclosure process, some cities in Washington (and throughout the country) have created abandoned property registries that require lenders to report and take maintenance actions. The proposed Ordinance would establish a requirement that the lender or other responsible parties of properties that are in the foreclosure process register those properties with the City. If adopted, the City would charge a "registration fee," to be set by Resolution of the Council; as well as a civil monetary penalty for non-compliance. This was reviewed by the full Council on August 15<sup>th</sup>, 2018. The Ordinance appeared before the Council on September 12<sup>th</sup>, 2018 for a public hearing, and since that time staff added a definition for the term "Vacant," per the Council's request. No other changes were made to the Ordinance.

*Councilmember Hogan made a motion to Adopt Ordinance No. 2018-1034, An Ordinance of the City of Orting, Washington, Relating to the Registration of Foreclosed Properties, Adopting New Orting Municipal Code Chapter 5-11, Et Seq., Establishing Registration Procedures for Properties subject To Foreclosure Located within the City of Orting. Second by Councilmember Kelly. Motion passed (6-0)*

#### **B. AB18-83- Deputy Mayor Selection Process for 2019**

Deputy Mayor Harman briefed that Council rules state that the appointment process for Deputy Mayor begins in September, with a vote in October. He is required to solicit the assistance of two councilmembers to come forward with a nomination for that role for 2019. Councilmember Gehring and Councilmember Kelly volunteered to assist the Deputy Mayor. They will bring a nomination to the first Council meeting in October.

#### 6. EXECUTIVE SESSION

There was no Executive Session.

#### 7. ADJOURNMENT

*Deputy Mayor Harman made a motion to Adjourn. Second by Councilmember Gehring. Motion passed (6-0).*



Mayor Penner adjourned the meeting at 7:24pm.

*ATTEST:*

\_\_\_\_\_  
*Jane Montgomery, City Clerk, CMC*

\_\_\_\_\_  
*Joshua Penner, Mayor*

CITY OF ORTING  
VOUCHER/WARRANT REGISTER  
FOR OCTOBER 10, 2018 COUNCIL

CLAIMS/PAYROLL VOUCHER APPROVAL

CITY OF ORTING

WE, THE UNDERSIGNED, DO HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE MATERIALS HAVE BEEN FURNISHED, THE SERVICES RENDERED OR THE LABOR PERFORMED AS DESCRIBED HEREIN AND THAT THE CLAIM IS A JUST, DUE AND UNPAID OBLIGATION AGAINST THE CITY OF ORTING, AND THAT WE ARE AUTHORIZED TO AUTHENTICATE AND CERTIFY TO SAID CLAIM.

CLAIMS WARRANTS #46509 THRU #46549  
IN THE AMOUNT OF \$ 89,684.66

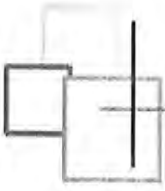
PAYROLL WARRANTS # 23382 THRU #23396  
IN THE AMOUNT OF \$158,448.96

ARE APPROVED FOR PAYMENT ON OCTOBER 10, 2018

COUNCILPERSON \_\_\_\_\_

COUNCILPERSON \_\_\_\_\_

CITY CLERK \_\_\_\_\_



# Fund Transaction Summary

Transaction Type: Invoice  
Fiscal: 2018 - October 2018 - 1st Council

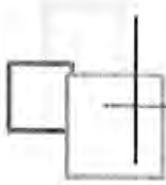
Fund Number	Description	Amount
001	Current Expense	\$58,948.45
101	City Streets	\$1,672.59
104	Cemetery	\$14.95
105	Parks Department	\$2,041.69
401	Water	\$8,658.65
408	Wastewater	\$16,062.35
410	Stormwater	\$2,285.98
	<b>Count: 7</b>	<b>\$89,684.66</b>

# Register

Fiscal: 2018  
 Deposit Period: 2018 - October 2018  
 Check Period: 2018 - October 2018 - 1st Council

Check Number	Key Bank Name	Print Date	Amount
46509	Business Solutions Center	10/2/2018	\$4,565.47
46510	Integra Information Technologies INC	10/2/2018	\$614.00
46511	Ticor Title Company	10/2/2018	\$1,349.75
46512	Alarm Center, Inc	10/10/2018	\$73.26
46513	Association of Wash. Citi	10/10/2018	\$365.85
46514	Bay Valve Service, Inc	10/10/2018	\$50.00
46515	Brisco Inc.	10/10/2018	\$6,921.16
46517	Centurylink	10/10/2018	\$231.19
46518	CenturyLink/Qwest	10/10/2018	\$1,634.40
46519	Comcast	10/10/2018	\$274.99
46520	Core & Main	10/10/2018	\$502.48
46521	Corona, Jennifer	10/10/2018	\$713.95
46522	Crystal & Sierra Springs	10/10/2018	\$174.95
46523	Dell Financial Services Payment Processing Services	10/10/2018	\$160.10
46524	Elder, Jacob	10/10/2018	\$1,235.41
46525	Hach Company	10/10/2018	\$69.00
46526	Helix Design Group	10/10/2018	\$172.97
46527	Hot Off The Press	10/10/2018	\$25,147.80
46528	Industrial Software Solutions-Wonderware LLC	10/10/2018	\$315.88
46529	Isenhardt, Larry	10/10/2018	\$4,923.97
46530	Korum Automotive Group	10/10/2018	\$165.68
46531	Lewis, Jennifer	10/10/2018	\$5,317.39
46532	Logan Enterprises INC	10/10/2018	\$672.00
46533	Murphy-Brown, Mary	10/10/2018	\$395.00
46534	Nisqually Indian Tribe	10/10/2018	\$675.00
46535	Opportunity Center Of Oring	10/10/2018	\$2,460.00
46536	Orling Valley Fire & Rescue	10/10/2018	\$625.00
46537	Orling Valley Senior Cent	10/10/2018	\$2,979.17
46538	P.c. Budget & Finance	10/10/2018	\$1,083.33
46539	Potts, Samuel	10/10/2018	\$4,061.04
46540	Puget Sound Energy	10/10/2018	\$120.00
46541	Secure Pacific Corp/Mountain Alarm	10/10/2018	\$806.88
46542	SHRED-IT USA	10/10/2018	\$260.85
			\$328.76

Number	Name	Print Date	Posting Date	Amount
46543	Sound Municipal Consultants-Emily Terrell	10/10/2018		\$13,535.20
46544	Sterling Codifers	10/10/2018		\$1,981.00
46545	The Walls Law Firm	10/10/2018		\$1,875.00
46546	Verizon Wireless	10/10/2018		\$2,410.31
46547	Water Management Lab Inc.	10/10/2018		\$189.00
46548	Wells Fargo Financial Leasing	10/10/2018		\$92.91
46549	Zumar Industries Inc	10/10/2018		\$154.56
	<b>Total</b>		<b>Check</b>	<b>\$89,684.66</b>
	<b>Total</b>		<b>2000073</b>	<b>\$89,684.66</b>
	<b>Grand Total</b>			<b>\$89,684.66</b>



# Custom Council Report

Vendor	Item	Invoice	Account	Description	Amount		
Alarm Center, Inc	46512	1140830	001-521-20-31-03	Alarm for PSB	\$73.26		
				<b>Total</b>	<b>\$73.26</b>		
Arrow Lumber	46513	600186-OCT2018	104-536-50-48-00	Hillman Faseners-Cemetery Sign	\$14.95		
				105-576-80-48-00	Credit from 183761-Sideboards-FA130	(\$11.59)	
				105-576-80-48-00	Pliers for Banner	\$9.83	
				105-576-80-48-00	Rake for Flower Beds	\$10.92	
				105-576-80-48-00	Replace Sideboards-FA1030	\$22.40	
				105-576-80-48-00	Items for National Day of Serice	\$25.03	
				105-576-80-48-00	Paint for Soccer Fields	\$43.87	
				105-576-80-48-00	Paint for Park Benches	\$207.66	
				401-534-50-48-02	Light-Harman Springs	\$1.74	
				401-534-50-48-02	Brass Cap-413 Mill St	\$6.55	
				401-534-50-48-02	Broom for Well 1	\$9.83	
				401-534-50-48-02	Wire for Stock	\$12.68	
				408-535-50-48-02	PVC Bushing-D.O Probes	\$3.26	
				408-535-50-48-02	Shutoff Coupling-Sewer Lift Station	\$8.72	
					<b>Total</b>	<b>\$365.85</b>	
Association of Wash. Citi	46514	20214	001-513-10-49-00	Regional Meeting-Mayor Penner	\$50.00		
				<b>Total</b>	<b>\$50.00</b>		
Bay Valve Service, Inc	46515	72911	408-535-50-48-04	Onsite Limitorque Support	\$3,519.30		
				72912	408-535-50-48-04	Parts to Rebuild L120-10	\$3,401.86
				<b>Total</b>	<b>\$6,921.16</b>		
Brisco Inc.	46516	OCT2018-203	001-521-20-32-00	Fuel-PD	\$63.19		
				001-524-20-32-01	Fuel Buiding	\$97.00	
				410-531-38-32-02	Fuel Water	\$71.00	
				<b>Total</b>	<b>\$231.19</b>		
Business Solutions Center	46509	352-Oct2018	001-511-60-31-01	City Marketing Campaign	\$1,631.31		
				001-512-50-49-03	Court Forms	\$197.29	
				001-514-23-31-02	Future Facility Sign	\$147.56	

Vendor	Invoice #	Invoice Date	Invoice #	Description	Amount
Business Solutions Center	46509	352-Oct2018	001-525-60-30-01	Banner for	\$833.41
			001-571-20-44-00	Preparesness Fair	
			101-542-30-44-00	Parking Permits-Fishing	\$124.60
			105-576-80-31-00	City Marketing Campaign	\$163.13
			401-534-10-44-00	City Marketing Campaign	\$163.13
			408-535-10-44-00	City Marketing Campaign	\$489.39
			410-531-39-41-03	City Marketing Campaign	\$489.39
				<b>Total</b>	<b>\$4,565.47</b>
Centurylink	46517	300549640-Oct2018 300549818-Oct2018	408-535-10-42-01	Sewer Department	\$49.33
			001-514-23-42-00	City Phone Bill	\$584.89
			001-524-20-42-00	City Phone Bill	\$26.59
			101-542-63-47-03	City Phone Bill	\$59.30
			401-534-10-42-01	City Phone Bill	\$181.02
			408-535-10-42-01	City Phone Bill	\$294.03
			300549906-Oct2018	Harman Springs	\$62.12
			300550216-Oct2018		\$195.88
			300550592-Oct2018	Court Phones	\$110.35
			409178327-Oct2018	PD Repeater	\$70.89
	<b>Total</b>	<b>\$1,634.40</b>			
CenturyLink/Qwest	46518	464B-Oct2018 465B-Oct2018 492B-Oct2018	001-521-20-45-02	Cell Connection	\$116.86
			001-521-20-45-02	Cell Connection	\$81.86
			001-521-20-45-02	Cell Connection	\$76.27
				<b>Total</b>	<b>\$274.99</b>
Comcast	46519	221105-OCT2018  221113-OCT2018	001-514-23-42-00	City Hall Internet	\$62.81
			001-524-20-31-00	City Hall Internet	\$62.81
			401-534-10-42-01	City Hall Internet	\$62.81
			408-535-10-42-01	City Hall Internet	\$62.81
			001-521-50-42-00	PSB Internet	\$251.24
				<b>Total</b>	<b>\$502.48</b>
Core & Main	46520	J476912	401-534-50-48-02	1 1/2 Water Meter-Gasket-Bolt-By Mcdonalds	\$713.95
				<b>Total</b>	<b>\$713.95</b>
Corona, Jennifer	46521	OCT2018-206	001-521-20-31-04	Mileage for Civil Service Conference	\$174.95
				<b>Total</b>	<b>\$174.95</b>
Crystal & Sierra Springs	46522	16789927 091518 5225720 091518	001-514-23-31-02	Water for City Hall	\$38.18
			401-534-10-31-00	Water for Public Works	\$72.17
			408-535-10-31-00	Water for Public Works	\$49.75
				<b>Total</b>	<b>\$160.10</b>

VENDOR	AMOUNT	DATE	DESCRIPTION	AMOUNT	
Dell Financial Services Payment Processing Services	46523	79674118	001-594-12-41-01	PSB Server \$25.00	
			001-594-14-41-02	City Hall Server \$50.00	
			001-594-21-41-01	PSB Server \$753.41	
			001-594-24-41-01	City Hall Server \$37.00	
			001-594-76-41-01	City Hall Server \$12.00	
			101-594-42-41-01	City Hall Server \$12.00	
			105-594-76-41-01	City Hall Server \$12.00	
			401-594-34-42-02	City Hall Server \$111.00	
			408-594-35-64-44	City Hall Server \$149.00	
			410-594-31-41-41	City Hall Server \$74.00	
				<b>Total</b>	<b>\$1,235.41</b>
Elder, Jacob	46524	2261	401-534-90-49-00	Flagging Class for Elder-Reimbursemnt \$34.50	
			408-535-90-49-00	Flagging Class for Elder-Reimbursemnt \$34.50	
				<b>Total</b>	<b>\$69.00</b>
Hach Company	46525	11138653	408-535-10-31-00	Lab Supplies \$172.97	
				<b>Total</b>	<b>\$172.97</b>
Helix Design Group	46526	A18-021.02 0000006	001-518-20-40-02	City Hall Facilities \$5,130.75	
			001-521-50-46-07	City Hall Facilities \$10,261.50	
			401-534-10-40-01	City Hall Facilities \$2,052.30	
			408-535-10-40-01	City Hall Facilities \$2,052.30	
			410-531-31-40-01	City Hall Facilities \$1,026.15	
		A18-021.05 0000002	001-518-20-40-02	City Hall Facilities \$640.58	
			001-521-50-46-07	City Hall Facilities \$1,281.15	
			401-534-10-40-01	City Hall Facilities \$256.23	
			408-535-10-40-01	City Hall Facilities \$256.23	
			410-531-31-40-01	City Hall Facilities \$128.11	
		A18-021.06 0000003	001-518-20-40-02	City Hall Facilities \$515.63	
			001-521-50-46-07	City Hall Facilities \$1,031.25	
			401-534-10-40-01	City Hall Facilities \$206.25	
			408-535-10-40-01	City Hall Facilities \$206.25	
			410-531-31-40-01	City Hall Facilities \$103.12	
	<b>Total</b>	<b>\$25,147.80</b>			
Hot Off The Press	46527	10222	001-571-20-31-23	Tots Soccer Shirts \$315.88	
				<b>Total</b>	<b>\$315.88</b>
Industrial Software Solutions-Wonderware LLC	46528	SIN003590	401-594-34-64-59	Scads Software Upgrades & Support \$2,461.98	
			408-594-35-64-54	Scads Software Upgrades & Support \$2,461.99	
				<b>Total</b>	<b>\$4,923.97</b>



