



LAKEWOOD CITY COUNCIL STUDY SESSION AGENDA

Monday, January 27, 2020
Following City Council Special Meeting
City of Lakewood
City Council Chambers
6000 Main Street SW
Lakewood, WA 98499

Page No.

CALL TO ORDER

ITEMS FOR DISCUSSION:

- (2) 1. Lakewood Multicultural Coalition Update.
- (8) 2. Build Your Better Here Campaign Update. – (Memorandum)
- (19) 3. Review of 5-Year (2020-2024) Consolidated Plan and Annual Action Plan.
– (Memorandum)

ITEMS TENTATIVELY SCHEDULED FOR THE FEBRUARY 3, 2020 REGULAR CITY COUNCIL MEETING:

- 1. Joint Meeting with Clover Park School District Board.

REPORTS BY THE CITY MANAGER

- (41) Review of Pierce Transit's Destination 2040 comment letter.
- (44) Review of Puget Sound Clean Air Agency's proposed clean fuel standard comment letter, #2.

Review of agenda for joint meeting with Clover Park School District Board.

CITY COUNCIL COMMENTS

ADJOURNMENT

The Council Chambers is accessible to persons with disabilities. Equipment is available for the hearing impaired. Persons requesting special accommodations or language interpreters should contact the City Clerk, 253-983-7705, as soon as possible in advance of the Council meeting so that an attempt to provide the special accommodations can be made.

**2019 CONTRACT FOR SERVICES
BETWEEN THE CITY OF LAKEWOOD AND
LAKEWOOD MULTICULTURAL COALITION**

THIS AGREEMENT is entered into this 26th day of June, 2019, by and between the City of Lakewood, Washington, a code city duly organized and existing pursuant to laws of the State of Washington, hereinafter referred to as the "City" and Lakewood Multicultural Coalition, hereinafter referred to as the "Agency."

WHEREAS, the City has determined the need to have certain services performed for its citizens; and,

WHEREAS, the City desires to have the Agency perform such services pursuant to certain terms and conditions, now, therefore,

IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties hereto agree as follows:

1. Scope of Services to be Performed by Agency. The Agency shall perform those services described on "Exhibit A," attached hereto and incorporated herein by this reference. In performing such services, the Agency shall at all times comply with all Federal, State, and local statutes, ordinances and rules applicable to the performance of such services and the handling of any funds used in connection therewith. The Agency shall request, in writing, prior approval from the City whenever the Agency desires to amend the scope of services.

2. Compensation and Methods of Payment. The City shall reimburse the Agency or utilize City purchasing procedures for services rendered as set forth on "Exhibit A," Budget attached hereto and incorporated herein by this reference. Compensation shall be paid by the City following receipt of a properly completed Invoice and Reimbursement Request. The Agency may submit requests to the City for payment on an annual or quarterly basis.

4. Agency Budget. The Agency shall apply the funds received under this Agreement with the maximum limits set forth in this Contract solely to the services specified in Paragraph 1, above, and according to the approved budget of the Agency. Prior approval from the City is required whenever the Agency desires to amend its budget by transferring funds among the budget categories.

5. Duration of Contract. This Contract shall be in full force and effect for a period commencing on the 1st day of January, 2019 and ending on the 31st day of December, 2019, unless sooner terminated under the provisions hereinafter specified.

6. Independent Contractor. The Agency and City agree that the Agency is an independent contractor with respect to the services provided pursuant to this Contract. Nothing in this Contract shall be considered to create the relationship of employer and employee between the parties hereto. Neither the Agency nor any employee of the Agency shall be entitled to any benefits accorded City employees by virtue of the services provided under this Contract. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security payments or contributing to the State Industrial Insurance Program, or otherwise assuming the duties of an employer with respect to the Agency, or any other employee of the Agency.

7. Indemnification and Defense. The Agency shall defend and indemnify, and hold harmless the City, its agents and employees, from and against any and all liability arising from injury or death to persons or omissions of the Agency, its agents, servants, officers or employees, irrespective of whether in connection with such act or omission it is alleged or claimed that an act of the City, or its agents or employees caused or contributed thereto. In the event that the City shall elect to defend itself against any claim or suit arising from such injury, death or damage, the Agency shall, in addition to indemnifying and holding the City harmless from any liability, indemnify the City for any and all expense incurred by the City in defending such claim or suit, including attorney's fees.

8. Record Keeping and Reporting.

A. The Agency shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed in the performance of this Contract and other such records as may be deemed necessary to the City to ensure proper accounting for all funds contributed by the City for the performance of this Contract and compliance with this Contract. The Agency shall notify the City within ten (10) days of any significant change in program personnel.

B. The Agency shall maintain these records for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the office of the archivist in accordance with Chapter 40.14 RCW and by the City.

C. The Agency shall provide an annual report to the City containing actual outcomes, indicators and an evaluation of the program. **Report is due by the 15th day of December, 2019.**

D. The Agency, at the request of the City, shall make public presentations regarding the program funded by the City. Such presentation shall be prepared in advance and approved by the City.

E. The City of Lakewood places a high priority on collaboration. As such, the Agency shall provide representation at the monthly Lakewood Community Collaboration Meeting.

10. Audits and Inspections. The records and documents with respect to all matters covered by this Contract shall be subject at all times to inspection, review or audit during the performance of this Contract. The City shall have the right to an annual audit of the Agency's financial statements and condition. In addition, the Agency is subject to an annual site monitor of the systems supporting contracted services and eligible activities. The City shall have the right to an annual inspection of the Agency's data systems for tracking outcome achievement. Areas of default noted during the annual inspection may demand additional site monitoring(s).

11. Termination. The City of Lakewood may suspend or terminate this Agreement in whole or in part for convenience, upon 15 days written notice to the Agency. If the Agency's insurance coverage is canceled for any reason, the City shall have the right to terminate this Contract immediately. If for any reason an agency does not comply with all aspects of this contract, including mandatory reports, such non-compliance may jeopardize the agency's ability to receive future funding.

Further: This Contract may be terminated upon evidence of the following conditions:

1. Agency is no longer operating: The Contract shall be terminated within 10 days of notification that the Agency is no longer operating and performing the duties identified in "Exhibit A," Scope of Services.

2. Change in Scope of Services: Should the Agency no longer provide services identified in "Exhibit A" Scope of Work, the contract may be terminated for non-performance.

3. Misuse of Public Funds: The Agency cannot produce accurate accounts and records of funds used in the performance of this Contract

12. Discrimination Prohibited. The Agency shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Agency to be provided under this Contract on the basis of race, color, religion, creed, sex, age, national origin, marital status or presence of any sensory, mental or physical handicap.

13. Assignment and Subcontract. The Agency shall not assign or subcontract any portion of the services contemplated by this Contract without the written consent of the City.

14. Entire Agreement. This Contract contains the entire agreement between the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the Contract. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Contract.

15. Notices. Notices required by terms of this Contract shall be sent to the other party at the following addresses, unless otherwise requested, in writing, by one of the parties hereto:

TO THE CITY
City of Lakewood
6000 Main St SW
Lakewood, Washington 98499
Attention: Mary Dodsworth

TO THE AGENCY:
Mary Moss, President
Lakewood Multicultural Coalition
6000 Main Street SW
Lakewood, WA 98499

16. Applicable Law, Venue, Attorney's Fees. This Contract shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Contract, the parties specifically understand and agree that venue shall be properly laid in Pierce County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

17. E-verify. The contractor and any subcontractors shall comply with E-Verify as set forth in Lakewood Municipal Code Chapter 1.42. The Contractor shall enroll in, participate in and document use of E-Verify as a condition of the award of this Contract. The Contractor shall continue participation in E-Verify throughout the course of the Contractor's contractual relationship with the City. If the Contractor uses or employs any subcontractor in the performance of work under this Contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Contractor. The Contractor shall show proof of compliance with

this section, and/or proof of subcontractor compliance with this section, within three (3) working days of the date of the City's request for such proof.

IN WITNESS WHEREOF THE PARTIES HERETO EXECUTED THIS CONTRACT AS OF THE DATE AND YEAR FIRST ABOVE WRITTEN.

City of Lakewood

John J. Caulfield 6/20/19
John J. Caulfield date
City Manager

Lakewood Multicultural Coalition

Mary Moss
Mary Moss, President date

Attest:

Briana Schumacher 6/20/19
Briana Schumacher date
City Clerk

Approved as to Form:

Heidi Ann Wachter 5/31/19
Heidi Ann Wachter date
City Attorney

Exhibit A

Lakewood Multicultural Coalition award: \$2,000

Scope of Work

Description of Services

Lakewood Multicultural Coalition will support two community engagement events:

1. Support a booth at SummerFEST (July 13, 2019) which will focus on diversity and identity. The LMCC hopes to engage with approximately 500 individuals (teens and adults).
2. Host a community forum in November, 2019 for youth. This will be a learning session for the community to interact with police officers and personnel. The LMCC anticipates 50 participants.

