



City Council, Regular Meeting

AGENDA REVISED

6:30 pm – 9:30 pm

February 3, 2015

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda and Consent Agenda

Student Liaison Reports

Presentations/Proclamations

Planning Commission Interviews

Public Comment

Note: *This is an opportunity for the public to address the Council. Three-minutes limit per person or five-minutes if representing the official position of a recognized community organization. If you would like to show a video or PowerPoint, it must be submitted or emailed by 5 pm, the end of the business day, to the City Clerk, Melonie Anderson at manderson@sammamish.us*

Consent Agenda

- Payroll for period ending December 31, 2014 for pay date January 5, 2015 in the amount of \$ 284,978.14
- Payroll for period ending January 15, 2015 for pay date January 20, 2015 in the amount of \$298,463.27
- 1. **Approval:** Claims for period ending January 6, 2015 in the amount of \$ 1,385,615.44 for Check No. 39337 through 39455
- 2. **Approval:** Claims for period ending January 20, 2015 in the amount of \$ 2,496,831.63 for Check No. 39456 through 39590

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

3. **Approval:** Claims for period ending February 3, 2015 in the amount of \$ 998,288.09 for Check No. 39591 through 39668
4. **Resolution:** Authorizing The City Manager To Execute An Interlocal Participation Agreement With Buyboard National Purchasing Cooperative And To Take Such Actions As Are Necessary For The City To Participate In A National Purchasing Cooperative In Compliance With State Law Requirements
5. **Approval:** Interlocal Agreement between the cities of North Bend, Issaquah, Snoqualmie, and Sammamish for Public Defender Monitoring Services
6. **Approval:** November 4, 2014 Regular Meeting Minutes
7. **Approval:** January 6, 2015 Regular Meeting Minutes
8. **Approval:** January 13, 2015 Special Meeting Minutes

Public Hearing - None

Unfinished Business

9. **Ordinance:** Second Reading Related To Underage Gatherings And Adopting A New Chapter 8.20 Of The Sammamish Municipal Code; Providing For Severability; And Establishing An Effective Date
10. **Ordinance:** Second Reading Related To Parking Violations, And Specifically Amending SMC Sections 46.30.050, 46.30.060, And 46.30.070; Providing For Severability; And Establishing An Effective Date

New Business

11. **Resolution:** Requesting That The King County Director Of Elections Hold A Special Election On April 28, 2015 For The Purpose Of Placing On The Ballot A Proposition Concerning The Annexation Of Certain Property Known As The Klahanie Potential Annexation Area To The City Of Sammamish; Further Requesting Publication Of A Local Voters' Pamphlet For Such Ballot Proposition; And Providing For Other Matters Relating Thereto.
12. **Resolution:** Requesting That The King County Director Of Elections Hold A Special Election On April 28, 2015 For The Purpose Of Placing On The Ballot An Advisory Proposition Regarding The Adoption Of The Powers Of Local Initiative And Referendum To The Extent Provided By Law; Further Requesting Publication Of A Local Voters' Pamphlet For Such Ballot Proposition; And Providing For Other Matters Relating Thereto.
13. **Approval:** 2015 Council Committee Appointments

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14. Ordinance: Establishing Interim Development Regulations As Authorized By The Growth Management Act Relating To Surface Water Management; Providing For Severability; And Declaring An Emergency

Council Reports

City Manager Report

Executive Session – Potential Litigation pursuant to RCW 42.30.110(1)(i) and property acquisition pursuant to RCW 42.30.110(1)(b)

Adjournment

AGENDA CALENDAR

Feb 2015			
Tues 2/10	6:30 pm	Study Session	212 th Non-Motorized Improvements Public Works Standards
Mon 2/16		President's Day	City Offices Closed
Tues 2/17	6:30 pm	Regular Meeting/Study Session	Ordinance: First Reading Appointing Alternates to Parks, Arts Commission Resolution: Planning Commission Appointments Appointment: Klahanie Ballot Measure Pro/Con Committees SS: Sustainability & Alternative Housing Discussion SS: ARCH Discussion
Mar 2015			
Tues 3/3	6:30 pm	Regular Meeting	Ordinance: Second Reading Appointing Alternates to Parks, Arts Commission
Tues 3/10	6:30 pm	Study Session	Town Center Update Land Use Discussion –Schools,Churches,Group Homes, etc. Asset Acquisition Session #1: 2015 Comp Plan Update (Staff: Intro, Process, Schedule)
Mon 3/16	6:30 pm	COW Meeting	Session #2: 2015Comp Plan Update (PC: Recommendation)
Tues 3/17	6:30 pm	Regular Meeting	Public Hearing: 2015 Comp Plan Update
April 2015			
Tues 4/7	6:30 pm	Regular Meeting	Session #3: 2015 Comp Plan Update (Elements TBD)
Tues 4/14	6:30 pm	Study Session	
Mon 4/20	6:30 pm	COW Meeting	Session #4: 2015 Comp Plan Update (Elements TBD)
Tues 4/21	6:30 pm	Regular Meeting	
May 2015			
Tues 5/5	6:30 pm	Regular Meeting	
Tues 5/12	6:30 pm	Study Session	YMCA Property Development Discussion Session #5: 2015 Comp Plan Update (Elements TBD)
Mon 5/18	6:30 pm	COW Meeting	Session #6: 2015 Comp Plan Update (Elements TBD)
Tues 5/19	6:30 pm	Regular Meeting	Public Hearing: 2015 Comp Plan Update
June 2015			
Tues 6/2	6:30 pm	Regular Meeting	Ordinance: First Reading 2015 Comp Plan Update
Tues 6/9	6:30 pm	Study Session	
Mon 6/15	6:30 pm	COW Meeting	
Tues 6/16	6:30 pm	Regular Meeting	Ordinance: Second Reading 2015 Comp Plan Update
July 2015			
Tues 7/7	6:30 pm	Regular Meeting	
Tues 7/14	6:30 pm	Study Session	
Mon 7/20	6:30 pm	COW Meeting	
Tues 7/21	6:30 pm	Regular Meeting	
August 2015			
			NO MEETINGS

Sept 2015			
Tues 9/1	6:30 pm	Regular Meeting	
Tues 9/8	6:30 pm	Study Session	
Tues 9/15	6:20 pm	Regular Meeting	
Mon 9/21	6:30 pm	COW Meeting	
To Be Scheduled		To Be Scheduled	Parked Items
Ordinance: Second Reading Puget Sound Energy Franchise		Economic Development Plan	Mountains to Sound Greenway Sustainability/Climate Change

[[Add Event](#)]

If you are looking for facility rentals, please click [here](#).

<< [January](#)

February 2015

[March](#) >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 5 p.m. City Council Office Hour 6:30 p.m. City Council Meeting	4 6:30 p.m. Parks and Recreation Commission Meeting	5 6:30 p.m. Planning Commission Meeting	6	7 10 a.m. Restoration at Lower Commons Park
8	9	10 6:30 p.m. City Council Study Session	11	12 10 a.m. Restoration at Lower Commons Park	13	14
15	16 Washington's Birthday City offices closed	17 6:30 p.m. City Council Meeting 7:30 p.m. "Messiaen Around with Time" - Simple Measures	18	19 10 a.m. Restoration at Lower Commons Park 6:30 p.m. Planning Commission Meeting	20	21 9 a.m. Volunteer at Ebright Creek Park
22	23 6:30 p.m. Arts Commission Meeting	24	25	26	27	28 1 p.m. "Life Stories Workshop" - Special Arts Sammamish

[[Add Event](#)]

If you are looking for facility rentals, please click [here](#).

<< [February](#)

March 2015

[April](#) >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 5 p.m. City Council Office Hour 6:30 p.m. City Council Meeting	4 6:30 p.m. Parks and Recreation Commission Meeting	5	6	7 10 a.m. Restoration at Lower Commons Park
8	9	10 6:30 p.m. City Council Study Session	11	12	13	14 10 a.m. Restoration at Lower Commons Park
15	16 6:30 p.m. Committee of the Whole 6:30 p.m. Arts Commission Meeting	17 6:30 p.m. City Council Meeting	18	19	20	21 9 a.m. Volunteer at Ebright Creek Park
22	23	24	25	26	27	28 10 a.m. Restoration at Lower Commons Park 12 p.m. "Make it a Clay Day" - Special Arts Sammamish
29	30	31				

PLANNING COMMISSION APPLICANTS

One 1-year position

Two 4-year positions

Eric Brooks

Shanna Collins

Larry Crandall

Jagadeesh Kunda

Christie Malchow

John Miller

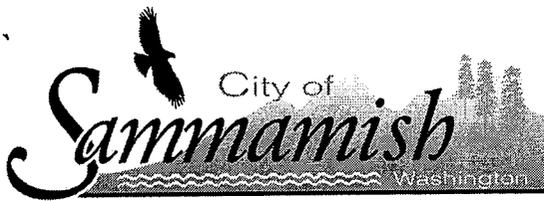
Thomas Mudayankavil

Chris Ross

Seyed Safavian

Michael Towbin

Erin Vosti-Lal



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: January 2, 2015
RE: Claims for January 6, 2015

\$ 73,076.84
 17,482.68
 1,000.00
 861,815.99
 7,586.03
 424,653.90

Top 10 Over \$10,000 Payments

King County Sheriff	\$405,376.87	Police Services - December 2014
Eastside Fire & Rescue	\$260,839.80	2015 Equipment Replacement Fund & Capital Facilities Maint
King county Finance	\$187,070.41	Road & Traffic Services 2013/2014
U.S. Postal Service	\$50,000.00	Bulk Mail Postage - 2015
ESRI	\$38,320.01	2015 Enterprise License Agreement - Software
Springbrook Software	\$33,930.55	Annual Maintenance - 2015
Ivoxy Consulting	\$30,243.89	2015 Annual Renewal - Software
Gray & Osborne	\$29,658.79	NPDES Stormwater Basemapping Sept - Nov 2014
U.S. Bank Corp	\$17,482.68	Visa Bill Payment - Citywide
Stantec Consulting	\$15,489.49	On Call Development Review Oct/Nov 2014

TOTAL \$ 1,385,615.44
Checks # 39337 - 39455

73,076.84 +
 17,482.68 +
 1,000.00 +
 861,815.99 +
 7,586.03 +
 424,653.90 +
 1,385,615.44 +

Accounts Payable
 Check Register Totals Only

User: mdunham
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39337	12/19/2014	ANI	ANI Administrators NW Inc	1,470.06	39,337
39338	12/19/2014	CENTLIN2	Century Link	46.50	39,338
39339	12/19/2014	DONOVANJ	Joe Donovan	58.00	39,339
39340	12/19/2014	HUNTER	Janet Hunter	500.00	39,340
39341	12/19/2014	ICMA401	ICMA 401	39,553.32	39,341
39342	12/19/2014	ICMA457	ICMA457	10,717.90	39,342
39343	12/19/2014	IDHW	Idaho Child Support Receipting	326.50	39,343
39344	12/19/2014	KINGCTSD	King County Dist Court - So Div	207.57	39,344
39345	12/19/2014	PSE	Puget Sound Energy	14,791.14	39,345
39346	12/19/2014	SAM	Sammamish Plateau Water Sewer	5,347.85	39,346
39347	12/19/2014	TUBBSCHR	Chris Tubbs	58.00	39,347
Check Total:				73,076.84	

Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39349	12/29/2014	US BANK	U. S. Bank Corp Payment System	17,482.68	39,349
39348 - void					
Check Total:				17,482.68	

Accounts Payable

Check Register Totals Only

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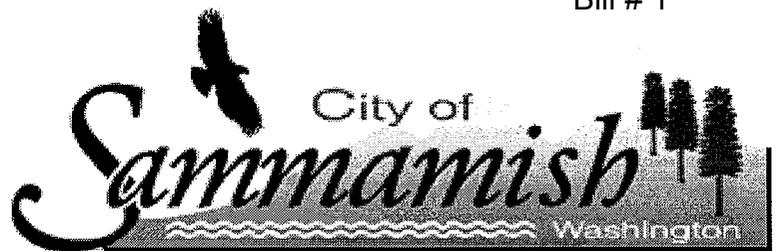


Check	Date	Vendor No	Vendor Name	Amount	Voucher
39350	12/30/2014	SUNCADIA	Suncadia LLC	1,000.00	39,350
				<u>1,000.00</u>	
Check Total:				<u>1,000.00</u>	

Accounts Payable

Check Register Totals Only

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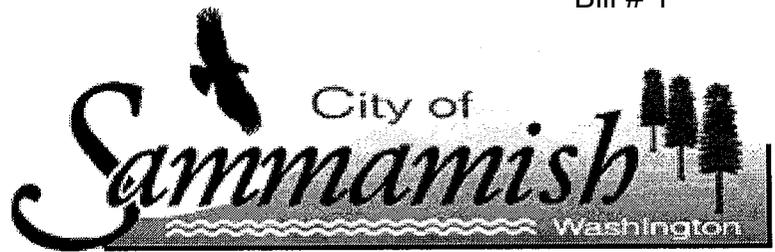


Check	Date	Vendor No	Vendor Name	Amount	Voucher
39351	01/06/2015	48NORTH	48 North Solutions, Inc	7,921.14	39,351
39352	01/06/2015	ABC	ABC Special Event Rentals	858.33	39,352
39353	01/06/2015	ALLAROUN	All Around Fence Co	7,642.01	39,353
39354	01/06/2015	ATWOOD	Sarah Atwood	58.00	39,354
39355	01/06/2015	BELPAINT	Bellevue Paint & Decorating Inc	177.04	39,355
39356	01/06/2015	BOYSANDG	Boys and Girls Clubs of King County	280.00	39,356
39357	01/06/2015	BRICKMAN	Brickman Group Ltd LLC	5,781.05	39,357
39358	01/06/2015	BURNSTEA	Steve Burnstead Construction	7,500.00	39,358
39359	01/06/2015	BUTKUS	Butkus Consulting, Inc.	7,712.50	39,359
39360	01/06/2015	CADMAN	Cadman, Inc.	454.17	39,360
39361	01/06/2015	CENTRO	Centro Print Solutions	236.76	39,361
39362	01/06/2015	CEZAR	Susan Cezar	2.80	39,362
39363	01/06/2015	CHEN	Steven Chen	202.66	39,363
39364	01/06/2015	COMCAST2	COMCAST	223.21	39,364
39365	01/06/2015	CONSUMER	Consumer Rental LLC	3,613.05	39,365
39366	01/06/2015	CRESSY	Cressy Door Co., Inc	11,040.89	39,366
39367	01/06/2015	DALZIEL	Tawni Dalziel	66.77	39,367
39368	01/06/2015	DEERE	John Deere Landscapes	255.64	39,368
39369	01/06/2015	DELL	Dell Marketing L.P.	1,910.61	39,369
39370	01/06/2015	ECOTONE	Ecotone Commissioning Group LL	2,042.00	39,370
39371	01/06/2015	ENGBUS	Engineering Business Systems Inc	5,124.60	39,371
39372	01/06/2015	EVANS	David Evans & Associates, Inc	15,013.95	39,372
39373	01/06/2015	FASTENAL	Fastenal Industrial Supplies	123.99	39,373
39374	01/06/2015	FORESTRY	Forestry Suppliers, Inc	276.97	39,374
39375	01/06/2015	GEREND	Donald Gerend	1,454.62	39,375
39376	01/06/2015	GRAYOS	Gray & Osborne, Inc.	29,658.79	39,376
39377	01/06/2015	HONDAKU	Issaquah Honda Kubota	209.25	39,377
39378	01/06/2015	HOWARD	Lyman Howard	15.16	39,378
39379	01/06/2015	HUCK	Kathleen Huckabay	67.98	39,379
39380	01/06/2015	HWA	HWA GeoSciences, Inc	10,622.50	39,380
39381	01/06/2015	IBSEN	IBSEN Towing	198.20	39,381
39382	01/06/2015	INTEGRA	Integra Telecom	1,649.74	39,382
39383	01/06/2015	IPS	Integrated Print Solutions, Inc	10,923.97	39,383
39384	01/06/2015	ISSAQI	Issaquah Press, Inc.	553.00	39,384
39385	01/06/2015	ISSCITY	City Of Issaquah	5,490.00	39,385
39386	01/06/2015	ISSIGNS	Issaquah Signs	257.33	39,386
39387	01/06/2015	KCBLANK	King County Finance	2,604.47	39,387
39388	01/06/2015	KDDEVELO	KD Developemnt & Construction	4,061.00	39,388
39389	01/06/2015	KIMSEY	Sarah Hawes Kimsey	360.00	39,389
39390	01/06/2015	KINGFI	King County Finance A/R	187,070.41	39,390
39391	01/06/2015	KINGSH	King County Sheriff's Office	405,376.87	39,391
39392	01/06/2015	LAKESIDE	Lakeside Industries	81.03	39,392
39393	01/06/2015	LINCOLNT	Lincoln Towing	247.74	39,393
39394	01/06/2015	LPD	LPD Engineering PLLC	15,135.00	39,394
39395	01/06/2015	MASTERCH	Master Chorus Eastside	500.00	39,395
39396	01/06/2015	MICRO	Microflex, Inc.	19.44	39,396
39397	01/06/2015	MINUTE	Mike Immel	1,724.11	39,397
39398	01/06/2015	MOBERLY	Lynn Moberly	7,500.00	39,398
39399	01/06/2015	NWCASC	Honey Bucket	426.50	39,399
39400	01/06/2015	NWLSVC	NW Landscape Services of WA LLC	5,055.62	39,400

Accounts Payable

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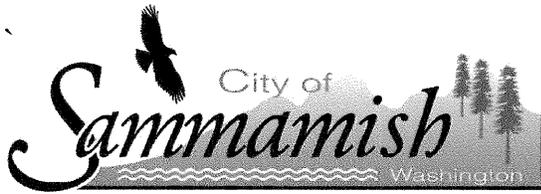
Check	Date	Vendor No	Vendor Name	Amount	Voucher
39438	01/02/2015	AT&TMOBI	AT&T Mobility	62.50	39,438
39439	01/02/2015	BRUNE	Susan Brune	13.44	39,439
39440	01/02/2015	CENTLIN2	Century Link	65.99	39,440
39441	01/02/2015	EVSAN	Evergreen Sanitation, Inc	481.80	39,441
39442	01/02/2015	LAKESIDE	Lakeside Industries	6,913.46	39,442
39443	01/02/2015	SAM	Sammamish Plateau Water Sewer	48.84	39,443
Check Total:				7,586.03	

Accounts Payable
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39444	01/06/2015	EASTFIRE	Eastside Fire & Rescue	260,839.80	39,444
39445	01/06/2015	ESRI	ESRI, Inc.	38,320.01	39,445
39446	01/06/2015	IVOXY	Ivoxy Consulting LLC	30,243.89	39,446
39447	01/06/2015	NPELRA	Natl Public Employer Labor Relations	200.00	39,447
39448	01/06/2015	NWWeath	Weathernet LLC	320.00	39,448
39449	01/06/2015	REDMOND	City Of Redmond	5,718.65	39,449
39450	01/06/2015	SAMCHAMB	Sammamish Chamber of Commerce	550.00	39,450
39451	01/06/2015	SNUG	Springbrook Natl User Group	175.00	39,451
39452	01/06/2015	SPRING	Springbrook Software, Inc.	33,930.55	39,452
39453	01/06/2015	SYMPRO	Sympro, Inc	4,261.00	39,453
39454	01/06/2015	USPOST	U.S. Postal Service	50,000.00	39,454
39455	01/06/2015	WABO1	Wa Assoc of Bldg Officials	95.00	39,455
Check Total:				424,653.90	



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: January 16, 2015
RE: Claims for January 20, 2015

\$ 1,495,637.69
 820,628.77
 169,956.28
 10,608.89

Top 10 Over \$10,000 Payments

Porter Brothers	\$880,963.23	Community & Aquatic Center - December 2014
Eastside Fire & Rescue	\$477,715.75	Fire Services - January 2015
Wa Cities Insurance Authority	\$251,805.00	Insurance - 2015
Lake Wa School District	\$151,248.00	School Impact Fees - December 2014
Issaquah School District	\$45,987.50	School Impact Fees - December 2014
Heritage Bank	\$42,151.35	Retainage - Porter Bros. Community Center
Jacobs Engineering Group	\$40,249.89	ITS - Phase 1 228th
Kenyon Disend	\$37,364.09	City Attorney - December 2014
AWC	\$33,820.00	Membership - 2015
Sound Cities Assoc	\$29,501.81	Membership - 2015

