

City of Lake Stevens Vision Statement



By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.

**Revised
CITY COUNCIL REGULAR MEETING AGENDA
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street NE, Lake Stevens
Monday, May 13, 2013 - 7:00 p.m.**

NOTE: **WORKSHOP ON VOUCHERS AT 6:45 P.M.**

CALL TO ORDER: 7:00 p.m.
Pledge of Allegiance

ROLL CALL:

GUEST BUSINESS:

CONSENT AGENDA:

*A.	Approve May vouchers.	Barb
*B.	Approve Council regular meeting minutes of April 8, 2013.	Norma
*C.	Approve Council regular meeting minutes of April 22, 2013.	Norma
*D.	Authorize Music on the Lake agreements.	Barb
*E.	Authorize Master Intergovernmental Cooperative Purchasing Agreement with National IPA.	Barb
*F.	Authorize agreement with National Joint Powers Alliance for procurement of goods and services.	Barb

PUBLIC HEARING:

PUBLIC HEARING FORMAT:

1. Open Public Hearing
2. Staff presentation
3. Council's questions of staff
4. Proponent's comments
5. Comments from the audience
6. Close public comments portion of hearing
7. Discussion by City Council
8. Re-open the public comment portion of the hearing for additional comments (optional)
9. Close Hearing
10. COUNCIL ACTION:
 - a. Approve
 - b. Deny
 - c. Continue

*A. Public Hearing in consideration of first and final reading of Ordinance No. 891, code enforcement regulations amendment. Becky

Lake Stevens City Council Regular Meeting Agenda

May 13, 2013

- ACTION ITEMS:**
- *A. Authorize Snohomish County Drug Task Force Interlocal. Dan
 - *B. Award bid and authorize contract for Aluminum Sulfate Treatment Program to Aquatechnex. Mick
- DISCUSSION ITEMS:**
- *A. LEMAP action plan. Dan
 - *B. Medical marijuana-cannabis / collective gardens update. Becky
 - *C. 2013 Budget amendment. Barb

COUNCIL PERSON'S BUSINESS:

STAFF REPORTS:

MAYOR'S BUSINESS:

INFORMATION ITEMS:

EXECUTIVE SESSION:

ADJOURN:

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
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THE PUBLIC IS INVITED TO ATTEND

Special Needs

The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Steve Edin, City of Lake Stevens ADA Coordinator, (425) 377-3227, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.

NOTICE:

All proceedings of this meeting are audio recorded, except Executive Sessions

BLANKET VOUCHER APPROVAL
2013

We, the undersigned Council members of the City of Lake Stevens, Snohomish County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the following vouchers have been approved for payment:

Payroll Direct Deposits	907164-907229	\$129,458.89
Payroll Checks	35062	\$2,360.57
Electronic Funds Transfers	590-596	\$156,060.69
Claims	35060-35061, 35063-35138	\$200,076.82
Void Checks	34575, 34839. 34608, 35002	(\$1,487.08)
Tax Deposit(s)	5/1/2013	\$53,022.23
Total Vouchers Approved:		\$539,492.12

This 13th day of May 2013:

 Mayor

 Councilmember

 Finance Director

 Councilmember

 Councilmember

 Councilmember



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Direct Deposit Register

01-May-2013

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

30-Apr-2013	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
11866	Dept. of Labor & Industries	C	\$19,941.48	590	Wells Fargo	121000248	4159656917
Total:			\$19,941.48		Count:	1.00	

Direct Deposit Summary

<u>Type</u>	<u>Count</u>	<u>Total</u>
C	1	\$19,941.48

Pre-Note Transactions

Direct Deposit Register

06-May-2013

Wells Fargo - AP

Lake Stevens

Direct Deposits to Accounts

03-May-2013	<u>Vendor</u>	<u>Source</u>	<u>Amount</u>	<u>Draft#</u>	<u>Bank Name</u>	<u>Transit</u>	<u>Account</u>
12112	AFLAC	C	\$1,860.18	591	Wells Fargo	121000248	4159656917
101	Assoc. Of Washington Cities	C	\$80,442.08	592	Wells Fargo	121000248	4159656917
9407	Department of Retirement (Pers	C	\$47,346.47	593	Wells Fargo	121000248	4159656917
9408	NATIONWIDE RETIREMENT SOL	C	\$1,148.25	594	Wells Fargo	121000248	4159656917
1418	Standard Insurance Company	C	\$4,919.77	595	Wells Fargo	121000248	4159656917
9405	Wash State Support Registry	C	\$402.46	596	Wells Fargo	121000248	4159656917
Total:			\$136,119.21		Count:	6.00	

Direct Deposit Summary

<i>Type</i>	<i>Count</i>	<i>Total</i>
C	6	\$136,119.21

Pre-Note Transactions

Detail Check Register

24-Apr-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor			Check Amount
35060	24-Apr-13	969	Business Card			\$0.07
04/13-0979		Patrol Cameras		\$0.07	\$0.00	\$0.07
001008521003104		Law Enforcement-Operating Cost		\$0.07		
35061	24-Apr-13	14003	Sonsray Machinery LLC			\$92.08
729892		Filters		\$92.08	\$0.00	\$92.08
101016542003102		Street Fund Operating Costs		\$92.08		
Total Of Checks:						\$92.15

Detail Check Register

06-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35063	06-May-13	13824	Wash Teamsters Welfare Trust		\$1,308.60
05/01/2013		Insurance Premiums		\$1,308.60	\$0.00
001010576802000		Parks - Benefits		\$50.89	
101016542002000		Street Fund - Benefits		\$559.79	
410016542402000		Storm Water - Benefits		\$697.92	
			Total Of Checks:		\$1,308.60

Detail Check Register

07-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35064	07-May-13	14012	AT&T Mobility Settlement Fund		\$15,597.98
Settlement		Settlement agreement		\$15,597.98	\$0.00 \$15,597.98
001013519204900		GG - Judgments & Settlements		\$15,597.98	
				Total Of Checks:	\$15,597.98

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35065	13-May-13	1579	ACE HARDWARE		\$447.49
37607			Links/snaps buoy repair	\$71.61	\$0.00
					\$71.61
001010576803100			Parks - Operating Costs	\$71.61	
37675			Plywood	\$86.84	\$0.00
					\$86.84
001007558003200			Planning-Operating Costs	\$86.84	
37690			wood/staples/clamps	\$63.89	\$0.00
					\$63.89
101016542003102			Street Fund Operating Costs	\$63.89	
37697			Wall base trim	\$66.75	\$0.00
					\$66.75
101016542003102			Street Fund Operating Costs	\$50.06	
410016542403102			Storm Water - Operating Costs	\$16.69	
37710			Heatgun/Glue/nonslip decals	\$66.20	\$0.00
					\$66.20
101016542003102			Street Fund Operating Costs	\$49.65	
410016542403102			Storm Water - Operating Costs	\$16.55	
37773			1 gallon sprayer	\$32.57	\$0.00
					\$32.57
101016542003102			Street Fund Operating Costs	\$32.57	
37784			Tarp/Construction adhesive	\$34.71	\$0.00
					\$34.71
101016542003102			Street Fund Operating Costs	\$34.71	
37865			Roofing tar/nails/spreader	\$24.92	\$0.00
					\$24.92
001013519903100			General Government - Operating	\$24.92	
35066	13-May-13	1579	ACE HARDWARE		\$20.06
37652			shutoff valve/pipe flange	\$16.27	\$0.00
					\$16.27
101016542003102			Street Fund Operating Costs	\$16.27	
37654			Bolt eye lag	\$3.25	\$0.00
					\$3.25
001010576803100			Parks - Operating Costs	\$3.25	
37701			Supply line for toilet	\$0.54	\$0.00
					\$0.54
101016542003102			Street Fund Operating Costs	\$0.54	
35067	13-May-13	13328	ACES		\$329.00
9250			Safety mtg:The 2 second rule	\$329.00	\$0.00
					\$329.00
001003517620000			Admin. Safety program	\$77.64	
101016517620000			safety program	\$146.08	
410016517620000			safety program	\$105.28	

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount		
35068	13-May-13	1053	Alexander Printing			\$124.37
34197			Business Cards - Barb Stevens	\$21.72	\$0.00	\$21.72
001004514233100			Finance - Office Supplies	\$21.72		
34263			Supplies	\$102.65	\$0.00	\$102.65
001013519903100			General Government - Operating	\$102.65		
35069	13-May-13	13707	Andrew Thor			\$750.00
reissue ck34575			Reissue ckeck 34575	\$750.00	\$0.00	\$750.00
001008521002600			Law Enforcment Clothing	\$750.00		
35070	13-May-13	14016	Annette M Spicuzza			\$919.51
04/19/13			Travel Exp Reimb	\$919.51	\$0.00	\$919.51
001008521004300			Law Enforce - Travel & Mtgs	\$919.51		
35071	13-May-13	13945	ASCAP			\$327.00
2013 500716085			Base license fee	\$327.00	\$0.00	\$327.00
001013519903100			General Government - Operating	\$327.00		
35072	13-May-13	14014	Bryce Johnson			\$1,253.47
04/22/13			Travel Exp Reimb	\$1,253.47	\$0.00	\$1,253.47
001008521004300			Law Enforce - Travel & Mtgs	\$1,253.47		
35073	13-May-13	11952	Carquest Auto Parts Store			\$204.59
2421-187942			Wiper Blades	\$11.82	\$0.00	\$11.82
101016542003102			Street Fund Operating Costs	\$11.82		
2421-188127			Battery Cable	\$62.30	\$0.00	\$62.30
101016542003102			Street Fund Operating Costs	\$62.30		
2421-189126			Wiper Blades returned	(\$11.82)	\$0.00	(\$11.82)
101016542003102			Street Fund Operating Costs	(\$11.82)		
2421-189127			Wipers	\$33.97	\$0.00	\$33.97
101016542003102			Street Fund Operating Costs	\$33.97		
2421-189139			Filters/Oil/antifreeze	\$66.14	\$0.00	\$66.14
101016542003102			Street Fund Operating Costs	\$66.14		
2421-189146			Washer fluid	\$6.16	\$0.00	\$6.16
101016542003102			Street Fund Operating Costs	\$6.16		

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
2421-189486		Belt		\$36.02	\$0.00 \$36.02
		101016542003102	Street Fund Operating Costs	\$36.02	
35074	13-May-13	14001	Cascade Surveying & Eng Inc		\$11,883.75
57584		20th St Sidewalk Design		\$11,883.75	\$0.00 \$11,883.75
		309016595616301	Sidewalk Construction	\$11,883.75	
35075	13-May-13	12404	CDW GOVERNMENT INC		\$11,172.04
BN62243		New MDC s (2) & related equipt./(2)		\$6,649.76	\$0.00 \$6,649.76
		001008521006400	Law Enforcement - Capital Outl	\$6,649.76	
BP72030		New MDC s (2) & related equipt./(2)		\$1,582.82	\$0.00 \$1,582.82
		001008521006400	Law Enforcement - Capital Outl	\$1,582.82	
BW32340		New MDC s (2) & related equipt./(2)		\$2,939.46	\$0.00 \$2,939.46
		001008521006400	Law Enforcement - Capital Outl	\$2,939.46	
35076	13-May-13	12004	CITY OF MARYSVILLE		\$26,067.29
13-005		Citations March 2013		\$7,151.30	\$0.00 \$7,151.30
		001013512500001	Municipal Court Fees	\$7,151.30	
13-007		Court citations April 2013		\$8,190.26	\$0.00 \$8,190.26
		001013512500001	Municipal Court Fees	\$8,190.26	
POLIN11-0284		Prisoner Housing Mar 2013		\$10,540.73	\$0.00 \$10,540.73
		001008523005100	Law Enforcement - Jail	\$10,540.73	
POLIN11-0289		Prisoner Medical Mar 2013		\$185.00	\$0.00 \$185.00
		001008523005100	Law Enforcement - Jail	\$185.00	
35077	13-May-13	13030	COMCAST		\$106.55
04/13 0443150		Internet serivces		\$106.55	\$0.00 \$106.55

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor			Check Amount
001003513104200			Administration-Communications			\$2.13
001003514104200			City Clerks-Communications			\$6.39
001003516104200			Human Resources-Communications			\$2.13
001003518104200			IT Dept-Communications			\$4.26
001004514234200			Finance - Communications			\$4.26
001007558004200			Planning - Communication			\$17.05
001008521004200			Law Enforcement - Communicatio			\$61.80
001010576804200			Parks - Communication			\$2.84
101016542004200			Street Fund - Communications			\$2.84
410016542404200			Storm Water - Communications			\$2.85
35078	13-May-13	13030	COMCAST			\$82.50
04/13 0810218			Internet - N Lakeshore Dr	\$82.50	\$0.00	\$82.50
001008521004200			Law Enforcement - Communicatio	\$82.50		
35079	13-May-13	13030	COMCAST			\$72.50
04/13 0692756			Internet - Fairweather	\$72.50	\$0.00	\$72.50
001008521004200			Law Enforcement - Communicatio	\$72.50		
35080	13-May-13	322	Concrete NorWest			\$516.94
871833			3 yards of concrete for sidewalk rep	\$516.94	\$0.00	\$516.94
101016542616400			Street Fund - Sidewalk Repairs	\$516.94		
35081	13-May-13	9386	Crystal and Sierra Springs			\$497.09
5249844040113			Bottled Water	\$249.05	\$0.00	\$249.05
001007558003200			Planning-Operating Costs	\$44.40		
001007559003101			Building Department - Operatin	\$44.40		
001008521003104			Law Enforcement-Operating Cost	\$63.82		
001013519903100			General Government - Operating	\$60.33		
101016542003102			Street Fund Operating Costs	\$18.05		
410016542403102			Storm Water - Operating Costs	\$18.05		
5249844050113			Bottled Water	\$248.04	\$0.00	\$248.04
001007558003200			Planning-Operating Costs	\$56.96		
001007559003101			Building Department - Operatin	\$56.95		
001008521003104			Law Enforcement-Operating Cost	\$24.46		
001013519903100			General Government - Operating	\$60.46		
101016542003102			Street Fund Operating Costs	\$24.61		
410016542403102			Storm Water - Operating Costs	\$24.60		
35082	13-May-13	12800	DEPT OF CORRECTIONS			\$299.29
MCC4591 0313			Work crew	\$299.29	\$0.00	\$299.29

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001010576804800			Parks - Repair & Maintenance	\$89.18	
101016542004800			Street Fund - Repair & Mainten	\$187.57	
410016542404800			Storm Water - Repairs & Maint.	\$22.54	
35083	13-May-13	473	Electronic Business Machines		\$82.51
086803			Copier Maint	\$82.51	\$0.00
001007558004800			Planning - Repairs & Maint.	\$41.25	
101016542004800			Street Fund - Repair & Mainten	\$20.63	
410016542404800			Storm Water - Repairs & Maint.	\$20.63	
35084	13-May-13	485	Employment Security Department		\$7,220.32
Q1/2013			Q1.2013 UI Tax 94513410 0	\$7,220.32	\$0.00
501000517007800			Payments To Claiments	\$7,220.32	
35085	13-May-13	505	Everett Stamp Works		\$20.53
9049			Name Plate - B Stevens	\$20.53	\$0.00
001004514233100			Finance - Office Supplies	\$20.53	
35086	13-May-13	13390	Evergreen State Heat		\$403.18
137459			Qrtly HVAC Maintenance	\$403.18	\$0.00
001007558004800			Planning - Repairs & Maint.	\$50.40	
001008521004800			Law Enforcement - Repair & Mai	\$100.80	
001013519904800			General Government - Repair/Ma	\$100.80	
001013555504800			Community Center - Repair & M	\$100.80	
101016542004800			Street Fund - Repair & Mainten	\$25.20	
410016542404800			Storm Water - Repairs & Maint.	\$25.18	
35087	13-May-13	13907	Fastenal Company		\$48.45
WAEV121026			Ratchet binder	\$48.45	\$0.00
101016542003102			Street Fund Operating Costs	\$48.45	
35088	13-May-13	13468	Feldman & Lee		\$5,250.00
04/2013			Public Defender services	\$5,250.00	\$0.00
001013512800000			Court Appointed Attorney Fees	\$5,250.00	
35089	13-May-13	13764	Frontier		\$78.17
04/13 42533408350116			Phone services	\$78.17	\$0.00
001013519904200			General Government - Communica	\$26.06	
101016542004200			Street Fund - Communications	\$26.05	
410016542404200			Storm Water - Communications	\$26.06	
35090	13-May-13	12393	GLENS RENTAL SALES & SERVICE		\$120.17
S2433			Gasket	\$17.00	\$0.00

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
101016542003102			Street Fund Operating Costs	\$17.00	
S2436			Asphalt cutter rental	\$103.17	\$0.00 \$103.17
410016531503104			DOE-G1100060 SW Capacity Exp	\$103.17	
35091	13-May-13	13785	Group Health Coop		\$285.00
74003169			Screening tests	\$285.00	\$0.00 \$285.00
001007559004100			Building Department - Professi	\$35.00	
001008521004100			Law Enforcement - Professional	\$140.00	
101016542004100			Street Fund - Professional Ser	\$110.00	
35092	13-May-13	13500	HB Jaeger Co LLC		\$139.01
137459/1			Type I rolled grate	\$139.01	\$0.00 \$139.01
410016542403102			Storm Water - Operating Costs	\$139.01	
35093	13-May-13	12392	HERTZ EQUIPMENT RENTAL		\$649.19
26790654-001			Walk behind grinder for sidewalk ma	\$649.19	\$0.00 \$649.19
101016542003102			Street Fund Operating Costs	\$649.19	
35094	13-May-13	673	Home Depot		\$578.52
0563000			Building supplies	\$156.76	\$0.00 \$156.76
001008521003104			Law Enforcement-Operating Cost	\$156.76	
0563002			Vinyl Tile	\$71.97	\$0.00 \$71.97
101016542003102			Street Fund Operating Costs	\$53.98	
410016542403102			Storm Water - Operating Costs	\$17.99	
7011389			Primer/vinyl tiles	\$83.91	\$0.00 \$83.91
101016542003102			Street Fund Operating Costs	\$62.93	
410016542403102			Storm Water - Operating Costs	\$20.98	
7131368			Plywood	\$165.06	\$0.00 \$165.06
001008521003104			Law Enforcement-Operating Cost	\$165.06	
7131382			Door nobs/dead bolts	\$49.47	\$0.00 \$49.47
001008521003104			Law Enforcement-Operating Cost	\$49.47	
9143595			Wood	\$39.47	\$0.00 \$39.47
001008521003104			Law Enforcement-Operating Cost	\$39.47	
9143597			Door Handle	\$11.88	\$0.00 \$11.88
001012572503100			Library - Office And Operating	\$11.88	

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
35095	13-May-13	13509	Industrial Supply, Inc		\$109.28
514275			Handle, broom	\$42.71	\$0.00
					\$42.71
			101016542003102 Street Fund Operating Costs	\$32.03	
			410016542403102 Storm Water - Operating Costs	\$10.68	
514292			Handles	\$66.57	\$0.00
					\$66.57
			101016542003102 Street Fund Operating Costs	\$49.93	
			410016542403102 Storm Water - Operating Costs	\$16.64	
35096	13-May-13	13232	Integra Telecom, Inc		\$920.99
10801351			Phone services	\$920.99	\$0.00
					\$920.99
			001003513104200 Administration-Communications	\$13.54	
			001003514104200 City Clerks-Communications	\$27.08	
			001003516104200 Human Resources-Communications	\$13.54	
			001003518104200 IT Dept-Communications	\$40.62	
			001004514234200 Finance - Communications	\$27.08	
			001007558004200 Planning - Communication	\$88.05	
			001007559004200 Building Department - Communci	\$13.54	
			001008521004200 Law Enforcement - Communicatio	\$460.50	
			001010575304200 Historical - Communications	\$13.54	
			001013519904200 General Government - Communica	\$54.12	
			001013555504200 Community Center-Communication	\$13.54	
			101016542004200 Street Fund - Communications	\$77.92	
			410016542404200 Storm Water - Communications	\$77.92	
35097	13-May-13	13386	Jerad Wachtveitl		\$6.00
04/18/13			Parking	\$6.00	\$0.00
					\$6.00
			001008521004300 Law Enforce - Travel & Mtgs	\$6.00	
35098	13-May-13	13863	Johns Cleaning Service		\$148.65
1105			Uniform cleaning	\$148.65	\$0.00
					\$148.65
			001008521002600 Law Enforcment Clothing	\$148.65	
35099	13-May-13	13982	Kim Demary		\$40.00
Rec 43002			EVNT2012-11 deposit refund	\$40.00	\$0.00
					\$40.00
			001000322900001 Event Permits	\$40.00	
35100	13-May-13	11777	Lake Stevens Fire		\$2,775.00
6972			Q1.2013 Fire fees	\$2,775.00	\$0.00
					\$2,775.00
			633000589500000 Fire Dept Fee Remittance	\$2,775.00	
35101	13-May-13	852	Lake Stevens Journal		\$344.95
79203			Public Mtg-Underground Utilities	\$43.55	\$0.00
					\$43.55

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001007558004400			Planning - Advertising	\$43.55	
79235			Public Mtg-Underground Utilities	\$43.55	\$0.00
001007558004400			Planning - Advertising	\$43.55	
79262			Police Records Clerk	\$20.00	\$0.00
001008521900000			Law Enforcement-Advertising	\$20.00	
79263			LUA2013-0023 Bayview Subdivision	\$90.45	\$0.00
001007558004400			Planning - Advertising	\$90.45	
79264			EVNT2012-12 Relay for Life	\$73.70	\$0.00
001007558004400			Planning - Advertising	\$73.70	
79325			LUA2013-016 Sentinel II	\$73.70	\$0.00
001007558004400			Planning - Advertising	\$73.70	
35102	13-May-13	12751	LAKE STEVENS POLICE GUILD		\$962.00
05/01/13			Union Dues	\$962.00	\$0.00
001000281000000			Payroll Liabilities	\$962.00	
35103	13-May-13	12841	Law Offices of Weed, Graafstra		\$6,785.70
112			Professional Services	\$6,785.70	\$0.00
001005515204100			Legal - Professional Service	\$4,071.42	
101016542004100			Street Fund - Professional Ser	\$2,035.71	
410016542404101			Storm Water - Professional Ser	\$678.57	
35104	13-May-13	12215	LOWES COMPANIES		\$357.39
909441			Lock/keys/shims	\$141.62	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$141.62	
961135			shelving for storage	\$142.06	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$142.06	
998928			lumber for truck bed	\$73.71	\$0.00
101016542003102			Street Fund Operating Costs	\$36.86	
410016542403102			Storm Water - Operating Costs	\$36.85	
35105	13-May-13	14013	Maurice Richards		\$955.85
04/24/13			Travel Expense Reimb	\$955.85	\$0.00
001008521004300			Law Enforce - Travel & Mtgs	\$955.85	
35106	13-May-13	13711	New Chapter Cleaning		\$86.13

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount
1/2013-3/2013			Janitorial Retainage Reimb	\$86.13	\$86.13
621000586000005			Public Bldg Maint Retain Reimb	\$86.13	
35107	13-May-13	12684	NORTHWEST CASCADE INC.		\$675.84
1-643039			Honey buckets-NW Sculling Regatta	\$675.84	\$675.84
001010574204500			Special Events - Equipt Rental	\$675.84	
35108	13-May-13	1091	Office Of The State Treasurer		\$14,070.68
04/2013			April 2013 State Court Fees	\$14,070.68	\$14,070.68
633008559005100			Building Department - State Bl	\$63.00	
633008589000003			Public Safety And Ed. (1986 As	\$6,868.63	
633008589000004			Public Safety And Education	\$4,215.25	
633008589000005			Judicial Information System-Ci	\$1,189.78	
633008589000008			Trauma Care	\$460.16	
633008589000009			school zone safety	\$72.11	
633008589000010			Public Safety Ed #3	\$261.79	
633008589000011			Auto Theft Prevention	\$633.13	
633008589000012			HWY Safety Act	\$54.60	
633008589000013			Death Inv Acct	\$37.82	
633008589000014			WSP Highway Acct	\$214.41	
35109	13-May-13	1112	PACIFIC TOPSOILS, INC.		\$196.39
48584			DOT mulch for shop rain garden	\$196.39	\$196.39
410016531503106			DOE - G1100280 LID Grant Exp	\$196.39	
35110	13-May-13	13943	PartsMaster		\$375.28
20667480			Solder slug kit & copper lugs for wiri	\$275.66	\$275.66
101016542003102			Street Fund Operating Costs	\$206.75	
410016542403102			Storm Water - Operating Costs	\$68.91	
20671682			High Speed Sander	\$99.62	\$99.62
101016542003102			Street Fund Operating Costs	\$74.72	
410016542403103			Tools	\$24.90	
35111	13-May-13	12450	PITNEY BOWES		\$112.17
9619164-AP13			Postage machine rental	\$112.17	\$112.17
001013519904500			General Government-Equip Renta	\$112.17	
35112	13-May-13	13381	Proforce Law Enforcement		\$1,304.67
172571			Taser cartridges for mandated traini	\$1,304.67	\$1,304.67
001008521003104			Law Enforcement-Operating Cost	\$1,304.67	
35113	13-May-13	12520	PUBLIC SAFETY TESTING		\$425.00
2013-5020			Recruiting services	\$425.00	\$425.00

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001003516904100			Civil Service - Professional S	\$425.00	
35114	13-May-13	1343	SIRCHIE FINGER PRINT		\$378.31
0118733-IN			evidence collection supplies for dete	\$378.31	\$0.00
001008521003104			Law Enforcement-Operating Cost	\$378.31	
35115	13-May-13	13715	Sno Co Sherrifs Office		\$4,950.11
2013-1556			Prisoner Housing Mar 2013	\$4,950.11	\$0.00
001008523005100			Law Enforcement - Jail	\$4,950.11	
35116	13-May-13	13322	Snohomish County Cities		\$35.00
05/01/13			05/16/13 meeting	\$35.00	\$0.00
001001511604300			Legislative - Travel & Mtgs	\$35.00	
35117	13-May-13	12363	SNOHOMISH COUNTY PLANNING		\$1,394.00
I000325730			March ILA Hrs	\$1,394.00	\$0.00
001007559004100			Building Department - Professi	\$1,394.00	
35118	13-May-13	12961	SNOHOMISH COUNTY PUD		\$12,007.14
104024801			202988481	\$380.35	\$0.00
101016542630000			Street Fund - Street Lighting	\$380.35	
113969299			202150405	\$152.83	\$0.00
410016542404700			Storm Water-Aerat. Utilities	\$152.83	
123921693			203599006	\$269.10	\$0.00
001010576804700			Parks - Utilities	\$89.70	
101016542004700			Street Fund - Utilities	\$89.70	
410016542404701			Storm Water Utilities	\$89.70	
123926684			201595113	\$338.65	\$0.00
101016542630000			Street Fund - Street Lighting	\$338.65	
150311979			202624367	\$8,891.38	\$0.00
101016542630000			Street Fund - Street Lighting	\$8,891.38	
150311980			202648101	\$831.60	\$0.00
101016542630000			Street Fund - Street Lighting	\$831.60	
150311981			202670725	\$1,101.11	\$0.00
101016542630000			Street Fund - Street Lighting	\$1,101.11	

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor		Check Amount	
156836289		201973682		\$42.12	\$0.00	\$42.12
		101016542630000	Street Fund - Street Lighting	\$42.12		
35119	13-May-13	12961	SNOHOMISH COUNTY PUD			\$14.68
140385884		204719074		\$14.68	\$0.00	\$14.68
		101016542630000	Street Fund - Street Lighting	\$14.68		
35120	13-May-13	14007	Snohomish County PW (S)			\$1,504.13
I000325938		Signal Maint		\$1,504.13	\$0.00	\$1,504.13
		101016542640000	Street Fund - Traffic Control	\$1,504.13		
35121	13-May-13	1382	Snohomish County PW (V)			\$10,160.24
I000325469		Vehicle Maint		\$10,160.24	\$0.00	\$10,160.24
		001008521004800	Law Enforcement - Repair & Mai	\$4,176.30		
		101016542004800	Street Fund - Repair & Mainten	\$2,991.98		
		410016542404800	Storm Water - Repairs & Maint.	\$2,991.96		
35122	13-May-13	1388	Snohomish County Treasurer			\$306.80
04/2013		April 2013 Crime Victims Comp		\$306.80	\$0.00	\$306.80
		633008589000001	Crime Victims Compensation	\$306.80		
35123	13-May-13	1356	SNOPAC			\$26,195.76
6007		Dispatch Services		\$26,195.76	\$0.00	\$26,195.76
		001008528005100	Law Enforcement - Snopac Dispa	\$26,195.76		
35124	13-May-13	14003	Sonsray Machinery LLC			\$109.92
730202		Hives, Bolts, Hex Nuts		\$109.92	\$0.00	\$109.92
		101016542003102	Street Fund Operating Costs	\$82.44		
		410016542403102	Storm Water - Operating Costs	\$27.48		
35125	13-May-13	1413	Springbrook Nursery			\$360.00
212498		Dump Fee		\$80.00	\$0.00	\$80.00
		001010576803100	Parks - Operating Costs	\$80.00		
212655		Dump Fee		\$280.00	\$0.00	\$280.00
		101016542003102	Street Fund Operating Costs	\$280.00		
35126	13-May-13	13415	Staples			\$328.59
3198025492		office supplies		\$239.28	\$0.00	\$239.28
		001008521003100	Law Enforcement - Office Suppl	\$239.28		
3198025493		office supplies		\$66.51	\$0.00	\$66.51

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
001008521003100			Law Enforcement - Office Suppl	\$66.51	
3198188901			Office Supplies	\$22.80	\$0.00 \$22.80
001008521003100			Law Enforcement - Office Suppl	\$22.80	
35127	13-May-13	13891	Tacoma Screw Products Inc		\$241.81
30351224			Binder chain	\$56.84	\$0.00 \$56.84
001010576803100			Parks - Operating Costs	\$56.84	
30353305			Wedge Bolts	\$95.80	\$0.00 \$95.80
101016542003102			Street Fund Operating Costs	\$71.85	
410016542403102			Storm Water - Operating Costs	\$23.95	
30353980			Wedge Bit	\$12.14	\$0.00 \$12.14
101016542003102			Street Fund Operating Costs	\$12.14	
30355947			Gloves, screws	\$77.03	\$0.00 \$77.03
101016542003102			Street Fund Operating Costs	\$57.77	
410016542403102			Storm Water - Operating Costs	\$19.26	
35128	13-May-13	11787	Teamsters Local No. 763		\$570.00
05/01/13			Union Dues	\$570.00	\$0.00 \$570.00
001000281000000			Payroll Liabilities	\$570.00	
35129	13-May-13	1491	The Everett Herald		\$94.72
1818596			Aquafest Temp Floating Dock	\$94.72	\$0.00 \$94.72
001007558004400			Planning - Advertising	\$94.72	
35130	13-May-13	11788	United Way of Snohomish Co.		\$641.36
05/13			Employee Contributions	\$315.68	\$0.00 \$315.68
001000281000000			Payroll Liabilities	\$315.68	
10/2012			Oct 2012 Employee Contributions	\$325.68	\$0.00 \$325.68
001000281000000			Payroll Liabilities	\$325.68	
35131	13-May-13	13045	UPS		\$5.09
74Y42153			Evidence shipping	\$1.26	\$0.00 \$1.26
001008521004200			Law Enforcement - Communicatio	\$1.26	
74Y42173			Evidence shipping	\$3.83	\$0.00 \$3.83
001008521004200			Law Enforcement - Communicatio	\$3.83	
35132	13-May-13	12158	VERIZON NORTHWEST		\$2,501.39

Detail Check Register

09-May-13

Lake Stevens

Check No	Check Date	VendorNo	Vendor	Check Amount	
9703789723			Wireless phone service	\$2,501.39	\$0.00 \$2,501.39
001003511104200			Executive - Communication	\$85.61	
001003513104200			Administration-Communications	\$85.61	
001003514104200			City Clerks-Communications	\$32.44	
001003516104200			Human Resources-Communications	\$55.59	
001003518104200			IT Dept-Communications	\$111.18	
001007558004200			Planning - Communication	\$148.07	
001008521004200			Law Enforcement - Communicatio	\$1,420.55	
001010576804200			Parks - Communication	\$221.07	
101016542004200			Street Fund - Communications	\$170.63	
410016542404200			Storm Water - Communications	\$170.64	
35133	13-May-13	1604	WASHINGTON AUDIOLOGY SERVICES		\$60.00
41010			Employee Audiology tests	\$60.00	\$0.00 \$60.00
001007559004100			Building Department - Professi	\$12.00	
001008521004100			Law Enforcement - Professional	\$36.00	
101016542004100			Street Fund - Professional Ser	\$12.00	
35134	13-May-13	12761	WASHINGTON STATE PATROL		\$465.50
I13006852			Background checks	\$20.00	\$0.00 \$20.00
001003516104100			Human Resources-Professional S	\$20.00	
I13008406			Background checks	\$445.50	\$0.00 \$445.50
633008589000006			Gun Permit - FBI Remittance	\$445.50	
35135	13-May-13	14010	Watch Systems		\$250.00
19080			RSO mailing set up	\$250.00	\$0.00 \$250.00
001008521004200			Law Enforcement - Communicatio	\$250.00	
35136	13-May-13	13997	WHPacific		\$10,901.52
37956-03			Mapping services	\$10,901.52	\$0.00 \$10,901.52
301016544404101			Street Op- Pln&Dsg - 204/91st	\$10,901.52	
35137	13-May-13	14015	William Spears		\$751.56
04/19/13			Travel Exp Reimb	\$751.56	\$0.00 \$751.56
001008521004300			Law Enforce - Travel & Mtgs	\$751.56	
35138	13-May-13	12845	ZACHOR & THOMAS, INC. P.S.		\$8,250.00
616			Prosecutor services	\$8,250.00	\$0.00 \$8,250.00
001013515210000			Prosecutor fees	\$8,250.00	
				Total Of Checks:	\$183,078.09

**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, April 8, 2013
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Marcus Tageant, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT:

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director Barb Lowe, Public Works Director Mick Monken, Human Resource Director Steve Edin, Principal Planner Karen Watkins, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Jonalyn Woolf-Ivory, Gay Campbell, Ted Boysen, Kevin St. John, John Volpone, Kristin Kelly

Guest Business. Jonalyn Woolf-Ivory, Executive Director of Sno-Isle Regional Library, introduced Gay Campbell from C & M Communications who provided the new library survey process which included: 382 randomly selected residents, 243 responses, survey was available to anyone on-line, reviewed the validity of the data and what the data revealed. Survey/data was based on two separate areas using east and west of SR9.