Budget: \$2,000 for event registration, professional services, marketing and event supplies.

CITY OF LAKEWOOD

AFFIDAVIT OF COMPLIANCE WITH LAKEWOOD MUNICIPAL CODE 1.42
"E-VERIFY"

As the person duly authorized to enter into such commitment for

Lakewood Multi Cultural Coalition
(Instructor, Company or Organization Name)

I hereby certify that the Company or Organization named herein will

(check one box below)

- ☐ Be in compliance with all of the requirements of City of Lakewood Municipal Code Chapter 1.42 for the duration of the contract entered into between the City of Lakewood and the Company or Organization.

OR

- ☒ Hire no employees for the term of the contract between the City and the Instructor, Company or Organization.

Mary Nass
NAME


President
TITLE

5-29-19
DATE



TO: Mayor and City Council

FROM: Brynn Grimley, Communications Manager
Becky Newton, Economic Development Manager

THROUGH: John J. Caulfield, City Manager 

DATE: January 27, 2020

SUBJECT: Build Your Better Here promotional video review and update

The city of Lakewood embarked on an imaging campaign in 2018, partnering with Hemisphere Design & Marketing to develop a strategic image and messaging campaign to promote the many benefits of living and working in Lakewood.

A series of one-on-one phone interviews and four, in-person focus group meetings were conducted in 2018 to gather information. The focus groups included city staff, first responders, and representatives from Joint Base Lewis-McChord, education (k-12 and higher) and Lakewood's business community.

Armed with analysis from stakeholder feedback, a value proposition was crafted, brand personas created and ultimately a tagline and anthem. The City Council approved moving forward with the "Build Your Better Here" campaign in May 2019.

Hemisphere's team has worked closely with the city's Communications and Economic Development departments to create print and digital components, including 30 second videos focused on economic development and real estate already in use on social media. Other components in play include print advertising and Facebook ads that link to a Build Your Better Here website, which allows for tracking of campaign advertising reach.

In 2020 the city will roll out a more robust social media component, including release of a 90 second promotional video. We look forward to sharing this video at the study session for City Council review.

Attachment: PowerPoint

Lakewood Imaging Campaign Update

Presentation to Lakewood City Council

January 27, 2020



Lakewood: Build Your Better Here

Imaging campaign:

- Goal: Create a cohesive and compelling campaign to overcome erroneous perceptions of Lakewood that delivers measurable results.
- Target audiences: Starters, Builders, Long-termers, Warriors.

Strategy

Reaching out to the business community is not only the first step for building marketing momentum and changing hearts and minds in Lakewood. It's also the marketing goal with the clearest Return on investment (ROI).

- We track clicks, visits, and other indicators of interest in business development in Lakewood to understand how well the message is penetrating the market.

Short-term action plan:

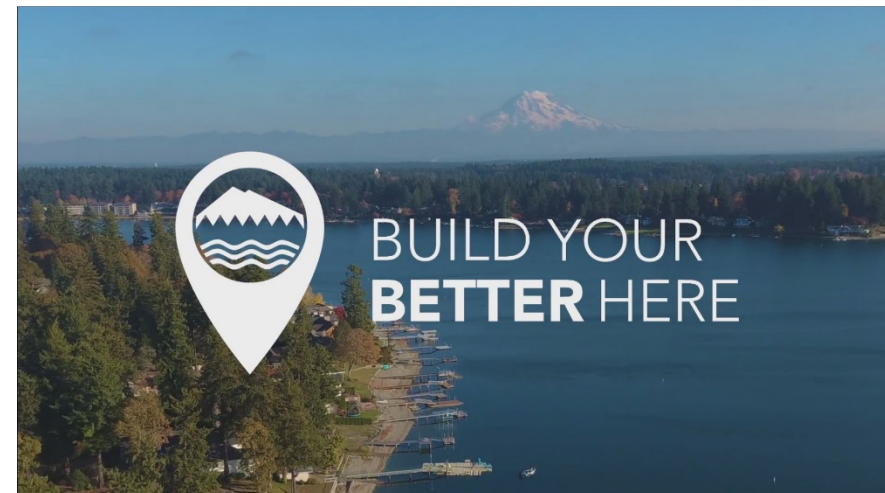
- Introduce brand message (2019-2020)
- Convert Long-termers to brand ambassadors (2020)
- Help Starters learn about Lakewood housing (2020)
- Increase outreach to Builders about opportunities (2020)

Promoting Lakewood

30 second promotional videos



90 second promotional video



Digital Marketing

A successful digital campaign involves a coordinated strategy, compelling creative, and the right tools to track success. Ads are created and managed directly on Lakewood's social media and other digital networks.

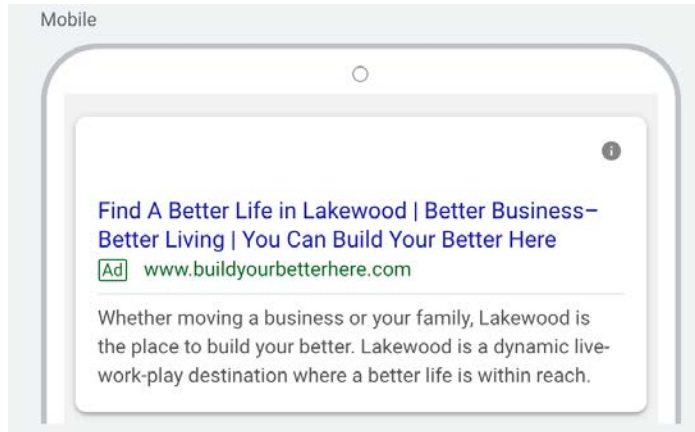
Digital ads

- Facebook ads: Target builders/real estate developers, manufacturing
- LinkedIn sponsored content: Target builders/real estate developers
- Google ads: Target warriors planning a move
- YouTube ads: Target multiple audiences

Landing pages

- Landing pages allow you to get clean data, produce more conversions, and understand which marketing efforts are working. Use them when you want capture leads and track performance past the initial click.
- LinkedIn users directed to a unique business development landing page.
- Print ads include BuildYourBetterHere.com.

Campaign Elements



Current

Videos: Facebook and LinkedIn

Google text: Promote buying homes in Lakewood to starters and warriors

Print:

- Joint Base Lewis-McChord magazine
- Western Real Estate Business magazine
- Business Xchange Journal

Upcoming

710 ESPN Radio

Build Your Better Here 30 second radio spot will air 45 times on 710 ESPN between Feb. 10-29 during the hours of 6 a.m. and 7 p.m. Monday-Friday. It will also stream 45 times as an audio commercial and the campaign will have two “homepage takeovers” on 710Sports.com for the full day.