TOTAL \$ 2,496,831.63
Checks # 39456 – 39590

1,495,637.69 +
 820,628.77 +
 169,956.28 +
 10,608.89 +
 2,496,831.63 G +

Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39456	01/05/2015	AMEX	American Express	53.00	39,456
39457	01/05/2015	AWCMED	AWC Employee Benefits Trust	116,265.89	39,457
39458	01/05/2015	FLEXPLAN	Flex-Plan Services Inc	1,402.66	39,458
39459	01/05/2015	ICMA401	ICMA 401	39,700.62	39,459
39460	01/05/2015	ICMA457	ICMA457	10,064.61	39,460
39461	01/05/2015	IDHW	Idaho Child Support Receipting	326.50	39,461
39462	01/05/2015	KINGCTSD	King County Dist Court - So Div	272.20	39,462
39463	01/05/2015	PREPAIDL	LegalShield	135.50	39,463
39464	01/05/2015	PSE	Puget Sound Energy	1,735.30	39,464
Check Total:				169,956.28	

Accounts Payable
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39465	01/09/2015	COMCAST2	COMCAST	138.63	39,465
39466	01/09/2015	PSE	Puget Sound Energy	10,098.51	39,466
39467	01/09/2015	SAM	Sammamish Plateau Water Sewer	371.75	39,467
				<u>10,608.89</u>	
Check Total:				<u>10,608.89</u>	

Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39468	01/20/2015	ALPINE	Alpine Products, Inc.	330.94	39,468
39469	01/20/2015	ANM	ANM Electric Inc	4,371.08	39,469
39470	01/20/2015	ATWORK	At Work!	750.00	39,470
39471	01/20/2015	ATHLETES	Athletes for Kids	2,500.00	39,471
39472	01/20/2015	BACKGROU	Background Source Intl	32.00	39,472
39473	01/20/2015	BEST	Best Parking Lot Cleaning, Inc	14,702.50	39,473
39474	01/20/2015	cadman	Cadman, Inc.	2,047.50	39,474
39475	01/20/2015	REDMOND	City Of Redmond	32.30	39,475
39476	01/20/2015	COSTCO	Costco Wholesale	500.49	39,476
39477	01/20/2015	CURRY	Kathy Curry	2.52	39,477
39478	01/20/2015	DAVISON	Mona Davis	59.36	39,478
39479	01/20/2015	DLT	DLT Solutions, Inc.	6,540.62	39,479
39480	01/20/2015	DRSI	DRSI	508.55	39,480
39481	01/20/2015	EHS	Eastlake High School	1,922.50	39,481
39482	01/20/2015	EASTFRIE	Eastside Friends of Seniors	2,500.00	39,482
39483	01/20/2015	ENCOMPAS	Encompass	2,250.00	39,483
39484	01/20/2015	ENGBUS	Engineering Business Systems Inc	470.85	39,484
39485	01/20/2015	EPICENTE	Epicenter Services LLC	1,009.80	39,485
39486	01/20/2015	EVERSONS	Everson's Econo Vac, Inc.	23,182.61	39,486
39487	01/20/2015	FIREPROT	Fire Protection, Inc.	1,699.72	39,487
39488	01/20/2015	FRONTIR2	Frontier	380.49	39,488
39489	01/20/2015	GARCIA	Michelle Garcia	145.15	39,489
39490	01/20/2015	GARWOOD	Rob Garwood	10.00	39,490
39491	01/20/2015	GRAYOS	Gray & Osborne, Inc.	18,207.60	39,491
39492	01/20/2015	HAGEE	Hagee Plumbing Inc	1,371.21	39,492
39493	01/20/2015	HERITAGE	Heritage Bank	42,151.35	39,493
39494	01/20/2015	HOMEDE	Home Depot	906.61	39,494
39495	01/20/2015	NWCASC	Honey Bucket	1,215.44	39,495
39496	01/20/2015	HOPEEMSV	Hopelink Emergency Financial	500.00	39,496
39497	01/20/2015	HOPEEFS	Hopelink/Emergency Food	756.25	39,497
39498	01/20/2015	MINUTE	Mike Immel	27.38	39,498
39499	01/20/2015	IPS	Integrated Print Solutions, Inc	4,031.64	39,499
39500	01/20/2015	ISSCHURC	Issaquah Community Services	250.00	39,500
39501	01/20/2015	ISSFOOD	Issaquah Food & Clothing Bank	756.25	39,501
39502	01/20/2015	ISSAQI	Issaquah Press, Inc.	553.00	39,502
39503	01/20/2015	ISD	Issaquah School District	45,987.50	39,503
39504	01/20/2015	ISSCOMMU	Issaquah Schools Foundation	529.76	39,504
39505	01/20/2015	ISSFOUND	Issaquah Schools Foundation	1,250.00	39,505
39506	01/20/2015	J&I	J&I Power Equipment Inc	2,600.31	39,506
39507	01/20/2015	JACKS	Jack's Repair, LLC	10,012.20	39,507
39508	01/20/2015	JACOBSEN	Jacobs Engineering Group, Inc	40,249.89	39,508
39509	01/20/2015	GALT	John E. Galt	1,545.00	39,509
39510	01/20/2015	JOHNSOND	Daniel Johnson	200.00	39,510
39511	01/20/2015	JONESELB	Dylan L.B. Jones	146.20	39,511
39512	01/20/2015	KAGENERA	K-A General Construction Cont.	13,138.11	39,512
39513	01/20/2015	KARGOR	Kar-Gor Inc	4,853.65	39,513
39514	01/20/2015	KEENEY	Keeney's Office Plus	24.60	39,514
39515	01/20/2015	KELLER	Mike Keller	14.56	39,515
39516	01/20/2015	KENYON2	Kenyon Disend PLLC	37,364.09	39,516
39517	01/20/2015	KINGFI	King County Finance A/R	15,765.05	39,517

Check	Date	Vendor No	Vendor Name	Amount	Voucher
39518	01/20/2015	KINGPET	King County Pet Licenses	270.00	39,518
39519	01/20/2015	KCRADIO	King Cty Radio Comm Svcs	505.06	39,519
39520	01/20/2015	KLEINFEL	Kleinfelder, Inc.	5,877.68	39,520
39521	01/20/2015	LWSD	Lake Washington School Dist	151,248.00	39,521
39522	01/20/2015	LEXIS	Lexis Nexis Risk Data Mgmt	54.30	39,522
39523	01/20/2015	LEYTON	Kimberly Leyton	895.50	39,523
39524	01/20/2015	MAC	Mac Towing	200.39	39,524
39525	01/20/2015	MAILPO	Mail Post	938.18	39,525
39526	01/20/2015	MAY	Bobbie May	500.00	39,526
39527	01/20/2015	NC MACH	NC Machinery Co	7,658.84	39,527
39528	01/20/2015	NESAM	NE Sammamish Sewer & Water	259.72	39,528
39529	01/20/2015	NESAM	NE Sammamish Sewer & Water	525.00	39,529
39530	01/20/2015	NWLSVC	NW Landscape Services of WA LLC	25,200.06	39,530
39531	01/20/2015	OILCAN	Oil Can Henry's	45.98	39,531
39532	01/20/2015	POA	Pacific Office Automation	115.65	39,532
39533	01/20/2015	PACSOIL	Pacific Topsoils, Inc	3,684.65	39,533
39534	01/20/2015	PARAME	Parametrix, Inc.	1,255.66	39,534
39535	01/20/2015	PIEDMONT	Piedmont Directional Signs	350.00	39,535
39536	01/20/2015	PINO	Paulino Pino	854.40	39,536
39537	01/20/2015	PORTER	Porter Brothers Construction, Inc	880,963.23	39,537
39538	01/20/2015	PRECCON	Precision Concrete Cutting	4,110.79	39,538
39539	01/20/2015	PSE	Puget Sound Energy	11,070.24	39,539
39540	01/20/2015	PLATT	Rexel, Inc.	128.44	39,540
39541	01/20/2015	RONGERUD	John Rongerude, PS	2,068.50	39,541
39542	01/20/2015	SAMCITIZ	Sammamish Citizen Corps Council	4,447.03	39,542
39543	01/20/2015	SAMHERIT	Sammamish Heritage Society	2,500.00	39,543
39544	01/20/2015	SEALEGAL	Seattle Legal Messenger Services	45.00	39,544
39545	01/20/2015	SEATIM	Seattle Times	3,016.61	39,545
39546	01/20/2015	SEQUOYAH	Sequoyah Electric, LLC	1,422.19	39,546
39547	01/20/2015	SNYDER	Snyder Roofing of WA LLC	2,537.97	39,547
39548	01/20/2015	SPEEDMES	Speedy Messenger, Inc	54.90	39,548
39549	01/20/2015	MQP	St. Vincent de Paul Society	1,375.00	39,549
39550	01/20/2015	STOECKL	Jane C. Stoecklin	130.00	39,550
39551	01/20/2015	STUDIO3M	Studio 3MW, LLP	17,057.15	39,551
39552	01/20/2015	SUBPROPA	Suburban Propane	725.64	39,552
39553	01/20/2015	SUNBELT	Sunbelt Rentals	2,372.49	39,553
39554	01/20/2015	SWIFTTRE	Swift Tree Care	1,752.00	39,554
39555	01/20/2015	THYSSENK	Thyssenkrupp Elevator Corp.	271.34	39,555
39556	01/20/2015	TIMMONS	Timmons Group	9,977.50	39,556
39557	01/20/2015	USHEALTH	U S Healthworks	48.00	39,557
39558	01/20/2015	ULINE	ULINE	1,869.30	39,558
39559	01/20/2015	UNITRENT	United Rentals NA, Inc	565.45	39,559
39560	01/20/2015	VOYAGER	Voyager	5,780.05	39,560
39561	01/20/2015	WATREAS	Wa State Treasurer	486.00	39,561
39562	01/20/2015	WATRACTO	Washington Tractor	3,221.76	39,562
39563	01/20/2015	KINGWAT	King County Finance Water & Land D	25,604.00	39,563
39564	01/20/2015	NAPA/RED	Woodinville Auto Parts	654.01	39,564
39565	01/20/2015	ZUMAR	Zumar Industries, Inc.	587.40	39,565

Check Total:

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Accounts Payable

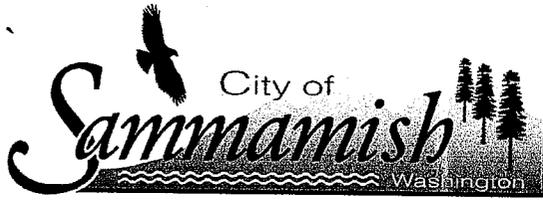
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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39566	01/20/2015	ANDERMEL	Melonie Anderson	17.25	39,566
39567	01/20/2015	ASCAP	ASCAP	335.00	39,567
39568	01/20/2015	AWC	Association of Wa Cities	33,820.00	39,568
39569	01/20/2015	CNA	CNA Surety	210.00	39,569
39570	01/20/2015	COMCAST3	Comcast	1,240.61	39,570
39571	01/20/2015	CYLEX	Cylex Signs, LLC	5,939.00	39,571
39572	01/20/2015	EASTFIRE	Eastside Fire & Rescue	477,715.75	39,572
39573	01/20/2015	GREATAME	Great America Financial Services	130.31	39,573
39574	01/20/2015	ICMA	ICMA	1,400.00	39,574
39575	01/20/2015	JIRSA	Barbara Jirsa	130.44	39,575
39576	01/20/2015	JURA	Jura, Inc.	245.00	39,576
39577	01/20/2015	KCBLANK	King County Finance	200.00	39,577
39578	01/20/2015	KIRKBRIA	Brian Kirkland	5.00	39,578
39579	01/20/2015	KKMUNICI	Kiing County Municipal Clerks' Assoc	40.00	39,579
39580	01/20/2015	METROPOL	Metropolitan Transportation Commiss	1,500.00	39,580
39581	01/20/2015	MICRO	Microflex, Inc.	1,200.00	39,581
39582	01/20/2015	NWCASC	Honey Bucket	180.50	39,582
39583	01/20/2015	PACAIR	Pacific Air Control, Inc	936.85	39,583
39584	01/20/2015	PERFECT	The Perfect Pair	1,350.50	39,584
39585	01/20/2015	PSCLEAN	Puget Sound Clean Air Agency	10,288.75	39,585
39586	01/20/2015	ROTARSAM	Rotary Club of Sammamish	52.00	39,586
39587	01/20/2015	SCA	Sound Cities Assoc	29,501.81	39,587
39588	01/20/2015	SESAC	SESAC	719.00	39,588
39589	01/20/2015	WAINS	Wa Cities Insurance Authority	251,805.00	39,589
39590	01/20/2015	WRPA	Wa Recreation & Parks Assoc	1,666.00	39,590

Check Total: 820,628.77



MEMORANDUM

TO: Melonie Anderson/City Clerk
FROM: Marlene/Finance Department
DATE: January 29, 2015
RE: Claims for February 3, 2015

\$ 53,492.74
 21,682.02
 10,813.36
 14,651.03
 139,016.85
 553,687.18
 204,944.91

Top 10 Over \$10,000 Payments

Eastside Fire & Rescue	\$477,715.75	Fire Services - February 2015
Pellco Construction	\$181,911.56	Sam Landing Parking Lot- December 2014
King County Finance	\$40,809.13	Road Maintenance - 2011
Barker Rinker Seacat	\$34,642.48	Community Center - December 2014
King County Water & Land	\$32,879.69	Beaver Lake Monitoring - 2014
CRW	\$31,747.00	Sales Tax owed 2010 - 2014
U.S. Bank - Visa Card	\$14,651.03	Visa Card Purchases - Citywide
Wa Dept of Ecology	\$11,955.50	Municipal Stormwater General Permit
PSE	\$10,813.36	Gas & Electric Bills - Citywide
Elway Research	\$10,500.00	Residential Utilities Survey

TOTAL \$ 998,288.09

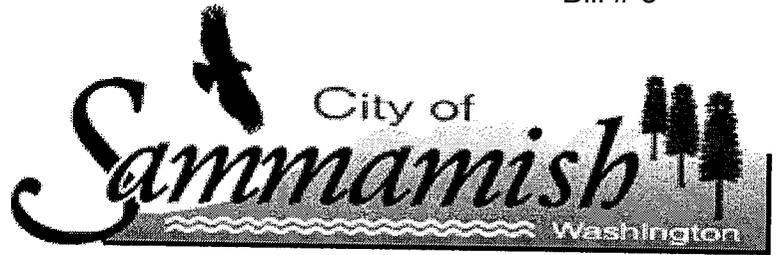
Checks # 39591 – 39668

53,492.74 +
 21,682.02 +
 10,813.36 +
 14,651.03 +
 139,016.85 +
 553,687.18 +
 204,944.91 +
 998,288.09G+

Accounts Payable

Check Register Totals Only

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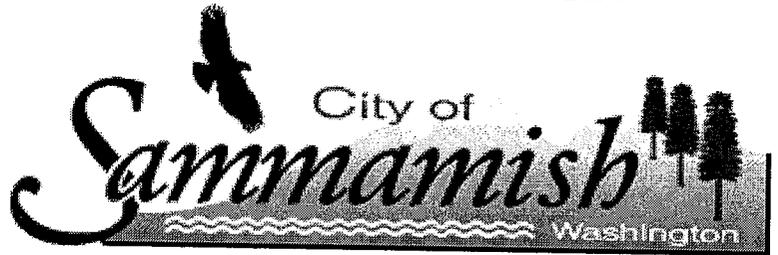


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39591	01/20/2015	FLEXPLAN	Flex-Plan Services Inc	1,402.66	39,591
39592	01/20/2015	ICMA401	ICMA 401	41,502.15	39,592
39593	01/20/2015	ICMA457	ICMA457	10,125.86	39,593
39594	01/20/2015	IDHW	Idaho Child Support Receipting	326.50	39,594
39595	01/20/2015	VERIZON	Verizon Wireless	135.57	39,595
Check Total:				53,492.74	

Accounts Payable

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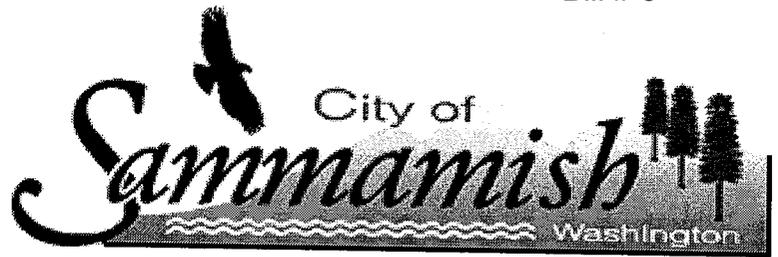


Check	Date	Vendor No	Vendor Name	Amount	Voucher
39596	01/20/2015	WALAB	Wa State Dept of Labor & Indus	21,682.02	39,596
				21,682.02	
Check Total:				21,682.02	

Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39597	01/23/2015	CENTURY	Century Link	46.58	39,597
39598	01/23/2015	PSE	Puget Sound Energy	10,766.78	39,598
Check Total:				10,813.36	

Accounts Payable

Check Register Totals Only

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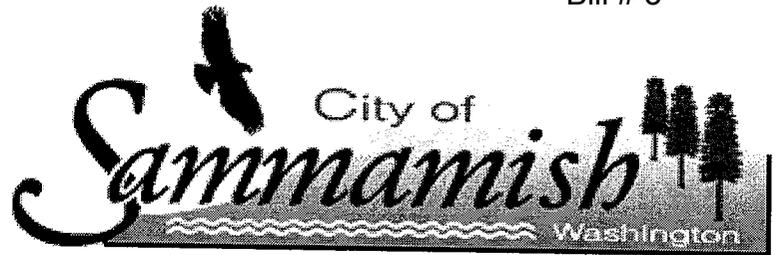


Check	Date	Vendor No	Vendor Name	Amount	Voucher
39599	01/28/2015	US BANK	U. S. Bank Corp Payment System	14,651.03	39,599
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				14,651.03	

Accounts Payable

Check Register Totals Only

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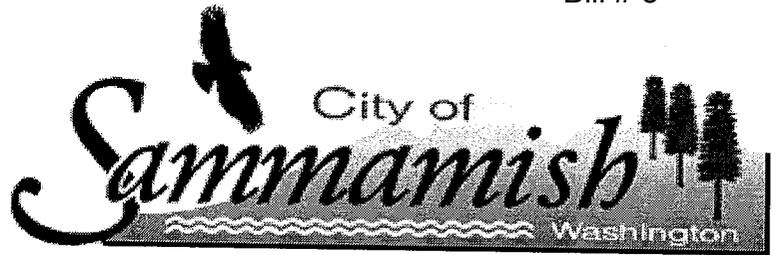


Check	Date	Vendor No	Vendor Name	Amount	Voucher
39600	02/03/2015	48NORTH	48 North Solutions, Inc	2,603.07	39,600
39601	02/03/2015	ALLAROUN	All Around Fence Co	3,744.45	39,601
39602	02/03/2015	ALTUS	Altus Traffic Management	1,558.76	39,602
39603	02/03/2015	BRIDGE	Bridge Disability Ministries	750.00	39,603
39604	02/03/2015	BRS	Barker Rinker Seacat Architecture	34,642.48	39,604
39605	02/03/2015	HEROHOUS	Hero House	300.00	39,605
39606	02/03/2015	KINGFI	King County Finance A/R	40,809.13	39,606
39607	02/03/2015	KINGWAT	King County Finance Water & Land D	32,879.69	39,607
39608	02/03/2015	LIFEENRI	Life Enrichment Options	440.00	39,608
39609	02/03/2015	LWSFOUND	Lake Wa Schools Foundation	2,500.00	39,609
39610	02/03/2015	McCARTHO	McCarthy Custom Homes	1,192.80	39,610
39611	02/03/2015	MICRO	Microflex, Inc.	15.72	39,611
39612	02/03/2015	NAMI	NAMI Eastside	725.00	39,612
39613	02/03/2015	OSBORN	Osborn Consulting, Inc	2,239.84	39,613
39614	02/03/2015	SAM	Sammamish Plateau Water Sewer	795.71	39,614
39615	02/03/2015	STAPLES	Staples Advantage	4,499.87	39,615
39616	02/03/2015	THERAPEU	Therapeutic Health Services	1,237.00	39,616
39617	02/03/2015	TRANSOLU	Transportation Solutions, Inc	5,265.00	39,617
39618	02/03/2015	USBANKNA	US Bank N.A.	94.00	39,618
39619	02/03/2015	WAEMP	State of Wa Employment Security Dep	1,721.83	39,619
39620	02/03/2015	WATERSH	The Watershed Company	1,002.50	39,620
Check Total:				139,016.85	