Vendor	Account	Month	Item	Description	Amount
Integra Information Technologies INC	46510	22492	001-511-60-31-01	Scanner for City Hall	\$61.40
			001-513-10-31-00	Scanner for City Hall	\$61.40
			001-514-23-31-02	Scanner for City Hall	\$73.68
			001-521-20-31-03	Scanner for City Hall	\$73.68
			001-524-20-31-00	Scanner for City Hall	\$61.40
			001-571-20-31-01	Scanner for City Hall	\$61.40
			401-534-10-31-00	Scanner for City Hall	\$73.68
			408-535-10-31-00	Scanner for City Hall	\$73.68
			410-531-38-31-00	Scanner for City Hall	\$73.68
Isenhart, Larry	46529	OCT2018-207	001-521-40-49-00	Mileage for WACE Conference	\$165.68
				<b>Total</b>	<b>\$165.68</b>
Korum Automotive Group	46530	6655667-6656807-66568/80-6657455-6656512-6658706	001-521-50-48-02	Oil Change-2006 Explorer	\$46.29
			001-521-50-48-02	Brakes-Oil Change-2017 Interceptor	\$295.71
			001-524-20-48-01	Oil Change-Transmission Line Leak-Window Moulding-Tie Rods-FA1080	\$628.99
			101-542-30-48-04	Oil Change-Transimssion Pan Gasket-Pinion Seal-Oil Pan-Ball Joint FA1029	\$608.73
			105-576-80-48-01	Oil Change-Transimssion Pan Gasket-Pinion Seal-Oil Pan-Ball Joint FA1029	\$869.62
			401-534-50-48-06	Oil Change-Transimssion Pan Gasket-Pinion Seal-Oil Pan-Ball Joint FA1029	\$86.95
			401-534-50-48-06	Trailer Hitch Install-FA1031	\$110.69
			401-534-50-48-06	90,000 Mile Service FA1031	\$114.64
			401-534-50-48-06	Oil Change-Transmission Line Leak-Window Moulding-Tie Rods-FA1080	\$117.93
			408-535-50-48-08	Oil Change-Transimssion Pan Gasket-Pinion Seal-Oil Pan-Ball Joint FA1029	\$86.96

VENDOR	COMBID	LINE	ACCOUNT	DESCRIPTION	AMOUNT				
Korum Automotive Group	46530	6655667-6656807-66568/80-6657455-6656512-6658706	408-535-50-48-08	Oil Change-Transmission Line Leak-Window Moulding-Tie Rods-FA1080	\$117.93				
				408-535-50-48-08	Trailer Hitch Install-FA1031	\$885.56			
				408-535-50-48-08	90,000 Mile Service FA1031	\$917.16			
				410-531-38-48-01	Oil Change-Transimssion Pan Gasket-Pinion Seal-Oil Pan-Ball Joint FA1029	\$86.96			
				410-531-38-48-01	Trailer Hitch Install-FA1031	\$110.69			
				410-531-38-48-01	90,000 Mile Service FA1031	\$114.65			
				410-531-38-48-01	Oil Change-Transmission Line Leak-Window Moulding-Tie Rods-FA1080	\$117.93			
					<b>Total</b>	<b>\$5,317.39</b>			
				Lewis, Jennifer	46531	OCT2018-200	001-571-20-31-34	Dog Training Classes-Sept 2018	\$672.00
								<b>Total</b>	<b>\$672.00</b>
Logan Enterprises INC	46532	16965	001-514-21-41-01	Monthly Janitorial	\$98.75				
				001-524-20-49-02	Monthly Janitorial	\$19.75			
				001-575-50-41-01	Monthly Janitorial	\$79.00			
				401-534-10-31-00	Monthly Janitorial	\$79.00			
				408-535-10-31-00	Monthly Janitorial	\$79.00			
				410-531-38-31-00	Monthly Janitorial	\$39.50			
				<b>Total</b>	<b>\$395.00</b>				
Murphy-Brown, Mary	46533	OCT2018-201	001-571-20-31-21	Dance Class-Sept 2018	\$675.00				
				<b>Total</b>	<b>\$675.00</b>				
Nisqually Indian Tribe	46534	15574-15550	001-523-60-41-00	Jail Services-July & Aug 2018	\$2,460.00				
				<b>Total</b>	<b>\$2,460.00</b>				
Opportunity Center Of Orting	46535	1170	001-571-20-31-14	Orting Opportunity Center Grant-Oct 2018	\$625.00				
				<b>Total</b>	<b>\$625.00</b>				
Orting Valley Fire & Rescue	46536	Payment #10 Lease for PSB-Court	001-512-50-41-04	Payment #10 Lease for PSB-Court	\$297.92				
				001-521-50-41-07	Payment #10 Lease for PSB-Court	\$2,681.25			
					<b>Total</b>	<b>\$2,979.17</b>			

Vendor	Account Number	Invoice Number	Invoice Date	Invoice Description	Amount
Orting Valley Senior Cent	46537	OCT2018-205	001-571-20-31-06	Monthly Support-Oct 2018	\$1,083.33
				<b>Total</b>	<b>\$1,083.33</b>
P.c. Budget & Finance	46538	CI-257223 C-104188	001-554-30-50-01	Animal Control for July 2018	\$1,983.52
		CI-257321 C-104188	001-554-30-50-01	Animal Control for August 2018	\$2,077.52
				<b>Total</b>	<b>\$4,061.04</b>
Potts, Samuel	46539	#2018-10	001-512-50-49-05	Interpreter Service-9/4/2018	\$120.00
				<b>Total</b>	<b>\$120.00</b>
Puget Sound Energy	46540	200021064239-Oct2018	401-534-50-47-03	Well 1	\$789.61
		200021119249-Oct2018	401-534-50-47-02	Chlorinator	\$17.27
				<b>Total</b>	<b>\$806.88</b>
Secure Pacific Corp/Mountain Alarm	46541	189165	001-514-23-31-02	City Hall Alarm	\$83.85
			408-535-10-41-07	WWTP Alarm	\$177.00
				<b>Total</b>	<b>\$260.85</b>
SHRED-IT USA	46542	8125595548	001-521-20-31-03	PD Shredding	\$173.04
		8125595595	001-514-23-31-02	City Hall Shredding	\$155.72
				<b>Total</b>	<b>\$328.76</b>
Sound Municipal Consultants-Emily Terrell	46543	2018-042	001-558-60-41-02	Planning Consultant Billing	\$13,119.20
			001-558-60-41-04	Veterans Village	\$416.00
				<b>Total</b>	<b>\$13,535.20</b>
Sterling Codifers	46544	21079	001-514-23-41-10	Supplement 46 & ORDS 2018-1023-1033	\$1,981.00
				<b>Total</b>	<b>\$1,981.00</b>
The Walls Law Firm	46545	27-Oct2018	001-515-30-41-03	Prosecuting Attorney-Sept 2018	\$1,875.00
				<b>Total</b>	<b>\$1,875.00</b>
Ticor Title Company	46511	ETN 4473538	101-318-34-00-01	ETN 4473538-Excise Tax Processed & Paid Twice on Same Property	\$674.87
			105-318-35-00-00	ETN 4473538-Excise Tax Processed & Paid Twice on Same Property	\$674.88
				<b>Total</b>	<b>\$1,349.75</b>

Vendor	Account	Item	Description	Amount		
Verizon Wireless	46546	9814708748	001-512-50-42-00	Monthly Cell Service	\$55.72	
			001-514-23-42-00	Monthly Cell Service	\$323.27	
			001-521-20-45-01	Boone-Moved to PD Bill	(\$57.58)	
			001-524-20-42-00	Monthly Cell Service	\$130.81	
			001-575-50-42-01	Monthly Cell Service	\$55.72	
			401-534-10-42-01	Monthly Cell Service	\$298.90	
			408-535-10-42-01	Monthly Cell Service	\$298.91	
			9814708749	001-512-50-42-00	Cell Phones-Court	\$122.32
				001-521-20-45-01	Cell Phones-PD	\$700.38
				001-521-20-45-02	Cell Connection Data-PD	\$481.86
		<b>Total</b>	<b>\$2,410.31</b>			
Water Management Lab Inc.	46547	170155	401-534-10-41-03	Lab Testing	\$189.00	
			<b>Total</b>	<b>\$189.00</b>		
Wells Fargo Financial Leasing	46548	5005303951	105-576-80-31-00	Public Works Copier	\$13.94	
			401-534-10-31-00	Public Works Copier	\$46.46	
			408-535-10-31-00	Public Works Copier	\$18.58	
			410-531-38-31-00	Public Works Copier	\$13.93	
			<b>Total</b>	<b>\$92.91</b>		
Zumar Industries Inc	46549	24633	101-542-64-49-00	Street Signs-Special Area	\$154.56	
			<b>Total</b>	<b>\$154.56</b>		
<b>Grand Total</b>				<b>\$89,684.66</b>		



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: Deputy Mayor Selection Process for 2019</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	N/A		<b>AB18-83</b>
	<b>For Agenda of:</b>			09.26.18 & 10.10.18
	<b>Department:</b>	City Clerk/Council		
	<b>Date Submitted:</b>	09.20.18		

<b>Cost of Item:</b>	_ \$
<b>Amount Budgeted:</b>	_ \$
<b>Unexpended Balance:</b>	_ \$
<b>Bars #:</b>	
<b>Timeline:</b>	<b>To be completed in October. Term starts January 1, 2019</b>
<b>Submitted By:</b>	<b>Jane Montgomery</b>

**Fiscal Note:**

**Attachments:**

**SUMMARY STATEMENT:** *Per the City Council Rules of Procedure:*  
**Chapter 8 section 5 - Selecting Deputy Mayor:** *The Deputy Mayor will be selected by a majority of the Councilmembers annually beginning in September and concluding in October. Outgoing Deputy Mayor will solicit two other councilmembers to nominate a candidate for his/her replacement for a full Council vote. (see 3.9B)*

**Chapter 3 section 9 (B) - Deputy Mayor--Duties:** *Annually, in September, the outgoing Deputy Mayor, with the help of two councilmembers, will solicit and recommend a candidate for Deputy Mayor with confirmation from the entire council for his/her replacement in January.*

Deputy Mayor Harman asked for two Councilmembers to assist in the appointment process at the 9.26.18 Council Meeting. Councilmembers Gehring and Kelly volunteered to assist in the nomination process.

**RECOMMENDED ACTION: MOTION: To Appoint \_\_\_\_\_ as Deputy Mayor For 2019, Effective January 01, 2019.**



**City of Orting  
Council Agenda Summary Sheet**

<b>Subject:</b> Comprehensive Plan Amendment Docket Extension.		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	N/A	N/A	<b>AB18-85</b>
	<b>For Agenda of:</b>			10/10/2018
	<b>Department:</b>	Planning/Administration		
	<b>Date Submitted:</b>	10/04/2018		

<b>Cost of Item:</b>	N/A
<b>Amount Budgeted:</b>	N/A
<b>Unexpended Balance:</b>	N/A
<b>Bars #:</b>	N/A
<b>Timeline:</b>	N/A
<b>Submitted By:</b>	Emily Terrell

**Fiscal Note:**

**Attachments:** N/A

**SUMMARY STATEMENT:**

The City Council needs to re-open the Planning Commission Comprehensive Plan Amendment Docket for 2019 Comprehensive Plan Amendments. The extended deadline should be November 1, 2018 to allow for private submittals as well as the City's submittals of the amended Official Zoning Map and the Rezone of City Hall. The City has two other private submittals that should be considered in 2018 for 2019 amendments.

**RECOMMENDED ACTION: MOTION: To re-open and extend the Planning Commission Comprehensive Plan Amendment Docket until November 1, 2018 for consideration of any Comprehensive Plan Amendments in the 2019 amendment cycle.**



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: AB18-86 DISCUSSION OF EXAMINER'S REPORT REGARDING COMPLAINT RECEIVED BY CITIZEN ON AUG. 1, 2018, ALLEGING VIOLATION OF THE CITY COUNCIL'S CODE OF ETHICS</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>			<b>AB18-86</b>
	<b>For Agenda of:</b>			<b>10/10/18</b>
	<b>Department:</b>	<b>City Administrator/City Attorney</b>		
	<b>Date Submitted:</b>	<b>8/6/18 (Council review of Complaint); 9/26/18 (Council receipt of Report)</b>		
<b>Cost of Item:</b>	<u>\$ 4,165</u>			
<b>Amount Budgeted:</b>	<u>\$</u>			
<b>Unexpended Balance:</b>	<u>\$</u>			
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	<b>Mark Bethune/Charlotte Archer</b>			
<b>Fiscal Note:</b>				
<b>Attachments:</b> Complaint from citizen, received August 1, 2018; Memorandum of City Attorney, dated August 7, 2018; Report of Hearing Examiner, dated September 25, 2018				
<b>SUMMARY STATEMENT:</b>				
<p>On August 1, 2018, the City Administrator received a document titled an "Official Letter of Complaint" from Chris Hopfauf, via e-mail. Pursuant to Resolution No. 2017-27 of the Orting City Council, adopting Policy No. 2017-04 establishing a Code of Ethics for the City Council, the City Administrator forwarded the document to the City Attorney for an initial review, who then provided a memorandum to the Council stating "whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics." On 8/6/18, the Council voted to submit one of the allegations for further investigation by an independent Hearing Examiner, pursuant to Policy No. 2017-04.</p> <p>The Hearing Examiner conducted an investigation, and attached is his report identifying his findings and conclusions. Pursuant to Policy No. 2017-04, Mr. Hopfauf and Councilmember Kelly both received copies of the report. The Council shall convene to review the alleged violation and report. This discussion shall take place in open meeting, but the accused Councilmember shall be excused from the discussion.</p>				
<b>RECOMMENDED ACTION:</b> The Council may take action, as provided in the Council's Ethics Policy No. 2017-04, including but not limited to: (1) a motion to dismiss of the complaint on the basis that no violation of the Code of Ethics has occurred; or (2) a motion to remand to the Hearing Examiner to obtain additional information; or (3) a motion to render a determination that a violation of the Code of Ethics has occurred, by a preponderance of the evidence, and to adopt sanctions.				