Campaign Elements

Landing Pages

Dedicated landing pages track campaign success



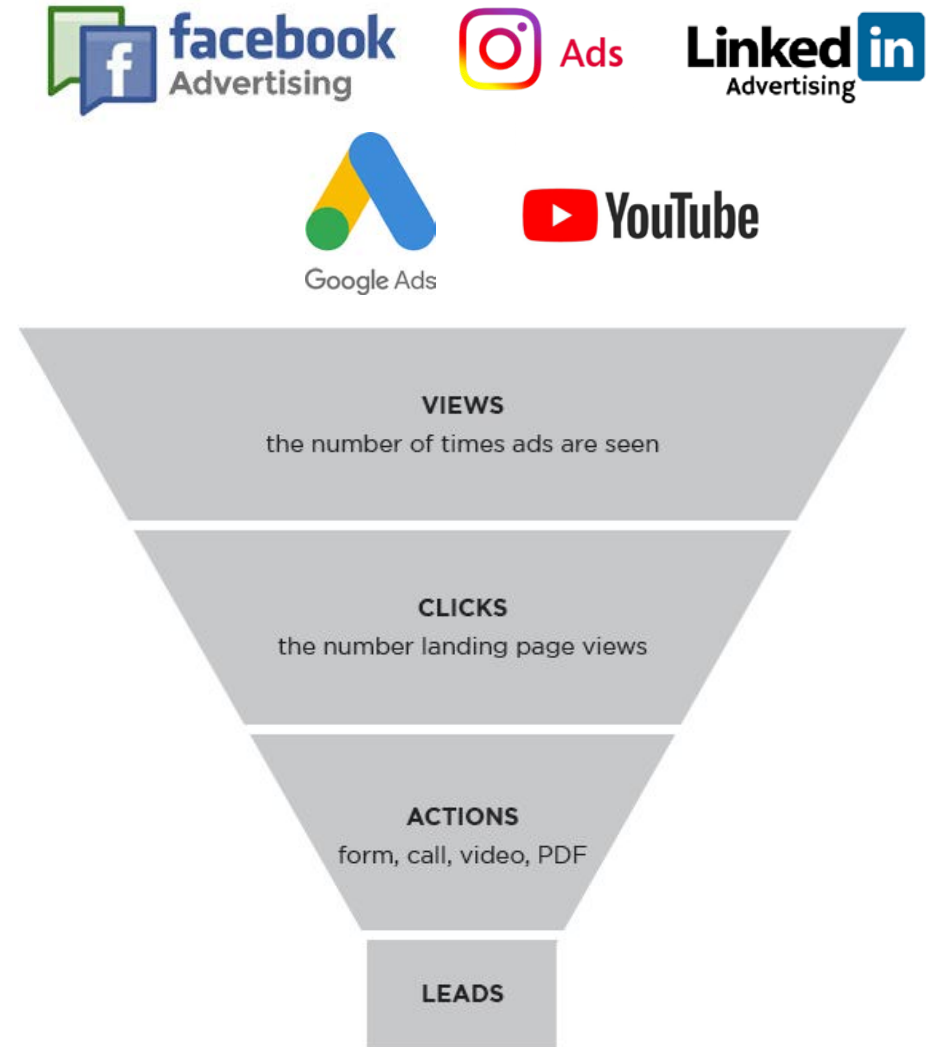
LAKEWOOD · WA

Whether you want to build your business or build your family, Lakewood, WA is the Puget Sound's next dynamic live-work-play destination with opportunities for you.

Metrics

With an imaging campaign, much of what we're trying to do is change public sentiment and raise awareness. A positive image and greater visibility can directly translate into economic growth, but it's hard to measure. We can, however, track many other success indicators, including:

- Contact form inquiries
- Email list growth of interested business decision makers
- Number of user-generated social media posts
- Likes, comments, engagement
- New followers
- Video watches
- Clicks to website



Channels + Measurement

Ad performance December 2019

Total people reached: 214,579

Total clicks BuildYourBetterHere.com: 2,821



Facebook

Impressions: 105,140

Clicks: 2,066

Landing page views: 964

LinkedIn

Impressions: 23,220

Clicks: 139

Video views: 9,036

Google Ads

Impressions: 86,219

Clicks: 616

Conversions: 6

Next Steps

Social media roll out

Each month will feature a new topic centered around the Build Your Better Here campaign key objectives.

A glimpse at what's ahead:


- February: Kick off the social media campaign with the 90 second video
- March: Focus on manufacturing with a new manufacturing video
- April: International District and food with a key influencer
- May: Real Estate focus on affordable “fixers” and Lakefront “finishes” with video
- June: Focus on teachers/CPSD and thanking them for their influence/inspiration





TO: Mayor and City Council

FROM: David Bugher, Assistant City Manager for Development Services

THROUGH: John J. Caulfield, City Manager 

DATE: January 27, 2020

SUBJECT: 2020-2024 Consolidated Plan; 2020 Action Plan

ATTACHMENT: Statutes codifying “2060” and “2163” Fund
Authorization; Human Services Funding Allocations 2009-2020

BACKGROUND: The City has will soon embark on the preparation of the Tacoma-Lakewood Consortium 2020-2024 Consolidated Plan (ConPlan) and the 2020 Annual Action Plan. These documents are complex and not well understood. Both the 2020-2024 ConPlan and the 2020 Annual Action Plan are on tight schedules for review and approval: a March 16 study session, April 20 public hearing, and action on May 4. It is important to note that Lakewood’s timeline mirrors the City of Tacoma’s timeline for review and approval. After Tacoma’s approval, the documents are immediately forwarded to US Department of Housing and Urban Development (HUD), Seattle Office.

Goals of this briefing:

- Review the processes behind the 2020-2024 ConPlan and 2020 Action Plan.
- Introduce the consultant preparing the ConPlan and Action Plan.
- Briefly review the 2015-2019 ConPlan & Lakewood 2019 Action Plan.
- Discuss with the City Council options/alternatives in shifting policy from the previous strategies/objectives.
 - How do other cities spend their CDBG/HOME funds?
 - Integrating the 2019 community services assessment, which has yet to be published, into the ConPlan process.
- Before initiating the public participation component, hear directly from City Council members about their specific issues and/or concerns.

DISCUSSION:

What is a Consolidated Plan? What is an Annual Action Plan?

The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the federal CPD formula block grant programs. Of these, Lakewood accesses

the Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, and the Emergency Solutions Grants (ESG) Program.

A **Consolidated Plan**, or ConPlan, which may have a duration of between 3 and 5 years, describes a jurisdiction's (or a consortium of jurisdictions') community development priorities and multiyear goals based on an assessment of affordable housing and community development needs, an analysis of housing and economic market conditions, and available resources. Per HUD regulations, a consortium creates a single ConPlan that addresses housing elements for all HOME recipients in the consortium as well as the non-housing community development plans of all consortium CDBG entitlement recipients.

ConPlans have "life spans" that reflect the federal fiscal year (i.e., July 1 – June 30); as a result, the 2020-2024 ConPlan will be effective from July 1, 2020 through June 30, 2025.

The ConPlan is carried out through **Annual Action Plans**, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Grantees report on accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER) that is submitted to HUD. Action Plans also run from July 1 – June 30.

A requirement for developing a ConPlan is to hold public meetings to gain input from the community, helping to capture feedback on the most urgent needs to ensure those needs are aligned with the projects that obtain funding. CDBG projects must benefit low- and moderate-income people, help with the prevention or elimination of slum or blight, or other community development activities to address an urgent threat to health or safety.

The Tacoma-Lakewood Consortium: The Cities of Tacoma and Lakewood have formed a consortium and are currently preparing the consortium's 2020-2024 ConPlan and accompanying 2020 Annual Action Plan. The 2020-2024 ConPlan will have shared elements between the two cities - for instance, the analysis of impediments to fair housing will be written addressing issues across both jurisdictions. The ConPlan will have a joint section that is composed of two parts: the "Tacoma ConPlan" and the "Lakewood ConPlan." Both cities set individual goals that are aggregated into the overall consortium goals. Each city prepares Annual Action Plans unique to their jurisdiction.

Contents of Tacoma-Lakewood Consortium ConPlans & Action Plans (10 components):

- Demographic and economic trends in Tacoma and Lakewood that set the context for the housing and community development needs and strategies discussed in later sections. It also contains a detailed analysis of the cities' housing market with quantitative estimates of housing need.
- Housing and community development needs of the cities' special-needs populations. The section gives updated estimates of these populations and the programs and initiatives to serve them.

- The findings from the public outreach processes conducted for the ConPlan, which includes resident and stakeholder surveys, key person interviews, a stakeholder focus group and public meetings and hearings.
- 5-year Strategic Plan.
- Citizen Participation Plan.
- Public Outreach Materials.
- Public Comments received on the draft ConPlan.
- HUD required certifications and SF424 Form.
- Administration of Program.
- Analysis of Impediments to Fair Housing Choice.

Targeted information from the ConPlan is then included in each Annual Action Plan, which describes how the jurisdiction will use the funding received that year to meet identified affordable housing as well as other goals and objectives.

Consultant: Tacoma selected the firm Enterprise Community Partners to prepare the 2020-2024 ConPlan for both cities. This is a large firm with multiple offices throughout the country; within the Pacific Northwest, their work has focused on the King County Home and Hope program, which facilitated the development of affordable housing and early childhood education centers on underutilized, tax-exempt sites owned by public agencies and nonprofits in King County. Recently, Enterprise assisted the City of Tacoma with the development of an affordable housing action strategy in response to the changing housing market and increased displacement pressures faced by its residents. This is the first time Lakewood staff has worked with Enterprise Community Partners.

Review of the Tacoma-Lakewood Consortium 2015-2019 ConPlan Plan:

Within the 2015-2019 ConPlan, Tacoma/Lakewood established three high priority needs:

- Need for affordable housing choice;
- Need for basic services and for homeless prevention and intervention; and
- Need for community and economic development.

Based on these priorities, three goals were established:

- Increase and preserve affordable housing choice;
- Reduce homelessness and increase stability; and
- Improve infrastructure, facilities and economic development.

ConPlan and Action Plan Funding Priorities: It is possible for a city to set funding priorities for any period within a ConPlan's horizon ranging from one to five years. The funding priorities are then revisited on an annual basis when staff is compiling each Action Plan, providing a Council opportunity to affirm or modify funding priorities when adopting the Action Plan. In the past, the Lakewood City Council has set and implemented funding priorities annually, while the Tacoma City Council has done so every two years.

Included below is a chart summarizing how Lakewood prioritized expenditures in the previous two (i.e., 2010-2014 and 2015-2019) ConPlans.

TABLE 1 Lakewood's Funding Priorities as Ranked in the 2010-2014 and 2015-2019 ConPlans:											
Description	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	AVG
Physical/ Infrastructure	3	3	3	1	1	1	1	1	1	1	1.6
Housing	4	4	4	3	3	3	2	2	2	2	2.9
Public Service	2	2	2	2	2	2	3	3	3	3	2.4
Economic Development	1	1	1	4	4	4	4	4	4	4	3.1

Exactly What Does Each Funding Priority Allow?

