



## **LAKEWOOD CITY COUNCIL STUDY SESSION AGENDA**

Monday, June 8, 2020

7:00 P.M.

Residents can virtually attend City Council meetings by watching them live on the city's YouTube channel: <https://www.youtube.com/user/cityoflakewoodwa>

Those who do not have access to YouTube can call in to listen by telephone via Zoom: Dial +1(253) 215- 8782 and enter participant ID: 151082920.

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Page No.

### **CALL TO ORDER**

#### **ITEMS FOR DISCUSSION:**

- (3) 1. Joint Parks and Recreation Advisory Board meeting. – (Workplan)
- (4) 2. Review of Human Services funding process. – (Memorandum)
- (25) 3. Review of potential use of Coronavirus Relief Funds. – (Memorandum)
- (81) 4. Review of 2020 Annual Development Regulations and Multifamily Tax Exemption (MFTE) code amendments. – (Memorandum)
- (139) 5. Review of Pierce County Force Investigation Team (PCFIT) Memorandum of Understanding. – (Memorandum)

#### **ITEMS TENTATIVELY SCHEDULED FOR THE JUNE 15, 2020 REGULAR CITY COUNCIL MEETING:**

- 1. Authorizing the execution of an agreement for the Fort Steilacoom Park Pavilion improvements. – (Motion – Consent Agenda)
- 2. Approving the 2021-2022 Human Services funding process. – (Motion – Consent Agenda)
- 3. Authorizing the execution of an agreement with the Washington State Department of Commerce for Coronavirus Relief Funds. – (Motion – Consent Agenda)
- 4. Authorizing the execution of the Pierce County Force Investigation Team Memorandum of Understanding. – (Motion – Consent Agenda)

*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.*

5. This is the date set for a public hearing on the 2020 Annual Development Regulations and Multifamily Tax Exemption (MFTE) code amendments.  
– (Public Hearings and Appeals – Regular Agenda)
6. Authorizing the acquisition of real property under threat of condemnation or by condemnation for park purposes; authorizing payment thereof from the City's General Fund or from such other monies that the City may have available or attain for the acquisition; providing for severability; and establishing an effective date. – (Ordinance– Regular Agenda)
7. Adopting the Six-Year (2021-2026) Comprehensive Transportation Improvement Program. – (Resolution – Regular Agenda)
8. Adopting the 2020 Comprehensive Plan and Zoning Map amendments.  
– (Resolution – Regular Agenda)
9. Authorizing budget allocations and establishing funding priorities for the use of Coronavirus Relief Funds distributed to the City of Lakewood by Washington State. – (Resolution – Regular Agenda)

## **REPORTS BY THE CITY MANAGER**

## **CITY COUNCIL COMMENTS**

## **ADJOURNMENT**

*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.*

# Parks and Recreation Advisory Board

## WORK PLAN AND SIGNIFICANT ACCOMPLISHMENTS

### Members:

Jason Gerwen, Chair  
Vito Iacobazzi, Vice-Chair  
Sylvia Allen

Alan Billingsley  
Susan Dellinger  
Michael Lacadie

### Council Liaison:

Councilmember Linda Farmer

### City Staff Support:

Mary Dodsworth, Director Parks, Recreation & Community Services  
Nikki York, Office Assistant

### Meeting Schedule:

Fourth Tuesday of Each Month, 5:30 p.m. American Lake Room, Lakewood City Hall

### Accomplishments:

Date	Topic(s)
April, 2019	Hosted 18 <sup>th</sup> annual Parks Appreciation Day events throughout the City
May, 2019	Reviewed Parks Code updates and made recommendations to Council
June, 2019	Summer Program Update Reviewed the Draft CPSD Cooperative Use Agreement and made recommendations
July, 2019	Wards Lake Master plan Public Meeting and bird walk
Sept, 2019	Wards Lake Master Plan Update and recommendations - Derek Eberle TPCHD-Tobacco in Parks Policy Changes - Jessica Alvestad
Oct, 2019	Special Events Update - Sally Martinez Mylakewood311 Update -Brynn Grimley
Nov, 2019	Angle Lane Project Update and recommendations - doug Fraser South Sound Wildlife Area Update by Alan Billingsley 2020 Budget Update and 2020 PRAB Work Program Update
Jan, 2020	Elect Chair /Vice-Chair Review 2020 Work Plan
Feb, 2020	Legacy Plan Update- Shannon Kelley-Fong


### 2020 Work Plan:

1.	Fort Steilacoom Park Project Updates
2.	Legacy Plan Update – approved by Council on May 20
3.	Parks CIP Update
4.	Wards Lake Park Project Update
5.	Harry Todd Park Project Update
6.	Edgewater Park Project Update



TO: Mayor and City Council

FROM: Brian Humphreys, Human Services Coordinator

THROUGH: John J. Caulfield, City Manager 

DATE: June 8, 2020

SUBJECT: Human Services Funding Recommendations

ATTACHMENTS: 

1. 2019-20 Biennium Human Services Funding Summary
2. 12-year Human Services Funding History
3. Draft Application for 2021-22 biennium funding
4. Draft Rating Criteria for 2021-22 biennium funding
5. Workforce Development Initiative Summary & Possible RFP

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Since incorporation the City of Lakewood has been a consistent human services funding source using 1% of its general funds to support services and programs assisting Lakewood residents. Over the past twelve years funding levels have varied; the City has still effectively managed its resources to address the complex needs of an ever-changing community.

Lakewood's Promise and CSAB held a joint meeting on March 11th to review their related work programs and develop the recommendations being forwarded to Council. They acknowledged that Lakewood's Promise is more strategic and focusing on family homelessness prevention and youth mental health and the CSAB wanted to be sure that this work was represented in the human services funding strategies. Also, the CSAB supported gathering information from a more comprehensive list of partners to better understand the support services needed to directly support our community.

At the April 13, 2020 study session the human services coordinator presented on the issues of affordable housing and youth mental health, showed how Human Services is collaborating with Community and Economic Development to address these issues, and presented the Community Services Advisory Board's (CSAB) recommendations for 2021-22 biennium human services funding strategies based on that context.

The City's human services funding currently supports 18 non-profit organizations that provide 24 unique programs. The human services funding strategies are divided into five strategy areas:

- **Emotional Supports and Youth Programs** - 6 programs, \$93,000 - after-school programs, youth services, support for youth in school, and Lakewood's Promise
- **Access to Food** - 4 programs, \$75,000 – bulk food purchases and distribution for mobile services and food banks
- **Access to Health and Behavioral Health** - 6 programs, \$73,500 – services for adults with disabilities, medical case management and donated care, dental care, and therapy for survivors of sexual assault
- **Housing Assistance** - 4 programs, \$57,750 – emergency shelter, home repair, homeless prevention services
- **Other Crisis Stabilization Services** - 4 programs, \$60,750 – behavioral health intervention, legal and advocacy services for survivors of assault, domestic violence, and other crimes

The timeframe established to prepare for 2021-22 human services funding is:

- June – public notices and outreach
  - City website (community services page)
  - Subtimes
  - TNT Public Notices
  - Social Media (Facebook pages)
  - General Announcement to interested parties including LMCC, Lakewood's Promise, Community Collaboration (377 contact list)
- July 6 - release a request for proposals
- July 15 - conduct a virtual workshop for organizations
- August 22 – deadline to receive applications
- September - the Community Services Advisory Board (CSAB) will rate applications
- October - CSAB will review information and deliberate
- November – CSAB will deliver recommendations for allocation to the City Council

Logistics & Requirements for potential funded organizations:

- Application agencies are non-profit (501c3), education or government entities
- Must provide independent fiscal reviews, tax filings or financial audits
- Non-discriminatory practice policies & registered as e-verify employer
- Liability insurance coverage and professional insurances
- Contracted agencies that maintain performance expectations receive second-year funding
- Quarterly service reports are submitted with a cost reimbursement request
- The current funding “ceiling” is \$25,000 and the “floor” is \$8,000 per program.
- Organizations can apply for funding for more than one program, potentially exceeding the ceiling in total for one organization

**Attachment One** summarizes the 2019-20 biennium outcomes of the programs supported by human services funds.

**Attachment Two** illustrates the City's human services funding history from 2009 to present. The top of the chart highlights in green the organizations that have consistently received funding for the past twelve years or six biennia. The chart lists organizations in descending order by

number of biennium they have received human services funding. This chart also demonstrates that the City has regularly selected dependable, reliable and consistent partners to serve Lakewood residents and the community.

**Attachments Three & Four** are the updated application and rating criteria documents. They have been reviewed by the CSAB and are mostly unchanged from the 2018 versions. One change since these documents were presented to the Council in April is an additional question about whether the applicant has received CARES Act Relief funding.

**Attachments Five** is a summary of the current status of the Lakewood's Promise Advisory Board's (LPAB) family workforce development initiative and briefly describes what it might look like if the Council allocated a portion of 2021-22 biennium human services funding towards this effort and created a separate request for proposals (RFP) for workforce development. The RFP and human services funding applications would occur concurrently. If a separate RFP was not developed, this work could occur under the Crisis Stabilization and Advocacy strategy. The initiative was included in the human services presentation to the Council on April 13<sup>th</sup>. Since that time, additional work has occurred which has identified gaps in capacity and new opportunities.

### **2021-22 Biennium Human Services Funding Recommendations**

In a fluid and ever-changing environment, one of the most challenging tasks is to balance the need to get resources into the community quickly with the need to ensure those resources are used responsibly for real impact. The direct and secondary effects of COVID-19 will not be fully understood for a while, and yet it will be important for the Lakewood community to have the next biennium of human services contracts ready to go for 2021. One thing that is clear is the virus has not created new needs in the community, but exacerbated existing ones.

#### **CSAB Recommendations:**

1. The CSAB recommends continuing with the 2020 established timeline so that applications are ready to be reviewed this fall when we have a deeper understanding of the needs in the community.
2. CSAB recommends maintaining the current five funding areas as they are, but with some clarifying definitions:
  - **Emotional Supports and Youth Programming:** “Direct services for children and youth”
  - **Access to Food:** “Providing or distributing food to Lakewood youth and families in a variety of ways”
  - **Access to Health and Behavioral Health:** “Access to healthcare services”
  - **Housing Assistance & Homelessness Prevention:** “Preventing homelessness in our community”
  - **Crisis Stabilization and Advocacy:** “Making community connections and referrals to advocacy and support services”

City of Lakewood 2020 Human Services Funded Programs							2019 Demographics	
Agency	Program	Contract Outputs LR = Lakewood Residents	2019 Goal	2019 Outputs	%	Site Visit Results (Good, Fair, Poor)	# Children & Youth	# Seniors (65+)
YWCA	CHILDREN'S PROGRAM	LR Served	Tracking	16	N/A	Good	16	0
		Children's services & advocacy hours	150	218	145%			
BOYS & GIRLS CLUB	LAKEWOOD TEEN PROGRAM	LR Served	365	396	108%	Good	396	0
		Average attendance	60	149	248%			
YMCA	FRIDAY LATE NITES	LR Served	350	629	180%	Good	542	0
		Late Nights held	70	75	107%			
PC AIDS FOUNDATION	OASIS CENTER FOR LGBTQ YOUTH	Center days offered	200	178	89%	Good	178	0
		LR Served	(Tracking)	118	N/A			
COMMUNITIES IN SCHOOLS OF LAKEWOOD	SCHOOL-WIDE SUPPORTS	LR Served	200	341	171%	Good	341	0
		Students receiving case management	(Tracking)	256	N/A			
		Support activities	75	138	184%			
City of Lakewood	Lakewood's Promise							
EMOTIONAL SUPPORTS TOTAL		TOTAL LR SERVED		827				
EMERGENCY FOOD NETWORK	CO-OP FOOD PURCHASING	LR Served	20,000	20,703	104%	Good	7033	1500
		Visits at Lakewood locations	160,000	136,476	85%			
		Lbs of food distributed	1,600,000	2,141,328	134%			
NOURISH PC	NUTRITIOUS FOOD FOR FAMILIES	LR Served	8,500	8,356	98%	Good	5129	1300
		Meals provided to LR	500,000	860,229	172%			
ST. LEO FOOD	LAKEWOOD CHILDREN'S PROGRAM	LR Served	3,400	3,020	89%	Good	1635	0
	SPRINGBROOK MOBILE	Meals provided to LR	200,000	172,817	86%			
FOOD TOTAL		TOTAL LR SERVED		20,990				
CENTERFORCE	INCLUSION FOR ADULTS W/ DISABILITIES	LR served	70	47	67%	Fair*	12	24
		Services provided	500	2,487	497%			
*The Human Services Coordinator conducted a second site visit to develop a corrective plan for 2020, which included identifying more realistic numbers and a new metric to replace "Services provided" with a more outcome-based goal based on employment rates and wages of participants.								
PC AIDS FOUNDATION	MEDICAL CASE MANAGEMENT	Active Lakewood clients	60	64	107%	Good	0	6
		Case management contacts	50	181	362%			
LINDQUIST DENTAL	UNCOMPENSATED CARE FUND	LR Served	142	207	146%	Good	207	0
		Cost of care per visit	(Tracking)	\$48.33	N/A			