September 25, 2018

TO: City of Orting City Council  
FROM: Andrew Reeves, Sound Law Center  
City of Orting Hearing Examiner  
RE: Ethics Investigation Report Regarding Councilmember Kelly

.....  
Summary

The evidence supports the conclusion that Councilmember John Kelly did not employ or use a person under his official control or direction, in violation of the City Council Code of Ethics, for personal benefit, gain, or profit. Accordingly, Councilmember Kelly has not violated Rule B.8 of the City Council Code of Ethics.

Background

On July 31, 2018, Orting resident Chris Hopfauf filed the following allegation of the City Council Code of Ethics with the Mayor and City Council of the of City of Orting (City):

In January of 2018, I applied for a vacant Civil Service Commission seat. Councilmember Kelly and Chief Drake conspired to block me from being appointed to the seat. Restricted files were accessed by Kristen Swanson and Chief Drake for purposes “primarily for the benefit of the employee rather than primarily for the benefit of the city.” An investigation ensued and Chief Drake resigned as he knew that he would be terminated by the Appointing Authority. *Official Letter of Complaint, from Chris Hopfauf, dated July 31, 2018.*<sup>1</sup>

Rule B.8 of the adopted City Council Code of Ethics (Policy No. 2017-04) states that a “Councilmember shall not employ or use any person under his or her official control or direction for personal benefit, gain, or profit.” *City Council Code of Ethics, Policy No. 2017-04.*

City Attorney Charlotte Archer performed an initial review of Mr. Hopfauf’s allegations, the materials he provided, and the adopted City Council Code of Ethics. On August 6, 2018, Attorney Archer delivered a report to the Council, noting:

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<sup>1</sup> With the Letter of Complaint, Mr. Hopfauf included several attached documents, including his letter of interest to serve on the Civil Service Commission and several documents related to an investigation concerning allegations that employees of the City’s police department had violated certain provisions of the City’s Personnel Manual. The Hearing Examiner has had no involvement with any ongoing or past investigation(s) related to violations of the City’s Personnel Manual.



Taking all of the allegations contained in the letter and its attachments as true (which is required at this stage), this allegation may articulate a violation of this provision of the Code of Ethics, which prohibits Councilmembers from “employ[ing] or us[ing] any person under his or her official control or direction for personal benefit, gain or profit.” However, the complaint fails to allege that Councilmember Kelly intended to personally benefit, gain or profit from this endeavor, which is a required element of this provision of the Code of Ethics.

*City Attorney’s Report, dated August 6, 2018.*

At the next City Council meeting on August 8, 2018, the City Council requested that the Hearing Examiner further investigate Mr. Hopfauf’s allegation and deliver a report on that matter within 60 days. *City Council Meeting Minutes, dated August 8, 2018.*

#### Materials Reviewed<sup>2</sup>

The Hearing Examiner reviewed the following materials:

- City Attorney’s Report, dated August 6, 2018, with Attachments
- Official Letter of Complaint, from Chris Hopfauf, dated July 31, 2018, with Attachments
- Civil Service Commission Letter of Interest, from Chris Hopfauf, undated
- Letter from Scott Larson to Chief William Drake, dated February 13, 2018
- Letter from Scott Larson to Chief William Drake, dated February 15, 2018
- Letter from Scott Larson to Kristin Swanson, dated February 13, 2018
- Email from William Drake to Scott Larson, dated March 2, 2018
- Letter from Scott Larson to Chief William Drake, dated February 22, 2018
- Report of Attorney Richard Kaiser, dated March 29, 2018 (portions redacted), with Attachments
- Resolution No. 2017-27
- City Council Code of Ethics, Policy No. 2017-04

The Hearing Examiner also received and reviewed responses to interrogatories from: Councilmembers Tod Gunther, John Kelly, Michelle Gehring, Dave Harman, Nicola McDonald, Greg Hogan, and Scott Drennen; former Police Chief William Drake; Police Records Manager Kristin Swanson; and Court Clerk Kim Kainoa. The Hearing Examiner also interviewed Councilmember Kelly and Mr. Hopfauf, the key individuals involved in the ethics complaint.

#### Findings

1. Following a contested election, Councilmember John Kelly took his seat on the City Council on January 1, 2018. Not long thereafter, resident Chris Hopfauf applied for several open positions on City boards and commissions, including the Planning Commission and the Civil Service Commission.

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<sup>2</sup> All documents reviewed by the Hearing Examiner, as well as the audio recordings of the interviews with Councilmember Kelly and Mr. Hopfauf, have been provided to the City Clerk.

2. Revised Code of Washington (RCW) 41.12.030 created a Civil Service Commission in every city having fully paid police officers. The purpose of the Civil Service Commission (CSC) is to oversee the hiring of police officers and disciplinary matters involving the police force. In Orting, in order to serve on the Civil Service Commission, a candidate must have resided in the City for at least three years, be a United States citizen, and be registered to vote in Pierce County.
3. Appointments to the CSC are governed by RCW 41.12.030. The statute requires that the: members of such commission shall be appointed by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by the law with the power and authority to select, appoint, or employ the chief of a police department.

*RCW 41.12.030.*

4. In Orting, the Mayor is vested with the authority to employ a police chief and, as a consequence, with the authority to make appointments to the CSC. Moreover, RCW 41.12.030 dictates that “[c]onfirmation of said appointment or appointments of commissioners by any legislative body shall not be required.”
5. In the past, the Mayor would appoint a candidate for the CSC, and members of the City Council would confirm that appointment. The position on the CSC that Mr. Hopfauf applied for remains vacant. The Mayor has not appointed anyone to the position or requested that the Council approve any such appointment.
6. In his interview with the Hearing Examiner, Councilmember Kelly, noted that former Police Chief William Drake expressed concern about Mr. Hopfauf potentially serving on the CSC. The two discussed the matter, and Councilmember Kelly determined that, if the Mayor were to appoint Mr. Hopfauf to the position and ask for Council confirmation, he would request publicly available records about Mr. Hopfauf’s background to better inform his decision. Councilmember Kelly maintains that Mr. Drake did not access confidential information about Mr. Hopfauf at that time or later provide him with any such information. Councilmember Kelly explained that he does not have a personal connection to Mr. Hopfauf but knows him by reputation. He stressed that he would have nothing to gain or profit from keeping Mr. Hopfauf off of the CSC but that he does not believe Mr. Hopfauf would be a good fit for the position based on his belief that Mr. Hopfauf has alienated people in several civic groups in the past. Councilmember Kelly stressed that the Mayor has never appointed Mr. Hopfauf to the CSC and, because of this, he has never followed up with seeking additional information about Mr. Hopfauf’s background. Councilmember Kelly also noted that the City Attorney informed the Council that it would no longer be confirming appointments to the CSC. He explained, however, that the Council’s own rules have not yet been updated to reflect the fact that the Council will no longer take part in confirming appointments to the CSC.

7. In his interview with the Hearing Examiner, Mr. Hopfauf confirmed that the Mayor has not appointed him to the CSC and that Councilmember Kelly has not had an opportunity to vote on confirming him for such a position. Mr. Hopfauf noted that he has applied for vacant Council seats, commission seats, and committee seats over the years, without success, and feels that he has been discriminated against for personal reasons by members of the Council. Mr. Hopfauf stressed his belief that Former Chief Drake accessed (or caused to be accessed) restricted files on Mr. Hopfauf's background and provided this information to Mr. Kelly. Mr. Hopfauf noted that he has filed several public records requests to determine what information was provided, but the City has not been forthcoming in answering his requests. In the interview, Mr. Hopfauf stated he believes that Councilmember Kelly incorrectly thought he could influence the appointment or confirmation process for the CSC but that the process involves a direct appointment by the Mayor. He also noted that he does not have a personal or business relationship with Councilmember Kelly and knows him mainly through his interactions with the City Council.<sup>3</sup>
  
8. Responses to interrogatories did not reveal any information that would support a conclusion that an ethical violation occurred. Several councilmembers noted that the Council is no longer involved in confirming appointments to the CSC and that the Council itself has never inquired into the criminal background, or pending criminal matters, of applicants for open positions on boards, commissions, or committees. Some councilmembers noted that individual members could seek this information through legal processes, such as public records requests, but that there are no specific criteria related to criminal background that would disqualify a candidate. Police Records Manager Kristin Swanson stated, in her interrogatory, that no elected official has ever asked her to obtain information on a candidate's criminal background. Former Police Chief Drake responded that no council member, including Councilmember Kelly, has ever asked for a criminal background check on an individual applying for an open position on a board or commission. He noted, however, that Councilmember Kelly asked him whether Mr. Hopfauf had a criminal record. Mr. Drake explained that a criminal record would be established after a court proceeding in which a person is found guilty and that this information is publicly available through a public records request. A criminal background check, instead, would show criminal charges as well as convictions and this information is not publicly available. Mr. Drake stressed that he did not access the Washington Crime Information Center to perform a background check on Mr. Hopfauf

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<sup>3</sup> On September 17, 2018, the Hearing Examiner briefly spoke with Mr. Hopfauf again. Mr. Hopfauf told the Hearing Examiner that, recently, the Council has discussed changing its rules to reflect that it would no longer be involved in confirming appointments to the CSC.

and that it would have been inappropriate to do so.<sup>4</sup>

#### Conclusions

The scope of the current inquiry is limited: the Council has requested that the Hearing Examiner investigate whether a violation of Rule B.8 of the City Council Code of Ethics has occurred. The Hearing Examiner, for instance, has had no involvement with any ongoing or past investigation(s) related to alleged violations of the City's Personnel Manual. Accordingly, this report has been limited to findings and conclusions specific to the allegation that Councilmember Kelly employed or used a person under his official control or direction for personal benefit, gain, or profit in violation of the City Council Code of Ethics.

In investigating the current ethics complaint, it is clear that Mr. Hopfauf is passionate about civic involvement and feels victimized by the fact that, despite his many efforts, he has not been confirmed to fill any of the vacant positions on the City's boards, committees, or commissions. It is also clear that Councilmember Kelly shares Mr. Hopfauf's passion for civic involvement and that he takes his responsibility to confirm appointments to boards and committees seriously. Mr. Hopfauf and Councilmember Kelly disagree on whether Mr. Hopfauf should be selected to fill the vacant seat on the Civil Service Commission.

Ultimately, however, the Mayor is responsible for selecting and appointing candidates to fill vacancies on the CSC – not the City Council. The Mayor has not appointed Mr. Hopfauf to the CSC or asked the Council to confirm Mr. Hopfauf for such a position. Further, nothing in the record indicates that Councilmember Kelly used his official position to control or direct someone under his official control for personal benefit, gain, or profit in an effort to keep Mr. Hopfauf off of the CSC.

Although it is clear that Councilmember Kelly would be unlikely to support Mr. Hopfauf's candidacy for the CSC, he has never voted on a request to approve an appointment of Mr. Hopfauf for that position. Whether Councilmember Kelly discussed the matter with Former Chief Drake (or even received restricted information about Mr. Hopfauf's background, as Mr. Hopfauf alleges) is immaterial. To violate Rule B.8 of the adopted City Council Code of Ethics, Councilmember Kelly would have had to *benefit, gain, or profit* from his alleged efforts to keep Mr. Hopfauf from being appointed to the Civil Service Commission. Nothing in the record substantiates such a claim.

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<sup>4</sup> The interrogatories provided to Councilmembers sought general information on the process the Council uses to fill open positions for vacant positions on the City's boards and commissions. The interrogatories provided to the Police Records Manager and Court Clerk sought basic information on the process that would be used to obtain criminal background information related to City residents. Former Police Chief Drake provided detailed information on his interaction with Councilmember Kelly that led to the current investigation, on how information on someone's criminal background or on pending criminal matters involving a City resident would be obtained, and on his past experiences with Mr. Hopfauf.

The evidence supports the conclusion that Councilmember Kelly did not employ or use a person under his official control or direction for personal benefit, gain, or profit in violation of the City Council Code of Ethics.

Issued this 25<sup>th</sup> day of September 2018.



