



Burien

Washington, USA

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MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: July 11, 2011
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

- A. Meeting with Department of Ecology on Shoreline Master Program (SMP)**
Geoff Talent and Tom Clingman from the Department of Ecology (DOE) requested a meeting with City staff to discuss the City's May 23rd reply to DOE's April 22nd letter regarding the City's approved Shoreline Master Program. The meeting occurred on June 20. DOE can either approve or reject our approved SMP (including the modifications submitted in the Mayor's May 23rd letter). DOE's decision can be appealed first to the Growth Management Hearings Board and then through the court process. After exhausting any appeal processes, if our SMP remains rejected by DOE, then DOE would begin a State rulemaking process to adopt an SMP for Burien.
- B. Natural Yard Care Workshop Opportunity Available (Pg. 103)**
The Environmental Science Center (ESC) is offering a free workshop on Natural Yard Care to learn natural and chemical-free ways to care for your yard. The workshop will be held Tuesday, July 12, 2011 from 6:00 – 8:30 p.m. at the Marine Tech Center at Seahurst Park. The workshop is free, but seats are limited. See attached flyer for more details. ESC is providing the education for Burien to meet the requirements of our National Pollutant Discharge Elimination System (NPDES) Permit.
- C. New Basin Steward Begins on July 7**
As noted in a prior City Manager's Report, Dennis Clark left his position at King County as our Miller/Walker Creek Basin Steward. Interviews were held on three days in early June at Burien City Hall. On July 7, Elissa Ostergaard began as our new basin steward. Elissa came to us from Bellevue where she worked on stormwater, LID, NPDES, and salmon habitat issues. Elissa has a broad range of program and project experience, including developing and directly providing stewardship services.

D. King County Sheriff Issues 2010 Annual Report

The Sheriff's Office has issued its 2010 annual report. Copies are available in the City Manager's Office. The report is also available online at the following website: <http://www.kingcounty.gov/safety/sheriff/About.aspx> ; click on annual report.

E. King County Announces 2011 Best Workplaces for Recycling and Waste Reduction

In a News Release on June 24, 2011, King County's Solid Waste Division named 89 local companies to its fifth annual "Best Workplaces for Recycling and Waste Reduction" list. The City of Burien is proud to be included on this list, which includes businesses that have put "exceptional recycling programs into place and shown commitment to reducing the amount of waste their company sends to the landfill." Burien is one of eight cities included on the list. For the full story, and a complete list of businesses, please visit www.kingcounty.gov/recyclemore.

F. Saving Money with GIS Technology

Using GIS mapping software, staff recently audited the postal stops in North Burien where we send the City newsletter and was able to establish a list of carrier route postal deliveries. Instead of sending newsletters with address labels to 4,500 households and businesses in North Burien, now we are able to send to the "Postal Customer" on the routes. The change will save the City about \$900 in postage per newsletter edition. This will also make it more efficient to do any kind of city mailing that includes North Burien.

G. 2010 Comprehensive Annual Financial Report (CAFR)

The 2010 Comprehensive Annual Financial Report (CAFR) was completed in June and is now published on the City's website (<http://www.burienwa.gov/CAFR>). The report was submitted to the Government Finance Officers Association of the United States and Canada (GFOA) to determine if it qualifies for the Certificate of Achievement for Excellence in Financial Reporting. In order to qualify for the award, a government must publish an easily readable and efficiently organized CAFR that satisfies both generally accepted accounting principles and applicable legal requirements. The City has received this award for sixteen consecutive years.

H. Permit Updates (Pg. 104)

- Work is complete and occupancy has been approved for Highline Audiology located at 457 SW 148th ST.
- Ross dress for less was granted temporary occupancy on June 30. They are in the process of loading in merchandise and training employees. They expect to have all work completed and occupancy approved by July 12, which is their expected opening date.
- Attached is a summary of the number and types of construction permits issued for the month of June.

I. Barracuda Email Software System

Representatives from Lakehaven Utility District in Federal Way stopped by recently to see our Barracuda email archive system in action. Like all public agencies these days, they need to be able to respond to requests for public records in a timely manner. Our system now contains well over one million emails dating back to the late 1990s.

J. Recruitment and Hiring Efforts

During the last month, the City successfully recruited and filled eight temporary Recreation Leader positions for our Summer Day Camp Program. Amongst the new employees are two students from Kennedy Catholic High School and one from Highline High School. The new employees began the staff training program on June 13th and are now working with the youth of our community.

K. City's Workforce Demographic Review

As a condition of receiving Justice Department funding authorized by the Omnibus Crime Control and Safe Streets Act of 1968, the City is required to prepare an Equal Employment Opportunity Plan (EEOP) biannually. The purpose of the EEOP is to ensure that recipients of financial assistance from the Justice Department are providing equal employment opportunities to individuals, regardless of sex, race, or national origin. The EEOP compares the City's employment data to the relevant labor market (King County) in order to identify under-utilizations in specific work categories. Results show that the City of Burien's workforce demographics are keeping pace with its relevant labor market with the following three exceptions:

- White females are somewhat under-represented in the Professional field (-12%)
Note: Due to new occupation listings, several female employees, previously categorized as Professional, are now reported under the Officials/Administrators category due to their positions also requiring management responsibilities.
- White males are somewhat under-represented in the Service/Maintenance field (-11%)
Note: The Service/Maintenance category also employs several temporary employees who, if included, would demonstrate that the City is well within the relevant labor market norms for this category.
- White males are significantly under-represented in the Administrative Support field (-28%)
Note: The City does not have any males serving in the Administrative Support category. There has been no turnover or new positions created in this category for several years.

L. Burien Celebrates National Park and Recreation Month

The Parks, Recreation, and Cultural Services Department (PaRCS) is offering a new "Burien Family Scavenger Hunt" in celebration of Park and Recreation Month. The 2011 national theme is "Rock Your Park", and community residents have been invited to complete a fun scavenger hunt questionnaire while visiting 12 different City parks. Questionnaires returned by August 1 will then be eligible for a raffle drawing, with winners announced at the Lake Burien Park outdoor concerts in August. In recognition of the role that Parks and Recreation plays in improving the health of individuals, the environment, and one's quality of life, the U.S. House of Representatives originally designated the month of July for this purpose in 1985.

M. Community Center Busy with Rentals

The Community Center's Seahurst Room continues to be very desirable for groups wishing to rent the facility during non-public hours. Every Saturday in July through mid-October has already been reserved. This large room provides the perfect setting for banquet-type events and can accommodate up to 200 people.

N. Summer Brings Fresh Air Fun

Some of Burien's parks are serving as locations for two recreation classes this summer. The new "Park Boot Camp" will rotate weekly to a different park location that will include Dottie Harper, Town Square, Lake Burien, and Seahurst parks. The second session will take participants to Puget Sound, Eagle Landing, Mathison, and Hilltop parks. "Tai Chi" is another program that will relocate to the Annex Park, which is adjacent to the old community center. This program is consistently popular with our senior adults, and currently has 19 people registered. Lake Burien Park will also continue to be the popular location for this summer's "Music and Movies in the Park" series, which begins Thursday, July 7.

O. Moshier Arts Center (MAC) Programs Reduce Fuel Dependency

Arts Specialist Alisa Savage has been working since January to make MAC's ceramics programs more environmentally-efficient by reducing the frequency of gas kiln firing and consuming less fuel. To meet that goal, Alisa has switched propane vendors, negotiated a better fee and long-term contract, developed more low-fire classes, and reorganized the glazing room to highlight low fire glazes. She's also created new workshops for this fall that will teach students how to better use the electric kilns for greater glaze results.

P. Day Camps Attract Return Participants

Both of the City's summer ten-week Day Camp programs began on June 28 for elementary and middle school-aged youth. Different this year was the extension of the public school year through June 27, which delayed the beginning of these camps. The City's Day Camp programs include "Camp Craze" for the younger children and "Summer Teen Scene" (STS) for middle school youth. Camp Craze had 57 participants registered for its first week, with many repeat registrants from last year. Approximately 50% of STS registrants during its first week were also repeats from last year. Having high numbers of return participants often indicate a strong endorsement by parents regarding the quality of these programs.

II. COUNCIL UPDATES/REPORTS

A. **Plan Accepted for Next Decade of Metro Transit Service (Pg. 105)**

After months of discussion and negotiations, Mayor McGilton and other elected officials on the Metropolitan King County Council's Regional Transit Committee unanimously approved the new Strategic Plan for Metro Transit on June 15. A news release about the committee's action is attached.

The new Strategic Plan will guide Metro in making expected cuts in bus service in the next year or more, and possibly future additions or other changes in Metro service between 2011 and 2021. The Plan and the related Service Guidelines can be found at www.metro.kingcounty.gov – click on “Reports and Publications” on upper right and go to “Transit Planning.”

B. **Legislators Report to Suburban Cities**

Several legislators from the King County area participated in a panel discussion at the Suburban Cities Association meeting on June 15. Rep. Dave Upthegrove of the 33rd District joined five other state representatives and senators to provide a report on the state budget and other critical issues that the Legislature addressed during the regular and special sessions of 2011.

Rep. Joe Fitzgibbon of the 34th District joined Mayor Joan McGilton for the event. Senator Margarita Prentice and Rep. Zack Hudgins of the 11th District also attended. The legislators on the panel reported that the major accomplishments affecting cities during this year's sessions included allowing the delay of several state regulatory requirements for local jurisdictions, and providing cities the ability to use Real Estate Excise Tax (REET) funds for the operation and maintenance of capital facilities that REET had originally funded.

C. **Burien Receives Award from Statewide Organization (Pg. 107)**

Councilmember Jack Block, Jr., represented Burien at the annual Association of Washington Cities (AWC) conference, held in Spokane June 22-24. On behalf of Burien, Councilmember Block picked up the “WellCity Award,” which the City's staff achieved through their participation in an extensive “wellness” program. The 2012 WellCity Award qualifies the City to receive a 2% premium discount on employee and spouse medical insurance premiums.

At the AWC Conference Councilmember Block also cast the City's vote at the annual business meeting, to approve new officers and Board of Directors for the Association. In addition, the Conference featured numerous workshops on a wide range of topics affecting city governments, and a special presentation by the President of the National League of Cities (NLC). He urged cities to help their residents take advantage of a significant prescription discount program that NLC has established, at no cost to city governments. More information on that program is attached to this report.

D. Numerous Legislative Actions of Interest to Burien (Pg. 109)

The City's state legislative advocate, Mike Doubleday, has provided his final report on the 2011 legislative sessions (regular and special), which is attached. In addition to an update on the status of the City Council's 2011 state legislative priorities, the report includes information on a wide variety of issues that may affect Burien. A number of issues will continue to be worked on during the "interim" (the period between legislative sessions).

E. Educational Opportunities for Shoreline Homeowner Stewardship

At a prior Council meeting, Councilmember Block requested that the City provide educational opportunities for shoreline homeowner stewardship. Once our Shoreline Master Program has been adopted, we can look into this further.