Accounts Payable

Check Register Totals Only

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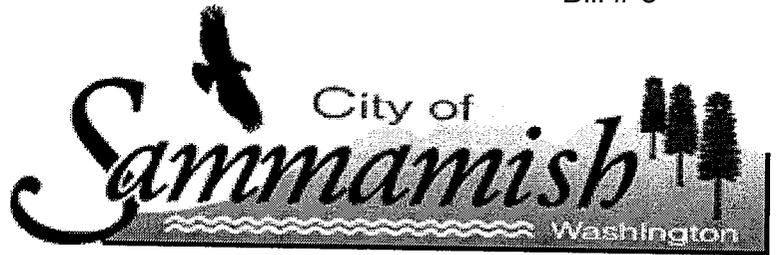
Check	Date	Vendor No	Vendor Name	Amount	Voucher
39621	02/03/2015	ATOMIC	Atomic Art Services, Inc	180.00	39,621
39622	02/03/2015	BEST	Best Parking Lot Cleaning, Inc	1,529.06	39,622
39623	02/03/2015	BETTERBY	Better By Design Embroidery	26.28	39,623
39624	02/03/2015	BON	Jessi Bon	166.75	39,624
39625	02/03/2015	CADMAN	Cadman, Inc.	1,213.42	39,625
39626	02/03/2015	CENTRALW	Central Welding Supply	4,389.62	39,626
39627	02/03/2015	CENTURY	Century Link	65.99	39,627
39628	02/03/2015	COMCAST2	Comcast	220.68	39,628
39629	02/03/2015	CRW	CRW Systems	31,747.00	39,629
39630	02/03/2015	DAILY	Daily Journal of Commerce	448.50	39,630
39631	02/03/2015	DEERE	John Deere Landscapes	71.07	39,631
39632	02/03/2015	EASTFIRE	Eastside Fire & Rescue	477,715.75	39,632
39633	02/03/2015	ELWAY	Elway Research, Inc.	10,500.00	39,633
39634	02/03/2015	ENGBUS	Engineering Business Systems Inc	852.30	39,634
39635	02/03/2015	EVERFORD	Evergreen Ford	517.06	39,635
39636	02/03/2015	GRAINGER	Grainger	160.47	39,636
39637	02/03/2015	HANDLOS	Lynne Handlos	15.52	39,637
39638	02/03/2015	HDFOWL	H. D. Fowler Company	411.04	39,638
39639	02/03/2015	HUCK	Kathleen Huckabay	134.68	39,639
39640	02/03/2015	INTEGRA	Integra Telecom	1,649.92	39,640
39641	02/03/2015	JIRSA	Barbara Jirsa	70.08	39,641
39642	02/03/2015	KIWANIS	Sammamish Kiwanis	129.00	39,642
39643	02/03/2015	LESSCHWA	Les Schwab Tire Center	872.05	39,643
39644	02/03/2015	MINUTE	Mike Immel	140.50	39,644
39645	02/03/2015	NC MACH	NC Machinery Co	1,086.00	39,645
39646	02/03/2015	NWENVTEC	NW Envirotech LLC	1,517.28	39,646
39647	02/03/2015	PACPLANT	Pacific Plants	1,482.36	39,647
39648	02/03/2015	PACSOIL	Pacific Topsoils, Inc	176.75	39,648
39649	02/03/2015	PINCTR	DP Trading, Inc	345.75	39,649
39650	02/03/2015	PRDIAMON	PR Diamond Products, Inc	797.00	39,650
39651	02/03/2015	PSFOA	Puget Sound Finance Officers	100.00	39,651
39652	02/03/2015	QBS	Quality Business Systems	235.44	39,652
39653	02/03/2015	TIGER	Tiger Oak Media	850.00	39,653
39654	02/03/2015	WAECOL	Wa State Dept of Ecology	11,955.50	39,654
39655	02/03/2015	WALLST	Wall Street Journal	903.60	39,655
39656	02/03/2015	WAWORK	Washington Workwear Stores Inc	13.69	39,656
39657	02/03/2015	WEATHER	Weathernet LLC	320.00	39,657
39658	02/03/2015	WSAPT	Wa Assoc Permit Technicians	35.00	39,658
39659	02/03/2015	ZUMAR	Zumar Industries, Inc.	642.07	39,659

Check Total: 553,687.18

Accounts Payable

Check Register Totals Only

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Check	Date	Vendor No	Vendor Name	Amount	Voucher
39660	02/03/2015	EVANS	David Evans & Associates, Inc	9,718.87	39,660
39661	02/03/2015	EVSAN	Evergreen Sanitation, Inc	2,310.45	39,661
39662	02/03/2015	ODELL	Thomas Odell	368.03	39,662
39663	02/03/2015	PACE	Pace Engineers, Inc.	4,920.00	39,663
39664	02/03/2015	PELLCO	Pellco Construction Inc	181,911.56	39,664
39665	02/03/2015	SAM	Sammamish Plateau Water Sewer	49.33	39,665
39666	02/03/2015	SEQUOYAH	Sequoyah Electric, LLC	2,464.23	39,666
39667	02/03/2015	SHANNONW	Shannon & Wilson Inc	3,151.44	39,667
39668	02/03/2015	UPHOFF	Denine Uphoff	51.00	39,668
Check Total:				204,944.91	



Meeting Date: February 3, 2015

Date Submitted: 1/28/2015

Originating Department: Parks and Recreation

Clearances:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Community Development | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Parks & Recreation | |

Subject: Membership to BuyBoard, the National Purchasing Cooperative

Action Required: Adopt a resolution to authorize the City to become a member of BuyBoard, the National Purchasing Cooperative

Exhibits: Resolution to join BuyBoard
BuyBoard Interlocal Participation Agreement

Budget: There is no cost to the City. All fees are paid by vendors to participate in BuyBoard

Summary Statement:

The City would like to participate in a national purchasing cooperative commonly referred to as "BuyBoard." BuyBoard is a national online purchasing cooperative formed between a multitude of cooperating local governments to streamline the buying process for schools, municipalities and other public entities.

Developed to comply with state laws that require government entities to make purchases from an approved list of vendors who have gone through a competitive procurement process, BuyBoard gives public agencies the advantage of leveraging the cooperative's ability to obtain bulk discounts, combined with the ease of online, web-based purchasing and ordering, thereby saving time and money.

Numerous public agencies around the country are currently members of this purchasing cooperative. Member agencies in Washington include the City of Seattle, the City of Vancouver, the City of Longview, the City of Yakima, the City of Port Townsend, as well as over a dozen school districts.

This year the City will be able to purchase a prefabricated restroom building for Sammamish Landing Park through this purchasing cooperative. The City will also be able to make routine purchases for goods and services such as park maintenance equipment, janitorial supplies and various tools at prices that have been assessed to be fair, reasonable and competitive.

Background:

Intergovernmental Purchases and Bidding: RCW 39.34.030, a section of the Interlocal Cooperation Act, authorizes cooperative action, including joint purchases by different governmental entities. Under this act, the City can enter into an interlocal agreement that authorizes the city to purchase through a purchasing cooperative without separately going out to bid because the purchasing cooperative has already satisfied the required competitive public bidding process.

Financial Impact:

None. It is anticipated that joining this purchasing cooperative will result in savings to the City.

Recommended Motion:

Adopt a resolution for the City to participate in the National Purchasing Cooperative known as BuyBoard and authorize the City Manager to sign the interlocal participation agreement.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2015-_____**

A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL PARTICIPATION AGREEMENT WITH BUYBOARD NATIONAL PURCHASING COOPERATIVE AND TO TAKE SUCH ACTIONS AS ARE NECESSARY FOR THE CITY TO PARTICIPATE IN A NATIONAL PURCHASING COOPERATIVE IN COMPLIANCE WITH STATE LAW REQUIREMENTS.

WHEREAS, it is necessary for the City to make purchases following procedures that comply with State law competitive bidding requirements; and

WHEREAS, pursuant to the provisions of Chapter 39.34 RCW, the City of Sammamish may enter into intergovernmental cooperative purchasing agreements with other public agencies in order to allow the parties of said agreements to cooperatively purchase or acquire supplies, equipment, and materials under contract and to utilize each other's contracts, as needs arise; and

WHEREAS, the City desires to participate and join with other governmental entities in the discharge of their respective public and governmental purposes, objectives, needs, programs, functions and services relative to purchasing; and

WHEREAS, BuyBoard National Purchasing Cooperative assists public agencies in reducing the cost of purchased goods through pooling the purchasing power of public agencies nationwide; this is accomplished through competitively solicited contracts for quality products through BuyBoard; and

WHEREAS, the City Council of the City of Sammamish deems it to be in the best interests of the City that the City of Sammamish register as a participating public agency with BuyBoard under the terms and conditions set forth in the attached Interlocal Participation Agreement, which is attached hereto and by reference made a part hereof;

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

Section 1. National Purchasing Cooperative Interlocal Participation Agreement Authorized. The City Council hereby authorizes the City Manager to take such actions as are necessary to register the City of Sammamish as a participating public agency with the BuyBoard National Purchasing Cooperative for the purposes stated herein, and a copy of said agreement, entitled "Interlocal Participation Agreement," is attached hereto as Exhibit 1 and by reference made a part hereof.

Section 2. Effective Date. This resolution shall take effect immediately upon signing.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE _____ DAY OF FEBRUARY 2015.**

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: January 28, 2015

Passed by the City Council:

Resolution No.:



**NATIONAL PURCHASING COOPERATIVE
INTERLOCAL PARTICIPATION AGREEMENT**

This Interlocal Participation Agreement ("Agreement") is made and entered into on the date indicated below by and between The National Purchasing Cooperative ("Cooperative"), an administrative agency of cooperating local governments, acting on its own behalf and the behalf of all participating local governments, and the undersigned local government ("Cooperative Member").

I. RECITALS

WHEREAS, the National Purchasing Cooperative was formed on May 26, 2010, pursuant to MD. CODE ANN., STATE FIN. & PROC. § 13-110 (West 2009), and R.I.GEN.LAWS § 16-2-9.2 (2009); and

WHEREAS, the purpose of this Agreement is to facilitate compliance with state procurement requirements, to identify qualified vendors of commodities, goods and services, to relieve the burdens of the governmental purchasing function, and to realize the various potential economies, including administrative cost savings, for Cooperative Members;

NOW THEREFORE, in consideration of the mutual covenants, promises and obligations contained herein, the undersigned Cooperative Member and the Cooperative agree as follows.

II. TERMS AND CONDITIONS

1. **Adopt Organizational Interlocal Cooperation Agreement.** The Cooperative Member by the execution or acceptance of this Agreement hereby adopts and approves the Organizational Interlocal Agreement dated May 26, 2010, which agreement is incorporated herein by reference (and is available from the Cooperative upon request). The Organizational Interlocal Agreement established the Cooperative as an administrative agency of its collective participants, and Cooperative Member agrees to become a participant or additional party to that Organizational Interlocal Agreement.
2. **Term.** The initial term of this Agreement shall commence on the date it is executed by both parties and shall automatically renew for successive one-year terms unless sooner terminated in accordance with the provisions of this Agreement.
3. **Termination.**
 - (a) **By the Cooperative Member.** This Agreement may be terminated by the Cooperative Member at any time by thirty (30) days prior written notice to the Cooperative, provided any amounts owed to any vendor have been fully paid.

- (b) **By the Cooperative.** The Cooperative may terminate this Agreement by:
- (1) Giving ten (10) days notice by certified mail to the Cooperative Member if the Cooperative Member breaches this Agreement; or
 - (2) Giving thirty (30) days notice by certified mail to the Cooperative Member with or without cause.
- (c) **Termination Procedure.** If the Cooperative Member terminates its participation under this Agreement or breaches this Agreement, or if the Cooperative terminates participation of the Cooperative Member, the Cooperative Member shall bear the full financial responsibility for all of its purchases made from vendors under or through this Agreement. The Cooperative may seek the whole amount due, if any, from the terminated Cooperative Member. In addition, the Cooperative Member agrees it will not be entitled to a distribution which may occur after the Cooperative Member terminates from the Cooperative.
4. **Payments by Cooperative Member.** The Cooperative Member will make timely payments to the vendor for the goods, materials and services received in accordance with the terms and conditions of the bid invitation, instructions, and all other applicable procurement documents. Payment for goods, materials and services and inspections and acceptance of goods, materials and services ordered by the procuring Cooperative Member shall be the exclusive obligation of the procuring Cooperative Member, and not the Cooperative. Furthermore, the Cooperative Member is solely responsible for negotiating and securing ancillary agreements from the vendor on such other terms and conditions, including provisions relating to insurance or bonding, that the Cooperative Member deems necessary or desirable under state or local law, local policy or rule, or within its business judgment.
5. **Payments by Vendors.** The parties agree that the Cooperative will require payment from vendors which are selected to provide goods, materials or services to Cooperative Members. Such payment (hereafter "Vendor Fees") may be up to two percent (2%) of the purchase price paid by Cooperative Members or a flat fee amount that may be set from time to time by the Cooperative Board of Directors. Cooperative Member agrees that these Vendor Fees fairly compensate the Cooperative for the services and functions performed under this Agreement and that these Vendor Fees enable the Cooperative to pay the administrative, endorsement, licensing, marketing, and other expenses involved in successfully operating a program of electronic commerce for the Cooperative Members. Further, Cooperative Member affirmatively disclaims any rights to such Vendor Fees, acknowledging all such fees are the property of the Cooperative. Similarly, in no event shall a Cooperative Member be responsible for payment of Vendor Fees.
6. **Distribution.** From time to time, and at the sole discretion of the Cooperative Board of Directors, the Cooperative may issue a distribution to Cooperative Members under a plan developed by the Cooperative Board of Directors. The Cooperative Member acknowledges that a distribution is never guaranteed and will depend on the overall financial condition of the Cooperative at the time of the distribution and the purchases made by the Cooperative Member.
7. **Administration.** The Cooperative may enter into contracts with others, including non-profit associations, for the administration, operation and sponsorship of the purchasing program provided by this Agreement. The Cooperative will provide reports, at least annually, to the Cooperative Member electronically or by

mail. Cooperative Member will report purchase orders generated under this Agreement to the Cooperative or its designee, in accordance with instructions of the Cooperative.

8. **BuyBoard®.** Cooperative Member will have a non-exclusive license to use the BuyBoard electronic purchasing application (BuyBoard) during the term of this Agreement. Cooperative Member acknowledges and agrees that the BuyBoard electronic application and trade name are owned by the Texas Association of School Boards, Inc., and that neither the Cooperative nor the Cooperative Member has any proprietary rights in the BuyBoard electronic application or trade name. The Cooperative Member will not attempt to resell, rent, or otherwise distribute any part of BuyBoard to any other party; nor will it attempt to modify the BuyBoard programs on the server or acquire the programming code. The Cooperative Member may not attempt to modify, adapt, translate, distribute, reverse engineer, decompile, or disassemble any component of the application. The Cooperative Member will use BuyBoard in accordance with instructions from the Cooperative (or its designee) and will discontinue use upon termination of participation in the Cooperative. The Cooperative Member will maintain equipment, software and conduct testing to operate the BuyBoard system at its own expense.

III. GENERAL PROVISIONS

1. **Amendment by Notice.** The Board may amend this Agreement, provided that prior written notice is sent to the Cooperative Member at least 60 days prior to the effective date of any change described in such amendment and provided that the Cooperative Member does not terminate its participation in the Cooperative before the expiration of said 60 days.
2. **Authorization to Participate and Compliance with Local Policies.** Each Cooperative Member represents and warrants that its governing body has duly authorized its participation in the Cooperative and that the Cooperative Member will comply with all state and local laws and policies pertaining to purchasing of goods and services through its membership in the Cooperative.
3. **Bylaws.** The Cooperative Member agrees to abide by the Bylaws of the Cooperative, as they may be amended, and any and all written policies and procedures established by the Cooperative. Notwithstanding the foregoing, the Cooperative shall provide written notice to the Cooperative Member of any amendment to the Bylaws of the Cooperative and any written policy or procedure of the Cooperative that is intended to be binding on the Cooperative Member. The Cooperative shall promptly notify all Cooperative Members in writing of any Bylaw amendment, policy or procedure change.
4. **Cooperation and Access.** The Cooperative Member agrees that it will cooperate in compliance with any reasonable requests for information and/or records made by the Cooperative. The Cooperative reserves the right to audit the relevant records of any Cooperative Member. Any breach of this provision shall be considered material and shall make the Agreement subject to termination on ten (10) days written notice to the Cooperative Member.
5. **Coordinator.** The Cooperative Member agrees to appoint a program coordinator who shall have express authority to represent and bind the Cooperative Member, and the Cooperative will not be required to contact any other individual regarding program matters. Any notice to or any agreements with the coordinator shall be binding upon the Cooperative Member. The Cooperative Member reserves the right to change the coordinator as needed by giving written notice to the Cooperative. Such notice is not effective until actually received by the Cooperative.

6. **Current Revenue.** The Cooperative Member hereby warrants that all payments, fees, and disbursements required of it hereunder shall be made from current revenues budgeted and available to the Cooperative Member.
7. **Defense and Prosecution of Claims.** The Cooperative Member authorizes the Cooperative to regulate the commencement, defense, intervention, or participation in a judicial, administrative, or other governmental proceeding or in an arbitration, mediation, or any other form of alternative dispute resolution, or other appearances of the Cooperative in any litigation, claim or dispute which arises from the services provided by the Cooperative on behalf of its members, collectively or individually. Neither this provision nor any other provision in this Agreement will create a legal duty for the Cooperative to provide a defense or prosecute a claim; rather, the Cooperative may exercise this right in its sole discretion and to the extent permitted or authorized by law. The Cooperative Member shall reasonably cooperate and supply any information necessary or helpful in such prosecution or defense. Subject to specific revocation, the Cooperative Member hereby designates the Cooperative to act as a class representative on its behalf in matters arising out of this Agreement.
8. **Governance.** The Board of Directors (Board) will govern the Cooperative in accordance with the Bylaws.
9. **Jurisdiction/Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Rhode Island.
10. **Legal Authority.** The Cooperative Member represents and warrants to the Cooperative the following:
 - a) The Cooperative Member has conferred with legal counsel and determined it is duly authorized by the laws of the jurisdiction in which the Cooperative Member lies to participate in cooperative purchasing, and specifically, the National Purchasing Cooperative.
 - b) The Cooperative Member possesses the legal authority to enter into this Agreement and can allow this Agreement to automatically renew without subsequent action of its governing body.
 - c) Purchases made under this Agreement will satisfy all procedural procurement requirements that the Cooperative Member must meet under all applicable local policy, regulation, or state law.
 - d) All requirements—local or state—for a third party to approve, record or authorize the Agreement have been met.
11. **Disclaimer.** THE COOPERATIVE, ITS ENDORSERS AND SPONSORS, (INCLUDING, THE NATIONAL SCHOOL BOARDS ASSOCIATION, THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION, AND THE RHODE ISLAND ASSOCIATION OF SCHOOL COMMITTEES) AND SERVICING CONTRACTOR(S) (INCLUDING, THE NATIONAL SCHOOL BOARDS ASSOCIATION AND THE TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.) DO NOT WARRANT THAT THE OPERATION OR USE OF COOPERATIVE SERVICES WILL BE UNINTERRUPTED OR ERROR FREE.

THE COOPERATIVE, ITS ENDORSERS, SPONSORS AND SERVICING CONTRACTORS, HEREBY DISCLAIM ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.

12. **Limitation of Liability.** Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties agree that:
- (a) Neither party waives any immunity from liability afforded under law;
 - (b) In regard to any lawsuit or formal adjudication arising out of or relating to this Agreement, neither party shall be liable to the other under any circumstance for special, incidental, consequential, or exemplary damages;
 - (c) The maximum amount of damages recoverable will be limited to the amount of fees which the Cooperative received as a direct result of the Cooperative Member's purchase activity, within 12 months of when the lawsuit or action was filed; and
 - (d) In the event of a lawsuit or formal adjudication the prevailing party will be entitled to recover reasonable attorney's fees pursuant to the applicable law of the State of Rhode Island.

Without waiver of the disclaimer or other limitation of liability in this Agreement, the parties further agree to limit the liability of the Cooperative's Endorsers, Sponsors and Servicing Contractors (defined in Paragraph 11, above) up to the maximum amount each received from or through the Cooperative, as a direct result of the undersigned Cooperative Member's purchase activity, within 12 months of the filing of any lawsuit or action.

13. **Limitation of Rights.** Except as otherwise expressly provided in this Agreement, nothing in this Agreement is intended to confer upon any person, other than the parties hereto, any benefits, rights, or remedies under or by reason of this Agreement.
14. **Merger/Entirety.** This Agreement, together with the Cooperative's Bylaws and Organizational Interlocal Agreement, represents the complete understanding of the Cooperative and Cooperative Member. To the extent there exists any conflict between the terms of this Agreement and that of prior agreements, the terms of this Agreement shall control and take precedence over all prior participation agreements.
15. **Notice.** Any written notice to the Cooperative shall be made by first class mail, postage prepaid, and delivered to the National Purchasing Cooperative, 1680 Duke Street, Alexandria, VA, 22314. Notices to Cooperative Member may be made by first class mail, postage prepaid, and delivered to the Cooperative Member's Coordinator or chief executive officer (e.g., superintendent, city manager, county judge or mayor).
16. **Severability.** If any portion of this Agreement shall be declared illegal or held unenforceable for any reason, the remaining portions shall continue in full force and effect.
17. **Signatures/Counterparts.** The failure of a party to provide an original, manually executed signature to the other party will not affect the validity, enforceability or binding effect of this Agreement because either party may rely upon a facsimile signature as if it were an original. Furthermore, this Agreement may be executed in several separate counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.
18. **Warranty.** By the execution and delivery of this Agreement, the undersigned individuals warrant that they have been duly authorized by all requisite administrative action required to enter into and perform

the terms of this Agreement.