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Andrew M. Reeves  
Hearing Examiner  
Sound Law Center

Michael R. Kenyon  
Rachel B. Turpin  
Ann Marie J. Soto  
Kim Adams Pratt  
David A. Linehan  
Charlotte A. Archer  
Alexandra L. Kenyon  
Eileen M. Keiffer  
Hillary E. Graber  
Kendra R. Comeau



Doug F. Mosich  
Of Counsel

Shelley M. Kerslake  
1967 - 2014

**TO:** All Councilmembers

**CC:** Mayor Joshua Penner  
Mark Bethune, City Administrator  
Jane Montgomery, City Clerk

**FROM:** Charlotte A. Archer, City Attorney

**DATE:** August 6, 2018

**RE:** City Attorney's Report regarding Complaint received August 1, 2018

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On August 1, 2018, the City Administrator received a document titled an "Official Letter of Complaint" from Chris Hopfauf, via e-mail. A copy of that document, as well as all attachments thereto, is enclosed herewith as **Exhibit A**. Pursuant to Resolution No. 2017-27 of the Orting City Council, adopting Policy No. 2017-04 establishing a Code of Ethics for the City Council, the City Administrator forwarded the document to the City Attorney for an initial review. A copy of that policy is enclosed herewith as **Exhibit B**.

The following report is intended to provide the City Council with a brief summation of the procedure adopted by the City Council pertaining to documents of this type, as well as the conclusions of the City Attorney regarding this document in accordance with Policy No. 2017-04.

A. Overview of Procedure from City Council's Code of Ethics.

Pursuant to Policy No. 2017-04, "[a]ny person who has information that a Councilmember may have violated the Code of Ethics" may submit a written complaint to the City Council or City Administrator." See App. A, at Section D.

The following is a brief summation of the process set forth in the Policy No. 2017-04 pertaining to any such complaint:

1. **Initial Review by City Attorney.** The Complaint is forwarded to the City Attorney for an initial review. The City Attorney shall review the Complaint and "determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics." The City Attorney shall prepare a report to the Council memorializing his or her conclusions.

2. **City Council Threshold Determination.** The City Council shall review the City Attorney's report at its next regular meeting (in open session). The City Council shall determine, by a majority vote, "whether or not the Council shall refer the allegation(s) to a Hearings Examiner ... to conduct an investigation." The accused Councilmember shall not participate in the discussion or vote.
3. **Hearing Examiner Investigation.** If the City Council votes to refer the Complaint to a Hearing Examiner, the Examiner "shall conduct an investigation and prepare written findings and conclusions within 60 days of the date the complaint was received" unless extended by the City Council. The Hearing Examiner shall review the Complaint, any information gathered as part of the investigation, and any written response from the accused Councilmember. The Hearing Examiner shall determine whether, based on a preponderance of the evidence, the councilmember has violated the Code of Ethics.
4. **Council Findings and Conclusions.** The City Council will review the Hearing Examiner's findings, and by a majority vote, determine which of the following actions to take: (1) dismissal of the complaint; (2) remand to the Hearing Examiner for more information; or (3) determination that a violation occurred. The accused Councilmember shall not participate in the discussion or vote.
5. **Final Council Action.** After a period of time to allow for a response from the accused Councilmember, and subsequent response from the Council, if any, the Council shall convene to vote to take further action. Available sanctions include admonition, reprimand, and censure.

B. Conduct Regulated by City Council's Code of Ethics.

The City Council recently adopted a Code of Ethics, which set forth certain standards of ethical conduct that the Councilmembers agreed to abide by, as well as potential penalties for conduct in violation of the Code of Ethics. That Code of Ethics prohibits the following behavior by current Councilmembers:

1. Avoidance of the Appearance of Impropriety;
2. Personal Interest in Contracts Prohibited;
3. Personal Influence in Contract Selection Prohibited;
4. Disclosure of Confidential Information [Prohibited];
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited;
6. Certain Employment Prohibited;
7. Personal Interest in Legislation Prohibited;
8. Improper Use of City Personnel Prohibited; and
9. Improper Use of City Property Prohibited.

C. City Attorney's Evaluation of Letter received by the City Administrator on Aug. 1, 2017.

The letter received from Chris Hopfauf by the City Administrator on August 1, 2017, alleges three complaints, reproduced in the following analysis. Attached to the letter were the following:

1. Document titled "Civil Service Commission Letter of Interest," from Chris Hopfauf to an unnamed recipient;
2. A letter dated February 13, 2018, from Scott Larson to former Chief Drake regarding a personnel investigation;
3. One page of a letter dated February 15, 2018, from Scott Larson to former Chief Drake regarding a personnel investigation;
4. A letter dated February 13, 2018, from Scott Larson to Kristin Swanson regarding a personnel investigation;
5. An e-mail string from former Chief Drake stating is date of resignation, dated March 2, 2018;
6. A letter dated February 22, 2018, from Scott Larson to Chief Drake regarding a personnel investigation; and
7. Three pages from an Investigation Report dated March 29, 2018, prepared by independent investigator Richard Kaiser, pertaining to a personnel investigation (bearing redactions of exempt material pursuant to the Public Records Act).

D. City Attorney's Review of Letter and attachments, received August 1, 2018, per Policy No. 2017-27(D).

The Code of Ethics, at Section D, proscribes the following process:

Upon receipt of the complaint, the City Council, and/or the City Administrator shall provide it to the City Attorney who shall promptly review the information and determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics and shall report back to the Council in writing.

The City Council, at its next regular meeting, shall review the City Attorney's report and make a determination as to whether or not the Council shall refer the allegation(s) to a Hearings Examiner designated by the Council to conduct an investigation.

Under Section D of Policy No. 2017-27, the City Attorney's job is to review the complaint and determine whether there are sufficient facts to articulate a violation of the Code of Ethics. The City Attorney shall not make a determination as to whether a violation occurred. In fact, the City Attorney is required to assume the facts set forth in the complaint are true, regardless of whether they are accurate or not.

**Allegation 1:** The first allegation asserts that "after obtaining a seat on the Orting City Council Councilmember Kelly drafted a petition to stop work on a Public Safety Project on



Elderidge Ave Sw.” Taking the facts asserted in the allegation as true, as written, there are insufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly’s election in 2017. Since Councilmember Kelly’s election, the City Council has taken no legislative action regarding the project. Drafting a “petition” to stop a City project, assuming all facts asserted are true, does not likely constitute a failure to avoid the appearance of impropriety. This doctrine applies to prohibit Councilmembers from acting in a way that is fair and unbiased in legislative action and hearings and proceedings. Councilmember Kelly took no legislative action, nor did he participate in any hearings or proceedings related to this project. All legislative action pertaining to this project pre-dated his service on the Council. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly’s election in 2017. The complaint does not assert Councilmember Kelly played a role in the selection of the contracts related to the Project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in the public safety project, or would otherwise financially benefit from its termination. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind relating to the public safety project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

7. Personal Interest in Legislation Prohibited	The public safety project at issue in this allegation was approved by the City Council prior to Councilmember Kelly's election in 2017. The complaint does not allege Councilmember Kelly participated in the legislative approval of the project. Nor does the complaint allege the Council took action, while Councilmember Kelly was a member, relating to this project. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	The complaint does not allege Councilmember Kelly improperly directed City personnel. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

**Allegation 2:** The second allegation asserts that "Councilmember Kelly ... removed Councilman at Large Gunther from the table in a PSC meeting stating that 'the Mayor said to do it' That was a lie." Taking the facts asserted in the allegation as true, as written, there are insufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The complaint does not allege that Councilmember Kelly had a conflict of interest or was otherwise improperly influenced. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The complaint does not assert Councilmember Kelly had a personal interest in a contract. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in a certain contract selection. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
7. Personal Interest in Legislation Prohibited	The complaint does not allege Councilmember Kelly participated in legislation in which he had a personal interest. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	The complaint does not allege Councilmember Kelly improperly directed City personnel. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

**Allegation 3:** The third allegation asserts that “In January of 2018 I applied for a vacant Civil Service Commission seat. Councilmember Kelly and Chief Drake conspired to block me from being appointed to the seat. Restricted files were accessed by Kristen Swanson and Chief Drake for purposes “primarily for the benefit of the employee rather than primarily for the benefit of the city” An investigation ensued and Chief Drake resigned as he knew that he would be terminated by the Appointing Authority.” Taking the facts asserted in the allegation as true, as written, it is unclear whether there are sufficient facts to articulate a violation of the Code of Ethics.

Relevant Provision of the Code of Ethics	Evaluation
1. Avoidance of the Appearance of Impropriety	The complaint does not allege that Councilmember Kelly had a conflict of interest or was otherwise improperly influenced. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
2. Personal Interest in Contracts Prohibited	The complaint does not assert Councilmember Kelly had a personal interest in a contract. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
3. Personal Influence in Contract Selection Prohibited	The complaint does not allege that Councilmember Kelly has a financial interest in a certain contract selection. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
4. Disclosure of Confidential Information [Prohibited]	The complaint does not allege Councilmember Kelly obtained or disclosed confidential information. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
5. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited	The complaint does not allege Councilmember Kelly received compensation of any kind. Therefore, this

	allegation, as drafted, does not articulate a violation of this provision.
6. Certain Employment Prohibited	The complaint does not allege Councilmember Kelly engaged in prohibited employment. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
7. Personal Interest in Legislation Prohibited	The complaint does not allege Councilmember Kelly participated in legislation in which he had a personal interest. Moreover, Councilmember Kelly, as a Councilmember, does not have legislative oversight over appointments to the Civil Service Commission – these appointments are not subject to Council confirmation, pursuant to RCW 41.12.030. Therefore, this allegation, as drafted, does not articulate a violation of this provision.
8. Improper Use of City Personnel Prohibited	<p>The complaint alleges “Councilmember Kelly and Chief Drake conspired to block [Mr. Hopfauf] from being appointed [to a Civil Service Commission seat].” There is no explicit allegation that Councilmember Kelly improperly directed former Chief Drake, as a member of City personnel. Exhibit B at page 4, which is a copy of a report prepared by Richard H. Kaiser, a statement appears from former Chief Drake stating he was asked by Councilmember Kelly to “get ... information” pertaining to Mr. Hopfauf’s criminal record.</p> <p>Taking all of the allegations contained in the letter and its attachments as true (which is required at this stage), this allegation may articulate a violation of this provision of the Code of Ethics, which prohibits Councilmembers from “employ[ing] or us[ing] any person under his or her official control or direction for personal benefit, gain or profit.” However, the complaint fails to allege that Councilmember Kelly intended to personally benefit, gain or profit from this endeavor, which is a required element of this provision of the Code of Ethics.</p>
9. Improper Use of City Property Prohibited	The complaint does not allege Councilmember Kelly improperly used City property. Any allegations regarding the use of City property are asserted against City employees, and not Councilmember Kelly. Therefore, this allegation, as drafted, does not articulate a violation of this provision.

July 31<sup>st</sup> 2018

Mr. Mayor and members of the Orting City Council,

I am writing this letter of complaint to bring acts of Abuse of Power, Discrimination and Unethical Behavior to your attention. Councilman John Kelly has engaged in very questionable if not illegal acts which in my opinion are grounds for resignation from the Orting City Council, all committees and commissions.

1) Soon after obtaining a seat on the Orting City Council Councilmember Kelley drafted a petition to stop work on a Public Safety Project on Elderedge Ave Sw. The Three Way Stop Project that took 2.5 years of citizen action to accomplish, 86% of the citizens in the affected area supported and the city approved. Apparently, it affected his commute time.

2) Councilmember Kelley as the Co-Chair of the Public Safety Committee very unceremoniously removed Councilman at Large Gunther from the table in a PSC meeting stating that "the Mayor said to do it" That was a lie. Mr. Gunther immediately contacted the Mayor and found that the Mayor gave no such direction. The whole incident of bullying Councilman Gunther is recorded.

3) In January of 2018 I applied for a vacant Civil Service Commission seat. Councilmember Kelly and Chief Drake conspired to block me from being appointed to the seat. Restricted files were accessed by Kristen Swanson and Chief Drake for purposes "primarily for the benefit of the employee rather than primarily for the benefit of the city" An investigation ensued and Chief Drake resigned as he knew that he would be terminated by the Appointing Authority.

As Mr. Kelly initiated these acts of Abuse of Power, Discrimination and Unethical Behavior I feel it is in the best interest of the Citizens of Orting that Councilmember Kelly resign from any and all positions of political power in the City of Orting.

Thank you,

Chris Hopfauf

## Civil Service Commission Letter of Interest

Chris Hopfauf

██████ Eldredge Av Sw

P.O. Box ██████

Orting WA. 98360

253-820-██████

To whom it may concern,

I am interested in being appointed to Orting's Civil Service Commission. Since Mike Compton was murdered on February 19<sup>th</sup> 2014 I have been very concerned with our Police Department, how it is managed and what officers are hired to protect the citizens of Orting. As you may know our Civil Service Commission rules had several issues that needed to be modified to be in compliance with Washington State Law and I am very interested in maintaining that compliance.

I feel that my dedication to Public Safety and my desire to serve my community make me a good candidate to sit on the Commission and work with the current Commissioners to maintain the integrity of the Orting Police Department.

Attached is my resume which includes further job and education related information concerning my qualifications to obtain an appointment to the Civil Service Commission.

Sincerely,  
Chris Hopfauf

# City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219

Fax: (360) 893-6809

February 13, 2018

Chief William Drake  
City of Orting  
Police Department  
401 Washington Ave. SE  
Orting, WA 98360

VIA HAND-DELIVERY

Chief Drake:

The City of Orting has received a complaint that you engaged in improper governmental actions as an officer of the City, by allegedly undertaking conduct in violation of the following provisions of the Personnel Manual:

- 4.05.01(1)(h): “threatening, intimidating, coercing or interfering with customers, supervisors or other employees”;
- 4.05.01(2)(r): “use of the City computers (including internet & e-mail) for: personal gain . . . political purposes”; and
- 8.04(B), Improper Use of Official Position, including subparts (1) “use of his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city”; and (2) “use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose. . . .”

As a result of this complaint, the City of Orting has initiated an investigation into actions that may have occurred in the workplace. Your involvement in this investigation, as currently known to the City of Orting, is as a subject. The investigator retained by the City of Orting is Rick Kaiser, and he will meet with you to conduct an interview with regard to the concerns raised on Wednesday, February 14, 2018 at 1:00 PM in the Mayor’s Office at City Hall. Mr. Kaiser can be reached at (425) 213-0993 or [rhk@rickkaiser.com](mailto:rhk@rickkaiser.com), if you have any questions regarding the investigation prior to your interview.