F. June 2011 Citizen Action Report (Pg. 145)

Staff has provided Council with the June 2011 Citizen Action Report attached.

G. Advisory Board Meeting Minutes (Pg. 153)

Approved minutes from the following Advisory Board meetings are attached:

- Parks & Recreation Board for May 11, 2011

H. Notices (Pg. 157)

The following (attached) notices have been published:

- Notice to Contractors that sealed bids will be received by the City of Burien until 2 p.m. on Thursday, July 28th, 2011 for the 1st Avenue South Improvement Project – Phase II.
- Notice of Application of SEPA Environmental Review for SW 132nd Street sidewalk/street and stormwater system improvements and SW 130th Street and 8th Avenue SW stormwater improvements.



Join the Environmental Science Center for a FREE workshop.
Natural Yard Care: Learn natural and chemical-free ways to care for your yard.

Tuesday July 12, 2011 from 6:00p – 8:30p
at the Marine Tech Center at Seahurst Park
2400 Southwest 140th Street, Burien, WA

In this workshop you will learn natural alternatives to managing vegetation on your property. You will learn how to fertilize and deal with pests without using harmful chemicals. This workshop will also focus on how to incorporate more native plants that use less water, how to attract more wildlife, and how to improve soil and water health, and the overall health of the Puget Sound. Join us as we partner with the Garden Hotline, managed by Seattle Tilth and sponsored by Seattle Public Utilities, the Local Hazardous Waste Management Program of King County, the Saving Water Partnership, King Conservation District, the City of Burien and The Russell Family Foundation.

Workshop is free but seats are limited
To Register:
Call 206-248-4266 or email programs@envsciencecenter.org

The Environmental Science Center promotes environmental stewardship, sustainability, and academic achievement through science based education. Serving South King County since 2000.

A special thanks to the

following for their generous support:





Burien

Washington, USA

Summary of Permits Issued

Start Date: 06/01/11

End Date: 06/30/11

TypePermit	Count	Valuation
Building	45	\$4,159,298.89
Demolition	3	
Electrical	78	\$270,011.00
Fire Protection	10	\$33,882.00
Mechanical	16	\$18,439.00
Plumbing	18	\$62,458.81
Right of Way	25	
Sign	7	\$13,850.00
Totals :	202	\$4,557,939.70



June 15, 2011

Regional leaders support new vision for public transportation in King County

Adopted plan provides clear guidelines and goals, revamps formula for allocation of transit service

The Metropolitan King County Council's Regional Transit Committee today gave its approval to a new vision of regional transit by unanimously adopting the Strategic Plan for Public Transportation 2011-2021 and Metro Service Guidelines. The approved plan sets goals for regional transit by encouraging transparency, streamlining current transit policies into a single unified blueprint and establishing guidelines for the allocation of transit service throughout King County.

"The regional dialogue over transit service has been bogged down over the 40/40/20 policy for a decade," said Councilmember Reagan Dunn, Chair of the Regional Transit Committee. "I am so pleased that we were able to come together as regional leaders and adopt a framework for moving forward into the next decade. As a transit agency, we face very serious challenges in the years ahead. Without this framework, agreement on solving our problems would be very hard to come by."

"This plan is the culmination of a collaborative process that required everyone involved to look beyond the cities and constituencies they represent," said Burien Mayor Joan McGilton. "The result is a plan that represents the vision of all transit users—urban and suburban."

"Emphasizing productivity and transparency are the foundation of Metro's Strategic Plan and Service Guidelines, taking our transit system in a new direction," said Councilmember Larry Phillips, chair of the Council's Transportation, Economy and Environment Committee. "The era of empty buses is over as the public simply will not tolerate inefficient use of resources during these tight budget times. Getting here has been a collaborative process with leaders throughout the region, and I commend everyone for coming together to support a more efficient Metro."

The Strategic Plan builds upon the foundation set by the Regional Transit Task Force (RTTF), the panel created to develop a vision for public transportation in King County. The RTTF gave a series of recommendations that have been incorporated into the Strategic Plan, including measurable goals and regular reviews of the plan and making changes when needed.

The Strategic Plan also eliminates the current policy on the allocation or reduction of transit service. Currently, bus service is distributed on a proportional basis, with each transit subarea receiving a set amount. Under the proposed Strategic Plan, making service reduction and service growth decisions would be based on priorities that include:

- Emphasizing productivity due to its linkage to economic development, land use, financial sustainability, and environmental sustainability;
- Ensuring social equity; and
- Providing geographic value throughout the county.

“This strategic plan is not based on politics or a rigid formula like 40/40/20,” said Councilmember Julia Patterson. “Instead our new plan honors what’s most important for King County residents by basing transit service on three core values – productivity, social equity, and geographic value -- that result in the fair distribution of bus hours. As a suburban representative, I am proud to support the plan.”

“As a member of last year's Regional Transit Task Force, I was proud to serve with the suburban representatives on the RTC and vote for a plan that embodies the Task Force's guiding principle of building a more efficient and productive transit system for all of King County,” said RTC Committee member Tom Rasmussen, chair of the Seattle City Council's Transportation Committee.

The Strategic Plan has several primary goals and a series of objectives and strategies to achieve those goals:

Financial Stewardship: Exercise sound financial management and build Metro's long term sustainability.

Public Engagement and Transparency: Promote robust public engagement that informs, involves, and empowers people and communities.

Economic Growth and Built Environment: Encourage vibrant, economically thriving and sustainable communities.

Service Excellence: Establish a culture of customer service and deliver services that are responsive to community needs.

Safety: Support safe communities.

Human Potential: Provide equitable opportunities for people from all areas of King County to access the public transportation system.

Environmental Sustainability: Safeguard and enhance King County's natural resources and environment.

Quality Workforce: Develop and empower Metro's most valuable asset, its employees.

Working with the County Council, the Regional Transit Committee has a key role in the oversight of the Strategic Plan. The Committee would review annual performance of the transit system and against the policies of the plan. Should adjustments be needed, the RTC would work with the Council, County Executive and Metro Transit to provide the policy guidance that enables the goals to be met.

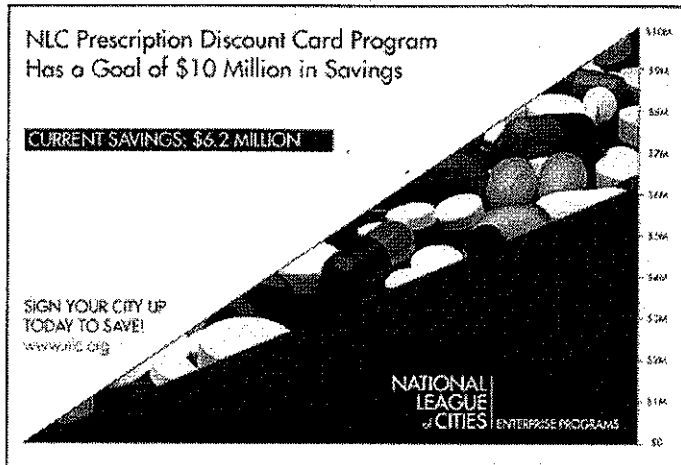
The Strategic Plan now goes to the County Council's Transportation, Economy and Environment Committee for consideration, with the goal of sending it to the County Council for final action next month.

Strategic Plan for Public Transportation 2011-2021

Residents Nationwide Benefit From NLC Program

June 27, 2011

by Marc Shapiro



The NLC Prescription Discount Card Program is a member program offered by NLC in which participating cities see the value of the program in real savings to residents in just a few months.

Nationwide, more than 470 cities are currently participating in the program and have saved residents more than \$6.2 million to date on the cost of prescriptions. For those residents without health insurance or with a prescription not covered by insurance, the average savings has been more than 23 percent off the retail price of their prescriptions.

"This is a program that has clear benefits with the potential to save more money for the community well beyond the cost of joining NLC," said NLC President James E. Mitchell, Jr., councilmember, Charlotte, N.C. "And the best part? This program is free. It is free to the city; it is free to the residents."

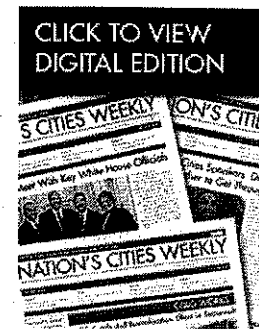
In many cases, a city can save its residents more in a few short months than the city's annual membership dues in NLC.

Mitchell has set a goal of \$10 million in savings for the program this year. For member cities that are not currently offering the discount card, there is no cost to participate and the program is easy to implement. The role of the city is to promote the program through local media and the city website or newsletter, and to make the prescription discount cards available at locations throughout the city to those residents who might benefit from the program.

NLC provides each participating city with customized prescription discount cards with the city name and logo as well as sample press releases, a sample page for the city website and other start-up resources. The discount card includes a toll-free customer support line for residents to call with questions about the program. Each month, participating cities also receive a report from NLC with aggregate data on the use of the discount card, including the total and average savings to residents.

For residents there is no enrollment form, no membership fee and no restrictions or limits on the frequency of use. The discount card is accepted at more than 60,000 pharmacies, including all major pharmacy chains and most local independent pharmacies. Participating pharmacies in any city can be identified here: www.caremark.com/nlc.

Dothan, Ala., (population 57,737) was one of the most recent cities to bring this cost-saving program to residents. At a press conference announcing the program last month, Mayor Mike Schmitz said, "It's truly



an exciting day for us to unveil the City of Dothan Prescription Discount Card Program. This is an idea that was presented at an NLC meeting, and we thought it was an excellent idea to look into." Mayor Schmitz was joined at the press conference by city commissioners Amos Newsome, James Reading and John Craig

"These are tough times and a 23 percent discount on prescription drugs adds up," Schmitz added. "All they (citizens) have to do is get the card, go to a participating pharmacy and, hopefully, save some money. That's it in a nutshell. It's a simple idea."

In the first week, 40 residents benefited from the program and saved on their prescription costs.

In addition to Dothan, cities launching the program last month include: Aventura, Fla.; DeBary, Fla.; Woodridge, Ill.; and Bartlett, Tenn.

NLC member cities not participating in the program can sign up on the NLC website at www.nlc.org/prescriptioncard and join the effort to reach the goal of \$10 million in savings to residents this year.

Details: Contact Marc Shapiro at (202) 626-3019 or shapiro@nlc.org.

Mike Doubleday
Doubleday Government Relations
June 2011

Final 2011 State Legislative Report

City of Burien

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City of Burien 2011 State Legislative Agenda / Outcomes

City of Burien 2011 State Legislative Priorities

Promote Economic Development with Infrastructure

- Seek support for the SR 518/Des Moines Memorial Drive interchange improvement project to improve access to the Northeast Redevelopment Area (NERA), with funding through a state transportation revenue package.