COMMUNITY HEALTH CARE	LAKEWOOD PROMPT CARE	LR Served	600	1,600	267%	Good	396	68
		Prompt care visits	1,200	1417	118%			
REBUILDING HOPE	THERAPY SERVICES	LR Served	9	11	122%	Good	44	2
		Therapy hours	128	271	212%			
PC PROJECT ACCESS	DONATED CARE	LR Served	75	107	143%	Good	0	1
		Value of care	\$300,000	\$346,071	115%			
HEALTH & BEHAVIORAL HEALTH TOTAL		TOTAL LR SERVED		1,284				
YWCA	DOMESTIC VIOLENCE SHELTER	Shelter bed nights provided	2,000	2,625	131%	Good	26	0
		LR Served	(Tracking)	38	N/A			
LASA	HOMELESS PREVENTION	LR Served	175	213	122%	Good	113	3
		Basic needs and essential services	150	173	115%			
		Case management hours	525	523.25	100%			
CATHOLIC COMMUNITY	FAMILY HOUSING NETWORK	LR Served	200	364	182%	Good	163	8
		Bed nights provided	15,000	25,229	168%			
REBUILDING TOGETHER	REBUILDING DAY/YEAR ROUND SERVICES	LR Served	9	15	167%	Good	3	8
		Home repair projects	4	8	200%			
		Value of repair projects	\$24,000	\$29,342	122%			
HOUSING ASSISTANCE TOTAL		TOTAL LR SERVED		358				
GREATER LAKES	BEHAVIORAL HEALTH CONTACT TEAM	LR Served	300	293	98%	Good	58	31
		Calls for service	450	531	118%			
		Referrals to community services	125	188	150%			
YWCA	LEGAL SERVICES PROGRAM	LR Served	Tracking	82	N/A	Good	0	0
		Legal Serices provided	500	892	178%			
TACOMA COMMUNITY HOUSE	CLIENT ADVOCACY	LR Served	20	17	85%	Good	1	0
		Case management hours	150	120	80%			
		Safety plans & legal processes executed	50	65	130%			
REBUILDING HOPE	ADVOCACY PROGRAM	LR Served	28	35	125%	Good		
		Advocacy hours	175	262	150%			
STABILIZATION TOTAL		TOTAL LR SERVED		313	Total		16,293	2,951
Total Requests		TOTAL LR SERVED	23,772		Total w/out Food		2,496	151



**City of Lakewood Human Services Funding History**

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
<b>Organization</b>	<b>Program or Services</b>	<b>5 out of 6 Bienniums</b>					
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	
<b>Organization</b>	<b>Program or Services</b>	<b>4 out of 5 Bienniums</b>					
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
Rebuidling 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	
<b>Organization</b>	<b>Program or Services</b>	<b>3 out of 5 Bienniums</b>					
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 Coummunity 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
<b>Organization</b>	<b>Program or Services</b>	<b>2 out of 5 Bienniums</b>					
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		
<b>Organization</b>	<b>Program or Services</b>	<b>One Biennium</b>					
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
Lakewood Multicultural Coalition	Empowerment & Inclusion						\$ 3,000.00
Tacoma PC Health Department	CPSD Dental Services		\$ 21,000.00				
		<b>2009/10</b>	<b>2011/12</b>	<b>2013/14</b>	<b>2015/16</b>	<b>2017/18</b>	<b>Current</b>
<b>Grand Total HS Biennial Funding Allocations</b>		<b>\$ 773,200.00</b>	<b>\$ 768,700.00</b>	<b>\$ 681,500.00</b>	<b>\$ 700,000.00</b>	<b>\$ 704,600.00</b>	<b>\$ 723,000.00</b>
							<b>\$ 4,351,000.00</b>

**AGENCY NAME:** \_\_\_\_\_

**PROGRAM/PROJECT NAME:** \_\_\_\_\_

**NEW OR EXISTING PROGRAM?:** NEW ☐ EXISTING ☐

**PROGRAM AREAS (CHOOSE ONE):**

- ☐ **Emotional Supports and Youth Programming:** “Direct services for children and youth”
- ☐ **Access to Food:** “Providing or distributing food to Lakewood youth and families in a variety of ways”
- ☐ **Access to Health & Behavioral Healthcare:** “Access to healthcare services”
- ☐ **Housing Assistance & Homelessness Prevention:** “Preventing homelessness in our community”
- ☐ **Crisis Stabilization & Advocacy:** “Making community connections and referrals to advocacy and support services”

**TOTAL NUMBER OF CLIENTS SERVED BY THIS PROGRAM IN 2019:** \_\_\_\_\_

**NUMBER OF LAKEWOOD CLIENTS TO BE SERVED IN 2020:** \_\_\_\_\_

**What percentage of the total number of clients serve by this program in 2020 are anticipated to be Lakewood residents?:** \_\_\_\_\_

**PROGRAM DESCRIPTION (LIMIT TO ONE - THREE SENTENCES):**

Organizations selected to receive human services funding must be able to comply with the following contract requirements:

- Provide proof of general liability insurance coverage of at least \$1 million
- Provide quarterly reports and invoices with back up documentation
- Provide your 501(c)3 determination letter
- Provide E-verify determination letters as necessary
- Commit to an annual site visit by City of Lakewood staff
- Retain client records for seven years

## BUDGET AT A GLANCE:

City of Lakewood Funds Requested:	\$
Other Program Funds:	\$
<b>Total Program Budget:</b>	\$

Past City of Lakewood funding received in the past five years, year and amount (n/a if not applicable).

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The 2020 annual agency budget: \$ \_\_\_\_\_

**AUTHORIZED SIGNATURE OF APPLICANT:** To the best of my knowledge and belief, all information in this application is true and correct. The applicant's governing body has duly authorized this document and if funded will comply with all contractual obligations.

**Signature of Authorized Representative:** \_\_\_\_\_

**Typed Name and Title:** \_\_\_\_\_

**Date Signed:** \_\_\_\_\_

## A. Organizational Information

- 5) Provide the federal tax identification number for the applicant's organization. \_\_\_\_\_

**SUMMARY OF SERVICES**

**1) PROGRAM DESIGN**

1a)    Provide a detailed description of the program services to be provided.

- 1b) Describe which City of Lakewood's Human Services funding strategy best fits this program design (Access to Health, Emergency Food, Emotional Supports, Housing Assistance, or Stabilization Services) and why.

- 1c) What percentage of Lakewood residents directly impacted or served by this program are children (0-15 years) and/or youth (16-24 years)?

☐ 0-50%

☐ 51-75%

☐ >75%

- 1d) What are your outreach or engagement strategies to Lakewood residents? Or, how do Lakewood residents find you?

**2) SERVICE COORDINATION & PARTNERSHIPS**

- 2a) Does your organization collaborate with others and/or link clients to other resources in the community, such as health and behavioral health services, employment services, veterans' services, benefits advocacy and others? If so, how is this achieved and to what services?

**3) EFFECTIVE PRACTICES**

- 3a) Describe the program's measurable outcomes. What are the enduring benefits for Lakewood residents and communities?

- 3b) How do you ensure the quality of this program? How do you incorporate client voice?



**4) ACCESSIBILITY & ELIBILITY**

4a) What criteria is used to determine eligibility for program participation?

4b) How is this program tailored or adapted to reach diverse populations through language, other communications, or physical accommodations?

4c) Describe your organization's commitment to diversity, equity and inclusion.

**B. DATA COLLECTION**

5) How does the program collect and track client data? If it does not, please explain why.

**C. PROGRAM BUDGET**

- 6a) Budget Narrative - Provide comments on the Program Budget below or provide more details that are relevant for the reviewer to better understand the program budget:

**PROGRAM BUDGET**

- 6b)

Category	Amount Requested this Application (\$)
Personnel	
Admin	
Direct Costs	
Other	
<b>Total</b>	

**CITY OF LAKEWOOD**  
**2021 - 2022 HUMAN SERVICES FUNDING APPLICATION**

**D. ATTACHMENTS (Provide the following documents, attach to the applications, and complete the attachment check list below)**

- ☐ A list of Board of Directors which includes the member's full name, occupation or affiliation, as well as identifying the principle officers of the board.
- ☐ A copy of the most recent available Board of Directors meeting minutes
- ☐ Internal Revenue Service (IRS) tax-exempt determination letter for applicant organizations with a 501 (c) 3 tax status
- ☐ A copy of the organization's last I-990 tax filing or end of year financial statement.
- ☐ A copy of the agency's 2020 operating budget (income and expense)

CARES Act Relief Funding Disclosure: If your organization has received or will receive any CARES Act Relief funds for 2020, please describe the source of those funds, the program(s) supported, and the duration of the funding.

## CITY OF LAKEWOOD

### 2021-2022 BIENNIUM HUMAN SERVICES PROPOSAL RATING SHEET

RATER'S INITIALS \_\_\_\_\_

RATER'S TOTAL SCORE \_\_\_\_\_

PROGRAM NAME \_\_\_\_\_

- I.) Program primarily serves Lakewood residents** \_\_\_\_\_
- (2) More than 75% of participants served are Lakewood residents
  - (1) 50-75% of participants served are Lakewood residents
  - (0) Less than 50% of participants served are Lakewood residents
- II.) Is the organization's total operating budget less than \$1 million?** \_\_\_\_\_
- (2) Yes
  - (0) No
- 1a) Provide a detailed description of the program services** \_\_\_\_\_
- (2) Provides a clear description of program offerings easy to follow
  - (1) Some details are missing from the description or difficult to follow
  - (0) Unclear program description
- 1b) Best fit with City of Lakewood's Human Services funding strategy** \_\_\_\_\_
- (6) Demonstrates understanding of the strategy and a clear plan to move the needle
  - (3) Demonstrates some understanding of the strategy or a clear work plan related to it
  - (0) Does not demonstrate sufficient understanding of, or alignment with, the strategy
- 1c) Primarily serves Lakewood children and/or youth** \_\_\_\_\_
- (4) More than 75%
  - (2) 50-75%
  - (0) Less than 50%
- 1d) Lakewood residents will have access to these services?** \_\_\_\_\_
- (2) Offers program services in Lakewood to ensure access for Lakewood
  - (1) Clearly describes how outreach in Lakewood happens
  - (0) Not clear how and where clients are contacted and connect to services
- 2a) Collaboration and client connections** \_\_\_\_\_
- (2) Demonstrates effective collaboration and client connection
  - (1) Demonstrates some collaboration and client connection
  - (0) Does not demonstrate sufficient collaboration or client connection
- 3a) Community need statement and justification for services** \_\_\_\_\_
- (6) Convincingly demonstrates need and impact
  - (3) Somewhat demonstrates need and impact
  - (0) Does not demonstrate sufficient need or impact
- 3b) Quality Assurance and Client Voice** \_\_\_\_\_
- (2) Demonstrates the program is of high quality and client-centered
  - (1) Somewhat demonstrates the program is of high quality and client-centered
  - (0) Does not sufficiently demonstrate quality or inclusion of client voice
- 4a) Program eligibility and outreach** \_\_\_\_\_
- (2) There are clear criteria to determine eligibility or client referral source

- (1) Screening or client referrals occur outside the agency's control
- (0) Not clear who is eligible

**4b) Making accommodations for diverse populations** \_\_\_\_\_

- (2) Clear intent to address all potential barriers for accessing services
- (1) Program is able to address some but not all potential barriers
- (0) Not clear on barriers and how accommodations are made

**4c) Commitment to equity** \_\_\_\_\_

- (2) Demonstrates strong commitment to equity
- (1) Demonstrates some or moderate commitment to equity
- (0) Does not demonstrate sufficient commitment to equity

**5a) Collection and tracking client data.** \_\_\_\_\_

- (2) There is a clear and formal process to collect, monitor and report data
- (1) The data collection process is informal, incomplete or time limited
- (0) The data collection process does not exist or very limited

**6a) Budget Narrative** \_\_\_\_\_

- (2) Provides a clear description and demonstrates appropriate use of funds
- (1) Provides a somewhat clear description or appropriate use of funds
- (0) Does not provide a clear description and appropriate use of funds

**6b) Program Budget** \_\_\_\_\_

- (2) Budget is consistent with the budget narrative
- (0) Budget has errors or is inconsistent with the budget narrative

**Grand Total (40 possible)** \_\_\_\_\_

**(Please transfer this score to the top of the front page)**

## Attachment Five:

### Family Workforce Development Initiative Summary & Possible RFP

#### Summary

The city's various departments are aligning efforts to address the issue of affordable housing and homelessness. While other departments focus on infrastructure and growing economic opportunity, Human Services' complimentary roles are to make recommendations for human services funding and to develop a family-focused workforce development (WFD) initiative through Lakewood's Promise.

#### Family Workforce Development

The WFD initiative is a six-step process to be followed in collaboration with the organizations that work in this sector:

1. Identify specific current and future family wage jobs in Pierce County that pay at least \$22/hr and have at least 50 openings per year in the county
2. Identify specific employers in Pierce County who hire for these jobs
3. Identify training pathways or work experience history with a track record of getting workers hired in those jobs
4. Communicate these pathways to the community and contribute to building a college-going culture in collaboration with other community-based organizations
5. Identify wraparound support services to help students complete training programs
6. Navigate students to financial literacy resources so they are prepared to strategically deploy their higher wages

#### Status

In April and May 2020, the Human Services Coordinator had two meetings with leaders from Pierce College and Clover Park Technical College to work on the first three steps. A third meeting is scheduled for June as well as a meeting with Lakewood youth-serving organizations to plan for step four.

The work that needs to be done is clear, but there is an equally clear gap in capacity. Fortunately, most of what we need to do this work already exists in the community, but the work of communicating with and aligning the various entities is time-consuming. Someone needs to do the work of going back and forth between the colleges, Employment Security, Workforce Central and its subcontractors, the community groups and community-based organizations, Lakewood's Economic Development and Communications departments, employers, the school district, etc. and probably a graphic designer to support the communications efforts.

#### Possible Request for Proposals

One way to fill this gap would be to allocate a portion of the 2021-22 human services funding for a separate Request for Proposals. Training pathways navigation is a popular strategy at the state level so it is also likely the state's WFD system would have funds, or even matching funds, to support this work.

Example Deliverables for a Lakewood Family Workforce Development RFP:

- Facilitate monthly (or quarterly) meetings with training institutions and workforce development organizations to gather data

- Facilitate monthly (or quarterly) meetings with community-based organizations and community groups to determine strategies for communication about pathways to family wage jobs
- 2-4 times per month, conduct interviews with Lakewood employers or workers with a target family wage job and post a video
- Host at least one career fair or “boost” per quarter
- Leverage the monthly Lakewood Community Collaboration to highlight jobs and employers, and to gather information about wraparound services for the community
- Attend community events/meetings as appropriate in coordination with the Human Services Coordinator to highlight jobs and training programs
- Support Clover Park School District, Clover Park Technical College, and Pierce College to establish an annual higher education week in Lakewood, possibly beginning February 2021
- Identify and promote financial coaching resources
- Identify space, possibly at the City of Lakewood municipal building or with existing financial literacy providers in Lakewood, to host financial coaching services at least quarterly
- Coordinate with the Lakewood Human Services Coordinator, Economic Development Manager, and Communications Manager as necessary





TO: Mayor and City Council

FROM: Tiffany Speir, Long Range & Strategic Planning Manager  
Jeff Gumm, Planning Manager  
Brian Humphreys, Human Services Coordinator  
Becky Newton, Economic Development Manager

THROUGH: John Caulfield, City Manager *John F. Caulfield*

DATE: June 8, 2020

SUBJECT: Potential Use of COVID Relief Funds (CRF) by Lakewood

ATTACHMENTS: 5/28/20 Department of the Treasury FAQs; 6/3/20 Department of Commerce CRF Guidance; 5/29/20 Pacifica Law Group Memo; Partners' Responses re Costs; Draft Contract for CRF Funds

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#### **BACKGROUND**

On May 7, Lakewood secured a FEMA Public Assistance Grant through the WA State Military Department for certain COVID19 related costs dated back to January 20, 2020 and continuing until the end of the “incident” covered by Presidential Disaster Declaration number FEMA-4481-DR-WA. Under this grant (which expires on March 22, 2024), FEMA will provide 75% of grant-eligible costs and Lakewood is responsible for identifying 25% in non-federal match<sup>1</sup>. No limit on available funding is identified within the FEMA PA grant description. Capital projects are eligible.