The City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law.

## “Small Town—Big View”

Chief William Drake  
Page 2  
February 13, 2018

**Retaliation against anyone involved in the investigation is strictly prohibited. If you believe that you have been mistreated or otherwise retaliated against because of your participation in this investigation, you should notify me immediately. Likewise, you are strictly prohibited from retaliating against anyone else for participating in this investigation.**

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation. If you have other questions unrelated to the investigation, you may contact me or Scott Larson, Director of Human Resources.

Sincerely,

Scott Larson  
Director of HR

Cc: Joshua Penner, Mayor, City of Orting  
Charlotte Archer, City Attorney



# City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219

Fax: (360) 893-6809

February 15, 2018

Chief William Drake  
City of Orting  
Police Department  
401 Washington Ave. SE  
Orting, WA 98360

VIA E-MAIL.

Chief Drake:

This letter is to follow-up to the letter you received on February 13, 2018, pertaining to the City's investigation into a complaint that you engaged in improper governmental actions as an officer of the City, described in more detail in that letter.

At a conference with me in the afternoon of February 13, 2018, you stated that you did not want to participate in the investigation, and instead, intended to resign your position as Police Chief for the City of Orting. I provided you with a Separation Agreement memorializing your resignation and the terms thereof, for your review and signature. As stated in the Separation Agreement, by law you have a period of twenty-one (21) calendar days to review the Agreement before signing, following receipt of the Agreement on February 13, 2018. See Paragraph 6 of the Separation Agreement.

The City must continue with and complete its investigation, due to the terms of the personnel manual. As an employee of the City, you are requested to attend an interview with the investigator, Rick Kaiser, for Thursday, February 22, 2018, at 9 AM, at City Hall. Again, Mr. Kaiser can be reached at (425) 213-0993 or [rhk@rickkaiser.com](mailto:rhk@rickkaiser.com), if you have any questions regarding the investigation prior to your interview. As previously stated, the City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law. In the event you refuse to participate in the investigation while remaining in the City's employ, the City reserves its right to subject you to disciplinary action.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation.

Sincerely,

“Small Town—Big View”

# City of Orting

110 Train St SE, P.O. Box 489, Orting, WA 98360-0489

Phone: (360) 893-2219

Fax: (360) 893-6809

February 13, 2018

Kristin Swanson  
401 Washington Ave. SE  
Orting, WA 98360

VIA HAND-DELIVERY

Dear Kristin:

The City of Orting has received a complaint that members of the Police Department allegedly engaged conduct in violation of the following provisions of the Personnel Manual:

- 4.05.01(2)(r): "use of the City computers (including internet & e-mail) for: personal gain . . . political purposes"; and
- 8.04(B), Improper Use of Official Position, including subparts (1) "use of his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city"; and (2) "use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose. . . ."

As a result of this complaint, the City of Orting has initiated an investigation into actions that may have occurred in the workplace. Your involvement in this investigation, as currently known to the City of Orting, is as a witness and as a possible subject. The investigator retained by the City of Orting is Rick Kaiser, and he will meet with you to conduct an interview with regard to the concerns raised on Wednesday, February 14, 2018 at 2:30 PM at City Hall. Mr. Kaiser can be reached at (425) 213-0993 or [rhk@rickkaiser.com](mailto:rhk@rickkaiser.com), if you have any questions regarding the investigation prior to your interview.

Under Article 13 of the current Collective Bargaining Agreement between the City and your Union (AFSCME, Local 120), you have the right to have a Union Steward and/or Union Representative accompany you during your interview with Mr. Kaiser. You also have the right to meet with your Union Steward and/or Union Representative during work hours prior to your interview with Mr. Kaiser. **Please confirm, by signing the acknowledgement at the bottom of this letter, whether you are requesting union representation for your interview.** If you are

“Small Town—Big View”

requesting union representation for your interview, you are directed to contact your Union Steward and/or Union Representative.

The City expects that you will keep the investigation, and your discussions with the investigator, strictly confidential until the investigation is completed. The City will also maintain the confidentiality of the investigation to the extent possible under the law.

**Retaliation against anyone involved in the investigation is strictly prohibited. If you believe that you have been mistreated or otherwise retaliated against because of your participation in this investigation, you should notify me immediately. Likewise, you are strictly prohibited from retaliating against anyone else for participating in this investigation.**

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation. If you have other questions unrelated to the investigation, you may contact me or Mark Bethune.

Sincerely,

Scott Larson  
Director of HR, City of Orting

Cc: Mark Bethune, City Administrator  
Charlotte Archer, City Attorney

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Union Representation Request / Waiver

Please check one:

I request that my union representative, officer or steward be present at my interview with Rick Kaiser on Wednesday, February 14, 2018 at 2:30 PM at City Hall. I understand that it is my responsibility to contact my union representative, officer or steward prior to my interview to arrange for his/her presence at my interview.

I waive my right to have my union representative, officer or steward present at my interview with Rick Kaiser on Wednesday, February 14, 2018 at 2:30 PM at City Hall. I understand that I can change my decision at any time prior to or during my interview by clearly stating my decision to the Rick Kaiser (the interviewer) and/or an official of the City of Orting.

Signed: [Signature]  
Printed Name: Kristin Swanson

Date: 2/13/18

**Antoinette Mattox**

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**From:** Scott Larson <SLarson@cityoforting.org>  
**Sent:** Friday, March 02, 2018 10:47 AM  
**To:** Charlotte Archer; Kendra Comeau  
**Subject:** FW: Retirement - Effective 1 April 2018

FYI

Scott Larson  
Treasurer, City of Orting  
110 Train St. SE  
PO Box 489  
Orting, WA 98360  
(360) 893-2219 EX 111

**From:** William Drake  
**Sent:** Friday, March 2, 2018 10:06 AM  
**To:** Scott Larson  
**Cc:** Mark Bethune; Josh Penner  
**Subject:** Retirement - Effective 1 April 2018

Hey,

Per our previous conversation and notice, I am resigning my position as Chief of Police effective 31 March 2018 and beginning my retirement on 1 April 2018.

Thank you.

*Regards,  
Bill Drake  
Chief of Police  
City of Orting  
Ph: 360-893-3111  
Fax: 360-893-3129*

February 22, 2018

Chief William Drake  
City of Orting  
Police Department  
401 Washington Ave. SE  
Orting, WA 98360

VIA E-MAIL

Chief Drake:


This letter is to follow-up to the letters you received on February 13, 2018, and February 15, 2018, pertaining to the City's investigation into a complaint that you engaged in improper governmental actions as an officer of the City. As stated in the City's February 13, 2018 letter, the City received allegations that you undertook conduct in violation of 4.05.01(1) (h); 4.05.01(2)(r); and 8.04(B).

The allegations under investigation include an allegation that you misused, for personal purposes, a criminal history record system(s) by conducting a background search on an individual for non-law enforcement purposes. As previously conveyed, you are being questioned as part of an internal investigation into this allegation. You are directed to answer questions during the course of this investigation. The questions will be specifically, directly and narrowly related to performance of your official duties. You are entitled to all the rights and privileges guaranteed by the law and the Constitution of the United States, including the right not to be compelled to incriminate yourself. If you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you could be subject to discharge. If you do answer, neither your statement, nor any information or evidence which is gained by reason of such statement, can be used against you in any subsequent criminal proceedings. However, these statements may be used against you in relation to subsequent discipline.

Your interview was rescheduled to February 22, 2018, at 9AM. You requested additional time to consult with your attorney in advance of the interview. Accordingly, you are requested to attend the interview with the investigator, Rick Kaiser, on Tuesday, February 27, 2018, at 10 AM, at the MPC Office. Again, Mr. Kaiser can be reached at (425) 213-0993 or [rhk@rickkaiser.com](mailto:rhk@rickkaiser.com), if you have any questions regarding the investigation prior to your interview.

If you have any questions relating to this investigation, please direct them to Mr. Kaiser. Again, the City appreciates your cooperation and participation in this investigation.

Sincerely,

  
Scott Larson  
Director of HR, City of Orting

**CONFIDENTIAL AND PRIVILEGED**  
**ATTORNEY WORK PRODUCT**

March 29, 2018

Page 2

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2. City of Orting Personnel Policy Section 4 (General Conduct, Discipline, Termination and Appeal); and
3. Witness Statements and Notes.

**III. Findings of Fact.**

The following facts are not in material dispute, unless noted otherwise.

**A. Relevant Background Information.**

This information provides context for the facts documented below.

**1. City of Orting Personnel Policy Section 8 (Employee Code of Ethics and Policy for Reporting Improper Governmental Action).**

The City's Employee Code of Ethics and Policy for Reporting Improper Governmental Action governs this investigation. It provides, in relevant part:

- E. "Improper governmental action" means any action by a City of Orting employee:
1. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
  2. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, ...

Exhibit A (COOPP Section 8).

**2. City of Orting Personnel Policy Section 4 (General Conduct, Discipline, Termination and Appeal).**

The City's General Conduct Rules also govern this investigation. They provide, in relevant part:

4.05.01 Rules of Conduct

- l. The occurrence of any of the following is sufficient justification for immediate discharge but is not considered all inclusive:  
...  
p. Willful infraction of any departmental or city rule, regulation or policy.

Exhibit B (COOPP Section 4).

Richard H. Kaiser, Attorney  
rhk@rickkaiser.com

**B. January 2018: Mr. Drake's Alleged Abuse of Law and/or Authority.**

On January 29, 2018, [Redacted Text: 11g] was working in [11g] office. In an adjacent room, a court clerk named Ms. Kim Kainoa and a police clerk named Ms. Kristin Swanson were working at their respective computer terminals.

Mr. Drake entered the room and referenced Mr. Chris Hopfauf, who was apparently running for one of the City's commissions. Mr. Drake then asked the City employees about Mr. Hopfauf's contacts with law enforcement agencies.

Beyond that, the witnesses provided contradictory accounts about this incident.

**1. [Redacted Text: 11g] Account.**

After referencing Mr. Hopfauf's candidacy, Mr. Drake stated, "We can't have him on the commission." Mr. Drake, Ms. Kainoa, and Ms. Swanson then briefly discussed this issue.

[Redacted Text: 11g], who remained in [11g] office, then had the following exchange with Mr. Drake.

[11g] What do you need that for?

Drake: We cannot have him on the civil service commission.

[11g] I didn't think he was on the civil service commission. I think he was applying to be on the planning commission.

[11g] then checked [11g] court database, which is not restricted.

[11g] We don't have anything here. He was a victim in one court and he had a dismissal in our court. Your police clerk would have more information if that's what you're looking for.

I'm surprised you're wondering about Mr. Hopfauf's background when you've told me that a felon was on city council and that wasn't a problem.

Mr. Drake then approached Ms. Swanson, who had access to the City's law enforcement database, which is restricted. As Mr. Drake looked over Ms. Swanson's shoulder, she accessed records on the database.

This alarmed [11g], who left the area.

I asked [11g] how she was certain that Ms. Swanson was accessing records about Mr. Hopfauf. [11g] answered that she did not exactly know what records Ms. Swanson was accessing. [11g] related that she thought that they involved a law enforcement data

Richard H. Kaiser, Attorney  
rhk@rickkaiser.com

base. [11g] stated, "I'm pretty darn sure, but I could not fully read Ms. Swanson's computer screen."

**2. Ms. Swanson's Account.<sup>1</sup>**

As part of her job duties, Ms. Swanson regularly accesses "Total Enforcement," which is the restricted law enforcement database.

When Mr. Drake entered the room, he asked Ms. Swanson if Mr. Hopfauf had any current cases. Mr. Drake related that he was concerned that Mr. Hopfauf's criminal history might preclude him from possessing a firearm.

Ms. Swanson asked Mr. Drake if he wanted to check on Total Enforcement. Mr. Drake agreed. Ms. Swanson then ran Mr. Hopfauf's name on Total Enforcement. Mr. Drake stood over Ms. Swanson and looked at the search results. Ms. Swanson told Mr. Drake that she did not see anything current.

Ms. Swanson told me that she thought Mr. Drake's inquiry was an order to conduct the search.

The order also perplexed Ms. Swanson, who knew that Mr. Drake could also access Total Enforcement.

**3. Mr. Drake's Account.**

Mr. Drake did make this inquiry, but it was on behalf of Mr. John Kelly, who is a council member of the City.

On January 27, 2018, Mr. Drake and Mr. Kelly met on a matter unrelated to the City. During a conversation, Mr. Kelly mentioned that Mr. Hopfauf was a candidate for the City's Civil Service Commission. Mr. Kelly asked Mr. Drake if Mr. Hopfauf had a criminal record. Mr. Kelly related that he wanted to know this information before he voted on Mr. Hopfauf's candidacy the following week.

The following exchange then ensued.

Drake: You can do a public records request of the court and find out. It will be a matter of public record.

Kelly: Yeah, but can you get me that information?

Drake: I'll check into it on Monday.

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<sup>1</sup> Ms. Kainoa told me that she was on the phone during this incident and did not remember anything specific about it. Ms. Kainoa added that she knew [REDACTED] was upset about the incident.



CITY OF ORTING  
WASHINGTON  
RESOLUTION NO. 2017-27

ORIGINAL

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A RESOLUTION OF THE CITY OF ORTING,  
WASHINGTON, ADOPTING POLICY NO. 2017-04,  
ESTABLISHING CODE OF ETHICS FOR CITY COUNCIL;  
SETTING EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Orting maintains Rules of Procedure, which govern conduct of City Council members, generally, and were last updated on November 9, 2016; and

WHEREAS, the City Council desires to adopt a comprehensive Code of Ethics, which would govern the ethical conduct of elected officials and penalties for violations thereof, and supplement the Rules of Procedure, as amended and as may be amended in the future; and

NOW, THEREFORE, the City Council of the City of Orting, Washington, do resolve as follows:

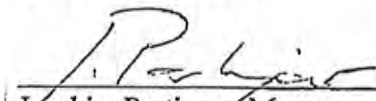
**Section 1. Ethics Policy, Adopted.** Policy No. 2017-04, the "Council Ethics Policy" attached hereto as Exhibit A, is hereby adopted by reference as if fully set forth herein.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Resolution or its application to other persons or circumstances.