There was no new transportation revenue enacted in 2011. The transportation committee chairs and the Governor are taking steps to pursue a transportation revenue package in 2012; the package will require a public vote.

- Work with other stakeholders in support of legislation that will enable the state to make an investment in Burien and provide local flexibility to develop infrastructure and secure economic development in the NERA.

A tax increment financing/transfer of development rights bill (ESSB 5253) was passed (see page 26). The capital budget contains language directing the Public Works Board to develop a plan to reform the state system for providing local infrastructure assistance (see page 26).

- Maintain efforts with other jurisdictions to retain successful financing tools, such as the Transportation Improvement Board (TIB), Public Works Trust Fund (PWTF), and Washington Wildlife and Recreation Program (WWRP), and advocate for increased flexibility for local revenues, in order to maintain and enhance infrastructure and services and generate economic development. The legislature passed a local government fiscal relief bill (HB 1478) (see page 8). The Transportation Improvement Board, the

Public Works Trust Fund, and WWRP were financed at, or near, requested levels (see page 8).

Strengthen City Services and Facilities

- Pursue legislation to allow local jurisdictions to create a Public Safety Authority, in order to enhance the police presence in the community through stronger local control and to save local tax dollars.

We introduced these bills (**HB 1230/SB5155**) in 2011 without intending that they pass. We'll work them during the 2011 interim (see page 22).

- Advocate for legislation authorizing local jurisdictions to create a Street Maintenance Utility (SMU) in order to provide communities a financing method to address ongoing local street infrastructure maintenance needs.

The Street Maintenance Utility bill (**HB 1929**) did not pass (see page 29).

- Defend against legislation that would damage cities' ability to finance vital city facilities and operations, including threats to impact fees, the annexation sales tax credit, and state-shared revenues.

The impact fee bill (**HB 1702**) from the King and Snohomish Master Builders was alive late in the regular session, did not pass (see page 34).

- Support efforts to improve the health of Puget Sound, including:

- the \$55 million Puget Sound Acquisition and Restoration request of the Puget Sound Partnership, to fund shoreline protection plans;

- creation of a pharmaceutical return program to prevent toxic prescription drugs from entering the Sound through inappropriate disposal practices.

The final capital budget contained \$15M for the Puget Sound Acquisition and Restoration Fund (see page 8).

The safe medicine return bill (SB 5234) did not pass (see page 16).

- Work with other affected jurisdictions to explore options to ensure that all customers of a municipal electric utility receive equal treatment (e.g. for rate setting, appeals process and service).

Bills that Passed in 2011 Affecting Burien

I. Finance Bills

1. 2011-13 Operating Budget (ESHB 1087)

The legislature solved a \$5.1 billion (B) shortfall as follows:

- \$4.6B in spending and compensation reductions,
- \$458M in fund transfers,
- \$57M in budget driven (anticipated new) revenue,
- \$200M in unanticipated revenues from the tax amnesty program.

Specifics are as follows:

\$4.6B in spending and compensation reductions

- \$861M by suspending I-728 class size reductions to school districts,
- \$215M by eliminating K-4 class enhancement (legislature says partially offset by maintaining funding for "high poverty" schools),
- \$535M in reductions to higher education institutions (legislature says partially offset by tuition increases),
- \$356M in reductions to state, higher education, and K-12 employees,
- \$344M by ending future automatic COLA's for PERS and TRS 1 plan members,
- \$130M reduction in the Basic Health Plan,
- \$110M by reducing hospital payments,
- \$98M by reducing Medicare personal care hours,
- \$116M by reforming the Disability Lifeline cash program to a housing and essential needs program.
- \$10M by a 3.4% reduction in state-shared liquor funds, the SST mitigation account, the municipal criminal justice account, and the city-county assistance account, to cities.

\$458M in Fund Transfers

- Transfers to the state general fund from the Education Construction Account, Liquor Revolving Account (increases markup on distilled spirits), \$50M from the Public Works Trust Fund, and other accounts including \$10M from a 3.4% reduction to distributions to local governments (see above).

\$57M in Budget Driven Revenue

- New revenue from continued collection efforts by DOR, and six new contract liquor stores.

In the operating budget, therefore, state-shared revenue reductions to cities included 3.4% to liquor profits and taxes, SST, the municipal criminal justice account, and the city-county assistance account (Burien does not receive money from the latter account).

2. Capital Budget

The 2011-13 capital budget consisted of three bills this year:

- **ESHB 1497:** contains the 2011-13 cash appropriations for projects from dedicated accounts/federal sources,
- **ESHB 2020:** is the bond authorization bill and contains all the bonded capital projects (about \$1.1B),
- **SSB 5181:** This is the negotiated debt limit reduction bill. The compromise was to reduce the debt limit statutorily, not constitutionally. The existing state constitutional debt limit is 9% of the average of the annual general state revenue collections for the previous three fiscal years; the working debt limit has been 8.75% for years. **SB 5181** reduces the working statutory debt limit to 7.75% by 2022, starting in 2016.

Listed below are some capital budget highlights of interest to Burien:

- \$495,000 is re-appropriated “to complete project design, permitting, bid plans and specifications, and preconstruction monitoring for removal or modification of the Seahurst Park North Seawall” (ESHB 2020, section 3081, Department of Fish and Wildlife).
- \$325M to the Public Works Trust Fund, fully funding the Public Works Board List.
- \$30M for grants to local governments to construct new or retrofit inadequate stormwater facilities.
- \$64M for clean-up of contaminated industrial sites statewide
- \$15M for Puget Sound Restoration and \$70M to Salmon Recovery Funding Board programs.
- \$42M for Washington Wildlife and Recreation Program(WWRP) grants,
- \$50M to the Housing Trust Fund

3. Local Government Fiscal Relief (ESHB 1478)

This was AWC’s fiscal relief bill for cities. The main elements of the bill are as follows:

- GMA and Shoreline master plan updates moved to every 8 years from every 7 years.
- NPDES (storm water) permits issued in 2007 are extended for 1 year; new permits issued July 1, 2012, effective August 1, 2013.
- Extends the date for cities to meet 100% electric or biofuel fleet requirement from 2015 to 2018.
- Extends the number of years for impact fee use from 6 to 10 years.
- Allows cities to skip reporting pavement rating criteria to TIB until the 2013-15 biennium.
- “Buildable lands” updates in King County are aligned with GMA updates, that is, one year in advance of the 8-year (vs. 5-year) GMA update.

- Extends the date for DOE adoption of reclaimed water rules from 2010 to June 30, 2013.

4. Real Estate Excise Tax Flexibility (HB 1953)

The Real Estate Excise Tax (REET) bill, **HB 1953**, was the result of a number of years' work with the real estate community to allow for greater flexibility in use of the local REET. **HB 1953** passed in 2011 after cities, counties and the Realtors agreed to the bill. The bill:

- Allows cities (and counties) to use the first and second quarter REET for operations and maintenance purposes for all eligible categories in statute; cities and counties may use the greater of \$100,000 or 35% of available funds but not to exceed \$1 million per year,
- Allows the second quarter to be used for debt services,
- Sunsets December 31, 2016.

5. Privatization of State Liquor Warehousing and Distribution Facilities (ESSB 5942)

Washington is one of eighteen (18) states in which the state has a monopoly over the distribution and sale of specified types of liquor. There was much debate in 2011 about privatizing the state's liquor distribution and sales business.

Pursuant to **ESSB 5942**, within 120 days the state must conduct a competitive process for the selection of a private sector entity to lease and modernize the state's spirits warehousing and distribution facilities. The RFP must include a requirement that the proposals demonstrate a positive financial benefit to the state and local governments.

6. King County Hotel/Motel Tax Provisions (ESSB 5834)

A hotel-motel tax is a special sales tax on lodging rentals by hotels, motels, rooming houses and similar facilities. Cities and counties are authorized to levy a basic, or state-shared hotel-motel tax of up to 2 percent (although Bellevue is only city in King County allowed to impose the state-shared 2% tax). Other hotel-motel taxes are imposed in addition to the state-shared amount and are referred to as "special hotel-motel taxes."

In King County, the 2% state-shared hotel-motel tax is used to retire the debt on the Kingdome, arts and heritage programs, and after 2015 (or earlier if the Kingdome debt is repaid), for repaying the debt on the football stadium, exhibition center, and for youth athletic facility grants to cities, counties, or nonprofit organizations if money is available.

The 2% state-shared hotel-motel tax to arts and heritage programs in King County (4Culture) is scheduled to stop at the end of 2012. Forty percent (40%) of these distributions are deposited into an endowment fund: only the earnings on the fund may be spent on current programs.

Pursuant to ESSB 5834, the 40% distribution to arts and heritage programs is no longer distributed to the fund but instead is distributed into an account dedicated to art museums, cultural museums, heritage museums, the arts, and performing arts. The fund is retired and for the first time the principal from the fund may be spent on arts, culture, and heritage museums.

At the time the bonds used to pay the repairs for the Kingdome are retired, the county hotel-motel tax will be distributed to the account dedicated to the arts, culture, and heritage programs until December 31, 2015.

Beginning January 1, 2021, at least 37.5% of the county hotel-motel tax revenues will be distributed to an arts account, 37.5% for affordable workforce housing and services for homeless youth; the remaining 25% goes to King County.

The prohibition for King County cities to impose the 2% state-shared hotel-motel tax is extended indefinitely.

7. Exempting Flood Control Districts From Certain Limits of Regular Property Tax Levies (EHB 1969 and 2ESSB 5638)

Flood control zone districts may be established in a county for the purpose of operating or maintaining flood or storm water control. A flood control zone district is an independent taxing authority and may levy up to \$0.50 per \$1,000 of assessed valuation.

The state constitution limits regular property tax levies to a maximum of 1% of the property's value (\$10 of \$1,000 assessed valuation). Voters within a taxing district may vote to tax themselves at a higher rate than 1% through an excess levy.

Within the \$10 limit (per \$1,000 AV) there is a \$5.90 limit for local levies. The limit includes the city and county as senior taxing districts and a number of "junior" taxing districts limited to \$0.50 within the \$5.90. If taxing district levies exceed the \$5.90 calculation then a junior taxing district is subject to "prorationing," meaning their levy can be reduced or eliminated.

The flood control zone district is a junior district, and in the latest tax year, the King County flood control zone district was subject to prorationing.

In EHB 1969, for the years 2012 through 2017, the King County flood control zone district may place up to 25 cents of the district's 50 cent

levy outside the \$5.90 calculation and therefore is not subject to prorationing.

2ESSB5638 contained some corrections to errors in EHB 1969.

➤ **Fiscal Bills That Did Not Pass**

A. Liquor Privatization (SB 5933)

SB 5933 is the Costco-supported bill privatizing liquor sales and distribution. The bill allowed private retailers with at least 9,000 square feet of retail space (with some exceptions) to sell liquor. Liquor profits are eliminated and "license fees" are instituted for five years: cities would receive their normal distribution until the end of the fifth year when payments would terminate.