On April 28, Gov. Jay Inslee announced that the state would be sharing \$300 million from the state’s federal stimulus funding with local governments that did not receive direct distributions under the CARES Act COVID Relief Fund (CRF), including Lakewood. On May 20, per the \$30 per capita calculations used by the state, Lakewood was allocated \$1.79 million of CARES Act COVID Relief Fund (CRF) dollars for its estimated population of 59,670. Unlike the FEMA PA grant discussed above, 100% of eligible costs are reimbursable with these CRF dollars for COVID19-related costs between March 1, 2020 and October 31, 2020.

The CRF eligible funding criteria are included below. Per FAQ guidance from the Department of the Treasury, CRF payments cannot be used for capital improvement projects that are not necessary expenditures incurred due to the COVID-19 public health emergency<sup>2</sup> (i.e., that broadly provide potential economic development in a community.)

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<sup>1</sup> Per the FEMA PA grant agreement, a State Legislature-approved WA Military Department contribution as well as non-cash contributions of property or services may be used as the non-federal match.

<sup>2</sup> However, CRF payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

<b>CRF Criteria</b>	<b>CRF Criteria Detail</b>
<i>Necessary expenditures incurred due to the public health emergency</i>	Reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments
<i>Costs not accounted for in the budget most recently approved as of March 27, 2020</i>	Either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget <i>or</i> (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.
<i>Costs incurred during the period between March 1, 2020, and October 31, 2020</i>	A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

The Department of Commerce has devised an “eligible cost test” – are ALL of the following true? If so, the expense qualifies for CRF use.

- The expense is connected to COVID;
- The expense is necessary;
- The expense is not used to fill shortfall in revenue to cover an expenditure that would otherwise not qualify under the statute;
- The expense wouldn’t exist without COVID19, or would have been for a substantially different purpose; and
- The expense was not a cost accounted for in the budget approved as of March 27, 2020.

Guidance in the US Treasury’s FAQ re use of CRF dollars by local governments indicates that funds can be distributed to other governmental units and to 3<sup>rd</sup> parties:

- Transfers of funds can be made to other units of government, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance.
- Grants can be made to small businesses to reimburse the costs of business interruption caused by required or voluntary closures to promote social distancing measures; and
- Grant assistance can be an eligible expense if provided to individuals facing economic hardship to allow them to continue to receive essential services, such as utilities.

On May 26, the City Council was presented a draft high level budget and an initial list of possible internal and external expenditures. The Council provided direction regarding how CRF fund expenditures should be focused and requested additional information, which is included in this memorandum.

On May 28, the Department of the Treasury issued an updated FAQ document stating that [s]tates should transfer 45% of the funds they receive to local governments with populations

of 500,000 or less.<sup>3</sup> It is unknown if or when Washington State might amend (increase) its allocation to local governments with populations less than 500,000.

#### **RECOMMENDATION**

It is recommended that the City Council review and take appropriate action to approve the attached draft contract for CRF funds. It is also recommended that the City Council, by Motion, approve a budget and possibly funding priorities for the use of the CRF funds.

#### **USE OF CARES ACT COVID RELIEF FUNDS (CRF) BY LAKEWOOD AND ITS PARTNERS**

Included below is an updated budget presenting how the \$1.79 million could be spent: externally (as distributions to individuals and families and businesses) and in partnership with other entities; and spent internally to reimburse the City for its expenditures related to COVID19. In response the Council's direction on May 26, the share of funds reserved for "internal costs" has been reduced while "external cost" allocation has been increased.

Available estimated eligible expenditures for the period of March 1 through May 31 have been used to develop this draft budget. More detailed descriptions of certain "external" budget line items follow thereafter or are attached.

<b>Draft CRF Allocation Budget</b>				<b>\$1,790,100.00</b>
<b>Reserve (10%)</b>				<b>\$179,000.00</b>
<b>Internal (28%)</b>	<b>Overall (5%)</b>			
		City Payroll Reimbursement (COVID19 activities & grant/loan administration)	\$80,000.00	
				<b>\$80,000.00</b>
	<b>Technology (11%)</b>			
		City Facility, Computer and Communications IT upgrades for virtual operations and meetings	\$190,000.00	
				<b>\$190,000.00</b>
	<b>Facilities (6%)</b>			
		Deep clean of City Hall, Police Station and Senior Center buildings and City Vehicle Fleet	\$5,000.00	
		Retrofit City Hall, Police Station and Senior Center with touchless fixtures (change door handles to crash bars; faucet and toilet handles, paper towel and sanitizer dispensers, etc.)	\$10,000.00	
		City Hall retrofit for public access to all services on the 1st floor	\$4,000.00	
		Plexiglass shields at public counters, City Council Chambers dais and public podium	\$5,000.00	
		Reorganize staff cubicles, break rooms and conference rooms in all buildings to ensure social distancing	\$2,000.00	
		Install signage at parks and public-owned venues re personal behaviors to avoid COVID19 (e.g., wear masks, wash hands)	\$3,500.00	
		Mark 6-foot distances in City building public spaces	\$1,000.00	

<sup>3</sup> Department of the Treasury, Coronavirus Relief Fund Frequently Asked Questions Updated as of May 28, 2020. \$2.95 B was allocated to WA State.

Draft CRF Allocation Budget				\$1,790,100.00
		Retrofit City buildings' HVAC systems with bipolar ionization systems	\$75,000.00	
				\$105,500.00
	Personal Protective Equipment (PPE) (6%)			
		Janitorial staff, on-site staff PPE	\$17,000.00	
		Off-site staff PPE (e.g., maintenance crews, LPD, site inspectors)	\$17,000.00	
		Staff and Public PPE at City services and events (masks, gloves, outdoor hand washingt stations for Farmers Market, summer camps, Court, future public events, etc.)	\$17,000.00	
		PPE at City building public-facing counters and Senior Center	\$5,000.00	
		Stockpile of PPE for future City needs (e.g., masks, gloves, sanitizer, temporary fencing, temporary signage, temporary barricades for streets/facilities, etc.)	\$37,100.00	
		Storage containers for stockpiled emergency equipment and storage location	\$15,000.00	
				\$108,100.00
External (63%)	Coordination with Public Partners (13%)			
		West Pierce Fire & Rescue (HVAC UV retrofit in 7 buildings, portable UV equipment)	\$142,000.00	
		Korean Women's Association (KWA) (Payroll & PPE for staff providing in-home care & meal delivery)	\$50,000.00	
		Public Libraries	\$17,500.00	
		Reimbursement to Lakewood for City assistance to WSH	\$10,000.00	
		Public Utilities	\$5,000.00	
		Clover Park School District	\$0.00	
		JBLM	\$0.00	
				\$224,500.00
	Business Assistance (29%)			
		Cultural Business Support: Multi-language translations, hard copy and in-person business outreach and materials re business support from federal, state and local resources.	\$25,000.00	
		Grants and/or loans for low income businesses for mortgage/rent, lost revenues and COVID19-related expenditures	\$450,000.00	
		Funds for PPE and other health supplies for safely continuing Lakewood businesses	\$50,000.00	
				\$525,000.00
	Human Services (21%)			
		Economic Resilience for Families and Individuals	\$275,000.00	
		Domestic Violence and Substance Abuse	\$40,000.00	
		Youth Learning Loss & Mental Health	\$35,000.00	
		Food Access via Food Banks	\$28,000.00	
				\$378,000.00
				\$1,790,100.00

## **Business Assistance Notes**

### **Highest Needs: Gaps for Business and Issues**

- Rental Assistance is number one for both individuals and businesses (overwhelmingly the most mentioned need)
- Utility assistance, if not receiving help from their provider
- PPE: Shields, hand sanitizer, wipes, masks, gloves (most needed are shields, hand sanitizer, and wipes and materials for cleaning)
- Ancillary supplies for restaurants: additional requirements to ensure safety such as packaging, emergency food, restaurant supplies
- Misperceptions that Korean and other International District businesses are not safe

Cultural Business Support: Multi-language translations, hard copy and in-person business outreach and materials re business support from federal, state and local resources. Provide ongoing outreach to bridge the language barriers. Languages include at least Spanish, Korean (Hangul), Cambodian, and Vietnamese.

Emergency Assistance Program: Grants and/or loans for low income businesses for mortgage/rent, lost revenues and COVID19-related expenditures. Provide additional funds to bolster the Small Business Emergency Assistance Program. Allow business owner to count as one employee in sole proprietorship businesses. Limit use of funds to COVID-19 related uses.

PPE: City purchase hand sanitizer, wipes, and shields for distribution to businesses (complementary to County distribution of masks and thermometers)

## **Human Services Notes**

### **Highest Needs: Economic Resilience for Individuals and Families; Domestic Violence and Substance Abuse; Youth Learning Loss and Mental Health; and Access to Food**

Economic Resilience for Individuals and Families:

- Rental Assistance (Gap needing to be filled)
  - Paid directly to landlords/lenders.
  - Must document loss of income due to COVID-19.
  - Payments are for one month's payment up to \$1,500.
  - Eligibility = up to 120% of AMI (\$60,000 HH income.)
  - Consider confirming with the employer.
  - Establish a reimbursement contract with LASA and leverage their existing COVID-19 rental assistance application.
  - **Budget: \$275,000**
    - \$27,500 – Admin (LASA's time – 10% of allocation)
    - \$247,500 – Approx. 154 payments at \$1,500 each or around 200 if the average amount per household is \$1,150

#### Domestic Violence & Substance Abuse:

- The limited timeframe means some funding should support some hours of therapy and advocacy as well as equipment to make physical spaces functional for in-person interaction while maintaining social distance.
- Contract with YWCA given the limited amount, or it could be dispersed between Lakewood's three current DV providers: YWCA, Tacoma Community House, and Rebuilding Hope!
- Budget: \$40,000 to retrofit provider offices to maintain social distancing
  - \$4,000 for providers' admin
  - \$26,000 for equipment
  - \$10,000 for hours of therapy and advocacy to YWCA and perhaps other providers

#### Youth Learning Loss and Mental Health:

- Communities in Schools of Lakewood continues to serve about 200 students and families during the closures. They provide virtual case management and 1:1s with 190 students. They developed door-door deliveries for weekly food, donated books, PPE, and other needs. This meets needs of youth and families, but also helps maintain relationship building. This work usually pauses for the summer and is currently set to end on June 17<sup>th</sup>; however, this summer it will be important to sustain the case management and supports for youth.
- Additional opportunities for Boys & Girls Club and YMCA may arise later in summer 2020 (TBD) – allocate from Reserves
- Budget: \$35,000
  - \$3,500 for CIS Admin
  - \$31,500 for approximately eight weeks of summer case management, wellness checks, food/basic need deliveries, and the continuation of virtual/mentor programming including small groups for students virtually, building relationships and resiliency skills.

#### Access to Food:

- St. Leo's Food Connection provides food to Lakewood students through the Backpack program in collaboration with Communities in Schools, among other partners. This program also usually ends for the summer, but could be extended to coincide with the extended operations of Communities in Schools.
- Nourish PC if not receiving from elsewhere (letter pending)
- Budget: \$28,000
  - \$14,000 to St. Leo's
  - \$14,000 to Nourish PC

**Coronavirus Relief Fund  
Frequently Asked Questions  
Updated as of May 28, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).<sup>1</sup> Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

**Eligible Expenditures**

***Are governments required to submit proposed expenditures to Treasury for approval?***

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

***The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?***

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

***The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?***

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

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<sup>1</sup> The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

***May a State receiving a payment transfer funds to a local government?***

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

***May a unit of local government receiving a Fund payment transfer funds to another unit of government?***

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

***Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?***

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

***Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?***

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

***Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?***

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

***Are States permitted to use Fund payments to support state unemployment insurance funds generally?***

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.



***Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?***

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

***The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?***

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

***In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?***

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

***If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?***

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

***May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

***May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contract tracing are eligible.

***To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

***May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

***May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

***Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

***May recipients create a “payroll support program” for public employees?***

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?***

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

***May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?***

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?***

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

***The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?***

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

***May Fund payments be used to assist impacted property owners with the payment of their property taxes?***

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

***May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?***

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

***Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?***

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

***The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?***

Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.

***The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?***

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?***

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?***

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

***Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?***

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

***May a State impose restrictions on transfers of funds to local governments?***

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

***If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?***

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the accrued interest expense on TANs and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

***May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?***

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

***Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?***

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

***May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?***

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

***May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?***

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

***May recipients use Fund payments to provide loans?***

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

***May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?***

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

**Questions Related to Administration of Fund Payments**

***Do governments have to return unspent funds to Treasury?***

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

***What records must be kept by governments receiving payment?***

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

***May recipients deposit Fund payments into interest bearing accounts?***

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

***May governments retain assets purchased with payments from the Fund?***

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

***What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?***

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

***Are Fund payments to State, territorial, local, and tribal governments considered grants?***

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are “other financial assistance” under 2 C.F.R. § 200.40.

***Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?***

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Are Fund payments subject to other requirements of the Uniform Guidance?***

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?***

Yes. The CFDA number assigned to the Fund is 21.019, pending completion of registration.