**Section 3. Effective Date.** This Resolution shall take effect and be in full force immediately upon its passage.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 13th DAY OF December, 2017.

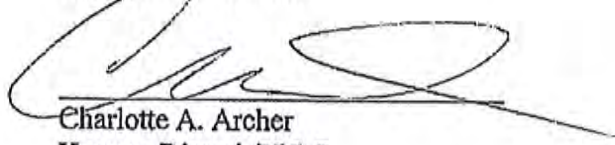
CITY OF ORTING

  
Joachim Pestinger, Mayor

ATTEST/AUTHENTICATED:

*Jane A. Montgomery*  
Jane Montgomery, City Clerk

Approved as to form:



Charlotte A. Archer  
Kenyon Disend, PLLC  
City Attorney



## City Council of the City of Orting, Washington

### Policy No. 2017-04

## City Council Code of Ethics

### I. PURPOSE

The purpose of this policy is to establish a formal code of ethics by which Councilmembers will conduct themselves while serving on the Orting City Council.

### II. REFERENCES

Chapter 42.23 RCW, Code of Ethics for Municipal Officers—Contract Interests

Ch. 42.20 RCW, Misconduct of Public Officers

Ch. 42.36 RCW, Appearance of Fairness.

### III. DECLARATION OF POLICY

It is essential to the proper administration and operation of the City of Orting that the City Council be and give the appearance of being independent and impartial; that elective and appointed office with the City of Orting not be used for personal benefit; and that the public have confidence in the integrity of the City. In recognition of these goals, the City Council has adopted this Code of Ethics, which is applicable to all members of the City Council.

The purpose of this Code is to establish standards of ethical conduct applicable to the City Councilmembers, in the discharge of their duties by prescribing essential restrictions against conflict of interest and other conduct not consistent with good ethical practices while not creating unnecessary barriers to public service. To that end, Councilmembers should not be denied the opportunity available to all other citizens to acquire and maintain private economic interests, except in circumstances in which a conflict of interest would reasonably result.

It is required that all Councilmembers comply with the law and all other applicable rules and regulations governing the conduct of public officials. The standards in this Code shall not preclude other standards required by law including but not limited to, Ch. 42.23 RCW, Code of Ethics for Municipal Officers-Contract Interests, Ch. 42.20 RCW, Misconduct of Public Officers

1 Passed by the City Council \_\_\_\_\_

and Ch. 42.36 RCW, Appearance of Fairness. Nothing in this Code of Ethics shall be construed to limit full compliance with applicable federal and state laws and applicable rules and regulations governing the conduct of public officials now existing or hereinafter enacted.

**A. Avoidance of the Appearance of Impropriety**

All members of the City Council should conduct their official duties with integrity and impartiality and in a manner that avoids even the appearance of impropriety or a conflict of interest between public duties and private interests. No Councilmember shall, by their conduct or participation in activities, give reasonable basis for the impression that any person can improperly influence the Councilmember or unduly enjoy the Councilmember's favor in the performance of official City actions, or that the Councilmember is affected in the performance of the official act or actions by the kinship, rank, or association with any person.

*Example:*

A Councilmember actively pursues the award of a city contract to a company owned by a close friend. Such activity gives the appearance of impropriety and should be avoided.

**B. Standards of Ethical Conduct**

**1. Personal Interests in Contracts Prohibited**

No Councilmember shall participate in their capacity as a Councilmember in the making of a contract in which the Councilmember has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the Councilmember has only a remote interest in the contract as defined in RCW 42.23.040 and summarized below and where the fact and the extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership without counting the vote or votes of the Councilmember(s) having the remote interest

For purposes of this section, a "remote interest" means:

- a. that of a non-salaried officer of a non-profit corporation; or
- b. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; or
- c. that of a landlord or tenant of a contracting party; or
- d. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party.

2 Passed by the City Council \_\_\_\_\_

2. Personal Influence in Contract Selection Prohibited.

No Councilmember shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the Councilmember has a personal financial interest, direct or indirect in or with the corporation, person, or firm, unless such interest is a remote interest as defined in RCW 42.23.040 and summarized herein and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the Councilmember(s) having the remote interest.

*Example:*

A Councilmember is requested to vote to award a contract to a company that employs the Councilmember. If the Councilmember has a beneficial interest in the contract either direct or indirect such as through a business profit sharing plan, the contract cannot be approved. If the Councilmember has no such interest and/or is subject to the remote interest rule, the Councilmember must disclose his/her interest and abstain from voting. Further, the Councilmember may not attempt to influence the votes of other Councilmembers. Questions regarding these kinds of situations should be directed to the City Attorney for review.

3. Disclosure of Confidential Information

A Councilmember shall not disclose or use any confidential, privileged, or proprietary information gained by reason of his or her position for a purpose other than an authorized City undertaking; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request. Information obtained during Executive Sessions is deemed confidential.

*Examples:*

A Councilmember purchases land with advanced, undisclosed knowledge of the route of a new transit line that, when completed, will substantially increase the value of the land. The Councilmember's purchase of the land based on "inside" information violates this section off the Code of Ethics.

While having a conversation with Union leadership, a Councilmember discloses information discussed during Executive Session about labor negotiation strategy. The Councilmember's conduct violates this section's prohibition against disclosing information discussed in Executive Session.

4. Acceptance of Compensation: Gifts, Favors, Rewards, or Gratuity Prohibited.

Councilmembers may not, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the officer's performance of official duties for the city. Prohibited conduct includes, but is not limited to, the following:

- a. Accepting cash or other cash equivalents such as gift cards or gift certificates regardless of value except as part of an internal, recognized, and sanctioned city incentive program.
- b. Accepting gifts, gratuities, loans, entertainment or other items of value from anyone with whom the city regularly transacts business, who has or seeks a contract with the city, or who desires other official action from the city.
- c. Giving, offering or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the city may have with that customer, potential customer, or financial institution.
- d. Misusing confidential city information or disclosing such information to any individual who does not have a need to know the information.
- e. Using the city's name, account or credit to purchase merchandise for personal use

Exceptions. The prohibition regarding accepting compensation, gifts, or rewards shall not apply to:

- a. Receiving items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made to gain or maintain influence;
- b. Receiving items exchanged equally among Councilmembers at a social event hosted or sponsored by an officer of the city for other officers or employees of the city.
- c. Receiving items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference;
- d. Payment by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity. Reasonable expenses are limited to travel, lodging and

subsistence expenses incurred the day before through the day after the event;

- e. Payment of fees and reasonable travel expenses for attending seminars or educational programs sponsored by a government or bona fide non-profit professional, educational, trade or charitable association or institution. Reasonable expenses are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;
- f. Discounts available to the individual as a member of a group, occupation or similar broad-based group;
- g. Awards, prizes, scholarships or other items provided in recognition of academic, sport, or scientific achievement;
- h. Attendance of the Councilmember at a hosted meal where official attendance by the Councilmember as a city representative is appropriate;
- i. Campaign contributions that are in compliance with Chapter 42.17 RCW.

*Example:*

The Anyname Company has submitted a bid on a City project. The President of Anyname approaches a City Councilmember and promises that if his firm is the successful contract bidder, he will buy supplies from a firm owned by the Councilmember. The Councilmember promises to use his/her position to secure the contract for Anyname. Such actions are a violation of this section of the Ethics Code.

5. Certain Employment Prohibited.

No City Councilmember shall engage in or accept employment or render services for any employer when such employment or service creates a conflict of interest with a duty owed to the city or conflicts with the proper discharge of official city duties.

*Example:*

A Councilmember, who is also a real estate agent, represents a client who is in competition with the City for a parcel of land. The Councilmember is in violation of this section of the Code of Ethics.

6. Personal Interest in Legislation Prohibited.

5 Passed by the City Council \_\_\_\_\_

No City Councilmember shall benefit either directly or indirectly from any legislation or have a financial interest in any legislation coming before the City Council nor participate in discussion with or give an opinion on such legislation, unless such interest is a remote interest as defined in this section and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City prior to consideration of the legislation by the City Council. City Councilmembers' participation in the enactment of legislation shall be governed by Ch. 42.23 RCW, Code of Ethics for Municipal Officers and Ch. 42.36 RCW, The Appearance of Fairness Doctrine. City Councilmembers shall not be prohibited from participating in the adoption of legislation when the Councilmember has only a remote interest in the legislation as defined in this section, which has been disclosed, and the legislation is applicable to the general public and not of specific or unique benefit to the Councilmember. Questions regarding these kinds of situations should be directed to the City Attorney for review.

7. Improper Use of Position Prohibited.

A Councilmember shall not knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself or herself, or for the benefit, gain, or profits of any other persons.

8. Improper Use of City Personnel Prohibited.

A Councilmember shall not employ or use any person under his or her official control or direction for personal benefit, gain, or profit.

9. Improper Use of City Property Prohibited.

A City Councilmember shall not use city-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Such use is restricted to those city services that are available to the public generally, for the authorized conduct of official business or for such purposes and under such conditions as are approved by the city council, city Administrator or designee.

A Councilmember shall not utilize the City's name, letterhead or logo for the purpose of endorsing any political candidate, business, commercial product, or service.

C. Impermissible Conduct After Leaving City Office

1. Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.

No former City Councilmember shall disclose or use for his or her personal gain or that of any other person any privileged, confidential, or proprietary information gained because of his or her city office .



2. Participation in City Matters Prohibited.

No former City Councilmember shall, during the period of one year after leaving office:

- a. Assist any person in matters involving the city if, while in the course of duty with the city, the former Councilmember was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter; or
- b. Represent any person as an advocate in any matter in which the former Councilmember was involved while a Councilmember; or
- c. Participate as or with a bidder, vendor, or consultant in any competitive selection process for a city contract in which he or she assisted the city in determining the project, or work to be done or the process to be used.

D. Violation of the Code of Ethics

Any person who has information that a Councilmember may have violated the Code of Ethics shall provide that information in writing to the City Council and the City Administrator. The written complaint must be based substantially upon the personal knowledge of the complainant and signed by the person filing the complaint. No action will be taken on any complaint which is filed later than three (3) years after a violation of the Code of Ethics is alleged to have occurred.

Upon receipt of the complaint, the City Council, and/or the City Administrator shall provide it to the City Attorney who shall promptly review the information and determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics and shall report back to the Council in writing. The City Council, at its next regular meeting, shall review the City Attorney's report and make a determination as to whether or not the Council shall refer the allegation(s) to a Hearings Examiner designated by the Council to conduct an investigation.

If so referred, the Hearings Examiner shall conduct an investigation of the complaint and prepare written findings and conclusions within sixty 60 days of the date the complaint was received by the City unless an extension is granted by the Council. The Councilmember accused of the ethics violation shall have the right to review any and all information obtained as a result of the investigation and shall have the right to respond in writing to the complaint which information shall be reviewed and taken into consideration by the Hearings Examiner.

Upon completion of the investigation, the Hearings Examiner shall issue an advisory report to the Council for its consideration, as well as to the City Administrator and City Attorney. The report shall set forth findings and conclusions demonstrating whether or not, based on a preponderance of the evidence, the councilmember has violated the Code of Ethics.

7 Passed by the City Council \_\_\_\_\_

Within five (5) business days of the receipt of the report, the City Administrator shall provide copies of the report via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses.

Within fifteen (15) business days of the receipt of the report, the Council (excluding the accused Councilmember) shall convene to review the alleged violation and the report and take action. Action may include the following:

1. Dismissal of the complaint on the basis that no violation of the Code of Ethics has occurred; or
2. Remand to the Hearings Examiner to obtain additional information in order for the Council to decide whether a violation has occurred; or
3. A determination that by a preponderance of the evidence, a violation of the Code of Ethics has occurred in which case the Council shall adopt written findings, conclusions and appropriate sanctions as forth herein.

Adoption of the findings, conclusions and sanction(s) by the City Council shall be by majority vote; provided that the Councilmember accused of the violation shall not vote on any matter involving that member; and provided further that in the event the Mayor is accused of the violation, the Deputy Mayor shall act in the Mayor's stead.

Within five (5) business days thereafter, the City Administrator shall provide copies of the Council's findings, conclusions and sanction(s) via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses. No final disposition of the matter will be implemented for a period of ten (10) days to allow the Councilmember against whom the complaint was filed to request a review of the Council's decision. Such a request shall be submitted to the City Administrator in writing and shall state the reasons for his or her objections and request a review of the action taken. The Council shall review the action taken in light of the findings and conclusions and request for review and may take whatever further action, if any, appears appropriate under the circumstances. The action of the Council shall be final and not subject to further review or appeal except as may otherwise be provided by law.

Action by Council may take any of the following sanctions:

1. Admonition. An admonition shall be verbal non-public statement made by the Mayor to the member.
2. Reprimand. A reprimand shall be administered to the Councilmember by letter. The letter shall be prepared by the City Council and shall be signed by the Mayor.
3. Censure. A censure shall be a written statement administered personally to the member. The individual shall appear at a time and place directed by the City Council to receive the censure. It shall be given publicly, and the member shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the member appears as required.

4. Other sanctions. Any sanction imposed under this Code of Ethics is in addition to and not in lieu of any other penalty, sanction or remedy which may be imposed or sought according to law or equity, including, but not limited to:

- a. Civil penalties of \$500 and possible forfeiture of office, pursuant to RCW 42.23.050.
- b. Removal or recall from office pursuant to state law.
- c. Removal from leadership positions, boards and commissions and other official positions or duties that do not conflict with Washington statutes.
- d. Initiation of appropriate civil actions against any person who violates this Code.
- e. Injunctive relief to ensure that violation of this Code or of other provisions of law cease and desist.