IN WITNESS WHEREOF, the parties, acting through their duly authorized representatives, accept this Agreement.

TO BE COMPLETED BY THE COOPERATIVE:

The National Purchasing Cooperative, acting on behalf of all other Cooperative Members

By: _____
Director, State Association Partnership Services

Date: _____

[Additional signature page follows.]

TO BE COMPLETED BY COOPERATIVE MEMBER:

[Signature required unless accepted as an Amendment by Notice as described in the Agreement.]

(Name of Local Government)

By: _____ Date: _____
Signature of authorized representative of Cooperative Member

Printed name and title of authorized representative

Coordinator for the
Cooperative Member is:

Name

Title

Mailing Address

City

_____ Zip Code

Telephone

Fax

Email

[Last page. Nothing follows.]

Exhibit 2



Meeting Date: February 3, 2015

Date Submitted: 1/29/2015

Originating Department: Admin Services

Clearances:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Community Development | <input type="checkbox"/> Public Safety |
| <input checked="" type="checkbox"/> Admin Services | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Parks & Recreation | |

Subject: Interlocal Agreement between the cities of Sammamish, Issaquah, North Bend and Snoqualmie (aka the consortium) to jointly procure the services of a public defense contract monitor to evaluate compliance with Washington State Supreme Court standards for public defense services.

Action Required: A motion authorizing the City Manager to sign the Interlocal Agreement.

Exhibits: 1. Interlocal Agreement Between the Cities of North Bend, Issaquah, Snoqualmie, and Sammamish for Public Defense Monitoring Services

Budget: The Interlocal Agreement relies on a \$15,000 grant from the Washington State Office of Public Defense secured by the City of Issaquah on behalf of the consortium for the first year. After the grant funds expire, the Interlocal Agreement offers the consortium cities the option to continue the program with the future costs of the public defense contract monitor allocated to each city on a proportionate basis based on their respective public defense caseloads for the preceding calendar year.

Summary Statement:

The City of Sammamish joined with the cities of Issaquah, North Bend and Snoqualmie to apply for a grant from the Washington State Office of Public Defense that would allow the cities to collectively retain the services of a public defense contract monitoring consultant (e.g. a retired judge or other expert in public defense matters) to monitor our public defense contracts for compliance with the new Washington State Supreme Court caseload standards.

Background:

The Washington State Supreme Court recently adopted new caseload standards and other provisions as part of the Standards for Indigent Defense under of Supreme Court Order No. 25700-A-1004. These changes were adopted, in part, as a result of a U.S. District Court ruling in *Wilbur v. Mt. Vernon* that stipulated increased responsibilities for jurisdictions in providing indigent public defense services.

Pursuant to the *Wilbur* case and these new caseload standards, cities have an increased obligation to monitor how public defense services are provided to ensure that defendants receive adequate public defense in compliance with the new caseload standards. To aid in our ability to fulfill these obligations, the cities of Issaquah, North Bend, Snoqualmie and Sammamish collectively secured for a grant from the Washington State Office of Public Defense to allow us to collectively retain the services of a public defense contract monitor. The Interlocal Agreement attached to this agenda bill formalizes the relationship among these four cities to execute the grant and hire the public defense monitor.

Financial Impact:

The Interlocal Agreement relies on a \$15,000 grant from the Washington State Office of Public Defense secured by the City of Issaquah on behalf of the consortium for the first year. After the grant funds expire, the Interlocal Agreement offers the consortium cities the option to continue the program with the future costs of the public defense contract monitor allocated to each city on a proportionate basis based on their respective public defense caseloads for the preceding calendar year. If the City of Sammamish chooses to continue with these services after the grant dollars expire, it would likely require a General Fund allocation. Consideration of this on-going commitment would be presented to the Council as part of the mid-biennial budget process. The Interlocal Agreement provides provisions for the City of Sammamish to terminate the relationship if it chooses not to continue with the program after the grant funds expire.

Recommended Motion:

A motion authorizing the City Manager to sign the Interlocal Agreement with the cities of Issaquah, North Bend, and Snoqualmie formalizing the partnership to secure a public defense contract monitor.

**INTERLOCAL AGREEMENT BETWEEN THE CITIES OF NORTH BEND,
ISSAQUAH, SNOQUALMIE, AND SAMMAMISH
FOR PUBLIC DEFENDER MONITORING SERVICES**

A. The City of North Bend (hereafter "North Bend") is a municipal corporation organized under the laws of the State of Washington.

B. The City of Issaquah (hereafter "Issaquah") is a municipal corporation organized under the laws of the State of Washington.

C. The City of Sammamish (hereafter "Sammamish") is a municipal corporation organized under the laws of the State of Washington.

D. The City of Snoqualmie (hereafter "Snoqualmie") is a municipal corporation organized under the laws of the State of Washington

E. North Bend, Issaquah, Sammamish, and Snoqualmie desire to partner to have public defender monitoring services using the same contractor. Issaquah recently applied for and was awarded a grant from the Office of Public Defense for public defense monitoring for all four cities. The grant will fund the first year of services provided under this Agreement.

F. The Interlocal Cooperation Act, Chapter 39.34 RCW, authorizes municipal corporations to contract with one another to perform any act that each is independently authorized to perform.

G. The parties enter this Agreement in consideration of the mutual covenants and promises set forth in this Agreement, the mutual benefits to be derived by each, and in the exercise of authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW.

AGREEMENT

1. Purpose of Agreement. The purpose of this Agreement is to contract for the provision of public defender monitoring services. The four cities (hereafter known as the "consortium") will partner financially, initially through the grant and in the future by paying their respective portion of the cost of the services provided by the public defender monitor. Each city's portion of future costs will be based on that city's ratable share of the consortium's total public defense caseload for the preceding calendar year. The consultant providing public defender monitoring services will be provided pursuant to a contract between the Public Defender Monitor and Issaquah, acting on behalf of the consortium.

Exhibit 1

2. Public Defender Monitoring Services Provided By Issaquah. The public defender monitoring service provider with whom Issaquah contracts to perform said services for the consortium shall provide indigent defense monitoring services in accordance with the standards adopted by each consortium city, as the same exists or is hereafter amended. The consortium cities will work towards the adoption of common standards utilizing Washington Supreme Court Indigent Defense Standard 3 and the Washington State Indigent Defense Guidelines (2011) as their starting point. The services rendered under this Agreement by the Public Defender Monitor will include the following services:

2.1 Four (4) quarterly four (4) hour meetings for a total of sixteen (16) hours.

2.2 Four (4) days of in-court supervision for six (6) hours per day for a total of twenty-four (24) hours.

2.3 Review of statistics for each city for one hour per quarter, for a total of four (4) hours.

2.4 Personnel review of the individual Public Defender(s) assigned for each city for two (2) hours per year for a total of eight (8) hours.

2.5 Preparation of a written report and debriefing with the consortium members for an estimated total of thirty-two (32) hours per year.

2.6 Miscellaneous services relating to monitoring including, for example, tracking evolving practices in this area, handling of complaints and grant reporting for a total of sixteen (16) hours per year.

2.7 Compilation of the actual hours spent per city, and preparation of individual invoices for each city.

2.8 These services may be adjusted from time to time with the approval of the service provider and the joint administrative board. See paragraph 12.

3. Compensation and Other Costs. The Public Defense Monitor shall be compensated by grant funds obtained by Issaquah. Once initial grant funds are expended after the first year of the Agreement, each City shall pay to Issaquah the amount invoiced by the Public Defense Monitor for that City..

4. Payment of Compensation. Issaquah shall bill each consortium city annually for amounts due under this Agreement. Each consortium city shall pay the amount due within 45 days of receipt. However, if a consortium city has a good faith dispute with the amount of the invoice, it shall pay the non-disputed amount within the time frame set forth in this section and the parties will attempt to resolve the dispute between them. See Section 13.

5. Adjustment of Compensation. Compensation payable hereunder shall be subject to adjustment as follows:

5.1 Adjustment for Additional Duties. In the event that the scope of services required to be provided by the Public Defender Monitor are enlarged or increased due to local, state, or federal mandates, or new requirements from the consortium, or in the event of an increase in rates charged by the contracted public defender monitor, the amounts invoiced to each city may be increased by the Public Defender Monitor to cover the change. Issaquah shall notify the consortium of the effective date of any such compensation changes, which may be immediately. Either party may request mediation as to the amount of this fee change. Consortium members shall timely pay the new fees from their effective date even if mediation is requested. Any such adjustments shall not be retroactive.

5.2 Termination. In the event of a rate adjustment under subparagraph 5.1, any member of the consortium, at its option, may terminate its participation in this agreement upon provision of thirty (30) days written notice. Any member of the consortium making such election shall remain obligated to pay for all costs or other charges incurred up to the termination date. In the event of early termination of this Agreement, the parties will work cooperatively to ensure the orderly transition of monitoring services for each member of the consortium.

6. Factors Considered. In entering into this Agreement for public defender monitoring services, consortium members have considered, pursuant to RCW 39.34.180, the anticipated costs of services, anticipated and potential revenues to fund the services, and fee recoupment.

7. Consortium City Ordinances, Rules, and Regulations. In executing this Agreement, Issaquah does not assume liability or responsibility for or in any way release consortium cities from any liability or responsibility which arises in whole or in part from the existence or effect of consortium city ordinances, rules, or regulations, policies or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any consortium city ordinance, rule, or regulation is at issue, that consortium city shall defend the same at its sole expense and if judgment is entered or damages are awarded against any or all consortium cities, that city or those cities shall satisfy the same, including all chargeable costs and attorneys' fees.

8. Indemnity. The parties shall each indemnify the other as follows:

8.1 Issaquah Indemnity. Issaquah shall protect, indemnify, and save harmless other consortium cities and their officers, elected officials, agents, volunteers, and employees from any and all costs, claims, judgments, or awards of damages (including costs and all attorney fees), arising out of or in any way resulting from the negligent acts, errors or omissions of Issaquah, its officers, employees, and agents in performing this Agreement.

8.2 Consortium Cities Indemnity. Consortium cities shall protect, defend, indemnify, and save harmless each other and Issaquah, its officers, employees, and agents from any and all costs, claims, judgments, or awards of damages, arising out of or in any way resulting from the negligent acts, errors, or omissions of the consortium cities, their officers, employees, or agents in performing this Agreement.

8.3 Survival of Indemnitees. The provisions of this Section shall survive the expiration or termination of this Agreement. No obligation shall exist to indemnify for injuries caused by or resulting from events occurring after the last day of public defender and conflict public defender services under this Agreement.

9. Actions Contesting Agreement. Each party shall appear and defend any action or legal proceeding brought to determine or contest: (i) the validity of this Agreement and/or (ii) the legal authority of the consortium cities and/or Issaquah to undertake the activities contemplated by this Agreement. If all parties to this Agreement are not named as parties to the action, the party named shall give the other parties prompt notice of the action and such party shall move to intervene. Each party shall bear any costs and expenses taxed by the court against it separately, provided any costs and expenses assessed by a court against both parties jointly shall be shared equally.

10. Financing. There shall be no financing of any joint or cooperative undertaking pursuant to this Agreement. There shall be no budget maintained for any joint or cooperative undertaking pursuant to this Agreement.

11. Property. This Agreement does not provide for the acquisition, holding, or disposal of real or personal property.

12. Joint Administrative Board. A Joint Administrative Board, consisting of the City Administrator/City Manager or their designee from each of the cities of the consortium will select, oversee, and direct the actions of the consultant providing public defense monitoring services. Joint Administrative Board members will have equal voting power, with a simple majority determining voting. The board will meet at a minimum quarterly with the consultant to review monitoring activities and to handle administrative matters.

13. Dispute Resolution. It is the parties' intent to resolve any disputes relating to the interpretation or application of this Agreement informally through discussions at staff level. If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator before resorting to arbitration. The mediator may be selected by agreement of the parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through binding arbitration which shall be conducted under RCW 7.04A. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

14. Independent Contractor. Each party to this Agreement is an independent contractor with respect to the subject matter herein. Nothing in this Agreement shall make any employee of a consortium city an Issaquah employee for any purpose, including, but not limited to, for withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded Issaquah employees by virtue of their employment. Nothing in this Agreement shall make any employee of Issaquah an employee of another consortium city

Exhibit 1

for any purpose, including but not limited to for withholding taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded consortium city employees by virtue of their employment. At all times pertinent hereto, employees of Issaquah are acting as Issaquah employees, the employees of other consortium cities are acting on behalf of their cities.

15. Notices. Any notice or other communication given hereunder shall be deemed sufficient, if in writing and delivered personally to the addressee, or sent by certified or registered mail, return receipt requested, addressed as follows, or to such other address as may be designated by the addressee by written notice to the other party:

Issaquah:

Autumn Monahan, Assistant to the City
Administrator
City of Issaquah
130 E. Sunset Way
P.O. Box 1307
Issaquah, WA 98027

North Bend:

Londi Lindell, City Administrator
City of North Bend
211 Main Avenue
P.O. Box 896
North Bend, WA 98045

Snoqualmie:

Bob Larson
City Administrator
City of Snoqualmie
38624 SE River Street
PO Box 987
Snoqualmie, WA 98065

Sammamish:

Beth Goldberg
Administrative Services Director
City of Sammamish
801 228th Ave SE
Sammamish, WA 98075

16. Partial Invalidity. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provision of this Agreement which shall prove to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provisions hereof, and such other provisions shall remain in full force and effect.

17. Assignability. The rights, duties, and obligations of either party to this Agreement shall not be assignable.

18. Entire Agreement. This Agreement contains the entire understanding between the parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the parties hereto relating to the subject matter of this Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the parties hereto.

19. Duration. The term of this Agreement shall commence upon execution by all parties effective as of March 1, 2015, and shall expire on December 31, 2016, unless terminated earlier pursuant to Section 20. This Agreement shall automatically be renewed for a successive

additional two (2) year period following a review by the Joint Administrative Board. The initial two-year extension will be followed by another Joint Administrative Board review and then by successive five- (5) year periods with automatic Joint Administrative Board reviews conducted one hundred eighty (180) days before each five- (5) year renewal. Automatic renewal will be upon the same terms and conditions set forth herein, or as amended, unless terminated in accordance with Section 20, subject only to mutual agreements as to any amended or increased fees applicable to the extensions, which mutual agreements shall not be subject to Section 13.

20. Termination of Agreement. Either party may give notice of termination for cause based on the breach of any material provision of this Agreement by the other party, provided the Agreement shall remain in full force and effect until the conclusion of Dispute Resolution pursuant to Section 13. All consortium cities shall provide written notice of their intent to renew, terminate, or amend this Agreement without cause not less than one-hundred twenty (120) days prior to expiration of this Agreement or renewal thereof. Issaquah shall provide written notice of its intent to terminate this Agreement not less than one-hundred twenty (120) days prior to expiration of this Agreement or any renewal thereof. Either party may give notice of termination for convenience upon sixty (60) days' notice to the other party. Such notice of termination for convenience given in accordance with this section is not subject to Section 13 (dispute resolution). In the event of early termination of this Agreement or extension thereof, the parties will work cooperatively to ensure the orderly transition of services. In the event of no written notice of termination from consortium cities, this agreement will automatically renew.

21. Recording. Consistent with RCW 39.34.040, this Agreement shall be filed for recording with the King County Department of Records upon full execution or posted on each consortium city's respective websites listed by subject matter.

22. General Provisions. This Agreement contains all of the agreements of the parties with respect to any matter covered or mentioned in this Agreement. No provision of the Agreement may be amended or modified except by written agreement signed by the parties. Any provision of this Agreement which is declared invalid or illegal shall in no way affect or invalidate any other provision. Failure of a party to declare any breach or default immediately upon the occurrence thereof, or delay in taking any action in connection with, shall not waive such breach or default. Time is of the essence of this Agreement and each and all of its provisions in which performance is a factor.

23. Insurance. Each party shall be responsible for maintaining its own insurance.

DONE this ____ day of _____, 2015.

CITY OF ISSAQUAH

CITY OF NORTH BEND

Mayor Fred Butler

Mayor Kenneth Hearing

Attest:

Attest:

Exhibit 1

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

CITY OF SNOQUALMIE

Mayor Matt Larson

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

CITY OF SAMMAMISH

Mayor Tom Vance

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

Exhibit 1

COUNCIL  *MINUTES*

**Regular Meeting
November 4, 2014**

Mayor Tom Vance called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present:

Mayor Tom Vance
Deputy Mayor Kathy Huckabay
Councilmember Don Gerend
Councilmember Bob Keller
Councilmember Tom Odell
Councilmember Ramiro Valderrama
Councilmember Nancy Whitten

Staff present:

Ben Yazici, City Manager
Lyman Howard, Deputy City Manager
Jeff Thomas, Community Development Director
Susan Cezar, Deputy Director Community Development
Robin Proebsting, Associate Planner
Joe Guinnaso, Finance and Technical Services Director
Chris Gianini, Deputy Finance Director
Laura Philpot, Public Works Director
Kyle Endelman, Deputy Parks & Recreation Director
Beth Goldberg, Director of Administrative Services
Mike Kenyon, City Attorney
Melonie Anderson, City Clerk

Roll Call/Pledge of Allegiance

Roll was called. Deputy Mayor Huckabay led the pledge.

Approval of Agenda

MOTION: Councilmember Valderrama moved to approve the Agenda and the Consent Agenda.
Councilmember Keller seconded. Motion carried unanimously 7-0.

Presentations/Proclamations

- 2014 American Planning Association – Washington State Chapter Barbara Grace Award Recipient Robin Proebsting. Joe Tovar, Fellow with the American Institute of Certified Planners, presented Ms. Proebsting with the award.

Public Comment

Shandy Frye, 22854 SE 21st St, Presented Council with a small packet of information regarding the fact that a large tree buffer between his house and the Kamp development has been removed.

Doug McDorman, 24525 SE 14st Street, Spoke regarding the extension of SE 14th Street. He does not agree with the description of the project history that is in the Council packet tonight. He believes their suggested improvements will make the road safer to use.

Christy Becker 18435 NE 98th, Redmond, Representing Hopelink, She spoke about the needs for human services funding in the area. She asked Council to fund the ARCH Trust Fund to help provide affordable housing at the level they requested or even more.

Kelly Rider, Policy Director for Housing Development of King County, Spoke regarding the budget Council is considering tonight and requested that the Council fully fund ARCH Housing Trust Fund.

Consent Agenda

Payroll for period ending October 15, 2014 for pay date October 20, 2014 in the amount of \$ 300,862.73

Approval: Claims for period ending November 4, 2014 in the amount of \$ 536,024.66 for Check No. 38882 through 38998

Resolution: Adopting The City Of Sammamish Employee Salary Schedule For Fiscal Year 2015

Resolution: Establishing Medical Insurance Premium Contribution Rates For Fiscal Year 2015

Approval: Property Sale/Parcels 182506-9029, 182506-9030

Approval: Settlement Agreement/Property Transfer SE 14th Street/ Amendment: SE 14th Street Extension Design/Blueline Group

Approval: Minutes for the October 7, 2014 Regular Meeting

Approval: Minutes for the October 14, 2014 Special Meeting/Study Session

Public Hearing

Community Development Director Jeff Thomas and Associate Planner Robin Proebsting, gave the staff report and showed a PowerPoint presentation (available on the city's website at www.sammamish.wa).

Councilmember Whitten asked what other cities, as well as the County, require the payment of impact fees. Councilmember Odell questioned why the multi-family impact fee is so low. Councilmember Valderrama questioned why the single-family fee in Lake Washington School District is so much higher than the other districts and is this related to the failed bond measures? City Manager Ben Yazici explained that impact fees can only be used to offset impacts from new development and cannot be used to improve existing deficiencies.

Ordinance: First Reading Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Snoqualmie Valley School District No. 410 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date.

Public Hearing opened at 6:56 pm and closed at 6:57 pm with no comment

Ordinance: First Reading Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Lake Washington School District No. 414 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date.

Public Hearing opened at 7:57 pm.

Denise Stiffarm, 925 4th Avenue, Seattle, Legal Counsel for LWSD, She explained the reasoning behind the fees. The district has projects in all grade levels. She will also provide written remarks to Council before the next meeting.

Public Hearing closed at 8:00 pm

Ordinance: First Reading Relating To School Impact Fees; Amending The City's Comprehensive Plan To Adopt The Issaquah School District No. 411 Capital Facilities Plan; Adopting The Associated School Impact Fee Schedule; And, Establishing An Effective Date.

Public Hearing opened at 8:02 pm and closed at 8:02 pm with no public comment

Ordinance: First Reading Adopting The 2015-2016 Biennial Budget

Mr. Yazici gave the staff report and showed a PowerPoint presentation (available on the city's website at www.sammamish.us).

Councilmember Gerend suggested sending a letter to the State Legislature encouraging them to restore the money that we are repaying on our Public Works Trust Fund loan to the Public Works Trust Fund rather than putting it into the general budget. He asked if the City had any investments in municipal bonds. Mr. Guinasso said we had some, but not that much is invested.