Priority - Physical/Infrastructure Improvement

The policy for physical/infrastructure improvements is to support neighborhood revitalization and improvements to spur economic development activities and improve living conditions for lower income persons. Activities that support this policy include:

1. Construction or improvement of public facilities (i.e. sewers, streets, sidewalks, alleys, lighting or related public improvements) in lower income residential neighborhoods or for businesses that create and/or retain jobs for lower-income persons.
2. Construction or rehabilitation of public or privately-owned, community service facilities (i.e. community, senior and youth centers) that will provide a public service benefiting low-income citizens.
3. Acquisition, development and improvement of parks, playgrounds and open space in lower-income residential neighborhoods.

Priority - Housing

The policy for housing is to support economic development and job development/retention by improving neighborhoods to expand opportunities for affordable housing for lower-income individuals, and to preserve affordable housing to prevent homelessness and to improve property values and neighborhood characteristics.

Activities that support this policy include:

1. Projects that develop or renovate housing to create housing near jobs and promote economic viability.
2. Projects that conserve existing housing by making home repairs or rehabilitating homes to meet building and housing codes.
3. Projects that provide affordable housing and homeownership and rental housing opportunities.
4. Projects that support housing to accommodate persons with special needs.
5. Projects that provide housing for homeless or transitional shelter for homeless persons.

6. Projects that coordinate housing efforts in the city, county and neighboring jurisdictions to assess housing needs and create affordable housing opportunities.

Priority – Public Service – 15% Cap

The policy for CDBG funded public service activities is to target low-income clientele. Most of the City's human services activities are supported through 1% of the City's General Fund. Projects funded must be a new service or provide an increase in service levels provided and cannot supplant existing funding.

Priority – Economic Development

The policy for economic development is to create viable businesses in targeted areas and to create and/or retain jobs for lower income persons.

Activities that support this policy include, not necessarily in priority order, the following:

1. Assistance to businesses to make exterior improvements to facilities.
2. Assistance for microenterprise businesses.
3. Loans to businesses expanding jobs for lower-income persons.
4. Infrastructure to support businesses.

Priority – Program Administration – 20% Cap

Regardless of how the remainder of ConPlan funds are allocated, program administration will always require up to 20% of what Lakewood receives.

TABLE 2
CDBG Expenditure by Funding Priority (including Program Income*)

Year	Physical/ Infrastructure	Housing	Public Service	Economic Development	Administration	Section 108 Loan Payment
2000	\$537,860.10	\$102,275.13	\$34,030.65	\$0.00	\$103,618.22	\$0.00
2001	\$250,286.87	\$126,611.96	\$60,022.92	\$0.00	\$153,428.50	\$0.00
2002	\$451,438.00	\$357,309.63	\$78,145.68	\$0.00	\$144,068.86	\$0.00
2003	\$399,609.05	\$350,528.50	\$76,294.76	\$0.00	\$161,200.00	\$0.00
2004	\$294,974.47	\$407,591.69	\$80,490.00	\$0.00	\$136,552.91	\$0.00
2005	\$86,156.39	\$359,033.03	\$68,336.00	\$0.00	\$130,879.53	\$0.00
2006	\$164,000.00	\$486,607.03	\$70,645.37	\$0.00	\$99,091.68	\$0.00
2007	\$0.00	\$427,346.00	\$66,380.17	\$0.00	\$96,940.46	\$0.00
2008	\$9,871.81	\$412,526.83	\$66,818.21	\$0.00	\$108,065.99	\$0.00
2009	\$20,000.00	\$433,021.09	\$64,920.04	\$0.00	\$127,986.46	\$0.00
2010	\$522,544.00	\$133,536.78	\$84,394.14	\$31,947.85	\$131,686.11	\$0.00
2011	\$185,481.69	\$268,584.51	\$86,187.73	\$0.00	\$123,853.80	\$0.00
2012	\$0.00	\$280,854.87	\$34,701.05	\$0.00	\$100,871.31	\$0.00
2013	\$284,851.80	\$301,829.41	\$3,545.40	\$13,229.84	\$98,881.36	\$0.00
2014	\$160,000.00	\$188,138.86	\$48,065.71	\$0.00	\$108,853.98	\$0.00
2015	\$320,000.00	\$85,806.36	\$0.00	\$0.00	\$98,363.40	\$0.00

TABLE 2 CDBG Expenditure by Funding Priority (including Program Income*)						
2016	\$321,937.57	\$164,351.72	\$0.00	\$0.00	\$106,967.67	\$0.00
2017	\$266,002.50	\$89,039.67	\$0.00	\$0.00	\$96,106.18	\$49,311.26
2018	\$300,000.00	\$210,376.36	\$0.00	\$0.00	\$102,580.28	\$49,812.66
2019	\$0.00	\$73,385.91	\$0.00	\$0.00	\$33,291.64	\$383.64
TOTAL	\$4,575,014.25	\$5,258,755.34	\$922,977.83	\$45,177.69	\$2,263,288.34	\$99,507.56
<i>*Program Income Included in Total</i>	<i>0.00</i>	<i>\$559,959.06</i>	<i>\$0.00</i>	<i>\$10,179.52</i>	<i>\$155,179.29</i>	<i>\$0.00</i>

Other Jurisdictions' 2019 Action Plan Funding Allocations: Table 3 outlines CDBG and HOME fund allocations for Auburn, Bremerton, Federal Way, Lakewood, Tacoma and Olympia. This information was provided through a review of several HUD websites. Of the selected cities, all are in a Consortium. Consortiums are the means by which cities access HOME funds.

TABLE 3 2019 CDBG & HOME Fund Allocations for Selected Cities			
City	CDBG-19	HOME-19	Total Award
Auburn (C)	\$595,742	\$241,762	\$837,504
Bremerton (C)	\$429,362	\$207,954	\$637,316
Federal Way (C)	\$691,143	\$304,380	\$995,523
Lakewood (C)	\$563,124	\$390,174	\$953,298
Olympia (C)	\$368,906	\$247,617	\$616,523
Tacoma (C)	\$2,506,226	\$959,596	\$3,465,822
(C) Indicates a consortium with another agency. Auburn and Federal Way are in a Consortium with King County. Lakewood is in a Consortium with the City of Tacoma. Olympia is in a Consortium with Thurston County.			

CDBG Expenditures 2019 – National Average:

- 35.95% – Physical Infrastructure/Public Improvements
- 24.35% – Housing
- 14.41% – Administration
- 10.8% – Public Service
- 6.18% – Economic Development
- 5.42% – Acquisition/Relocation/Demolition
- 2.89% – Other/Repayment of Section 108 Loans

Changing Policy Direction: In past Council meetings, there has been some discussion about changing policy direction and using CDBG and HOME dollars differently. Should the Council wish to do so, included below are several recommendations for consideration.

- Work backwards on developing strategic policies. Develop anticipated annual objectives first, and ensure that they are consistent with the National Objectives.
- Make certain strategic policies are broad enough to support anticipated annual objectives.
- Because Lakewood is in a Consortium, its strategic policies must align with Tacoma's.
- Lakewood's annual entitlement awards are relatively small; this restricts possible options. To be effective over time, objectives in the Annual Actions Plans should not change significantly from year to year.
- Consider setting funding priorities less frequently (e.g, once every two years or when a ConPlan is adopted) to allow for continuity and efficient program administration.

Future Action Plans could focus on economic development (job training programs), affordable housing (increasing residential densities continues to be a topic in the Washington State Legislature), preserving housing stock (continue and expand major repair and rehabilitation programs and the Rental Housing Safety Plan (RHSP)), homelessness prevention (continue funding those organizations that receive funding through the 1 percent program that assists in reducing homelessness, assisting with utility payments, etc.)

Under the affordable housing category, the pending Lakewood Station District subarea plan, new affordable housing construction and major home repair are continual topics. Some initial housing "partners" have been identified including Habitat for Humanity, Rebuilding Together South Sound, the Korean Women's Association, Comprehensive Life Resources, and Harborstone Credit Union.

Lakewood 2019-2020 Human Services Community Needs Assessment: Even though the Community Needs Survey has not been completed, some initial findings have been reported. Three general categories of concern have been identified:

- Affordable housing and homelessness;
- Safety; and
- Youth mental health.

Interestingly, the issue of safety is tied directly with the perception that homelessness causes crime.

Attachments Enclosed:

Attachment A provides information on the Pierce County SHB 2060 and HB 2163 funding allocations. These two programs collect document recording fees to be used for housing programs. Attachment B presents the City of Lakewood Human Services Funding History from 2009- 2020.