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: Public Works Shop Maximum Price</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	N/A		<b>AB18-87</b>
	<b>For Agenda of:</b>			10.10.18
	<b>Department:</b>	Public Works		
	<b>Date Submitted:</b>	<b>10/2/18</b>		
<b>Cost of Item:</b>		<u>\$2,258,984.42</u>		
<b>Amount Budgeted:</b>		<u>\$2,200,000</u>		
<b>Unexpended Balance:</b>		<u>\$</u>		
<b>Bars #:</b>				
<b>Timeline: Urgent</b>				
<b>Submitted By:</b>		Mark Bethune		
<b>Fiscal Note:</b>				
<b>Attachments:</b> Pricing document				
<p><b>SUMMARY STATEMENT:</b> The City Council approved purchase of the pole barn building in its September 12<sup>th</sup> meeting and put a lid price of \$2,200,000 on the project. Before the council is what is now called the "Guaranteed Maximum Price" (GMP) which the contractor cannot exceed. That amount is \$2,258,984.42 which is \$58,984.42 over the previous price limit. The price increase is due to the city making additional requests to the project including a wash station, connection to the Water plant generator and other smaller items included in the Council's packet. The project can still end up below \$2.2 million but cannot go above the \$2.258 mark unless the City makes change orders or there are unforeseen conditions during construction. It is urgent that the Council approve this budget tonight in that the contractor is moving to establish maximum price lids on all of its subcontractors now.</p>				
<p><b>RECOMMENDED ACTION: Motion: Move to approve of a greatest maximum price of 2,258,984.42 for the Public Works facility.</b></p>				



## City of Orting Public Works Maintenance Building

### 9.19.18 Pricing Schedule

Design (Phase 1)	\$ 181,136.95	Base Contract to Date
Phase 2 Building	\$ 435,753.39	Change Oder #1
Phase 2 Balance To Contract	\$ 1,351,489.35	50% Negotiated Design
Options	\$ 98,394.70	Options

**TOTAL Lump Sum (w/o WSST) \$ 2,066,774.40**

**x1.093 (w/WSST) \$ 2,258,984.42**

Requested Options \$ 98,394.70

**City of Orting Maintenance Facility**

9.17.18 BUDGET PRICING

Adjustments per 50% Design Comments

WA Patriot Performed Labor

Subcontracting Scope of Work

Allowance

**THE CURRENT GRAND TOTAL = \$ 1,351,489**

O.K.

CSI CODE	Description	Sub List	Labor	Material	Sub	Equip/ Other	TOTAL	Comments
01000	General Conditions	9900 sf	134,100	89,895	11,000	16,005	251,000	6 Months @38K/Month
03 30 00	Office Concrete	WA Pat	14,289	10,353	8,182	X	32,823	
03 30 00	Warehouse Concrete	WA Pat	6,576	18,607	23,004	X	48,187	
03 31 00	Open Bay Concrete	WA Pat	6,576	9,303	13,218	X	29,097	\$5K is for gravel - \$5500 For Asphalt
06 10 10	Carpentry Office	WA Pat	4,384	1,140	X	X	5,524	
06 10 20	Carpentry Shop	WA Pat	9,499	5,993	X	X	15,492	Mezz Plywood & Wall sheathing & Soffits
06 10 30	Shop Partition Walls (2)	See 09 29 00	X	X	X	X	-	- Thermal and Interior end wall
06 10 40	Front Canopy & Cupola	WA Pat	14,102	14,177	X	X	28,278	\$7,162 Is the Cupola
07 21 00	Thermal Insulation	See 09 29 00	X	X	X	X	-	
07 54 19	Metal Roofing	See 06 10 30	X	X	X	X	-	
07 62 00	Sheet Metal Gutter	See 06 10 30	X	X	X	X	-	
07 92 00	Sealants	WA Pat	2,000	1,000	X	X	3,000	
08 11 13	HM Doors & Frames	Commercial	9,453	19,454	10,349	X	39,256	16 Doors
08 11 14	OH Doors	Carbon River	-	-	34,450	X	34,450	
08 41 13	Aluminum Storefront	See 08 11 13	X	X	X	X	-	- Front and Breakroom
08 51 13	Vinyl Windows	See 08 11 13	X	X	X	X	-	- 10 Windows
08 71 00	Hardware	See 08 11 13	X	X	X	X	-	- 16 Doors
09 29 00	GWB Wall assemblies	Lossing	X	X	103,745	X	103,745	
09 51 13	ACT	ANW	X	X	11,395	X	11,395	
09 68 13	Flooring	Spectra	X	X	13,948	X	13,948	
09 91 23	Painting	See 09 29 00	X	X	X	X	-	
10 14 00	Signage	Allowance	X	X	2,000	X	2,000	
10 21 13	Lockers	WA Pat	X	X	3,500	X	3,500	
10 28 00	Toilet Accessories	Shipley	411	578	X	X	989	
10 44 13	FX and Cabinets	Austin	137	220	165	X	522	
10 50 00	Appliances	Lowes			3,200		3,200	
12 30 00	Dry Storage Cage	See Site Fencing	X	X	X	X	-	- Included in Site Fencing
12 32 00	Casework	Masters	X	1,000	5,904	X	6,904	
22 00 00	Plumbing	Blue Mountain	X	X	41,522	X	41,522	
23 00 00	HVAC	OSM	X	X	53,125	800	53,925	Wa Patriot Louvers \$800
23 10 00	Shop Heat	OSM	X	X	3,670	X	3,670	
26 00 00	Electrical (office)	Danard	X	X	196,336	X	196,336	
26 00 10	Electrical (services)	w/260000	X	X	X	X	-	
26 00 20	Electrical (warehouse)	w/260000	X	X	X	X	-	
27 00 00	Communications	w/260000	X	X	X	X	-	
28 31 00	Fire Alarm	w/260000	X	X	X	X	-	
32 20 00	Site Improvements	Swick	X	X	99,190	X	99,190	
	Site Fencing	Fence Specialist	X	X	26,935	X	26,935	Site Fencing w/interior cage
	Patio at office	WA Pat	1,028	141	828	700	2,697	Concrete
	Yard Paving	Puget Paving	X	X	106,290	X	106,290	All Paving
	Contingency					52,744	52,744	5% Contingency
<b>SUB-TOTAL</b>			<b>202,554</b>	<b>171,860</b>	<b>771,956</b>	<b>70,249</b>	<b>1,216,619</b>	
	Mark-up on Labor & Materials		18,230	15,467		6,322	40,020	
	Mark-up on Sub-Contractors				69,476		69,476	
							<b>SUB-TOTAL</b>	<b>1,326,115</b>
							<b>BOND</b>	<b>16,000</b>
							<b>BUILDERS RISK INSURANCE</b>	<b>2,864</b>
							<b>PERMIT</b>	<b>By Owner</b>
							<b>PLAN CHECK FEE</b>	<b>By Owner</b>
							<b>B &amp; O TAX</b>	<b>6,510</b>
							<b>GRAND TOTAL</b>	<b>1,351,489</b>

**City of Orting Maintenance Facility**  
9.17.18 Options

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE CURRENT \$ 98,395

O.K.

CC	Description	Sub List	Labor	Material	Sub	Equip/ Other	TOTAL	Comments
	Security	Danard	X	X	21,358	X	21,358	
	SCADA Con	Danard	X	X	2,680	X	2,680	
	Generator H	Danard	X	X	24,320	X	24,320	
	Drop Recep	Danard	500	500	3,189	X	4,189	
	Vehicle Was	WA Pat	5,275	4,477	6,725	2,400	18,877	
	Base Contin					3,571	3,571	5% Contingency
SUB-TOTAL			5,775	4,977	58,272	5,971	74,995	
	Mark-up on Labor & Materials		520	448		537	1,505	
	Mark-up on Sub-Contractors				5,244		5,244	
							SUB-TOTAL	81,744
							BOND	16,000
							BUILDERS RISK INSURANCE	177
							PERMIT	By Owner
							PLAN CHECK FEE	By Owner
							B & O TAX	474
							GRAND TOTAL	98,395

# City of Orting Public Works Maintenance Facility

## Cost Narrative

9/19/2018

### Assumptions/Clarifications

Washington Patriot Construction has based 50% Design for this proposal on input from the client during multiple meetings and with the following assumptions.

- Any and all spoils from excavation operations will be allowed to be dispersed and spread on the adjoining area on the east side of the project.
- Landscaping is by owner.
- Owner will perform outside underground utilities
  - Domestic Sewer
  - Domestic Water
  - Oil/water separator and piping to domestic sewer

### OFFICE AREA

We Propose this Section of the building as a 42X60 building area = 2,520 square feet of space. Building is a wood structure (pole building), concrete slab foundation, metal roof, metal exterior, vinyl windows and storefront entry. Interior finishes are GWB walls, ACT ceilings (GWB ceilings in bathrooms and ADA shower), and carpet Tile/Concrete floors. Electrical, Plumbing and HVAC systems for the office as standard. Paved Parking with ADA parking at the East entrance.

### Building Shell

- Foundation
  - 4" Gravel Base
  - 4" Concrete Slab on Grade w/6-6-2.9-2.9 mesh reinforcement
- Exterior Wall System
  - Pole Structure
  - 2x4 framing Interior frame
  - Hi-rib Metal Siding
  - Upper siding (Adobe Tan)
  - 4' Wainscot siding (Beaver Brown)

LEAD | DESIGN | CONSTRUCT | SERVE



- Manufacture Standard colors
- Roof Framing
  - Pole Structure Framing
  - 18" overhang
- Roof System
  - Standing Seam Metal Roofing (Mossy Green)
  - Moisture protection
  - Gutters and downspouts
- Doors and Windows
  - 5' X 6' Vinyl Double Pane 4-grid pattern
  - 1ea – 7-0 x 9-0 Manual operated Storefront entrance door
  - 1ea – 3-0 x 7-0 Manual operated Hollow metal patio door
  - 1ea –Double door (117)

## Building Interior

- 2x4 partition framed walls
- Insulation
  - Exterior walls R21
  - Attic Insulation R38
- GWB wall covering
  - GWB wrap at all openings (windows)
- Floorcovering w/rubber base (standard)
  - Concrete
  - Carpet Tile
- 2' x 4' Acoustical ceiling throughout with the exception of bath rooms
- Casework
  - Break Room – (12' of base cabinets, and countertop)
  - Women's Restroom –  
(4' vanity cabinet with countertop)  
3- 72" metal lockers
  - Unisex Shower - (ADA Shower)
  - Men's Restroom –  
(4' vanity cabinet with countertop)
  - Men's Locker Rooms w/15 72" lockers
- Hollow Metal Frames and Wood Doors
- Hollow Metal Frames and Metal Doors

LEAD | DESIGN | CONSTRUCT | SERVE

- Door Hardware
- Painted (standard colors)

## Electrical

- Standard Service
- Standard Layout
- Data
- Fire Alarm

## Plumbing

- PVC Piping system
- Fixtures
  - 2-toilets
  - 2-lavatories
  - 1-kitchen sink
  - 1-Garbage disposal
  - 1- Dishwasher Hookup
  - 2-hose bibs
  - 1-40 gallon hot water heater
  - 1-backflow preventer
  - 1-pressure reducer
  - 1- ADA shower

## HVAC

- Complete system for office application
- Exhaust for bathrooms

## Specialties

- 2- Fire Extinguishers
- 18-lockers (Allowance)
- Toilet accessories to meet ADA requirements
- Stove

LEAD | DESIGN | CONSTRUCT | SERVE

- Hood
- Dishwasher
- Refrigerator
- Kitchenette casework
  - 12' Lowers W/Plastic laminate faces and Counter

## Basic Site

- Domestic Sewer (By Owner)
- Domestic Water (By Owner)
- Storm Water Control
- Paved Public Parking Lot
  - ADA Parking Stripes
  - H.C. Signage
  - Wheel Stops

## EQUIPMENT/SHOP AREA

We Propose this Section of the building as a 180'X60' building area = 10,800 square feet of space. Building is a wood pole structure, concrete slab, meal siding exterior, metal roof.