Ted Boysen, 10432 Sandy Beach Drive, asked for the Lake outlet weir boards to be installed because the Lake level is getting low now and need to build up the water level for summer. Mr. Boysen commented that docks in a shallow area should be allowed to built out further. Public Works Director Monken responded the Lake level is measured three times per week and the weir boards are not in because the Lake is higher than it should be. The Lake level is kept at 211.7 during the summer.

Kevin St. John asked if the 211.7 is new. Public Works Director Monken responded this level has been used since the weir was installed.

Consent Agenda. Councilmember Tageant moved to approve the Consent Agenda (A. Approve April vouchers [Payroll Direct Deposits 907042-907107 for \$129,190.70; Payroll Checks 34934 for \$2,360.57; Electronic Funds Transfers 578-584 for \$137,383.99; Claims 34935-34991 for \$118,662.93; Void Checks 34020 for deduct of \$14,540.01; Tax Deposit 4.1.2013 for \$52,713.51 for total vouchers approved of \$425,771.69] and B. Approve City Council regular meeting minutes of March 25, 2013), seconded by Councilmember Welch; motion carried unanimously. (7-0-0-0)

Public Hearing in consideration of first and final reading of Ordinance No. 889, approving amendment to approved 2011 Shoreline Management Program and related documents.

City Clerk Scott read the public hearing procedure. Principal Planner Watkins reviewed the cumulative impact analysis prepared by the Watershed Company in response to Department of Ecology's (DOE) required changes to #6, new building setbacks and #9, new residential development, vegetation retention. DOE has not provided comments for the new proposals. The ordinance amendments were reviewed.

Councilmember Quigley requested the word "should" be changed to "shall". Staff will review.

Public comment. John Valpone, 10430 Sandy Beach Drive, commented the code is currently a maximum of 150 foot long docks and requested 250 feet by applying either for a special variance or exception. The wave action causes the bottom of his boat to bounce on the bottom of the lake. At 150 feet there are only 18 "of depth at his dock.

Kristin Kelly, representing Audubon Society and Futurewise, supports all of Ecology's required and recommended changes to protect habitat and water quality. Ms. Kelly reviewed additional requested changes from her letter dated April 4, 2013 and recommended looking at the City of Kirkland regulations.

Kevin St. John, 701 Stich Road, representing SOS Lake Stevens, requested clarification on the a side yard extension to a residence to state it is a footprint and not a total square footage and new outbuildings not be required to be 60 feet back from the lake since they are used to store recreational equipment for lake use such as gazebos and boat storage.

Planning Director Ableman noted dock length will be clarified at the April 22 Council meeting.

John Valpone commented he does not have a lift, but need 30" depth to put a lift in.

Kevin St. John noted there are two sides of the issue - some have too much water, like his, which is causing erosion of his bulkhead.

MOTION: Councilmember Spencer moved to close public comment portion of public hearing, seconded by Councilmember Dooley; motion carried unanimously. (7-0-0-0)

It was noted that Mr. St. John's written comments will be accepted into the record on the April 22.

MOTION: Councilmember Dooley moved to continue the Public Hearing to April 22, seconded by Councilmember Spencer; motion carried unanimously. (7-0-0-0)

Councilmember Spencer noted for clarification the public comment portion is closed with the option of reopening.

Authorize Surface Water Management Services Interlocal between Snohomish County and the City. Public Works Director Monken noted this interlocal updates the current plan to include alum approval, County cost-sharing and education plan.

MOTION: Councilmember Daughtry moved to authorize the Mayor to sign the Interlocal Agreement – Surface Water Management Agreement between the City and County, seconded by Councilmember Welch; motion carried unanimously. (7-0-0-0)

Authorize Amendment #1 to Interlocal Aid Agreement for Minor Street Projects with Snohomish County.

Public Works Director Monken commented this is an interim agreement to define services and costs while the Interlocal Aid Agreement is updated.

MOTION: Councilmember Holder moved to approve Interlocal for Minor Street Amendment #1, seconded by Councilmember Tageant; motion carried unanimously. (7-0-0-0)

Authorize Professional Services Agreement for business recruitment with Natalie Quick Consulting. Planning Director Ableman provided a brief description of the study and introduced Natalie Quick.

Natalie Quick commented she has worked with private and public sectors including the cities of Kent, Renton, Seattle, Mill Creek, and Everett and reviewed the projects.

SR9/4th Street NE. Public Works Director Monken noted there needs to be a break in access at 4th, which has been sent to the State and agreed upon. This project will be brought back during the Transportation Improvement Plan discussion.

Acceptance of Cavelero Mid High deeding right-of-way and road improvement to the City.

Public Works Director Monken noted the road improvements are consistent with the Master Plan. The County had required the School District to build full width roadway improvements for segments of 24th Street SE and 83rd Avenue SE, which require deeding of right-of-way.

2012 Annual Police Report. Interim Police Chief Lorentzen reviewed the 2012 Annual Report.

Council Person's Business: None

Mayor's Business: Mayor Little reported on the following meetings: Councilmember Daughtry will be attending PSRC, State of the Naval Station is April 18, 12-1:30; Snohomish – 44th District transportation discussion on April 11, 7-9; and SCCIT.

Staff Reports: Staff reported on the following: City Administrator Berg – April 16 Police Chief Council candidate interview session is from 6:30-7:30 at the Community Center, 7:30-8:30 for the public, LEMAP recommendations were received and the action plan is scheduled for May 6 Council meeting, and Sewer Subcommittee – this Wednesday at 4:30 p.m.; Planning Director Ableman – joint Planning Commission meeting with Marysville to share information (subarea plans, waterfront development and Whiskey Ridge plans), and Movie in the Park – City cannot regulate content unless City sponsored, park closes at dusk, except Aquafest and Oktoberfest, movies are put on by jurisdictions, and will look at other events that occur after dusk; Public Works Director Monken – working on legislative support for funding in Olympia and met today with Transportation Improvement Board on 20th Street SE.

Adjourn. Councilmember Holder moved to adjourn at 9:36 p.m., seconded by Councilmember Spencer; motion carried unanimously. (7-0-0-0)



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**CITY OF LAKE STEVENS
REGULAR CITY COUNCIL MEETING MINUTES**

Monday, April 22, 2013
Lake Stevens School District Educational Service Center (Admin. Bldg.)
12309 22nd Street N.E. Lake Stevens

CALL TO ORDER: 7:00 p.m. by Mayor Vern Little

COUNCILMEMBERS PRESENT: Todd Welch, Suzanne Quigley, Kathy Holder, Kim Daughtry, Neal Dooley and John Spencer

COUNCILMEMBERS ABSENT: Marcus Tageant

STAFF MEMBERS PRESENT: City Administrator Jan Berg, City Attorney Cheryl Beyer, Planning Director Becky Ableman, Finance Director Barb Lowe, Public Works Director Mick Monken, Human Resource Director Steve Edin, Principal Planner Karen Watkins, Interim Police Chief Dan Lorentzen, and City Clerk/Admin. Asst. Norma Scott

OTHERS: Lorrie Towers, Suzanne Elsner, Fred Gillings, Chris Hornung, and Kim Richard

Excused Absence. Councilmember Welch moved to excuse Marcus Tageant, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Police Officer Oath of Office. Interim Police Chief Lorentzen introduced and gave the oath of office to new Police Officer Michael Hingtgen.

Employee Service Awards. Mayor Little gave certificates of appreciation to the following, who were present: Jen Anderson, Jan Berg, Chad Christensen, Justin Evans, Jennie Fenrich, Carin Hinman, Josh Holmns, Dennis Erwin, Jeffrey Lambier, Rex Ubert, Jerad Wachtveitl, and Karen Watkins. Those not present for their certificates of appreciation were: Rod Pena, Daniel Planalp, and Troy Stevens.

Guest Business. Marysville Municipal Court – 2012 State of the Court. Lorrie Towers, current presiding Judge of the court, introduced Administrator Suzanne Elsner, Judge Fred Gillings, Probation Officer Chris Hornung, and Court Manager Kim Richard. Ms. Towers reviewed data pertaining to the Marysville court and jail. New technology includes video court hearings with Snohomish County Jail, video hearings with Marysville jail, and electronic warrant recalls.

Consent Agenda. Councilmember Dooley moved to approve Consent Agenda for April vouchers and Natalie Quick Consulting (A. Approve April vouchers [Payroll Direct Deposits 907108-907163 for \$124,722.86, Payroll Checks 34992-34995 for \$3,984.91, Electronic Funds Transfers 585-589 for \$4,147.07, claims 34996-35059 \$101,846.36, Void Check 34993 for \$0, Tax Deposit 4.15.13 for \$50,101.35, for total vouchers approved of \$284,802.55] and B. Authorize Professional Services Agreement for business recruitment with Natalie Quick Consulting), seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Public Hearing in consideration of first and final reading of Ordinance No. 888, underground utilities code amendments. City Clerk Scott read the public hearing procedure. Principal Planner Watkins noted the only change from the priory February 25 Council meeting is the added language to Section 14.60.450, Underground Utilities, to include telecommunications.

Public comments. None

MOTION: Councilmember Welch moved to close the public comment portion of Ordinance 888, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Welch moved to close the public hearing on Ordinance 888, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Welch moved for first and final reading of 888, underground utilities amendment, seconded by Councilmember Spencer; motion carried unanimously. (6-0-0-1)

Public Hearing in consideration of first and final reading of Ordinance No. 889, approving amendment to approved 2011 Shoreline Management Program and related documents. City Attorney Beyer noted the public comment portion of the hearing was closed at the last meeting.

Principal Planner Watkins addressed issues raised from public comments at the Council hearing on April 8, which included a request for a side yard extension to a residence to state it is a footprint and not a total square footage and dock length – Department of Ecology is only concerned about the first 30 feet of dock. Ms. Watkins reviewed each new change from the April 8 meeting.

Discussion followed on maximum dock length in relationship to the neighboring docks and extending a dock to meet the 5.5 feet of water depth.

Principal Planner Watkins reviewed the proposed revisions by staff and summary of changes to the cumulative impacts analysis addendum.

Principal Planner Watkins noted if the ordinance is sent to DOE with the alternative language, they will need to approve it.

MOTION: Councilmember Welch moved to close the public hearing on Ordinance 889, seconded by Councilmember Holder; motion carried unanimously. (6-0-0-1)

MOTION: Councilmember Welch moved to approve the first and final reading of Ordinance 889, amendment to the approved 2011 Shoreline Management Program and related documents, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Senior Center Southeast parking lot. Public Works Director Monken commented a temporary gravel parking lot was originally planned for this year, but it was determined through the permitting process that the parking lot requires paving at the time of construction to be consistent with current City code. The Eagleridge Master Plan requires a paved parking lot and will also install a partial rain garden. The County has been asked to provide a cost for the

overlay. The project was approved for \$6,000. The additional cost is estimated at \$18,000 with a \$4,000 contingency reserve for a total of \$28,000. This paving doubles the parking lot size.

MOTION: Councilmember Dooley moved to authorize budget increase of \$22,000 for total budget of \$28,000 for the paving of the Senior Center Southeast parking lot, seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

City and Sewer District merger. City Administrator Berg briefly reviewed the intent of the Unified Sewer Services and Annexation Agreement between the City and Sewer District. The agreement included the eventual transfer of the combined system to the City. On April 15 the City Council Sewer Subcommittee formally requested the Sewer District Commissioners consider accelerating a merge with the City. There is a preliminary potential cost saving of \$750K – \$1.3 million a year. The City would like to develop an implementation plan that both entities can agree upon. The goal is to help stabilize rates and ensure economic development will move forward. Sewer Commissioners will be discussing the merger on Thursday, April 25. Council consensus was to move forward.

Lake Stevens Municipal Code Title 17, Code Enforcement amendment. Principal Planner Watkins commented there have been no amendments since 1999. The current code enforcement regulations are written with no administrative process and current regulations require municipal court rather than a hearing examiner decision as a first step. The amendments are scheduled for a May 13 Public Hearing. Ms. Watkins reviewed the proposed changes.

Executive Session. Mayor Little noted an executive session for 15 minutes will be held on current litigation with action to follow.

Council Person's Business: Councilmembers reported on the following meetings: Holder – Sewer Utility Subcommittee; Dooley – Sewer Utility Subcommittee; Daughtry – Family Center, transportation open house in Snohomish, SCCIT, and Snohomish County and Cities meeting.

Mayor's Business: Mayor Little reported on the following meetings: Police Chief interviews and North County Mayor's meeting today.

Staff Reports: Staff reported on the following: Planning Director Ableman – requested letter of support to submit the Subarea Plan for the Governors 2013 Governors Award; Public Works Director Monken – met with developers on 20th Street corridor, DOE approved the alum treatment which went out to bid with bid award early next month; Interim Police Chief Lorentzen – working on dangerous animals ordinance; and Human Resource Director Edin - wellness program status and recruitment for Police Records Clerk.

Executive Session. At 8:50 p.m. Mayor Little called for a 15-minute executive session on current litigation with action to follow. After a five-minute recess the executive session began at 8:55 p.m. and reconvened into regular session at 9:08 p.m. with the public notified.

MOTION: Councilmember Daughtry moved to authorize the Mayor to enter into settlement with AT&T for \$15,597.98 for the back taxes from the data package, seconded by Councilmember Dooley; motion carried unanimously. (6-0-0-1)

Adjourn. Councilmember Spencer moved to adjourn at 9:09 p.m., seconded by Councilmember Daughtry; motion carried unanimously. (6-0-0-1)

Vern Little, Mayor

Norma J. Scott, City Clerk/Admin. Asst.

DRAFT



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: Music on the Lake 2013

Contact Person/Department: Barb Stevens/Finance **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize the Mayor to sign performance agreements when received for the 2013 Music on the Lake concert series.

SUMMARY/BACKGROUND:

The Arts commission hires various acts to perform at the Music on the Lake concert series in North Cove Park. The concert series this year include five Thursday night performances beginning on July 11th and concluding on August 16th. Each performance will cost \$500 with the exception of one which will be contracted for \$1.00. Performers will be paid through the City's Arts Commission budget which currently has an available balance of \$2,617. The following is a list of the performances, dates and the types of music they will perform:

1. July 11th "Last Leaf Productions" (Theater)
 2. July 18th "Red Desert Ramblers" (Bluegrass/Swing)
July 25th – No Performance
 3. Aug. 1st "Camille Bloom" (Indie)
 4. Aug. 8th "U.S. Army Cover Band" (Popular Hits)
 5. Aug. 15th "BigLuv Band" (Rock)
-

APPLICABLE CITY POLICIES:

City Council authorizes the Mayor to sign performance contracts.

BUDGET IMPACT: The current budget includes expending the entire Arts Commission Budget. No amendment necessary. (\$2,001 for the performances)

ATTACHMENTS:





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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance (National IPA)

Contact Person/Department: Barb Stevens/ Finance Director **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize the Mayor to enter into the Master Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance for cooperative purchasing.

SUMMARY/BACKGROUND:

The Interlocal Cooperation Act encourages participation in purchasing cooperatives to eliminate the duplication of efforts, thereby saving tax payer dollars.

This agreement will allow the City to pay a pre-negotiated price on products that have already been put out to bid by the National IPA. This eliminates the extra cost and effort that would be necessary to comply with State and Federal bid requirements. Some items anticipated for purchase utilizing this agreement include maintenance, repair, and operational supplies.

The City currently has Cooperative Purchasing Agreements with the State of Washington, the City of Everett, and the City of Seattle.

APPLICABLE CITY POLICIES:

RCW 39.34.030 Joint Powers - Interlocal Cooperation Act

BUDGET IMPACT:

N/A

ATTACHMENTS:

- ▶ Exhibit A: Master Intergovernmental Cooperative Purchasing Agreement with National Intergovernmental Purchasing Alliance



MASTER INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT

This Agreement is made between certain government agencies that execute a Principal Procurement Agency Certificate (“Principal Procurement Agencies”) to be appended and made a part hereof and other public agencies (“Participating Public Agencies”) that register electronically with National Intergovernmental Purchasing Alliance Company (“National IPA”) or otherwise execute a Participating Public Agency Certificate to be appended and made a part hereof.

RECITALS

WHEREAS, after a competitive solicitation and selection process by Principal Procurement Agencies, a number of Suppliers have entered into Master Agreements to provide a variety of goods, products and services based on national volumes (herein “Products”);

WHEREAS, Master Agreements are made available by Principal Procurement Agencies through National IPA and provide that Participating Public Agencies may purchase Products on the same terms, conditions and pricing as the Principal Procurement Agency, subject to any applicable local purchasing ordinances and the laws of the State of purchase;

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, and of the mutual benefits to result, the parties agree as follows:

1. That each party will facilitate the cooperative procurement of Products.
2. That the procurement of Products subject to this agreement shall be conducted in accordance with and subject to the relevant statutes, ordinances, rules and regulations that govern each party’s procurement practices.
3. That the cooperative use of solicitations obtained by a party to this agreement shall be in accordance with the terms and conditions of the solicitation, except as modification of those terms and conditions is otherwise allowed or required by applicable law.
4. That the Principal Procurement Agencies will make available, upon reasonable request and subject to convenience, information which may assist in improving the procurement of products by the Participating Public Agencies.
5. That a procuring party will make timely payments to the Supplier for Products received in accordance with the terms and conditions of the procurement. Payment for Products and inspections and acceptance of Products ordered by the procuring party shall be the exclusive obligation of such procuring party. Disputes between procuring party and Supplier are to be resolved in accord with the law and venue rules of the State of purchase.
6. The procuring party shall not use this agreement as a method for obtaining additional concessions or reduced prices for similar products or services.

7. The procuring party shall be responsible for the ordering of Products under this agreement. A non-procuring party shall not be liable in any fashion for any violation by a procuring party, and the procuring party shall hold non-procuring party harmless from any liability that may arise from action or inaction of the procuring party.
8. This agreement shall remain in effect until termination by a party giving 30 days written notice to the other party. The provisions of paragraphs 5, 6 and 7 hereof shall survive any such termination.
9. This agreement shall take effect after execution of the Principal Procurement Agency Certificate or Participating Public Agency Registration, as applicable.

Authorized Signature, Participating Public Agency

NATIONAL INTERGOVERNMENTAL
PURCHASING ALLIANCE COMPANY

Signature

Signature

Name

Name

Title

Title

Date

Date



WARD H. BROWN

Chief Operating Officer

2/22/11



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: Joint Exercise of Powers Agreement with National Joint Powers Alliance (NJPA)

Contact Person/Department: Barb Stevens/ Finance Director **Budget Impact:** N/A

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Authorize the Mayor to enter into the Joint Exercise of Powers Agreement with National Joint Powers Alliance for cooperative purchasing.

SUMMARY/BACKGROUND:

The Interlocal Cooperation Act encourages participation in purchasing cooperatives to eliminate the duplication of efforts, thereby saving tax payer dollars.

This agreement will allow the City to pay a pre-negotiated price on products that have already been put out to bid by the NJPA. This eliminates the extra cost and effort that would be necessary to comply with State and Federal bid requirements. Some items anticipated for purchase utilizing this agreement include office supplies.

The City currently has Cooperative Purchasing Agreements with the State of Washington, the City of Everett, and the City of Seattle.

APPLICABLE CITY POLICIES:

RCW 39.34.030 Joint Powers - Interlocal Cooperation Act

BUDGET IMPACT:

N/A

ATTACHMENTS:

- ▶ Exhibit A: Joint Exercise of Powers Agreement with National Joint Powers Alliance



JOINT EXERCISE OF POWERS AGREEMENT

This Agreement is Between the National Joint Powers Alliance® (NJPA) and

CITY OF LAKE STEVENS
(participating governmental agency)

Agreement. The participants in this Joint Exercise of Powers Agreement, hereinafter referred to as the Agreement, agree to jointly or cooperatively exercise certain powers common to them for the procurement of various goods and services by the participants. The term “governmental agency” as defined and used in this Agreement, includes any city, county, town, school district, education agency, post-secondary institution, governmental agency or other political subdivision of any agency of any state of the United States or any other country that allows for the Joint Exercise of Powers, and includes any instrumentality of a governmental agency. For the purpose of this section, an instrumentality of a governmental agency means an instrumentality having independent policy making and appropriating authority.

Purpose. The purpose of this Agreement is to allow for the cooperative efforts to provide for contract and vendor relationships to purchase supplies, materials, equipment or services (hereinafter referred to as goods and services,) as a result of the current and active competitive bidding process exercised by a legal qualifying bidding agency on behalf of governmental and other qualifying agencies. Qualified customers may forgo the competitive bidding process as a result of this action and process provided on the agencies behalf. Reference the Uniform Municipal Contracting Law MN Statute 471.345 subd 15. This provision is made possible as a result of the purchasing contract development through a national governmental agency association’s purchasing alliance.

Whereas, parties to this Agreement are defined as governmental agencies in their respective states;

and Whereas, this Agreement is intended to be made pursuant to the various Joint Exercise of Powers Acts of the states or nations of the respective participating governmental agencies which authorizes two or more governmental agencies to exercise jointly or cooperatively powers which they possess in common;

and Whereas, the undersigned Participating Governmental Agency asserts it is authorized by Intergovernmental Cooperation Statutes to enter into an agreement with NJPA to cooperate in procurement of goods and services; and Whereas, NJPA asserts it is a Minnesota Service Cooperative created and governed under Minnesota Statute §123A.21 authorized by Minnesota Statute §471.59 to “jointly or cooperatively exercise any power common to the contracting parties”;

and Whereas, the undersigned Participating Governmental Agency and NJPA desire to enter into a “Joint Exercise of Powers Agreement” for the purpose of accessing available purchasing contracts for goods and services from each other which can be most advantageously done on a cooperative basis;

Now Therefore, it is mutually agreed as follows:

1. The Parties to this agreement shall provide in a cooperative manner access to each other’s purchasing efforts to procure supplies, equipment, materials and services hereinafter referred to as "goods and services",
2. The Parties to this Agreement will adhere to any and all applicable laws pertaining to the purchasing of goods and services as they pertain to the laws of their state or nation,
3. Either Party to this Agreement may terminate their participation in this Agreement upon thirty (30) days written notice,
4. Neither Party to this Agreement claims any proprietary interest of any nature whatsoever in any of the other participants in this Agreement
5. Each party agrees that it will be responsible for its own acts and the result thereof to the extent authorized by law and shall not be responsible for the acts of the other party and the results thereof. NJPA’s liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section §3.736, and other applicable law;



JOINT EXERCISE OF POWERS AGREEMENT

- 6. Both Parties to this Agreement agree to abide by all of the general rules and regulations and policies of the participating agencies that they are receiving goods and services from;
- 7. Both Parties to this Agreement agree to strict accountability of all public funds disbursed in connection with this joint exercise of powers;
- 8. Both Parties to this Agreement agree to provide for the disposition of any property or surplus moneys (as defined by the participant) acquired as a result of this joint exercise of powers in proportion to the contributions of the governing bodies and;
- 9. Both Parties to this Agreement acknowledge their individual responsibility to gain ratification of this agreement through their governing body.

This Agreement allows for the NJPA to provide procurement contracts on behalf of all qualified participating agencies pursuant to the Uniform Municipal Contracting law, MN Statute §471.345 Subd 15.

ORGANIZATION INFORMATION (** Required Fields)

Applicant Name: ** CITY OF LAKE STEVENS

Address: ** PO Box 257

City, State, Zip ** LAKE STEVENS, WA 98258

Federal ID Number: 91-6018875

Contact Person: ** Noema Scott

Title: ** City Clerk

E-mail: ** nscott@lakestevenswa.gov

Phone: 425-334-1012

Website: www.lakestevenswa.gov

Reference:
Minnesota Joint Exercise of Powers
M.S. 471.59

Participating Agency
Joint Exercise of Powers Authority
granted under State Statute

2CW 39.34

THE UNDERSIGNED PARTIES HAVE AGREED THIS DAY TO THE ABOVE CONDITIONS.

Member Name:	National Joint Powers Alliance®
By _____ AUTHORIZED SIGNATURE	_____
Its <u>Mayor</u> _____ TITLE	_____
_____	_____
DATE	DATE

Completed applications may be returned to:

National Joint Powers Alliance ®
202 12TH Street NE
Staples, MN 56479

Duff Erholtz
Phone: 218-894-5490
Fax: 218-894-3045
E-mail: duff.erholtz@njpacoop.org



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: Enforcement Code Amendments (LUA2013-0039)

Contact Person/Department: Rebecca Ableman/Planning **Budget Impact:** Positive

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Hold a public hearing on May 13, 2013 to hear public testimony for a first and final reading of Ordinance No. 891 related to amendments to the Title 17 Enforcement Code amendments.

SUMMARY: The City Attorney, WCIA Attorney and Staff have been discussing amendments to the Code Enforcement regulations (Title 17) since last year. The Code Enforcement regulations have not been updated since 1999 and a code amendment is necessary.

BACKGROUND: The current Code Enforcement regulations are written with no administrative process to follow first under a code violation. The current regulations require a municipal court hearing rather than a Hearing Examiner decision as a first step. Municipal courts do not usually hear land use issues, so the current code is awkward to implement. Hearing Examiner review is the typical process for civil violations with appeal to Superior Court. Snohomish County and the cities of Marysville and Snohomish all use the Hearing Examiner process with appeal to Superior Court.

DISCUSSION: The Council had a briefing of a draft ordinance on April 22, 2013. Staff and the City Attorney have discussed the draft ordinance and are submitting a final ordinance in *Attachment 1*. The ordinance repeals Chapter 17.20 Civil Enforcement and Penalties and adopts a new Chapter 17.20 with an administrative process first and an appeal to Snohomish County Superior Court. This is also consistent with the process for most appeals of Title 14 and the current land use regulations. In addition, the amendments in Title 17 also require some minor amendments in Title 9 and Title 14 LSMC.

The ordinance has been approved as to form by the City Attorney. SEPA Review was not required as the code amendments are exempt under the procedural actions exemption. The two code amendments to Title 14 were granted expedited review by the Washington Department of Commerce on April 30, 2013.

APPLICABLE CITY POLICIES: Title 17 is related to code enforcement.

BUDGET IMPACT: The proposed code amendments will require less attorney resources by allowing for an administrative process before a Hearing Examiner with an appeal to Superior Court.

ATTACHMENTS: Ordinance No. 891

**CITY OF LAKE STEVENS
LAKE STEVEN, WASHINGTON**

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, RELATING TO CIVIL ENFORCEMENT OF VIOLATIONS OF THE LAKE STEVENS MUNICIPAL CODE; AMENDING SECTIONS 9.60.010 AND 9.60.050 OF LSMC CHAPTER 9.60 NUISANCE ACTIVITY; AMENDING SECTIONS 14.28.030 AND 14.28.040 OF LSMC 14.28 ENFORCEMENT AND REVIEW; AMENDING SECTION 17.04.030 OF LSMC CHAPTER 17.04 GENERAL PROVISIONS; AMENDING SECTION 17.08.050 OF LSMC CHAPTER 17.08 ADMINISTRATIVE PROCESS; REPEALING LSMC CHAPTER 17.20 CIVIL ENFORCEMENT AND PENALTIES AND REPLACING IT WITH A NEW LSMC CHAPTER 17.20 CIVIL ENFORCEMENT AND PENALTIES; AND REPEALING LSMC CHAPTER 17.24 HEARINGS AND APPEALS.

WHEREAS, the City of Lake Stevens adopted a civil process of resolving violations of the municipal code in 1999 with Ordinance No. 604; and

WHEREAS, staff has implemented the adopted process for over a decade and determined the process for civil violations and penalties should be updated to create a more detailed and easier process to follow for future violations; and

WHEREAS, the code amendments are exempt under the Procedural Actions exemption under SEPA (WAC 197-11-800(19)) as the amendments are related solely to governmental procedures; and

WHEREAS, procedural actions are not required to have review and recommendation of the Planning Commission; and

WHEREAS, sections amending Title 14 were sent to the Washington Department of Commerce on April 15, 2013 with a request for expedited review; and

WHEREAS, the City received expedited review from the Washington Department of Commerce on April 29, 2013; and

WHEREAS, the City Council held a duly noticed public hearing on Ordinance No. 891 relating to Civil Enforcement of Violations to the Lake Stevens Municipal Code on May 13, 2013.

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

Section 1. Section 9.60.010 of LSMC Chapter 9.60 Nuisance Activity is hereby amended to read as follows:

9.60.010 Legislative Intent.

The quality of the neighborhoods within the city affects the quality of life within the city.

The city strives to balance the rights of the property owner to use their property with the community's need for safety, peace and tranquility. Corrective action to fix a neighborhood

problem is often based ~~((not reliant))~~ upon a complaint from a resident. ~~((Therefore, City employees are encouraged to find violators of this chapter.))~~

Section 2. Section 9.60.050 of LSMC Chapter 9.60 Nuisance Activity is hereby amended to read as follows:

9.60.050 Violations of Land Use Ordinances Constitute Public Nuisances.

In response to the enactment of the Private Property Regulatory Fairness Act, it is declared that the intent of Title 14 of the Lake Stevens Municipal ~~((e))~~Code is to create a livable and sustainable city by establishing standards, procedures, and minimum requirements to achieve the following general intentions and purposes for the City of Lake Stevens thus preventing and abating~~((e))~~ public nuisances. Accordingly, all violations of Title 14 of the Lake Stevens Municipal Code are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by a director to be in violation of Title 14 shall either be (a) subject to enforcement pursuant to Title 14 of the Lake Stevens Municipal Code or (b) subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.