***If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients’ total funding received from the federal government for purposes of the Single Audit Act?***

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

***Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?***

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

***If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?***

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program

or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



## Department of Commerce: Coronavirus Relief Fund Information as of 6/3/20

[Home/Serving Communities/Local Government/Coronavirus Relief Fund](#)

<https://www.commerce.wa.gov/serving-communities/local-government/covid-resiliency-grants/#:~:text=Local%20Government%20Coronavirus%20Relief%20Funds,distributions%20under%20the%20CARES%20Act.>

### Local Government Coronavirus Relief Funds

Governor Inslee announced that the state would award \$300 million of the state's CARES funding to local governments that did not receive direct distributions under the CARES Act.

Cities and counties are taking extraordinary measures to protect their residents during the COVID-19 pandemic while continuing to provide the basic services communities rely on. Commerce is moving these critical dollars so communities can cover critical expenses arising from the COVID-19 emergency, including isolation and quarantine sites, staffing and the procurement of medical supplies and equipment for health care, and planning for safe reopening and recovery.

The funds are available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

### Recipients and awards

Funds will be provided to cities and counties with populations under 500,000 that were ineligible to receive direct funding under the CARES Act. Cities and counties below 500,000-population will receive a per capita distribution of \$30.00, with a minimum distribution of \$250,000 per county and \$25,000 for cities and town. The specific distribution allocations were determined by the Office of Financial Management. Click [here](#) for a complete list of local governments and their award amounts from the state's Coronavirus Relief Funds (CRF).

### Funding criteria

***Expenditures must be used for actions taken to respond to the public health emergency.***

Under the CARES Act, the Coronavirus Relief Funds may be used to reimburse local governments in response to the COVID-19 public health emergency during the period of March 1, 2020 thru Oct. 31, 2020\*.

**These may include expenditures incurred to allow the local government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures in response to second-order effects of the emergency, such as economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.**

Funds may **NOT** be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

Payments may **NOT** be used to cover costs accounted for in the budget most recently approved as of March 27, 2020. The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

### Eligible costs

**Allowable expenditures include, but are not limited to:**

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Costs of providing COVID-19 testing, including serological testing.

- Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
    - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
    - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
    - Expenses for disinfection of public areas and other facilities, g., nursing homes, in response to the COVID-19 public health emergency.
    - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
    - Expenses for public safety measures undertaken in response to COVID-19.
    - Expenses for quarantining individuals.
  3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
  4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
    - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
    - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
    - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
    - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
    - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
    - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
  5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
    - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
    - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
    - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
  6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Grantees are charged with determining whether or not an expense is eligible based on the [US Treasury's Guidance](#) and as provided in the grantee's contract scope of work with Commerce.

To assist jurisdictions with this determination, Commerce has developed an [eligibility cost test](#). This test gives each jurisdiction full authority to make the appropriate call for each circumstance.

**TEST** – If all responses for the particular incurred cost are “true” for all five statements below, then a jurisdiction can feel confident the cost is eligible:

1. The expense is connected to the COVID-19 emergency.
2. The expense is “necessary”.
3. The expense is not filling a short fall in government revenues.
4. The expense is not funded thru another budget line item, allotment or allocation, as of March 27, 2020.
5. The expense wouldn’t exist without COVID-19 OR would be for a “substantially different” purpose.

It is the responsibility of each jurisdiction to define “**necessary**” or “**substantially different**”, giving the jurisdiction the authority and flexibility to make their own determination.

**Additional consideration** – The intent of these funds is to help jurisdictions cover the *immediate impacts* of the COVID-19 emergency. Both direct costs to the jurisdiction and costs to their communities. There are many possible eligible costs.

Many costs are clearly eligible and others are in more of a grey area. One could probably justify some of the “grey area” costs based on the test, but are they directly addressing the *immediate impacts*? Possibly not. In these situations it may be safer and more appropriate to utilize the funds in one of the many other eligible cost categories that more clearly meet the intent of the funds. Again, each jurisdiction has the full authority to make the final call based on their circumstances and justification.

Please feel free to utilize the Eligibility Cost Test Checklist to assist with determining eligible costs for your jurisdiction.

## Contracting requirements

Prior to receiving funds, a contract will need to be executed between the local governmental entity and the state. Award letters with additional instructions to initiate the contracting process will be emailed to the cities and counties receiving an allocation in the next 1-2 weeks, through May 22<sup>nd</sup>.

All awardees will be required to set up an SWV number so funds may be sent electronically. Please find detailed instructions here: [Office of Financial Management](#). It may take up to three weeks after the submittal of this information for an electronic transfer account to be set up.

Funds will be provided on a reimbursement basis only. The awardee shall submit invoice reimbursement requests through Commerce’s online invoicing process. Invoices must include a detailed breakdown of the costs incurred within each eligible budget category. All awardees will certify each invoices expenses are allowable per [CRF Treasury Guidance](#).

\*Please note: In order to ensure all awardees and their costs incurred in response to the COVID-19 emergency are paid out by the December 30, 2020 per the [CRF Treasury Guidance](#), expenditures are only being accepted on costs incurred through October 31, 2020. All final requests for reimbursement must be submitted no later than November 15, 2020.

Commerce is working to make the contracting process as quick and easy as possible. Please continue to check this web page for additional information.

## Reporting requirements

Each submitted invoice must include a detailed breakdown of the costs incurred within each eligible budget category and the total reportable eligible expenses in response to the COVID-19 public health emergency. Accompanying each invoice must be an executed A-19 certification and A-19 activity report:

1. A completed [A-19 Certification](#):
  - An individual authorized to execute on behalf of the local government must certify by signing this document under penalty of perjury that the items and costs listed herein and on the accompanying Commerce A-19 Voucher are eligible charges for necessary expenditures incurred due to the COVID-19 public health emergency that were not previously accounted for in the most recent approved budget as of March 27, 2020, and that the funds were used in accordance with section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).
2. A completed [A-19 Activity Report](#) (*instructions included in document*):
  - Must be submitted as an Excel spreadsheet, not a PDF, and include the total amount of all previous reimbursement requests and the total amount of funds being requested in the current reimbursement request for each applicable sub-category.
  - Include a detailed breakdown of the individual eligible expenditures reported by each sub-category.
  - Include a brief description of the use of the funds being requested for each applicable sub-category. Keep descriptions as concise as possible, but include adequate context to demonstrate how these funds addressed the COVID-19 emergency.

Incomplete or improperly prepared submissions may result in payment delays. No receipts or proof of payment for costs incurred will be required to be submitted to Commerce. Jurisdictions are still required to maintain sufficient accounting records in accordance with state and federal laws; and are responsible for maintaining clear and accurate program records, and making them accessible to Commerce and the State Auditor. ***Monitoring visits may be scheduled.***

## CARES Act Update:

### Eligible Expenditures for Coronavirus Relief Funds

The CARES Act created the Coronavirus Relief Fund (“CRF”) to provide \$150 billion for payments to states, tribal governments, and units of local government for fiscal year 2020. The payments have already been made to states. Large local governments (populations of over 500,000) also received direct distributions.<sup>1</sup>

The following provides an overview of eligible expenditures for CRF amounts. Since our initial alert describing the guidance released by the U.S Treasury Department (“Treasury”), Treasury has updated its FAQ guidance. **This article has been updated to reflect the updated guidance, including the most recent FAQ guidance issued on May 28, 2020.** The guidance now includes a specific direction to states to share 45 percent of the amount received with smaller local governmental entities, confirms that federal single audit, internal controls and sub-recipient monitoring and management requirements apply, and include a few additional illustrative examples of eligible uses.

Treasury distributed a total of \$2.95 billion to Washington entities as follows: \$2.17 billion to the State, \$262 million to King County, \$158 million to Pierce County, \$132 million to the City of Seattle, \$143 million to Snohomish County and \$91 million to Spokane County. The amount sent to King County was reduced by Treasury by the \$132 million provided to Seattle, to reflect the overlapping population. As of May 18, 2020, the State has allocated almost \$300 million to the smaller counties and cities.<sup>2</sup>

The CARES Act provides that funds may be used by a state, tribal government, or local government to cover only those costs that meet the following three requirements:

- are necessary expenditures incurred due to the COVID-19 public health emergency;
- were not accounted for in the state or local government budget most recently approved as of March 27, 2020; and
- were incurred between March 1, 2020 and December 30, 2020.

#### Treasury Department Guidance regarding Eligible Expenditures<sup>3</sup>

On April 22, 2020, the U.S. Treasury Department released guidance setting forth its interpretation of what expenditures meet these three statutory requirements.

##### *Incurred due to the COVID-19 Public Health Emergency*

The guidance interprets the term “incurred due to the COVID-19 public health emergency” to include both expenses incurred directly to respond to the emergency “as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.” This language makes clear not only that the State and local governments may use the funds to address secondary effects –

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<sup>1</sup> See methodology at <https://home.treasury.gov/system/files/136/Census-Data-and-Methodology-Final.pdf>

<sup>2</sup> <https://deptofcommerce.app.box.com/s/cq8de48g63pcdqm6dy59igbnch1zv4ph>

<sup>3</sup> <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

including economic effects – of the COVID-19 public health mitigation measures, but also that the State and local governments may use the funds to make grants for these purposes.

### ***Necessary Expenditures; No Replacement of Lost Revenues***

The guidance states that funds must be used for expenditures and may not be used to replace lost revenues. “Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.”

The guidance interprets the term necessary “broadly” and defers to the reasonable judgment of state and local government officials to determine whether an expenditure is reasonably necessary for its intended use.

As further detailed in the FAQ guidance summarized below, expenditures that operate to replace lost governmental revenues are generally ineligible. For example, CRF funds may not be used to provide assistance to property owners to pay property taxes, and CRF funds cannot be paid to the county or city utility to replace unpaid utility fees. But the guidance provides some more flexible examples of eligible expenditures (as exceptions to this general rule) of using CRF funds to provide assistance specifically designed to prevent foreclosures as part of an eviction and homelessness prevention program, and of providing subsidy payments to utility rate payers “to provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.”

### ***Unbudgeted***

The guidance interprets what expenditures are unbudgeted, e.g. “were not accounted for in the state or local government budget most recently approved as of March 27, 2020.” If “(a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation” the cost can be considered unbudgeted.

The “most recently approved budget” is interpreted to refer to the “enacted budget for the relevant fiscal period” and to exclude subsequent supplemental appropriations or budget amendments made in response to COVID-19. Expenditures paid from reserves also are considered unbudgeted.

### ***Illustrative Examples***

The guidance includes a number of nonexclusive, illustrative examples of eligible expenditures. The chart included at the end of this article lists the illustrative eligible expenditures, together with relevant notes for the additional FAQ guidance Treasury has since provided.

The guidance also includes a few examples of ineligible expenses. Examples of ineligible expenses include the State share of Medicaid; damages covered by insurance; payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency; expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by states to state unemployment funds; reimbursement to donors for donated items or services; workforce bonuses other than hazard pay (defined in the FAQ guidance to mean additional pay for performing hazardous duty or

work involving physical hardship, in each case that is related to COVID-19) or overtime; severance pay; and legal settlements.

The CARES Act also makes the funds subject to the policy riders that apply to federal public health funding, such as the Hyde Amendment. The FAQ guidance adds federal single audit, internal controls and sub-recipient monitoring and management requirements as summarized below.

#### **Treasury Department FAQ Guidance<sup>4</sup> - New Update as of May 28, 2020**

On April 22, 2020, the U.S. Treasury Department released FAQ guidance. Initially, the FAQ guidance addressed just four questions.<sup>5</sup> The FAQ guidance has been updated periodically, and significantly expanded, with the most recent update on May 28, 2020. The following outlines some of the more significant questions answered. Other answers are included as notes to the chart of eligible expenditure examples that follows this article.

#### ***Role of State in Sharing Allocation with Smaller Counties and Cities***

Initially, the FAQ noted Congressional intent that the funds be shared with local governments, and provided that states may transfer funds to a local government to cover eligible expenses. As updated on May 28, 2020, the FAQ provides specific direction that states should share 45 percent of the amount the state received (after Treasury deducted the amount sent directly to large local governments) with local governments with populations of 500,000 or less to be used for eligible expenditures. The FAQ includes the following example:

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

Following this example, 45 percent of the \$2.2 billion received by the State of Washington (after Treasury's deductions for direct payments to the larger local governments), or \$975 million, should be shared with local governments with populations of 500,000 or less. As of May 18, 2020, the State had allocated almost \$300 million to the smaller counties and cities, and had previously indicated that additional allocations would be made, probably in a more targeted manner.<sup>6</sup>

In addition to directing states to share 45 percent of the amount received with smaller local governments the FAQ guidance notes that states may impose restrictions on transfers of funds to local governments to the extent necessary to facilitate the state's compliance with the requirements applicable to the funds, but cautioned that other restrictions are not permissible.

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<sup>4</sup> <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>

<sup>5</sup> The FAQ guidance previously made clear that any funds not spent by December 30, 2020 will be required to be returned to the Treasury, furthered Congressional intent that the funds be shared with local governments, including smaller local governments by providing that the State may transfer funds to a local government to cover eligible expenses, noted that purchased assets may be retained and provided that the state or local government should keep sufficient records to demonstrate that funds were properly spent.

<sup>6</sup> Note that, based on press reports, most other states had shared less, and some had not yet shared funds with local government at all. Washington State's allocations to counties and cities are being managed by the State Department of Commerce, which has establish a website of helpful resources at <https://www.commerce.wa.gov/serving-communities/local-government/covid-resiliency-grants/>.



### *Use of Funds for Public Health and Public Safety Payroll Costs*

The guidance states that CRF funds may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

The FAQ provide further administrative flexibility with respect to public health and public safety payroll costs in particular. The FAQ states that ... “as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.” This language provides significant flexibility to make a determination that public health and public safety payroll expenditures are eligible expenditure, if the expenditures also meet the “unbudgeted” requirement.

The FAQ guidance on what can be considered unbudgeted, or not accounted for in the most recently approved fiscal year budget, is less clear. The guidance states that a cost can be considered unbudgeted if the cost is “for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.” The FAQ guidance explains that costs incurred for a substantial different use include (as an illustrative example) “costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.”

The FAQ warns, however, that a function provided from a different location or through a different manner is not a substantially different use merely because of these differences, giving the example that although “developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.” Applying this guidance to public health and public safety payroll costs, it would be helpful to make clear how personnel is being redeployed to address COVID-19, including enabling compliance with public health measures. Payroll costs for public health and public safety personnel who are now responsible for carrying out—including supporting compliance with—the public health response should meet this requirement.