Councilmember Valderrama suggested it would be valuable to review our long-term debt analysis.

Councilmember Whitten has some concerns about the adopting the budget without first taking a comprehensive view of all the needs coming in the future.

Public Hearing opened at 7:36 pm was continued to November 17, 2014 with no public comment.

Ordinance: First Reading Relating To The Levying Of Regular Property Taxes And Establishing The Amount To Be Levied In 2015 On The Assessed Valuation Of The Property Within The City.

Finance Director Joe Guinasso gave the staff report and showed a PowerPoint presentation (available on the city's website at www.sammamish.us).

Councilmember Odell requested a comparison of how much our taxes are compared to other cities in the area. He also pointed out that the City is not utilizing all the tax resources they could be using.

Public Hearing opened at 7:54 pm and closed at 7:54 pm with no public comment.

Unfinished Business - None

New Business

Ordinance: First Reading Amending Section 16.20.350, Building Permit Valuations, To Delete The Reference To The Outdated Table Published By The International Council Of Building Officials; Providing For Severability; And Establishing An Effective Date.

Finance Director Joe Guinasso gave the staff report and showed a PowerPoint presentation (available on the city's website at www.sammamish.us). This is the first reading of the ordinance. No action is recommended at this time.

Mr. Guinasso reported that Council will be informed of any fee increases.

Council Reports

Councilmember Gerend attended the Citizen for Sammamish meeting and the Sound Cities Association meeting. The Executive Committee met with County leaders.

Deputy Mayor Huckabay walked the East Lake Sammamish Trail looking at various issues related to the paving of the trail. She attended the Eastside Fire & Rescue Operations Committee.

Mayor Vance attended the North End Mayor's meeting and attended the Regional Transit meeting.

Councilmember Valderrama attend a Sammamish Homeowners meeting. He also attended the Citizen's for Sammamish meeting and the Skyline/Eastlake football game.

Councilmember Keller attended the Council Office Hour. He attended the Issaquah Drug Free Coalition meeting. He attended a leadership meeting for the Lake Washington School District to give input on how the district can communicate their needs to the community.

Councilmember Odell reported that the return of the Kokanee salmon is low this year.

Councilmember Whitten would like to have a Council discussion regarding clear and grade and tree retention requirements.

City Manager Report

Mr. Yazici reported on the ELST issues. Council agreed to cancel the December 15 and 16 council meetings.

Meeting adjourned at 8:40 pm.

Melonie Anderson, City Clerk

Thomas E. Vance, Mayor

COUNCIL  *MINUTES*

Regular Meeting
January 6, 2015

Mayor Tom Vance called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present:

Mayor Tom Vance
Deputy Mayor Kathy Huckabay
Councilmember Don Gerend
Councilmember Bob Keller
Councilmember Tom Odell
Councilmember Ramiro Valderrama
Councilmember Nancy Whitten

Staff present:

Ben Yazici, City Manager
Lyman Howard, Deputy City Manager
Laura Philpot, Assistant City Manager/Public Works Director
Joe Guinasso, Assistant City Manager/Finance and Technical Services Director
Mike Kenyon, City Attorney
Melonie Anderson, City Clerk

Roll Call/Pledge of Allegiance

Roll was called. City Manager Ben Yazici led the pledge.

Approval of Agenda and the Consent Agenda

MOTION: Deputy Mayor Huckabay moved to approve the agenda including the Consent Agenda.
Councilmember Gerend seconded. Motion carried unanimously 7-0.

Student Liaison – Skyline High School – Joe Bretl gave the report. The students held various drives to support the Ben Towne Foundation. Next week is Civil Rights Week in honor of Martin Luther King Day. Finals will be in two weeks.

Presentations/Proclamations

➤ Election – Deputy Mayor for 2015

Councilmember Odell nominated Councilmember Huckabay to serve as Deputy Mayor for 2015. Councilmember Valderrama nominated Councilmember Gerend to serve as Deputy Mayor for 2015.

Election:

Councilmember Huckabay received 5 votes, with Councilmember Valderrama dissenting and Councilmember Whitten abstaining. Councilmember Huckabay was elected as Deputy Mayor. No further voting was conducted.

Councilmember Whitten expressed concerns about the method the elections are conducted. The current method does not allowed for everyone to vote.

➤ **Eastside Catholic High School Football Team/2014 3A Washington State Champions**

Mayor Vance introduced Head Coach Jeremy Thielbahr and read a proclamation honoring the team for their great achievement:

PROCLAMATION

Whereas the Eastside Catholic High School Football Team culminated an impressive season by winning the State 3A Championship, and

Whereas these young men and coaches of the Eastside Catholic Football Team showed tremendous character in creating a winning tradition so early in the young school's history, and

Whereas their success is an example of the passion, commitment to excellence, and enthusiasm of this new city of Sammamish,

Now and therefore,

We want to recognize the Coaches and Student Athletes of the Eastside Catholic Crusaders Football Program by awarding them with the City of Sammamish Achievement of Excellence Award. Congratulations!

Signed this 6th day of January, 2015

➤ **King Conservation District**

Melissa Lang, Outreach Assistant, King Conservation District, gave a PowerPoint presentation outlining the work plan for the District (*Presentation is available upon request of the City Clerk*).

➤ **Government Finance Officers Association (GFOA) Award** – The City was awarded the GFOA Certificate of Achievement for their 2013 Comprehensive Annual Finance Report. City Manager Ben Yazici also announced that Finance Director Joe Guinasso was promoted to Assistant City Manager in recognition of his outstanding efforts over the past years.

Public Comment

Bob Morrison, 310 214th Avenue NE, Representing Plateau Residents for Responsible Development (PRFRD), Spoke regarding the Morningside and Barrington developments. Their main concerns are with the location of the stormwater detention ponds and the conveyance of stormwater over property that the developer does not own. They feel City staff favors the developers over the safety of the residents.

Dave Augenstein, 723 212th Avenue SE, He requested Council vacate a right of way easement over his property. Previously this road was serving four or five homes that no longer exist. The access road serves only his property so he would like the easement removed.

Tom Masterson, 207 E Lake Sammamish Lane SE, He is trying to save a tall conifer tree from being removed adjacent to the Eastlake Sammamish Trail.

Jim Stenson, 2029 E Lake Sammamish Parkway NE, He feels that the paving of the Eastlake Sammamish Trail has created some drainage issues.

Barbara Krauss, 21419 NE 6th Street, She spoke regarding the Barrington and Morningside developments. She expressed the same concerns as the previous speaker.

Steve Tyzzer, 21318 NE 1st, Spoke regarding his previous request for the North Tamarack neighborhood drainage system. He is concerned that the City will go forward with the Inglewood Hill drainage plan instead of theirs, which they asked for several years ago. He also referenced the Barrington and Morningside developments.

Consent Agenda

- Payroll for period ending November 30, 2014 for pay date December 5, 2014 in the amount of \$ 291,938.37
- Payroll for period ending December 15, 2014 for pay date December 19, 2014 in the amount of \$ 291,674.32

Approval: Claims for period ending December 2, 2014 in the amount of \$ 1,433,704.42 for Check No. 39122 through 39223

Approval: Claims for period ending December 16, 2014 in the amount of \$ 2,598,080.57 for Check No. 39224 through 39336

Resolution: Extending The Terms Of Sammamish Planning Commission Members Mike Collins And Mike Luxenberg For The Purpose Of Completing The 2015 Comprehensive Plan Update

Resolution: Granting Final Plat Approval To The Plat Of Trossachs Division 17

Resolution: Accepting The 2013 Pavement Crack Sealing As Complete.

Contract: Customer Survey for Solid Waste and Cable/Elway

Grant Approval: Recycling Services

Amendment: Blue Board Sign Installation/Piedmont Signs

Approval: December 2, 2014 Regular Meeting Minutes

Approval: December 9, 2014 Study Session Notes

Public Hearing - None

Unfinished Business - None

New Business

Ordinance: First Reading Related To Underage Gatherings And Adopting A New Chapter 8.20 Of The Sammamish Municipal Code; Providing For Severability; And Establishing An Effective Date

Police Chief Nate Elledge gave the staff report and a PowerPoint presentation (available on the City's website at www.sammamish.us). This is the first reading of the ordinance. No action is recommended.

Councilmembers Odell and Valderrama would like to see the fine raised to \$1,000. Deputy Mayor Huckabay would like to see a higher fine for repeat offenders. She would like to see a provision for ticketing the child if the adult is not present and she would like to see marijuana added to the list of restrictions. Councilmember Whitten does not think this ordinance is written clearly enough. She would also like to see the parents of the children involved be ticketed.

Ordinance: First Reading Related To Parking Violations, And Specifically Amending SMC Sections 46.30.050, 46.30.060, And 46.30.070; Providing For Severability; And Establishing An Effective Date

Police Chief Nate Elledge gave the staff report and a PowerPoint presentation (available on the City's website at www.sammamish.us).

Councilmember Whitten would like a community service option if a person can't pay their tickets. Councilmember Odell would like to see the fines even higher for certain parking infractions. He would like to see a list of fines and what the parameters are for the fee structure. Councilmember Whitten would like to add parking in bike lanes to the list.

Mayor Vance revised the agenda to conduct the commission interviews before the resolution on the Legislative Priorities for 2015.

Council recess from 8:35 pm to 8:40 pm.

Commission Interviews

The following applicants were interviewed:

Parks & Recreation Commission

Nancy Way
Katherine Low
Sid Gupta
Brent Laws
Nicky Beaty

Arts Commission

Rituja Indapure
Carole Weaks
Claradell Shedd*
Priti Joshi*

Resolution: Adopting Legislative Priorities For 2015

MOTION: Deputy Mayor Huckabay moved to approve the resolution adopting the Legislative Priorities for 2015. Councilmember Keller seconded.

AMENDMENT: Deputy Mayor Huckabay moved to remove tax increment financing from the priority list. Councilmember Whitten seconded. Motion carried unanimously 7-0.

MAIN MOTION: Carried as amended 5-2 with Councilmembers Whitten and Odell dissenting.

Councilmember Whitten is against supporting tax increment financing. Councilmember Odell believes the list is too long. Councilmember Huckabay is unhappy with the order of the priorities.

Council Reports

- Appoint 2015 Eastside Transportation Partnership (ETP) Representatives

MOTION: Councilmember Gerend and Mayor Vance will be the Representatives to ETP and Councilmember Valderrama will serve as Alternate. Motion carried unanimously 7-0.

MOTION: Deputy Mayor Huckabay moved to extend the meeting to 11:00 pm. Councilmember Gerend seconded. Motion carried unanimously 7-0.

City Manager Report - No report

Executive Session – Potential Litigation pursuant to RCW 42.30.110(1)(i)

Council returned to executive session at 10:37 and took the following action:

MOTION: To authorize the City Attorney to file a lawsuit regarding the docks at Sammamish Landing Park. Motion carried unanimously 7-0.

Meeting adjourned at 10:40 pm

Melonie Anderson, City Clerk

Thomas E. Vance, Mayor

COUNCIL  *MINUTES*

Special Meeting
January 13, 2015

Mayor Tom Vance called the special meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present:

Mayor Tom Vance
Deputy Mayor Kathy Huckabay
Councilmember Don Gerend
Councilmember Bob Keller
Councilmember Tom Odell
Councilmember Ramiro Valderrama
Councilmember Nancy Whitten

Staff present:

Ben Yazici, City Manager
Lyman Howard, Deputy City Manager
Laura Philpot, Assistant City Manager/Public Works Director
Jeff Thomas, Community Development Director
Joe Guinasso, Assistant City Manager/Director of Finance and IT
Jessi Bon, Director of Parks & Recreation
Beth Goldberg, Director of Administrative Services
Melonie Anderson, City Clerk
Lita Hachey, Deputy City Clerk

Roll Call/Pledge of Allegiance

Roll was called. Councilmember Keller led the pledge.

Approval of Agenda

MOTION: Councilmember Whitten moved to approve the agenda. Councilmember Valderrama seconded. Motion carried unanimously 7-0.

Councilmember Odell requested a one minute of silent for the citizens of the Paris, France who lost their lives this past week in the terror attack.

Public Comment

Larry Crandall, 4335 Issaquah Pine Lake Road SE#1406, Sammamish WA, spoke regarding the SAMMI Awards Foundation. He thanked the City of Sammamish and the City Council for their generous support of the SAMMI Awards Foundation. The event will be held at the Sammamish Teens Center on Saturday,

March 21, 2015.

Presentations/Proclamations

- Arts Commission Interviews continued from the January 6, 2015 meeting.
 - Mandagere Shashidhar
- Parks & Recreation Commission Interviews continued from the January 6, 2015 meeting.
 - Mikhail Tatrín
 - Stephanie Hibner
 - Sheila Sappington
 - Michael Towbin

Executive Session – Pursuant to RCW 42.30.110 (1)(h) To evaluate the qualifications of an applicant. Council retired to executive session at 7:35 pm and returned at 8:15 pm and took the following action regarding appointments to boards and commissions.

Unfinished Business - None

New Business

Resolution: Appointing Two Members to the Sammamish Arts Commission

MOTION: Deputy Mayor Huckabay moved to approve appointing Claradell Shedd (Position 5) and Priti Joshi (Position 6) to the Arts Commission. Councilmember Valderrama seconded. Motion carried unanimously 7-0 (R2015-612).

Resolution: Appointing Four Members to the Sammamish Parks & Recreation Commission

MOTION: Councilmember Valderrama moved to approve appointing Katherine Low (Position 2), Sid Gupta (Position 4), Stephanie Hibner (Position 6) and Nicole Beaty (Position 7) to the Parks Commission. Councilmember Odell seconded. Motion carried unanimously 7-0 (R2015-613).

The Council will vote for six (6) new members, with two (2) becoming alternates. The alternate positions will be created and voted upon in a resolution that will be presented at the next meeting on February 3, 2015. Sheila Sappington and Nancy Way were selected to be the proposed alternates.

Discussion: Survey Questions for Solid Waste and Cable TV Services

City Manager Ben Yazici outlined the process for renewing the solid waste and cable TV services. Director of Administrative Services, Beth Goldberg gave a staff update and showed a PowerPoint presentation (available on the City's website at www.sammamish.us).

Council reviewed and discussed the draft survey questions provided by Elway Research, regarding the city's solid waste and cable TV services. Each Councilmember provided feedback to each of the proposed questions.

Council Reports

Councilmember Ramiro Valderrama – Citizens are interested in a public comment period about the King County Trail. He would like to know if there will there be a time available in Sammamish to discuss Phases 2A and 2B. He also stated that there are reports that King County has had police out watching the residents along the trail. Are there any records that show this has been happening? City Manager Yazici will follow this up on this with Councilmember Valderrama. He and Councilmember Gerend attended the Citizens for Sammamish meeting in October.

Councilmember Tom Odell - attended an Early Learning symposium in Seattle last week, with Councilmember Keller, on the need for more focus during the early years of life.

Mayor Tom Vance - attended an Eastside Fire and Rescue meeting. A new chair, Allan Geltoff and vice-chair Mary Lou Pauley were selected. He also attended an Eastside Transportation Partnership meeting and finalized a legislative agenda.

Councilmember Don Gerend - Sammamish Friends met last night and chose the winners from the photo contest for young kids. Everyone will meet at 4 pm, this Friday outside Trader Joe’s to award the prizes.

Councilmember Bob Keller - spoke about a free app that was available to parents at the Early Learning symposium.

City Manager Report - No report

Meeting adjourned at 9:46 pm

Lita Hachey, Deputy City Clerk

Thomas E. Vance, Mayor



Meeting Date: February 3, 2015

Date Submitted: 01/27/15

Originating Department: Public Safety

Clearances:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Community Development | <input type="checkbox"/> Public Safety |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Parks & Recreation | |

Subject: Ordinance: Second Reading Creating a Social Host Ordinance Related to Underage Drinking at Private Residences, Rented Residential Premises, and Privately Rented Commercial Premises.

Action Required: Adopt ordinance upon second reading

Exhibits:

1. Draft Ordinance

Budget: N/A

Summary Statement:

The Social Host Ordinance will hold accountable the person or persons responsible for any premises used by underage youth to gather for the purpose of consuming alcohol. Those who are found in violation of the ordinance will be subject to a \$500 civil penalty for the initial violation, and \$1,000 for any additional violations that occur within 5 years.

Background:

The City of Sammamish is home to nearly 15,000 residents under the age of 18. Beginning in 2009 through 2011, approximately 40 percent of the arrests made by Sammamish Police for Driving Under the Influence (DUI) involved people under the age of 21; many of those were under the age of 18. According to the Centers for Disease Control and Prevention, alcohol use is responsible for more than 4,300 deaths in the United States each year.

The Sammamish Police Department has taken the following steps to prevent youth from illegally consuming alcohol, including:

1. Launching of the Sammamish IDEA Project
2. Liquor stings targeting those businesses that illegally sell alcohol to minors
3. Aggressive DUI enforcement efforts

Additional efforts are needed to aid in the prevention of underage drinking.

The City of Sammamish previously adopted, by reference, RCW 66.44.270, which makes it illegal for any person to knowingly permit any person under the age of 21 to consume alcoholic beverages on any premises under his or her control. The Social Host Ordinance puts additional burden on the person(s) responsible for premises under their control by holding them accountable regardless of their knowledge of the underage gathering and alcohol consumption.

Financial Impact: None

Recommended Motion:

Staff recommends adoption of the ordinance following the second reading.

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2015-

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, RELATED TO UNDERAGE
GATHERINGS AND ADOPTING A NEW CHAPTER 8.20
OF THE SAMMAMISH MUNICIPAL CODE; PROVIDING
FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the City Council has the authority to enact laws that promote the public health, safety and general welfare of its residents; and

WHEREAS, underage persons consuming alcoholic beverages at gatherings held at private residences, rented residential premises, or privately rented commercial premises constitutes a threat to the public peace, health, safety, quiet enjoyment of property by neighboring residents, and the general welfare of the public. Underage persons who have consumed alcoholic beverages are at greater risk of automobile accidents, suicide, and physical and sexual assault; and

WHEREAS, persons with the means to prevent the occurrence of these types of gatherings include those that control such private property and have failed to ensure that alcoholic beverages are not served to or consumed by underage persons at these gatherings; and

WHEREAS, RCW 66.44.270 establishes a gross misdemeanor crime for any person to knowingly permit any person under the age of twenty-one to consume alcoholic beverages on any premises under his or her control; and

WHEREAS, problems associated with gatherings involving underage persons drinking alcohol can be difficult to prevent and deter. Law enforcement requires additional methods to deal with underage drinking and its attendant problems;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Underage Drinking of Alcoholic Beverages. A new Chapter 8.20 of the Sammamish Municipal Code, entitled Underage Drinking of Alcoholic Beverages, is hereby adopted as set forth below:

8.20.010. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

Exhibit 1

A. "Alcoholic Beverage" shall mean alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer that contain one half of one percent or more of alcohol by volume; and is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

B. "Property" shall mean private property, rented residential premises, or private rented commercial spaces, including but not limited to a home, yard, garage, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, or used for a party or other social function, and whether owned, leased, rented, or used with or without compensation.

C. "Responsible Person" includes:

1. The person(s) with the right to actually control the Property at the time that an Underage Gathering occurs, whether such actual control arises by ownership, lease, or other legal right;~~who owns, rents, leases, or otherwise has right to control the Property at which an Underage Gathering takes place;~~
2. The person(s) in immediate control of Property at which an Underage Gathering takes place; or
3. The person(s) who organizes, supervises, sponsors, conducts, allows, controls, or controls access to the Underage Gathering.

D. "Underage Gathering" means a party or gathering of four or more persons at a Property at which Alcoholic Beverages are being or have been consumed or possessed by one or more Underage Persons, or at which one or more Underage Persons are exhibiting effects of consuming Alcoholic Beverages.