Section 3. Section 14.28.030 of LSMC Chapter 14.28 Enforcement and Review is hereby amended to read as follows:

14.28.030 Procedures Upon Discovery of Violations.

- (a) Upon finding that any provision of this title is being violated, the Planning Director shall send a written notice of violation in accordance with LSMC 17.20.050 or 17.20.070(a)(2) to the offending party, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise that the Planning Director's decision or order may be contested~~((appealed))~~ in accordance with LSMC 17.20.080 and .100~~((14.16A.265))~~.
- (c) When delay in enforcement would seriously threaten the effectiveness of this title or pose a danger to the public health, safety, or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 14.28.040.

Section 4. Section 14.28.040 of LSMC Chapter 14.28 Enforcement and Review is hereby amended to read as follows:

14.28.040 Violation and Penalty.

- (a) Violation of any provision of this title or any permits issued pursuant to this title shall either be (1) a misdemeanor subject to a jail term of not more than one year, a fine of not more than \$1,000, or both such fine and imprisonment for willful violations or (2) subject to abatement, civil fines, penalties, costs, and enforcement pursuant to Title 17 of the Lake Stevens Municipal Code for all other violations.
- (b) Except as otherwise provided herein,~~((V))~~ violation of the provisions of this title or any permits issued pursuant to this title shall also subject the offender to a civil penalty of \$500~~((50))~~.00 for each and every violation. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of debt and in accordance with LSMC Chapter 17.20. A civil penalty may not be contested

~~((appealed))~~ to the Hearing Examiner if the offender was sent a final notice of violation in accordance with Section 14.28.030 and LSMC 17.20.070 and did not contest the notice of violation~~((take an appeal))~~ to the Hearing Examiner within the prescribed time as set forth in LSMC 17.20.080 and .100.

(c) Violations of Section 14.76.120 (Retention and Protection of Large Trees) or any permits or permit conditions imposed pursuant to that section shall be remedied by the forfeiture, by the violator, to the City of the value of the trees removed, plus \$3,000 per tree, plus any costs incurred in determining said value. Value shall be determined by the submission of receipts by the applicant or, in the absence of receipts, by a certified arborist or timber estimator engaged by the City for this purpose. Three new trees of six-inch trunk diameter at breast height (dbh) shall be planted to replace each tree lost as a result of said violations. The location these trees are to be planted shall be approved by the Planning Director. A maintenance bond shall be provided pursuant to Sections 14.16A.180(d) and (g)(3) to ensure survival of the replacement trees for two years from the date of planting. Sections 14.76.120(h) and (i) which prohibit development and building permits from being issued prior to actual tree replacement shall be applied to this section. Completion securities authorized by Section 14.16A.180(c) shall not be allowed in lieu of actual tree replacement.

(d) This title may also be enforced by any appropriate equitable action.

(e) Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(f) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this title.

Section 5. Section 17.04.030 of LSMC Chapter 17.04 General Provisions is hereby amended to read as follows:

17.04.030 Definitions.

For the purpose of this Title and in addition to their common meaning, the following words shall be defined as meaning:

~~((A.))~~"Abate". To repair, replace, remove, destroy or otherwise remedy a condition which constitutes a municipal violation by such means, in such a manner, and to such an extent as the applicable Department Director determines is necessary in the interest of the general health, safety and welfare of the community.

~~((B.))~~"Act". Doing or performing something.

~~((C.))~~"Applicable Department Director". A City Administrator or any Department Director or other designee, empowered to enforce a city ordinance or regulation.

"Civil Penalty". A fine assessed for violation of a statute or regulation.

"Civil Violation". A violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 7 are specifically excluded from the application of this chapter.

“Contest”. Defend against an adverse claim or challenge a position asserted during a legal proceeding.

“Development or Development Proposal”. Any land use action or manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, site work, or installation of utilities, regulated by Title 14 of the Lake Stevens Municipal Code.

“Emergency”. An action that must be undertaken immediately or within a time frame too short to allow full compliance with this chapter, in order to avoid an immediate threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation.

“Fine”. Payment imposed by an agency for violation of laws or regulations.

“Hearing Examiner”. The City of Lake Stevens Hearing Examiner and the office thereof established pursuant to Chapter 2.48.

“Omission”. A failure to act.

~~((D.))~~“Order”. An order is a written mandate such as Notice ~~((&))~~and Order, Stop Work Order, notice of a civil fine or fee, suspension or revocation of a license or permit, which orders the responsible person to comply with the action imposed.

“Person”. An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

“Repeat violation”. A violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

~~((E.))~~“Responsible Person” or “Person Responsible”. The responsible person shall be assumed, in singular or plural, to be any individual, business, organization, or entity, property owner or person having control of a property who has created or allowed to exist a violation of any applicable provision of the Lake Stevens Municipal Code, whether or not the violation is known to that person at the time the violation occurred or is occurring. The City of Lake Stevens may also take action against any person who knowingly aids, assists, or perpetuates a violation.

“Violation”. An act or omission contrary to a city development regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

Section 6. Section 17.08.050 of LSMC Chapter 17.08 Administrative Process is hereby amended to read as follows:

17.08.050 Extensions.

Extensions of the time specified in an order for correction of a violation may be granted at the discretion of the applicable Department Director or by order of the Hearing Examiner or the court if the cause for the extension is reasonable or necessary.

Section 7. Current LSMC Chapter 17.20 Civil Enforcement and Penalties is repealed in its entirety and replaced with the following new LSMC Chapter 17.20 Civil Enforcement and Penalties which shall read as follows:

Chapter 17.20 CIVIL ENFORCEMENT AND PENALTIES

Sections:

- 17.20.010 Civil Enforcement**
- 17.20.015 Violation Unlawful – Each Day is Separate Violation**
- 17.20.020 Entry to Buildings and Premises**
- 17.20.030 Joint and Several Responsibility and Liability**
- 17.20.040 Stop Work Orders and Orders to Cease and Desist**
- 17.20.045 Interference with Code Enforcement Unlawful – Misdemeanor**
- 17.20.050 Voluntary Compliance**
- 17.20.060 Suspension or Revocation of Permits**
- 17.20.070 Notice of Civil Violation**
- 17.20.080 Response to Notice of Violation**
- 17.20.090 Failure to Respond**
- 17.20.100 Scheduling of Hearing to Contest or Mitigate – Correction Prior to Hearing**
- 17.20.110 Contested Hearing – Procedure**
- 17.20.120 Contested Hearing – Decision of the Hearing Examiner**
- 17.20.130 Mitigation Hearing – Procedure**
- 17.20.140 Mitigation Hearing – Decision of the Hearing Examiner**
- 17.20.150 Failure to Appear – Default Order**
- 17.20.160 Monetary Penalty**
- 17.20.170 Appeal**
- 17.20.180 Repeat Violation or Failure to Abate**
- 17.20.190 Abatement by the City**
- 17.20.200 Collection of Penalties and Costs**
- 17.20.210 Additional Enforcement Procedures**
- 17.20.220 Conflicting Code Provisions**
- 17.20.230 Duty Not Creating Liability**

17.20.010 Civil Enforcement.

As a means of correcting a violation of the Lake Stevens Municipal Code, civil enforcement actions may be taken by the City of Lake Stevens. The primary goal of enforcement is to achieve compliance with the regulations in Title 14 Lake Stevens Municipal Code.

17.20.015 Violation Unlawful – Each Day is Separate Violation.

The violation of any provision of the Lake Stevens Municipal Code shall be unlawful. Each day or portion thereof in which the violation continues constitutes a separate offense for which separate notices of violation may be issued.

17.20.020 Entries to Buildings and Premises Entry

Whenever necessary to make an inspection to determine whether a civil violation has occurred or is occurring, or to enforce any provision of the Lake Stevens Municipal Code, or regulation issued, thereunder, violation of which is a civil violation under this chapter, the applicable Department Director or his designee may enter any building or premises at any reasonable time, provided if such building or premises is occupied he shall first present credentials and demand entry, and if such building or premises is not occupied, he shall first make a reasonable effort to locate the owner or other person having charge of the building or premises and demand entry. If such entry is refused, or the owner or other person having charge of the building or premises cannot be located, the applicable Department Director or his designee shall have recourse to every remedy provided by law to secure entry, including recourse to the district or superior court for issuance of a warrant authorizing such entry and inspection.

17.20.030 Joint and Several Responsibility and Liability.

Responsibility for violations of the codes enforced under this chapter is joint and several, and the City is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the City required to take action against all persons potentially responsible for a violation.

17.20.040 Stop Work Orders and Orders to Cease and Desist.

(a) Issuance of Order. Whenever the applicable Department Director finds any activity is being conducted or work being performed without a permit or in a manner contrary to the provision of the Lake Stevens Municipal Code, the applicable Department Director is authorized to issue a stop work order or order to cease and desist. The order shall be in writing and shall be given to the owner or occupant of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order or order to cease and desist, the cited work or activity shall immediately cease. The order shall state the reason for the order, and the conditions under which the cited work or activity will be permitted to resume.

(b) Fees and Penalties. The applicable Department Director is authorized to assess a special investigation fee for the issuance of a stop work order or order to cease and desist based on the costs to the City of investigation and enforcement of the order. Any person who shall continue any work or activity on the property after having been served with a stop work order or order to cease and desist (except such work as that person is directed to perform to remove a violation or unsafe condition) shall be subject to penalties as provided under this chapter and as otherwise prescribed by law. A stop work order or order to cease an activity may be appealed in the same manner and pursuant to the same provisions as a notice of civil violation under this chapter.

17.20.045 Interference with Code Enforcement Unlawful – Misdemeanor.

Any person who intentionally obstructs, impedes, or interferes with any lawful attempt to serve notice of a violation, stop work or stop use order, or an emergency order, or intentionally obstructs, impedes, or interferes with lawful attempts to correct a violation shall be guilty of a misdemeanor punishable by imprisonment in jail for a maximum term fixed by the court of not more than ninety (90) days or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000), or by both such imprisonment and fine.

17.20.050 Voluntary Compliance.

(a) **Applicability.** This section applies whenever the applicable Department Director determines that a violation of the Lake Stevens Municipal Code has occurred or is occurring.

(b) **General.** The applicable Department Director shall make a reasonable attempt to secure voluntary compliance by contacting the person responsible for the violation and, where possible, explaining the violation and requesting correction.

(c) **Issuance of Voluntary Correction Agreement.** When the applicable Department Director determines that a violation has occurred or is occurring, the Department Director or directors may issue and enter into a voluntary correction agreement between the person responsible for the violation and the City.

(1) **Content.** The voluntary correction agreement is a contract between the City and the responsible person for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

- (i) The name and address of the person responsible for the violation; and
- (ii) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- (iii) A description of the violation and a reference to the regulation which has been violated; and
- (iv) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
- (v) An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
- (vi) An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and
- (vii) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to an administrative appeal of the violation and/or the required corrective action.

(2) **Right to a Hearing Waived.** Upon entering into a voluntary correction agreement, the person responsible for the violation waives the right to an administrative appeal of the violation and/or the required corrective action.

(3) **Extension and Modification.** An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable Department Director if the person responsible for the violation has shown due diligence and/or

substantial progress in correcting the violation, but unforeseen circumstances render correction under the original conditions unattainable.

(4) Abatement by the City. The City may abate the violation in accordance with Section 17.20.190, if the terms of the voluntary correction agreement are not met.

(5) Collection of Costs. If the terms of the voluntary correction agreement are not met the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with Section 17.20.070, plus all costs and expenses of abatement, as set forth in Section 17.20.190.

17.20.060 Suspension or Revocation of Permits.

If the holder of any permit issued by the City of Lake Stevens allows or creates a violation of any Lake Stevens Municipal Codes, said permit may be immediately suspended by the applicable Department Director until the violation is corrected. Permits may be permanently revoked or suspended for subsequent or on-going violations, or failure to correct violations.

17.20.070 Notice of Civil Violation.

(a) Issuance.

(1) When the applicable Department Director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the applicable Department Director may issue a notice of civil violation to the person responsible for the violation.

(2) The applicable Department Director may issue a notice of civil violation without having attempted to secure voluntary correction under the following circumstances:

(i) When an emergency exists; or

(ii) When the violation substantially impacts the public health or safety; or

(iii) When a repeat violation occurs; or

(iv) When the violation creates a situation or condition which cannot be corrected; or

(v) When the person knows or reasonably should have known that the action is in violation of a City regulation; or

(vi) The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

(b) Content. The notice of civil violation shall include the following:

(1) The name and address of the person responsible for that violation; and

(2) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

(3) A description of the violation and a reference to the provision(s) of the City regulation(s) which has been violated; and

(4) A statement that a monetary penalty in an amount per day is assessed against the person to whom the violation is directed for each violation; and

(4) The required corrective action and a date and time by which the correction must be completed, after which the City may abate the unlawful condition in accordance with Section 17.20.190; and

(5) A statement indicating that the person must respond to the notice of violation within fourteen (14) days of the date of issuance by doing one of the following:

(i) Paying the penalty and correcting the violation;

(ii) Requesting a mitigation hearing and correcting the violation; or

(iii) Requesting a hearing to contest the violation; and

(6) A statement indicating that failure to respond shall result in the violation(s) being deemed committed without requiring further action by the City, and that the full penalty amount indicated on the notice of violation shall be due and owing to the City by the person or entity to whom the notice of violation was issued; and

(7) A statement indicating that, unless a request to contest the violation or to mitigate the penalty is properly filed, a monetary penalty of five hundred dollars (\$500) for each violation listed on the notice of violation is due and owing at the time the notice of violation is issued, and must be paid in full within thirty (30) days or may be assigned to a collection agency; and

(8) A statement indicating that if the person or entity to whom a notice of violation was issued requests a hearing and fails to attend the hearing, a default judgment shall be entered against the person or entity to whom the violation was issued, with the full amount of the penalty indicated on the notice of violation immediately due and owing, and that any unpaid penalties and any costs may be assigned to a collection agency after thirty (30) days have elapsed from the date the notice of violation was issued; and

(9) A statement indicating that the City may seek to recover from the person to whom the notice of violation was issued the costs to the City of any abatement action taken; and

(10) A statement indicating that separate notices of violation may be issued for each day, or portion thereof, in which a violation continues; and

(11) A statement indicating that payment of a monetary penalty does not relieve the person or entity named in the notice of violation of the duty to abate the violation, and that failure to abate may result in the issuance of additional notices of violation and/or criminal charges, with additional civil and/or criminal penalties.

(c) Service of Notice. The applicable Department Director shall serve the notice of civil violation upon the person responsible for the violation, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for the violation cannot be personally served within Snohomish County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person causing the service, declaring the time and date of service, the manner by

which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.

(d) Extension. Extensions of the time specified in the notice of civil violation for the correction of the violation may be granted at the discretion of the applicable Department Director.

17.20.080 Response to Notice of Violation.

(a) A person who has been served with a notice of violation must respond to the notice within fourteen (14) days of the date the notice is served. A person may respond to the notice of violation by:

- (1) Paying the amount of the monetary penalty as set forth in the notice of violation and correcting the violation. Partial payment or payment using a check that is rejected for insufficient funds shall not be deemed payment under this subsection. Payment of the penalty shall not relieve the person or entity responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected.
- (2) Contesting the notice of violation by requesting a contested hearing in writing and sending the request and a filing fee as per the City's Fees Resolution to the City as provided in subsection (b) below. The written contested hearing request shall state the reasons and basis for contesting the notice of violation and shall include the required information in subsection (c) below.
- (3) Seeking to mitigate the monetary penalty by requesting a mitigation hearing to explain the circumstances surrounding the violation. The request to mitigate must be made in writing and sent to the City as provided subsection (b) below. Requesting to mitigate the penalty shall not relieve the person responsible for the violation from the duty to correct or abate the violation. Additional notices of violation may be issued if the violation goes uncorrected. The written mitigation request shall include the required information in subsection (c) below.

(b) Method of Response. The person or entity to whom a notice of violation has been issued may respond by mailing or hand-delivering the response to the City Clerk. Mailed responses must be postmarked no later than the fourteenth day from the date of service of the notice of violation; hand-delivered responses must be brought to the City Clerk no later than 4:30 p.m. on the fourteenth day after service; provided, where the fourteenth day falls on a weekend or holiday, the deadline shall be extended to the next regular business day. Telephone, facsimile, or email responses shall not satisfy the requirements of this section.

(c) The following information shall be included in a contested hearing request under subsection (a)(2) above or a written mitigation request under subsection (a)(3) above:

- (1) Facts demonstrating that the person is adversely affected by the decision;
- (2) A concise statement explaining the basis for the mitigation request;
- (3) The specific relief requested; and
- (4) Any other information reasonably necessary to make a decision regarding the mitigation request.

(d) A person contesting a notice of violation is entitled to one open record hearing without the payment of any fee.

17.20.090 Failure to Respond.

If the person to whom the notice of violation is issued fails to respond as required in LSMC 17.20.060, the violation(s) shall be deemed committed without requiring further action by the City or the City's Hearing Examiner and the person to whom the notice of violation was issued shall owe the full penalty amount indicated in the notice of violation.

17.20.100 Scheduling of Hearing to Contest or Mitigate – Correction Prior to Hearing.

(a) Notice and Scheduling of Hearing. Upon the timely filing of a request for a hearing to contest a violation or to mitigate the penalty, the matter shall be scheduled to be heard by the Hearing Examiner that is a minimum of fourteen (14) but no later than sixty (60) calendar days after the date the request was received by the City. Notice of the hearing date and time shall be served by certified mail – return receipt requested and first class mail to the address of the party who requested the hearing. The date and time for any hearing may be rescheduled by the Hearing Examiner for good cause upon the motion of a party or the Hearing Examiner.

(b) Correction of Violation Prior to Hearing. The hearing may be cancelled and the party requesting the hearing need not appear only if, at least two (2) business days prior to the scheduled hearing, the applicable Department Director determines that the violation has been satisfactorily corrected or abated and the monetary penalty paid in full. Where the scheduled hearing involves a repeat violation as defined in this chapter, the hearing shall not be cancelled unless the new violation has been corrected or abated to the satisfaction of the applicable Department Director and the monetary penalty and costs for the new violation(s) and any monetary penalty and costs owing for the previous violation(s) have been paid in full.

17.20.110 Contested Hearing – Procedure.

The City and the person or entity to whom the notice of civil violation was issued may participate in the hearing and each party, or its legal representatives, may call witnesses and present evidence and rebuttal, subject to the following:

(a) The City shall have the burden of proving by a preponderance of the evidence that a violation has occurred.

(b) The parties are responsible for securing the appearance of any witnesses they may wish to call; neither the City nor the Hearing Examiner shall have the burden of securing any witnesses on behalf of the person who is contesting the violation(s) or seeking to mitigate the penalties.

(c) Because formal rules of evidence shall not apply to any such hearing, the Hearing Examiner shall allow hearsay testimony by the parties and not require proof of chain of custody for evidence that is presented; provided, the Hearing Examiner shall determine the weight to be assigned to any evidence presented.

(d) Any notes, reports, summaries, photographs, or other materials prepared by the parties shall be admitted into evidence if requested; provided, the parties are free to argue the weight that should be assigned by the Hearing Examiner to any evidence submitted.

17.20.120 Contested Hearing – Decision of the Hearing Examiner.

(a) Contents of Order. Upon the conclusion of a hearing to contest a violation, the Hearing Examiner may issue a verbal decision pending issuance of the written decision; if necessary, the Hearing Examiner may delay issuing the written order for up to ten (10) business days following the hearing. In either event, the verbal decision and written order shall contain findings and conclusions based on the record that includes the following information:

- (1) For each alleged violation of the City code, a statement indicating whether the violation has been found committed or not committed;
- (2) For violations found committed, the monetary penalties and costs being assessed pursuant to this chapter and other applicable provisions of the Lake Stevens Municipal Code;
- (3) For violations found committed, any required corrective actions and a timeline for such corrective actions;
- (4) For violations found committed, a finding that abatement of the violations by the City is authorized at the expense of the person responsible for the violations; and
- (5) A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated in accordance with Hearing Examiner's order and applicable provisions of the Lake Stevens Municipal Code.

(b) Notice of Decision. The Hearing Examiner may cause a copy of the decision and order to be served upon the parties at the close of the hearing. When the Hearing Examiner requires more time to prepare a written order, or when a party fails to appear after requesting a contested hearing, the Hearing Examiner shall cause a copy of the decision and order to be served on the parties by mailing a copy to each party's last known address within ten (10) business days of the hearing.

17.20.130 Mitigation Hearing – Procedure.

The Hearing Examiner shall conduct a hearing to mitigate the penalty on a violation when such hearing is properly and timely requested; provided, that in the event a person has requested a hearing to contest a violation and prior to the start of the hearing indicates to the Hearing Examiner a desire to mitigate rather than contest, the Examiner shall permit the person to seek mitigation of the monetary penalty. The mitigation hearing shall be conducted according to the following general procedures:

- (a) The person responsible for the violation shall, as a condition of proceeding with the mitigation hearing, agree that he or she has committed the violations as set forth in the notice of the violation. The City shall be relieved of any burden of proving that the violations were committed, and such agreement by the person responsible for the violations shall be sufficient basis for the Hearing Examiner to find the violations committed.
- (b) If the person who has requested the mitigation hearing decides at the time of the hearing that he or she wishes to contest all or some of the alleged violations, the matters wishing to be contested shall, at the request of the City, be rescheduled.

(c) The person responsible for the violations shall be given the opportunity to explain or provide evidence regarding the nature of the violations, why the violations exist, why the violations have not been abated or corrected, and any other information the Hearing Examiner determines is relevant.

(d) The City shall be given the opportunity, at its discretion, to provide evidence of the nature of the violation, evidence to rebut assertions made by any party, and any other information or evidence the Hearing Examiner deems is relevant.

(e) At the conclusion of the hearing, the Hearing Examiner shall enter an order finding the violations committed pursuant to LSMC 17.20.140, and shall assess a monetary penalty in accordance with LSMC 17.20.160.

17.20.140 Mitigation Hearing – Decision of the Hearing Examiner.

(a) Order to be issued at Close of Hearing. Upon the conclusion of a penalty mitigation hearing, the Hearing Examiner shall issue, at that time, a written decision and order using a standard form that contains the following findings and conclusions based on the record:

(1) For each alleged violation of the City code, a statement indicating whether that violation has been found committed;

(2) For violations found committed, the monetary penalties and costs being assessed pursuant to this chapter and other applicable provisions of the Lake Stevens Municipal Code;

(3) For violations found committed, any required corrective actions and a timeline for such corrective actions;

(4) A statement notifying the person responsible for the violation that he or she is subject to additional civil and/or criminal penalties if any violation that was the subject of the hearing has not been corrected or abated in accordance with Hearing Examiner's order and applicable provisions of the Lake Stevens Municipal Code;

(5) A finding that abatement of the founded violations by the City is authorized at the expense of the person responsible for the violations.

(b) Notice of Decision. The City shall provide a copy of the decision and order to the parties at the close of the mitigation hearing. When the City, for good cause shown, requires more time to prepare a written order, or when a party fails to appear after requesting a hearing, the Hearing Examiner shall cause a copy of the decision and order to be served on the parties by mailing a copy to the last known addresses of the parties within ten (10) business days of the hearing.

17.20.150 Failure to Appear – Default Order.

If the person who requests a hearing to contest a violation or mitigate the penalty then fails to appear at the scheduled hearing after having been given notice in the manner provided for by this chapter, the Hearing Examiner shall use a standard form to immediately issue a default order, which finds committed all the violations set forth in the notice of violation and which assesses a penalty in the full amount indicated in the notice of violation. In addition, at the request of the City, the Hearing Examiner shall also impose upon the non-appearing party any costs to the City related to preparation for the hearing as allowed by law. The Hearing Examiner shall cause a copy of the decision to be served upon the non-appearing party by mailing a copy to the last

known address of the non-appearing party within ten (10) business days of the hearing. Upon the motion of a party, the Hearing Examiner may rescind a default judgment only upon a showing of good cause to do so and only if such motion has been brought within thirty (30) calendar days of the date of the hearing at which the default judgment was ordered.

17.20.160 Monetary Penalty.

(a) Monetary penalty. Each violation of a City code provision deemed committed by the Hearing Examiner is subject to a monetary penalty in an amount of five hundred dollars (\$500) unless a different penalty amount for a given violation is expressly authorized or required by a more specific City code provision. Except where the person responsible for the violation has requested mitigation of the monetary in accordance with the provisions of this chapter, the Hearing Examiner shall have no authority to reduce the amount of the monetary penalty. Where the person has requested to mitigate the monetary penalty, the Hearing Examiner may reduce the monetary penalty for each violation, but in no case shall the penalty be reduced to an amount less than one hundred dollars (\$100) for each violation found committed.

(b) Payment of monetary penalty. Any monetary penalties assessed pursuant to this chapter constitute a personal obligation of the person to whom the notice of civil violation is directed. In addition, the monetary penalties assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action. Any monetary penalty assessed must be paid in full to the City within thirty (30) days from the date of service of an uncontested notice of violation or any order of the Hearing Examiner that assesses monetary penalties.

(c) Continuing duty to abate violations. Payment of a monetary penalty pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.

17.20.170 Appeal.

An appeal of the decision of the Hearing Examiner must be filed with the Snohomish County Superior Court within twenty-one (21) calendar days of service of the decision, which shall be the exclusive means to appeal a decision of the Hearing Examiner rendered under this chapter.

17.20.180 Repeat Violation or Failure to Abate.

Where a person or entity has been found to have committed a violation under this chapter, regardless of whether the violation was resolved without penalty, the failure to abate the violation, or the commission of a subsequent violation, or the violation of a written order of the Hearing Examiner after having received notice of the order as provided in this chapter, shall each constitute a repeat violation and shall each be subject to the penalties and provisions of LSMC 17.20.015. The City Attorney or designee shall, at his or her discretion, have authority to file a repeat violation as a civil violation with all filing fees and costs of the hearing(s) to be the responsibility of the party responsible for the violation.

17.20.190 Abatement by the City.

(a) Other Abatement Proceedings Not Precluded. Nothing in this chapter shall prohibit the City from pursuing abatement of a violation pursuant to any other laws of the state of Washington or the City of Lake Stevens.

(b) Urgent Abatement. Whenever a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment exists, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the

reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the City or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the City be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.

(c) **Judicial Abatement:** The city may seek judicial process, as it deems necessary to abate a condition which was caused by or continues to be a violation of the Lake Stevens Municipal Code and other method of remedial action fails to produce compliance. An order of abatement is issued through the appropriate court of jurisdiction.

(d) **Costs of Abatement.** Except as otherwise provided in this section, the costs of any abatement action taken by the City shall become a charge to the person responsible for the violation. These charges may be assessed against the person responsible for the violation or the property upon which the violation occurred, or both. The City may use any lawful means to collect these charges.

17.20.200 Collection of Penalties and Costs.

(a) **Collection of Monetary Penalty.** The monetary penalties assessed pursuant to this chapter shall constitute a personal obligation of the person to whom the notice of civil violation is directed or the person responsible for the violation. In addition, the monetary penalties assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action. Any monetary penalty assessed must be paid to the city within ten (10) calendar days from the date of mailing of the Hearing Examiner's decision or a notice from the City that penalties are due. The City Attorney or designee is authorized to take legal action to collect the monetary penalty.

(b) **Use of Collection Agency.** Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the City may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least thirty (30) calendar days have elapsed from the time that the City attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by certified mail – return receipt requested and first class mail to the last known address of the person responsible for the violation; provided, inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.

(c) **Costs of Abatement as Personal Obligation.** The costs of any abatement action taken by the City shall become a charge to the person responsible for the violation. These charges may be assessed against the person responsible for the violation or the property upon which the violation occurred. The City may use any lawful means to collect charges.

(d) **Lien Authorized for Abatement.** The City of Lake Stevens shall have a lien for any monetary penalty imposed, to the extent allowed by law, the cost of any abatement proceedings under this chapter, and all other related costs including attorney and expert witness fees, against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. Such costs shall be forwarded by the applicable Department Director to the Finance Director, who shall certify them to the County Treasurer for assessment on the tax rolls, and to the City Attorney, who shall file a lien for such costs against the real property. The lien shall be

subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on parity.

(e) Contests of Abatement Costs. Any challenge to the amount of the abatement costs shall be heard by the Hearing Examiner in an informal hearing. The Hearing Examiner shall then make a written determination as to whether or not the City's costs were accurate and necessary for accomplishing the abatement. If the costs are confirmed, then they shall be subject to collection as set forth in this section.

17.20.210 Additional Enforcement Procedures.

The provisions of this chapter are not exclusive and may be used in addition to other enforcement and penalty provisions authorized by the Lake Stevens Municipal Code or any other law.

17.20.220 Conflicting Code Provisions.

In the event a conflict exists between the enforcement provisions of this chapter and the enforcement provisions of any international or uniform code, statute, or regulation that is adopted in the Lake Stevens Municipal Code and subject to the enforcement provisions of this chapter, the enforcement provisions of this chapter will prevail, unless the enforcement provisions of this chapter are preempted or specifically modified by said code, statute, or regulation.

17.20.230 Duty Not Creating Liability.

No provision or term used in this chapter is intended to impose any duty upon the City or any of its officers and/or employees which would subject them to damages in a civil action.

Section 8. LSMC Chapter 17.24 Hearings and Appeals is hereby repealed in its entirety.

Section 9. Severability. If any section, clause, phrase, or term of this Ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, and the remaining portions shall be in full force and effect.

Section 10. Effective Date. This Ordinance shall be in force and effect five (5) days after publication of the summary consisting of the title.

PASSED by the City Council of the City of Lake Stevens this _____ day of _____, 2013.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk.

APPROVED TO FORM

Grant Weed, City Attorney

Passed by Council:

Published:

Effective Date:



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 6/13/13

Subject: Inter-local Agreement for the Snohomish Regional Drug & Gang Task Force

Contact Interim Chief Daniel Lorentzen **Budget Impact:** \$7,256.00
Person/Department: _____

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Authorize the Mayor to sign the Snohomish Regional Drug & Gang Task Force Inter-local Agreement.

SUMMARY/BACKGROUND:

Snohomish County Regional Drug and Gang Task Force is a multi-agency effort to combat drug dealers and suppliers. The purposes of the Task Force is to formally structure and jointly coordinate selected law enforcement activities, resources and functions in order to disrupt drug trafficking systems and to remove traffickers through cooperative program of investigations, prosecution and asset forfeiture. The Task Force efforts are directed towards mid and upper level dealers. The Task Force also assists agencies within the county with narcotics enforcement and narcotics training. This inter-local agreement continues our participation through June 30, 2014.

The City of Lake Stevens has participated in the county wide Task Force since 1988. The main Task Force staffing comes from participating agencies at their expense and with the assistance of federal funding. Lake Stevens has been a part of short-term projects, but has not dedicated an individual to the Task Force full time. Our participation continues to be providing support funding for the program. The City has benefited from the Task Force in numerous cases over the years and the Task Force provides resources for the City to utilize.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: Local match breakdowns are determined by populations of the participating jurisdictions.

2006- \$1642	2010- \$6152
2007- \$2219	2011- \$6520
2008- \$3011	2012- \$7044
2009- \$3425	2013- \$7256

Our 2013 Budget included \$7500 for this agreement.

ATTACHMENTS:

- ▶ Exhibit A: Inter-local Agreement Snohomish Regional Drug & Gang Task Force.