## Building Shell

- Exterior Wall System
  - Post Supports
  - 2x6 girt framing
  - 2x8 pressure treated base girt
  - Hi-rib metal siding (standard color)
    - Upper siding (Adobe Tan)
    - 4' Wainscot siding (Beaver Brown)
  - 22 - 12' x 14' framed openings
  - Sidewall Bay spacing at 15' 0" O.C.
  - Endwall Bay spacing at 12' O.C.
  - 16' Eave Height
- Roof System
  - 4:12 Pitch
  - Wood Trusses spacing at 15' 0" O.C.
  - 18" overhang
  - Standing Seam Metal Roofing (Mossy Green)

LEAD | DESIGN | CONSTRUCT | SERVE

- Gutters and Downspouts (4 each side)
  
- Slab
  - 4" Gravel Base
  - 5 1/2" 3000# Concrete Slab on Grade
  - Slab Reinforcement of 6-6-2.9-2.9 (WWW) Welded Wire Mesh
- Doors
  - 14 – 12-0 x 14-0 Sectional overhead doors
    - Motorized w/Vision Light
    - 8-Insulated
    - 6-Uninsulated

## Electrical

- Standard Service
- Receptacles
- Motorized OH doors
- General Led Lighting
- Welding Receptacles
- Fire Alarm
- Exterior Walls Packs

## Plumbing

- Hose bibs 2 each
- Hydrant at Wash Area (By Owner)

## HVAC

- Radiant Heat in the enclosed space
- Radiant Heat for Freeze Control of 8BTUH per square foot = 32,000 BTU's

## Specialties

- 4- Fire Extinguishers

## Site

- Base Rock
- 6" Gravel Top course
- 3" Paved Public Parking Area
- 3" Pave Yard around building
- 3" Paved Frontage Road
- Fenced Yard with 2- Manual Double Swing Gates

## Options

1. Security
  - a. CCTV System:
    - i. 12- cameras
    - ii. 1-monitor
    - iii. 1-Rack
    - iv. 1-NVR
  - b. Intrusion System:
    - i. 4-wireless door contacts
    - ii. 1-siren
    - iii. 1-security block
    - iv. 12-motion detectors
2. SCADA Spare Conduit
  - a. 2" SCADA conduit out to a concrete hand hole per N:651588.94, E:1213198.48 from SCADA room. Trenching and backfill by owner
3. Generator Connection to Well House
  - a. Provide and install a 100-amp 480-volt circuit from Switchboard 101 in Well #4 Building to the new maintenance building. A 100-amp fused disconnect switch and 75 KVA transformer shall be installed in the maintenance building and wired to one of the 200-amp panels described in the base bid. We have included a 100-amp breaker in the switchgear since a spare was not found. Trenching and backfill to be by owner.
4. 3 Reel Receptacles in Open space
  - a. Provide and install (3) 20-amp, 120-volt cord reels wired to a dedicated circuit in the open area of the shop.
5. Vehicle Wash Area
  - a. 20' x 30' Concrete reinforced wash area
  - b. 1- type 1 catch basin

LEAD | DESIGN | CONSTRUCT | SERVE



- c. 20' 6" PVC
- d. 1-20x40 steel roof canopy with metal roofing

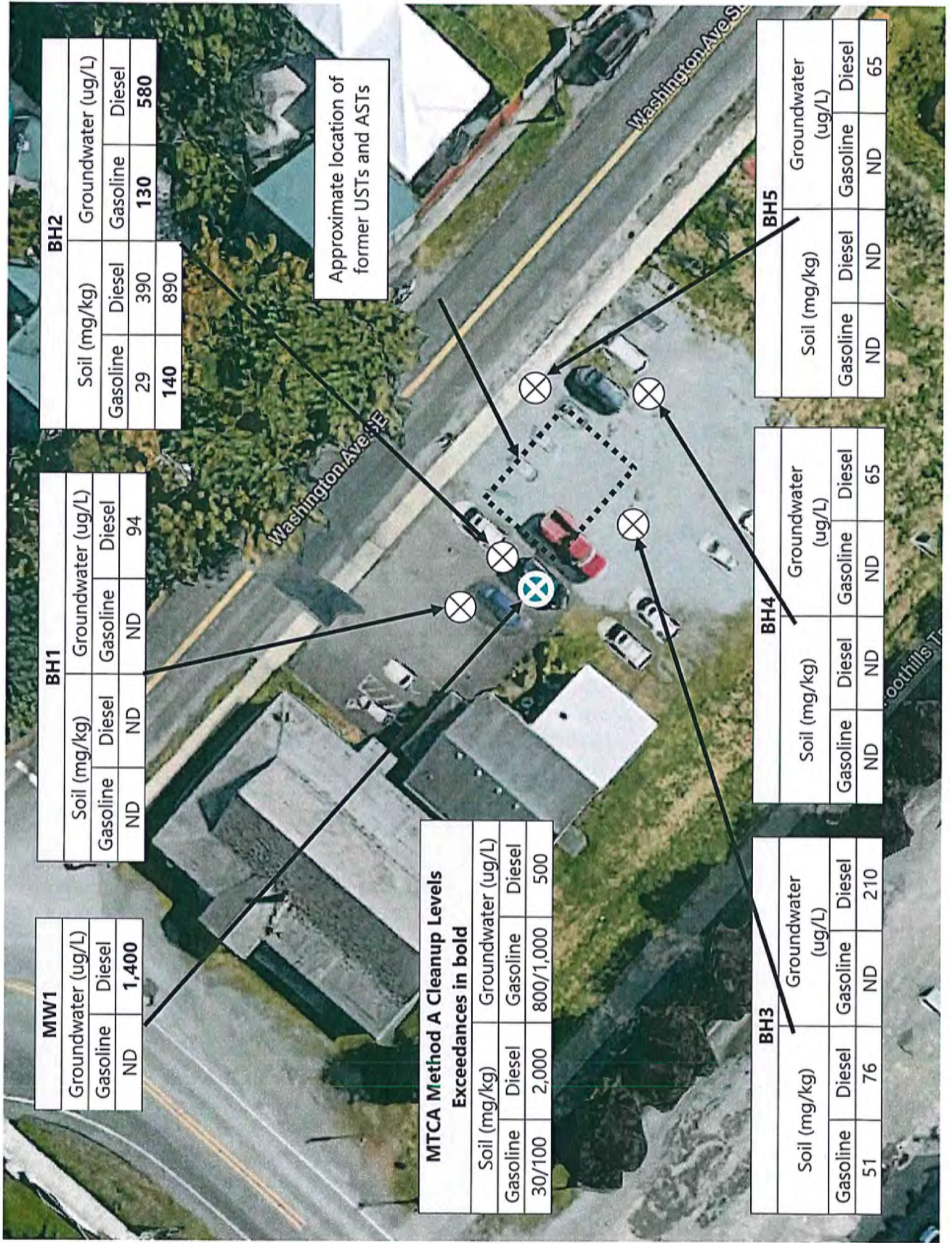
LEAD | DESIGN | CONSTRUCT | SERVE



**City Of Orting  
Council Agenda Summary Sheet**

<b>Subject: McMahon Property Geo-Technical Site Characterization</b>		<b>Committee</b>	<b>Study Session</b>	<b>Council</b>
	<b>Agenda Item #:</b>	N/A	AB18-88	
	<b>For Agenda of:</b>		10.17.18	
	<b>Department:</b>	Administration		
<b>Date Submitted:</b>	10.04.18			
<b>Cost of Item:</b>				_ \$
<b>Amount Budgeted:</b>				_ \$0
<b>Unexpended Balance:</b>				_ \$ 0
<b>Bars #:</b>				
<b>Timeline:</b>				
<b>Submitted By:</b>	Mark Bethune			
<b>Fiscal Note:</b>				
<b>Attachments:</b>	Bid request document, bids			
<p><b>SUMMARY STATEMENT:</b> The McMahon property phase 2 geotech review revealed site contamination. The next step is to complete a "site characterization" which will show the boundaries of contamination and begin to look at solutions. The city requested bids from three GeoTech vendors. The low bid was by _____ for the amount of \$ _____.</p>				
<p><b>RECOMMENDED ACTION: Motion: Move to approve _____ as the low bidder for the site characterization geo technical review for the amount of \$ _____.</b></p>				

Exhibit A





City of Orting  
Request for Bids  
Supplemental Site Characterization  
102 Bridge St. SE, Orting, WA 98360

All bid documents must be received by the City of Orting by **Tuesday October 9<sup>th</sup> at 4:30 PM**  
The bid can also be emailed to: Mark Bethune, City Administrator at [mbethune@cityoforting.org](mailto:mbethune@cityoforting.org)

City mailing address:  
City of Orting  
110 Train St. SE,  
PO Box 489  
Orting, WA 98360

Bids will be opened at 9:00 AM at City Hall, 110 Train St. SE, Orting, WA 98360

Information:

1. Site characterization services for the property located at 102 Bridge Street South in Orting, Washington (subject property). The initial site investigation data collected in September 2018 indicates that petroleum hydrocarbons as diesel and gasoline range have been detected in the subsurface soil and groundwater in proximity of the former underground and above ground storage tanks located at the subject property.
2. The 0.54-acre property (Pierce County parcel 051932-6010) is currently occupied by two one-level structures, a parking lot, and an unimproved grassy area. In August 2018 PanGEO completed a geotechnical investigation at the subject property. In one of the borings located in the gravel parking lot in the center of the property a slight petroleum odor was detected at depths of 5 feet and 7.5 feet. One observation well was installed at this location for water level data used for the geotechnical study.
3. In September 2018 a subsurface investigation to assess soil and groundwater conditions in the vicinity of the PanGEO borehole. A ground penetrating radar survey was conducted prior to drilling to determine the location of a prior tank basin. Five borings were advanced, one on each side of the former tank basin and one near the monitoring well. The depth to groundwater was measured to be approximately 15 feet below ground surface. Soil and groundwater samples were collected from the borings and a groundwater sample was collected from the monitoring well. Results indicate that diesel is present above the applicable cleanup level in the groundwater at the monitoring well and the nearest boring (BH2). Gasoline was also detected above the cleanup level in the soil and groundwater of BH2. The borings to the east, southeast, south, and northwest of the monitoring well and tank basin area did not have concentrations of gasoline or diesel above the cleanup level.

The analytical results are presented in Tables 1 and 2 below:

**Table 1: Preliminary Soil Analytical Results (September 25, 2018)**

Sample ID		TPH			Volatiles			
Number	Depth (feet)	Diesel	Heavy Oil	Gasoline	Benzene	Toluene	Ethyl-benzene	Xylenes
BH1-5	5	<50	<250	<5.0	<0.02	<0.02	<0.02	<0.06
BH2-4	4	390	<250	29	<0.02	<0.02	0.025	<0.06
BH2-9	9	890	<250	<b>140</b>	<0.02	0.074	0.42	0.74
BH3-6	6	76	<250	51	<0.02	<0.02	<0.02	<0.06
BH4-5	5	<50	<250	<5.0	<0.02	<0.02	<0.02	<0.06
BH5-5	5	<50	<250	<5.0	<0.02	<0.02	<0.02	<0.06
MTCA Method A Cleanup Level		2,000	2,000	100	0.03	7	6	9

**Table 2: Preliminary Groundwater Analytical Results (September 25, 2018)**

Sample ID		TPH			Volatiles			
Number	Diesel	Heavy Oil	Gasoline	Benzene	Toluene	Ethyl-benzene	Xylenes	
BH1-W	94	<250	<100	<1.0	<1.0	<1.0	<3.0	
BH2-W	<b>580</b>	<250	130	<1.0	<1.0	<1.0	<3.0	
BH3-W	210	<250	<100	<1.0	<1.0	<1.0	<3.0	
BH4-W	65	<250	<100	<1.0	<1.0	<1.0	<3.0	
BH5-W	110	<250	<100	<1.0	<1.0	<1.0	<3.0	
MW1	<b>1,400</b>	370	<500	<5.0	<5.0	<5.0	<15	
MTCA Method A Cleanup Level		500	500	800	0.03	7	6	9

### SCOPE OF SERVICES

The purpose of this proposed site characterization is to further assess and delineate soil and groundwater conditions to the north, northeast, west, and southwest of the encountered contamination.

### Task 1: Subsurface Investigation

1. All work will be completed or supervised by a Washington Licensed Geologist.

2. The Contractor shall request a public utility locate and a private locator shall be scheduled to verify utility clearance at all final drilling locations. The City of Orting will arrange for full access to the site during normal business days and hours.
3. Five (5) soil borings shall be advanced to a maximum 20 feet bgs or until groundwater has been reached. As soil cores are removed from the borehole, soil shall be field-screened for evidence of contamination by visual observation and photoionization detector (PID) measurements. One (1) soil sample and one (1) groundwater sample shall be collected from each boring for laboratory analysis. Two soil samples shall be collected from each boring if groundwater is unable to be sampled.
4. Groundwater samples shall be collected by installing a temporary well screen and low flow groundwater sampling methodology. All sampling equipment shall be decontaminated prior to use and between samples. At each groundwater sampling point, new disposable polyethylene tubing shall be used. The successful applicant shall don clean nitrile gloves prior to and during collection of each sample to prevent cross contamination.
5. If there are field indications of contamination, all soil and water wastes shall be containerized and stored in 30-gallon drums on-site pending laboratory analysis and appropriate disposal. At the completion of sampling, the borings shall be backfilled with bentonite and patched to match surrounding surfaces. Costs of drum disposal are the city's responsibility.
6. Samples retained for analysis shall be packed into laboratory-provided containers, sealed, labeled and put on ice in a cooler with chain of custody documentation initiated.

### **Laboratory Analysis**

Five (5) soil and five (5) groundwater samples shall be submitted to the project laboratory and will be analyzed for the following based on MTCA Cleanup Regulation Table 830-1 Required Testing for Petroleum Releases:

- Total petroleum hydrocarbons (TPH) as diesel/heavy oil by EPA Method NWTPH-Dx
- TPH as gasoline by EPA Method NWTPH-Gx

Two additional samples shall be analyzed for the following:

- Gasoline Petroleum Analytes Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) and n-Hexane by EPA Method 8260C
- Lead by EPA Method 200.8
- Polycyclic Aromatic Hydrocarbons (PAHs) by EPA Method 8270
- Methyl tertiary-butyl ether (MTBE) by EPA Method 8260C
- Trace Level 1-2 Dibromoethane (EDB) by EPA Method 8260C/8011
- Trace Level 1-2 Dichloroethane (EDC) by EPA Method 8260C

All analysis will be conducted by a Department of Ecology certified lab, under regular turnaround time. Upon receipt of the laboratory report, the Contractor shall review the results of the labs' data quality control/quality assurance testing, discuss any discrepancies with the laboratory, and determine if follow-up analytical is warranted.

**Task 2: Reporting**

Evaluation of the findings with respect to applicable state screening levels, and conclusions as to whether additional assessment and/or remedial action is warranted. Field activities shall be described, a site plan shall show the approximate sample locations, and laboratory results shall be tabulated. The report shall discuss recommended remediation options as well as cost estimates for remediation. The report shall include copies of laboratory reports and chain of custody documentation. One electronic draft copy shall be provided for review.

**ASSUMPTIONS**

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- The driller shall obtain necessary Department of Ecology permits (i.e., Start Cards) for the drilling.
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- Proposed drilling locations will be free of obstructions to allow for drill rig access.

**SCHEDULE**

Contractor shall be available to mobilize to the site and commence drilling within 2 weeks of Notice to Proceed.