It appears that this bill is now Initiative 1183, now gathering signatures; if successful the initiative will be on the November 2011 ballot.

II. Public Records Bills

1. Reducing Penalties for Public Records Act Violations (SHB 1899)

The Public Records Act (PRA) requires that state and local governments make all public records available for public inspection and copying unless they fall within certain statutory exemptions. A person who is denied a public record may appeal the decision to Superior Court. The court may assess a penalty of not less than \$5 and not more than \$100 for each day the person is unlawfully denied the opportunity to inspect or copy the requested record.

SHB 1899 allows the court discretion to charge no per day penalty for a violation of the Act; therefore, the new penalty range is \$0 up to

a maximum of \$100 per day.

2. Exempting Personal Information from Public Inspection And Copying (ESSB 5098).

The Public Records Act (PRA) requires that state and local governments make all public records available for public inspection and copying unless they fall within certain statutory exemptions.

Pursuant to **ESSB 5098**, personal information for a participant in a public or non-profit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care services, parks and recreation programs, youth development programs, and after-school programs, is exempt from public inspection and copying under the PRA. Personal information includes, but is not limited to, addresses, telephone numbers, personal e-mail addresses, social security numbers, emergency contacts and date of birth information. Emergency contact information may be provided to appropriate authorities and medical personnel to treat an individual during an emergency.

3. Making Requests by or on Behalf of an Inmate Under the Public Records Act Ineligible for Penalties (SSB 5025)

The Public Records Act (PRA) requires that state and local governments make all public records available for public inspection and copying unless they fall within certain statutory exemptions. A person who is denied a public record may appeal the decision to Superior Court. The court may assess a penalty of not less than \$5 and not more than \$100 for each day the person is unlawfully denied the opportunity to inspect or copy the requested record.

Pursuant to **SSB 5025**, unless the court finds an agency acted in bad faith in denying a public records request, the court may not award penalties to a person who was serving a criminal sentence in a state,

local, or privately-operated correctional facility on the date the public records request was made.

➤ **Public Records Bills That Did Not Pass**

A. Cost Recovery (HB 1300, SB 5088)

The Public Records Act (PRA) requires that state and local governments make all public records available for public inspection and copying unless they fall within certain statutory exemptions. A person making a public records request cannot be charged fees for the inspection of records or for an agency's efforts to locate records or make them available for copying. A reasonable fee may be charged by public agencies for the cost of providing copies and for the use of agency equipment for the copying of public records. Such charges may not exceed those necessary to reimburse the agency for the actual cost directly incident to copying.

Pursuant to these AWC-introduced bills (HB 1300, SB 5088), which did not pass, if a public agency expends more than five person hours in a calendar month to produce public records in response to a request, the requester may be required to pay the agency for the personnel costs incurred during that month to complete the search and copying tasks. A requestor can avoid such costs by authorizing the agency to complete the request at a rate of not more than five hours per month.

B. Requiring a Meet and Confer Procedure (HB 1299, SB 5089)

The Public Records Act (PRA) requires that state and local governments make all public records available for public inspection and copying unless they fall within certain statutory exemptions.

The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will

take to respond, or deny the request. A person who is denied a public record or who believes the agency's time estimate for production of the records is unreasonable may appeal the agency decision in Superior Court.

Pursuant to these AWC-introduced bills, prior to filing a court action alleging a PRA violation, the requestor of a public record and the agency *may* (not mandatory) meet and confer in person or by telephone in an effort to resolve the dispute.

C. Requiring Cities and other Public Agencies to Post Information on Their Web Site (SSB 5553)

This bill required the agenda of all regular meetings of the governing body of every public agency that owns and maintains a website to be posted 72 hours before a meeting. The text of any ordinance, rule, or regulation under consideration at the meeting must be included on the website at the time the agenda is posted.

The agenda of all special or emergency meetings must be posted 24 hours before a meeting.

The minutes of all regular and special meetings of the governing body of every public agency that owns or maintains a website must be posted within 15 business days after approval.

The website of a public agency must include a) a roster of the names of all members of the governing body, b) the members' positions in the agency, and c) the identification of each member's constituency.

III. Environment/Water Bills

➤ Environment/Water Bills That Did Not Pass

A. State Environmental Policy Act Modifications (HB 1952)

The State Environmental Policy Act (SEPA) applies to land use decisions by state and local governments in Washington. The “lead agency” is responsible for identifying and evaluating the potential adverse impacts of a project. If the project is “categorically exempt” from SEPA review, no environmental work is required.

Categorical exemptions are identified in the RCW and WAC (Washington Administrative Code). The Department of Ecology may adopt categorical exemptions by rule.

HB 1952 was an effort by cities and counties to lighten the burden of SEPA review by adding temporary categorical exemptions for small-scale projects such as construction of single- and multi-family residential developments, and construction of some office and school buildings and adjoining parking lots. Most exemptions applied only within the urban growth boundary. The bill passed the House but did not receive a Senate hearing.

B. Creating a Statewide Program for the Collection, Transportation, and Disposal of Unwanted Medicines (HB 1370/SB 5234)

There is no statutory method in Washington to dispose of unused or unwanted pharmaceutical waste.

These identical bills established the non-profit Medicine Return Association program for the collection, transportation, and disposal of unwanted covered drugs from residential sources. (The bill lists

“covered drugs”). All producers of covered drugs sold in the state must participate in the Association’s product stewardship program. The bills required the Association to submit a proposed product stewardship program to the State Board of Pharmacy by January 1, 2013 and begin operation of the program by January 1, 2014. The Association’s costs must be financed by producers who sell covered drugs in the state.

Neither bill passed their respective chamber. The bills were opposed by the pharmaceutical companies.

C. Clean Water Jobs Act (HB 1735/SB5604)

The federal Clean Water Act obligates states and municipalities to manage storm water runoff. These identical bills were brought forward by the environmental community to aid municipalities in managing storm water runoff.

The bills directed the state Department of Ecology (DOE) to collect a 1% fee on petroleum products (e.g. motor oil, gasoline, aviation fuel, lubricating oil) to offset the costs to local jurisdictions of managing storm water runoff. A formula was established in statute for revenue distribution, including \$75,000 to each local government subject to Phase I or II permit requirements, \$11 million to DOT, and remaining funds distributed on a competitive basis to local governments.

Neither bill passed their respective chamber.

D. Hydraulic Project Approvals (HB 2008, SB 5862)

An Hydraulic Project Approval (HPA) is required for any hydraulic project, which is a project that uses, diverts, obstructs, or changes the natural flow or bed of any salt or fresh waters of the state. HPAs are issued by the Department of Fish and Wildlife (DFW) to protect fish life. There is currently no fee for an HPA,

and DFW claims to be processing up to 4,000 applications per year.

Brought by DFW, these bills would allow DFW to charge up to \$5,000 for an HPA permit, allow DFW civil enforcement authority up to \$10,000 for an HPA violation, and extend HPA authority to projects beyond the "ordinary high water mark." There was much concern over what constituted the "ordinary high water mark" and the bill died at the end of the special session.

IV. Law/Public Safety Bills

1. Medical Marijuana (E2SSB 5073)

In 1998 Washington voters approved I-692, which permits the use of marijuana for medical purposes for qualifying patients. In order to qualify for the use of "medical marijuana" patients must have a terminal or debilitating medical condition (e.g. cancer, HIV, multiple sclerosis, intractable pain, glaucoma, Crohn's disease, hepatitis C, nausea/seizure diseases, or a disease approved by the Medical Quality Assurance Commission), and the diagnosis must have been made by a health care professional. Patients are not provided arrest protection (as marijuana is a schedule 1 drug and illegal to possess under federal law). Rather, patients are permitted to assert an affirmative defense at trial with proof of compliance with the medical marijuana law. Patients may grow medical marijuana for themselves or designate a provider and possession amounts are limited.

The use of medical marijuana is growing in Washington without much regulation, and the legislature attempted to enact legislation in 2011 to remedy this.

E2SSB 5073 was passed after months of work and largely vetoed by the Governor. The bill provided for regulation by two state agencies

and allowed “dispensaries” to operate under strict guidelines. Citing federal law and the possibility that state employees could be arrested for regulating an illegal drug (under federal law), the Governor left only the following provisions in state law:

- Collective gardens: qualifying patients and their designated providers may form collective gardens to produce cannabis for medical use. Collective gardens are limited to ten qualifying patients and a total of 45 plants and 72 ounces of useable cannabis.
- Designated providers: may only serve one patient at a time, and if no longer serving a patient, they must wait 15 days before serving another patient.
- Patient protections: qualifying patients may assert an affirmative defense if the patient possesses no more than a permissible level of cannabis and the investigating officer does not possess evidence of an illegal cannabis operation or frequent visits consistent with commercial activity.
- Limitations: health providers are not required to provide cannabis as a covered benefit.
- Local Governments: cities and counties may adopt zoning requirements, business licensing requirements, health and safety requirements, and business taxes pertaining to the production, processing, or dispensing of cannabis or cannabis producers within their jurisdictions.

Following the partial veto of 5073, a new bill, **SB 5955**, was introduced. The major elements of **SB 5955** were:

- An “opt in” system for local governments, meaning local governments could enact ordinances “not prohibiting” non-profit patient cooperatives (NPCs) within their borders,
- Collective gardens could only produce cannabis for NPC members,
- A medical cannabis registry was established at the state level,

- Local government zoning, business, and health and safety requirements and business tax authority were all identical to the enacted bill.

SB 5955 failed to pass during the special session.

2. Mandating a 12-Hour Impound Hold on Motor Vehicles Used by Persons Arrested for Driving Under the Influence (E2SSB 5000)

Under current law, there is no legal requirement for police to impound a vehicle driven by a person arrested for driving under the influence (DUI).

Pursuant to E2SSB 5000, when police arrest a person for DUI, the officer must impound the vehicle for 12 hours if the driver of the vehicle is the registered owner of the vehicle. If there are two or more registered owners or a legal owner of the vehicle, the registered owner or the legal owner may redeem the vehicle upon impound. If the driver of the vehicle is not the registered owner, the registered owner may redeem the vehicle upon impound.

3. Establishing the Intrastate Mutual Aid System (SHB 1585)
SHB 1585 establishes the Intrastate Mutual Aid system to provide mutual assistance in an emergency among political subdivisions and federally-recognized Indian tribes that choose to participate in the system. Mutual assistance may be requested by any member jurisdiction in response to an emergency or for exercises in preparation for an emergency.

Member jurisdictions of the system include counties, cities, towns, and tribal governments that have provided a written declaration of their intent to participate. A jurisdiction requesting assistance must reimburse responding jurisdictions for the true and fair value of assistance.

A responding jurisdiction providing assistance under the Intrastate Mutual Aid System is not liable for any act or omission while providing or attempting to provide assistance in good faith. Good faith does not include willful misconduct, gross negligence, or recklessness.