RECEIVED
MAY 03 2013
CITY OF LAKE STEVENS



Snohomish Regional Drug & Gang Task Force

M/S 606
3000 Rockefeller Ave.
Everett, WA 98201
Phone (425) 388-3479
Fax (360) 658-7664

DATE: May 3, 2013

RE: **FFY 2013 /2014 INTERLOCAL AGREEMENT for the
SNOHOISH REGIONAL DRUG & GANG TASK FORCE**

Enclosed please find the Snohomish Regional Drug & Gang Task Force Interlocal Agreement between Snohomish County and participating jurisdictions for the period from July 1, 2013 through June 30, 2014. This agreement has been sent out via email to you as well.

Enclosed are three Original attest sheets. Please have officials from your jurisdiction sign all three attest sheets and return all three sheets. Please have these returned to us **no later than May 23, 2013**. You can either call me to pick these documents up or you may return them to my attention via mail.

When all agency signature pages have been returned to us and the necessary County officials' signatures have been obtained for this document, we will send you a final, conformed copy for your records. This will take place in late summer.

We are looking forward to another year of successful, productive activity from our Snohomish Regional Drug & Gang Task Force. Thank you for your participation and assistance in this united effort.

Sincerely,

Megan King
Administrative Secretary

Enclosures

**INTERLOCAL AGREEMENT ESTABLISHING
SNOHOMISH REGIONAL DRUG & GANG TASK FORCE**

This Interlocal Agreement is among Snohomish County, a political subdivision of the State of Washington, and the following jurisdictions (hereinafter collectively referred to as the “Participating Jurisdictions”):

City of Arlington	City of Monroe
City of Bothell	City of Mountlake Terrace
City of Brier	City of Mukilteo
City of Darrington	City of Snohomish
City of Edmonds	City of Stanwood
City of Everett	City of Sultan
City of Gold Bar	DSHS, Child Protective Services
City of Granite Falls	Washington State Patrol
City of Index	Snohomish Health District
City of Lake Stevens	Sauk Suiattle Tribe
City of Lake Forest Park	Stillaguamish Tribe
City of Lynnwood	Swinomish Tribe
City of Marysville	Tulalip Tribe
City of Mill Creek	

WITNESSES THAT:

WHEREAS, the State of Washington Department of Commerce (hereinafter "COMMERCE"), has received funds from the U.S. Department of Justice under authority of the Anti-Drug Abuse Act of 1988 to provide grants to local units of government for drug law enforcement; and

WHEREAS, eligible applicants include cities, counties and Indian tribes; and

WHEREAS, RCW 39.34 permits one or more public agencies to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking that each public agency is authorized by law to perform; and

WHEREAS, Snohomish County and COMMERCE have entered into a Narcotics Control Grant Contract (hereinafter "Grant Contract") whereby Snohomish County shall use specified grant funds solely for a regional task force project consistent with the task force grant application submitted to COMMERCE on or before July 1, 2013, upon which the Grant Contract is based (by this reference both the Grant Contract and the grant application are incorporated in this agreement as though set forth fully herein); and

WHEREAS, the Participating Jurisdictions recognize the above-mentioned Grant Contract between COMMERCE and Snohomish County; and

WHEREAS, the Participating Jurisdictions desire to participate as members of the multi-jurisdictional task force with Snohomish County administering task force project grants on their behalf; and

WHEREAS, the Participating Jurisdictions desire to enter into an agreement with Snohomish County to enable Snohomish County to continue to be the receiver of any grant funds related to the task force project; and

WHEREAS, each of the Participating Jurisdictions represented herein is authorized to perform each service contemplated for it herein;

NOW, THEREFORE, in consideration of covenants, conditions, performances and promises hereinafter contained, the parties hereto agree as follows:

1.0 TASK FORCE CONTINUATION, TERM, AND PURPOSE

- 1.1 The countywide multi-jurisdictional task force, composed of law enforcement, prosecutor, and support personnel, known as the Snohomish Regional Drug & Gang Task Force (hereinafter "Task Force") was created pursuant to the Interlocal Agreement Among Participating Jurisdictions dated January 18, 1988. The Task Force has operated on a continuous basis since that time under a series of interlocal agreements, the most recent effective from July 1, 2012, through June 30, 2013. This agreement shall serve to continue the operation of the Task Force.
- 1.2 The effective date of this agreement shall be from July 1, 2013, through June 30, 2014, unless earlier terminated or modified as provided in this agreement.
- 1.3 The purpose of the Task Force shall be to formally structure and jointly coordinate selected law enforcement activities, resources, and functions in order to disrupt illegal drug trafficking systems and to remove traffickers through a cooperative program of investigation, prosecution, and asset forfeiture.
- 1.4 The Task Force agrees to perform the statement of work indicated in the Task Force Abstract set forth in the application for funding between COMMERCE and Snohomish County. Therefore each participating jurisdiction adopts the following Task Force goals:
 - Reduce the number of drug traffickers and gang members in the communities of Snohomish County through the professional investigation, apprehension and conviction.
 - Efficiently attack, disrupt and prosecute individual and organized mid to upper level drug traffickers and street gang members who do not recognize jurisdictional boundaries or limitations, and by doing so, impact drug trafficking organizations previously impregnable.

- Enhance drug enforcement cooperation and coordination through multi-agency investigations, training of local jurisdictions and the sharing of resources and information.
 - To address these issues with the foremost consideration of safety for both law enforcement and the community.
- 1.5 The Task Force shall continue to follow a management system for the shared coordination and direction of personnel as well as financial, equipment and technical resources as stated in this agreement.
- 1.6 The Task Force shall continue to implement operations, including:
- a. Development of intelligence
 - b. Target identification
 - c. Investigation
 - d. Arrest of Suspects
 - e. Successful prosecution of offenders, and
 - f. Asset forfeiture/disposition
- 1.7 The Task Force shall evaluate and report on Task Force performance to COMMERCE as required in the Grant Contract.

2.0 ORGANIZATION

- 2.1 Exhibit “D”, incorporated herein by this reference, sets forth the organization of the Task Force.
- 2.2 The Task Force Executive Board shall be comprised of the Snohomish County Prosecuting Attorney, the Snohomish County Sheriff, the Everett Police Chief, the Everett City Attorney, and one (1) chief of police from the remaining Participating Jurisdictions chosen by the chiefs of police of the remaining Participating Jurisdictions. The Snohomish County Sheriff shall serve as Chair of the Executive Board. The Task Force Executive Board may adopt bylaws providing for appointment of alternates to attend Executive Board meetings in the absence of members. At such meetings the alternate shall have the same

rights as the appointing member. Any action taken by the Task Force Executive Board under this agreement shall be based on a majority vote.

- 2.3 All law enforcement personnel assigned to the Task Force shall be directed in their Task Force duties by the Snohomish County Sheriff's Office (SCSO) through the Task Force Commander. The Task Force Commander will be an employee of Snohomish County for all purposes and, if not a regular SCSO deputy, will hold a special commission for that purpose.
- 2.4 Exhibit "A", incorporated herein by this reference, sets forth the personnel currently assigned to the Task Force by each Participating Jurisdiction. Nothing in this agreement shall restrict the ability of the Snohomish County Prosecuting Attorney, Snohomish County Sheriff, Everett Police Chief, or chief law enforcement officer of any Participating Jurisdiction to reassign personnel now or later assigned to the Task Force.

3.0 FINANCING

- 3.1 Exhibit "B" sets forth the estimated Task Force Grant Contract budget and is incorporated herein by reference. Participating Jurisdictions in the aggregate agree to provide funds that will allow for at least a one-third match of the funds awarded under the Grant Contract.
- 3.2 Exhibit "C" sets forth the Local Match breakdown for the period from July 1, 2013, to June 30, 2014, and is incorporated herein by reference. Although State and/or Federal Grant funds may vary from the amount initially requested, each Participating Jurisdiction agrees to provide funding that is no less than the amount indicated in Exhibit "C", and to pay its funding share to Snohomish County as administrator of Task Force funds promptly upon request.
- 3.3 As required by the Grant Contract, each Participating Jurisdiction agrees the funding it contributes shall be provided in addition to that currently appropriated to narcotics enforcement activities and that no Task Force activity will supplant or replace any existing narcotic enforcement activities.

- 3.4 Except as modified by section 5.3 below, all revenues collected or generated by or for the Task Force shall be forwarded to the Snohomish County Treasurer and placed in a designated special account for the purpose of supporting Task Force operations, and all real or personal property of the Task Force will be held in Snohomish County's name for the benefit of the Task Force.
- 3.5 Upon termination of the Task Force, all funds remaining in said special account shall be disbursed pro rata to the then-current Participating Jurisdictions in proportion to the percentage of their most recent financial participation as indicated in Exhibit "C".

4.0 GENERAL ADMINISTRATION

- 4.1 Snohomish County agrees to provide COMMERCE with the necessary documentation to receive grant funds.
- 4.2 By executing this agreement, each Participating Jurisdiction agrees to make any certified assurances required by the Grant Contract that are within its particular control, and agrees to make all its records related to the Task Force available for inspection consistent with the Grant Contract.
- 4.3 All Task Force contracts and agreements executed on behalf of Participating Jurisdictions under this agreement must first be approved on motion of the Task Force Executive Board. By executing this agreement, each Participating Jurisdiction agrees that, for the purpose of administering the assets and resources available to the Task Force, Snohomish County is hereby granted the authority to execute on behalf of the Participating Jurisdictions all agreements and contracts signed as approved by the Task Force Executive Board, by and through its Chair, including but not limited to all contracts for professional services. Agreements and contracts executed in this manner shall have the same legal effect as if they were executed by each Participating Jurisdiction. No such agreement or contract may impose or waive liability with respect to a

Participating Jurisdiction in a manner that is inconsistent with the hold harmless provision in section 10.0 of this agreement.

- 4.4 Any dispute arising under this agreement will be forwarded to the Task Force Executive Board for arbitration. The determination made by the Executive Board shall be final and conclusive as between the parties. This provision shall not apply to issues of indemnity and liability governed by the hold harmless provision in section 10.0 of this agreement.

5.0 ASSET FORFEITURE

- 5.1 The Participating Jurisdictions shall refer all potential asset forfeitures initiated or investigated by officers assigned to the Task Force during the pendency of this agreement to the Task Force for disposition at the discretion of the Task Force Executive Board or prosecuting authority (Prosecuting Attorney or United States Attorney). Any such referred asset forfeiture that is pursued in state court will be prosecuted in the name of Snohomish County on behalf of the Task Force and its Participating Jurisdictions.
- 5.2 The Task Force Commander, under the direction of the Task Force Executive Board, shall manage the acquisition and disposition of assets seized or forfeited as a result of this agreement in compliance with law and Task Force procedures.
- 5.3 A portion of the net monetary proceeds of each asset forfeiture made by the Task Force shall be distributed to the involved investigating agencies commensurate with their participation as determined by prior agreement between the Task Force Commander and said agencies, or in the absence of such agreement, by the Task Force Executive Board, prior to dedication of the remaining proceeds to the Task Force as specified in section 3.4. As long as the personnel assignments stated in Exhibit "A" remain unchanged, distributions to Snohomish County and the City of Everett under this

subparagraph shall be 40 percent each of the net monetary proceeds remaining after distributions under this subparagraph to Participating Jurisdictions other than Snohomish County and the City of Everett. If assignments change from those stated in Exhibit “A”, the Task Force Executive Board may modify the relative percentage allocations to Snohomish County and the City of Everett on a case-by-case or permanent basis. For purposes of this subparagraph, the term “net monetary proceeds” means cash proceeds realized from property forfeited during the term of this agreement that is not retained for use by the Task Force after deducting all costs and expenses incurred in its acquisition, including but not limited to the cost of satisfying any bona fide security interest to which the property may be subject at the time of seizure, the cost of sale in the case of sold property (including reasonable fees or commissions paid to independent selling agencies), amounts paid to satisfy a landlord’s claim for damages, and the amount of proceeds (typically ten percent) payable to the State of Washington under RCW 69.50.505(9) or similar law.

- 5.4 The Task Force may retain funds in an amount up to \$250,000.00 from the net proceeds of vehicle seizures for the purchase of Task Force vehicles and related fleet costs.
- 5.5 Any Participating Jurisdiction receiving a distribution of assets forfeited under RCW 69.50.505 shall use such assets in accordance with RCW 69.50.505(10), which limits use to the expansion and improvement of controlled substances related law enforcement activity and prohibits use to supplant preexisting funding sources.
- 5.6 Upon termination of the Task Force, the Task Force Executive Board shall dispose of the Task Force’s interest in assets seized or forfeited as a result of this agreement in accordance with applicable federal, state and county requirements, and shall distribute proceeds in accordance with sections 5.3 and 3.5.

6.0 ACQUISITION AND USE OF EQUIPMENT

- 6.1 In the event that any equipment is acquired with grant funds, the Participating Jurisdictions agree that the Task Force will use that equipment only for specified law enforcement purposes for the term of the grant.
- 6.2 Upon termination of the Task Force, any equipment provided by Participating Jurisdictions will be returned to those respective jurisdictions.
- 6.3 Upon termination of the Task Force, the Task Force Executive Board shall dispose of all acquired equipment in accordance with applicable federal, state and county requirements, and shall distribute proceeds in accordance with section 3.5.

7.0 MODIFICATION

Participating Jurisdictions hereto reserve the right to amend this agreement in the future from time to time as may be mutually agreed upon. No such amendment shall be effective unless written and signed by all then-contributing jurisdictions with the same formality as this agreement.

8.0 NONDISCRIMINATION PROVISION

There shall be no discrimination against any employee who is paid by the grant funds or against any applicant for such employment because of race, color, religion, handicap, marital status, political affiliation, sex, age, or national origin. This provision shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training.

9.0 TERMINATION OF AGREEMENT

- 9.1 Notwithstanding any provisions of this agreement, any party may withdraw from the agreement as it pertains to them by providing written notice of such withdrawal to all other parties, specifying the effective date thereof at least

thirty (30) days prior to such date. A withdrawing party may take with it any equipment it has loaned or donated to the Task Force, and shall be entitled to distributions under section 5.3 of this agreement with respect to asset forfeitures initiated before the effective date of withdrawal.

- 9.2 If there is a reduction in funds by the source of those funds, and if such funds are the basis of this agreement, Snohomish County may unilaterally terminate all or part of the agreement, or may reduce its scope of work and budget.

10.0 HOLD HARMLESS

- 10.1 Each party hereto agrees to save, indemnify, defend and hold the other parties harmless from any allegations, complaints, or claims of wrongful and/or negligent acts or omissions, by said party and/or its officers, agents, or employees to the fullest extent allowed by law. In the case of allegations, complaints, or claims against more than one party, any damages allowed shall be levied in proportion to the percentage of fault attributable to each party, and each party shall have the right to seek contribution from each of the other parties in proportion to the percentage of fault attributable to each of the other parties. Moreover, the parties agree to cooperate and jointly defend any such matter to the extent allowed by law. An agency that has withdrawn assumes no responsibility for the actions of the remaining members arising after the date of withdrawal, but shall remain liable for claims of loss or liability arising prior to the effective date of withdrawal.
- 10.2 The Tulalip Tribes waives sovereign immunity to suit by any party to interpret or enforce the terms of this Agreement. The parties agree that in enforcing obligations under this Agreement, a party seeking payment from the Tulalip Tribes shall look first to the proceeds of any insurance procured by the Tribes for this purpose. Should any claim for indemnification exceed the limit of the Tulalip Tribe's insurance policy arising from the entry of a final decree in any court, or by settlement of a civil action mutually agreed to by the County and the Tulalip Tribe, the Tulalip Tribe hereby

waives any claim of immunity or exemption for any assets it holds that are not subject to a restriction against alienation up to the amount necessary to discharge the indemnity obligation and the costs of collection.

- 10.3 The Sauk Suiattle Tribe waives sovereign immunity to suit by any party to interpret or enforce the terms of this Agreement. The parties agree that in enforcing obligations under this Agreement, a party seeking payment from the Sauk Suiattle Tribe shall look first to the proceeds of any insurance procured by the Sauk Suiattle Tribe for this purpose. Should any claim for indemnification exceed the limit of the Sauk Suiattle Tribe's insurance policy arising from the entry of a final decree in any court, or by settlement of a civil action mutually agreed to by the County and the Sauk Suiattle Tribe, the Sauk Suiattle Tribe hereby waives any claim of immunity or exemption for any assets it holds that are not subject to a restriction against alienation up to the amount necessary to discharge the indemnity obligation and the costs of collection
- 10.4 The Stillaguamish Tribe waives sovereign immunity to suit by any party to interpret or enforce the terms of this Agreement. The parties agree that in enforcing obligations under this Agreement, a party seeking payment from the Stillaguamish Tribe shall look first to the proceeds of any insurance procured by the Stillaguamish Tribe for this purpose. Should any claim for indemnification exceed the limit of the Stillaguamish Tribe's insurance policy arising from the entry of a final decree in any court, or by settlement of a civil action mutually agreed to by the County and the Stillaguamish Tribe, the Stillaguamish Tribe hereby waives any claim of immunity or exemption for any assets it holds that are not subject to a restriction against alienation up to the amount necessary to discharge the indemnity obligation and the costs of collection.
- 10.5 The Swinomish Tribe waives sovereign immunity to suit by any party to interpret or enforce the terms of this Agreement. The parties agree that in enforcing obligations under this Agreement, a party seeking payment from the Swinomish Tribe shall look

first to the proceeds of any insurance procured by the Swinomish Tribe for this purpose. Should any claim for indemnification exceed the limit of the Swinomish Tribe's insurance policy arising from the entry of a final decree in any court, or by settlement of a civil action mutually agreed to by the County and the Swinomish Tribe, the Swinomish Tribe hereby waives any claim of immunity or exemption for any assets it holds that are not subject to a restriction against alienation up to the amount necessary to discharge the indemnity obligation and the costs of collection.

11.0 GOVERNING LAW AND VENUE

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Washington without reference to choice of law principles, and venue of any suit between the parties arising out of this agreement shall be in the Superior Court of Snohomish County, Washington.

12.0 INTEGRATION

With the exception of necessary operational agreements between law enforcement agencies of the Participating Jurisdictions and agreements pursuant to section 5.3 hereof, this agreement constitutes the whole and entire agreement among those parties as to the Task Force and no other understandings, oral, or otherwise, regarding the Task Force shall be deemed to exist or bind the parties.

13.0 EXECUTION OF MULTIPLE ORIGINAL COUNTERPARTS

This agreement may be reproduced in any number of original counterparts. Each party need sign only one counterpart and when the signature pages are all assembled with one original counterpart, that compilation constitutes a fully executed and effective agreement among all the Participating Jurisdictions. In the event that fewer than all named parties execute this agreement, the agreement, once filed as specified in section 15.0, shall be effective as between the parties that have executed the agreement to the same extent as if no other parties had been named.

14.0 SEVERABILITY

If any part of this agreement is unenforceable for any reason the remainder of the agreement shall remain in full force and effect.

15.0 RECORDING

This interlocal agreement will be filed with the Snohomish County auditor in compliance with RCW 39.34.040.

In witness whereof, the parties have executed this agreement.

SNOHOMISH COUNTY, approved at the direction of the County Council.

Aaron Reardon, County Executive

DATE: _____

ATTEST:

APPROVAL RECOMMENDED:

John Lovick, Sheriff

DATE: _____

Approved as to form only:

Deputy Prosecuting Attorney

EXHIBIT A

Snohomish Regional Drug & Gang Task Force

Personnel Assigned by Jurisdiction
July 1, 2013 through June 30, 2014

EVERETT POLICE DEPARTMENT

- 1 Lieutenant
- 1 Sergeant
- 1 Detective
- 1 Support Personnel

FUNDING

- Everett PD

VACANT

ARLINGTON POLICE DEPARTMENT

- 1 Detective

FUNDING

- Arlington

MARYSVILLE POLICE DEPARTMENT

- 1 Detective

FUNDING

- Marysville PD

VACANT

BOTHELL POLICE DEPARTMENT

- 1 Detective

FUNDING

- Bothell PD

VACANT

SNOHOMISH COUNTY SHERIFF'S OFFICE

- 1 Task Force Commander
- 1 Lieutenant
- 1 Sergeant
- 1 Sergeant
- 1 Detective
- 1 K9 Detective
- 1 Reserve Deputy
- 1 Support Staff

FUNDING

- Justice Assistance Grant
- Snohomish County Sheriff
- Justice Assistance Grant
- Snohomish County Sheriff

VACANT

VACANT

SNOHOMISH HEALTH DISTRICT

- 1 Local Health Officer

FUNDING

- Snohomish Health District

SNOHOMISH COUNTY PROSECUTOR'S OFFICE

- 1 Deputy Prosecutor
- 1 Deputy Prosecutor
- 1 Support Staff
- 1 Deputy Prosecutor - P/T

STATE OF WASHINGTON

- 1 Detective
- 1 Case Worker

WA STATE GAMBLING COMMISSION

- 1 Agent

WASHINGTON NATIONAL GUARD

- 1 Intelligence Analyst

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

- 1 Agent - P/T
- 1 Agent - P/T

DRUG ENFORCEMENT AGENCY

- 1 Agent

IMMIGRATION AND CUSTOMS ENFORCEMENT

- 1 Agent

NAVAL CRIMINAL INTELLIGENCE SERVICE

- 1 Agent

INTERNAL REVENUE SERVICE

- 1 Agent

FUNDING

Justice Assistance Grant
Snohomish County Prosecutor/Sheriff
Snohomish County Prosecutor/Sheriff
Snohomish County Prosecutor

FUNDING

Washington State Patrol
DSHS, Child Protective Services

FUNDING

Washington State

FUNDING

Washington National Guard

FUNDING

ATF *VACANT*
ATF *VACANT*

FUNDING

Drug Enforcement Agency *VACANT*

FUNDING

Immigration And Customs Enforcement *VACANT*

FUNDING

NCIS *VACANT*

FUNDING

Internal Revenue Service

EXHIBIT B

Snohomish Regional Drug & Gang Task Force

Byrne/JAG Grant Estimated Operating Budget for July 1, 2013 through June 30, 2014

	<u>FEDERAL FUNDS</u>	<u>LOCAL MATCH</u>	<u>TOTAL</u>
Salaries	137,569	149,033	286,602
Benefits	42,431	47,959	90,390
Contracted Services	0	0	0
Goods and Services	0	0	0
Travel	0	0	0
Training	0	0	0
Equipment	0	0	0
Confidential Funds	0	0	0
TOTALS	\$180,000	\$196,992 *	\$376,992

* \$184,081 from Local Matching Funds; \$12,911 from Forfeited Assets Fund

Interlocal Agreement Establishing
Snohomish Regional Drug & Gang Task Force

EXHIBIT C

Snohomish Regional Drug & Gang Task Force

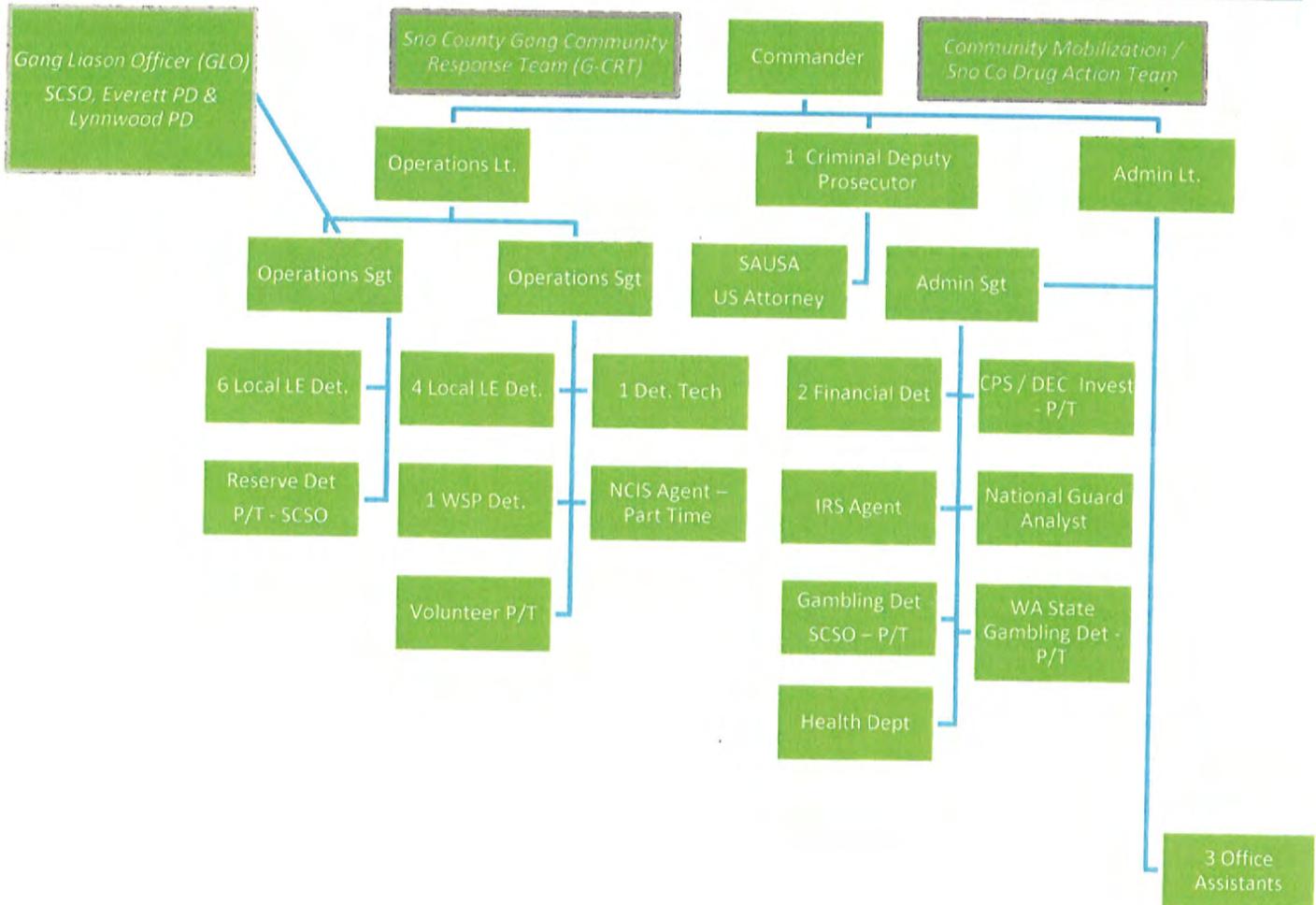
Local Match Breakdowns for July 1, 2013 through June 30, 2014

JURISDICTION	POPULATION	PERCENTAGE	AMOUNT
Arlington	17,930	2.50%	\$ 4,612.00
Bothell	16,570	2.31%	\$ 4,262.00
Brier	6,100	0.85%	\$ 1,569.00
Darrington	1,345	0.19%	\$ 346.00
Edmonds	39,800	5.55%	\$ 10,237.00
Everett	103,100	14.38%	\$ 26,518.00
Gold Bar	2,060	0.29%	\$ 530.00
Granite Falls	3,370	0.47%	\$ 867.00
Index	180	0.03%	\$ 46.00
Lake Stevens	28,210	3.93%	\$ 7,256.00
Lake Forest Park	-	-	-
Lynnwood	35,860	5.00%	\$ 9,223.00
Marysville	60,660	8.46%	\$ 15,602.00
Mill Creek	18,370	2.56%	\$ 4,725.00
Monroe	17,330	2.42%	\$ 4,457.00
Mountlake Terrace	19,990	2.79%	\$ 5,142.00
Mukilteo	20,310	2.83%	\$ 5,224.00
Snohomish	9,200	1.28%	\$ 2,366.00
Snohomish County	304,435	42.46%	\$ 78,302.00
Stanwood	6,220	0.87%	\$ 1,600.00
Sultan	4,655	0.65%	\$ 1,197.00
DSHS, CPS	-	-	\$ -
Snohomish Health District	-	-	\$ -
Washington State Patrol	-	-	\$ -
Sauk Suiattle Tribe	-	-	\$ -
Stillaguamish Tribe	-	-	\$ -
Swinomish Tribe	-	-	\$ -
Tulalip Tribe	-	-	\$ -
PARTICIPATING JURISDICTIONS' TOTALS:			\$ 184,081

EXHIBIT D

SRDGTF Executive Board

Chief of Everett (Asst Chair), Chief of Lynnwood, Snohomish County Sheriff (Chair), Snohomish County Prosecutor, City of Everett Attorney, SRDGTF Commander





LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: 13 May 2013

Subject: Lake Stevens Phosphorus Management – Implementation of Year 1 Alum Treatment

Contact Mick Monken **Budget Impact:** \$99,056.70
Person/Department: Public Works

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Award the bid and authorize the Mayor to sign the contract for the Aluminum Sulfate Treatment Program to Aquatechnex for an amount of \$96,056.70 and authorize a management reserve of \$3,000

SUMMARY/BACKGROUND: On the 28th January 2013, the City Council approved the Phosphorus Management Plan (Plan) which outlined how the City plans to continue to deal with the phosphorus loading in Lake Stevens. This Plan was updated per the Council's direction and reviewed by the Council on the 11th of February 2013. Part of the plan included changing from the use of the aerator to the application of Alum to treat the phosphorus in the lake. In the plan, it was proposed that an annual expenditure of \$100,000 would be budgeted for the Alum treatment.

Bids were sought and two were received. The results of the bids are shown in Exhibit A - Bid Tabulations. The responsive low bidder was Aquatechnex with a total bid amount of \$96,056.70. Aquatechnex has been the consultant used for the initial treatment of the Milfoil Project which is in its last year of this contract. The City has had very good experience with the service and results from Aquatechnex.

The City will be performing the Alum Treatment in coordination with Snohomish County. The County will be providing for testing and monitoring of the application and consultation with the City. The schedule of the work is included in Exhibit B.

In conjunction with the Alumi Treatment, a portion of the education outreach is planned to help gain support from the public on the importance of phosphorus management. This education will be lead by the Snohomish Conservation District under contract with the City. This too was included in the approved Phosphorus Management Plan.

APPLICABLE CITY POLICIES:

BUDGET IMPACT: \$99,056.70 from a newly created Alum budget line item. These funds consist of prior O&M and capital funds for the existing aerator system.

ATTACHMENTS:

- ▶ Exhibit A: Bid Tabulations
- ▶ Exhibit B: Estimated Project Schedule

EXHIBIT A

City of Lake Stevens

Aluminum Sulfat (Alum) Treatment Program

Bid Summary

Revision: 30 April 2013

Item	Description	Aquatechnex	HAB
1	Application Strategy Plan	\$ 543.00	\$ 2,500.00
2	Implementation (55k gal)	\$ 95,513.70	\$ 108,215.00
	BASE BID	\$ 96,056.70	\$ 110,715.00
A	Additional Alum (1k gal)	\$ 1,840.00	\$ 1,700.00

EXHIBIT B

Estimated Timeline

- Bid Request 12 -15 April 2013
- Bid submittal to City 30 April 2013
- Council Award (Pending DOE approval of Permit) 13 May 2013
- Notice of Award 14 May 2013
- Signed Contract Due to City 24 May 2013
- Notice to Proceed on development of Strategy Plan 24 May 2013
- Completion of Strategy Plan 29 May 2013
- Notice to Proceed on Implementation of Strategy Plan 31 May 2013
- Implementation of Strategy Plan (3 calendar days) No later than 12 June 2013



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**WASHINGTON ASSOCIATION OF
SHERIFFS AND POLICE CHIEFS**



LEMAP

Loaned Executive Management Assistance Program

Review of the

Lake Stevens Police Department

INTRODUCTION

The purpose of the Washington Association of Sheriffs and Police Chiefs (WASPC) Loaned Executive Management Assistance Program (LEMAP) is to provide management, consulting and technical assistance to Association members. LEMAP is an opportunity for administrators to receive a professional review of their organization's operations and management systems.