**ATTACHMENT A –
2060 and 2163 Funding Explanations**

“2060 Funds” (Affordable Housing for All Funds): RCW 36.22.178

The surcharge provided for in this section shall be named the affordable housing for all surcharge.

(1) Except as provided in subsection (3) of this section, a surcharge of thirteen dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The county may retain up to five percent of these funds collected solely for the collection, administration, and local distribution of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit:

- (a) The portion of the funds attributable to ten dollars of the surcharge into the affordable housing for all account created in RCW 43.185C.190. The department of commerce must use these funds to provide housing and shelter for extremely low-income households, including but not limited to housing for victims of human trafficking and their families and grants for building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income households with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses; and
- (b) the portion of the funds attributable to three dollars of the surcharge into the landlord mitigation program account created in RCW 43.31.615.

(2) All of the remaining funds generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for eligible housing activities as described in this subsection that serve very low-income households with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to eligible housing activities that serve extremely low and very low-income households in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county consistent with countywide and local housing needs and policies. A priority must be given to eligible housing activities that serve extremely low-income households with incomes at or below thirty percent of the area median income. Eligible housing activities to be funded by these county funds are limited to:

- (a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including units for homeownership, rental units, seasonal and permanent farmworker housing units, units reserved for victims of human trafficking and their families, and single room occupancy units;
- (b) Supporting building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income households with incomes at or below fifty percent of the area

median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing units that are affordable to very low-income households with incomes at or below fifty percent of the area median income, including rental housing vouchers for victims of human trafficking and their families, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with or similar to the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(3) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust or to documents recording a federal lien or satisfaction of lien.

“2163 Funds” (Homelessness Housing and Assistance Act Funds): RCW 36.22.179 and RCW 43.185c.050

36.22.179 Surcharge for local homeless housing and assistance - Use.

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection (3) of this section, an additional surcharge of sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program.

(ii) The remaining eighty-seven and one-half percent of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments; and

(B) All remaining funds are to be used by the department to:

(I) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters;

grants and vouchers designated for victims of human trafficking and their families; and emergency shelter assistance; and

(II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a federal, state, county, or city lien or satisfaction of lien.

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

RCW 43.185C.050 Local homeless housing plans.

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide guidelines issued by December 1, 2018, and thereafter the department's five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness. The local government may amend the proposed local plan and shall adopt a plan by December 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

ATTACHMENT B

Human Services Funding Allocations 2009-2020

City of Lakewood Human Services Funding History 2009-2020

Organization	Program or Services	2009/10 Biennium	2011/12 Biennium	2013/14 Biennium	2015/16 Biennium	2017/18 Biennium	Current Biennium
Boys and Girls Club Lakewood	After School Programs Youth 8 - 18	\$ 100,000.00	\$ 40,000.00	\$ 20,000.00	\$ 24,000.00	\$ 25,000.00	\$ 40,000.00
Catholic Community Services	Emergency Housing	\$ 14,000.00	\$ 14,000.00	\$ 40,000.00	\$ 28,000.00	\$ 32,000.00	\$ 30,000.00
Communities in Schools	After School Program	\$ 42,000.00	\$ 31,500.00	\$ 30,000.00	\$ 49,000.00	\$ 46,500.00	\$ 35,000.00
Community Health Care	Primary Medical Care + Tillicum	\$ 27,000.00	\$ 46,000.00	\$ 15,000.00	\$ 24,000.00	\$ 5,000.00	\$ 40,000.00
Emergency Food Network	Food Distribution Program	\$ 30,000.00	\$ 45,000.00	\$ 40,000.00	\$ 43,000.00	\$ 50,000.00	\$ 50,000.00
Lakewood's 5 Promises to Youth	Youth Services Coordination	\$ 20,000.00	\$ 52,000.00	\$ 52,000.00	\$ 43,000.00	\$ 43,000.00	\$ 50,000.00
Pierce County AIDS Foundation	Medical Case Management	\$ 25,000.00	\$ 27,000.00	\$ 24,000.00	\$ 22,500.00	\$ 18,000.00	\$ 20,000.00
St. Leo Food Connection	Summer Meals Program	\$ 5,000.00	\$ 7,000.00	\$ 4,000.00	\$ 6,000.00	\$ 5,100.00	\$ 28,000.00
St. Leo's Food Connection	Mobile Food Program	\$ 14,000.00	\$ 19,000.00	\$ 24,800.00	\$ 18,000.00	\$ 10,000.00	\$ 32,000.00
YWCA Pierce County	Domestic Violence Shelter, Legal, Child Services	\$ 72,000.00	\$ 49,500.00	\$ 24,800.00	\$ 36,000.00	\$ 50,000.00	\$ 60,000.00
Organization	Program or Services	5 out of 6 Bienniums					
Caring for Kids	Ready to Learn Fair & School Supplies	\$ 27,200.00	\$ 44,000.00	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	
Nourish Pierce County	Food Banks Program		\$ 18,000.00	\$ 30,000.00	\$ 33,500.00	\$ 50,000.00	\$ 40,000.00
LASA	Outreach Program Client Center	\$ 18,500.00	\$ 11,500.00	\$ 17,000.00		\$ 45,000.00	\$ 37,500.00
Oasis Youth Center	Oasis Youth Center		\$ 26,000.00	\$ 16,000.00	\$ 12,000.00	\$ 14,000.00	\$ 25,000.00
Rebuilding Together South Sound	Rebuilding Together Program		\$ 6,200.00	\$ 16,000.00	\$ 33,500.00	\$ 20,000.00	\$ 28,000.00
Tacoma Rescue Mission	Family Shelter	\$ 40,000.00	\$ 20,000.00	\$ 40,000.00	\$ 24,000.00	\$ 30,000.00	
Organization	Program or Services	4 out of 5 Bienniums					
Franciscan Health System	Children's Immunization	\$ 46,000.00	\$ 38,000.00	\$ 29,400.00	\$ 24,000.00		
Greater Lakes Mental Health	Behavioral Health Team & Emergency Assistance	\$ 32,000.00			\$ 63,000.00	\$ 50,000.00	\$ 50,000.00
LASA	Housing for Homeless Families	\$ 39,000.00	\$ 41,500.00	\$ 30,000.00	\$ 12,000.00		
Lindquist Dental	Children Dental Services			\$ 20,000.00	\$ 21,000.00	\$ 29,000.00	\$ 28,000.00
Rebuilding Hope; Sexual Assault Center	Advocacy and Therapy	\$ 20,000.00			\$ 18,000.00	\$ 30,500.00	\$ 28,000.00
Pierce College	Lakewood Computer Clubhouse		\$ 40,000.00	\$ 40,000.00	\$ 28,000.00	\$ 28,000.00	
Organization	Program or Services	3 out of 5 Bienniums					
Clover Park School District	Early Learning Consortium	\$ 100,000.00	\$ 40,000.00	\$ 30,000.00			
Communities in Schools	Champions Mentor	\$ 21,500.00	\$ 26,000.00	\$ 26,000.00			
Korean Women's Association	We Are Family Home	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00			
South Sound Outreach Services	Outreach Program			\$ 20,000.00	\$ 39,500.00	\$ 40,000.00	
St. Leo's Food Connection	Backpack Program			\$ 5,000.00	\$ 6,000.00	\$ 4,500.00	
TACID	HELP & ACCESS Programs	\$ 12,000.00	\$ 15,000.00	\$ 8,500.00			
Tacoma Community House	Victims Legal Advocacy Program				\$ 24,000.00	\$ 24,000.00	\$ 37,500.00
YMCA	Teen Late Night Program				\$ 15,000.00	\$ 20,000.00	\$ 16,000.00
Organization	Program or Services	2 out of 5 Bienniums					
Good Samaritan Hospital	Caregiver Respite & Support	\$ 20,000.00		\$ 19,000.00			
Metro Development Council	Family Support & Treatment Center		\$ 17,500.00		\$ 6,000.00		
Pierce County Community Connections	ChildReach Developmental Screening		\$ 18,000.00	\$ 15,000.00			
Tillicum Community Center	Emergency Food Assistance	\$ 28,000.00	\$ 20,000.00				
WWEE (Courage 360)	ReachPlus Employment Program			\$ 15,000.00	\$ 15,000.00		
Organization	Program or Services	One Biennium					
Beecher's Foundation	Pure Food Kids Project					\$25,000.00	
Centerforce	Community Inclusion for Adults w/Disabilities						\$ 20,000.00
Community Health Care	Adult Dental Services				\$ 12,000.00		
Mary Bridge Hospital	Children's Grief and Loss Support		\$ 15,000.00				
Pierce County Project Access	Donated Care						\$ 25,000.00
Tacoma PC Health Department	CPSD Dental Services		\$ 21,000.00				
		2009/10	2011/12	2013/14	2015/16	2017/18	Current
Grand Total HS Biennial Funding Allocations		\$ 773,200.00	\$ 768,700.00	\$ 681,500.00	\$ 700,000.00	\$ 704,600.00	\$ 720,000.00
							\$ 4,348,000.00