A separate bill, **ESHB 1406**, establishes the Intrastate Building Safety Mutual Aid System, to provide mutual assistance among member jurisdictions in case of a building safety emergency.

4. Driving While License Suspended (SSB 5195)

Driving while license suspended or revoked (DWLS 3) is a misdemeanor and is committed when a person is driving a motor vehicle when the person's license is suspended or revoked because the person has:

1. Failed to respond to a notice of traffic infraction,
2. Failed to appear at a hearing,
3. Violated a written promise to appear in court, or
4. Failed to comply with the terms of a notice of traffic infraction or citation.

There are about 100,000 DWLS 3 cases filed annually in Washington. Many cases require a public defender, causing significant cost to cities. There was an effort in 2011 to reduce the number of case filings and therefore reduce cities costs.

SSB 5195 allows persons committing a DWLS 3 to be referred directly to the prosecutor's office for a determination whether to file a case or divert the case for entry into a pre-charge diversion program.

5. Limiting Liability for Unauthorized Passengers in a Vehicle (SHB 1719)

In **SHB 1719**, the legislature overrules the Washington Supreme Court decision in *Rahman v. State*. In that case, the Court held the

state may be liable for injuries suffered by a third-party passenger in a state vehicle driven by a state employee for work purposes.

Pursuant to **SHB 1719**, state and local governments are not liable for injuries suffered by a third-party occupant of a vehicle owned, leased, or rented by the government, if at the time the injuries occurred, the third-party occupant was 1) riding in or on the vehicle with a government employee who had explicitly acknowledged in writing the government's policy on use of such vehicles, and 2) not expressly authorized by the government to be an occupant of the vehicle. Third-party occupants are people who occupy a government vehicle who are not government officers, employees, or agents.

➤ **Law/Public Safety Bills That Did Not Pass**

A. Authorizing Public Safety Authorities (HB 1230/ SB 5155)

This idea is modeled after the existing Regional Fire Protection Services Authority (RCW 52.26).

Pursuant to the bill, one or more adjacent public safety jurisdictions, or any single jurisdiction, may form a regional public safety authority (RPSA). A public safety jurisdiction is a city, port district, or tribe. A RPSA is formed once elected officials forward a plan to the participating jurisdictions' governing body which then must submit the plan and financing to the ballot for approval. If approved, all functions and duties of the participating jurisdictions' police services are transferred to the RPSA.

An RPSA would be financed by existing property taxes currently collected by the city. An RPSA could ask voters to increase taxes, or for authority to charge a "benefit assessment" to support a greater level of police service.

We'll pursue these bills during the 2011 interim.

B. Use of Traffic Safety Cameras by Cities (HB 1279)

There were a number of bills on this subject, but this bill was the last vehicle moving. Under current law, local governments are authorized to use automated traffic safety cameras subject to numerous conditions including:

- Camera use is restricted to two-arterial intersections railroad crossings, and school speed zones.

HB 1279 made a number of changes to current law, including:

- The yellow change interval must be based on the manual of uniform traffic control devices,
- Local jurisdictions must prepare an analysis of the locations where automated traffic safety cameras are proposed to be located,
- Local jurisdictions using automated traffic safety cameras must post annual reports summarizing the number of accidents at each location,
- The local jurisdiction may only issue stoplight infractions if the intersection is clearly marked, indicating the vehicle operator must come to a full stop,
- The use of automated traffic safety cameras is limited in school speed zones to the hours when adults and children are arriving at or leaving school,
- Revenue from cameras is restricted to traffic calming, traffic enforcement, and traffic and pedestrian safety programs within the jurisdiction.

Despite support from law enforcement, there was much opposition to these bills and after much work, they did not move.

C. Vehicle Prowling Penalty Enhancements (SSB 5154)

A person is guilty of vehicle prowling in the second degree if he or she enters or remains unlawfully in any other vehicle with the intent

to commit a crime therein. Vehicle prowling in the second degree is a gross misdemeanor.

SSB 5154 would have elevated vehicle prowling in the second degree to a class C felony on the third and subsequent convictions.

V. Transportation/Infrastructure Bills

1. King County Transit Funding (ESSB 5457)

Arguing that transit agencies required a short-term funding infusion to avoid major service cuts, bills were introduced to permit temporary funding for the Puget Sound transit agencies.

ESSB 5457 was finally passed that allowed King County Metro only (Community Transit was in the bill originally but eventually dropped out) to impose a "congestion reduction" charge for some vehicles of up to \$20 per year, by a 2/3's vote of the King County Council or a vote of the people. The charge remains in effect until two years after it is imposed or June 30, 2014, whichever comes first.

A plan must be in place prior to implementation of the charge and proceeds from the charge must be used in a manner consistent with recommendations of a regional transit task force, if one was completed in the past two years. After June 30, 2014, the charge can only be imposed by a vote of the people in the jurisdiction.

2. Biennial Transportation Budget (ESHB 1175)

The 2011-13 biennial transportation budget, a no new revenue budget, had the following provisions of potential interest to Burien:

- Approximately \$3.86 billion for completion of the "2003 Nickel" and "2005 Partnership" projects.

- \$11.8 million for 30 Safe Routes to School projects.
- \$9.8 million for 25 pedestrian and bicycle safety projects.
- \$40 million for 16 regional mobility projects.

The Governor and the transportation committee chairs have signaled a willingness to push for a transportation revenue bill in 2012 (new revenue); it will require a public vote.

3. Tolling State Route (SR) 520 (SSB 5700)

In the 2009 legislative session, the legislature authorized tolling on the SR 520 corridor. In January 2011, the Transportation Commission adopted a schedule of toll rates for the SR 520 corridor.

On November 2, 2010, Washington state voters approved Initiative 1053 (I-1053). I-1053 provided that a fee may only be imposed or increased in any fiscal year if approved with majority legislative approval in both chambers of the legislature. I-1053 took effect December 2, 2010. Tolls are considered fees.

In **SSB 5700**, the legislature approved the action taken by the Transportation Commission in January 2011 adopting the schedule of toll rates for the SR 520 corridor.

4. Complete Streets Program (ESHB 1071)

“Complete Streets” refers to the practice of designing and operating streets so that safe access is provided to all users, including motorists, bicyclists, pedestrians, and transit users. For city streets that are part of a state highway system, local communities have jurisdiction and responsibility of for curb maintenance and improvements while DOT is responsible for street repair.

ESHB 1071 establishes the Complete Streets Grant Program in DOT. The purpose of the program is to encourage local governments to adopt urban arterial retrofit street ordinances to provide safe access to all users including pedestrians, bicyclists, motorists, and public transportation users. The grant program was not funded by the legislature.

5. Authorizing the Use of Hearing Examiners for Street Vacation Hearings (EHB 1223)

Under current law, street vacation hearings are conducted before the legislative authority or a committee of the legislative authority.

Pursuant to **EHB 1223**, the legislative authority is authorized to appoint a hearing examiner to conduct street vacation hearings. The hearing examiner must provide a record of the proceedings and make a recommendation to the legislative authority. The final decision on the vacation remains with the legislative authority.

6. Local Infrastructure Financing

A local infrastructure financing study (**SB 5844**) was not passed but was placed in the capital budget as a proviso as follows:

“By November 1, 2011, the Public Works Board must prepare and submit to the appropriate committees of the legislature an implementation plan for creating a reformed state system for providing local infrastructure assistance. In developing the plan, the board must consult with state agencies that provide infrastructure funding and technical assistance including, but not limited to, the department of commerce, health, and ecology. The board must work in cooperation with local governments or entities that benefit from infrastructure funding and technical assistance.”

7. Tax Increment Financing and TDR (ESSB 5253)

This bill was brought by the Cascade Land Conservancy and melds a Transfer of Development Rights (TDR) program with Tax Increment Financing (TIF).

King, Pierce, and Snohomish counties are eligible for this program. By September 1, 2011, each county must report to the Puget Sound Regional Council (PSRC) the total number of transferable development rights within the county available for allocation to receiving cities. By March 1, 2012, PSRC must report to each city its share of transferred development rights. A receiving city is defined as a city with a population of 22,500 or more.

A receiving city becomes a sponsoring city by:

- Accepting a portion of the TDRs,
- Adopting a development plan for infrastructure, and
- Creating one or more local infrastructure project areas.

The development plan must, among other elements, specify the public improvements to be financed using local infrastructure project financing.

The local infrastructure project area must:

- Be contiguous tracts of land,
- Finance the public improvements with local infrastructure project financing, and
- Not contain more than 25% of the total assessed value of taxable property within the sponsoring city.

The sponsoring city must receive the increment (above the base value) of the property tax in the local infrastructure project area plus increments of other taxing districts that choose to participate

in the project. The property tax allocation terminates when the local infrastructure project financing is no longer used for costs of public improvements.

8. Underground Utilities ("Dig Law") (E2SHB 1634)

Under current law, a single statewide telephone number exists for referring excavators to the appropriate one-number locator service. A one-number locator service is a means by which a person can notify utilities of excavation and request field markings of underground facilities.

All owners of underground facilities within a one-number locator service area are required to subscribe to one-number locator service. A civil penalty of not more than \$1,000 per incident applies when the one-number locator service is not notified and damage is caused to underground facilities.

E2SHB 1634 is known as the "Underground Utility Damage Prevention Act" which takes effect January 1, 2013. Pursuant to the bill, failure of a facility operator to subscribe to a one-number locator service constitutes a willful intent to avoid compliance with the Act.

Before commencing any excavation, an excavator must mark the boundary of the excavation and provide notice of the excavation to all facility operators through a one-number locator service. The facility operator must then provide the excavator with "reasonably accurate" information locating the underground facilities. Exemptions are made for emergencies and small excavations.

Local governments will have increased expenditures through location of underground facilities and "service laterals." State OFM estimates that collectively, cities statewide will have an additional \$1M in costs annually.

Any local government that issues permits for construction or excavation within 100 feet of a right-of-way or utility easement containing a transmission pipeline must 1) notify the pipeline company of the permitted activity, or 2) require the applicant consult with the pipeline company as a condition of issuing the permit.

➤ **Transportation/Infrastructure Bills That Did Not Pass**

A. Street Maintenance Utility (HB 1929)

A previous legislature passed street utility legislation, authorizing a city to enact a street utility by ordinance for transportation purposes. In 1992, the City of Seattle enacted a street utility setting different single family and multifamily residential rates. The rates were challenged under the property tax uniformity clause of the state Constitution and in *Covell vs. City of Seattle* (1995), the state Supreme Court agreed and invalidated the tax.

Since then, cities have asked the legislature several times to enact a constitutional street maintenance utility (SMU). In **HB 1929**, cities would have been allowed to enact a *voter-approved* street utility to fund maintenance, preservation, and operation of existing streets. The bill was limited to about 10 cities, mostly in the Puget Sound region. Utility rates would apply to residents, businesses, governmental entities, and other users located in the SMU. SMU rates must be uniform for the same class of ratepayers and must be established using sound engineering principles.