The goal of this LEMAP review is to provide the Lake Stevens Police Department with a critical look at the organization through the eyes of peer professionals. The resulting report should serve as a guide to identify areas in need of strengthening and highlight positive and innovative programs and practices. It is hopeful that the Lake Stevens Police Department may use the information provided from this review to motivate the organization, improve internal and external services, and gain additional community support.

The LEMAP team consisted of the following members:

Henry Simon is the Deputy Chief of Police at the Bothell Police Department. He has been involved in law enforcement in Washington State since 1987. He started his career in Mountlake Terrace, moving to the City of Bothell in 1996. He has an AA Degree in Criminal Justice, a BA Degree in Organizational Management and a graduate of the FBI National Academy Session #227. He has served as the Investigations Commander and Operations Commander prior to his promotion to Deputy Chief in August of 2011.

Cherie Harris is the Professional Standards Captain for the Kirkland Police Department where she manages the Criminal Investigations Section, SWAT, the Crisis Negotiations Team, Training, Policy & Procedure Development, the School Resource Officer and the Neighborhood Resource Officers. Cherie is currently a member of WASPC's Accreditation Committee and is an Accreditation Assessor. She previously held the position of Deputy Chief in the Monroe Police Department and has over 20 years of law enforcement experience. Cherie has a B.A. degree in Social Sciences, has attained Executive Level Certification through CJTC and is a graduate of Northwestern School of Police Staff and Command.

Scott Smith is a 30 year veteran of Law Enforcement. During his career Scott worked as a patrol officer, Supervisor, Commander and Police Chief. He retired from Law Enforcement in 2009 and is now the Property/Evidence Room Manager for Everett Police Department. Scott has a Bachelor's Degree in Criminal Justice, is a graduate of the FBI National Academy and the Northwest Law Enforcement Command College. Scott was a WASPC Board member for several years, served as the Chair of the WASPC Legislative Committee and Vice President of the Association. During his career Scott has been an assessor on several Accreditation and LEMAP assessment teams.

Michael Painter is the Director of Professional Services for the Washington Association of Sheriffs and Police Chiefs. He served 32 years with the Kent Police Department where

he retired as Deputy Chief. Mike has been certified in both state and federal courts as a forensic expert in Patrol Operations and has extensive experience in Investigations, Finance and Budget, Training and he served as the Commander of the Basic Law Enforcement Academy from 1996-1998. He holds a MPA from the University of Washington and is a graduate of the FBI National Academy, FBI Law Enforcement Executive Development Seminar and Washington Command College.

Jeanne Johnson Jacobs serves as the Administrative Support Manger for the Everett Police Department and is an expert in Records Management and Public Disclosure. Jeanne is the Public Records Officer for Everett Police Department and for the Snohomish County Multi Agency Response Team which investigates high level cases throughout Snohomish County. Jeanne served two terms as the Law Enforcement Information Records Association (LEIRA) President, as the 2011 Secretary for the Washington State Records Officers Association (WAPRO), and is a long time LEMAP assessor for WASPC.

GENERAL OBSERVATIONS

The Lake Stevens Police Department (LSPD) is a police organization in transition. The former Police Chief of 11 years departed in November of 2012 following a tumultuous career that intensified over the past six years. Commander Dan Lorentzen has stepped in as the interim Chief and invited the LEMAP team in to conduct an assessment on January 30-31, 2013. During our assessment we interviewed many employees that were working and found an agency that was forward thinking, positive and hopeful. LSPD employees were professional, friendly and helpful to all members of the LEMAP team and offered sincere honesty when discussing past and present issues within the department. Under the leadership of Interim Chief Lorentzen the LEMAP team found a department that is regaining stability and is moving forward as they prepare for the arrival of a new Police Chief.

The LEMAP team wants to emphasize that the former Chief was generally well-liked and respected both within the Department and the Community. However, it was apparent in recent years that he became increasingly frustrated and isolated and agency discipline and accountability suffered. Although it is not the LEMAP team's intent to focus on the leadership and management style of the former Chief, it is difficult not to at least construct a backdrop because many of the management and operational challenges that the agency is facing are his legacy.

In 2001, Chief Celori was promoted from Sergeant to Police Chief of LSPD. During his first few years he brought excitement and renewed energy to the department. Staff report the agency was, for the most part, running well. In 2005 Celori and the Finance Director were appointed to share interim management responsibility of Lake Stevens in place of a City Administrator who had been released. In 2007 and with the endorsement of the Chief Celori, the Finance Director was selected as permanent City Administrator with management responsibility for all City Departments. Celori struggled as a subordinate to the new City Administrator.

For many different reasons tension by the former Chief toward the new City Administrator deteriorated to a point where the relationship became strained. According to Department members the decline in the relationship was largely attributable to behavior of Celori and over time he ultimately became apathetic and served as a caretaker for the agency and consequently discipline and accountability became a low priority.

At the same time, Lake Stevens began to experience both growth from annexation and financial contraction caused by decreased revenue resulting from the recession. Most police agencies experience staffing increases following annexations and although LSPD did enjoy short term increases in staffing, funding shortfalls actually resulted in a decline in staffing and ultimately layoffs of police employees. During these difficult times the Chief tried to provide hope to staff by making promises that sworn staffing levels would be restored. Unfortunately this never occurred.

In an effort to offset staff disappointment, the former Chief bowed to employee pressure and would routinely override the Sergeants and Commander to gain favor with the employees who used him as a chain of command by-pass. This created tension and frustration with supervisory staff and manifested itself into an organization that continues to be haunted by supervisors who operate in fear and lack confidence. Although Lorentzen has done good work to restore confidence at all levels of the organization it is apparent to the LEMAP team that the former Chief's management style has had a profound effect on agency effectiveness, morale, responsibility and trust. The focus of this LEMAP assessment will look to the future and make recommendations that will restore the confidence and trust of every Police Department stakeholder both within and outside of the department.

According to recent census information the city of Lake Stevens' population is 29,851 and has more than doubled in size and population since 1990. The police department has grown commensurately during this time and is currently served by 24 sworn officers (including the Chief and Commander) and five civilians. At one point, 4 years ago, the Department was staffed with 29 sworn officers, but has been reduced each year to its current level. The City falls under a Mayor/City Administrator form of government with 7 City Council members. City government is small with Public Works, Finance and Human Resource Directors. The City is served by Lake Stevens Fire District.

LSPD is currently recruiting for a police chief and Commander Dan Lorentzen has no apparent desire to compete for the full time job at this time. The LEMAP team spoke with many different employees and most felt that Interim Chief Lorentzen has done a good job of overcoming the challenges of the past where there was a palpable sense of a leadership void and lack of accountability or respect for the chain of command. Employees are now excited and anxious about the future of the department. They welcome change and are hopeful that the new Police Chief can move the department forward and bring accountability back into the department.

The anchor for most police agencies is their Department Policy and Procedures manual. Although LSPD purchased the Lexipol policy system 5 years ago, it has only recently

been partially implemented and the agency has largely relied on policy direction from manuals derived from the WASPC accreditation standards that were developed in 2003 (second edition) and 2005 (third edition). The WASPC accreditation standards were completely overhauled in 2007 making the previous editions obsolete.

The LEMAP team arrived on January 30, 2013 and at that time the agency was using a hybrid of the second and third editions of the WASPC standards (converted to policy) and nine chapters from Lexipol. Employees are expected to refer to all three instruments as they navigate policy questions, and it is clear to the LEMAP team that most staff are not familiar with much of the Lexipol content. In general it was obvious to the LEMAP team that department policy is not in alignment with many aspects of agency practice. Moreover, and most likely due to a fractured policy system, most employees were not aware of agency policy or documented standard operating procedures (SOP) in most mission critical parts of agency operations.

The LEMAP team found that many of the department's critical areas (Evidence, Records, Patrol, Investigations, Recruitment and Hiring, and Emergency Management) are functioning well and only need minor polishing. The LEMAP Team was impressed with the department's ability to handle calls for service with existing resources given the city's population and large geographic footprint, particularly when compared to surrounding municipal police departments.

Obvious gaps to the LEMAP team include a lack of strategic planning and direction for the agency, a fractured policy and procedure system that is slowly being restored with Lexipol and a broken internal investigation system. Clearly the internal investigations system is problematic and the LEMAP team recommends seeking support from a mentoring agency that has proven experience in this area.

Although there are areas in need of improvement, there is hope. As LSPD rolls out Lexipol the LEMAP team is hopeful that it will become the cornerstone to progress and agency advancement. Implementation of Lexipol will require training and testing of employees on policy and procedures that are widely recognized as some of the best practices in America. Additionally, given the current energy and hope that permeates the department, a transparent and inclusive strategic planning process should be one of the first goals of the new police chief. It is the LEMAP team's impression that the talent and will are readily available to advance LSPD and develop them into an excellent police department. It will be up to the new Chief to harness those resources and provide the citizens of Lake Stevens the level of professional police services they want and expect.

SECTION 1—ADMINISTRATIVE STANDARDS

Chapter 1—Goals and Objectives

WASPC Accreditation Standards:

- 1.1 *The agency has written vision and/or mission statements that define the agency's role.*
- 1.2 *The agency has a strategic plan or written goals and objectives that are reviewed and updated at least annually and are available to all personnel.*

Findings:

A department mission/vision statement and written goals and objectives are critically necessary to clearly and concisely convey the direction of the agency to employees and the community. These artifacts help to define the agency's purpose and role and give staff hope and direction as they work toward the future.

The Lake Stevens Police Department has been operating with a Mission and Values statement dating back to 1997. Since that time there has been no review or updates, even though the department and the community have changed significantly over the past 15 years.

Additionally, LSPD does not have a strategic plan or any written goals and objectives. In 2010 the City anticipated considerable growth following a large annexation of property that was formally served by Snohomish County. Prior to the annexation, Chief Celori and his command staff participated in planning sessions that produced several documents including: a "Prioritization of Major Projects," "Service Standards with Performance Measure," and "Lake Stevens Police Department Function Chart." Additionally, a 2010-2013 Police Organizational Structure document was produced that anticipated an additional 10 officers being added to the agency after the annexation. The annexation occurred as planned; however, the police department did not experience significant growth which rendered these documents useless.

While the documents do represent an effort in establishing some direction for the future of the police department, the documents were created by command staff and were never translated into future planning documents that highlight an agency vision. Most police employees are goal oriented and transparent and inclusive processes can energize an organization and galvanize community trust and support. Clearly strategic planning needs to be a priority for the next police chief.

Recommendations:

1.1 One of the first tasks for the new Police Chief must be to lead an exercise that is inclusive, involves the community and refreshes the Mission, Vision and Values of LSPD.

In process

1.2 Once the Mission, Vision and Values have been refreshed, LSPD must initiate an inclusive Strategic Planning process that establishes benchmarks that links to the department vision and charts a course for the future.

Under Review

1.2 Once the Strategic Plan is memorialized, LSPD must create reporting systems that identify task ownership and timelines. Consolidate the updates into an annual report that is published on the department's website and presented to elected officials at city council meetings.

Under Review

1.2 Revisit the Strategic Plan annually and update as needed to reflect changes in the City, economy and direction of the department.

Under Review

Chapter 2—Role and Authority

WASPC Accreditation Standards:

2.1 *The agency requires all law enforcement personnel to take and abide by an Oath of Office to support, obey and defend the Constitution of the United States and the Washington Constitution and the laws of Washington and the governmental subdivisions.*

2.2 *Statutory authorization for the agency to perform law enforcement services is identified by the laws of the state of Washington and/or local ordinance.*

2.3 *The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.*

2.4 *The agency has policies assuring compliance with all applicable constitutional requirements for in-custody situations including:*

- *Interviews and interrogations*
- *Access to Counsel; and*
- *Search and seizure*

2.5 *The agency has policies governing search and seizure to include the following situations:*

- *Search by consent*

- *Stop and frisk*
- *Search of a vehicle*
- *Crime scene searches*
- *Exigent searches*
- *Inventory searches of seized vehicles or other property; and*
- *Additional situations that may be authorized by the United States Constitution, Washington State Constitution, Washington Statutes, or case law*

2.6 *The agency has policies for conducting strip and/or body cavity searches that include:*

- *Authority for conducting such searches with and without a search warrant;*
- *Privacy provisions with search by same gender; and*
- *Any required reporting procedures when such searches are conducted.*

2.7 *The agency has policies and procedures concerning the arrest or detention of foreign nationals.*

Findings:

Clearly defined role and authority of the police are essential for the health and wellbeing of its employees and for the advancement of public trust and confidence. This chapter requires agencies to have formal processes, policies and procedures in place to authenticate the role of police officers and to establish boundaries for them to operate, particularly when policing the community and navigating individual rights.

All personnel, prior to assuming sworn status will take and abide by an oath of office to enforce the laws of the State of Washington and the City of Lake Stevens, and will uphold the Constitution of the United States and the Constitution of the State of Washington. While the LSPD has procedures in place that govern arrest, search and seizure, procedures are fractured by *three* different SOP resources:

1. Lexipol—Up to a certain chapter as the LSPD transitions
2. LSPD SOP Edition 1
3. LSPD SOP Edition 2

While the LSPD does have procedures in place for all mandates in Chapter 2 (except 2.7, foreign nationals) it is highly problematic for the LSPD sworn personnel and or their supervisors to readily locate the LSPD current policy and or procedure, and often line decisions are being decided based on the LSPD's "practices" vs. established procedure(s). A risk in not having one current SOP for all LSPD sworn personnel is especially problematic during exigent situations and are coupled with potential officer, citizens and/or detainees safety, all of which raise the risk of liability for the City and its officers.

The LSPD does not have a policy or procedure in place that governs arrest or detention of foreign nationals. The Interim Commander and Sergeants attended training for the arrest or detention of foreign nationals in October of 2012; however, they have not provided secondary training to their subordinates. Line officers are most likely to come in direct contact with a foreign national(s) during their day to day operations and should receive introductory and periodic updated training in this area.

Recommendations:

All As soon as possible completely eliminate all former policy instruments and train and install Lexipol for all employees. Ensure the Daily Training Bulletin (DTB) module is activated and managed by LSPD supervisors and command staff.

Complete: Lexipol Manual adopted on 4/23/13, Daily Training Bulletins are being edited and will start 6/1/13.

2.7 Develop and implement, in partnership with the U.S. State Department and the LSPD legal advisor(s), a policy/procedure that will govern the LSPD during the arrest and or detention of a foreign national(s).

Complete: Included in Lexipol chapter 4, training completed May 2013

Chapter 3—Use of Force

WASPC Accreditation Standards:

3.1 The agency has a policy directing personnel to only utilize that force necessary to effect lawful objectives.

3.2 The agency has a policy stating Washington State Peace Officers shall only utilize deadly force when necessary and justified to effect lawful objectives.

3.3 The agency has a policy governing the use of warning shots.

3.4 The agency has a policy governing the use of less-than-lethal weapons.

3.5 The agency has a policy requiring appropriate medical aid after the use of force, when an injury is known, suspected, or is alleged.

3.6 The agency has a policy requiring personnel to submit a use of force report to the agency Chief Executive Officer or designee when they:

- Discharge a firearm (other than routine training or recreational purposes);*
- Take any action that results in injury to another person.*

3.7 The agency has procedures for establishing a formal process in response to any incident where an officer discharges a firearm with the intent to use deadly force,

or has a firearm discharge that causes injury or death. Policy and procedure should include at least the following:

- *Investigative responsibility and process;*
- *Supervisory and management responsibilities;*
- *Relief from duty of involved officer(s) pending formal review;*
- *Notifications;*
- *Media relations.*

3.8 *The agency has a policy that requires only authorized weapons and ammunition shall be carried and/or used on-duty.*

Findings:

Chapter 3 defines the basic requirements and expectations of department members when employing and managing use of force. Management review and accountability of all use of force of force applications by the police is particularly important in a democracy. Given the acceleration of the information age, police activities are often reported to the media in real time and scrutiny becomes a pivot point for public trust. Police Departments must have systems in place that define various levels of force, how those applications are reported and routed to management for review, and reporting as a tool to adjust training priorities and curricula.

As with every area of agency policy and procedure, the current use of force policy is in need of updating which will be accomplished once Lexipol is installed. Current policy describes when reasonable force is necessary using a “force continuum” which has been replaced in many agencies with a philosophy called Integrated Force Management (IFM) system. Other examples of dated language in the current policy describe use of “lethal force,” “low lethality force,” and “less lethal weapons.” Lateral Vascular Neck Restrains (LVNR) is authorized only as a deadly force alternative; however, officers do NOT receive LVNR training/certification and the department does not currently have a trained use of force instructor (they rely on the regional Police Skills Refresher (PSR) team for annual DT training). Warning shots are not authorized.

Less lethal projectiles are described in general terms in the policy manual but are not utilized by the department. Tasers, OC spray and impact weapons are authorized for use. The Third edition of the policy manual only allows for Taser probes to be removed by medical personnel; however, the current department practice is to remove probes in soft tissue areas without summoning medical aid. Current department policy requires Taser recertification every two years; however, the policy is not being followed as LSPD has only one certified Taser instructor that has not been given time to recertify everyone in the department. Tasers are not synched with the current day and time and Officers do not download any data after an application.

Use of force reports are completed even when an officer points his service weapon or Taser at a citizen. The report is reviewed by the Supervisor and the Command Staff but

not the Chief. Use of force reports are filed separately in the records room and are not referred to anyone for consideration of adjustment to training curricula.

The agency utilizes the Special Multi-Agency Response Team (SMART) to investigate any officer involved shooting. SMART conducts the investigation and handles all media inquiries. The Chief reviews the SMART investigation to determine the necessity for an internal investigation. There is no other formal process for reviewing an unintentional discharge or officer involved shooting. LSPD had an officer involved shooting in 2009 and the incident was investigated by the SMART team. However, the Chief did not conduct any documented or formalized administrative review of the incident.

Agency policy designates the primary duty weapon for the department and how an officer can carry a secondary or back up weapon. The policy also identifies authorized ammunition.

Recommendations:

- 3.1** Update policy language for use of force applications using contemporary terminology.

Complete: Included in Lexipol Manual adopted 4/23/13

- 3.4** Update all policy references and applications that are considered less than lethal including Tasers, Impact batons, and OC spray. Insure that language guides Taser applications to include:

- Tasers are synched with current time and date;
- Taser deployments are downloaded; and,
- Taser training must be completed every two years for those officers carrying the tool.

In Process: Supplies ordered and in service training currently being scheduled.

Estimated Completion Date: Second quarter 2013

- 3.5** Develop, communicate and train on policy related to summoning medical aid following force applications with emphasis on supervision and consistency.

In Process: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.

- 3.6** Develop a separate reporting process/system for use of force applications with routing through the chain of command to the Chief for final review and then on to training personnel for adjustments in training curricula.

Complete: Process changed to include Chief in final review

- 3.7 Develop a formal review process, outside of any SMART investigation, of any discharge of firearm, as part of, or application of deadly force.

In Process: Included in Lexipol Chapter 3 currently formulating a process for final review

Estimated Completion Date: Third quarter 2013

- 3.8 Develop processes and communicate expectations to officers for relief from duty.

In Process: Process included in Lexipol chapter 3; in service training in process

Chapter 4—Management, Staffing, Organization and Utilization of Personnel

WASPC Accreditation Standards:

- 4.1 *The agency has a protocol and procedures for situations including the following:*
- *Absence of the Chief Executive Officer*
 - *Exceptional situations involving different specialty units deployed in a common joint operation*
 - *Routine, day-to-day operations*
- 4.2 *The agency has a policy that requires personnel to obey any lawful order of a superior officer and also addresses conflicting or unlawful orders.*
- 4.3 *The agency has a policy that requires an annual management review and analysis, with final review approved by the chief executive officer, of the following incidents:*
- *Vehicle pursuits*
 - *Use of force events*
 - *Internal investigations*
- 4.4 *The agency has a system of written directives that includes procedures for developing, approving and disseminating directives to all personnel. The system will include:*
- *Methods for tracking changes and archiving prior versions of policies;*
 - *A process that confirms receipt of directives by affected personnel.*

Findings:

Given current fiscal challenges experienced by most areas of government, practices related to management philosophy and practices, staffing levels and organizational structure are of primary importance. LEMAP assessments are intended to be more operationally focused, rather than technically focused on science and philosophy, when it comes to this chapter because each police chief has their own approach and preferences with command and control of their agency—all of which have pros and cons. The importance of this chapter focuses on transparent processes that invite accountability and, in many cases, chain of command involvement.

The current command structure of LSPD is Chief, Commander, Sergeant and Officer. The Detectives are a lateral position and currently supervised by the Commander. The Records unit is managed by an Administrative Supervisor that serves as part of the command staff. There is one volunteer that assists the Records unit and LSPD does not employ reserve officers.

There are two School Resource Officers (SRO's) that report to one of the dayshift sergeants. The two school resource officers are limited to what they can do to assist patrol due to an agreement with the school that funds much of their salary (75% of salary for 10 months). Although financially convenient, the City needs to revisit the role and responsibility of SRO's with the school district.

The Department participates in the Snohomish County ALERT (Allied Law Enforcement Response Team) tactical team and contributes three officers. This is an ancillary duty for the LSPD officers assigned to ALERT, and the team trains three times a year. The Commander is in early stages of discussion with neighboring agencies to create a Major Crimes Response Team that will assist in the mutual aid response to significant incidents.

LSPD has a policy for responsibilities during the absence of the Chief. The agency does not have a policy in place that advises an officer what to do if given an unlawful order. Their current policy deals only with conflicting orders.

Patrol has four squads that work 12 hour shifts. Each squad has 1 Sergeant and 3 Officers as part of regular street staffing. However, if someone is absent or at training staffing falls to three commissioned officers with no authority to backfill. The City surrounds Lake Stevens and is divided up by three geographic sectors for patrol and dispatch purposes. Officers are dispatched by a regional communications center known as SNOFAC who is currently installing a new CAD/RMS system that will connect multiple police departments in Snohomish County. This upgrade is a work in process and will result in significant changes throughout the Department in case reports and records management.

LSPD operates a Marine Unit that is supervised by Sergeant Brooks and operates under a fairly comprehensive SOP. The unit operates part time, mostly during summer months, and is primarily staffed by the School Resource Officers. During interviews the assessor learned that often there is only one person on the boat during deployment, which is not a best practice and raises safety concerns.

The sergeants at LSPD are comfortable with their designated authority and have not expressed any concerns with calling the Commander or the Chief when needed for advice. They feel they have the proper authority to call in resources in exceptional circumstances but in the past have had reluctance from Investigations sending people out to assist with major or complex incidents. This appears to be slowly resolving itself with Interim Chief Lorentzen.

During interviews with staff, they appear optimistic about what the future holds for the Department. They are realistic about the financial constraints of the City and recognize much of the turmoil they have experienced over past years will be rectified with a progressive chief that is supported by current LSPD senior leadership.

Recommendations:

4.1 Since acquiring additional officers at this point may not be possible, facilitate inclusive discussions to explore other staffing alternatives that make the best use of existing resources. Suggestions include looking at the current squad configuration and exploring demand based staffing.

In Process: May require change to Collective Bargaining Agreement

4.1 Revisit the role and responsibility of SRO's with the Lake Stevens School District. Police officers must have the flexibility to assist in the field, outside of schools, under exceptional circumstances.

Complete: Current contract with School District already allows flexibility

4.1 Review the Marine Unit staffing levels and response protocols to identify best practices minimum staffing levels necessary to safely operate such a program.

In Process: Under Review

4.3 Immediately install a process to capture, review and analyze all Use of Force applications, pursuits and internal investigations. Conduct the analysis annually and publish the results publicly, both within and outside the police department.

Complete: Included in multiple Lexipol Chapters

4.4 Once the Lexipol transition is complete consider installing the policy manual on a medium, such as SharePoint, where officers can have easy access to information from the field.

Complete: The Lexipol manual is accessible from any internet based device

Chapter 5—Records Management

WASPC Accreditation Standards:

5.1 The agency has a uniform records management system.

5.2 The agency has a system to record and maintain a record of every call for service.

5.3 The agency has policies governing its compliance with all rules for ACCESS participation, to include:

- The agency can show 100% compliance or has made corrections to comply with any ACCESS findings from the previous triennial audit and/or FBI audit*
- The agency can show that all personnel have been trained and certified*

- 5.4 *The agency physically protects the privacy and security of agency records in a manner that assures that only authorized personnel with the appropriate need to know - and right to know – can access those records.*
- 5.5 *The agency complies with Washington State law governing dissemination of records.*
- 5.6 *The agency complies with Washington State law governing preservation and destruction of records.*
- 5.7 *The agency has procedures for processing and maintaining notice of infractions and citations.*
- 5.8 *The agency has guidelines to address the release of public information to the media.*
- 5.9 *The agency has policy and procedures for community notifications of registered sex offenders.*
- 5.10 *The agency has policy and procedures for investigating and verifying missing persons, including updating ACCESS databases with additional identifying features as they become available.*
- 5.11 *The agency has policy and procedures for how to handle the recovery of a stolen vehicle, including attempts to notify vehicle owners.*
- 5.12 *The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.*

Findings

Records management is one of the most critical areas of contemporary police departments because of the importance of accurate record keeping of criminal justice activity and the advancement of public records disclosure. Maintaining the authenticity of police records and ensuring that the integrity of the record remains above reproach is the foundation of all law enforcement records unit. If a law enforcement records unit develops a tainted reputation, the ramifications are far reaching and could include impacting the outcome of criminal charges. Additionally, the police records section is normally the face of the department because they are often the first stop for citizens when seeking non-emergency police services at police departments. This chapter primarily focuses on the security and integrity of police records within the agency and processes for public disclosure and handling sensitive types of records including registered sex offenders, missing persons, stolen property and court orders.

The LSPD's Records Unit is responsible for managing and maintaining all of the LSPD law enforcement records throughout their lifetime, which begins at the conception of the

incident and often concludes at destruction or archiving. LSPD's records personnel are responsible for maintaining all records in a secure environment with access only to authorized personnel. The LSPD records specialists performs a variety of functions by providing timely, reliable and accurate information in response to inquiries from officers, investigators, audits and the public. The records specialists process a wide variety of records and reports and enter information into a number of computer systems, including WACIC, NCIS, and the Snohomish County Records Management Systems (RMS). These data bases account for missing persons, juvenile runaways, stolen vehicles, stolen property and a variety of court orders. Records specialists respond to public disclosure requests from crime victims, insurance companies, media, and individuals involved in traffic accidents. The LSPD records unit also provides fingerprinting services, issues concealed pistol licenses, process firearm transfers, process the application process to obtain a U.S. passport. The records specialists must maintain meticulous attention to detail during their day to day operations to ensure their proficiency and the accuracy of the police records.

The records unit houses all its police incident reports in a locked storage room. Access to the storage room is limited to the administrative supervisor, all records specialists and the commander. In the event an officer needs a copy of a police report, the records specialists or administrative supervisor responds to the request for a copy of the report. If the officer requests to only review the report, the original report is taken out of the storage room given to them for reading in a designated area near the back of the records unit.

In most agencies original police records are not allowed out of the Records area. At LSPD the records specialists indicate there is no procedure that regulates removal of original files out of evidence and consequently original records are routinely taken out of their area. Additionally, LSPD does not have an audit or tracking system that will identify if an original police report has been removed from the designated review area.

Records at LSPD is not a 24-7 operation and if SNOPAC (dispatch center) receives a hit on a stolen car, missing person, runaway or domestic violence court order the dispatcher notifies the on duty LSPD Sergeant for confirmation. That person travels to the station and pulls the applicable records out of the "Validation File" and then confirms the hit with the dispatcher. The "Validation File" is a normal function of smaller police departments and at LSPD it is not locked and located outside the records unit.

The LSPD's Administrative Supervisor serves as the agency's Terminal Agency Coordinator (TAC) and monitors all ACCESS certifications, to include the scheduling of training. All LSPD employees are current with their ACCESS certifications. The agency does use one volunteer to assist with records but that person does not enter data into any data base and therefore is not required to be ACCESS certification.

The Administrative Supervisor is also responsible for supervision of all non-commissioned personnel and reports directly to the Chief of Police. She is also responsible for the destruction of LSPD records during interview was able to present a recent certification of destruction. Finally, the administrative supervisor is responsible for

the community notifications of registered sex offenders and has an effective practice in place that includes notification to the sector Sergeant.

The records unit has written procedures in place for the monthly audit of infractions and criminal citations. The LSPD has successfully passed three WASPC UCR (uniform crime report) audits and as such is an active participant in NIBRS reporting. All of Snohomish County is expected to transition to a regional records management system, known as “New World,” which has a NIBRS component which will assist the NIBRS reporting requirement. Unfortunately, the “go live” date has been postponed and the future is uncertain for activation of the regional system. LSPD should be recognized for moving forward with NIBRS reporting by using existing technology.

On December 2, 2010, the WSP conducted its 2010 triennial audit of the LSPD. During the exit interview, the auditor advised that the LSPD had three compliance standards that needed addressed.

1. NCIC Unique Personnel Identifier
2. NCIC Usage for Records Verification
3. Officer Safety Entries

On December 7, 2010, the Chief of Police responded to the WSP auditor citing that the deficiencies identified during the exit interview, have been remedied.

The LSPD does not have a procedure to address the release of public information to the media. Current agency practice is to defer to the Sergeant overseeing the incident being inquired about. If the incident is high profile, records refers the request to the Commander. This is a very dangerous practice that invites inconsistency and liability.

Recommendations:

- 5.4** Develop and implement a policy that governs the security of original records by discontinuing the practice of allowing original records to be removed from the immediate records area or storage room. Move the “validations file” into the records unit, and or install locks on the cabinet and provide key access to only authorized personnel.

In Process: Currently under review

Estimated Completion Date: Third quarter 2013

- 5.8** Develop and implement policy language that governs the LSPD’s release of public information

Complete: Included in Lexipol Chapter 8

Chapter 6—Information Technology

WASPC Accreditation Standards:

- 6.1 *Access to the agency's computer system is secure with restricted access to those who are authorized and who have passed a background investigation.*
- 6.2 *The agency can show 100% compliance or that it has made corrections to comply with any ACCESS/CJIS findings from the previous technical triennial audit and/or FBI audit.*
- 6.3 *The agency has policies governing appropriate use of agency technology.*
- 6.4 *Each fixed and mobile computer workstation has an up-to-date copy of agency-approved, security software installed and running while the equipment is in use.*
- 6.5 *Electronic information is routinely backed-up at least once a week. Back-up data is kept in secure storage and is completely destroyed when no longer needed.*

Findings:

Law enforcement relies on its information technology (IT) resources more today than in any other time in law enforcement. The security of information technology must be the highest priority and deliberate steps must be taken to protect against the improper disclosure of any law enforcement record. Additionally, law enforcement agencies are responsible to provide security to its computer terminals that have direct links to ACCESS, CJIS and all national crime information data bases. If an auditor finds that an agency isn't in compliance with industry security standards sanctions are severe and can include revocation of agency privileges to use the system.

The LSPD is a secure police facility and all the LSPD computer terminals are out of public view and are secure. Any City of Lake Stevens employee (janitor, information technology employee, etc.) who has access to police technology has been fingerprinted and undergone a background check. The janitors do not have access to the records unit, IT storage room, or the room that houses the department's computer system. The room that houses the LSPD computer systems has controlled access, is temperature controlled, but also serves as the department armory. All of LSPD's electronic information is backed up on the City's mainframe computer systems daily and that each work station has approved security software installed.

Several findings emerged from the December 2, 2010 ACCESS triennial audit. In a letter dated December 7, 2010 Chief Celori identified measures taken by to be in total compliance, and there haven't been any further concerns.

Findings:

- 6.1 Relocate the gun safes, currently housed within the computer room, to minimize access to agency IT. Only personnel who have job related functions relating to the LSPD IT should have access to any storage room/area containing this equipment.