Presentation to Lakewood City Council: Tacoma-Lakewood 2020-2024 Consolidated Plan

Presented by

Anna Ravindranath

Program Officer

Enterprise Advisors

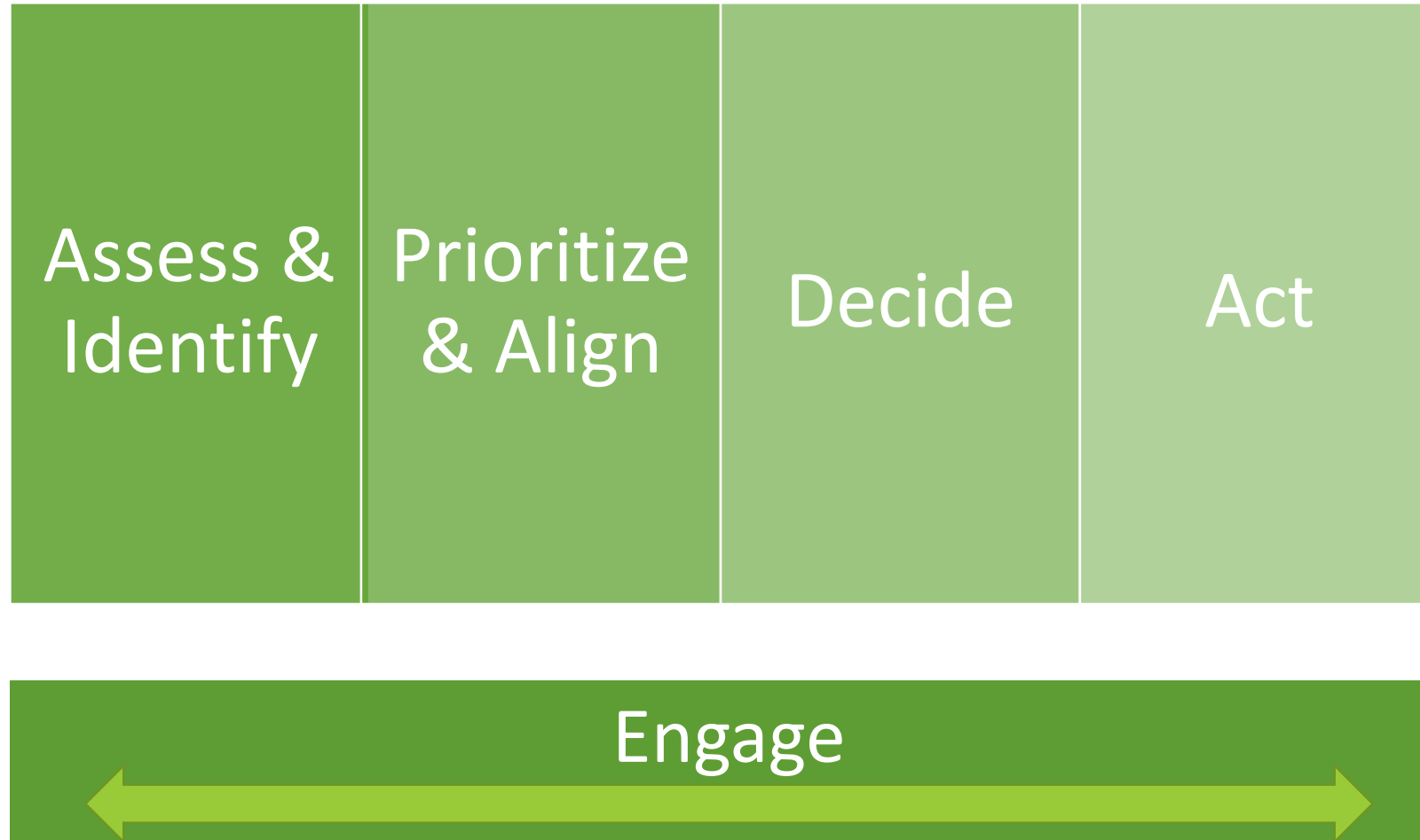
P (202) 403-8028 | aravindranath@enterprisecommunity.org

Presentation Overview

- Describe the 2020-2024 Tacoma-Lakewood Con Plan scope, outputs/outcomes and schedule.
- Explain the relationship between the Consolidated Plan and other City initiatives.
- Discuss the expectations engagement process.