### *Use of Interest Earnings*

The FAQ addresses the use of interest earnings on CRF funds. The guidance notes that funds may be deposited to interest bearing accounts. If the funds are separately invested, interest earnings must be used only for eligible expenditures for the funds. More flexibility is provided where funds are commingled for investment purposes: “If a government deposits Fund payments in a government’s general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures.”<sup>7</sup>

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<sup>7</sup> Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended, described at <https://www.fiscal.treasury.gov/cmia/>



### *Assets Purchased with CRF Funds*

The FAQs allow use of CRF funds to purchase assets that are reasonably necessary to respond to COVID-19, and make clear that governments may retain purchased assets. If purchased assets are sold or disposed of prior to December 30, 2020, however, the sale or disposition proceeds must be applied to eligible expenditures.

### *Reporting and Audit Requirements*

The May 28, 2020 update to the FAQ guidance provides significantly more detail regarding the reporting and auditing requirements applicable to CRF funds. The FAQs make clear that CRF payments are considered federal financial assistance for purposes of the federal Single Audit Act.<sup>8</sup> Certain related provisions of the Uniform Guidance apply, specifically:

- internal controls requirements,<sup>9</sup>
- requirements for sub-recipient monitoring and management,<sup>10</sup> and
- audit requirements.<sup>11</sup>

For the purposes of determining whether a government has met the threshold for purposes of the single audit requirement, payments to sub-recipients are included. Entities, including sub-recipients, are subject to a single audit (or program specific audit, if applicable)<sup>12</sup> when \$750,000 or more in federal awards are spent during their fiscal year. Costs of the audit are eligible expenses.<sup>13</sup>

The use of CRF funds is subject to review, and recoupment in the event the funds are found to have been spent improperly. The state or large local government that received the direct payment is responsible for recoupment of amounts transferred to other entities and therefore is held responsible for the compliance by grant and other recipients with applicable requirements.

### **Summary**

State and local government costs that have been incurred<sup>14</sup> or will be incurred prior to December 30, 2020 may be eligible for funding, depending on the nature of the expenditure. Although the guidance does not permit state and local governments to use CRF to replace lost tax or other revenues, the guidance does provide some flexibility to allocate the funds to a range of expenditures. Eligible expenses are not limited to the direct expenses of responding to COVID-19, but include expenditures to address secondary, including economic, impacts associated with Stay at Home orders and other public health measures.

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<sup>8</sup> 31 U.S.C. §§ 7501-7507.

<sup>9</sup> 2 C.F.R. § 200.303.

<sup>10</sup> §§ 200.330 through 200.332.

<sup>11</sup> 2 CFR Subpart F - Audit Requirements.

<sup>12</sup> Pursuant to 2 C.F.R. § 200.501(a).

<sup>13</sup> Subject to allocations under 2 C.F.R. § 200.425.

<sup>14</sup> Per the guidance a “cost is ‘incurred’ when the responsible unit of government has expended funds to cover the cost.”

## Coronavirus Relief Fund – Treasury Guidance Regarding Eligible Expense Examples

Category of Eligible Expense Examples	Treasury Examples of Eligible Expenses	Applicable FAQ Notes
Medical expenses	<ul style="list-style-type: none"> <li>COVID-19-related expenses of public hospitals, clinics, and similar facilities.</li> <li>Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.</li> <li>Costs of providing COVID-19 testing, including serological testing.</li> <li>Emergency medical response expenses, including emergency medical transportation, related to COVID-19.</li> <li>Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.</li> </ul>	<p>Governments may use CRF payments to support public or private hospitals for necessary COVID-19 expenditures... Funds also may be used to assist individuals who have been laid off due to COVID-19 and have lost their health insurance with enrolling in a government program.</p> <p>Expenses associated with contract tracing also are eligible.</p>
Public health expenses	<ul style="list-style-type: none"> <li>Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.</li> <li>Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.</li> <li>Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.</li> <li>Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.</li> <li>Expenses for public safety measures undertaken in response to COVID-19.</li> <li>Expenses for quarantining individuals.</li> </ul>	<p>Costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.</p> <p>CRF payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.</p>

Category of Eligible Expense Examples	Treasury Examples of Eligible Expenses	Applicable FAQ Notes
<p>Payroll expenses for public safety, public health, health care, human services, and similar employees <b>whose services are substantially dedicated</b> to mitigating or responding to the COVID19 public health emergency.</p> <p>Expenses of actions to facilitate compliance with COVID-19-related public health measures.</p>	<p><i>See FAQ guidance for public safety and public health presumption and for when public health and public safety payroll costs can be considered unbudgeted.</i></p> <div data-bbox="464 435 1077 711"> <p>The FAQs note that payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also within this definition.</p> </div> <ul style="list-style-type: none"> <li>• Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.</li> <li>• Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.</li> <li>• Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.</li> <li>• Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance.</li> <li>• COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance.</li> <li>• Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.</li> </ul>	<div data-bbox="1165 232 1980 686"> <p>With respect to public health and public safety staff, the FAQs state that “as a matter of administrative convenience in light of the emergency nature of this program, a ... government <u>may presume</u> that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive determines that specific circumstances indicate otherwise. “</p> <p>But, to be “unbudgeted” costs of personnel and services that were budgeted for in the most recently approved budget must, due entirely to the COVID-19 public health emergency, have been <u>diverted to substantially different functions</u>.</p> </div> <div data-bbox="1192 876 1969 1092"> <p>Note that the cost of broadband projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed would not be necessary due to the public health emergency and thus would <u>not</u> be eligible uses of Fund payments</p> </div> <div data-bbox="1192 1169 1969 1421"> <p>Payments to provide emergency financial assistance to individuals/families directly impacted by a loss of income due to the COVID-19 public health emergency are permitted. Assistance could include a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs.</p> </div>

Category of Eligible Expense Examples	Treasury Examples of Eligible Expenses	Applicable FAQ Notes
Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency.	<ul style="list-style-type: none"> <li>• Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.</li> <li>• Expenditures related to a State, territorial, local, or Tribal government payroll support program (but note that use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, per above and per FAQ).</li> <li>• Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.</li> </ul>	<div data-bbox="1182 224 1932 451"> <p>A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure.</p> </div> <div data-bbox="1182 516 1932 849"> <p>Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise. Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.</p> </div>

Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund’s eligibility criteria.

State and local government organizations continue to advocate for additional federal funding and other financing tools to address COVID-19 impacts, specifically to address the steep decline in sales tax and other revenues resulting from the sudden halt in business activity necessitated by the COVID-19 public health emergency, as part of CARES 2 or other stimulus legislation.

If you have any questions regarding this information, please contact us. Additional COVID-19 resources are available on our website at <https://www.pacificallawgroup.com/covid-19-resources/>.

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Dated: May 29, 2020.

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To subscribe to our mailing list, please contact Mia Wiltse at [Mia.Wiltse@pacificallawgroup.com](mailto:Mia.Wiltse@pacificallawgroup.com).

Hi Tiffany: Yes, our staff has been diligently working with customers who have past due balances to align them with LIHEAP resources. We also have a financial resource provided my customers and double-matched by the company, called Project Help. This resource is also available to customers who are validated through LIHEAP's process.

In addition, we are offering extended payment terms for commercial customers needing assistance and arranging payment plans for residential customers needing assistance.

There is a "double-edged sword effect" with the governor's extension of Proclamation 20-23.4 otherwise known as the no disconnects or late charges proclamation, through July 28<sup>th</sup>. Currently we have 1335 (out of 10,250 customer meters) who have at least one month's worth of delinquent bills. Of that 1335, 71 or 5.3% have five months of bills they owe (one current bill and four months' worth of bills in arrears). If these trends remain unchanged, by July 28<sup>th</sup> this same subset of customers will have seven power bills that they owe for.

Keep in mind that this financial malady is compounded further, as many of these same people are in arrears on paying their rent. Per our cooperative structure, any power bills which are defaulted on by a tenant become the liability of the member (or land owner).

I hope this answers your questions. If you need more information, let me know.

Thank you,

**John M. DeVore**  
*CEO/General Manager*  
*Lakeview Light & Power*  
*253-327-6116 (W) | 253-732-4927 (C)*

**From:** Tiffany Speir <[tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)>  
**Sent:** Wednesday, June 3, 2020 8:48 AM  
**To:** John DeVore <[jdevore@lakeviewlight.com](mailto:jdevore@lakeviewlight.com)>  
**Subject:** Question re utility relief for customers

Hello John – I hope you are well and healthy.

Has LL&P able to provide customers any COVID19 related bill relief?

Thank you

---

**From:** Peter Ansara [mailto:PAAnsara@kwacares.org]  
**Sent:** Thursday, June 4, 2020 9:04 AM  
**To:** Tiffany Speir <tspeir@cityoflakewood.us>  
**Subject:** RE: Criteria for funds coming from the State to Lakewood re coronavirus relief funds

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Hi Tiffany:

Our main plan is to do a rehab of our office in Lakewood to make it COVID 19 compliant so we can serve clients.. The Estimate to do everything is about \$3m. I know you don't have a money tree that large. That said, we could use any amount that you can spare. So this would be for 6/1 to 10/31 construction. I am attaching our estimate.

From March 1 to May 31, we spent \$72K in PPE. We do not qualify for any federal assistance due to us being over 500 employees. We are scraping by as we lost service hours to clients. They stopped our homecare services and we are losing about \$350K per month because of it.

On a side note the schedule to expend your funds is aggressive but I understand that is what Feds want!

Do you need more than this? Please let me know.

Thank you Tiffany.



**Peter J. Ansara** | CEO | [Korean Women's Association](#)  
123 E.96<sup>th</sup> Street|Tacoma, WA 98445  
(P) 253.538.8340 |(F) 253.535.4827

**From:** Tiffany Speir <[tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)>  
**Sent:** Thursday, June 4, 2020 8:56 AM  
**To:** Peter Ansara <[PAAnsara@kwacares.org](mailto:PAAnsara@kwacares.org)>  
**Subject:** RE: Criteria for funds coming from the State to Lakewood re coronavirus relief funds

Hi Pete – do you have estimated dollar amounts for the items you listed in red below for the period of 3/1/20 – 5/31/20, and then any idea about between 6/1/20 and 10/31/20?

Thanks,

---

Tiffany Speir\*, Esq., CPM®  
Planning Manager - Long Range/Strategic Planning



253.983.7702 | c 253.204.9643 | [tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)

\*Tiffany Speir does not provide legal representation for the City of Lakewood

**From:** Peter Ansara [<mailto:PAnsara@kwacares.org>]  
**Sent:** Thursday, May 21, 2020 10:39 AM  
**To:** Tiffany Speir <[tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)>  
**Subject:** RE: Criteria for funds coming from the State to Lakewood re coronavirus relief funds

**This email originated outside the City of Lakewood.**

Use caution when following links or opening attachments as they could lead to malicious code or infected web sites.  
When in doubt, please contact the HelpDesk.

- [helpdesk@cityoflakewood.us](mailto:helpdesk@cityoflakewood.us) ext. 4357

Thank you Tiffany. Please see in red below where I believe we fit in? Your thoughts?



**Peter J. Ansara** | CEO | [Korean Women's Association](#)  
123 E.96<sup>th</sup> Street | Tacoma, WA 98445  
(P) 253.538.8340 |(F) 253.535.4827

**From:** Tiffany Speir <[tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)>  
**Sent:** Thursday, May 21, 2020 10:22 AM  
**To:** Peter Ansara <[PAnsara@kwacares.org](mailto:PAnsara@kwacares.org)>  
**Subject:** Criteria for funds coming from the State to Lakewood re coronavirus relief funds

FYI – to be introduced to city council on 5/26:

Per the Department of the Treasury and the State Department of Commerce, COVID Relief Fund (CRF) monies may be used for **costs incurred by a local government in response to the COVID-19-related public health emergency during the period of March 1, 2020 thru October 31, 2020. Reimbursement requests must be submitted by November 15, 2020.**

CRF Criteria	CRF Criteria Detail
<i>Necessary expenditures incurred due to the public health emergency</i>	Reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments
<i>Costs not accounted for in the budget most recently approved as of March 27, 2020</i>	Either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget <i>or</i> (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.
<i>Costs incurred during the period that begins on March 1, 2020, and ends on October 31, 2020</i>	A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Allowable expenditures include, but are not limited to:

- Medical and public health expenses.



- Payroll expenses for public safety, public health, health care, human services, & similar employees whose services are substantially dedicated to mitigating or responding to the emergency.

We are providing in home care and home delivered meals that are dedicated for COVID-19 purposes. I believe we would qualify for the payroll taxes under this description.

- Expenses of actions to facilitate compliance with public health measures.

We are expending additional dollars for PPE for homecare and food preparation staff for the home delivered meals. These expenses are to facilitate the compliance of public health measures.

- Expenses associated with the provision of economic support in connection with the emergency.
- Any other COVID-19-related expenses of government that satisfy the CRF's eligibility criteria.

I believe that rehab of a building to address COVID\_19 services to clients would qualify here.

**Commerce has devised an “eligible cost test” – are ALL of the following true? If so, the expense qualifies for CRF use.**

- The expense is connected to COVID;
- The expense is necessary;
- The expense is not used to fill shortfall in revenue to cover an expenditure that would otherwise not qualify under the statute;
- The expense wouldn't exist without COVID19, or would have been for a substantially different purpose; and
- The expense was not a cost accounted for in the budget approved as of March 27, 2020.

Tiffany Speir\*, Esq., CPM®  
Planning Manager - Long Range/Strategic Planning



6000 Main St SW, Lakewood, WA 98499  
253.983.7702 | c 253.204.9643 | [tspeir@cityoflakewood.us](mailto:tspeir@cityoflakewood.us)  
\*Tiffany Speir does not provide legal representation for the City of Lakewood

[www.lakewoodstation.org](http://www.lakewoodstation.org)

John,

I discussed our COVID expenses and possible reimbursements with our staff. Currently, the two main funding resources available to us are the FEMA Public Assistance Grant (PA) and the FEMA Assistance to Firefighters Grant (AFG).