In Process: Currently under review

Estimated Completion Date: Second quarter 2013

Chapter 7—Unusual Occurrences

WASPC Accreditation Standards:

- 7.1 *Every sworn member of the agency has completed the National Incident Management System introductory training course(s).*
- 7.2 *The agency has plans for responding to natural and man-made disasters, civil disturbances, and other unusual occurrences.*
- 7.3 *The agency works with the County and/or regional agencies in developing a county or regional disaster or emergency response plan.*
- 7.4 *The agency has a policy for requesting and providing mutual aid.*

Findings:

For most cities like Lake Stevens, planning for unusual occurrences is often an afterthought or is a task assigned to the local fire department. Human nature inspires everyone to prioritize job tasks based on immediate need and pressure, so for an event that may never occur planning is often a low priority. Chapter 7 draws attention to, and requires planning for those areas that are low frequency and high risk and become urgent and publicly visible once they occur.

Lake Stevens has a population of 29,000 and has grown dramatically through annexation over the past 10 years. Although much of the City is forested and surrounds a large lake, there is a sizeable retail section of the city and is experiencing growth in residential housing. There is no question the City and staff would be well served to at least be prepared, and have plans in place to respond and recover, to an unusual occurrence.

In 2010 Chief Celori tasked Sergeant Craig Valvick with updating the Comprehensive Emergency Management Plan (CEMP) which had been dormant since 2002. Sergeant Valvick has embraced the CEMP, and the police department's role in emergency management, and done an excellent job of moving LSPD and the City toward being better prepared for an unusual occurrence. However, more work needs to be done.

All employees of LSPD have completed IS 700, ICS 100 and beyond. Sergeant Valvick maintains a spreadsheet of ICS training for each employee and encourages them to attend

classes that are appropriate for their responsibilities within the agency or as part of an Emergency Operating Center (EOC). The City is in the process of trying to locate space for an EOC and have tentatively identified space in the School District administration building. There are plans to further develop this building space but at this point Emergency Management and an EOC has not been a priority with the former Chief and City officials. This is evident as a completed CEMP has been at the Chief's desk since October of 2011; however, it has recently been resurrected with renewed interest by Interim Chief Lorentzen. Hopefully this level of interest will resonate with the Mayor, Council, City Administrator and Department Directors and they can be more comfortable with the prospect and understand the consequences of the arrival of an unusual occurrence.

As part of the assignment of Emergency Management to Sergeant Valvick, he has developed a relationship with Snohomish County Department of Emergency Management and regional Emergency Management partners. Because of this relationship it is important to note that since November of 2012 LSPD has become more actively involved in Regional Planning activities. It is noteworthy that LSPD officers have a solid framework in place to respond to unusual occurrences because they routinely exercise Incident Command (including unified command) systems during local events and festivals in Lake Stevens. This experience is a terrific starting point for police and fire to involve other City departments in planning, training and exercising systems and equipment that will help them be more effective during and following an event.

Recommendations:

- 7.2 Complete development of the local CEMP with approval by the Lake Stevens City Council. Ensure that all supervisors are at least aware of its content so that it available as a reference when needed during an unusual occurrence.
In Process: CEMP has been updated and vetted by SCDEM. Department has finished draft and it being reviewed by other City departments. This will be presented to the Council at a future date for adoption.
Estimated Completion Date: Fourth quarter 2013
- 7.3 Continue planning work with regional partners and ensure that LSPD is involved with regional exercises. Bring lessons learned back to the police department as learning opportunities by those involved.
Department has been facilitating a monthly meeting with Lake Stevens Fire, Lake Stevens School District, Dept of Emergency Mgmt and LSPD since 2010
- 7.3 Part of regional planning involves local government. Create short and effective training opportunities, on at least an annual basis, that involve all city departments and elected officials.
In Process: Currently partnering with DEM to develop Regional planning and exercises

- 7.3. Complete development of a City EOC. Familiarize both PD and City staff with its function and their responsibilities through effective training and exercising.
In Process: Currently partnering with DEM to develop Regional planning and exercises
- 7.4 Continue to build in the relationships with the neighbor agencies and the Sheriff's office to formalize mutual aid agreements to respond to significant events.
In Process: In November 2012, LSPD spearheaded and developed a plan for a Unified Municipal Investigations Team. The ILA is currently under review by surrounding agencies.

Chapter 8—Health and Safety

WASPC Accreditation Standards:

- 8.1 *The agency has written guidelines that inform employees of the threats and hazards associated with airborne and blood borne pathogens.*
- 8.2 *The agency provides personal protective equipment to minimize exposure to potentially infectious materials and objects.*
- 8.3 *The agency provides soft body armor and requires its use.*
- 8.4 *The agency provides reflective clothing and requires its use.*
- 8.5 *The agency has procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids.*
- 8.6 *The agency has procedures for post-exposure reporting and follow-up after suspected or actual exposure to infectious diseases.*
- 8.7 *Non commissioned police employees are physically separated from the public by a physical barrier in the lobby area.*
- 8.8 *The agency requires all personnel to use safety restraint/seat belts while operating agency vehicles.*

Findings:

The inherent dangers of pathogens and other hazards in modern policing require that agencies take steps to equip and train employees so that they are aware of these threats and how to respond when confronted by them. Often, the safety of employees is covered by regularly scheduled training in firearms, defensive tactics and driving. Training in the use of personal protective equipment and response/recovery to pathogen exposures is infrequent and not effective because the content is relatively boring and exposure to these

types of incidents is rare. This chapter provides basic criteria and expectations of police departments when providing for the health and safety of its officers.

The headquarters station of LSPD was constructed in 2005 and contains adequate office and work spaces for officers and support staff. Records staff are physically separated from the public by a physical barrier and glass partition; however, the reception area flooring is quite hazardous (slick) during inclement weather. Employees have access to a locker/shower facility for decontamination following exposure to pathogens, but most staff were unsure of what to do with soiled or contaminated uniforms and equipment. Those who were aware of what to do indicate that soiled uniforms/equipment would be placed in a hazardous materials bag for treatment by a local dry cleaners; however, when the LEMAP assessor was taken to the storage location for these bags near an evidence cabinet (in the center of the building), there were no bags available for use. Ideally, this type of equipment would be available near the decontamination facility and located on the perimeter of the headquarters building to allow easy ingress/egress.

Inspection of a patrol car provided an opportunity to check its contents for personal protective equipment (PPE) and talk to a supervisor about pathogen exposure and controls. LSPD officers use a pool system of patrol car assignment for officers and the LEMAP assessor was told that the vehicle offered for inspection was representative of most LSPD patrol cars. The car was found to have basic PPE including gloves, protective booties and a sharps container and a contemporary traffic vest. Employees are not provided any equipment for respiratory protection.

Agency policy is dated on the conditions and guidelines for use of PPE and does not have any form of an Exposure Control Plan. Supervisors were queried on what to do if an employee was exposed to a pathogen and answers were inconsistent other than to get the employee treated as soon as possible at a local hospital. Staff indicates that training on pathogens is handled by the regional Police Skills Refresher (PSR) team but they could not recall the last time meaningful training or local policy review was provided to LSPD officers or supervisors on exposure control measures.

LSPD does provide soft body armor to officers and a replacement cycle is managed by the Administrative Supervisor. Agency policy on soft body armor use is also dated but does require officers working patrol to wear their vests. Policy exemptions are granted for officers working Dare, Crime Prevention or those working Marine Patrol. The Chief has the flexibility of granting exemption for medical reasons but the LEMAP team questions the wisdom of ever placing a police officer, exercising a medical exemption and not wearing soft body armor, in harm's way.

LSPD policy does require the use of seat belts by passengers in City vehicles. However, the policy is vague and does not define if use is required by the driver or if the driver is considered a passenger.

Recommendations:

- 8.1** Develop a periodic inspection system for all Patrol cars by duty sergeants to ensure contents are consistent and cars are supplied with PPE and other safety equipment necessary for officers to do their jobs.
In Process: General Order will address.
Estimated Completion Date: Second quarter 2013
- 8.1** Update agency policy on blood and airborne pathogen exposure. Provide periodic (at least annual) training on the policy.
Complete: Lexipol chapter 10; in service training covered in annual Police Skills Refresher course and HR Manual/training
- 8.2** Provide each officer with appropriate PPE (gloves, booties, and masks) and train in their use. Consider purchase of the MSA N95 style mask for airway protection.
Complete
- 8.3** Update the agency soft body armor policy so that it comes into line with contemporary police practices. Review any exemptions with legal advisors, particularly those allowing medically exempt personnel to work patrol duties.
Complete: Included in Lexipol Chapter 10
- 8.5** Develop an Exposure Control Plan (ECP), train all sworn personnel in its use, and ensure that supervisors are aware of both practical and legal processes to assist officers following a pathogen exposure.
In Process: Policy included in Lexipol Chapter 10; lesson plan currently being developed
- 8.5** As part of the ECP, ensure employees have access to equipment to safely package soiled clothing or uniform items. Ensure that cleaning standards for equipment, particularly leather gear, are understood by all officers and evidence staff.
In Process: Policy included in Lexipol Chapter 10; Officers are working to complete their annual in service training.
- 8.7** Take steps to ensure the safety of the public and staff when entering tiled areas of the department following inclement weather.
Complete
- 8.8** Update and clarify seat belt policy so that it is in compliance with state law.
Complete: Included in Lexipol Chapter 10

Chapter 9—Fiscal Management

WASPC Accreditation Standards:

- 9.1** *Budget Control – The Chief Executive Officer has the authority to spend funds in the approved budget for day-to-day operation of the agency.*

- 9.2 *Budget Control – The Chief Executive Officer makes regular reviews of the agency budget.*
- 9.3 *Budget Control – The agency has a system for review and approval of expenditures.*
- 9.4 *Payroll – The agency has a policy requiring supervisor approval of all overtime.*
- 9.5 *Payroll – The agency has a policy requiring non-exempt employees to complete a timesheet listing the number of hours worked during the pay period and that the timesheet be approved by a supervisor prior to payment.*
- 9.6 *Cash Control – The agency has a system to document and record the use of cash funds that include receipts, supervisory approval, and periodic audit.*

Findings:

Most entities of government have experienced some level of budget contraction over the past five years and the City of Lake Stevens is no exception. Heightened attention to spending is inherent under these conditions and underscores importance on budget oversight and controls that ensure responsible stewardship of public money. Although management and systems are important, employees need to feel valued and part of the solution to good monetary practices. Even when money is tight inclusiveness and transparent communication is an important part of agency custom and practice when promoting fiscal constraint. This chapter provides a basic framework for police departments that are navigating the challenges of a changing fiscal environment.

The Annual operating budget of LSPD is \$4.8m. Until late 2012, budget development and oversight for LSPD was confined to the office of the Police Chief with minimal involvement of the Administrative Supervisor and Commander. This approach created a silo for budget development and management that became amplified. Even though he has only served for a short time, Interim Chief Lorentzen has since created a much more inclusive process and involves key police department staff.

Oversight of the LSPD budget is managed closely by the City Administrator, probably due to her background as the Finance Director, and spending activities are characterized as micro-managed. The Finance Director provides monthly budget reports to the Chief who reviews and pushes them down to the Commander. Overtime is watched very closely and the Commander is tasked with monitoring the “burn rate” of all overtime expenditures, compared to budget, on a monthly basis. A major source of overtime expenditure in most police departments is backfill for employees on leave. LSPD has a very deliberate leave bid/approval process that appears to keep a tight rein on excessive backfill/overtime costs.

LSPD participates in traditional payroll and purchasing processes consistent with most police agencies. Both processes are supervised by the chain of command with ultimate

approval by the Chief and City Administrator. Petty cash is not used by the Department and procurement cards are issued to the Chief, Commander and Administrative Supervisor with appropriate spending limits.

The Administrative Supervisor is engaged in auditing of the remaining cash funds in the department, which exist at the front counter and with a Records/Evidence person who manages passport renewals. A confidential fund once existed for Detectives but was rarely audited and was ultimately dissolved in 2012.

Recommendations:

9.2 Engage an open and inclusive process for budget development that involves solicitation of all employees in the agency for budget suggestions. Communicate budget development status frequently to promote trust and understanding.

In process

9.3 Conduct monthly meetings with all supervisors to evaluate burn rate and status of budget line items, particularly overtime. These meetings provide an excellent opportunity to establish expectations and promote discussion that reinforces organizational values.

In process

9.6 Consider installing a cash register at the front counter to account for and receipt all cash transactions.

Under review with finance

9.6 Issue procurement cards, and develop appropriate guidelines, to all supervisors and staff who have a need to make frequent or emergency purchases on behalf of the police department.

Under review with finance

9.6 Involve City Finance staff in (at least) annual audits of all cash funds.

Under review with finance

Chapter 10—Recruitment and Selection

WASPC Accreditation Standards:

10.1 The agency has written standards and hiring criteria for sworn and non-sworn employees and, if applicable, reserve, part-time, or limited commission personnel.

10.2 The agency requires that background investigations be conducted on each candidate for a sworn position prior to appointment, and requires that proof is submitted to the Washington State Criminal Justice Training Commission.

- 10.3 *The agency requires that a medical examination, including drug screening, be performed by a licensed physician for each candidate for a sworn position, prior to appointment.*
- 10.4 *The agency requires that a licensed psychologist or psychiatrist conduct a psychological fitness examination for each candidate for a sworn position, prior to appointment.*
- 10.5 *The agency requires that a polygraph examination be administered, by a qualified technician, for each candidate for a sworn position and prior to appointment.*
- 10.6 *Applicant files are secured and available only to those who are authorized to participate in the selection process.*
- 10.7 *Employee personnel files are separate and secured from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure locations.*

Findings:

Recruitment, hiring and promotional processes and practices are the cornerstone of every police organization because new employees shape the present and future culture that directly affect the norms and values that define each agency. It is essential that every police department has authentic and consistent hiring practices in place that advance the best candidates for privilege of being a peace officer. This chapter focuses on maintaining the basic elements of the recruitment and hiring process that ensure the high standards of law enforcement are met and the integrity of the agency is preserved as they introduce new employees into the organization.

Lake Stevens Police department's practices for the recruitment and selection of employees follows a solid process that is keeps with state law, civil service rules, and the state Criminal Justice Training Commission. The department has in place, a very specific and detailed policy that makes clear what the standards and criteria are in the recruitment and selection process. Those standards are also maintained by the City's Human Resource Department for all positions within the Police Department. The LEMAP team reviewed the department's standards and criteria for Lateral Police Officer and civilian positions and found that they are also clear and specific with each job announcement.

The department has been using Public Safety Testing for the written and physical ability tests for entry-level police officer positions. The department also posts the standards and criteria for commissioned officers on the Public Safety Testing website. Oral board interviews are done internally.

Lateral entry officer positions are handled internally using a department developed test that consists of 5 essay type questions that are then graded by raters designated by the Chief. Given the level of inconsistency with raters, staff suggests that a process change is

needed where grading of exam answers is done by the same people in order to maintain consistency. Currently, several different staff members may be used as raters which likely leads to inconsistency and may influence the outcome and final scores. For Records positions, the applicants are graded by application content, a computer skills test purchased from a private vendor and an oral interview.

The City's Human Resources department compiles exam scores and calculates the final scores for placement on the Civil Service eligibility list. The department currently has a "rule of 5" for the eligibility lists, meaning that the Chief can choose from any candidate in the top five.

LSPD has policies in place that require polygraph, psychological and medical/drug screening exams for all positions. The Administrative Service Supervisor oversees much of the hiring process for all employees and indicates the department complies with these requirements for all positions. She also stated that all files related to the medical/drug screening reports, polygraph and psychological exams be kept in a separate and secure place with the Human Resources department and are not co-mingled with personnel files.

Background investigations are completed for every potential employee of the Police department and are contracted through Public Safety Testing (PST). A LEMAP assessor spoke to Josh at Public Safety Testing and he provided him with information on how they conduct background investigations for Lake Stevens PD. During the background process PST provides a candidate a complete and thorough background packet that requires the candidate to answer a wide variety of pertinent questions to help determine a person's suitability for the position. PST does a face to face interview/review of the background packet with the candidate and confirms the presence of important documents such as diplomas, driving abstracts, training documents, and credit history. For entry level and civilian positions, reference checks are done via phone interviews where usually 8 to 10 references are spoke to. For lateral entries they will do phone interviews and go to the candidate's agency and review their personnel file. They then provide a factually based report to the department but do not provide recommendation as to the candidate's suitability. It is the department's responsibility to schedule polygraph and psychological testing. Through interviews by the LEMAP assessor with LSPD staff there is a feeling that past hiring decisions were rushed and that recommendations made by Command staff were ignored and poorly suited candidate(s) were hired. Most of these candidates did not pass the probationary period.

Recommendations:

- 10.1** Review the process and practices of how lateral entry applicant essay questions are graded to ensure a consistent method for grading is in place.

Under review with Human Resources Director

10.1 Review of the essay questions currently used for lateral entry officers to ensure that they are relevant and evaluate for the type of officer the department is looking for.

Under review with Human Resources Director

10.4 Research and confirm credentials of individual conducting psychological assessment. Inquire if they are actively engaged in continuing professional education and are using contemporary testing and evaluation methods to evaluate candidate's suitability for law enforcement.

Complete

10.5 Research and confirm credentials of individual conducting polygraph examination. Inquire if they are actively engaged in continuing professional education specific to polygraph, over the past two years, and are using contemporary testing and evaluation methods and equipment. .

Complete

Chapter 11—Training

WASPC Accreditation Standards:

11.1 The agency requires all full-time, sworn members to successfully complete the Basic Law Enforcement Academy or Equivalency Academy, as certified by the Washington State Criminal Justice Training Commission prior to assuming law enforcement duties, and requires that they begin attending the Academy within six months of their date of hire.

11.2 The agency has established a formal field training program for all newly sworn officers that includes:

- *Field training officers who are specially trained for that purpose;*
- *Regular documentation of the progress of the student officer; and*
- *Requiring the student officer to successfully complete the training program prior to assuming law enforcement duties.*

11.3 The agency maintains and updates training records of all employees.

11.4 The agency maintains records of each formal training it conducts, to include:

- *Course content/lesson plans;*
- *Name of all attendees;*
- *Performance of the attendees;*
- *Credentials of the presenter or instructor; and*
- *Copies of any test results.*

11.5 The agency can show 100% compliance with the annual WSCJTC requirement for training.

- 11.6 *Agency personnel are required to demonstrate satisfactory skill and proficiency with agency authorized weapons before being approved to carry and/or use such weapons.*
- 11.7 *Staff members who are designated as full-time supervisors or managers have earned the appropriate certification by the Washington State Criminal Justice Training Commission.*
- 11.8 *At least annually, agency personnel receive in-service training on the agency's use of force and deadly force policies. In-service training for less-than lethal weapons shall occur at least once every two years.*

Findings:

Training is an area of department operations that not only provides an effective hedge against liability, and underpins effectiveness and safety of employees; it is often an area where employees derive a sense of professionalism and pride as part of an organization that invests in its people. Chapter 11 establishes basic training requirements for all strata of the police department and provides a framework for knowledge and skill that could easily be overlooked by agencies not focused on professional development of their employees.

The LSPD is meeting the minimum standards in order to comply with the Washington Criminal Justice Training Commission's requirements for annual training. The department is a member of a multi-agency training consortium that provides 24 hours of annual training known as Police Skills Refresher (PSR). PSR includes most mandatory training classes to include 4 hours of Emergency Vehicle Operations Course (EVOC) and 4 hours of Defensive Tactics (DT).

Employee training records are up to date to include mandatory Supervisor and Management certifications, Firearms qualifications, and FTO and trainer certifications. The FTO program is supervised by an experienced Sergeant and the file contents are organized and appropriate. The department briefly switched to the "PTO" program for a short period of time but quickly reverted back to the more traditional FTO program. The department has also developed and implemented a Sergeant FTO program/manual that is approximately 2 weeks in length.

The Commander maintains lesson plans, attendance sheets, test results and instructor credentials. The department hosted an in-service training day for the entire department in 2011 and will schedule one in 2013 for mandatory topics that are not adequately covered by the PSR team. Firearms' training is conducted four times a year with one annual qualification. There are no other opportunities for DT training (outside of PSR) and the department does not currently have anyone certified as a DT instructor. LSPD is not in compliance with less-than lethal training requirements as they do not provide Taser recertification every two years.

Recommendations:

- 11.4** Review all lesson plans and confirm that instructors have current credentials and certifications for subjects being taught. Lesson plans are discoverable and should contain contemporary information to support the credibility and relevance of the training.
Under review
- 11.5** If not offered by the PSR team, ensure that all employees receive periodic updated training on high liability topics such as workplace harassment, pathogen exposure and response, use of force and deadly force policies.
Will be covered with Lexipol Daily Training and HR policies and training
- 11.8** Ensure all employees are current in less-than-lethal weapons, particularly taser. Once everyone is current develop a training plan to ensure that all officers are receiving training, at least every two years, on all less-than-lethal weapons.
In process: Policy included in Lexipol Chapter 3, Officers are working to complete their annual in service training.

Chapter 12—Performance Evaluation

WASPC Accreditation Standards:

- 12.1 *The agency has an evaluation policy that requires formal written review of the work performance of each employee and is conducted annually.*
- 12.2 *The agency has a system for evaluating the performance of all probationary employees.*

Findings:

Timely, relevant and credible feedback on employee performance, that is memorialized at least annually, is vitally important for every employee's professional development and as part of a disciplined and healthy organization. Police agencies that do not operate under a consistent and credible performance evaluation system are often haunted by employees that are not high performing and often are apathetic, cynical and merely marking time to retirement. The public expects more than that and it incumbent upon all police departments to deliver professional and engaged police services. Chapter 12 identified the basic requirements of an evaluation system that provides an opportunity for employees to grow and prosper in a professional department.

At a minimum, law enforcement personnel should have an annual performance evaluation that aids in the development of a partnership between the employee and their supervisor. In the event the employee has work performance issues, the evaluation process becomes a critical role in the supervisor's ability to provide mentoring and guidance while helping the struggling employee to succeed. The supervisor should be

providing evaluations more than annually to struggling employees, especially if the employee is on a work performance improvement plan. The performance evaluation must be objective, fact based, and focus on the assessment of the employee's work performance during the rating period. If an employee is disciplined due to poor work performance; it's imperative that the supervisor has memorialized performance, to include the steps the supervisor and command staff have taken in an attempt to make the employee successful. Further, the performance evaluation process also allows the employee and supervisor to celebrate and memorialize areas of superior performance and establish career goals.

LSPD adopted the City's performance evaluation instrument and customized language applicable to law enforcement. The evaluation instrument currently in use is used by both sworn and civilian personnel.

The evaluation has a box on the front page of the performance evaluation that reads:

“NOT OBSERVED”: Insufficient observation period or direct contact by the rating supervisor to form an objective evaluation”

Although it is uncertain to the LEMAP team why this language was included to the current evaluation instrument, neither the administrative supervisor or the commander has received performance evaluations since being promoted to their current positions (which is well over 3 years ago). Fortunately, all sworn personnel and all civilian employees have had a performance evaluation within the last year, although the department lacks an evaluation schedule. Unfortunately, LSPD does not have a consistent performance evaluation system for probationary employees once they leave field training.

Recommendations:

- 12.1 Establish a schedule for employee's to receive and participate in their annual performance review. Use this opportunity to correct deficient performance, celebrate superior performance and set career goals.
In process
- 12.1 Develop a consistent process to evaluate the commander and administrative supervisor on an annual basis.
In process
- 12.1 Create a check list or spread sheet that tracks the evaluation cycle of every employee. Ensure the evaluation cycle is aligned with agency policy.
In process
- 12.1 Remove the “Not Observed” box available on the current evaluation instrument.
Complete

12.2 Establish and implement an effective method to track and evaluate all probationary employees (sworn and civilian).

Under Review with Human Resources Director

Chapter 13—Code of Conduct

WASPC Accreditation Standards:

13.1 The agency has a code of conduct that outlines specific conditions of work that apply to all agency personnel that include, but are not limited to the following:

- *Personal appearance standards;*
- *Uniform regulations;*
- *Tobacco use policy;*
- *Alcohol and drug use policy;*
- *Reporting employee convictions, and*
- *Outside employment.*

13.2 The agency has a policy prohibiting sexual and any other forms of unlawful or improper harassment or discrimination in the work place. The policy provides guidelines for reporting unlawful or improper conduct, including how to report if the offending party is in the complainant’s chain of command. The policy includes “whistleblower” protection.

13.3 The agency has a policy prohibiting biased-based policing, also known as “racial profiling.”

13.4 The agency has written policy and procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies.

Findings:

LSPD has an appropriate “code of conduct” policy that can only be improved by the transition to Lexipol which will include language specific to modern conduct issues. The outside employment policy only covers off duty employment scheduled by the employer. There is no oversight of employment that occurs out of uniform but a number of officers reportedly have other jobs unrelated to law enforcement.

Sexual harassment/discrimination and bias based policing/racial profiling policies contain outdated language that will also be updated with the implementation of Lexipol. HR conducts periodic training for all City employees in these topical areas.

The department has a comprehensive Employee Involved Domestic Violence (EIDV) policy that mirrors the WASPC model policy. During interviews with a Sergeant, they

did not know that an actual LSPD EIDV policy existed but his explanation of how he would handle an officer involved DV was appropriate.

Recommendations:

- 13.1** Update the outside employment policy to include any off duty employment.
Complete: Included in Lexipol Chapter 3
- 13.2** Develop policy that prohibits all forms of discrimination. Train all employees on the policy.
Complete: Included in Lexipol Chapter 3
- 13.3** Develop policy that prohibits bias based policing. Train all employees on policy.
Complete: Included in Lexipol Chapter 4
- 13.4** Update employee involved domestic violence policy. Train all employees on the policy.
Complete: Included in Lexipol Chapter 10
- All** Develop in house talent, as opposed to outsourcing to Human Resources or other trainers, on high liability subjects. Prohibited acts that contain high liability should be delivered to police employees by department members to enhance credibility of the subject matter and promote buy-in.
In Process: Realigning work load in order to develop in house talent

Chapter 14—Internal Affairs

WASPC Accreditation Standards:

- 14.1 The agency requires the documentation and investigation of all complaints of misconduct or illegal behavior against the agency or its members.*
- 14.2 The agency identifies which complaints supervisors investigate and which types of complaints are investigated by an internal affairs function.*
- 14.3 The agency has procedures for relieving an employee from duty during an internal investigation.*
- 14.4 The agency has a policy where complainants are provided with notification concerning the disposition of their complaint.*
- 14.5 The agency maintains records of complaints and their dispositions in accordance with Washington State Retention Guidelines.*

Findings:

Policing the police is the platform from which public trust rests. Unfortunately, LSPD has not operated under an Internal Investigations process that has any linkage to current best practices in law enforcement. The purpose of this Chapter is to provide a basic framework for agencies to ensure that they are authentically reviewing concerns from citizens, investigating complaints when appropriate, handling investigations of employees with fairness and within the law, and disposing of complaints with timeliness and with proper notification to all involved. Weakness in this area of agency operations at LSPD is in need of deliberate attention and agency command staff is strongly encouraged to seek out a local mentor with experience in Internal Affairs management to help them as they move forward.

The current processes employed by LSPD have the Chief of Police conducting all internal investigations. Once the investigation is complete the file is turned over to the City Administrator who conducts the pre-disciplinary hearing and imposes discipline. While the Chief of Police should be involved in screening, authorizing and supervising all Internal Investigations during the fact finding process, it's not practical for them to also conduct the investigation. By "farming out" the adjudication of the incident and imposition of discipline LSPD is allowing a third party to set agency expectations and organizational values which can damage agency confidence and tarnish the office of the Police Chief.

After reviewing internal investigations and following interviews of employees it is clear to the LEMAP team that the current internal investigations process has been harmful to the agency and there is a prevailing lack of accountability within the department. In the rare occasion when discipline has been applied it has not been consistent from employee to employee.

While there is a record of internal investigations, there is no record or log of citizen complaints, unless the complaint is not resolved at the Sergeant level and is moved on to the Commander and/or the Chief. Complainants are required to "sign" a formal complaint form and meet with a Sergeant in order for the department to investigate their claim. This practice was abandoned by most agencies many years ago due to the recognized importance that every citizen complaint is investigated to galvanize public trust.

Finally, complainants do not consistently receive notification concerning the disposition of their complaint. Internal Investigation files are not all secured in the same place as some files are stored with Human Resources while others are held by the Administrative Supervisor.

The current command staff is working hard to implement a value system that is modeled and defines expectations of employees. Additionally, a new collision review board policy is in the final stages of implementation to review all employee involved motor vehicle collisions.

Recommendations:

14.1 Develop a policy and practice where all citizen complaints are logged, with disposition and screening supervisor's name. This log should be regularly reviewed (at least monthly) by the commander of chief.

Complete: Policy included in Lexipol Chapter 10; supervisor's receiving ongoing training to comply with expectations.

14.1 Immediately abandon the practice of requiring citizens to sign a complaint against and employee. Establish a policy where all complaints are investigated.

Complete: Forms updated and distributed in Police Department lobby and City Hall for citizens.

14.1 As part of a broader department early warning system, monitor all complaints and attribute to specific employees to manage patterned behavior.

In Process: A process is being implemented to review all complaints on a quarterly basis.

14.2 Current policy identifies those complaints that are investigated by a supervisor and complaints that are investigated by an internal affairs function. Practice has not been aligned with policy for years. Develop policy that identifies an authentic and credible system of taking and investigating citizen concerns.

In Process: Policy included in Lexipol Chapter 10; currently working with City Administration to establish Office of Professional Standards.

14.4 Develop policy and implement a practice where at the conclusion of every internal investigation the Chief authors a letter informing the complainant of the disposition of their complaint. Details contained within the letter are at the discretion of the Chief.

Complete: Policy included in Lexipol Chapter 10

14.5 Internal affairs files, and public disclosure requests related to officer complaints, are highly complex and should be managed by the police department. Develop policy and subject matter expertise that places responsibility for complaint management within the police department.

In Process: Working with City Administration to establish an Office of Professional Standards.

SECTION 2—OPERATIONAL STANDARDS

Chapter 15—Patrol Function

WASPC Accreditation Standards:

15.1 The agency provides response to emergency events 24/7 by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission.

- 15.2 *The agency has procedures for response to emergency and non-emergency calls.*
- 15.3 *The agency provides 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.*
- 15.4 *The agency has written guidelines for the use of authorized vehicle emergency equipment.*
- 15.5 *The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law that includes:*
- *The factors to be considered when initiating a pursuit;*
 - *Initiating officer responsibilities;*
 - *Secondary unit responsibilities;*
 - *Restrictions pertinent to marked and unmarked vehicles;*
 - *Supervisor responsibilities;*
 - *Dispatcher responsibilities;*
 - *Stopping techniques;*
 - *When a pursuit should be terminated;*
 - *Procedures to be followed when a pursuit enters or leaves the agency's jurisdiction; and*
 - *Procedures for reporting and administrative review of pursuits.*
- 15.6 *The agency has procedures for responding to and investigating domestic violence calls.*
- 15.7 *The agency has procedures for the response and investigation of missing persons, including procedures specific to missing adults, missing children, and Public Alert Systems including Amber Alert.*
- 15.8 *The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments, pursuant to the Revised Code of Washington.*

Findings:

As with most agencies the majority of LSPD's officers are assigned to patrol operations. They operate four separate squads with three officers and one sergeant. During the absence of the sergeant there is an officer in charge (OIC) that fills the role of the sergeant. The sergeants and the OIC's meet monthly with the Commander to share information and discuss relevant patrol issues. As LEXIPOL is rolled out the sergeant's role will be critical as they train officers and ensure proper understanding of new policies.

Officers are maintaining the proper Police Officer Certification through WSCJTC.