E. "Underage Person" shall mean any person less than twenty-one years of age.

8.20.020. Underage Gatherings Prohibited.

A. An Underage Gathering constitutes a public nuisance, and is prohibited.

B. As a public nuisance, any Underage Gathering may be abated by any legal means.

8.20.030. Exemptions.

This Ordinance shall not apply to:

A. Any location regulated by a permit or license issued by the Washington State Liquor Control Board;

B. Underage Gatherings where Underage Persons consuming Alcoholic Beverages are supervised in person by their parent or guardian while any such Underage Persons are consuming Alcoholic Beverages or while any such Underage Persons are exhibiting the effects of consuming Alcoholic Beverages;

C. Alcoholic Beverages given for medicinal purposes to an Underage Person by a parent, guardian, physician, or dentist; or

D. Alcoholic Beverages given to an Underage Person when used in connection with religious services.

8.20.040. Civil Penalty. In addition to public nuisance abatement, ~~athe first~~ violation of this ordinance by any Responsible Person shall constitute a civil infraction subject to a fine of ~~\$500250~~ for each day that any violation occurs. The second and each succeeding violation of this ordinance by any Responsible Person within the five-year period beginning from the date of the first such violation shall constitute a civil violation subject to a fine of \$1,000 for each day that any violation occurs.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect five days after passage and publication in the official newspaper of the City.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON _____, 2015.**

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Exhibit 1

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: December 16, 2014
First Reading: January 6, 2015
Passed by the City Council:
Date of Publication:
Effective Date:

Public Hearing:
Passed by the City Council:
Date of Publication:
Effective Date:



Meeting Date: February 3, 2015

Date Submitted: 01/27/15

Originating Department: Public Safety

Clearances:

<input checked="" type="checkbox"/> Attorney	<input type="checkbox"/> Community Development	<input checked="" type="checkbox"/> Public Safety
<input type="checkbox"/> Admin Services	<input type="checkbox"/> Finance & IT	<input type="checkbox"/> Public Works
<input checked="" type="checkbox"/> City Manager	<input type="checkbox"/> Parks & Recreation	

Subject: Ordinance: Second Reading Amending the Fines for Parking Violations

Action Required: Adopt ordinance upon second reading

Exhibits:

1. Draft Ordinance showing proposed changes

Budget: N/A

Summary Statement:

This amendment will increase the fines from \$20 to \$71 for those parking violations that pose an increased safety risk to pedestrians and vehicular traffic. It will also add a penalty for those who do not pay their parking fines or appeal their ticket within the required 15 days.

Background:

The Sammamish Police Department issued 139 parking tickets in 2013. Nearly 50% of these tickets were for violations that created a hazard for pedestrians and motorists. Including: parking on the sidewalk; parking on the wrong side of the road; parking within 5 feet of a driveway; parking where prohibited by signing. The standard fine for these violations is \$20 which offers little deterrent for most Sammamish residents.

Additionally, in 2013 only 11% of parking tickets were paid within the required 15 days. Most were either delinquent or had their fine reduced by a judge.

Financial Impact: None

Recommended Motion:

Staff recommends conducting second reading of the ordinance followed by adoption of the ordinance.

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O20~~1514~~

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, RELATED TO PARKING VIOLATIONS,
AND SPECIFICALLY AMENDING SMC SECTIONS
46.30.050, 46.30.060, AND 46.30.070; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, the City Council desires to amend and update regulations applicable to parking violations within the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. SMC 46.30.050, Amended. Sammamish Municipal Code Section 46.30.050 (Parking an unlicensed vehicle) is hereby amended to read as follows:

A. It is a ~~violation of this section~~civil infraction to stop, stand or park a vehicle on a street, highway or public property within the City limits of the City unless such vehicle possesses a proper and current vehicle license plate or plates, and such plate or plates are properly mounted thereon in accordance with the State of Washington Department of Licensing rules and regulations.

B. It is a ~~violation of this section~~civil infraction to stop, stand or park a vehicle on a street, highway or public property within the City limits of the City without current, properly displayed month and year license tabs.

Section 2. SMC 46.30.060, Amended. Sammamish Municipal Code Section 46.30.060 (Seventy-two-hour parking limit) is hereby amended to read as follows:

No owner, driver or other person having charge of any vehicle shall permit such vehicle to stand or to be parked in any street in the City for more than 72 hours consecutively. Violation of this Section is a civil infraction.

Section 3. SMC 46.30.070, Amended. Sammamish Municipal Code Section 46.30.070 (Prohibited parking places) is hereby amended to read as follows:

A. RCW 46.61.570 (Stopping, standing, or parking prohibited in specified places – Reserving portion of highway prohibited), as currently adopted and hereinafter amended, is hereby adopted by referenced as if fully set forth herein.

B. It is unlawful for the operator of a vehicle to stop, stand, park or angle park such vehicle in or on a marked bicycle lane except when necessary to avoid conflict with other traffic or to comply with other provisions of this code or with the direction of a police officer, traffic control flagger, traffic-control sign, traffic control signal, or other official traffic control device.

C. Violation of this Section is a civil infraction. The fine for a violation of this Section is \$71.

Section 4. SMC 46.30.085, Adopted. Sammamish Municipal Code Section 46.30.085 (Enhanced penalties for civil parking infractions) is hereby adopted to read as follows:

46.30.085 Enhanced penalties for civil parking infractions

Failure to timely respond to a notice of civil infraction for any parking violation within 15 days of receipt of the notice of civil infraction shall result in (1) an additional fine of \$25.00 for each separate parking infraction cited on the notice of civil infraction, and (2) the loss of the right to a hearing on the underlying parking infraction or infractions.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This Ordinance shall take effect five days after passage and publication in the official newspaper of the City.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON _____, 201~~5~~.

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Exhibit 1

Melonie Anderson, City Clerk

Approved as to form:

Mike Kenyon, City Attorney

Filed with the City Clerk:
Public Hearing:
First Reading:

Public Hearing:
Passed by the City Council:
Date of Publication:
Effective Date:

Exhibit 1



Meeting Date: February 3, 2015

Date Submitted: 1/28/2015

Originating Department: City Manager

Clearances:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |

Subject: Resolution: Klahanie Annexation Special Election, Voters' Pamphlet & Related Items

Action Required: Motion to approve resolution

Exhibits: 1. Resolution with attachments

Budget: Reference Fiscal Analysis by Butkus Consulting, July 2014 and November 2014

Summary Statement:

This resolution requests that King County set an election date of April 28, 2015, a special election, for the residents of the Klahanie Potential Annexation Area (PAA) to decide upon annexation to the City of Sammamish. This resolution also sets the wording of the ballot measure, authorizes printing of a voter's pamphlet and appointment of members to citizen committees to write pro and con statements for publication in the voter's pamphlet. The City pays the cost of the election and the voter's pamphlet.

Background:

The City Council passed a resolution in January of 2014 (R2014-563) expressing the intention to expedite processing and a vote on the annexation of the Klahanie PAA. After the City of Issaquah's annexation vote failed in February of 2014, the cities of Sammamish and Issaquah entered into an inter-local agreement (I2014-102) to accomplish the transfer of the Klahanie PAA from Issaquah to Sammamish. Issaquah has completed the amendment of its comprehensive plan to release Klahanie from its PAA, King County has made the necessary changes to the Countywide Planning Policies, and the City of Sammamish has amended the City comprehensive plan to add the Klahanie area as a potential annexation area and adopt pre-annexation land use designations and zoning (O2014-383 and O2014-384).

Opportunities for public review, comment and information to date have included three open houses held in August, September and October 2014, as well as two public hearings related to the PAA and Land Use/Zoning in October and November 2014. A public hearing was also held on the resolution initiating the annexation process (R201-563) in November 2014.

A Notice of Intention was submitted to the King County Boundary Review Board (BRB) on December 8, 2014. Since no governmental entity or group of voters invoked the jurisdiction of the BRB within the allowed 45 days from submittal (January 22, 2015), the annexation vote may proceed. The City Council

must set the election date at the next regular meeting after completion of the BRB process, at least 60 days prior to the election date.

The King County Council must take action to set the election date. An introduction is anticipated at the February 9, 2015 meeting.

Financial Impact:

The resolution itself has no budget impact. The City is responsible for the costs of the election and voter's pamphlet. The budget impact of annexation is described in a financial analysis completed for the City by Butkus Consulting in July and November 2014.

Recommended Motion:

Move to approve the resolution

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2015- ____**

A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, REQUESTING THAT THE KING COUNTY DIRECTOR OF ELECTIONS HOLD A SPECIAL ELECTION ON APRIL 28, 2015 FOR THE PURPOSE OF PLACING ON THE BALLOT A PROPOSITION CONCERNING THE ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE KLAHANIE POTENTIAL ANNEXATION AREA TO THE CITY OF SAMMAMISH; FURTHER REQUESTING PUBLICATION OF A LOCAL VOTERS' PAMPHLET FOR SUCH BALLOT PROPOSITION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, on November 17, 2014, the City Council adopted Resolution No. R2014-602, attached hereto as Exhibit 1 and incorporated herein by this reference, declaring the City's intent to annex the Klahanie Potential Annexation Area ("Klahanie PAA"), which area is identified and legally described in Exhibit A to the aforementioned Resolution No. R2014-602; and

WHEREAS, a copy of Resolution No. R2014-602 was filed with the King County Council and the Washington State Boundary Review Board for King County ("BRB") on December 8, 2014, in accordance with RCW 35A.14.015; and

WHEREAS, the jurisdiction of the BRB was not invoked by any party, and the City Council has accordingly determined that it is in the best interest of the City and the Klahanie PAA to call for a special election to be held on April 28, 2015 and to submit the question of annexation of the Klahanie PAA as a ballot question pursuant to RCW 35A.14.085;

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

Section 1. Findings. The City Council hereby adopts the above recitals in support of the annexation proposed by this Resolution. The Council further finds that the best interests and general welfare of the City of Sammamish would be served by the proposed annexation.

Section 2. Call for Special Election on Klahanie Annexation. Pursuant to Resolution No. R2014-602, attached hereto as Exhibit 1 and incorporated herein by this reference, the City Council hereby requests that the Director of Records and Elections of King County, Washington (the "Director of Elections") hold a special election on April 28, 2015, in the manner provided by law, for the purpose of submitting to the qualified electors of the Klahanie PAA, a proposition to approve or reject annexation of the Klahanie PAA to the City of Sammamish subject to the

City's zoning and land use regulations applicable to the Klahanie PAA. As nearly as may be known at this time, there are approximately 6,161 registered voters residing within the Klahanie PAA.

Section 3. Ballot Proposition. The ballot title for the special election referenced above in Section 2 shall read substantially as follows:

CITY OF SAMMAMISH
PROPOSITION 1
KLAHANIE ANNEXATION

The Sammamish City Council is calling for an election on the proposed annexation of the Klahanie Potential Annexation Area, now located in unincorporated King County.

If annexed, the Klahanie Potential Annexation Area would:

- Be subject to Sammamish land use designations and zoning regulations as provided in Ordinance Nos. O2014-383 and O2014-384.
- Be assessed and taxed at the same rate and upon the same basis as property within Sammamish.

Shall the Klahanie Potential Annexation Area be annexed to Sammamish?

For annexation and adoption of proposed zoning regulations.....

Against annexation and adoption of proposed zoning regulations.....

Section 4. Explanatory Statement. The explanatory statement specified in RCW 29A.32.241 shall be prepared and/or approved by the City Attorney who shall transmit the same to the King County Elections Department within the time required by law.

Section 5. Authorizations. The proper City officials are authorized to perform such duties as are necessary or required by law to ensure that this ballot proposition is submitted to the voters of the Klahanie PAA at the April 28, 2015 special election date. All actions taken prior to the effective date of this Resolution and in furtherance of these objectives are hereby ratified and confirmed.

Section 6. Request for a Local Voters' Pamphlet and Pro/Con Committee Appointments. The City Council hereby requests that the Director of Elections prepare and distribute a local voters' pamphlet providing information on the foregoing ballot proposition, and the City Council hereby authorizes the use of City funds to pay for publication of the local voters' pamphlet and for the cost of the annexation election. The pamphlet shall include arguments advocating approval and disapproval of the ballot proposition. In accordance with RCW 29A.32.280, the arguments advocating approval and disapproval of the ballot shall be

prepared by committees appointed by the Sammamish City Council, or by the Director of Elections pursuant to RCW 29A.32.280 if the Sammamish City Council fails to take such action, not later than March 16, 2015, or as otherwise requested by the Director of Elections. Each committee shall be appointed by March 13, 2015, and be composed of not more than three persons. The committee advocating approval shall be composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition.

Section 7. Filing of Certified Copies. The City Clerk shall file certified copies of this Resolution with the King County Council and the Director of Elections.

PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON AT A REGULAR MEETING THEREOF THIS 3RD DAY OF FEBRUARY, 2015.

CITY OF SAMMAMISH, WASHINGTON

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: January 27, 2015
Passed by the City Council:
Resolution No.: R2015-_____

Exhibit 1

CERTIFICATION

I, the undersigned City Clerk of the City of Sammamish, Washington, certify that this is a true and correct copy of

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2014-602**

Resolution R2014-602 Subscribed
and sealed this *10th* day of *December, 2014*
Melanie Anderson
CITY CLERK

**A RESOLUTION OF THE CITY OF SAMMAMISH,
WASHINGTON, DECLARING THE CITY'S INTENT TO
ANNEX AN UNINCORPORATED AREA OF KING
COUNTY COMMONLY KNOWN AS THE KLAHANIE
POTENTIAL ANNEXATION AREA; DESCRIBING THE
BOUNDARIES OF SUCH AREA; CALLING FOR AN
ELECTION TO BE HELD SUBMITTING TO THE VOTERS
WITHIN SUCH AREA THE PROPOSAL FOR
ANNEXATION; ENTERING LEGISLATIVE FINDINGS;
AND PROVIDING DIRECTION TO STAFF**

WHEREAS, the Klahanie Potential Annexation Area is located contiguous to the boundaries of the City of Sammamish and is comprised of approximately 1,243 acres of unincorporated territory; and

WHEREAS, the Klahanie Potential Annexation Area is located entirely within the City's Urban Growth Area, and is identified and legally described as set forth in Exhibit A attached hereto and incorporated herein by this reference as if set forth in full; and

WHEREAS, to the best of the City's knowledge and belief, there are currently 6,459 registered voters as of July 12, 2013 residing within the Klahanie Potential Annexation Area as verified by King County Records and Elections; and

WHEREAS, the City Council desires to annex the Klahanie Potential Annexation Area into the City of Sammamish, and to call for an election submitting the proposal for annexation to the voters of said area; and

WHEREAS, the City Council held a public hearing on November 17, 2014 in order to allow interested citizens to provide comment on the proposed annexation of the Klahanie Potential Annexation Area to the City of Sammamish;

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

Section 1. Findings. The City Council hereby adopts the above recitals in support of the annexation proposed by this resolution. The Council further finds that the best interests and general welfare of the City of Sammamish would be served by the proposed annexation.

Section 2. Election on Annexation Proposal Called. The Sammamish City Council hereby

Exhibit 1

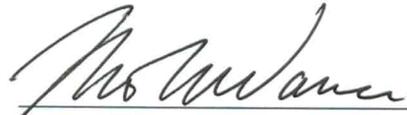
calls for an election to be held submitting to the voters of the unincorporated territory commonly known as the Klahanie Potential Annexation Area the proposal of whether said territory shall be annexed into the City of Sammamish, in accordance with the process set forth at RCW 35A.14.015 *et seq.* The City of Sammamish shall pay the cost of the annexation election.

Section 3. Proposed Zoning. Pursuant to RCW 35A.14.330 and RCW 35A.14.340, proposed zoning regulations and land use designations for the area to be annexed shall be established to be effective upon annexation.

Section 4. Filing. The City Clerk is hereby authorized and directed to file a copy of this resolution with the King County Council and the King County Boundary Review Board in accordance with RCW 35A.14.015.

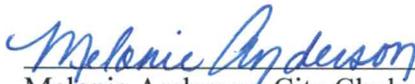
PASSED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 17th DAY OF NOVEMBER 2014.

CITY OF SAMMAMISH



Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:



Melonie Anderson, City Clerk

Approved as to form:



for: Michael R. Kenyon, City Attorney

Filed with the City Clerk:	November 13, 2014
Passed by the City Council:	November 17, 2014
Resolution No.:	R2014-601

ANNEXATION**KLAHANIE****Legal Description**

Those portions of Sections 10, 11, 12, 13, 14, 15, 22 and 23 Township 24 North, Range 6 East, W.M., King County, Washington, described as follows:

Beginning at the intersection of the West line of the East half of the Northeast quarter of said Section 22, and the Easterly line of the Plat of Vaughn Hill Addition as recorded in Volume 102 of Plats, Pages 99-100, records of King County, Washington, said intersection being on the Issaquah city limits as annexed under Ordinance No. 2255; thence, along said Issaquah city limits, Southeasterly along said Easterly line to the Southeasterly margin of Issaquah-Fall city Road as conveyed to King County under King County recording number 9807070554; thence continuing Southeasterly along said Easterly line to the southeast corner of said Plat; thence Northeasterly, along the southerly line of that parcel of land conveyed by Deed recorded under Recording Number 20040813000399 to the southeast corner of said parcel; thence Northwesterly, along the easterly line of said parcel, to the intersection with the westerly extension of the southerly line of that parcel of land described as Parcel A as conveyed by Deed recorded under Recording Number 20020306001321; thence Northeasterly, along the southerly lines of said Parcel A and Parcel B of said Deed, to the east line of the Northeast quarter of said Section 22; thence northerly, along said east line, to said Southeasterly margin of Issaquah-Fall city Road;

Thence Northeasterly along said Southeasterly margin to its intersection with the Southwesterly extension of the Southeasterly margin of SE Duthie Hill Road;
Thence Northeasterly along said Southeasterly margin to its intersection with the Southeasterly extension of the Southwesterly margin of Issaquah-Beaver Lake Road, said intersection being on the Sammamish city limits as established by the incorporation of the city of Sammamish;

Thence along said Sammamish city limits the following courses:

Thence Northwesterly along said extension and said Southwesterly margin to its intersection with the South margin of SE 32nd Street;
Thence Westerly along said South margin to its intersection with the Southeasterly margin of SE 32nd Way;
Thence Southwesterly along said Southeasterly margin to its intersection with the Easterly margin of Issaquah-Pine Lake Road (also known as Gobel Road, King County Road No. 558) as established by deed recorded under King County recording number 7807130727;

Thence Southeasterly, Southwesterly, Southerly and Southeasterly along said Easterly margin to its intersection with the Easterly extension of the South margin of SE 48th Street, said intersection being on the Issaquah city limits as annexed under said Ordinance No. 2255;

Thence leaving said Sammamish city limits and following said Issaquah city limits the following courses:

Thence continue Southeasterly along said Easterly margin to its intersection with the Northwesterly margin of said Issaquah-Fall city Road as conveyed to King County under King County recording numbers 9807070556 and 9807070557;

Thence Northeasterly along said Northwesterly margin to the West line of the East Half of the Northeast quarter of said Section 22;

Thence Southerly along said West line to the **Point of Beginning**.



City of Sammamish

Klahanie Potential Annexation Area

King County

City of Issaquah

Klahanie PAA Vicinity Map
City of Sammamish

-  Klahanie - PAA
-  City of Sammamish
-  City of Issaquah
-  Sammamish Parks
-  King County Parks
-  UGA

N

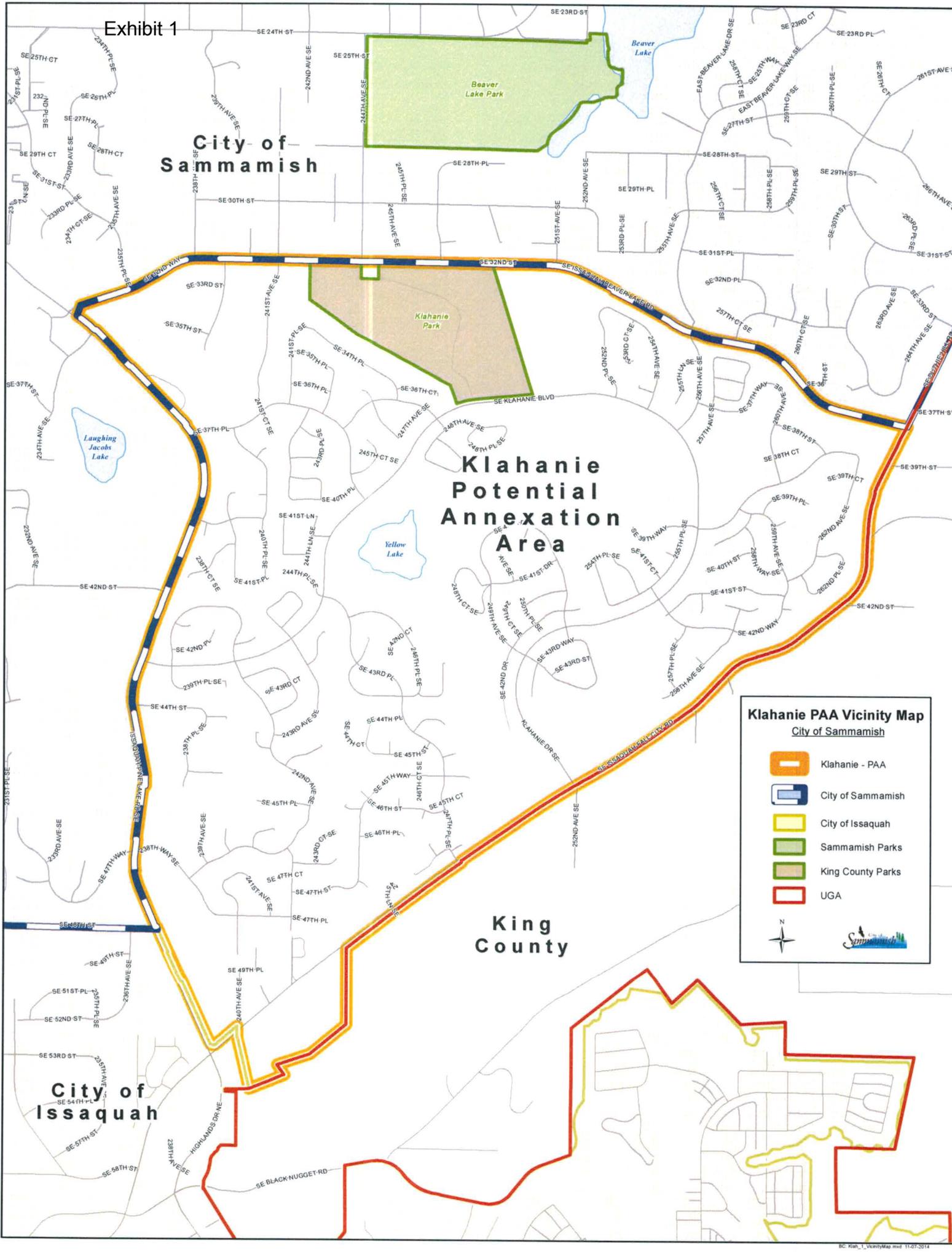



Exhibit 1



Meeting Date: February 3, 2015

Date Submitted: 1/28/2015

Originating Department: City Manager

Clearances:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |

Subject: Resolution: Requesting That The King County Director Of Elections Hold A Special Election On April 28, 2015 For The Purpose Of Placing On The Ballot An Advisory Proposition Regarding The Adoption Of The Powers Of Local Initiative And Referendum To The Extent Provided By Law; Further Requesting Publication Of A Local Voters' Pamphlet For Such Ballot Proposition; And Providing For Other Matters Relating Thereto.