In late March, we had firefighters exposed in two different stations, leading to a quarantine of 22 firefighters. After this incident, we focused heavily on what steps we could take to reduce exposure risks inside our stations. Subsequently, we made two capital purchases. The first was improvements to our HVAC systems to install air-cleaning bipolar ionization systems in all of our facilities. These systems reduce the risk of recirculating pathogens in the facility. The second purchase was for portable UV-C lights to use inside the stations. All of our medic units have a UV-C lighting system built into them which is used to disinfect the inside of the unit after a call. These portable lights now give us the ability to disinfect the living quarters and offices in our stations the same way we disinfect our medic units.

The AFG is intended to fund PPE, and while these two items are technically eligible they are noted as a low priority over other PPE. Therefore, we will not be requesting funding out of AFG for these. They may be eligible under the PA funding, but outside of a few specific things, the total list of what will be funded in the PA is pretty unclear.

These two investments were not funded in our operating budget and would not have been a consideration, if we had not had our recent experience with COVID and the exposures to our firefighters. The cost for installing the bipolar ionization systems in our seven facilities was \$95,338.25. The cost for the portable UV-C lights was \$44,674.35. The total for both capital purchases was \$140,012.60. **The total cost for the bipolar ionization systems and the UV-C lighting was \$140,012.60.** Since they were a fairly expensive investment, any assistance would be appreciated.

Jim Sharp  
Fire Chief  
West Pierce Fire & Rescue  
253-983-4543  
[jim.sharp@westpierce.org](mailto:jim.sharp@westpierce.org)

---

June 4, 2020

John J. Caulfield  
City Manager  
6000 Main St. SW  
Lakewood, WA 98499

Dear Mr. Caulfield,

The Pierce County Library System (PCLS) is requesting CARES Act funding from the City of Lakewood to support the continued operation of the Tillicum and Lakewood branches through two of the eligible cost categories. We appreciate your consideration.

**Public Health**

*\$7,500.00*

PCLS will provide Personal Protection Equipment (PPE) for Lakewood branch employees. This may include the following items:

- Cloth face coverings/masks
- Hand sanitizer
- Gloves
- Thermometers, such as infrared or temperature-based thermometers (for self-check stations at all employee entrances)
- Antiseptic handwash

As we establish cleaning procedures for both work spaces and general areas, PCLS will require funding for the acquisition and distribution of sanitizing supplies that support the guidance from Governor Inslee's office:

- Antiseptic cleaning supplies

When community members are allowed to enter our branches, it is important to maintain the appropriate level of social distancing between them and PCLS staff. Below are some projected interventions we are considering for areas where employees and the public will come in contact:

- Install plexiglass barriers/sneeze guards at counters or other space where public/staff interface frequently.
- Provide the public with (non-obligatory) masks upon request
- Install directional arrows and queue marks on the floor (like many grocery stores have done), to demarcate the six-foot minimum

*(cont.)*

**Distance Learning and Telework Capabilities**

*\$10,000*

According to a June 2<sup>nd</sup> update from the Washington Educator's Association, the 2020/2021 school schedule will not be what our students left behind in March. The vast majority of students won't be going back Monday through Friday for a full school day. Neither will school be the same distance learning model currently in place. This means that school will be a hybrid model with both in-school and distance learning elements. The details beyond that are yet to be finalized. To cover expenses that facilitate distance learning in connection with this, PCLS is also requesting funding for technology that will provide students with access to their education. Our focus will be to target disadvantaged and vulnerable households who lack technology or connectivity in key Lakewood neighborhoods (i.e. Tillicum and Springbrook). We will work with our community partners and school districts to identify and communicate with households, and will purchase devices that offer both internet connectivity, and the ability to complete educational assignments. Further decisions will be made as additional recommendations are made available from Gov. Inslee, and the Office of Superintendent of Public Instruction.

Additionally, to improve our staff's ability to telework, we are requesting reimbursement funding for webcams, headsets, and USB flash drives that are already scheduled to be purchased in June 2020. Due to the supply chain, and shipping availability, we must move forward with the purchase immediately, to ensure there are no added service interruptions.

While our community begins to recover from the COVID-19 crisis, support for the Library's reopening is a transformative investment in the well-being of the City of Lakewood. We are honored to be the stewards of this work, and value our partnership. In closing, we humbly request a total of \$18,000 from the City of Lakewood's CARES Act funding to aid in the health and future of our Tillicum and Lakewood libraries.

Sincerely,



Lauren Angelo  
Grant Writer and Prospect Research Associate  
Pierce County Library Foundation



## **Interagency Agreement with**

«The City of Lakewood»

through

the Coronavirus Relief Fund for Local Governments

## **For**

Costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020.

**Start date:** March 1, 2020

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# FACE SHEET

Contract Number: 20-6541C-222

Washington State Department of Commerce  
Local Government Division  
Community Capital Facilities Unit  
Coronavirus Relief Fund for Local Governments

<b>1. Contractor</b> «City of Lakewood» «6000 Main St SW» «Lakewood», Washington «98499 »		<b>2. Contractor Doing Business As (optional)</b>	
<b>3. Contractor Representative</b> «John» «Caulfield» «City Manager» 253.983.7703 jcaulfield@cityoflakewood.us		<b>4. COMMERCE Representative</b> Amanda Sieler Project Manager (360) 791-1228 Fax 360-586-5880 <a href="mailto:amanda.sieler@commerce.wa.gov">amanda.sieler@commerce.wa.gov</a> P.O. Box 42525 1011 Plum Street SE Olympia, WA 98504-2525	
<b>5. Contract Amount</b> \$1,790,100	<b>6. Funding Source</b> Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	<b>7. Start Date</b> March 1, 2020	<b>8. End Date</b> October 31, 2020
<b>9. Federal Funds (as applicable)</b> \$1,790,100	<b>Federal Agency:</b> US Dept. of the Treasury	<b>CFDA Number:</b> 21.999	<b>Indirect Rate (if applicable):</b> N/A
<b>10. Tax ID #</b> 91-1698185	<b>11. SWV #</b> SWV0017611-00	<b>12. UBI #</b> 601667295	<b>13. DUNS #</b> 949462758
<b>14. Contract Purpose</b> To provide funds for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) during the period of March 1, 2020 thru October 31, 2020. <b>Final invoices must be received by November 15, 2020.</b>			
<b>15. Signing Statement</b> COMMERCE, defined as the Department of Commerce, and the Contractor, as defined above, acknowledge and accept the terms of this Contract and Attachments and have executed this Contract on the date below and warrant they are authorized to bind their respective agencies. The rights and obligations of both parties to this Contract are governed by this Contract and the following documents hereby incorporated by reference: Attachment "A" – Scope of Work, Attachment "B" – Budget & Invoicing, Attachment "C" – A-19 Certification, Attachment "D" – A-19 Activity Report			
<b>FOR CONTRACTOR</b>  _____ John Caulfield, City Manager  _____ Date		<b>FOR COMMERCE</b>  _____ Mark K. Barkley, Assistant Director, Local Government Division  _____ Date  <b>APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL 05-01-2020. APPROVAL ON FILE.</b>	

**SPECIAL TERMS AND CONDITIONS  
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**1. AUTHORITY**

COMMERCE and Contractor enter into this Contract pursuant to the authority granted by the Interlocal Cooperation Act, Chapter 39.34 RCW.

**2. ACKNOWLEDGMENT OF FEDERAL FUNDS**

Funds under the Contract are made available and are subject to Section 601(a) of the Social Security Act, as amended by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and Title V and VI of the CARES Act.

The Contractor agrees that any publications (written, visual, or sound) but excluding press releases, newsletters, and issue analyses, issued by the Contractor describing programs or projects funded in whole or in part with federal funds under this Contract, shall contain the following statements:

“This project was supported by a grant awarded by US Department of the Treasury. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the US Department of the Treasury. Grant funds are administered by the Local Government Coronavirus Relief Fund thru the Washington State Department of Commerce.”

**3. CONTRACT MANAGEMENT**

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Contract.

The Representative for COMMERCE and their contact information are identified on the Face Sheet of this Contract.

The Representative for the Contractor and their contact information are identified on the Face Sheet of this Contract.

**4. COMPENSATION**

COMMERCE shall pay an amount not to exceed the contract amount listed on the Face Sheet for the performance of all things necessary for or incidental to the performance of work under this Contract as set forth in the Scope of Work (Attachment A).

**5. EXPENSES**

Contractor shall receive reimbursement for allowable expenses as identified in the Scope of Work (Attachment A) or as authorized in advance by COMMERCE as reimbursable.

Travel expenses may include airfare (economy or coach class only), other transportation expenses, and lodging and subsistence necessary during periods of required travel. Contractor shall receive compensation for travel expenses at current state travel reimbursement rates.

**6. INDIRECT COSTS**

Contractor shall provide their indirect cost rate that has been negotiated between their entity and the federal government. If no such rate exists a *de minimis* indirect cost rate of 10% of modified total direct costs (MTDC) will be used.

**7. BILLING PROCEDURES AND PAYMENT**

COMMERCE shall reimburse the Contractor for eligible Project expenditures, up to the maximum payable under this Contract. When requesting reimbursement for expenditures made, Contractor shall submit all Invoice Vouchers and any required documentation electronically through COMMERCE's Contracts Management System (CMS), which is available through the Secure Access Washington (SAW) portal. If the Contractor has constraints preventing access to COMMERCE's online A-19 portal, a hard copy A-19 form may be provided by the COMMERCE Project Manager upon request.



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The voucher must be certified by an official of the Contractor with authority to bind the Contractor. The final voucher shall be submitted to COMMERCE no later than November 15, 2020.

COMMERCE will pay Contractor upon acceptance of services provided and receipt of properly completed invoices, which shall be submitted to the Representative for COMMERCE not more often than monthly.

The invoices shall describe and document, to COMMERCE's satisfaction, reimbursable expenditures as set forth under the Scope of Work (Attachment A) and Budget & Invoicing (Attachment B). The invoice shall include the Contract Number as stated on the Face Sheet.

Each voucher must be accompanied by an A-19 Certification (Attachment C) and A-19 Activity Report (Attachment D). The A-19 Certification must be certified by an authorized party of the Contractor to certify and attest all expenditures submitted on the voucher are in compliance with the United States Treasury Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments:

<https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

The A-19 Activity Report must be submitted which describes, in Excel spreadsheet and narrative form, a detailed breakdown of the expenditures within each applicable budget sub-category identified in the voucher, as well as a report of expenditures to date. COMMERCE will not release payment for any reimbursement request received unless and until the A-19 Certification and A-19 Activity Report is received. After approving the Invoice Voucher, A-19 Certification and Activity Report, COMMERCE shall promptly remit a warrant to the Contractor.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Contractor.

COMMERCE may, in its sole discretion, terminate the Contract or withhold payments claimed by the Contractor for services rendered if the Contractor fails to satisfactorily comply with any term or condition of this Contract.

No payments in advance or in anticipation of services or supplies to be provided under this Agreement shall be made by COMMERCE.

Duplication of Billed Costs

The Contractor shall not bill COMMERCE for services performed under this Agreement, and COMMERCE shall not pay the Contractor, if the Contractor is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Contractor is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its subcontractors.

Should the Contractor be found to spent funds inconsistent with federal laws, rules, guidelines, or otherwise inappropriately, it is the responsibility of the Contractor to reimburse Commerce for any amount spent on disallowed costs.

**8. AUDIT**

Contractor shall maintain internal controls providing reasonable assurance it is managing federal awards in compliance with laws, regulations, and provisions of contracts or grant agreements that could have a material effect on each of its federal programs; and prepare appropriate financial statements, including a schedule of expenditures of federal awards.

If the Contractor is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Contractor shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Contractor shall:

**SPECIAL TERMS AND CONDITIONS  
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- A. Submit to COMMERCE the reporting package specified in OMB Super Circular 2 CFR 200.501, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor.
- B. Submit to COMMERCE follow-up and developed corrective action plans for all audit findings.

If the Contractor is a subrecipient and expends less than \$750,000 in federal awards from any and/or all sources in any fiscal year, the Contractor shall notify COMMERCE they did not meet the single audit requirement.

The Contractor shall send all single audit documentation to [auditreview@commerce.wa.gov](mailto:auditreview@commerce.wa.gov).

**9. DEBARMENT**

- A. Contractor, defined as the primary participant and its principals, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:
  - i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
  - ii. Have not within a three-year period preceding this Contract, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
  - iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549; and
  - iv. Have not within a three-year period preceding the signing of this Contract had one or more public transactions (Federal, State, or local) terminated for cause of default.
- B. Where the Contractor is unable to certify to any of the statements in this Contract, the Contractor shall attach an explanation to this Contract.
- C. The Contractor agrees by signing this Contract that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by COMMERCE.
- D. The Contractor further agrees by signing this Contract that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

**LOWER TIER COVERED TRANSACTIONS**

- i. The lower tier Contractor certifies, by signing this Contract that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
  - ii. Where the lower tier Contractor is unable to certify to any of the statements in this Contract, such contractor shall attach an explanation to this Contract.
- E. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact COMMERCE for assistance in obtaining a copy of these regulations.

**10. LAWS**

The Contractor shall comply with all applicable laws, ordinances, codes, regulations, and policies of local, state, and federal governments, as now or hereafter amended, including, but not limited to:

**SPECIAL TERMS AND CONDITIONS  
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**United States Laws, Regulations and Circulars (Federal)**

Contractor shall comply with Uniform Administrative Requirements, Cost Principles, and Audit Requirement for Federal Award, 2 CFR 200, Subpart F – Audit Requirements.

Contractor shall comply with the applicable requirements of 2 CFR Part 200, including any future amendments to 2 CFR Part 200, and any successor or replacement Office of Management and Budget (OMB) Circular or regulation.

Contractor shall comply with Omnibus Crime Control and Safe streets Act of 1968, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, The Age Discrimination Act of 1975, and The Department of Justice Non-Discrimination Regulations, 28 C.F.R. Part 42, Subparts C.D.E. and G, and 28 C.F.R. Part 35 and 39.