The Department does have procedure in place for how to respond to emergency and non-emergency calls. They utilize a regional communications center for dispatching and receiving 911 calls. This is the same call center utilized by neighboring agencies. They also have a policy in place for the proper use of emergency equipment. This policy was recently distributed (1/15/13).

In discussions with sergeants there had been an issue with support of patrol from the Investigations Unit. This has apparently been resolved with the Investigations unit being managed by the interim Commander. The sergeants feel that they have the authority to call on resources as they deem necessary either by using officers from within the organization or mutual aid from neighboring agencies. It appears that relationships with neighboring police departments are good.

The LEMAP assessor found that most officers and sergeants interviewed were grateful for the quality of equipment that they had available to them and really did not complain about any area where they felt they were lacking in comparison to other peer agencies. This is noteworthy because most police officers stay abreast of new technology and often want it adopted by their department.

The only issue brought up was the rifles assigned to the officers did not all have the same sighting system and/or lighting system. It appears that the newer rifles did not have the funding to provide those accessories. To properly deploy a rifle with a handheld flashlight reduces the effectiveness of that firearm platform for the officer. Sighting systems are costly and at times difficult to maintain and many agencies have gone to just using iron sights as a cost saving measure. Clearly, if rifles are issued they should all have common set up and sighting systems.

The Department has a pursuit policy in the 3rd edition of their manual. This policy appears to have all the necessary direction included but was last revised in 2007. It is unclear if the regional communication center is aware of the role the dispatcher plays in this policy versus the other agencies they dispatch for.

The agency has the necessary domestic violence policy that also includes a policy in responding to the domestic events involving officers. Policies related to Amber Alert, missing persons and Public Alert Systems have all been updated via the Lexipol policy roll out. The policy related to handling of the mentally ill dates to 2003, but officers have received recent in-service training on handling the mentally ill via the Police Skills Refresher team. Employees are also aware of a triage facility recently opened in Everett. This policy does not highlight that facility and should be updated.

The Department has a Marine Unit that is the primary law enforcement presence on Lake Stevens. The unit is supervised by Sergeant Brooks and according to the Marine Patrol Unit SOP he reports directly to the Chief. There is no reference to this unit in the policy manual.

Recommendations:

- 15.1 Patrol rifles should at a minimum all be equipped with a lighting system.
In Process: Under review for upcoming budget process
- 15.1 Review the Marine Unit protocols and discuss what appropriate staffing levels are to safely operate such a program.
Under review
- 15.8 Update mental illness policy to include availability of the triage facility as a resource for officer use.
Complete: Policy included in Lexipol Chapter 4; staff is being sent to Crisis Intervention Training (CIT) on a rotational basis
- 15.8 Ensure that an annual dealing with the mentally ill refresher course is incorporated into the department in-service or training calendar.
In Process

Chapter 16—Traffic Function

WASPC Accreditation Standards:

- 16.1 *The agency has procedures for investigating vehicle crashes on public and private property and uses the current Washington State Patrol authorized accident reporting forms.*
- 16.2 *The agency has procedures for the lawful impounding of vehicles.*
- 16.3 *The agency has procedures to take timely action to address hazardous road conditions.*

Findings:

In recent years, and because of budget challenges, LSPD eliminated their one primary traffic officer as part of staffing reductions. In looking at the Department Statistics this officer was responsible for 31% of the traffic stops for the Department in 2010 and 24% of the stops in 2011. Additionally, the former traffic officer also has advanced accident investigations training and experience and is at times called out to assist with the more significant accident investigations in the city.

The Department does have a practice related to vehicle impounds by officers. What is lacking is a policy or ordinance that screens tow companies on the tow rotation used by officers. It appears that there are often significant delays in tow company response that impacts officer's ability to return to service.

The relationship that the Department has with Public Works personnel and School District allows for an effective response to road conditions and increased public safety.

Recommendations:

All As part of a department staffing assessment, and potentially as considering demand based staffing, evaluate the need for staffing during from 0300-0700 and see if there is room return a traffic officer as a supplement to patrol operations. The former traffic officer was highly productive and likely made a significant contribution to traffic safety in the city. Additionally, a traffic unit's assistance during peak service hours working traffic areas could free up patrol personnel to respond to non-traffic related events.

Under Review

16.2 Develop a towing ordinance that formalizes the process for selection and retention of towing companies. Ensure the process defines a defensible selection process and allows LSPD to set expectations and applies performance metrics for all successful applicants.

Under Review

Chapter 17—Investigative Function

WASPC Accreditation Standards:

- 17.1 *The agency utilizes a case management system for screening and assigning incident reports for follow-up investigations.*
- 17.2 *The agency has written guidelines for investigating elder abuse.*
- 17.3 *The agency has written guidelines for investigating child abuse.*
- 17.4 *The agency requires that interviewers of child victims of sexual abuse cases have received the mandated training from the Washington State Criminal Justice Training Commission.*
- 17.5 *The agency has written guidelines for investigating hate crimes.*
- 17.6 *The agency has written guidelines for investigating identity theft.*
- 17.7 *The agency has policies and procedures governing the use of informants.*
- 17.8 *Victims and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.*

Findings:

The investigations unit is currently staffed with two detectives. These detectives are very new to the assignment but appear highly motivated and enjoy working under the supervision of the Commander. They are actively networking with local detectives and prosecutors. The agency has a case management system in place to screen and assign incident reports for follow up investigations.

There are no formal guidelines for the investigation of elder abuse, hate crimes and identify theft. The Commander is aware of this void and will be issuing the Lexipol that guides officers in the near future.

There is also no formal guideline in place for the investigation of child abuse. However, the Interim Commander and the detectives are aware and utilize a regional resource (Dawson Place) for these investigations. State mandated child abuse investigator training must be a priority for the detectives.

The agency has a policy on the use of informants but generally turn cases of this type over to the regional drug task force. The agency does have suitable interview rooms in place for investigations and they are separate and out of sight from the public.

The detectives felt that they had adequate equipment to do their jobs and feel supported by the administration. They have assigned vehicles and make themselves available to be on call despite their CBA does not require or highlight an on call rotation.

Recommendations:

- 17.2** As a priority, install and train the Lexipol policy that guides the investigation of Elder abuse.
In Process: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.
- 17.3** As a priority, install and train the Lexipol policy that guides the investigation of child abuse.
In Process: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.
- 17.4** As a high priority, enroll both detectives in state mandated child abuse investigator training.
Complete-training scheduled for August 2013 and January 2014
- 17.5** As a priority, install and train the Lexipol policy that guides the investigation of hate crimes.
In Process: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.

17.6 As a priority, install and train the Lexipol policy that guides the investigation of identity theft.

In Process: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.

17.7 Decide if there is ever an opportunity for LSPD officers or detectives to manage informants. If the answer is no, prohibit informant handling by policy. If the answer is yes, develop policy accordingly and ensure that investigative funds are managed and audited along with other agency cash funds.

Under Review

Chapter 18—Evidence and Property Control Function

WASPC Accreditation Standards:

18.1 The agency has written guidelines for the proper collection and identification of evidence and property. These guidelines are consistent with the intent of the policies and procedures outlined in the current Washington State Patrol Evidence Collection Manual.

18.2 Seizures and Forfeitures: Persons with a vested interest in property and evidence are provided the legal reason for the seizure and intended forfeiture as defined by state law. The agency has procedures for notification, appeal and disposition.

18.3 Notifications: The agency has policies requiring efforts are made to identify and notify the owners, or custodians, of property and evidence in the agency's custody.

18.4 Booking – Property and evidence is placed under the control of the property and evidence function before the officer completes their shift.

18.5 Booking – The agency has the means to temporarily separate and secure property and evidence while it is waiting processing into the permanent storage facility.

18.6 Booking – The agency has the means to properly preserve and secure perishable property both temporarily and after it is received in the permanent storage facility.

18.7 Booking – The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is waiting processing into the appropriate permanent storage facility.

- 18.8 *The permanent storage facility has controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. At a minimum, alarms for unauthorized entry and fire must be monitored 24/7.*
- 18.9 *The permanent storage facility containing biohazards or organic matter has systems in place to prevent the exposure of hazards and noxious odors to agency employees and the public.*
- 18.10 *Physical Security – Access to the agency’s property and evidence facilities is restricted to authorized employees only.*
- 18.11 *Physical Security – The agency records the name, date, time, and purpose of persons who enter and leave the storage facility who are not assigned to the property/evidence function.*
- 18.12 *Physical Security – The agency provides additional security for guns, drugs, cash, jewelry, or other sensitive or valuable property, that is over and above that provided for other property and evidence.*
- 18.13 *Tracking – Evidence and property is packaged, individually tagged and logged into a centralized tracking system as soon as possible. The tracking system must accurately describe the current location of every piece of property and evidence.*
- 18.14 *Tracking – Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.*
- 18.15 *Tracking – The tracking system accurately records the movement of every piece of property and evidence by date, location, reason and person.*
- 18.16 *Tracking – Drugs are weighed using a calibrated scale whenever they enter or leave the secure facility.*
- 18.17 *Purging – The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.*
- 18.18 *Purging – Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.*
- 18.19 *Purging – When property is sold, the disposition of the money received is accounted for and recorded according to State law.*
- 18.20 *Purging – The agency destroys illegal drugs, contraband and other illegal items by methods that are safe. Documentation of destruction is maintained according to the State’s retention schedule.*

18.21 Audits – The agency ensures that an unannounced audit of evidence and property, including drugs, money and firearms is conducted at least annually by personnel not directly in the evidence unit’s chain of command.

18.22 Audits – An audit of property and evidence is conducted whenever a new employee is assigned over-all responsibility of the property and evidence function.

Findings:

Property and evidence at the Lake Stevens Police department is the responsibility of Deb Smith who is assigned as a half-time Evidence Technician and half time Records Specialist. Administrative Services Supervisor, Julie Ubert acts as the backup property/evidence person and they are the only two individuals who have access to the property room.

With few exceptions the Property Room is well maintained and is run very well given that the Evidence Technician only works half-time in that capacity. The property room is in compliance with most of the Accreditation Standards and will need to make just a few changes in order to be in complete compliance.

The policies that govern the Property/Evidence Room are through Lexipol. The Lexipol policy was distributed to Deb Smith and adopted in January of this year. Deb stated that while she has not been formally trained in the Lexipol policy but she has read the policy.

The Lake Stevens Police Department’s Property /Evidence room is located at an off-site location approximately one-half mile away from the Police Department. Moving the property room to an off-site location was done in order to make room at the Police Department for additional staff and space. The property room has just over 5,000 items of property and evidence. The LEMAP assessor visited the property room and found that it is properly alarmed and monitored 24/7 and the security measures are appropriate for maintaining its integrity. A log-book is kept to record the name, date, time and purpose of persons who enter and leave the property room. The facility has more than enough space to accommodate the amount of property/evidence that is stored and for any future increases in property/evidence storage.

In general the property room was neat and organized, with items stored on racks or in cabinets. There were no items unnecessarily lying on the floor. The storage racks had specific number designation and items placed on the racks were recorded and stored by that designated number. Each rack had 5 or 6 shelves and there were a number of items on each shelf of each individual rack. The shelves did not have designated storage specification and as such can, at times, require the evidence technician to go through several items on the shelves of the rack in order to find an item. Giving each shelf on each rack a specific designation would help the evidence technician spend less time looking for an item. As an example, each shelf could be designated A, B, C, D...and used as part of the overall storage location, i.e. Large 12A. The assessor also observed that

high value items (guns, money, jewelry, drugs) are appropriately kept in separate, locked cabinets inside the property room.

Evidence Tech Smith uses an Excel spreadsheet to record items being booked into and leaving the property room. All property/evidence is tracked using the spreadsheet. At any given time, a record of the entry, release, destruction or movement of a piece(s) of property/evidence can be checked by looking at the spreadsheet. Officers place items of property/evidence in a metal bin that is only accessible by Evidence Tech Smith and items that are too big for the bin are stored in a locker with a combination lock that only Smith has the combination for. On average, Evidence Tech Smith collects items from the bin every other day. Smith will process the property/evidence, inputting all necessary information on to the spreadsheet. She indicated that if she cannot take the items to the property room she will lock them in a drawer in her office and only she and Administrative Supervisor Ubert have a key to that drawer. Having to keep an item in her officer drawer does not happen frequently and that practice should be kept to a minimum and in no case should the item(s) be kept in the drawer for more than one day.

When Evidence Technician Smith started in 2008 a complete inventory of the property room was completed. Another inventory was done in August of 2011 due to an emergency move. Another inventory is schedule to be done on February 12th & 13th of this year. The department has not conducted annual audits of the property room for approximately 5 years and therefore is not, at this time, in compliance with Accreditation standard 18.6.1.

Per department policy, drugs that are checked into the evidence room are weighed by the officer before being placed into the evidence room. When Evidence Tech Smith checks the drugs into the Property Room she appropriately weighs the packaged drugs again.

Items that are checked out to an officer or detective and leave the Property Room for court, etc. are tracked on the Excel spreadsheet and the chain of custody is filled out on the back of the evidence sheet. If a sealed item in the Property Room is opened by an officer or detective for photographing or testing, and the item *does not leave* the Property Room, there is no chain of custody record of that action, nor is there a policy requiring that action be documented.

The Property Room takes in a number of backpacks and purses which are routinely being inventoried by the Officer prior to placing them into a Property Room locker. However, this practice is not directed by agency policy or SOP. Inventory of these items is an officer responsibility and should be formalized in policy.

Evidence Technician Smith does not have an area in the Property Room that is specific to items being held for 60 days for safekeeping or for items classified as found property. It might be helpful to develop a reminder system and an easy and effective way to keep track of the suspense dates of these items is to use a simple tool such as the Microsoft Outlook Task function. That function can be set to notify Evidence Tech Smith the day an item(s) can be destroyed and as such will prove helpful in purging items out of the Property Room.

The department has an appropriate policy (804.6.5) that governs the release of property/evidence being held and its return to owner. Letters are sent to the owners of property that is found or held for safekeeping advising them that they have 60 days to pick-up their property. Smith is not currently sending those letters to the jail to notify the owner that the department has his/her property. Sending a 60 day notification letter to the jail could expedite the release of that property either to when the person is released or to a third party.

Evidence Tech Smith also routinely sends out postcard notices for property held for safekeeping, however, that postcard states “we are only required to hold these items for 30 days...” That statement is not in compliance with State Law which requires property to be held at least 60 days. Obviously, the postcard needs to be updated right away.

Department policy 804.7 “Disposition of Property” states that all property not held as evidence and held for “six months or longer,” and the owner cannot be located or has failed to claim the property, can be destroyed. This policy is in conflict with the policy on the release of property/evidence where state law requires a 60-day waiting period. As such, policy 804.7 should be reviewed and revised to avoid being in conflict policy 804.6.5 and to avoid any potential liability when items are not held for six months.

Historically, drugs have been safely disposed of using a paper mill in Everett that is authorized to burn the drugs. Before a firearm is released, a background check including the check through DSHS is completed before the firearm is released. Evidence Tech Smith also has a form for the release of firearms to a third party should the owner not be eligible to possess a firearm. Firearms that are destroyed are melted at a steel mill.

Having time to purge items out of the Property Room is always a challenge for police agencies. Purging is done inconsistently and infrequently at LSPD. Evidence Tech Smith indicates that destruction of property occurs once, maybe twice per year. Accumulating items for destruction over a long period of time is not recommended. The time constraints on the half-time Evidence Technician have contributed to her inability to purge and destroy items as well as time constraints on Administrative Supervisor Ubert. However, it is important for any well run Property Room to maintain some regularity and consistency in destroying items to help maintain organization and free up space.

Recommendations:

18.1 Consider giving each shelf on a storage rack a specific storage designation to make it easier to locate an item(s).

In Process

18.3 The department must revise the “safekeeping” notification postcard to accurately reflect State Law on the time required to hold found and safekeeping property.

Complete

- 18.3** Consider sending 60 day notification letters/cards to the jail to help expedite the release of property.
In Process
- 18.3** Revise department policy 804.7 to avoid being in conflict policy 804.6.5 and to avoid any potential liability when items are not held for six months.
Complete: revised
- 18.4** Develop a policy that requires Officers to inventory backpack, purses, bags, etc. before placing that item into the temporary lockers.
Covered with in service training-officers are being trained on currently policies and practices.
- 18.15** Document the Chain of Custody on any item of property or evidence in which the seal is opened, regardless of whether or not the item leaves the Property Room.
In Process
- 18.17** Schedule specific dates with the Administrative Services Supervisor and the Evidence Technician should schedule specific dates on a quarterly basis to devote to the destruction of property.
Complete
- 18.17** Establish a storage rack at the Property Room for all “60 day” items.
In Process
- 18.17** Consider using Microsoft Outlook “tasks” feature to track 60 day items.
In Process
- 18.20** Store guns and drugs that are ready for destruction in separate, secure space.
In Process
- 18.21** The department has not conducted an annual audit in at least 5 years and should complete an audit as soon as possible and continue to conduct audits several times per year.
High value items audit completed May 2013. Random audits will be schedule annually and a full inventory audit will be preformed when a new Chief is appointed.

Chapter 19—Prisoner Security

WASPC Accreditation Standards:

- 19.1 The agency has written guidelines governing the methods and use of restraining devices used during prisoner transports.*
- 19.2 The agency has written guidelines for transporting the sick, mentally ill, injured or disabled prisoners.*

- 19.3 *The agency requires transporting officers to conduct a thorough search of prisoners prior to transport.*
- 19.4 *The agency requires a thorough search of all vehicles used for transporting prisoners before and after transport.*
- 19.5 *The agency has procedures for officers transporting prisoners for:*
- *Safety and security of firearms;*
 - *Removing restraining devices;*
 - *Delivering documentation to the receiving personnel; and*
 - *Advising receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.*
- 19.6 *The agency's temporary holding facility includes access to shelter, warmth, potable water, and a toilet.*
- 19.7 *The agency has procedures for using temporary holding facilities that addresses:*
- *Supervision and accountability for temporary detainees;*
 - *Authorization for using temporary holding facilities;*
 - *Temporary restraint devices approved for use;*
 - *Separation by gender and status (i.e. adults/juveniles); and*
 - *Plans for fire prevention, suppression and evacuation.*
- 19.8 *The agency has procedures for non-secure holding of juveniles who are status offenders.*

Findings:

The Lake Stevens Police Department has policies in place that govern some aspects of prisoner security and others are noticeably absent. Fortunately, the Lexipol policy manual provide much better guidance for the transportation of prisoners including use of restraints, handcuffing, transporting the sick, injured and mentally ill and notification to jail intake officers. However, Lexipol appears silent on the use of restraint devices during transport expect for an arrestee who is pregnant. Additionally, there is no direction regarding searching prisoners prior to transport or searching vehicles used in the transportation of prisoners. The LEMAP assessor spoke with six officers and supervisors who said that in practice officers do handcuff and search prisoners prior to transport and they search their patrol vehicles at the beginning of shift and after transports. Unfortunately it was also clear that they had not yet been trained on the policies governing prisoner security and were unsure if the current policy covered prisoner searches and use of restraints for transports.

The department has clear policies in place with regard to the use of the department's temporary holding facility. There is a Temporary Holding Facility Log book for documenting when prisoners are brought into and leave the Holding Facility. The policy

does not state a specific time for how long a prisoner can be kept in the holding facility. However, policy does state prisoners should be released or transported as soon as possible and practical. There is a policy in place that requires the periodic checking on prisoners in the holding cells every 30 minutes.

The department does not have any type of log book to enter the times a prisoner was checked which, from a liability and accountability standpoint, should be in place. Although there is no water or toilet in the holding facility, prisoners have access to them when necessary. When the LEMAP assessor interviewed the officers and supervisors they were unclear on the policies regarding the holding facility and readily admitted that there has not been much training on the Lexipol policies. As an example when the assessor asked each officer how long someone could be held the holding facility the answers varied with most saying they did not know what the policy was. The same was true for how often persons in the holding facility are to be checked.

Current department policy 900.8.1 (a) requires that weapons be secured outside of the secure area of the holding facility but there are no lock boxes at or near the holding cells for officer use. Officer safety must be considered when dealing with any prisoner that is in the holding facility and a means by which firearms can be secured should be available for safety and to be in compliance with department policy.

When asked about juvenile offenders all of the officers were aware of the difference between being able to detain a juvenile in the holding facility for a criminal act versus juveniles who are held as status offenders. Clearly the officers know that status offenders are not kept in restraints and are kept in one of the department's unsecured rooms. Officers are required to fill out a form from the Office of Juvenile Justice whenever a juvenile is held in the holding facility as a result of a crime or when they have a juvenile in the building for a status offense.

Recommendations:

- 19.1** Update agency policy, and train employees on the policy, regarding the use of restraints during prisoner transport.
Complete: Policy included in Lexipol Chapter 3; Officers are working to complete their annual in service training.

- 19.3** Update agency policy, and train employees on the policy, regarding searching of prisoners during transport.
Complete: Policy included in Lexipol Chapter 9; Officers are working to complete their annual in service training.

- 19.4** Update agency policy, and train employees on the policy, regarding search and inspection of vehicles before and after transport.
Complete: Policy included in Lexipol Chapter; Officers are working to complete their annual in service training.

- 19.5** Install firearm lock boxes at or near temporary holding cells. Ensure that department policy is updated, and officers are trained, on agency expectations regarding handling of prisoners being housed in temporary holding cells.

Under Review

- 19.5** Provide a log book kept outside of the Holding facility to record each time a prisoner is checked on.

Complete: added to log



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LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: Medical Marijuana / Cannabis Regulations

Contact Person/Department: Russ Wright, Planning & Community Development **Budget Impact:** Attorney review

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Provide direction on how Council would like staff to proceed.

SUMMARY:

Currently, the city of Lake Stevens is in a moratorium temporarily restricting the establishment of medical marijuana / cannabis facilities. The Revised Code of Washington (RCW) 36.70A.390 authorizes temporary land use moratoria. The current moratorium will lapse June 10, 2013. To date, the proposal has generated mixed public opinion related to the establishment of medical cannabis gardens.

BACKGROUND AND FINDINGS

In 1998, Washington voters passed Initiative 692, the Medical Marijuana Act, which allows qualifying patients suffering terminal or debilitating medical conditions to use medical marijuana (cannabis) to treat medical conditions. Before the state codified the current medical cannabis regulations, Governor Gregoire vetoed portions of the bill that dealt with the licensing and dispensing of medical cannabis, based on legal opinion from the US Attorney's office. The US Attorney's office found portions of the bill conflicted with federal drug law, which could put producers and approving officials in jeopardy of prosecution. .

Chapter 69.51A RCW regulates medical cannabis and collective gardens. Collective gardens are the only viable way to produce medical cannabis in Washington, as dispensaries are illegal because the sale of cannabis is illegal; therefore, cities cannot issue business licenses for them. Further, dispensaries cannot become "grandfathered," as only legal uses can benefit from nonconforming use rights. This law allows qualified patients and designated providers to create and participate in collective gardens to produce medical cannabis. A qualifying patient is a Washington resident 18 or older, with a diagnosed terminal or debilitating medical condition, who may benefit from the medical use of cannabis, as advised by a health care professional. A copy of the patient's proof of identity must be available at the collective garden. The following state rules apply to collective gardens:

- 10 qualifying patients may participate in a single garden;
- 15 plants per patient, up to a maximum of 45 plants in a single garden; and
- 24 ounces of usable medical cannabis per patient, up to a total of 72 ounces at a single garden.

Staff has been monitoring legal and jurisdictional issues related to medical cannabis over the last few months, specifically the effects of Initiative 502, which legalized the recreational use of marijuana and other local regulatory frameworks.

- The WA Liquor Control Board is currently establishing rules for the production, processing, and distribution of recreational marijuana. State law will continue to regulate medical marijuana and recreational marijuana separately under a different set of rules.

- The three main mechanisms to regulate medical cannabis facilities (e.g., collective gardens) are to allow outright, allow through zoning or nuisance code, or ban outright. Several Washington communities have adopted zoning regulations (Bellevue, Castle Rock, Ellensburg, Issaquah, Mukilteo, Redmond, and Shoreline); Everett and Snohomish regulate collective gardens under their city’s nuisance codes; and several communities have prohibited medical marijuana facilities outright (Camas, Woodinville, Woodland, Kent, and Yakima). The Kent prohibition is under appeal.
- At previous meetings staff has proposed draft zoning regulations related to collective gardens based on legal review. Staff has revised these regulations to require a 500-ft buffer from youth-oriented facilities (e.g., schools, parks, day care centers) as well as from adjacent residential neighborhoods. The zoning approach would limit collective gardens to approximately 5 acres under the current Light and General Industrial Zones. The draft zoning regulations include the following elements:
 - Limiting garden locations to industrial zoning districts with an administrative conditional use permit;
 - Requiring gardens to be indoors;
 - Requiring a minimum 500-foot separation between gardens; and
 - Requiring a minimum 500-foot separation from youth-oriented facilities and residential and mixed-use areas.

An alternate code based approach would be to regulate collective gardens under the city’s nuisance code.

- Recently staff has coordinated with planning and police department staff from neighboring jurisdictions to discuss a regional approach to regulate medical cannabis facilities. The majority opinion was to emulate the ordinance adopted by Woodinville that would prohibit the establishment of storefront-type facilities because of potential impacts to neighborhoods, the environment, public health, and criminal issues. A proposed prohibition would not restrict individuals from producing medical cannabis for their own consumption as consistent with state law.

Staff is looking to Council to provide guidance on how to proceed before the current moratorium expires. In the short term, Council could extend the moratorium because the legality of local marijuana laws are still unclear with respect to federal regulations additionally, Washington will have regulations in place to support I502 at the end of this year or early next year that might provide insight on dispensaries and gardens. Long-term, **Council could prohibit medical cannabis collective gardens or allow them with zoning regulations.**

Staff recommends that Council extend the moratorium following a public hearing at its first meeting in June and then direct staff to prepare an ordinance prohibiting medical cannabis facilities from locating within the city of Lake Stevens due to the limited land supply available in the industrial zones and to be consistent with stated intent of other neighboring jurisdictions to prohibit medical cannabis facilities.

APPLICABLE CITY POLICIES: Chapters 14.40 Permissible Uses of the Lake Stevens Municipal Code (LSMC)

BUDGET IMPACT: There is no immediate budget effect other than staff and attorney time; however, the City may need to look at permitting fees in the future.

ATTACHMENTS:

1. Draft Regulations
2. Draft Overlay Maps
3. Woodinville Ordinance
4. Yakima Ordinance

Section 1. Section 14.08.010 LSMC Definitions - Amended. The City hereby adds the following definitions to LSMC 14.08.010 – Definitions:

“Marijuana” or “cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term “cannabis” includes cannabis products or useable cannabis.

“Medical cannabis collective garden” or “collective garden” means any place, area or garden where qualifying patients share responsibility and engage in the production, processing, and delivery of cannabis for medical use as set forth in Chapter 69.51A RCW and subject to the limitations therein, including but not limited to a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a collective garden.

“Useable cannabis” means dried flowers of the Cannabis plant having a tetrahydrocannabinol (THC) concentration greater than three-tenths of one percent per weight or volume. Useable cannabis excludes stems, stalks, leaves, seeds and roots. For purposes of this subsection, “dried” means containing less than fifteen percent moisture content by weight.

“Youth-oriented facility” means facilities owned or operated by non-profit organizations for the purpose of providing recreational and/or educational opportunities for youth, including but not limited to, Boys & Girls Clubs, little league baseball and other youth sports associations.

Section 2. Chapter 14.40 LSMC Permissible Uses – Amended.

- A. The City hereby amends Table 14.40-I: Table of Permissible Uses By Zones to include the use category **Medical Cannabis Collective Garden** as Use No. 14.500, as an administrative conditional use, in the General Industrial and Light Industrial zoning districts (Exhibit A).
- B. The City hereby adds note No. 14, to the proposed Medical Cannabis Collective Garden category, as added to Table 14.40-I: Table of Permissible Uses By Zones, to read as follows:
 - 14. All Medical Cannabis Collective Gardens shall meet the development standards provided in Chapter 14.44 LSMC Supplementary Use Regulations, Part VI Medical Cannabis Collective Garden Regulations.

Section 3. Chapter 14.44 LSMC Supplementary Use Regulations, Part V Medical Cannabis Collective Garden Regulations – New. The City hereby adopts Part VI Medical Cannabis Collective Garden Regulations to Chapter 14.44 LSMC Supplementary Use Regulations, as part of the Lake Stevens Municipal Code to read as follows:

Sections:

- 14.44.610 Authority
- 14.44.620 Definitions
- 14.44.630 Collective Garden Requirements
- 14.44.640 Public Safety and Welfare

14.44.610 Authority

The City of Lake Stevens adopts this part of Chapter 14.44 LSMC pursuant to Chapter 69.51A of the Revised Code of Washington (RCW) Medical Cannabis. This chapter

contains the City's procedures and policies, which applicants must use in conjunction with Chapter 69.51A RCW or as amended. All collective gardens shall meet all state law requirements, including but not limited to, limitations on number of members, number of plants, amount of usable cannabis on site, and maintenance of each member's valid documentation of qualifying patient status.

14.44.620. Definitions

The definitions in RCW 69.51A.010 and LSMC 14.08.010 shall apply.

14.44.630 Collective Garden Requirements

- (a) A collective garden must meet all requirements of RCW 69.51A.085 or as hereafter amended, including but not limited to the following:
 - (1) No more than ten (10) qualifying patients may participate in a single collective garden at any time;
 - (2) A collective garden may contain no more than fifteen (15) plants per patient up to a total of forty-five (45) plants;
 - (3) A collective garden may contain no more than twenty-four (24) ounces of useable cannabis per patient up to a total of seventy-two (72) ounces of useable cannabis;
 - (4) A copy of each qualifying patient's valid documentation or, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and
 - (5) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden
- (b) No more than one (1) collective garden shall be located on a single parcel.
- (c) No more than one (1) collective garden shall be located in a single structure.
- (d) A qualifying patient cannot be a member of more than one collective garden, and must be a member of one collective garden for at least thirty (30) days before transferring their membership to another collective garden
- (e) Collective gardens shall be located fully within a permanent, non-mobile, legal structure that complies with the City's adopted building and fire codes regardless of the size or configuration of the structure.
- (f) No collective garden shall be located within five hundred (500) feet, measured in a straight line from property boundary to property boundary, of the following facilities or established uses:
 - (1) Another collective garden;
 - (2) Public park;
 - (3) Community center;
 - (4) Elementary or secondary school (public and private);
 - (5) Day care center; and
 - (6) Youth-oriented facility.

- (g) No collective garden shall be located within five hundred (500) feet, measured in a straight line from property boundary to property boundary, of a residential or mixed-use zoning district.
- (h) No production, processing, delivery or advertising of cannabis shall be visible to the public from outside of the structure nor may it be visible through windows.

14.44.640 Public Safety and Welfare

- (a) The collective garden operator/participants shall obtain a Certificate of Occupancy and associated approvals prior to the start of operations of any collective garden to ensure the collective garden does not impact the public's safety, health and general welfare.
- (b) Collective garden operators and participants shall operate the collective garden in compliance with all adopted public safety and development regulations.
- (c) Collective garden operators and participants shall not allow any odors to migrate beyond the interior portion of the structure where the garden is located.