Action Required: Approval of Resolution

Exhibits:

1. Resolution
2. December 9, 2015 Memo from Kim Adams Pratt, Assistant City Attorney
3. January 22, 2015 Memo from Mike Kenyon, City Attorney

Budget: King County election costs are anticipated to be between \$30,000 to \$40,000

Summary Statement: There has been public discussion on the details related to and merits of granting the powers of initiative and referendum to the citizens of Sammamish. These powers grant the citizens the ability to directly enact or repeal laws for the City. An initiative is the ability of the voters in a city to initiate and enact legislation directly, without passage by the City Council, and a referendum is the right of the voters to repeal or approve an ordinance passed by the City Council before it becomes effective.

The Sammamish City Council has expressed a desire to let the Sammamish voters decide if they wish to have the powers of initiative and referendum.

Background: The City Council has studied the details related to the Powers of Initiative and Referendum several times over several study sessions. There have been recent requests to grant this power by several members of the community and through a recent editorial in the *Sammamish Review*.

Fifty (50) of the 191, or 26% of code cities have the powers of initiative and referendum. Sammamish is the 6th largest city in the state without this power. The larger code cities without this power include

Kirkland, Kennewick, Auburn, Pasco and Marysville. Generally, the more populous cities and counties have adopted these powers.

Common arguments for adopting the powers of initiative and referendum include: allowing for direct democracy rather than representative democracy, neutralizing special interest groups, and putting pressure on public officials to act in the public's best interest.

Common arguments against adopting the powers include: undercutting representative democracy, special interest groups swaying voters, poor drafting of legislation resulting in difficult implementation, passing unfunded mandates, and requiring another vote of the people to fix unintended consequences of an ordinance passed by initiative.

Only Ordinances are subject to initiatives and referendum, resolutions and motions are not. Generally the courts have found that the following ordinance subject matter are excluded from the powers of initiative and referendum:

- When the state legislature grants the authority to the city council;
- When the authority was granted to the city as a corporate entity; and
- When an ordinance is administrative in nature, rather than legislative.

State statutes exclude the following ordinances from referendum:

- Emergency ordinances necessary for the immediate preservation of public peace, health, safety or for the support of city government and its public institutions;
- Ordinances providing for local improvement districts;
- Ordinances providing for or approving collective bargaining, compensation or working conditions of city employees;
- Ordinances authorizing or repealing the levy of taxes or appropriating money; and
- Ordinances initiated by petition

The City Council through an advisory ballot measure, wishes to ascertain the desire of the voters of Sammamish to have the powers of initiative and referendum.

The City Council has directed staff to prepare this resolution for their consideration.

Financial Impact: It is estimated that the cost of an election associated with this ballot measure will range from \$30,000 to \$40,000 depending on the number of ballot measures and the number of jurisdictions participating in the election.

Recommended Motion: Motion to approve the attached resolution directing that an advisory vote be put on the April 28th ballot to ascertain whether the voters of Sammamish wish to have the powers of initiative and referendum.

**CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2015- ____**

A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, REQUESTING THAT THE KING COUNTY DIRECTOR OF ELECTIONS HOLD A SPECIAL ELECTION ON APRIL 28, 2015 FOR THE PURPOSE OF PLACING ON THE BALLOT AN ADVISORY PROPOSITION REGARDING THE ADOPTION OF THE POWERS OF LOCAL INITIATIVE AND REFERENDUM TO THE EXTENT PROVIDED BY LAW; FURTHER REQUESTING PUBLICATION OF A LOCAL VOTERS' PAMPHLET FOR SUCH BALLOT PROPOSITION; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

WHEREAS, substantial public discussion has taken place regarding the merits of adopting the powers of local initiative and referendum within the City of Sammamish; and

WHEREAS, the Sammamish City Council has expressed a desire to hold a special election on April 28, 2015, in order to place this issue before the voters as an advisory measure;

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

Section 1. Findings. The City Council finds that the best interests and general welfare of the City of Sammamish would be served by placing before the voters an advisory measure whether to provide the powers of local initiative and referendum within the City of Sammamish.

Section 2. Call for Special Election on Advisory Measure Regarding the Exercise of Powers of Initiative and Referendum Within the City of Sammamish. The City Council hereby requests that the Director of Records and Elections of King County, Washington (the "Director of Elections") hold a special election on April 28, 2015, in the manner provided by law, for the purpose of submitting to the qualified electors of the City of Sammamish, an advisory proposition to approve or reject the provision of the powers of local initiative and referendum to the citizens of the City.

Section 3. Ballot Proposition. The ballot title for the special election referenced above in Section 2 shall read substantially as follows:

CITY OF SAMMAMISH

ADVISORY PROPOSITION 2
POWERS OF LOCAL INITIATIVE AND REFERENDUM

The Sammamish City Council is calling for an advisory election whether to provide for the exercise of the powers of local initiative and referendum, to the extent provided by law.

If provided, voters within the City would have the ability to initiate and enact certain types of legislation, and also to repeal or approve certain types of ordinances adopted by the City Council.

Shall these powers of initiative and referendum be provided?

For provision of powers of initiative and referendum.....

Against provision of powers of initiative and referendum....

Section 4. Explanatory Statement. The explanatory statement specified in RCW 29A.32.241 shall be prepared and/or approved by the City Attorney, who shall transmit the same to the King County Elections Department within the time required by law.

Section 5. Authorizations. The proper City officials are authorized to perform such duties as are necessary or required by law to ensure that this ballot proposition is submitted to the voters of the City of Sammamish at the April 28, 2015 special election date. All actions taken prior to the effective date of this Resolution and in furtherance of these objectives are hereby ratified and confirmed.

Section 6. Request for a Local Voters' Pamphlet and Pro/Con Committee Appointments. The City Council hereby requests that the Director of Elections prepare and distribute a local voters' pamphlet providing information on the foregoing advisory ballot proposition, and the City Council hereby authorizes the use of City funds to pay for publication of the local voters' pamphlet and for the cost of the initiative and referendum advisory election. The pamphlet shall include arguments advocating approval and disapproval of the advisory ballot proposition. In accordance with RCW 29A.32.280, the arguments advocating approval and disapproval of the ballot measure shall be prepared by committees appointed by the Sammamish City Council, or by the Director of Elections pursuant to RCW 29A.32.280 if the Sammamish City Council fails to take such action, not later than March 16, 2015, or as otherwise requested by the Director of Elections. Each committee shall be appointed by March 13, 2015, and be composed of not more than three persons. The committee advocating approval shall be composed of persons known to favor the ballot proposition and the committee advocating disapproval shall be composed of persons known to oppose the ballot proposition.

Section 7. Filing of Certified Copies. The City Clerk shall file certified copies of this Resolution with the King County Council and the Director of Elections.

**PASSED BY THE CITY COUNCIL OF THE CITY OF SAMMAMISH,
WASHINGTON AT A REGULAR MEETING THEREOF THIS 3RD DAY OF
FEBRUARY, 2015.**

CITY OF SAMMAMISH, WASHINGTON

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

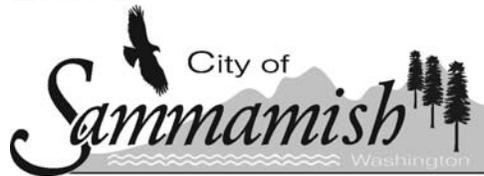
APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: January 29, 2015

Passed by the City Council:

Resolution No.: R2015-_____



Memorandum

DATE: January 22, 2015

TO: City Council
City Manager

FROM: Mike Kenyon, City Attorney and Kim Adams Pratt, Assistant City Attorney

RE: Follow up - Initiatives and Referenda

During the December 9, 2014, City Council Study Session questions were asked by Councilmembers regarding the topic of initiatives and referenda that required additional investigation and research. Below are the questions asked and the information obtained by City Staff and Kenyon Disend in response.

1. The City Council requested a copy of the list compiled by Municipal Research and Service Center (MRSC) of the statutory topics not subject to initiative and referendum.

Attached is **Appendix H** from MRSC's Initiative and Referendum Guide, which is the list of topics that are not likely subject to initiative and referendum powers. Attached as **Appendix I** is the list of topics that is likely subject to initiative and referendum powers.

2. Provide a comparison of the subjects that are prohibited to be addressed by initiative as compared to the subjects that are prohibited to be addressed by referendum.

In addition to the subjects in Appendix H, neither initiative nor referendum powers may be used when the statutory authority is explicitly granted to the City Council (rather than the City as an entity) and when the ordinance is administrative (merely pursues a plan already adopted) rather than legislative (permanent, general character).

The following is a comparison of topics for which referendums are specifically prohibited and a reference as to whether initiative petitions are also prohibited:

- Referendum prohibited for emergency ordinances necessary for the immediate preservation of public peace, health, safety or for the support of city government and its public institutions. Whether an initiative petition was prohibited would depend on the specific topic of the emergency ordinance.
- Referendum prohibited for ordinances providing for local improvement districts. An initiative petition is also likely prohibited on this topic. Appendix H, RCW 35.43.042, 35.43.010.

Exhibit 2

- Referendum prohibited for ordinances providing for or approving collective bargaining. Recent trial court cases have held that an initiative on this topic is prohibited because the power is granted specifically to the City Council, not to the City in general.
- Referendum prohibited for ordinances providing for the compensation of or working conditions of city employees. Whether an initiative was to be allowed likely depends on whether the authority is specifically given to the City Council and whether the topic of the initiative is legislative rather than administrative.
- Referendum prohibited for ordinances authorizing or repealing the levy of taxes. Initiatives are prohibited for several funding and taxing mechanisms. See Attachment H.
- Referendum prohibited for ordinances appropriating money. Initiatives are prohibited for several funding and taxing mechanisms. See Attachment H.

3. Provide examples, from cities near Sammamish that have adopted initiative and referendum powers, of the types of regulations that have been the subject of either an initiative or a referendum.

Redmond: A petition was filed (by Tim Eyman) against red-light cameras. The City Clerk determined that red-light cameras fall under the jurisdiction of police regulations, which sits solely with the City Council. The City Council agreed and the petition was rejected. The petitioner appealed this decision to superior court and the court agreed with the City of Redmond. Redmond adopted these powers in 1982 and this is the first petition it has received.

Issaquah: An unsuccessful initiative petition was received in 2012 regarding the ban on plastic bags. However, efforts continued into 2013 until a valid petition was received. The City Council directed the initiative for a vote of the people. Ultimately, at the special election in February of 2014 the item was not successful with voters and Issaquah retained the plastic bag ban. The City Clerk recalls that this is the only petition Issaquah has received in at least twenty (20) years. Issaquah City staff explained that this was a very labor intensive process – for both the petitioner and the City; however, it is not something that is done frequently.

Lynnwood: On December 10, 2014 a group submitted 336 pages of petitions totaling approximately 4740 signatures for an initiative to appeal an ordinance banning fireworks. The number of signatures required to validate the petition is 2,708. The County Elections Office certified and accepted 2,195 signatures, the balance (2,556) were stricken. On December 18th the City sent a Certificate of Insufficiency to the petitioning group and explained that they had 10 days to submit additional signatures. Additional signatures were submitted and have been submitted to the County Elections Office for validation. The City Clerk believes this is the only petition filed with the city in the last fifteen (15) years.

North Bend: No petitions filed.

4. If a petition to adopt initiative and referendum powers is submitted to the City Clerk, who pays for the County Auditor/King County Elections Office to verify that the required 50% of signatures has been obtained?

Exhibit 2

The King County Elections Office has told us that it does not currently charge for verifying signatures.

5. Please provide the information the Council was provided with in 2012 regarding past abuses or unintended consequences of initiative and referendum powers.

City Attorney Bruce Disend provided Council with the 2002 *Direct Democracy: The Initiative and Referendum Process in Washington State* from the League of Women Voters. The full report is attached and below is an excerpt from the introduction.

This revised and updated study of the initiative and referendum process dates from the League research done in 1994 to a book published in 2002. Although a clear majority of Washington citizens support keeping the initiative process, there is a growing frustration over some aspects: the increasing use of the process, its encroachment into areas some previously thought to be the prerogative of the legislature, the use of paid signature gatherers, and the growing willingness of the Washington State Supreme Court to rule voter-passed initiatives unconstitutional. Some, who have always supported the initiative process, have come to wonder if it isn't time to make changes in the process. Others believe the fewer restrictions the better, and that nothing should interfere with the right of the people to exercise this constitutionally protected form of "direct democracy." Concerns range from the large number of initiative petitions circulated to the impact on the budget process, and for some voters, the recognition after-the-fact of the unintended consequences of undercutting services they actually want. Many legislators find it increasingly difficult to manage a budget that is impacted by the passage of ballot measures that can increase spending and reduce revenue in the same election . . . We hope this report helps readers draw their own conclusions as to which is which.

6. Is it possible for a City to adopt the power of initiative, but not to adopt the power of initiative?

No, RCW 35A.11.080 allows for a noncharter code city like Sammamish to "provide for the exercise in their city of the powers of initiative and referendum." The use of the conjunction "and" in the statute would most likely be interpreted to mean that the power of initiative and referendum must be adopted together, and that a city is not allowed to adopt one power without adopting the other.

7. If a petition to adopt the powers of initiative and referendum were presented to the City Council, what would the timeline be for King County Elections Office to verify the signatures on the petition? Passage of a resolution by Council? Vote by the electorate?

RCW 35A.02.020 provides that the county auditor "shall promptly proceed to determine the sufficiency of the petition." There is no specific timeframe for the City Council to then adopt a resolution declaring the intention of the City to adopt the powers of initiative and referendum,

Exhibit 2

but the City is required to publish the resolution not more than ten days after its passage. RCW 35A.20.020.

If in response to the Council's resolution a referendum petition is filed within 90 days after publication of the resolution (signed by 10% of votes cast in last general election) an election must be held at the next general election if there is one within 180 days of the filing of the petition. Otherwise, the vote will be held at a special election called for that purpose. RCW 35A.02.025. Special elections in 2015 are scheduled for February 10th, April 28th, and August 4th.

8. What was the cost to the City of defending the Clallam County Superior Court case, cause number 14-2-00771-2 that dealt with an initiative that would have required all union negotiations be done in public?

We contacted the cities of Sequim and Shelton regarding the fees that they have incurred as a result of the initiative on union negotiations. Neither city was able to provide a dollar figure for the attorney's fees incurred. In general, it is difficult to accurately predict the cost of potential future litigation involving initiative and referendum matters. In most cases, however, the litigation would be relatively straightforward and would be limited to pure legal issues, which would eliminate the need for depositions and other discovery (and their attendant expense). The City's litigation expense would probably fall between \$10,000 and \$20,000.

9. Has a City with the powers of initiative and referendum ever passed either an initiative or referendum? MRSC researched this issue for us, and found that in the past two years the following is the only initiative that went to a vote of the city's citizens:

2014 Issaquah Proposition 1. This initiative ordinance to the Council of the City of Issaquah, Washington deals with retail carryout bags. Currently, City law prohibits retail establishments from providing lightweight plastic carryout bags to customers, requires a minimum 5 cent charge for paper carryout bags, and encourages use of other reusable bags. The proposed initiative ordinance would repeal this law. In addition, the proposed initiative ordinance would require future regulations of retail carryout bags be approved by a majority vote of the City Council and a majority vote of the citizens at an election.

The initiative failed (47.68% to 52.32%).

10. Provide the terms of Article I, section 1 of the Washington State Constitution.

Article I, Declaration of Rights, Section 1 Political Power. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

11. If a state initiative or referendum is passed by the electorate, is the legislature authorized to amend or repeal the enactment after two years? Yes.

Washington State Constitution, Article II, section 1(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: *Provided*, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. (Emphasis added)

12. Provide the process by which the powers of initiative and referendum may be repealed six (6) years after being adopted.

The following is a summary of the procedure authorized in RCW 35A.11.080: is as follows:

- Two ways exist to initiate the repeal of initiative and referendum powers: The first is for the city council to pass a resolution of intention, proposing abandonment of initiative and referendum powers. The second is for the citizens to petition for abandonment of the powers. The petition must be signed by not less than 10 percent of the votes cast at the last general municipal election.
- Once the petition has been determined to be sufficient by the county auditor/King County elections office or the resolution of intention has been approved by the council, an election must be held at the next general election.
- If a majority of the voters voting at the election vote to repeal the powers of initiative and referendum, then they are repealed.

13. What form does an initiative or referendum take on the City's records after passed by the voters?

An initiative that is passed would become part of the City's official ordinance records. The City Clerk is to write on the margin of the ordinance "ordinance by petition No." or "ordinance by vote of the people." If a referendum is passed the ordinance that is the subject of the referendum would be shown in the City's records as having been repealed. Below is how the City of Bellevue has codified these requirements in its municipal code ("BMC").

BMC section 1.12.180 Initiative – Effective date – Record.

If a majority of the number of votes cast thereon favor the proposed ordinance, it shall become effective immediately and shall be made a part of the record of ordinances of the city.

BMC 1.12.200 Initiative – Repeal or amendment – Method.

The council may by means of an ordinance submit a proposition for the repeal or amendment of an ordinance, initiated by petition, by submitting it to a vote of the people at any general election and if a majority of the votes cast upon the proposition favor it, the ordinance shall be repealed or amended accordingly.

A proposition of repeal or amendment must be published before the election thereof as in an ordinance initiated by petition when submitted to election.

BMC 1.12.210 Initiative – Repeal or amendment – Record.

Upon the adoption of a proposition to repeal or amend an ordinance initiated by petition, the city clerk shall write upon the margin of the record of the ordinance “repealed (or amended) by ordinance No. _____,” or “repealed (or amended) by vote of the people.”

BMC 1.12.260 Referendum – Effective date – Record.

If a majority of the number of votes cast thereon oppose the ordinance subject to the referendum, such ordinance shall be deemed repealed immediately.

14. What are the City Council’s options if the City Council believes that an initiative that has passed needs to be amended or repealed?

The City Council cannot by its own vote amend or repeal an ordinance that has been adopted by initiative. RCW 35.17.340 provides that an ordinance adopted by a vote of the people cannot be amended or repealed except by a vote of the people. This limitation on repeal or amendment applies even if the City Council decides to pass the proposed ordinance without alteration pursuant to RCW 35.17.260(1), because the ordinance was "initiated by petition."

RCW 35.17.350 does allow the City Council to submit a proposition to amend or repeal an ordinance initiated by petition, by submitting same to a vote of the people at any general election. If a majority of the votes cast are in favor of the Council proposition, then the ordinance shall be amended or repealed accordingly.

Appendix H

Examples of Specific Statutory Grants of Power to Municipal Legislative Authority

These topics are not likely to be subject to initiative and referendum powers.