The bill was opposed by many businesses and was not voted out of the House.

B. Additive Transportation Funding (ESHB 2053)

In an effort to raise some funds for transportation projects in a year when a statewide transportation revenue package was not enacted, ESHB 2053 raised \$70 million in numerous driver (e.g. driver license exam fees) and vehicle fees (e.g. certificate of ownership filing fee).

The largest distributions were to the state patrol (\$14M), DOT public transportation (\$13M), and to state ferries. The Transportation Improvement Board (TIB) would have received \$5M per year.

The bill died on the final day of the special session due to opposition to the fee increases.

C. Tax Increment Financing (SB 5705)

AWC introduced a Tax Increment Financing (TIF) bill that would have operated like a Local Improvement District (LID). The bill's major elements were the following:

- Allows creation of a special apportionment district to build infrastructure to attract private development – those who benefit from the infrastructure will finance it.
- Has no effect on the collection of state property tax dedicated for the common schools, keeps other taxing districts "whole."
- Limits creation of apportionment district areas to cities, towns, counties, and port districts within urban growth areas.
- Authorizes creation of the apportionment district after notice and public hearing;
- Limits the total collection of "special taxes" by the apportionment district in a given year to one-percent of the incremental increase in value above a set base value;

- Limits the use of “special taxes” to only paying for public improvements related to the apportionment district financed on a pay-as-you-go basis or through borrowing;
- Limits the collection of the taxes to the life of the bonds. Then the district dissolves.
- Allows for funds collected in excess of debt service to be applied to retire debt sooner.
- Subjects the bonds backed by a local government’s full faith and credit to the regular state constitutional and statutory limits on general obligation debt. Revenue bonds are permitted, subject to market limitations.
- Extends existing senior citizen and low-income deferrals and exemptions to the special taxes.

A Senate Joint Resolution (SJR 8213) was a constitutional amendment (needed to implement the bill) which would have amended the uniformity clause (Article VII, Section 2) to allow properties within the apportionment district to be taxed on the basis of their increased value. The bill was heard but did not move.

VI. Personnel/Labor Bills

1. Determining Average Salary for Pension Purposes of State and Local Government Employees (HB 2070)

HB 2070 provides that pensions for certain Washington retirement systems will include compensation foregone by an employee during the 2011-13 biennium as a result of reduced work hours, mandatory leave without pay, temporary layoffs, or reductions to pay if reduced compensation is an integral part of the employer’s expenditure reduction efforts, as certified by the employer. In addition, reductions to current pay shall not include elimination of previously agreed upon salary increases.

This legislation applies to the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF), the Public Safety Employees' Retirement System, the Public Employees Retirement System (PERS), the School Employees' Retirement System, the Washington State Patrol Retirement System, and the Teachers' Retirement System.

2. Reduced PERS Contribution Rates (SHB 2021)

SHB 2021 eliminates the automatic COLA increase for PERS 1 retirees and decreases the employer contribution rates for the PERS 1 unfunded liability from 5.25 to 3.5 percent. The fiscal note indicates \$524 million savings in 2011–2013 to the state and an additional \$389 million in savings to local governments. The table below outlines the impact on contribution rates as estimated by the State Actuary.

Impact on contribution rates (effective 7/1/11)

System/Plan	PERS	TRS	SERS	PSERS
2011 – 2012	(1.54%)	(4.21%)	(1.54%)	(1.54%)
2012 – 2013	(2.22%)	(4.55%)	(2.22%)	(2.22%)
2013 – 2015	(2.40%)	(4.80%)	(2.40%)	(2.40%)
2015 – 2025	(1.75%)	(2.75%)	(1.75%)	(1.75%)
2025 – 2026	(1.24%)	(3.47%)	(1.24%)	(1.24%)
2026 – 2027	0.32%	0.00%	0.32%	0.32%

3. Worker's Compensation

The final package was passed as EHB 2123. It includes the following:

- A voluntary structured settlement system for older injured workers (beginning at age 55 and moving to age 50 by 2016).
- A "Stay at Work" program that will provide a subsidy to state fund employers who provide light-duty options to keep injured employees on the job.
- A one-year COLA freeze on pension benefits.
- Creation of a rainy day fund.
- Study provisions in areas such as fraud prevention and occupational disease.

➤ **Labor Bills That Did Not Pass**

A. Binding Arbitration

In HB 1377 (and SB 5762) cities asked the legislature to reconsider binding arbitration rules as follows:

- a neutral arbitrator must demonstrate qualifications through membership in the National Academy of Arbitrators or similar organization, at least eight hours of training in public sector fiscal issues, and is geographically located in the northwest region of the U.S.
- an arbitration panel must consider the employer's financial ability to pay for the compensation and fringe benefit provisions of a collective bargaining agreement.
- For law enforcement officers and similar uniformed personnel, comparison of wages with like employers on the west coast of the U.S. may not be considered when an adequate number of comparable employers exist within Washington state.

Neither of these measures advanced this year.

VII. Land Use

➤ Land Use Bills That Did Not Pass

A. Impact Fee Deferral Program (EHB 1702)

Brought by the King and Snohomish county master builders, EHB 1702 would have obligated cities to provide a process so that residential impact fees would be paid at closing or the developer could apply for a deferral of payment until final inspection or upon issuance of a certificate of inspection or an equivalent certificate. At present, most development impact fees are paid at the time of permit issuance.

A new section was added late in that process that would have allowed cities to design an impact fee deferral process before the effective date of this bill in late July. Cities asked that cities with lower impact fees be exempted from the provisions of the bill.

Proponents argued that “up front” payment of impact fees was slowing the rejuvenation of the construction industry from the 2008 initiated economic downturn. The bill died late in the process.

B. Prohibiting the Use of Eminent Domain for Economic Development (ESSB 5077)

Eminent domain is the term used to describe the power of a government to take private property for public use. A condemnation is the judicial proceeding used for the exercise of eminent domain.

The U.S. Supreme Court construes “public use” under the Fifth Amendment more broadly than the Washington State Supreme Court construes the term under Article 1, section 16. As a result, Washington state and its local governments cannot acquire

property by eminent domain for some public purposes allowed in the federal Constitution. The Washington State Supreme Court has held that the proposed use for which property may be condemned must be a public use, as distinguished from a use that is merely in the public interest or that will merely benefit the public.

In the *Kelo v. City of New London* case decided by the U.S. Supreme Court in the last decade, the court let stand an eminent domain proceeding when the taken property was turned over to a private developer, hence eminent domain for economic development.

Pursuant to **ESSB 5077**, in response to the *Kelo* decision, no public entity may take property for the purpose of economic development. The bill passed the Senate but not the House; there was discussion that Washington state courts have already interpreted Article 1 section 16 of the Washington State Constitution as preventing the condemnation of private property for economic development.

C. Concerning a Municipality's Right to Condemn Real Property Due to a Threat to Public Health, Safety, or Welfare (SB 5078)

Under current law, cities may exercise eminent domain (condemn property) when they determine areas are blighted; they may hold, improve, clear or prepare blighted areas for redevelopment. The city must adopt an ordinance finding that rehabilitation or redevelopment of the area is necessary for the public health, safety, morals, or welfare of the residents of the city.

SB 5078 would have required a city exercising eminent domain in a blighted area (for community renewal) to use the property for a public purpose, including, but not limited to, streets, highways,

bridges, culverts, ditches, public squares, public markets, public parks, city and town halls, and other public buildings. The bill did not move in the special session.



Burien

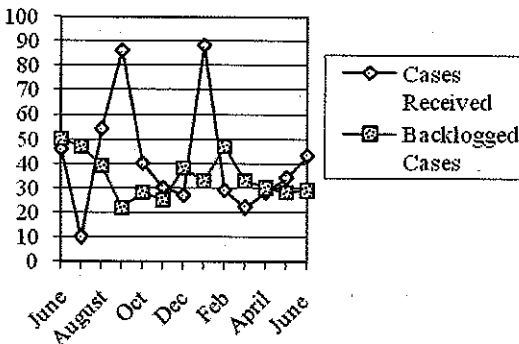
Washington, USA

CITY OF BURIEN MEMORANDUM

DATE: July 1, 2011
TO: Mike Martin, City Manager
FROM: Cynthia Schaff, Paralegal
RE: June 2011 Citizen Action Report

This report reflects the caseload for June and includes all backlog cases open as of June 30, 2011. As of that date, there were 66 open cases. 29 of the open cases are more than five weeks old and are considered backlog. There were 43 cases opened during the month of June; 12 cases initiated by staff/police, and 31 cases initiated by residents.

Citizen Action Case Status



	June	July	August	Sept	Oct	Nov	Dec	Jan '11	Feb	March	April	May	June
Cases Received	46	10	54	86	40	30	27	88	29	22	28	34	43
Backlogged Cases	50	47	39	22	28	25	38	33	47	33	30	28	29
Total Open Cases	65	50	45	68	68	51	55	74	72	47	48	50	66
% of Backlog	77%	94%	87%	32%	41%	49%	69%	45%	65%	70%	63%	56%	44%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: Scott Greenberg, Community Development Director
 Jim Bibby, Code Compliance Officer
 Henry McLauchlan, Administrative Sergeant
 Craig Knutson, City Attorney

Michael Lafreniere, Parks Director
 Jan Vogee, Building Official
 Larry Blanchard, Public Works Director