Exhibit A TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES

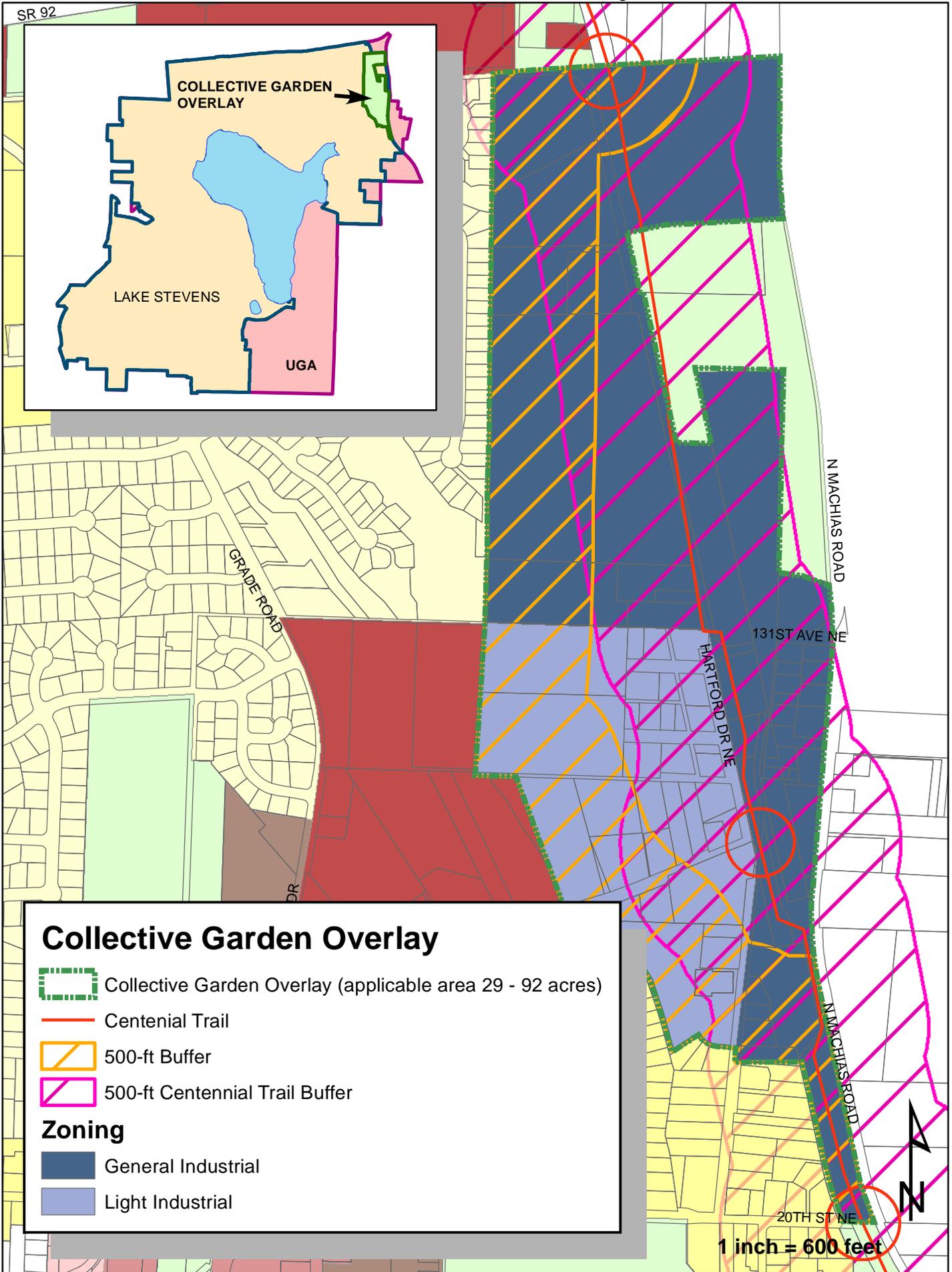
A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply. P - Permitted Use; A - Administrative Conditional Use; C - Conditional Use (See Section [14.40.020](#) for explanation of combinations)

USE DESCRIPTIONS		SR	WR	UR	HUR	MFR	NC ⁴	LB	CBD	MU ¹	PBD ⁵	SRC	LI	GI	P/SP
1.000	RESIDENTIAL														
1.100	Single-Family Residences														
1.110	Single-family detached, one dwelling unit per lot														
1.111	Site-built & modular structures	P	P	P	P	P					P				
1.112	Class A mobile home	P	P	P	P	P									
1.113	Class B mobile home	P	P	P	P	P									
1.114	Class C mobile home														
1.115	Class A, B, or C mobile home or apartment used exclusively for a night watchman and his/her family												A	A	
1.116	Single-family apartment above permitted nonresidential use						P	P	PA	PA	P				
1.120	Single-family detached, more than one dwelling unit per lot ³														
1.121	Site-built and modular structures					PAC					P				
1.122	Class A, B or C mobile home parks	PAC	PAC	PAC	PAC	PAC									
1.123	Single-family apartment above permitted nonresidential use						PA	PA	PA	PA	P	P			
1.124	Cottage housing developments ¹¹	PAC	PAC	PAC	PAC					PAC	P				
1.130	Single-family attached, one dwelling unit per lot, site-built and modular structures	P	P	P	P	P				P					
1.200	Two-Family Residences														
1.210	Two-family conversion	P ³		P ³	P ³	P				P					
1.220	Primary residence with accessory apartment	P ³	P ³	P ³	P ³	P				P					
1.230	Duplex	P ³		P ³	P ³	P			P ¹⁰		P				
1.240	Two-family apartment					P			P ¹⁰		P				
1.250	Any 1.200 use above a permitted nonresidential use					P		PA	PA	PA	P	P			
1.300	Multifamily Residences														
1.310	Multifamily conversions					P					P	PA			
1.320	Multifamily townhouses				PAC	P			P ¹⁰		P				
1.330	Multifamily apartments	P14/ C15				P			P ¹⁰		P				
1.340	Any 1.300 use above a permitted nonresidential use							PA	PA	PA	P	PC			
1.400	Health and Social Service														
1.410	Level 1	P	P	P	P	P			P	P					A
1.420	Level 2				C	C					P	P			A

1.430	Level 3							P	P	P	P	P	P				A
1.440	Group homes licensed for juvenile offenders	C	C	C	C	C		PA	PA	PA							
1.500	Miscellaneous, Rooms for Rent Situations																
1.510	Rooming houses, boarding houses					A		PA	PA	PA	P						
1.520	Tourist homes and other temporary residences renting by the day or week	A	A	A	A	A		PA	PA	PA	P						
1.530	Hotels, motels, and similar businesses or institutions providing overnight accommodations					C		PA	PC	PC	P	C					
1.600	In-Home Day Care	P	P	P	P	P			P	P	P						
1.700	Temporary Emergency, Construction, and Repair Residences	P	P	P	P	P	P	P	P	P	P	P	P	P			
1.800	Home Occupations	P	P	P	P	P	P	P	P	P	P	P	P	P			
1.900	Planned Residential Developments	C		C	C	C											
2.000	SALES AND RENTAL OF GOODS, MERCHANDISE AND EQUIPMENT ²																
2.100	No Storage or Display of Goods Outside Fully Enclosed Building (except for sidewalk displays, occasional/temporary sales, or horticultural sales occupying less than 200 square feet)																
2.110	High-volume traffic generation																
2.111	Miscellaneous ²							PA	PA	PA	P	P	PA	PC	PC	PA	
2.112	Convenience stores ²							A	PA	PA	P	P	PA	PC	PC	PA	
2.120	Low-volume traffic generation ²								PA	PA		P	PA	PC	PC	PA	
2.130	Wholesale sales ²												PA	PC	PC	PA	
2.200	Storage and Display of Goods Outside Fully Enclosed Building Allowed																
2.210	High-volume traffic generation ²								PA	PA		P	PA	PC	PC	PA	
2.220	Low-volume traffic generation ²								PA	PA		P	PA	PC	PC	PA	
2.230	Wholesale sales ²												PA	PC	PC	PA	
2.300	Mobile Sales and Delivery (Vending Carts, Ice Cream Trucks, Mobile Delivery, Peddlers, and Similar Uses) (See Section 14.44.080) ²	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2.400	Any Retail Sales, Rental, or Services Compatible with Regional Recreation Facilities and Primarily Intended to Cater to Users of Such Facilities ²								PC	PC		P		PC	PC	PC	
3.000	OFFICE, CLERICAL, RESEARCH AND SERVICES NOT PRIMARILY RELATED TO GOODS OR MERCHANDISE ²																
3.100	All Operations Conducted Entirely Within Fully Enclosed Building																
3.110	Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professions, insurance and stock brokers, travel agencies, government office buildings, etc. ²								PA	PA	PA	P	PA				PA
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use ²								PA	PA	PA	P	PA				PA
3.130	Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area ²							PA	PA	PA	PA	P	PA				PA

3.200	Operations Conducted Within or Outside Fully Enclosed Building															
3.210	Operations designed to attract and serve customers or clients on the premises ²											P	PC	PC		
3.220	Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use ²											P	PC	PC		
3.230	Banks with drive-in windows ^{2,9}								PA	PA		P	PC			
4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS, MERCHANDISE AND EQUIPMENT ⁶															
4.100	All Operations Conducted Entirely Within Fully Enclosed Building															
4.110	Majority of dollar volume of business done with walk-in trade ⁶								PA	PA	PA	P	PC	PC	PC	PC
4.120	Majority of dollar volume of business not done with walk-in trade ⁶								PA				PC	PC	PC	
4.200	Operations Conducted Within or Outside Fully Enclosed Building ⁶											P	PC		PC	
5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES															
5.100	Schools															
5.110	Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C	C										C
5.120	Trade or vocational schools					C			PA	PA	PA		A	A		A
5.130	Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)	C	C	C	C	C							C	PC	PC	C
5.200	Churches, Synagogues, and Temples (Including Associated Residential Structures for Religious Personnel and Associated Buildings but Not Including Elementary School or Secondary School Buildings)	A	A	A	A	A			PA	PA	PA	P	A			
5.300	Libraries, Museums, Art Galleries, Art Centers, and Similar Uses (Including Associated Educational and Instructional Activities)															
5.310	Located within a building designed and previously legally occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet	A	A	A	A	A			PA	PA	PA	P	P			PA
5.320	Located within any permissible structure					A			PA	PA	PA	P	P			PA
5.400	Social, Fraternal Clubs and Lodges, Union Halls, and Similar Uses					A			PA	PA	PA	P	P			PA
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT															
6.100	Activity Conducted Primarily Within Building or Substantial Structure, Except Those Uses Described in 6.300															
6.110	Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities and similar uses								PA	PA	PA	P	PA	PC	PC	PA
6.120	Movie theaters															
6.121	Seating capacity of not more than 300								PA	PA	PA	P	P			PA
6.122	Unlimited seating capacity								PA	PA	PA	P	P			PA

6.130	Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people												P	P	PC	PC	C	
6.200	Activities Conducted Primarily Outside Enclosed Buildings or Structures, Except Those Uses Described in 6.300, 6.400, or 6.500																	
6.210	Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development	C	C	C	C	C		PA	PA	PA	P				PA	PA	PA	
6.220	Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school	C	C	C	C	C	PA	PA	PA	PA	P	P			PA	PA	PA	
6.230	Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses												P	PA	PA	PA	PA	
6.240	Horseback riding; stables (not constructed pursuant to permit authorizing residential development)														A	A	A	
6.250	Automobile and motorcycle racing tracks															A		
6.260	Drive-in movie theaters													A		A		
6.300	Indoor or Outdoor Recreational Activities Compatible with Regional Recreation Facilities and/or Intended to Cater to Users of Such Facilities												P		PA	PA	PA	
6.400	Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Accessible from Shore																	
6.410	Privately owned, used by owner(s) of property only																P	
6.420	Publicly owned, used by public																A	
6.500	Boathouses or Boat Shelters																	
6.600	Over-Water or In-Water Structures, Other Than Boathouses or Boat Shelters, Inaccessible from Shore																	
6.610	Privately owned, used by owner(s) of property only																	
6.620	Publicly owned, used by public																A	
7.000	SECURE COMMUNITY TRANSITION FACILITIES AND CONFINEMENT FACILITIES																	
7.100	Secure Community Transition Facilities															C	C	
7.400	Penal and Correctional Facilities, Work Release, Pre-Release or Similar Facilities															C	C	C
8.000	RESTAURANTS, BARS, NIGHT CLUBS																	
8.100	No Substantial Carry-Out or Delivery Service, No Drive-In Service, No Service or Consumption Outside Fully Enclosed Structure									PA	PA	PA	P	P	P	P	PA	
8.200	No Substantial Carry-Out or Delivery Service, No Drive-In Service, Service or Consumption Outside Fully Enclosed Structure Allowed									PA	PA	PA	P	P	P	P	PA	
8.300	Carry-Out and Delivery Service, Consumption Outside Fully Enclosed Structure Allowed									PA	PA	PA	P	P	P	P	PA	
8.400	Carry-Out and Delivery Service, Drive-In Service ⁹ , Service or Consumption Outside Fully Enclosed									PA	PA		P	P	P	P		



ORDINANCE NO. 541

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON,
REVISING WOODINVILLE MUNICIPAL CODE SECTIONS 21.06 AND 21.08
PROHIBITING THE ESTABLISHMENT OF MEDICAL CANNABIS
COLLECTIVE GARDENS AND MEDICAL CANNABIS DISPENSARIES;
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE
DATE.**

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998 and now codified as chapter 69.51A RCW, created an affirmative defense for "qualifying patients" to the charge of possession of marijuana (cannabis); and

WHEREAS, this year the Washington State Legislature considered a bill (E2SSB 5073) that would have legalized by authorizing the licensing of medical marijuana or cannabis dispensaries, production facilities, and processing facilities; and

WHEREAS, on April 29, 2011, Governor Gregoire vetoed the portions of E2SSB 5073 that would have provided the legal basis for legalizing and licensing medical marijuana or cannabis dispensaries, processing facilities and production facilities; and

WHEREAS, in order to provide qualifying patients with a new means of access to an adequate, safe, consistent and secure source of medical cannabis, E2SSB 5073 also contained a provision authorizing "collective gardens" which would authorize qualifying patients the ability to produce, grow, process, transport and deliver cannabis for medical use, and that provision was approved by Governor Gregoire, effective on July 22, 2011; and

WHEREAS, E2SSB 5073, as approved, further authorized cities to adopt and enforce zoning requirements regarding production and processing of medical cannabis; and

WHEREAS, cannabis remains a controlled substance under the Controlled Substances Act, 21 U.S.C. Ch. 13 and the U.S. Department of Justice and United States Attorneys in the State of Washington have continued to maintain that cannabis (marijuana) is illegal to possess, distribute, dispense or manufacture under federal law; and

WHEREAS, WMC 21.02.040(3) provides that all land uses and development authorized by Title 21 WMC shall comply with all other regulations and or requirements of Title 21 as well as any other applicable local, State or Federal law; and

WHEREAS, the City Council adopted Ordinance No. 531 a six month moratorium and interim regulation prohibiting the establishment of medical cannabis collective gardens and set a public hearing for October 4, 2011, in order to take public testimony regarding the moratorium and interim regulations; and

WHEREAS, pursuant to RCW36.70A.390 a public hearing was held on October 4, 2011, and no public testimony was received; and

WHEREAS, the City Council seeks to identify what changes in Title 21 WMC are necessary and or appropriate to clearly ban or prohibit collective gardens as that term is described in Engrossed Second Substitute Senate Bill 5073 approved by Governor Christine Gregoire on April 29, 2011; and

WHEREAS, the City Council referred the matter to the Planning Commission for review and recommendation on the issue of cannabis collective gardens; and

WHEREAS, as part of the process for the adoption of zoning regulations, the land use impacts of collective gardens must be identified; and

WHEREAS, many jurisdictions around the country that have approved medical marijuana uses have experienced numerous land use impacts, such as:

- conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
- degrading neighborhood aesthetics due to shuttered up homes, offensive odors; increased night-time traffic; parking issues; loitering from potential purchasers looking to buy from a collective member;
- environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
- serious risk of fire hazard due to overloaded service connections used to operate grow lights and fans;
- improper ventilation leading to high levels of moisture and mold;
- illegal structural modifications; and
- criminal issues such as home invasions, burglaries of medical marijuana facilities, theft and property damage; and

WHEREAS, the Planning Commission reviewed the information on medical marijuana and held a public hearing on February 8, 2012 to take public testimony; and

WHEREAS the Planning Commission deliberated and made a recommendation to the City Council that another six (6) month moratorium be extended to see the outcome of the 2012 legislative decisions regarding cannabis collective gardens; and

WHEREAS, the City Council held a public hearing on February 21, 2012. The City Council considered the Planning Commission's public record and recommendation to extend a six (6) month moratorium concerning medical marijuana collective gardens; and

WHEREAS, the City Council considered all of the land use impacts of collective gardens, cannabis dispensaries, draft regulation, held hearings and adopts regulations on the subject in light of the new legislation; and

WHEREAS, the Woodinville City Council has determined that Medical Cannabis Collective Gardens "marijuana", is in conflict with current Federal law which recognizes marijuana as a controlled substance; and

WHEREAS, the Woodinville City Council has determined that Medical Cannabis Collective Gardens shall not be permitted in the City of Woodinville; and

WHEREAS, the Woodinville City Council considered this ordinance at first and second reading on February, 21, 2012;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby adopts the following findings in support of this ordinance, together with the recitals expressed herein.

1. On August 9, 2011, the City Council discussed the recent changes in state law that allowed local governments to approve and regulate "medical marijuana collective gardens." The City Council directed staff to prepare an ordinance to establish a moratorium on medical marijuana collective gardens.
2. On September 13, 2011 the City Council passed Ordinance 531 establishing a six (6) month moratorium. The moratorium was imposed to provide adequate time to refer this matter to the Planning Commission for study and recommendation.
3. City Council held a public hearing on October 4, 2011 in order to take testimony regarding the moratorium and interim regulation. No public comment was received. At that time, Council members were unanimously in favor of prohibiting the collective gardens within the City limits.
4. The City Council remanded the matter to the Planning Commission for review and development of regulations for medical marijuana collective gardens.
5. On December 7, 2011, the Planning Commission held a study session to review and discuss the impacts of collective gardens. The land use impacts identified included:
 - a. Conversion of residential uses into marijuana cultivation and processing facilities, removing valuable housing stock in a community;
 - b. Degrading neighborhood aesthetics due to shuttered up homes, offensive odors; increased night-time traffic; parking issues; loitering from potential purchasers looking to buy from a collective member;
 - c. Environmental damages from chemicals being discharged into surrounding and off-site soil and storm and sanitary sewer systems;
 - d. Serious risk of fire hazard due to overloaded service connections used to operate grow lights and fans;
 - e. Improper ventilation leading to high levels of moisture and mold;
 - f. Illegal structural modifications; and
 - g. Criminal issues such as home invasions, burglaries of medical marijuana facilities, theft and property damage.
6. The Planning Commission held a public hearing on February 8, 2012, to take public testimony on marijuana collective gardens. No public testimony was received.
7. The Planning Commission then deliberated and produced a public record and made recommendations that were forwarded to the City Council.
8. The City Council considered the Planning Commission's public record, found in Attachment A of this Ordinance, and recommendations concerning medical marijuana collective gardens at a public hearing on February 21, 2012.
9. The City Council held first reading of Ordinance 541 on February 21, 2012.
10. The City Council held second reading of Ordinance 541 on February 21, 2012.

Section 2. Section 21.08, Permitted Uses, of the Woodinville Municipal Code, is hereby amended to read as set forth in Attachment B, which is attached hereto and incorporated herein by this reference as if set forth in full. New text is shown by underline.

Section 3. Section 21.06, Technical Terms and Definitions, of the Woodinville Municipal Code, is hereby amended to read as set forth below. New text is shown by underline.

21.06.088.0010 "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this definition, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

21.06.088.0020 Cannabis Collective Gardens

"Cannabis collective garden" means a garden where "qualifying patients" as described in Sec. 403 of Engrossed Second Substitute Senate Bill 5073 and Chapter 181, Laws (of the State of Washington) of 2011 may engage in the production, processing, and/or delivery of cannabis for medical use.

21.06.088.0030 Cannabis Dispensary.

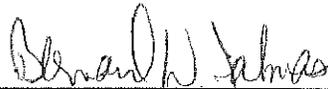
"Cannabis Dispensary" means any facility or location where cannabis is grown, produced, manufactured or made available to and/or distributed.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however, that if any section, sentence, clause, or phrase of this ordinance, or any change in a land use designation is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 5. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of the amendments to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

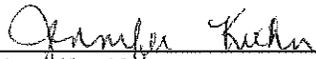
Section 6. Effective Date. The adoption of this ordinance, which is a power specifically delegated to the City legislative body, is not subject to referendum. This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE
THIS 21ST DAY OF FEBRUARY 2012.**



Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:



Jennifer Kuhn
City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Greg A. Rubstello
City Attorney

PASSED BY THE CITY COUNCIL: 2-21-2012
PUBLISHED: 2-27-2012
EFFECTIVE DATE: 3-5-2012
ORDINANCE NO. 541

ORDINANCE NO. 2012-03

AN ORDINANCE amending Title 15 of the Yakima Municipal Code to add new Section 15.01.035 providing that no use that is illegal under local, state or federal law shall be allowed in any zone of the city, and applying such regulation to medical marijuana dispensaries and collective gardens.

WHEREAS, in 1998, the voters of the State of Washington approved Initiative Measure No. 692, now codified as Chapter 69.51A RCW, entitled the Medical Use of Marijuana Act, which created an affirmative defense to state criminal liability for seriously ill persons who are in need of medical marijuana for specified medical purposes and who obtain and use medical marijuana under limited, specified circumstances; and

WHEREAS, the legislature adopted E2SSB 5073, with certain provisions vetoed by the governor, which became effective July 22, 2011, which enacted provisions authorizing establishment and operation of "collective gardens" for medical marijuana purposes subject to land use powers of municipalities within the State of Washington; and

WHEREAS, Chapter 69.51A RCW, as amended by E2SSB 5073, recognizes the authority and ability of municipalities to regulate medical marijuana within their jurisdictions and to adopt comprehensive land use regulations and licensing regulations concerning the establishment and operation of medical marijuana uses and facilities within such jurisdictions; and

WHEREAS, Congress passed the *Comprehensive Drug Abuse Prevention and Control Act of 1970*, Pub.L. No. 91-513, 84 Stat. 1236, to create a comprehensive drug enforcement regime it called the *Controlled Substances Act*, 21 U.S.C. § 801-971. Under the Controlled Substances Act (also "CSA"), Congress established five "schedules" of controlled substances. Controlled substances are placed in specific schedules based upon their potential for abuse, their accepted medical use in treatment, and the physical and psychological consequences of abuse of the substance. See 21 U.S.C. § 812(b); and

WHEREAS, marijuana is currently listed as a "Schedule I" controlled substance, 21 U.S.C. § 812(c), Schedule I(c)(10). For a substance to be designated a Schedule I controlled substance, it must be found: (1) that the substance "has a high potential for abuse"; (2) that the substance "has no currently accepted medical use in treatment in the United States"; and (3) that "[t]here is a lack of accepted safety for use of the drug or other substance under medical supervision." 21 U.S.C. § 812(b)(1). The Controlled Substances Act sets

forth procedures by which the schedules may be modified. See 21 U.S.C. § 811(a); and

WHEREAS, under the Controlled Substances Act, it is unlawful to knowingly or intentionally "manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance," except as otherwise provided in the statute. 21 U.S.C. § 841(a)(1). Possession of a controlled substance, except as authorized under the Controlled Substances Act, is also unlawful; and

WHEREAS, the United States Supreme Court has held in Gonzales v. Raich, 545 U.S. 1, 125 S.Ct. 2195, 162 L.Ed. 2d 1 (2005). that Congress was within its rights and powers under the Commerce Clause to regulate marijuana as a Schedule I controlled substance pursuant to the Controlled Substances Act, and that, under the Supremacy Clause of the U.S. Constitution, the federal Controlled Substances Act will prevail over any conflicting state law; and

WHEREAS, court decisions in other jurisdictions have held that local legislation authorizing conduct and uses in violation of the federal Controlled Substances Act are in conflict with such federal legislation and thus preempted by the federal law (*cf.*, *Pack v. Superior Court*, 199 Cal.App.4th 1070, 11 Cal.Daily Op. Serv.12,643, ___ Cal.Rptr.3d ___ (October 4, 2011); *Emerald Steel Fabricators v. Bureau of Labor and Industries*, 348 Or. 159, 230 P.3d 518 (2010)); and

WHEREAS, Section 1102 of E2SSB 5073 specifically authorizes municipalities of the State of Washington to adopt and enforce zoning requirements regarding the production, processing and dispensing of cannabis or cannabis products within their jurisdictions; and

WHEREAS, the general police powers of the City of Yakima empower and authorize the City of Yakima to adopt land use controls to provide for the regulation of land uses within the city and to provide that such uses shall be consistent with applicable law; and

WHEREAS, the City Council of the City of Yakima finds and determines that Title 15 of the Yakima Municipal Code should be amended to add new section 15.01.035 providing that no use that is illegal under local, state or federal law shall be allowed in any zone within the city, and that such amendment specifically applies to prohibit dispensaries of cannabis and collective gardens for the production, distribution and/or dispensing of cannabis for medical uses, all as specifically defined in Chapter 69.51A RCW and E2SSB 5073, Laws of 2011 of the State of Washington; and

WHEREAS, the City Council finds and determines that the prohibition of dispensaries of cannabis and collective gardens for the production, distribution

and/or dispensing of cannabis for medical purposes is subject to the authority and general police power of the city to develop specific and appropriate land use controls regarding such uses, and the City Council reserves its powers and authority to appropriately amend, modify and revise such prohibition to implement such land use controls in accordance with applicable law; and

WHEREAS, the City Council finds and determines that such amendments authorized herein are not intended to regulate the individual use of cannabis for medical purposes by qualifying patients and designated providers as authorized pursuant to Chapter 69.51A RCW; and

WHEREAS, the Planning Commission has held and conducted an open record public hearing on December 14, 2011, all pursuant to notice and applicable procedures of the City of Yakima, and has adopted findings of fact and conclusions of law in support of its recommendation for adoption of the above-described amendments, which Findings of Fact and Conclusions of Law are attached hereto as Exhibit "A" and incorporated herein by this reference; and

WHEREAS, the City Council has held and conducted a closed record public hearing on January 17, 2012 and considered the recommendation of the Planning Commission, the record herein, and all evidence and testimony presented; and

WHEREAS, the City Council finds and determines that approval of such amendments is in the best interests of residents of the City of Yakima and will promote the general health, safety and welfare,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The City Council hereby adopts as its own, and approves, the Findings of Fact, Conclusions of Law and Recommendation of the Planning Commission adopted by the Planning Commission following its public hearing on December 14, 2011, all as set forth in Exhibit "A" attached hereto.

Section 2. Chapter 15.01 of the Yakima Municipal Code is hereby amended to add new section 15.01.035 which provides as follows:

15.01.035 Illegal Uses Prohibited.

A. General. No use that is illegal under local, state or federal law shall be allowed in any zone within the city.

B. Specific Application – Medical Marijuana Dispensaries and Collective Gardens. Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating dispensaries of cannabis and/or collective gardens for the production, distribution and dispensing of cannabis for medical uses, all as

further defined and set forth in Chapter 69.51A RCW and E2SSB 5073, Laws of 2011 of the State of Washington, such uses are not allowed in any zone within the city. For purposes of this section, "dispensary" means any person, entity, site, location, facility, business, cooperative, collective, whether for profit or not for profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes.

Section 3. Except as amended herein, Title 15 of the Yakima Municipal Code shall remain unchanged.

Section 4. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 17th day of January, 2012.

ATTEST: /s/ Micah Cawley
Micah Cawley, Mayor

/s/ Deborah Kloster
City Clerk

Publication Date: January 20, 2012
Effective Date: February 19, 2012



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council Agenda Date: May 13, 2013

Subject: 2013 Budget Amendment #2

Contact Person/Department: Barb Stevens/ Finance **Budget Impact:** Yes

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL:

Review Ordinance No. 893 Amending Ordinance No. 883

SUMMARY/BACKGROUND:

Throughout the year the City Council authorizes various purchase requests and agreements. At the time of authorization, the budget impact is presented to the Council as part of the information required in order for the Council to make an informed decision. The budget amendment follows to adjust the specific line items that will be affected by purchase or contract award.

Detailed explanations of the changes requested are described below:

General Fund - 001

The increase in expenditures is mostly due to the additional expenses related to the LEMAP Study performed by WASPC (\$5,000), and the remainder is a budget carry-forward for the Arts Commission missed on the first budget amendment (\$32). The ending fund balance reflects these changes.

Capital Project – Developer Contribution Fund – 301

The increase in expenditures is due to the additional expenses related to the Eagle Ridge/Senior Center Parking Lot upgrade (\$28,000). The ending fund balance reflects these changes.

Storm & Surface Water Fund – 410

The increased revenues are due to the transfer in of funds from the Aerator Replacement Fund for the alum treatment of the lake (\$52,000). The increased expenditures are due to a refund made to a ratepayer for overpaid surface water management charges in 2011-2012 (\$7,286), and for the alum treatment to the lake (\$52,000). The remaining funds planned for the alum treatment (\$47,355) are already budgeted within this fund as Aerator maintenance and operation line items; those budgets will be adjusted. The ending fund balance reflects these changes.

Aerator Replacement Fund – 540

The increased expenditures are due to the transfer of funds to the Storm Water Fund for the alum treatment of the lake (\$52,000). The ending fund balance reflects these changes.

APPLICABLE CITY POLICIES:

In accordance with the Financial Management Policies, Budget Themes and Policies, and the Revised Code of Washington, changes in the adopted budget must be brought before the City Council.

BUDGET IMPACT:

The budget ordinance will amend the beginning and ending balances, and revenues and expenditures in the funds set forth in the ordinance.

ATTACHMENTS:

- ▶ Exhibit A: Ordinance No. 893

**CITY OF LAKE STEVENS
 LAKE STEVENS, WASHINGTON
 ORDINANCE NO. 893**

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, AMENDING THE 2013 BUDGET AS SET FORTH IN ORDINANCE NO. 883 CONCERNING FUND BALANCES AND EXPENDITURES FOR VARIOUS FUND BALANCES FOR THE YEAR 2013.

WHEREAS, the City of Lake Stevens adopted the 2013 budget pursuant to Ordinance No. 883; and

WHEREAS, the City of Lake Stevens will incur expenditures in categories and amounts other than anticipated in the adopted 2013 budget;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO ORDAIN AS FOLLOWS:

SECTION 1. The 2013 budget, as adopted in Ordinance No. 883, is hereby amended as follows:

<i>Fund</i>	<i>Description</i>	<i>Current Budget</i>	<i>Amended Budget</i>	<i>Amount of Inc/(Dec)</i>	<i>ExpRev</i>
001 - General	Expenditures	\$7,993,308	\$7,998,340	\$5,032	Exp.
001 - General	Ending Fund Balance	\$4,554,361	\$4,549,329	(\$5,032)	EndBal.
301 - Cap. Proj - Dev. Contrib.	Expenditures	\$42,190	\$70,190	\$28,000	Exp.
301 - Cap. Proj - Dev. Contrib.	Ending Fund Balance	\$2,879,214	\$2,851,214	(\$28,000)	EndBal.
410 - Storm & Surface Water	Revenues	\$1,436,984	\$1,488,984	\$52,000	Rev.
410 - Storm & Surface Water	Expenditures	\$1,317,764	\$1,377,050	\$59,286	Exp.
410 - Storm & Surface Water	Ending Fund Balance	\$1,072,009	\$1,064,723	(\$7,286)	EndBal.
540 - Aerator Replacement	Expenditures	\$0	\$52,000	\$52,000	Exp.
540 - Aerator Replacement	Ending Fund Balance	\$135,886	\$83,886	(\$52,000)	EndBal.

SECTION 2. Except as set forth above, all other provisions of Ordinance 883 shall remain in full force, unchanged.

SECTION 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in force five (5) days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 28th day of May, 2013.

 Vern Little, Mayor

ATTEST/AUTHENTICATION:

 Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

First and Final Reading:
 Published:
 Effective:

 Grant Weed, City Attorney



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