**11. ORDER OF PRECEDENCE**

In the event of an inconsistency in this Contract, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget & Invoicing
- Attachment C – A-19 Certification
- Attachment D – A-19 Activity Report

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**1. DEFINITIONS**

As used throughout this Contract, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Contract" or "Agreement" means the entire written agreement between COMMERCE and the Contractor, including any attachments, documents, or materials incorporated by reference. E-mail or facsimile transmission of a signed copy of this contract shall be the same as delivery of an original.
- D. "Contractor" shall mean the entity identified on the face sheet performing service(s) under this Contract, and shall include all employees and agents of the Contractor.
- E. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- F. "State" shall mean the state of Washington.
- G. "Subcontractor" shall mean one not in the employment of the Contractor, who is performing all or part of those services under this Contract under a separate contract with the Contractor. The terms "subcontractor" and "subcontractors" mean subcontractor(s) in any tier.

**2. ALL WRITINGS CONTAINED HEREIN**

This Contract contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.

**3. AMENDMENTS**

This Contract may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

**4. ASSIGNMENT**

Neither this Contract, work thereunder, nor any claim arising under this Contract, shall be transferred or assigned by the Contractor without prior written consent of COMMERCE.

**5. CONFIDENTIALITY AND SAFEGUARDING OF INFORMATION**

- A. "Confidential Information" as used in this section includes:
  - i. All material provided to the Contractor by COMMERCE that is designated as "confidential" by COMMERCE;
  - ii. All material produced by the Contractor that is designated as "confidential" by COMMERCE; and
  - iii. All personal information in the possession of the Contractor that may not be disclosed under state or federal law.
- B. The Contractor shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Contractor shall use Confidential Information solely for the purposes of this Contract and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Contractor shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Contractor shall provide COMMERCE with its policies and procedures on confidentiality.

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COMMERCE may require changes to such policies and procedures as they apply to this Contract whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Contractor shall make the changes within the time period specified by COMMERCE. Upon request, the Contractor shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Contractor against unauthorized disclosure.

- C. Unauthorized Use or Disclosure. The Contractor shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

**6. COPYRIGHT**

Unless otherwise provided, all Materials produced under this Contract shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Contractor hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Contract, but that incorporate pre-existing materials not produced under the Contract, the Contractor hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Contractor warrants and represents that the Contractor has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Contractor shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Contract, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Contract. The Contractor shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Contractor with respect to any Materials delivered under this Contract. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Contractor.

**7. DISPUTES**

In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this Agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, Agreement terms and applicable statutes and rules and make a determination of the dispute. The Dispute Board shall thereafter decide the dispute with the majority prevailing. The determination of the Dispute Board shall be final and binding on the parties hereto. As an alternative to this process, either of the parties may request intervention by the Governor, as provided by RCW 43.17.330, in which event the Governor's process will control.

**8. GOVERNING LAW AND VENUE**

This Contract shall be construed and interpreted in accordance with the laws of the state of Washington, and any applicable federal laws, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

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**9. INDEMNIFICATION**

Each party shall be solely responsible for the acts of its employees, officers, and agents.

**10. LICENSING, ACCREDITATION AND REGISTRATION**

The Contractor shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Contract.

**11. RECAPTURE**

In the event that the Contractor fails to perform this Contract in accordance with state laws, federal laws, and/or the provisions of this Contract, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Contractor of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Contract.

**12. RECORDS MAINTENANCE**

The Contractor shall maintain books, records, documents, data and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

The Contractor shall maintain records that identify, in its accounts, all federal awards received and expended and the federal programs under which they were received, by Catalog of Federal Domestic Assistance (CFDA) title and number, award number and year, name of the federal agency, and name of the pass-through entity.

The Contractor shall retain such records for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

**13. SAVINGS**

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Contract and prior to normal completion, COMMERCE may suspend or terminate the Contract under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Contract may be amended to reflect the new funding limitations and conditions.

**14. SEVERABILITY**

The provisions of this contract are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the contract.

**15. SUBCONTRACTING**

The Contractor may only subcontract work contemplated under this Contract if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Contractor shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Contractor to amend its subcontracting procedures as they

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relate to this Contract; (b) prohibit the Contractor from subcontracting with a particular person or entity; or (c) require the Contractor to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Contract. Contractor shall incorporate 2 CFR Part 200, Subpart F audit requirements into all subcontracts. The Contractor is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Contract. The Contractor shall appropriately monitor the activities of the Subcontractor to assure fiscal conditions of this Contract. In no event shall the existence of a subcontract operate to release or reduce the liability of the Contractor to COMMERCE for any breach in the performance of the Contractor's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

**16. SURVIVAL**

The terms, conditions, and warranties contained in this Contract that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Contract shall so survive.

**17. TERMINATION FOR CAUSE**

In the event COMMERCE determines the Contractor has failed to comply with the conditions of this contract in a timely manner, COMMERCE has the right to suspend or terminate this contract. Before suspending or terminating the contract, COMMERCE shall notify the Contractor in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the contract may be terminated or suspended.

In the event of termination or suspension, the Contractor shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the contract, withhold further payments, or prohibit the Contractor from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the Contractor or a decision by COMMERCE to terminate the contract. A termination shall be deemed a "Termination for Convenience" if it is determined that the Contractor: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this contract are not exclusive and are in addition to any other rights and remedies provided by law.

**18. TERMINATION FOR CONVENIENCE**

Except as otherwise provided in this Contract, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Contract, in whole or in part. If this Contract is so terminated, COMMERCE shall be liable only for payment required under the terms of this Contract for services rendered or goods delivered prior to the effective date of termination.

**19. TERMINATION PROCEDURES**

Upon termination of this contract, COMMERCE, in addition to any other rights provided in this contract, may require the Contractor to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this contract as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Contractor the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Contractor and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree

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with such determination shall be a dispute within the meaning of the "Disputes" clause of this contract. COMMERCE may withhold from any amounts due the Contractor such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Contractor shall:

- A. Stop work under the contract on the date, and to the extent specified, in the notice;
- B. Place no further orders or subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the contract that is not terminated;
- C. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;
- D. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
- E. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the contract had been completed, would have been required to be furnished to COMMERCE;
- F. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
- G. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this contract, which is in the possession of the Contractor and in which the Authorized Representative has or may acquire an interest.

**20. TREATMENT OF ASSETS**

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in COMMERCE upon delivery of such property by the Contractor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Contractor shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this contract.
- B. The Contractor shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Contractor or which results from the failure on the part of the Contractor to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Contractor shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Contractor shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this contract

All reference to the Contractor under this clause shall also include Contractor's employees, agents or Subcontractors.



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**21. WAIVER**

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Contract unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

## Scope of Work

This funding is made available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") and Section V and VI of the CARES Act, for costs incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). Under the CARES Act, the Coronavirus Relief Fund may be used to cover costs that:

1. **Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); AND**
2. **Are not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government.**

**These funds may be used to reimburse for expenditures incurred during the period of March 1, 2020 thru Oct. 31, 2020. Please note: In order to ensure all funds have been fully utilized prior to the US Treasury's December 30, 2020 end date, the State of Washington must closeout contracts by October 31, 2020. All final requests for reimbursement must be received no later than November 15, 2020.**

Expenditures must be used for necessary actions taken to respond to the public health emergency. These may include expenditures incurred to allow the local government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

Payments may be used only to cover costs not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either:

1. The cost cannot lawfully be funded using a line item, allotment, or allocation within that budget; OR
2. The cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget is the enacted budget for the relevant fiscal period for the particular government. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

### **Allowable expenditures include, but are not limited to:**

1. Medical expenses such as:
  - a. COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - b. Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - c. Costs of providing COVID-19 testing, including serological testing.
  - d. Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - e. Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:

- a. Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - b. Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
  - c. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
  - d. Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - e. Expenses for public safety measures undertaken in response to COVID-19.
  - f. Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
  - a. Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
  - b. Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
  - c. Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
  - d. Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
  - e. COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
  - f. Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
  - a. Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
  - b. Expenditures related to a State, territorial, local, or Tribal government payroll support program.
  - c. Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

## Budget & Invoicing

The Contractor shall determine the appropriate budget and use of funds within the following 6 budget categories and their sub-categories:

1. Medical
2. Public Health
3. Payroll
4. Actions to Comply with Public Health Measures
5. Economic Support
6. Other Covid-19 Expenses

The Contractor shall submit invoice reimbursement requests to the Commerce Representative using the Commerce Contract Management System's (CMS) Online A-19 Portal. Each reimbursement request must include:

1. A-19 Certification form – An authorized party of the local government will certify each invoice (A19) submitted for reimbursement and attest that all incurred expenditures meet the US Treasury Department's guidance: <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>
2. A-19 Activity Report
3. A detailed breakdown of the expenditures incurred within each applicable budget sub-category on the A-19 Activity Report.

The A-19 Certification and Activity Report templates will be provided with the executed contract. The documents are included in Attachment C and Attachment D for reference.

Receipts and proof of payment for costs incurred do not need to be submitted with A-19s. All contractors are required to maintain accounting records in accordance with state and federal laws. Records must be sufficient to demonstrate the funds have been used in accordance with section 601(d) of the Social Security Act. Commerce reserves the right to audit any costs submitted for reimbursement. The Contractor shall comply with Commerce A-19 audits and provide the appropriate records upon request.



## LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

I, **<FIRST, LAST NAME>**, am the **<TITLE>** of **<LOCAL GOVERNMENT>**, and I certify that:

1. I have the authority and approval from the governing body on behalf of the Local Government to request reimbursement from the Department of Commerce (Commerce) per contract number **<COMMERCE CONTRACT NUMBER>** from the allocation of the Coronavirus Relief Fund as created in section 5001 of H.R.748, the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") for eligible expenditures included on the corresponding A-19 invoice voucher for report period **<REPORT PERIOD FROM A-19>**.
2. I understand that as additional federal guidance becomes available, a contract amendment to the agreement between Commerce and the Local Government may become necessary.
3. I understand Commerce will rely on this certification as a material representation in processing this reimbursement.
4. I certify the use of funds submitted for reimbursement from the Coronavirus Relief Funds under this contract were used only to cover those costs that:
  - a. Are *necessary expenditures* incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
  - b. Were not accounted for in the budget most recently approved as of March 27, 2020; and
  - c. Were incurred during the period that begins on March 1, 2020, and ends on October 31, 2020.
5. I understand the use of funds pursuant to this certification must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. We have reviewed the guidance established by U.S. Department of the Treasury<sup>1</sup> and certify costs meet the required guidance. Any funds expended by the Local Government or its subcontractor(s) in any manner that does not adhere to official federal guidance shall be returned to the State of Washington.

Footnote:

1 – Guidance available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf> (4/30/2020)

## LOCAL GOVERNMENT CORONAVIRUS RELIEF FUNDS CERTIFICATION

Page 2 of 2

6. I understand the Local Government receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices and/or sales receipts in a manner consistent with §200.333 *Retention requirements for records* of 2 CFR Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Such documentation shall be produced to Commerce upon request and may be subject to audit by the State Auditor.
7. I understand any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
8. I understand funds received pursuant to this certification cannot be used for expenditures for which the Local Government has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

I certify that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

\_\_\_\_\_  
Printed Name\_\_\_\_\_  
Title\_\_\_\_\_  
Signature\_\_\_\_\_  
Date:

**INSTRUCTIONS:**

A completed CRF A-19 Certification and Activity Report must be submitted with each A-19 reimbursement request. The A-19 Activity Report must be submitted as an Excel spreadsheet, not a PDF. You must also include a detailed breakdown of the individual expenditures reported in **Column F** for each applicable sub-category included on the A-19 Activity Report.

There are 6 primary budget categories;

1. Medical Expenses
2. Public Health Expenses
3. Payroll expenses for public employees dedicated to COVID-19
4. Expenses to facilitate compliance with COVID-19-measures
5. Economic Supports
6. Other COVID-19 Expenses

Each primary budget category includes sub-categories and provides an option to add "other" sub-categories not listed.

Follow the below instructions when completing the A-19 Activity Report:

- 1 **REPORT PERIOD** - Enter the report period into **Cell D1** of the A-19 Activity Report.
  - a This should match the report period entered on the corresponding A-19.
  - b Report period should include MM/YY to MM/YYYY, i.e. 03/20, March 2020, 03/2020, etc.
- 2 **COLUMN E** - Enter the total amount of all previous reimbursement requests submitted to Commerce for each applicable sub-category.
- 3 **COLUMN F** - Enter the total amount being requested in the current reimbursement request for each applicable sub-category.
- 4 **COLUMN H: USE OF FUNDS** - You must include a general description of the use of the funds being requested for each applicable sub-category. Keep descriptions as concise as possible, but include adequate context to demonstrate how these funds helped address the COVID-19 emergency. If applicable, please consider:
  - a Providing a brief description of the specific activities performed.
  - b Identifying specific populations served.
  - c Identifying specific programs created or utilized.
  - d Including any known or intended outcomes, results, or community impacts.
- 5 **OTHER SUB-CATEGORIES** - Budget categories 1-5 include a placeholder to add an additional sub-category if necessary.
  - a Enter a **Title** for other expenses added within the appropriate budget category.
  - b Enter titles into **Cells: D10, D19, D27, D36, and D41**.
  - c There is only one "other" placeholder in each budget category section. Please combine multiple "other" sub-categories added to the same budget category.
- 6 **OTHER BUDGET CATEGORIES** - Budget category 6 is where you should include any eligible expenditures that don't fall under budget categories 1-5.
  - a Enter a **Title** for these "other" expenses within budget category 6.
  - b Enter titles into **Cells D44 - D48**.
  - c There are only 5 entry fields available within Budget Category 6.