Statutory Grants	RCW
Consolidation/Annexation of One City to Another	Ch.35.10
Annexation of Unincorporated Areas to City	Ch.35.13
Assumption of Water-Sewer Districts	35.13A.020
Power to Acquire Auditoriums, Art Museums, Swimming Pools, etc.	35.21.020
Power to Create Special Funds: Payroll & Claims	35.21.085
Authority to Designate Streets as Parkways - Transfer of Maintenance Responsibilities	35.21.190
Power to Establish Residency Qualifications for Appointed Officials/Preference in Employment	35.21.200
Power to Purchase Liability and Workman's Compensation Insurance	35.21.209
Power to Establish Transportation Benefit Districts	35.21.225
Power to Participate in Economic Opportunity Act Programs	35.21.680
Authority to Promote Tourism	35.21.700
Authority to Establish Public Ambulance Utility	35.21.766
Authority to Establish B & O Tax on Ambulance Businesses	35.21.768
Authority to Revise Corporate Boundary - Street Center Lines	35.21.790
Authority to Create Park Board - Commissioners	35.23.170
Authority to Create Special Funds, Sell Revenue Bonds, Warrants & Set Rates - Municipal Bond Revenue Act	Ch.35.41
Authority to Order Local Improvements	35.43.040

Exhibit 2	
Authority to Create Utility Local Improvement Districts (ULID)	35.43.042
Authority to Issue LID Bonds	35.45.010
Authority to Create Pedestrian Malls	35.71.030
Authority to Contract for Street Projects	35.72.010
Authority to Create Comprehensive (6-year) Street Plan	35.77.010
Authority to Classify Streets	35.78.010
Authority to Vacate Streets	35.79.030
Authority to Regulate Unfit Dwellings, Buildings, Structures	35.80.030
Authority to Enable Local Housing Authority	35.82.030
Authority to Acquire, Construct, Maintain, etc., Out-of-State Property, Plant and Equipment for Municipal Utilities	35.92.014
Authority to Appropriate Funds, Levy Tax for Transportation System	35.95.030
Authority to Annex Property - Code Cities	35A.14.015
Authority to Establish a Planning Agency	35A.63.020
Authority to Approve Comprehensive Plan	35A.63.072 & 35.63.100
Authority to Adopt Land Use Regulations (Zoning Code)	35A.63.100 & 35.63.110
Authority to Establish Short Plat/Subdivision Regulations	58.17.060
Authority to Approve Plats	58.17.100 & 58.17.110 & 58.17.170

Appendix I

Examples of Specific Statutory Grants of Power to Municipal Corporate Entity (Voters)

These topics may be subject to initiative and referendum powers if the other statutory and judicial limitations on the powers are satisfied.

Statutory Grants	RCW
Petition for Reduction of City Limits	35.16.010
Power to Provide Auxiliary Water System for Fire Protection	35.21.030
Power to Create Equipment Fund	35.21.088
Power to Establish, Construct and Maintain Dikes and Levees	35.21.090
Power to Accept Donations of Property	35.21.100
Authorization to Construct, Acquire and Maintain Ferries	35.21.110
Power to Establish Solid Waste Handling System	35.21.120
Power to Establish Sewers, Drainage and Water Supplies	35.21.210
Power to Regulate Sidewalks	35.21.220
Authority to Require Removal of Debris/Plants	35.21.310
Authority to Establish Lake Management Districts	35.21.403
Authority to Establish Youth Agencies	35.21.630
Authority to Assist Development of Low Income Housing	35.21.685
Authority to Own/Operate Professional Sports Franchise	35.21.695
Authority to Acquire/Construct Multi-Purpose Community Center	35.59.030
Authority to Participate in World Fairs and Expositions	35.60.030
Authority to Construct Sidewalks, Gutters, Curbs, etc.	35.68.010
Authority to Erect/Maintain Draw Bridges	35.74.010

Exhibit 2	
Authority to Regulate and License Bicycles	35.75.010
Authority to Provide Off-Street Parking Facilities	35.86.010
Authority to Acquire and Operate Municipal Utilities - Generally	35.92.010
Authority to Require Conversion to Underground Utilities	35.96.030
Authority to Establish Heating Systems	35.97.020
Power to Adopt Code City Status	35A.02.010
Power to Adopt Charter Code City Status	35A.07.010
Authority for Library, Museum and Historical Activities	35A.27.010
Authority for Joint Acquisition of Land for Schools	35A.28.010
Authority for Joint Facilities and Agreements - Intergovernmental Relations - Civic Center, Jails, Armories	35A.35.010
Authority for Emergency Services Participation	35A.38.010
Authority for Granting of Property for Highways and Streets	35A.47.010
Authority for Local Regulatory Option on Sale of Liquor	Ch.35A.66
Authority to Acquire Recreational Facilities	Ch.35A.67
Authority to Acquire Cemeteries/Morgues	Ch.35A.68
Authority to Regulate Food and Drugs	Ch.35A.69
Authority to Regulate Health and Safety	Ch.35A.70
Authority to Provide for the General Welfare	Ch.35A.74
Power to Acquire, Use and Manage Property and Materials	Ch.35A.79
Authority to Provide Public Utilities	Ch.35A.80
Authority to Regulate Harbors and Navigation	Ch.35A.88



Memorandum

DATE: December 9, 2014

TO: City Council
City Manager

FROM: Mike Kenyon, City Attorney and Kim Adams Pratt, Assistant City Attorney

RE: Initiatives and Referenda

The City Council has asked for an update on the topics of initiatives and referenda. In brief, the power of initiative is used to propose new legislation by the voters and the power of referendum is used by the voters to review ordinances previously adopted by the City Council. The purpose of this memorandum is to provide Council with an overview of these topics.

FREQUENTLY ASKED QUESTIONS¹

1. Question:

What are the powers of initiative and referendum?

Answer:

An initiative is the ability of the voters in a City to initiate and enact legislation directly, without passage by the City Council.

A referendum is the right of the City's voters to have an ordinance that has been enacted by the City Council submitted to the voters for their approval or disapproval before it becomes effective (30 days after passage).

2. Question:

Who may exercise the powers of initiative and referendum?

Answer:

The powers of initiative and referendum are not available to all cities. The powers of initiative and referendum are only available in first class cities (RCW 35.22.200 and the charters), code cities (RCW 35A.11.080 - .100), and cities organized under the commission form of government (RCW 35.17.240 - .360). Code cities, such as Sammamish, do not automatically have the

¹ Source: Municipal Research and Services Center "Initiative and Referendum Guide"

Exhibit 3

powers of initiative and referendum, but may adopt them, either by citizen petition/election or by resolution of a majority of the city council.

Voters of a code city that have acquired the powers of initiative and referendum may initiate ordinances or have certain ordinances which have been passed by the legislative body referred to them for affirmation or rejection at an election. In either instance, the process is begun by a petition. In a code city, the petition requires signatures of registered voters equal to 15 percent of the number of registered voters in the city as of the date of the last preceding city general election.

If a valid petition is filed seeking a referendum, the ordinance does not go into effect until it has received a majority of the votes cast at the election. If a valid initiative petition is filed (accompanied by a proposed ordinance), the council shall either pass the ordinance within 20 days of the clerk's certification of the petition, or submit the ordinance to the voters at a general or special election called for that purpose. RCW 35.17.240.

3. Question:

What are the methods for acquiring the powers of initiative and referendum by a code city?

Answer:

A code city may acquire the powers of initiative and referendum in two ways.

Direct Petition Method. Under RCW 35A.02.020, the direct petition method, a petition must be signed by registered voters representing at least 50% of the votes cast at the last general municipal election. This petition is then filed with the city clerk who sends the petition to the County Auditor of a determination of whether the petition is sufficient. If it is, the petition is filed with the legislative body, which then must pass a resolution declaring that the voters of the city have decided to provide for the powers of initiative and referendum. The resolution must be published in a newspaper of general circulation within 10 days of its adoption. A 90-day waiting period then follows during which a second "referendum" petition can be filed to force an election on the issue. If there is no referendum (or second) petition filed within 90 days of the council resolution, the council must adopt the powers of initiative and referendum by ordinance.

If a referendum (or second) petition is filed and found sufficient (signed by at least 10 percent of the votes cast at the last general municipal election), there must be an election on the issue at the next general municipal election, if that election will be held within 180 days after the filing of the referendum, or otherwise at a special election. If there is an election on the issue, the powers would only be adopted if a majority of those voting on the issue favor adoption of the powers.

Resolution Method. The second method, provided for in RCW 35A.02.030, is by resolution. Under this method, the majority of the city council may pass a resolution to provide for the powers of initiative and referendum. This resolution, like the direct petition method, is subject to a referendum if within 90 days after publication of the City Council's resolution a petition is filed and signed by at least 10 percent of the votes cast at the last general municipal election. If

Exhibit 3

no referendum petition is filed, the City Council will pass an ordinance adopting the powers of initiative and referendum. If a referendum is filed and found sufficient there must be an election on the issue at the next general municipal election, if that election will be held within 180 days after the filing of the referendum, or otherwise at a special election.

4. Question:

What are the limitations on the powers of initiative and referendum in a code city?

Answer:

Only ordinances, not motions or resolutions, are subject to the powers of initiative and referendum; and there are certain statutory and court imposed limitations placed upon the powers as applied to ordinances. RCW 35A.11.090 excepts the following from the initiative and referendum process:

1. Emergency ordinances necessary for the immediate preservation of public peace, health, safety or for the support of city government and its public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
2. Ordinances providing for local improvement districts;
3. Ordinances providing for or approving collective bargaining;
4. Ordinances providing for the compensation of or working conditions of city employees;
5. Ordinances authorizing or repealing the levy of taxes;
6. Ordinances initiated by petition (initiative process); and
7. Ordinances appropriating money.

In addition to the above statutory exceptions, Washington's courts have carved out various other actions which are not subject to initiative and referendum. Where the grant of power by the state legislature is to the "corporate authorities" of the city, the mayor and city council, and not to the city as a "corporate entity", an ordinance is not subject to the referendum provisions.

Another distinction made by Washington's courts is the difference between legislative policy, which falls within the scope of the powers of initiative and referendum; and administrative action which does not.

5. Question:

How does one determine whether an issue is legislative or administrative in order to determine if it is subject to initiative and referendum?

Answer:

Two tests have been suggested for determining whether an issue is legislative or administrative. First, actions relating to subjects of a permanent and general character are usually regarded as "legislative" and therefore subject to the powers of initiative and referendum. Those actions taken on subjects of a temporary and special character are usually regarded as "administrative"

Exhibit 3

and are not subject to the powers. A second test suggests that a matter is legislative if it prescribes a new policy or plan, and administrative if it merely pursues a plan that has already been adopted.

6. Question:

Have most code cities adopted the powers of initiative and referendum?

Answer:

No. The majority of the 191 code cities have not adopted the powers of initiative and referendum. 50 code cities as 2014 have done so.

7. Question:

Can the powers of initiative and referendum, once adopted, ever be abandoned by a code city?

Answer:

Yes, they can be. RCW 35A.11.080 provides that the exercise of the powers "may be restricted or abandoned." This cannot be done, however until at least six (6) years have passed since the adoption of the powers. No code city has ever abandoned the powers once adopted.

8. Question:

Is a rezone ordinance subject to the referendum process in a code city?

Answer:

No. The authority to adopt and modify the zoning code in a code city has been given by the state legislature to the City Council, and therefore is not subject to the power of referendum. Leonard v. Bothell, 87 Wn.2d 847 (1976).

9. Question:

Is a budget ordinance subject to a referendum?

Answer:

No. Among the exceptions to the power of referendum are ordinances appropriating money and ordinances providing for the compensation of city employees. The budget ordinance would encompass both of these exceptions and consequently is not subject to a referendum.

10. Question:

Is the power to annex property subject to the initiative or referendum process?

Answer:

No. The power to annex property have been granted by the state legislature specifically to the City Council and is therefore not subject to referendum. State ex rel. Bowen v. Kruegel, 67 Wn.2d 673 (1965).

11. Question:

Are Ordinances enacted pursuant to the Growth Management Act subject to the power of referendum, or can they be enacted by initiative?

Answer:

No. Any ordinance adopted pursuant to the Growth Management Act has been specifically delegated to the City Council and is therefore not subject to referendum.

12. Question:

Can petition signature gatherers be paid?

Answer:

Yes, petition signature gatherers can be paid either a flat fee or on a per signature gathered basis.

Exhibit 3



Meeting Date: February 3, 2015

Date Submitted: 1/26/2015

Originating Department: Choose an item.

Clearances:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input checked="" type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Public Works |

Subject: Approval: 2015 Council Committee Appointments

Action Required: Approve Committee Appointments

Exhibits: 1. Exhibit 1 - Appointments

Budget: N/A

Summary Statement:

The attached Committee appointments are being submitted for Council approval.

Background:

The Sammamish City Councilmembers believe in the importance of participating on regional and local committees to ensure the city's interests are being addressed. Each year, Councilmembers have been appointed to represent the city on the following committees. In addition, there are two new committees this year, Sammamish Transportation Committee and the Sammamish Community & Aquatic Center Advisory Board.

Sammamish Finance Committee
 Sammamish Public Safety Committee
 Sammamish Transportation Committee
 Sammamish Legislative Committee
 Sammamish Community Center Advisory Board
 Water Resource Inventory Area 8 (WRIA)
 Sound Cities Association – Public Issues Committee
 Eastside Fire & Rescue Board
 Utility District Coordination Committee

Financial Impact: N/A

Recommended Motion: Motion to approve the appointments as listed on Exhibit 1.

Council Committee Appointments

Finance Committee – (Meets quarterly)

- ❖ Mayor Vance; Councilmember Odell; Deputy Mayor Huckabay

Public Safety – (Meets quarterly)

- ❖ Councilmember Valderrama; Deputy Mayor Huckabay; Councilmember Odell

Transportation – (Meets quarterly)

- ❖ Councilmember Gerend; Councilmember Keller; Councilmember Odell

Legislative – (Meets as needed)

- ❖ Mayor Vance; Deputy Mayor Huckabay; Councilmember Valderrama; Councilmember Gerend (Alternate)

Community Center AB (Ex Officio) – (Meeting dates to be determined)

- ❖ Councilmember Odell

Water Resource Inventory Area 8 – (Meets Monthly)

- ❖ Councilmember Odell; Councilmember Gerend (Alternate)

Suburban Cities – Public Issues Committee – (Meets monthly)

- ❖ Councilmember Keller; Councilmember Gerend (Alternate)

Eastside Fire & Rescue Board – (Meets Monthly)

- ❖ Deputy Mayor Huckabay; Councilmember Keller; Councilmember Valderrama (Alternate)

Utility Districts Coordination Committee - (Meets as needed)

- ❖ Mayor Vance; Councilmember Valderrama; Councilmember Odell

Exhibit 1



City Council Agenda Bill

Meeting Date: February 3, 2015

Date Submitted: 1/30/2015

Originating Department: Public Works

Clearances:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Attorney | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Eastside Fire and Rescue | <input type="checkbox"/> Police |
| <input checked="" type="checkbox"/> City Manager | <input type="checkbox"/> Finance & IT | <input checked="" type="checkbox"/> Public Works |

Subject: Emergency Ordinance for Historic Plats with Drainage Concerns

Action Required: Adopt an emergency ordinance that would establish interim development standards for historic plats that drain onto landslide hazard areas.

Exhibits: 1. Draft Ordinance

Budget: No budget impact

Summary Statement:

There are historically created plats within Sammamish that were platted before considerations were given to surface and stormwater impacts. Some of these plats drain to landslide hazard areas. Current regulations do not adequately address potential cumulative impacts. The emergency ordinance temporarily enacts interim regulations until permanent regulations can be developed through the normal Planning Commission/City Council process.

Background:

There are a number of historic plats within the City of Sammamish. The platting process occurred before much thought was given to stormwater runoff and its effects. The small and affordable lots within these plats are experiencing a lot of development pressure, and without a central drainage system the area is prone to erosion and/or landslides.

Current regulations require all projects with over 2,000 square feet of impervious surfaces to discharge stormwater directly to a tightline pipe system. In these historic plats the effect is to make some lots effectively undevelopable due to the absence of a tightline pipe system. Another result is the high number of projects being developed with just under the 2,000 square foot threshold. While these smaller footprint homes have less significant stormwater impact when considered individually, there is concern about the cumulative effects of the high number of these projects that are being proposed. Development patterns in these plats within, or just above, the landslide hazard areas have resulted in effective residential densities of six units per acre.

The interim drainage standards will require that all new homes in these areas review and adhere to the city's surface water regulations until such time as adequate facilities can be put in place or more protective permanent standards can be developed and adopted.

Ordinance O2014-374 expired on January 15, 2015. Adoption of this proposed interim ordinance for a period not to exceed six months (the maximum allowed under the Growth Management Act) will ensure that these regulations remain in place during the period before the City Council takes action on the proposed permanent regulations coming forward from the Planning Commission.

Financial Impact:

There is no financial impact directly associated with adoption of this ordinance.

Recommended Motion:

Adopt emergency ordinance and schedule public hearing within 60 days.

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2015-____

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, ESTABLISHING INTERIM
DEVELOPMENT REGULATIONS AS AUTHORIZED BY
THE GROWTH MANAGEMENT ACT RELATING TO
SURFACE WATER MANAGEMENT; PROVIDING FOR
SEVERABILITY; AND DECLARING AN EMERGENCY**

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations; and

WHEREAS, to promote the public health, safety and welfare, the City of Sammamish (the “City”) provides for geotechnical and civil engineering review of geo-hazard areas and the comprehensive management of surface and stormwaters, which is done through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance; and

WHEREAS, Title 13 of the Sammamish Municipal Code (“SMC”) contains development regulations for surface and stormwater management; and

WHEREAS, plats approved prior to 1977 (“historic plats”) were not subject to surface and stormwater regulations; and

WHEREAS, the City has landslide hazard areas that are potentially subject to risk of mass movement and susceptible to landslides due to a combination of geologic, topographic, and hydrologic factors; and

WHEREAS, the City has observed that when development occurs on previously vacant lots within historic plats that drain onto landslide hazard areas, there is a greater possibility for deleterious discharges associated with surface and stormwater when the development is not tightlined below the landslide hazard area; and

WHEREAS, drainage review is currently not required for development permits or approvals that would result in less than 2,000 square feet of new impervious surface, replaced impervious surface, or new plus replaced impervious surface; and

WHEREAS, the City has determined that interim development regulations adopted under the provisions of RCW 36.70A.390 are necessary in order to allow adequate time for the City to

effectively analyze and determine if current development regulations and review requirements address the surface and stormwater issues in landslide hazard areas;

WHEREAS, through the adoption of Ordinance No. O2014-373 on July 15, 2014, and amended through Ordinance O2014-474 on October 7, 2014, the City Council adopted interim development regulations relating to surface water management and those interim regulations have now expired;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the interim development regulations adopted herein. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 of this Ordinance.

Section 2. Adoption of Interim Zoning Regulations. The City Council hereby adopts interim development regulations as set forth in Attachment A to this Ordinance amending Section 13.20.020 SMC and Section 1.2.1 of the adopted Surface Storm Water Design Manual.

Section 3. Effective Duration of Interim Development Regulations. The interim development regulations set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council will hold a public hearing at the City Council's regular meeting beginning at 6:30 p.m. on March 3, 2015 or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance 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 Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF
ON THE _____ DAY OF _____ 2015.**

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: January 30, 2015
First Reading:
Passed by the City Council:
Date of Publication:
Effective Date:

Attachment A
Interim Development Regulations

SMC 13.20.020 Drainage review – When required – Type

(1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:

(a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or

(a.1) Would result in 500 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface with an Historic Plat as defined and mapped in Exhibit A; or

(b) Would involve 7,000 square feet or more of land disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or

(e) Is located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or

(g) Is a redevelopment project on a site in which the total of new plus replaced impervious surface is 5,000 square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and frontage improvements, exceeds 50 percent of the assessed value of the existing site improvements.

(2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

(a) Small project drainage review;

(b) Targeted drainage review;

(c) Full drainage review; or

(d) Large project drainage review. (Ord. O2011-304 § 1 (Att. A)) **Surface Water Design Manual**

**1.2.1 CORE REQUIREMENTS #1:
DISCHARGE AT THE NATURAL LOCATION**

...

DISCHARGE REQUIREMENTS

Proposed projects must comply with the following discharge requirements (1, 2, and 3) as applicable:

...

2. IF a proposed project or any **natural discharge area** within a project is located within a Historic Plat²¹ outlined in red as depicted in Exhibit A or *Landslide Hazard Drainage Area*²² and, in fact, ultimately drains over the erodible soils of a SAO-defined landslide hazard area with slopes steeper than 15%, THEN a **tightline system must be provided** through the landslide hazard area to an acceptable discharge point unless one of the following exceptions applies. The tightline system must comply with the design requirements in Core Requirements #4 and in Section 4.2.2 unless otherwise approved by DDES. Drainage easements for this system must be secured from downstream property owners and recorded prior to engineering plan approval.

Exceptions: A tightline is not required for any **natural discharge location** where one of the following conditions can be met:

- a) Less than 500 square feet of new impervious surface, replaced impervious surface or new plus replaced impervious surface will be added within the **natural discharge area**, OR
- b) All runoff from the **natural discharge area** will be infiltrated for runoff events up to and including the 100-year event, OR
- c) DDES determines that a tightline system is not physically feasible or will create significant adverse impact based on a soils report by a geotechnical engineer.

...

²¹ Historic Plats are plats approved prior to 1977 that created separate lots as defined in SMC Title 19A smaller than 5,000 square feet.

ATTACHMENT A