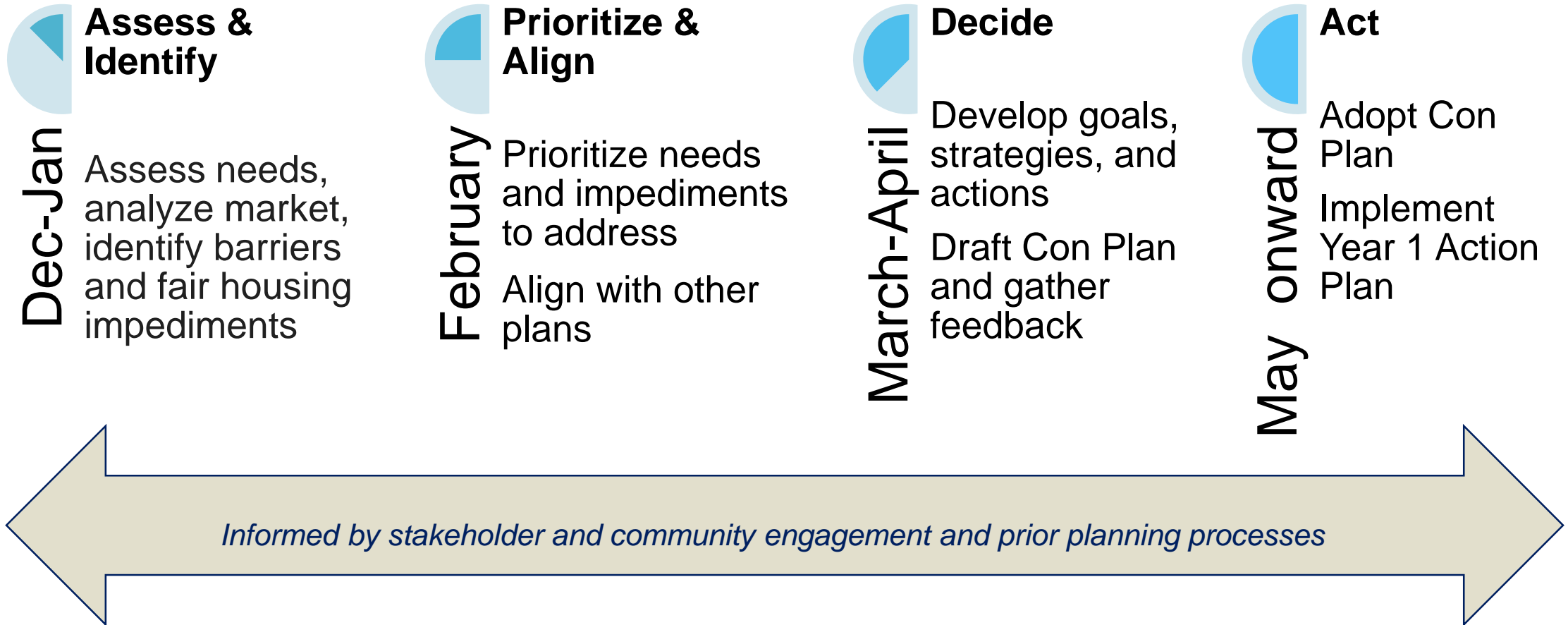
Consolidated Plan Scope



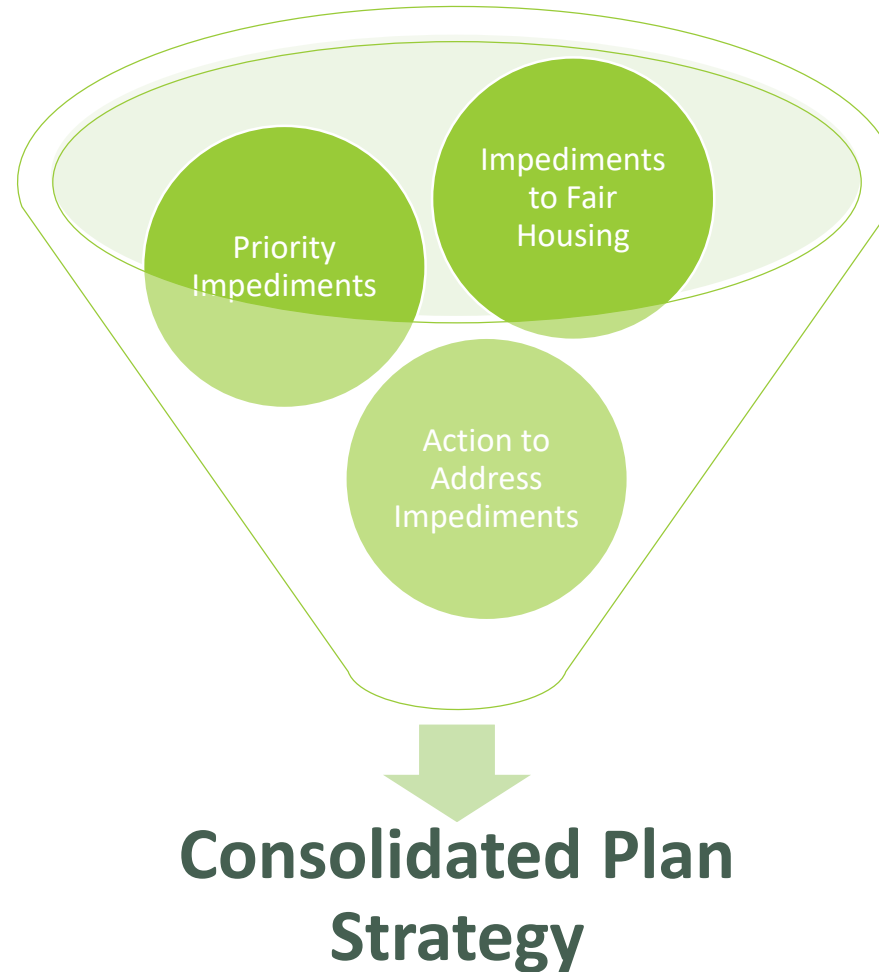
Consolidated Plan Outputs and Outcomes

- 5-Year Plan, with Goals and Strategies to inform priorities for federal grants.
 - Community Development Block Grant (CDBG)
 - HOME Investments Partnership Program (HOME)
- Grant funding generally intended to benefit lower-income persons and neighborhoods, and can be used for housing, services, neighborhood improvements, and job development.

Consolidated Plan Schedule



Relationship of the Con Plan to the AI Update



Fair Housing Protected Classes

City

State

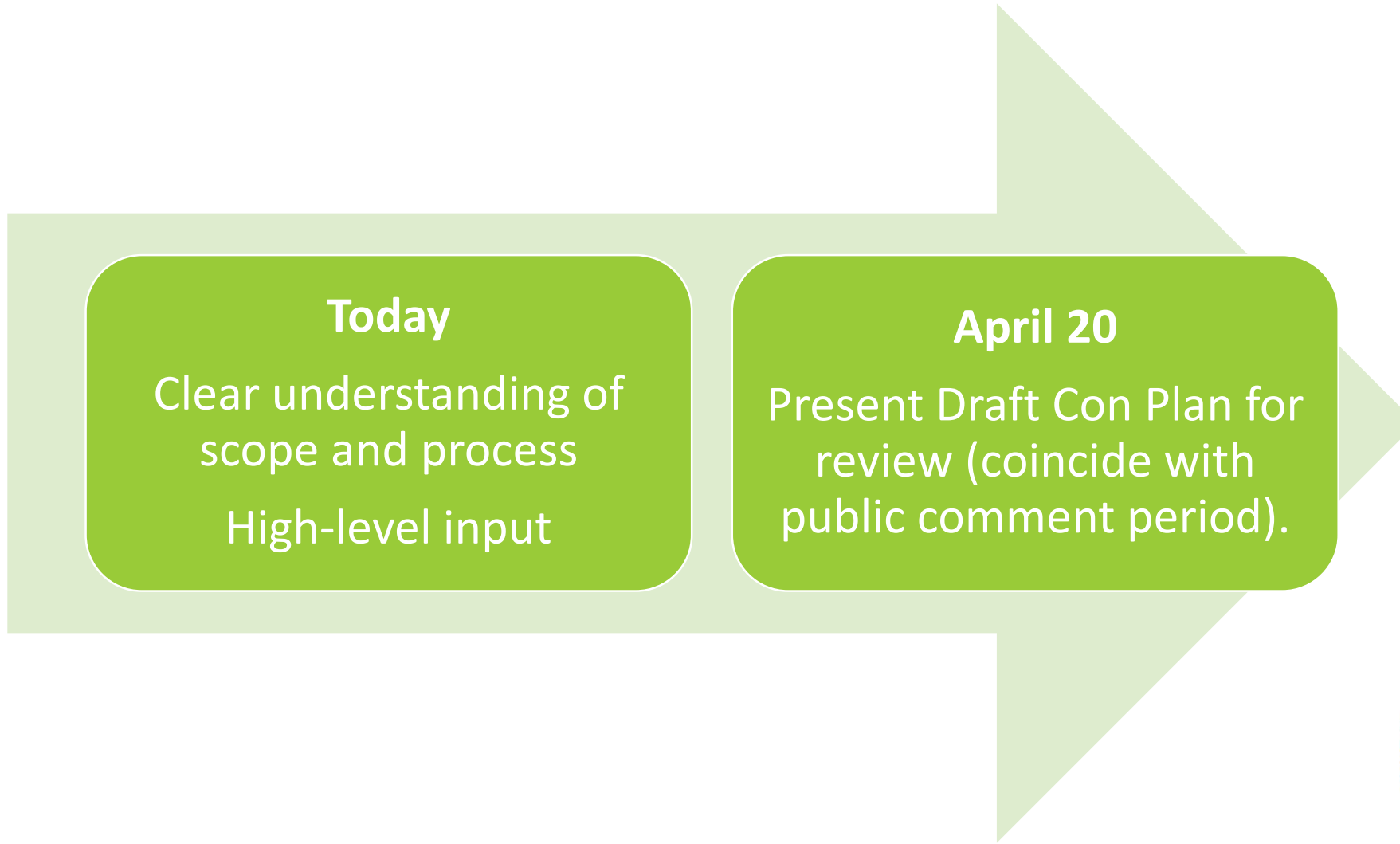
Federal

- Disability
- Race
- Sex
- Color
- National Origin
- Religion
- Family Status

- Creed
- Sexual Orientation
- Gender identity and gender expression
- Honorably discharged veteran or military status

- Ancestry
- Marital Status
- Age (over 40)
- Use of Section 8 certificate or other alternative sources of income

Expectations for Planning Commission Involvement



Questions?

Anna Ravindranath

Program Officer

Enterprise Advisors

P (202) 403-8028 | aravindranath@enterprisecommunity.org



Don Anderson
Mayor

Jason Whalen
Deputy Mayor

Mary Moss
Councilmember

Michael D. Brandstetter
Councilmember

John Simpson
Councilmember

Marie Barth
Councilmember

Paul Bocchi
Councilmember

John J. Caulfield
City Manager

January 28, 2020

Pierce Transit Board of Commissioners
PO Box 99070
3701 96th Street SW
Lakewood, WA 98499

DRAFT

Dear Chair Woodards and Commissioners:

This letter is in reference to the ongoing work to update Destination 2040, Pierce Transit's Long Range Plan. Thank you for your consideration of these comments.

Pierce Transit's 2019-2024 Transit Development Plan (TDP) Appendix C includes description of the Pacific Avenue/SR7 Corridor Bus Rapid Transit (BRT) route. The alignment is in a generally north/south orientation between Spanaway to the south and the Commerce Street Transit Center in downtown Tacoma to the north. A majority of the route is along Pacific Avenue/SR 7. At the south end of downtown Tacoma, the BRT service will deviate to serve the Tacoma Dome Station.

Also included in Appendix C of Pierce Transit's 2019-2024 TDP are two unprogrammed/unfunded capital projects to create High Capacity Transit (HCT) and limited stop service that would benefit Lakewood:

- Route 3 (along Pacific Avenue and South Tacoma Way from downtown Tacoma to the Lakewood Towne Center), or
- Route 2 (along South 19th Street and Bridgeport Way from Downtown Tacoma to Lakewood Towne Center).

The TDP states that "in order to build ridership for an additional BRT route [to the Lakewood Town Center], limited stop/express overlays could be developed and analyzed as an interim measure, as well as to test the viability of an enhanced, rapid, and high capacity fixed route service."

Lakewood supports Bus Rapid Transit (BRT) in Tacoma along Pacific Avenue south to the Parkland/Spanaway area. The city also strongly supports the next proposed BRT route (BRT 2) from Tacoma along South Tacoma Way and Pacific Avenue into Lakewood (along with any interim measures required.) The city thanks Pierce Transit for taking a leadership role for this project, including seeking the state funding necessary to initiate the planning process, since it was not included in the final Sound Transit 3 (ST3)

package. However, Lakewood and other southern Pierce County areas need the BRT route to extend further south.