Monthly Report to the City Manager

Citizen Action Request Case Status

Report Date: 07/01/2011

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
952	City Attorney	CAR-08-0409	11/21/2008	Parking	13430 1ST AV SW Vehicles / Weythman	Site Investigation	08/24/2009	Open
445	Building	CAR-10-0132	04/12/2010	Building	10826 ROSEBERG AV S Building, Hernandez	Phone Call	11/19/2010	Open
445	Code Enforcement	CAR-10-0161	04/12/2010	Nuisance	12663 16TH AV S Nuisance-Johnson	Phone Call	03/14/2011	Open
438	Code Enforcement	CAR-10-0191	04/19/2010	Nuisance	1221 S 116TH ST Nuisance-Glen	Phone Call	05/26/2011	Open
437	Planning	CAR-10-0208	04/20/2010	Planning / Zoning	804 SW 122ND ST Zoning-Puloka	Other - See Notes	06/16/2010	Open
371	Planning	CAR-10-0318	06/25/2010	Planning / Zoning	16469 MARINE VIEW DR SW Planning-Buckley	Phone Call	06/09/2011	Open
332	Planning	CAR-10-0336	08/03/2010	Planning / Zoning	13223 OCCIDENTAL AV S Zoning-Home Occupation-Zone 2	Case Received	08/03/2010	Open
262	Code Enforcement	CAR-10-0504	10/12/2010	Nuisance	11439 ROSEBERG AV S Nuisance-Qureshi-Zone 2	Enforcement Letter 1	06/08/2011	Open
260	Planning	CAR-10-0508	10/14/2010	Planning / Zoning	12067 5TH AV S Zoning, Grading, ADU-Ennis-Zone 2	Phone Call	12/08/2010	Open
247	Planning	CAR-10-0520	10/27/2010	Illegal Dumping	1240 SW 124TH ST Illegal Dumping - Ventoza - Zone 1	Meeting	06/21/2011	Open
224	Code Enforcement	CAR-10-0572	11/19/2010	Business License	815 S 120TH ST Zoning-Tam Dinh-Zone2	Other - See Notes	03/23/2011	Open
207	Code Enforcement	CAR-10-0582	12/06/2010	Nuisance	12602 OCCIDENTAL AV S Nuisance Vehicles-Brown-Zone 2	Enforcement Letter 1	12/13/2010	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
150	Code Enforcement	CAR-11-0089	02/01/2011	Nuisance	11813 ROSEBERG AV S Nuisance Vehicles-Teem-Zone 2	Site Investigation	06/28/2011	Open
150	Code Enforcement	CAR-11-0090	02/01/2011	Nuisance	2002 S 120TH ST Nuisance Vehicles-Stockdale-Zone 2	Site Investigation	06/28/2011	Open
135	Code Enforcement	CAR-11-0117	02/16/2011	Nuisance	13115 12TH AV S Nuisance, B/L-Hernandez-Zone 2	Site Investigation	05/18/2011	Open
122	Code Enforcement	CAR-11-0118	03/01/2011	Nuisance	13211 OCCIDENTAL AV S Nuisance, vacant-Beck-Zone 2	Site Investigation	04/25/2011	Open
121	Code Enforcement	CAR-11-0123	03/02/2011	Business License	12239 3RD AV SW Business License-Dan's Marine-Zone 1	NOV/issued	05/13/2011	Open
113	Code Enforcement	CAR-11-0129	03/10/2011	Nuisance	1017 S 124TH PL Nuisance, Housing-Coulter-Zone 2	Site Investigation	06/24/2011	Open
88	Code Enforcement	CAR-11-0145	04/04/2011	Business License	1952 SW 172ND ST B/L, ROW Drain-Sutherland-Zone 1		05/06/2011	Open
81	Code Enforcement	CAR-11-0152	04/11/2011	Nuisance	1220 S 128TH ST Nuisance-Abandoned Bldg-Ros-Zone 2	Phone Call	06/01/2011	Open
80	Code Enforcement	CAR-11-0154	04/12/2011	Nuisance	11603 10TH AV S Nuisance-Tran Devel.-Zone 2	Case Received	04/13/2011	Open
59	Code Enforcement	CAR-11-0174	05/03/2011	Nuisance	12411 DES MOINES MEMORIAL DR S Nuisance, Garbage, Vehicles-Souffront-Zone 2	Case Received	05/04/2011	Open
56	Fire Department	CAR-11-0188	05/06/2011	Fire Department Issue	1224 SW 124TH ST Fire Alarm System-Tra Lee Apts-Zone 1	Enforcement Letter 1	05/11/2011	Open
51	Code Enforcement	CAR-11-0196	05/11/2011	Nuisance	144 SW 153RD ST Nuisance, Vehicle-Brothers & Sisters-Zone 1	Phone Call	06/13/2011	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
51	Code Enforcement	CAR-11-0197	05/11/2011	Sign Violation	401 SW 153RD ST Sign, B/L-Lima Lama-Zone 3	Case Received	05/11/2011	Open
45	Code Enforcement	CAR-11-0205	05/17/2011	Business License	864 SW 122ND ST Business license-Mowery-Zone 1	Case Received	05/17/2011	Open
43	Fire Department	CAR-11-0206	05/19/2011	Fire Department Issue	1223 SW 128TH ST Fire Dept.-Amber Glo-Zone 1	Case Received	05/19/2011	Open
38	Code Enforcement	CAR-11-0208	05/24/2011	Nuisance	11652 4TH AV S Nuisance-Thao-Zone 2	Phone Call	06/13/2011	Open
37	Code Enforcement	CAR-11-0209	05/25/2011	Housing Concerns	13308 14TH AV S Housing-Kintop-Zone 2	Case Received	05/25/2011	Open
23	Code Enforcement	CAR-11-0211	06/08/2011	Housing Concerns	12806 3RD AV S Housing-Nguyen-Zone 2	Phone Call	06/29/2011	Open
22	Code Enforcement	CAR-11-0213	06/09/2011	Nuisance	18460 4TH AV S Nuisance-Martinez-Zone 4	Case Received	06/09/2011	Open
21	Code Enforcement	CAR-11-0214	06/10/2011	Nuisance	Nuisance-Duong-Zone 2	Phone Call	06/17/2011	Open
18	Code Enforcement	CAR-11-0216	06/13/2011	Business License	437 S 126TH ST Business License-Samoan Church-Zone 2	Case Received	06/13/2011	Open
18	Code Enforcement	CAR-11-0217	06/13/2011	Nuisance	12623 14TH AV S Nuisance-Martinez-Zone 2	Case Received	06/13/2011	Open
18	Code Enforcement	CAR-11-0218	06/13/2011	Nuisance	12615 14TH AV S Nuisance-Haydon-Zone 2	Case Received	06/13/2011	Open
18	Code Enforcement	CAR-11-0226	06/13/2011	Business License	2004 SW 120TH ST Business License, Home Occupation-IMAR landscape-Zone 1	Case Received	06/17/2011	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
17	Code Enforcement	CAR-11-0221	06/14/2011	ROW Issue	16234 15TH AV SW ROW Alley/Business License-Hansel Const.-Zone 3	Case Received	06/15/2011	Open
17	Code Enforcement	CAR-11-0242	06/14/2011	Nuisance	16210 13TH AV SW Nuisance, ROW vehicles and debris-McKinley-Zone 3	Phone Call	06/24/2011	Open
16	Code Enforcement	CAR-11-0220	06/15/2011	Nuisance	Nuisance, Vegetation-Prasad-Zone4	Case Received	06/15/2011	Open
16	Code Enforcement	CAR-11-0222	06/15/2011	Other	14925 22ND AV SW ROW, Signage, B/L-Church-Zone 1	Case Received	06/15/2011	Open
15	Planning	CAR-11-0223	06/16/2011	Planning / Zoning	611 SW 128TH ST Home Occupation-Tenant-Zone 1	Case Received	06/16/2011	Open
15	Code Enforcement	CAR-11-0224	06/16/2011	Nuisance	918 SW 156TH ST Nuisance-Gebremariam-Zone 3	Case Received	06/16/2011	Open
14	Code Enforcement	CAR-11-0225	06/17/2011	Nuisance	603 SW 116TH ST Nuisance, Trash-Lee-Zone 1	Case Received	06/17/2011	Open
11	Code Enforcement	CAR-11-0229	06/20/2011	Nuisance	12847 3RD AV S Nuisance-Tran-Zone 2	Case Received	06/20/2011	Open
11	Code Enforcement	CAR-11-0230	06/20/2011	Nuisance	137 SW 160TH ST Nuisance-King Buffet-Zone 3	Case Received	06/20/2011	Open
11	Planning	CAR-11-0231	06/20/2011	Planning / Zoning	812 S 132ND ST Multiple, fence, vehicle, deck rail, HW tank-Singh-Zone2	Case Received	06/21/2011	Open
10	Planning	CAR-11-0232	06/21/2011	Planning / Zoning	13215 2ND AV S Home Occupation-Kozodoy-Zone 2	Case Received	06/21/2011	Open
9	Fire Department	CAR-11-0233	06/22/2011	Fire Department Issue	Fire Alarm System-HiPointer Condos-Zone 4	Case Received	06/22/2011	Open
9	Fire Department							

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-11-0234	06/22/2011	Fire Department Issue	Fire Alarm System-Evergreen Place Apts-Zone 4	Case Received	06/22/2011	Open
9		CAR-11-0235	06/22/2011		Fire Alarm System-Ambaum Square HOA-Zone 4	Case Received	06/22/2011	Open
9		CAR-11-0236	06/22/2011		15830 1ST AV S Fire-Verizon Wireless-Zone 4	Case Received	06/22/2011	Open
8	Planning	CAR-11-0243	06/23/2011	Planning / Zoning	11824 12TH AV S Planning/Zoning Ravine-Hallin-Zone 2	Case Received	06/23/2011	Open
7	Code Enforcement	CAR-11-0240	06/24/2011	Nuisance	13642 OCCIDENTAL AV S Nuisance, Vehicles, Grabage, Dog Licenses (3), House numbers-Beaumont-Zone 2	Case Received	06/25/2011	Open
6	Code Enforcement	CAR-11-0239	06/25/2011	Nuisance	856 SW 122ND ST Nuisance, Vegetation-Wilcox-Zone 1	Case Received	06/25/2011	Open
5	Code Enforcement	CAR-11-0244	06/26/2011	Housing Concerns	14026 8TH AV S Housing-Patton-Zone 4	Case Received	06/26/2011	Open
4	Code Enforcement	CAR-11-0246	06/27/2011	Animals	122 SW 122ND ST Animals-Points-Zone 1	Case Received	06/29/2011	Open
4	Code Enforcement	CAR-11-0248	06/27/2011	Animals	1055 S 112TH ST Animals-Thao-Zone 2	Case Received	06/29/2011	Open
4	Planning	CAR-11-0249	06/27/2011	Planning / Zoning	2728 S 125TH PL Home Occupation-Endeshaw-Zone 2	Case Received	06/29/2011	Open
4	Code Enforcement	CAR-11-0251	06/27/2011	Nuisance	13227 2ND AV S Nuisance, Vegetation-Anderson-Zone 2	Case Received	06/29/2011	Open
3	Building	CAR-11-0245	06/28/2011	Building	16433 12TH AV SW Building Permits-Ard-Zone 3	Case Received	06/28/2011	Open
3	Code Enforcement	CAR-11-0247	06/28/2011	Animals	110 SW 122ND ST Animals-Herr-Zone 1	Case Received	06/29/2011	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
2	Planning	CAR-11-0250	06/29/2011	Planning / Zoning	12816 12TH AV S ADU-Dore-Zone 2	Case Received	06/29/2011	Open
1	Code Enforcement	CAR-11-0252	06/30/2011	ROW Issue	15402 22ND AV SW City Sign Issue-Floether-Zone 3	Case Received	06/30/2011	Open
1	Code Enforcement	CAR-11-0253	06/30/2011	Animals	3106 SW 169TH ST Animal, Horse-Callahan-Zone 3	Case Received	06/30/2011	Open
1	Planning	CAR-11-0254	06/30/2011	Planning / Zoning	12666 SHOREWOOD DR SW Planning/Zoning-Mueller-Zone 1	Case Received	06/30/2011	Open

CITY OF BURIEN, WASHINGTON
Parks and Recreation Advisory Board
May 11, 2011

BOARD MEMBERS PRESENT:

Annie Morton Cynthia Raufmann-Trewartha Sheryl Knowles
Hiede Holmes Chris Ndifon Jean Spohn

BOARD MEMBERS ABSENT:

Ed Dacy

STAFF PRESENT:

Steve Roemer, Parks Development and Operations Manager

GUESTS PRESENT: None

Sheryl Knowles, Board Chair, called the meeting to order at 7:01 PM.

CITIZEN COMMENT: None

ADDITIONS TO AGENDA: The agenda was approved 6/0/0

MINUTES FROM PRIOR MEETING: The minutes from the April meeting were approved as corrected noting that Vice-Chair Ed Dacy served as Board Chair - 6/0/0.

AGENDA AND ACTION ITEMS:

Update on the Parks, Recreation and Open Space Plan

Steve reviewed the timeline and activities for updating the PROS plan. This process is repeated every six years to assure that input from residents and customers is gathered. He reported that Beckwith Consulting Group will lead this effort. The PROS plan must support the Burien comprehensive plan and will also help drive the capital improvement program. Steve is doing a very thorough inventory, including turf acreage, trails and buildings. Public Works has been helping with GIS as well as volunteers. Steve has scheduled Park Board meetings focused on this process to be July 13, Sept. 14 and Nov. 9. Steve is looking for more input from the Burien Hispanic community as well as youth. Annie suggested gathering input via surveys at parent-teacher meetings, church groups, high schools, and popular restaurants like LaCosta

Discussion of 2010 Parks Board Annual Report

We agreed to include the following highlights in the report:

- Move to new Community Center at repurposed library. The building has become a gathering spot for community and is much more popular

with the youth.

- Creation of the first Burien Community Garden with 28 happy gardeners.
- Renovations to 6 parks in North Burien. The parks staff and contractors replaced all park signs, repaved the dilapidated asphalt trails, and replaced tables, park benches and garbage cans with new durable and attractive products.
- Walking Path Reconstruction at Lake Burien Elementary Park
- Mathison Park opened for business with play area, interpretive signage and two trails.
- Several community cleanups around Arbor Lake Park
- Planning for New Play Toy at Puget Sound Park
- Development of plan for Seahurst Park Seawall removal and shoreline restoration with Army Corps of Engineers
- Community work parties at Seahurst Park, Eagle Landing, Shorewood and Salmon Creek Ravine to remove invasive plants, restore with native plants and improve trails.
- Water feature at Town Square became operational.

Update on Park Capital and Operations

Seahurst Park is still in a holding pattern regarding funding available to the Army Corps of Engineers. The Project Partnership Agreement is in final stages of approval and final design should begin shortly. Staff have a concern over expiration of state and regional grants. The Estuary Salmon Restoration Program grant is most vulnerable as he needs to spend over \$400,000 by the end of June for planning, unless a budget extension is approved by the State Legislature. His capital budget is very limited and is only funded for Seahurst Park, Puget Sound Park (to replace playground equipment) and the PROS plan. He is applying for a KC Youth Sports and Facilities Grant for playfield improvements at Moshier, and also for a CDBG for a roof replacement at the Community Center.

FOR THE GOOD OF THE ORDER

- Seahurst Park has been nominated to be a bird watching site listed in a new Audubon birding field guide.
- Jean urged park board members to fill out the Vision for Burien survey
- Public Works is doing a Transportation Plan and is looking for Steering committee members. This will be on same timeline as the PROS plan.

FUTURE AGENDA ITEMS AND/OR QUESTIONS

- Community Garden topics, as necessary.
- Parks Capital projects and operations updates
- Informal recreation opportunities in parks. -
- Potential for future dog park or off-leash areas.
- Discussion of Seahurst Rules and Regulations
- Discussion of park hours of operation
- PROS Plan
- Health and Wellness Programming
- Next location for a B-Patch
- Tobacco Use in Parks

The next meeting is June 8, 2011.

Meeting adjourned at 8:20pm

Submitted by Jean Spohn, Secretary



NOTICE TO CONTRACTORS

CITY OF BURIEN

1st Avenue South Improvement Project – Phase II

SW 146th Street to SW 140th Street

NOTICE IS HEREBY GIVEN that sealed bids will be received by the City of Burien, Office of the City Clerk, Burien City Hall, 400 SW 152nd Street, Suite 300, Burien, Washington 98166, until the hour of 2:00 p.m. on Thursday, July 28, 2011. Bids received later than said time and date shall not be considered. Bids will be opened and publicly read immediately thereafter of that same day for:

CITY OF BURIEN

1ST AVENUE SOUTH IMPROVEMENT PROJECT – PHASE II

(SW 146TH STREET TO SW 140TH STREET)

The Work to be performed shall be completed within 260 working days from the Notice to Proceed. The project provides for the improvement of 1st Avenue South from SW 146th Street to SW 140th Street in the City of Burien, Washington, by construction of street improvements, drainage improvements, irrigation and landscaping, illumination, traffic signal systems, undergrounding of overhead utilities, and other Work, all in accordance with the prepared project Plans, Special Provisions, the 2008 City of Burien Road Design and Construction Standards, and the APWAWSDOT Standard Plans and Standard Specifications for Road, Bridge, and Municipal Construction. The Engineer's estimated cost range is \$7,300,000 to \$8,900,000.

Each bid shall be in accordance with the Bid Documents. Bid Documents are available for viewing free-of-charge online through Builders Exchange of Washington, Inc. at www.bxwa.com starting July 7th, 2011. Click on: "Posted Projects"; "Public Works"; "City of Burien" and "Projects Bidding." Bidders are encouraged to "Register as a Bidder" in order to receive automatic e-mail notification of addenda and to be placed on the "Bidders List". All bid proposals shall be submitted on the Proposal form(s) contained in the separately bound Bid Proposal Packet. Copies of the Bid Proposal Packet can be picked up, and the Bid Documents are on file for public inspections, at the City of Burien, Office of the City Clerk, Burien City Hall, 400 SW 152nd Street, Suite 300, Burien, Washington 98166. Copies of said packet can also be requested via overnight mail through Brian Victor, P.E. who can be reached at 206-248-5533, or via e-mail at brianv@burienwa.gov. If copies are requested via overnight mail, the Bidder will be required to provide \$25 in a form payable to the City of Burien to cover the cost of shipping and handling.

Prospective Bidders desiring an explanation or interpretation of the Bid Documents are directed to Section 1-02.4(1) of the 2010 Washington State Department of Transportation (WSDOT) Standard Specifications (English Edition). All inquiries must be submitted in writing and received by the City in care of Brian Victor, P.E. a minimum of five business days prior to the bid opening date at the City of Burien, Attention: Brian Victor, P.E., Burien City Hall, 400 SW 152nd Street, Suite 300, Burien, Washington 98166. Inquiries may also be faxed to the attention of Brian Victor, P.E. at (206) 248-5533. The inquiring firm's contact person and return address or fax number must be clearly identifiable on the fax submittal to allow for written response by the City. Oral questions will not be considered during the bidding period.

All bid proposals shall be accompanied by a bid proposal deposit in the form of a cashier's check or surety bond made payable to the City of Burien in an amount not less than five percent

(5%) of the amount of such base bid proposal. Bid bonds shall be in a form satisfactory to the City Attorney. Should the successful Bidder fail to enter into the Contract and furnish a satisfactory performance bond within 10 calendar days of notification of Contract award, the bid proposal deposit shall be forfeited to the City of Burien. When the Contract is awarded and executed, the bid proposal deposits will be returned to the Bidders.

Said Project is funded through collaboration with the Puget Sound Regional Council Surface Transportation Program, State of Washington Transportation Improvement Board, Seattle City Light, and Local Agency Transportation Improvement Program. Requirements stipulated for Federal, state, and other governmental funding have been incorporated into the Bid Documents and require full compliance by the selected Contractor and its respective subcontractors. This project will have Apprenticeship, Training and Disadvantaged Business Enterprise (DBE) requirements.

The City of Burien, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252,42 U.S.C. 2000d to 2000-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all Bidders that it will affirmatively ensure that in any Contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

The City reserves the right to reject any and all bids, to determine minor irregularities or informalities, and to waive any minor irregularities or informalities. No Bidder may withdraw its bid after the hour set for the opening of bids. The City further reserves the right to consider all relevant information submitted and/or received in determining the lowest responsible bid, including but not limited to, the dollar amount of the bid and the total costs to the City (direct or indirect), the accessibility and availability of the Bidder, prior Work by the Bidder on comparable projects, ability to maintain vehicular and pedestrian traffic through construction zones, references from other public or private agencies involving comparable projects, and, any other factors that have a reasonable bearing on the City's determination of the lowest responsible bid.

No Bidder may withdraw its bid within 45 days after the actual opening thereof.

This contract will be subject to Equal Employment Opportunity requirements.

CITY OF BURIEN

Monica Lusk
City Clerk

Published in *The Seattle Daily Journal of Commerce*, July 7, 2011, & July 12, 2011
Published in *The Seattle Times*, July 7, 2011, & July 12, 2011



Notice of Application

City of Burien 400 SW 152nd Street (Suite 300)

Burien, Washington 98166

Date July 7, 2011

Applicant City of Burien Public Works, Ramesh Davad P.E.

Proposal SEPA Environmental Review for SW 132nd Street sidewalk / street and stormwater system improvements and SW 130th Street and 8th Avenue SW stormwater improvements.

File No. PLA 11-1003

Location File is available for viewing at Burien City Hall during regular business hours.

SW 132nd Street from Ambaum Boulevard SW to 6th Avenue SW, 8th Avenue SW from SW 132nd Street to SW 130th Street and SW 130th Street from 8th Avenue SW to 6th Place SW.

Tax Parcel No. N/A (Within Public Right-of-Way)

Current Zoning RM – Residential Multi-family along Ambaum Boulevard SW, otherwise RS – Single-family

Application Submitted/Complete Submitted: June 16, 2011
Complete: June 30, 2011

Other Permits Needed Right-of-Way Construction Permits

Existing Environmental Info. SEPA Environmental Checklist, dated June 16, 2011, Environmental Review Record and Statutory Checklist by Community Services Division of King County Department of Community and Human Services; Archaeological Assessment by Washington State Department of Archaeology and Historic Preservation; Stormwater Analysis by Gray & Osborne, Inc; Geotechnical Report by PanGEO, Inc.

Environmental Review For this proposal, the City of Burien is using the "Optional Determination of Non- Significance (DNS) process" under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.

Review Process and Public Comment The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received by 5:00 p.m. on July 27, 2011.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information) Art Pederson
Department of Community Development
City of Burien
400 SW 152nd Street (Suite 300)
Burien, WA 98166
(206) 436-5576 or artp@burienwa.gov.

Published in the Seattle Times Date of Notice: July 7, 2011

- cc: Burien City Council
- Burien Staff
- Discover Burien
- Highline Times
- King County/Burien Public Library
- Seahurst Post Office
- Web site: www.burienwa.gov
- B-Town Blog
- White Center Now