Today, there are parts of Lakewood that do not have access to regular public transportation options to best suit their schedules; these happen to be our most economically challenged neighborhoods. In 2014, the United States census estimated that 19.6% of Lakewood residents are living in poverty and 13.6% of Lakewood residents are over 65 years old. Recognizing the increasing needs of our population, we want to ensure that we take a proactive approach to assist those living near or below the poverty line and our aging population.

Recognizing the increasing needs of our population, the Lakewood Council wants to ensure that we take a proactive approach to assist those living near or below the poverty line and our aging population. BRT will provide opportunity to some of our most disadvantaged citizens by providing access to jobs and other economic prospects that currently do not exist. BRT will also serve as a catalyst for making neighborhoods such as Springbrook and Tillicum more livable, increasing individual socioeconomic status, creating more equitable opportunities and providing transportation options currently not available for those living in these Lakewood neighborhoods.

Lakewood requests that Pierce Transit implement a BRT line from the Tacoma Dome Sound Transit Station, south along South Tacoma Way into Lakewood, to Pacific Highway South, then to a future Connector road terminating at a future Sound Transit station in Tillicum to also serve JBLM.

Lakewood is strategically located along the I-5 Corridor and is the “host community” for Joint Base Lewis-McChord (JBLM) and Camp Murray, which serve a combined population of nearly 150,000 people. Our community is home to nearly 60,000 residents and close to 4,000 businesses employing approximately 24,000 workers. Local public transit options serve not only the City, JBLM and Camp Murray, but also residents of Steilacoom, University Place, DuPont, Tacoma and unincorporated Pierce County, including Spanaway and Parkland. A BRT connection to the planned Sounder Station near Tillicum will ensure that JBLM service members, their families and federal civilian workers will have access to public transit.

Adding BRT along South Tacoma Way to Pacific Highway South and terminating at the future Tillicum Sounder Station will create a route that will serve major employment and education centers. This includes:

- the Lakewood Industrial Park, the fourth largest private employment site in Pierce County;
- Clover Park Technical College, with an enrollment of 3,500 full-time and 18,000 part-time students plus over 400 employees and teachers;
- the Woodbrook Industrial Park, which will be another major employment center with upwards of 3,500 employees in the coming years;
- JBLM, Washington State’s largest single-point employer; and
- Camp Murray.

If the goal of Destination 2040 and the Transportation Development Plans is to create more regional connectivity to the transit system, a BRT route extending further south than the Lakewood Towne Center to DuPont and allowing connectivity to Steilacoom is the only logical action.

Thank you again for your consideration of these comments. Sincerely,

Don Anderson, Mayor

CC:

Jason Whalen, Deputy Mayor

Marie Barth, Councilmember

Paul Bocchi, Councilmember

Mike Brandstetter, Councilmember

Mary Moss, Councilmember

John Simpson, Councilmember

John Caulfield, City Manager

Commissioner Victoria Woodards, Chair

Commissioner Marty Campbell, Vice Chair

Commissioner Kent Keel

Commissioner Nancy Henderson

Commissioner Don Anderson

Commissioner Daryl Eiding

Commissioner Robin Farris

Commissioner Bruce Dammeier

Darin L. Stavish, AICP, Pierce Transit Principal Planner



Don Anderson
Mayor

Jason Whalen
Deputy Mayor

Mary Moss
Councilmember

Michael D. Brandstetter
Councilmember

John Simpson
Councilmember

Marie Barth
Councilmember

Paul Bocchi
Councilmember

John J. Caulfield
City Manager

January 28, 2020

Paul Roberts, Chair, Board of Directors
Puget Sound Clean Air Agency (PSCAA)
1904 Third Avenue, Suite 105
Seattle, WA 98101
Email: CleanFuels@psccleanair.org

DRAFT

Dear Chair Roberts and Members of the PSCAA Board of Directors:

This letter follows up on Lakewood's December 9, 2019 letter to the PSCAA Board of Directors regarding PSCAA's proposed regional clean fuel standard (CFS.) Thank you for your consideration of these comments; as with the December 9 letter, the City of Lakewood looks forward to PSCAA's responses to questions submitted herein.

On January 16, the State Supreme Court issued a decision (*Ass'n of Wash. Bus. v. Dep't of Ecology*, Slip Opinion No. 95885-8) addressing whether the Department of Ecology (ECY) can establish and enforce greenhouse gas emission standards for businesses and utilities that do not directly emit greenhouse gases. The Court held that ECY does not because such standards exceed ECY's statutory authority as expressed in the plain language of the Washington Clean Air Act (Ch. 70.94 RCW.)

As stated in the Slip Opinion beginning at page 8:

"Administrative '[r]ules must be written within the framework and policy of the applicable statutes,' and so long as the rule is 'reasonably consistent with the controlling statute[s],' an agency does not exceed its statutory authority." *Swinomish Indian Tribal Cmty. v. Dep't of Ecology*, 178 Wn.2d 571, 580, 311 P.3d 6 (2013) (alterations in original) (citation omitted) (quoting *Dep't of Labor & Indus. v. Gongyin*, 154 Wn.2d 38, 50, 109 P.3d 816 (2005); *Wash. Pub. Ports Ass'n*, 148 Wn.2d at 646). But "[a]dministrative rules or regulations cannot amend or change legislative enactments." *Dep't of Ecology v. Campbell & Gwinn, LLC*, 146 Wn.2d 1, 19, 43 P.3d 4 (2002) (quoting *Dep't of Ecology v. Theodoratus*, 135 Wn.2d 582, 600, 957 P.2d 1241 (1998)). "[R]ules that are inconsistent with the statutes they implement are invalid." *Bostain v. Food Express, Inc.*, 159 Wn.2d 700, 715, 153 P.3d 846 (2007). And while "we generally accord substantial deference to agency decisions, we do not defer to an agency the power to determine the scope of its own authority." *Lenander v. Dep't of Ret. Sys., Ass'n of Wash. Bus. v. Dep't of Ecology*, 186 Wn.2d 393, 409, 11 P.3d 199 (2016) (quoting *In re Registration of Elec. Lightwave, Inc.*, 123 Wn.2d 530, 540, 869 P.2d 1045 (1994)).

The Court continues on pages 9 -10:

Our fundamental objective is to determine and carry out the legislature's intent. *Id.* When "the statute's meaning is plain on its face, [we] must give effect to that plain meaning." *Id.* To determine plain meaning, we consider "all that the Legislature has said in the statute and related statutes which disclose legislative intent about the provision in question." *Id.* at 11. We also look to "the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole" to determine plain meaning. *State V. Engel*, 166 Wn.2d 572, 578, 210 P.3d 1007 (2009).

[In conclusion, w]hile the Act does grant Ecology significant authority to regulate emissions in the manner it deems best, Ecology cannot exercise this authority outside the scope delineated by the legislature. RCW 34.05.570(2)(c).

The Court further states at page 14 that

Our task is to determine what the legislature intended by this provision - namely, the scope of the authority the legislature intended to grant Ecology. *Campbell & Gwinn, LLC*, 146 Wn.2d at 9. We do not defer to agency interpretations of their own authority because their interpretation *could* have been what the legislature intended." *Lenander*, 186 Wn.2d at 409.

(Italics in original.)

Lakewood reiterates its request for the PSCAA to explain how its proposed rule follows the Legislature's position regarding any agency's action to adopt a clean fuel standard in 2ESSB 5987 (the state transportation "Connecting Washington" package):

(C) Nothing in this subsection acknowledges, establishes, or creates legal authority for the department of ecology or any other state agency to enact, adopt, order, or in any way implement a fuel standard based upon or defined by the carbon intensity of fuel, including a low carbon fuel standard or clean fuel standard.

(Underlining added.)

The PSCAA is a regional government agency chartered by state law in 1967 – it is a state agency. It has authority under the Washington Clean Air Act (RCW 70.94) and SEPA (RCW 43.21(C) and WAC 197-11) to enforce the Clean Air Act in Puget Sound (King, Snohomish, Pierce and Kitsap Counties), including assessing civil and criminal penalties against violators. Given the Legislature's explicit position on a CFS and on a state agency's ability to adopt one, the City requests that PSCAA explain the source of its legal authority to propose and/or enforce a regional CFS.

A Clean Fuel Standard is a State Level Issue

Just as the Washington Clean Air Act (RCW 70.94) is a state law, a clean fuel standard intended to encourage or force compliance with the Act is a state level issue and should be addressed by the Legislature and/or referendum process. The PSCAA has stepped beyond its authority and beyond the intent of the State Legislature with this proposed regional CFS.

The City of Lakewood again urges that the PSCAA Board reject this proposed rule. It is a worst-case example of regulatory overreach; adoption would be the very antithesis of democratic government.

Sincerely,

Don Anderson, Mayor

CC:

Jason Whalen, Deputy Mayor

Marie Barth, Councilmember

Paul Bocchi, Councilmember

Mike Brandstetter, Councilmember

Mary Moss, Councilmember

John Simpson, Councilmember

John Caulfield, City Manager

DRAFT