Coronavirus Relief Fund  
A-19 Activity Report

Report Period:

Eligible Expenditures	Previously Reported Expenditures	Current Expenditures this Invoice	Total Cumulative Expenditures	Brief Description of Use of Funds
<b>1 Medical Expenses</b>				
A. Public hospitals, clinics, and similar facilities	\$ -	\$ -	\$ -	
B. Temporary public medical facilities & increased capacity	\$ -	\$ -	\$ -	
C. COVID-19 testing, including serological testing	\$ -	\$ -	\$ -	
D. Emergency medical response expenses	\$ -	\$ -	\$ -	
E. Telemedicine capabilities	\$ -	\$ -	\$ -	
F. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>2 Public Health Expenses</b>				
A. Communication and enforcement of public health measures	\$ -	\$ -	\$ -	
B. Medical and protective supplies, including sanitation and PPE	\$ -	\$ -	\$ -	
C. Disinfecting public areas and other facilities	\$ -	\$ -	\$ -	
D. Technical assistance on COVID-19 threat mitigation	\$ -	\$ -	\$ -	
E. Public safety measures undertaken	\$ -	\$ -	\$ -	
F. Quarantining individuals	\$ -	\$ -	\$ -	
G. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>3 Payroll expenses for public employees dedicated to COVID-19</b>				
A. Public Safety	\$ -	\$ -	\$ -	
B. Public Health	\$ -	\$ -	\$ -	
C. Health Care	\$ -	\$ -	\$ -	
D. Human Services	\$ -	\$ -	\$ -	
E. Economic Development	\$ -	\$ -	\$ -	
F. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>4 Expenses to facilitate compliance with COVID-19-measures</b>				
A. Food access and delivery to residents	\$ -	\$ -	\$ -	
B. Distance learning tied to school closings	\$ -	\$ -	\$ -	
C. Telework capabilities of public employees	\$ -	\$ -	\$ -	
D. Paid sick and paid family and medical leave to public employees	\$ -	\$ -	\$ -	
E. COVID-19-related expenses in county jails	\$ -	\$ -	\$ -	
F. Care and mitigation services for homeless populations	\$ -	\$ -	\$ -	
G. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>5 Economic Supports</b>				
A. Small Business Grants for business interruptions	\$ -	\$ -	\$ -	
B. Payroll Support Programs	\$ -	\$ -	\$ -	
C. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>6 Other COVID-19 Expenses</b>				
A. Other:	\$ -	\$ -	\$ -	
B. Other:	\$ -	\$ -	\$ -	
C. Other:	\$ -	\$ -	\$ -	
D. Other:	\$ -	\$ -	\$ -	
E. Other:	\$ -	\$ -	\$ -	
Sub-Total:	\$ -	\$ -	\$ -	
<b>TOTAL:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	





TO: City Council

FROM: Tiffany Speir, Long Range & Strategic Planning Manager

THROUGH: John Caulfield, City Manager *John P. Caulfield*  
Dave Bugher, Assistant City Manager for Development Services

DATE: June 8, 2020

SUBJECT: 2020 Annual Development Regulation Amendments and Property  
Tax Exemption Amendments

ATTACHMENT: Planning Commission Resolution 2020-02

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#### **BACKGROUND**

On June 3, 2020, the Planning Commission took action on its recommendation to the City Council regarding the proposed 2020 Annual Development Regulation (20ADR) Package that includes amendments to LMC Titles 1, 12, 14, 15, 17, and 18A.

Also included within this memorandum are proposed amendments to LMC Chapter 3.64 (the proposed new chapter is titled Property Tax Exemptions for MultiFamily Housing); the Planning Commission did not provide a recommendation on the new language since the LMC Title 3 is outside the Commission's purview.

#### **DISCUSSION**

##### **Annual Development Regulation Amendment Package**

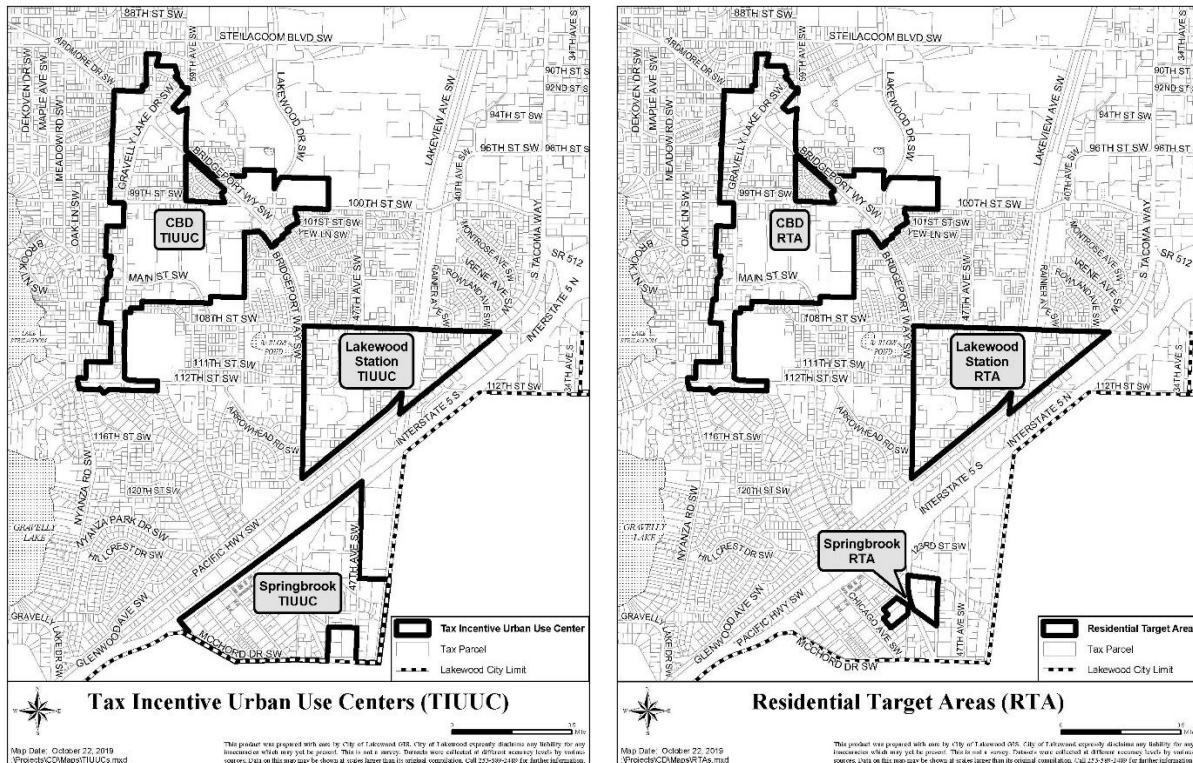
The Planning Commission is recommending updates to several municipal code titles (LMC Titles 1, 12, 14, 15, 17, and 18A) related to land use and development in its 2020 Annual Development Regulation (20 ADR) Package. These amendments stem from identification of scrivener errors, use of the current municipal code by staff and permit applicants, state statutory and regulatory updates, and case law updates affecting land use in Washington State, Pierce County, and the City of Lakewood. A copy of Planning Commission Resolution 2020-02 is attached hereto.

As part of its findings, the Commission requested that the City Council review proposed LMC Chapter 17.17, Plat Alterations, to consider whether it was more restrictive than legally necessary. For the Council's information, the City's Legal Department reviewed the draft Chapter 17.17 prior to it being presented to the Planning Commission, and its language is based on state statutory language at RCW 58.17.215.

## MultiFamily Tax Exemption Program Update

An updated municipal code chapter related to the City's MultiFamily Tax Exemption (MFTE) program. The current LMC Chapter 3.64, based on the City of Tacoma's original code language, requires a two-step legislative process to identify first a Tax Incentive Urban Use Center (TIUUC) and then a Residential Target Area (RTA), and the MFTE is available within the RTA.

Included below are maps of Lakewood's current TIUUCs and RTAs: the Central Business District and the Lakewood Station District TIUUCs and RTAs are coterminous, but the Springbrook RTA is smaller than the Springbrook TIUUC.



State law does not include TIUUCs. In addition, Tacoma has since gone in an entirely different direction with their code and legislative process. Tacoma now defines an RTA as, "... an area within a mixed-use center that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public."

Included below is language for a completely updated LMC Chapter 3.64 to streamline the ability for the City Council to designate where Lakewood's property tax exemption program would apply.

**Proposed New LMC Chapter 3.64**  
**PROPERTY TAX EXEMPTIONS FOR MULTI-FAMILY HOUSING**

**Sections:**

3.64.010 Definitions.

3.64.020 Property Tax Exemption – Requirements and Process.

3.64.030 Residential Target Area Designation and Standards.

3.64.040 Tax Exemptions for Multi-Family Housing in Residential Target Areas.

**3.64.010 Definitions.**

See LMC 18.10.180 for definitions related to this chapter.

**3.64.020 Property Tax Exemption – Requirements and Process.**

A. Intent. Limited eight (8) or twelve (12)-year exemptions from ad valorem property taxation for multi-family housing are intended to:

1. Encourage increased residential opportunities within mixed-use centers designated by the City Council as residential target areas (RTAs);
2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multifamily housing in residential target areas to increase and improve housing opportunities;
3. Assist in directing future population growth to designated RTAs, thereby reducing development pressure on single-family residential neighborhoods; and
4. Achieve development densities which are more conducive to transit use.

B. Duration of Exemption. The value of improvements qualifying under this chapter will be exempt from ad valorem property taxation for eight (8) or twelve (12) successive years (depending on whether the property includes affordable housing component as described in subsections E and F below) beginning January 1 of the year immediately following the calendar year of issuance of the Final Certificate of Tax Exemption.

C. Limits on Exemption. The exemption does not apply to the value of land or to the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

D. Rehabilitation Provisions. Per RCW 84.14.030, property proposed to be rehabilitated must fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995.

E. Eight (8)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:

1. Location. The project must be located within a residential target area, as designated in Section 3.64.030 (C).
2. Size. The project must include at least four (4) units of multi-family housing within a residential structure or as part of a mixed-use development. A minimum of four (4) new units must be constructed or at least four additional multi-family units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for twelve (12) months or more does not have to provide additional units so long as the project provides at least four (4) units of new, converted, or rehabilitated multi-family housing.
3. Permanent Residential Occupancy. At least fifty percent (50%) of the space designated for multi-family housing must be provided for permanent residential occupancy, as defined in Section 3.64.010.
4. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three (3) years from the date of approval of the application.
5. Compliance with Guidelines and Standards. The project must be designed to comply with the City's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved. Rehabilitation and conversion improvements, and new construction, must comply with LMC Chapter 15.05. The project must also comply with any other standards and guidelines adopted by the City Council for the residential target area (RTA) in which the project will be developed.
6. Vacancy Requirement. Existing dwelling units proposed for rehabilitation must have one or more violations of LMC Chapter 15.05 or 15.25. If the property proposed to be rehabilitated is not vacant or in the case of applications for property to be developed as new construction which currently has residential rental structure on it, an applicant must provide each existing household a ninety (90)-calendar day move notice as well as provide housing of comparable size, quality, and price which meets standards acceptable to the City. If any household being provided a ninety (90)-calendar day move notice is qualified as a low-income household, the applicant will provide the household with moving expenses according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

F. Twelve (12)-Year Exemption Project Eligibility. A proposed project must meet the following requirements for consideration for a twelve (12) year property tax exemption:

1. All requirements set forth in subsection E above; and

2. The applicant must commit to renting or selling at least twenty percent (20%) of the multifamily housing units as affordable housing units to low and moderate-income households respectively, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the City of Lakewood. In the case of projects intended exclusively for owner occupancy, the minimum requirement of this subsection may be satisfied solely through housing affordable to moderate income households.

G. Application Procedure. A property owner who wishes to propose a project for a tax exemption shall complete the following procedures:

1. File with the Community and Economic Development Department the required application along with the required fees as set in the Lakewood Master Fee Schedule (adopted annually by resolution.) If the application shall result in a denial by the City, the City will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.

2. A complete application shall include:

a. A completed City of Lakewood application form setting forth the grounds for the exemption;

b. Preliminary floor and site plans of the proposed project;

c. A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;

d. For rehabilitation projects and for new development on property upon which an occupied residential rental structure previously stood, the applicant shall also submit an affidavit stating that each existing household was sent a ninety (90)-calendar day move notice and that each household was provided housing of comparable size, quality, and price which meets the Uniform Physical Condition Standards or a similar standard acceptable to the City.

e. For any household being provided a ninety (90)-calendar day move notice that qualifies as a low-income household, the applicant will also submit an affidavit stating that moving expenses have been or will be provided according to the current Department of Transportation Fixed Residential Moving Costs Schedule.

f. In addition, for rehabilitation projects, the applicant shall secure from the City verification of the property's noncompliance with LMC Chapter 15.05.

g. Verification by oath or affirmation of the information submitted.

H. Application Review and Issuance of Conditional Certificate. The Director may certify as eligible an application which is determined to comply with the requirements of this chapter.

A decision to approve or deny an application shall be made within ninety (90)-calendar days of receipt of a complete application.

1. Approval. If an application is approved, the applicant shall enter into a contract with the City, subject to approval by resolution of the City Council regarding the terms and conditions of the project. Upon Council approval of the contract, the Director shall issue a Conditional Certificate of Acceptance of Tax Exemption. The Conditional Certificate expires three (3) years from the date of approval unless an extension is granted as provided in this chapter.

2. Denial. The Director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within ten (10)-calendar days of the denial. An applicant may appeal a denial to the City Council within fourteen (14)-calendar days of receipt of notice. On appeal, the Director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the Director's decision. The City Council's decision on appeal will be final.

I. Extension of Conditional Certificate. The Conditional Certificate may be extended by the Director for a period not to exceed twenty four (24) consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by a processing fee, the amount of which is listed in the City's Master Fee Schedule. An extension may be granted if the Director determines that:

1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;

2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and

3. All the conditions of the original contract between the applicant and the City will be satisfied upon completion of the project.

J. Application for Final Certificate. Upon completion of the improvements agreed upon in the contract between the applicant and the City and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a Final Certificate of Tax Exemption. The applicant must file with the Community and Economic Development Department the following:

1. A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;

2. A description of the completed work and a statement of qualification for the exemption;

3. A statement that the work was completed within the required three-year period or any authorized extension; and

4. If applicable, a statement that the project meets the affordable housing requirements as described in subsection F above.

Within thirty (30)-calendar days of receipt of all materials required for a Final Certificate, the Director shall determine which specific improvements satisfy the requirements of this chapter.

K. Issuance of Final Certificate. If the Director determines that the project has been completed in accordance with the contract between the applicant and the City and has been completed within the authorized time period, the City shall, within ten (10)-calendar days, file a Final Certificate of Tax Exemption with the Pierce County Assessor.

1. Denial and Appeal. The Director shall notify the applicant in writing that a Final Certificate will not be filed if the Director determines that:

a. The improvements were not completed within the authenticated time period;

b. The improvements were not completed in accordance with the contract between the applicant and the City; or

c. The owner's property is otherwise not qualified under this chapter.

2. Within ten (10)-calendar days of receipt of the Director's denial of a final certificate, the applicant may file an appeal with the City's Hearing Examiner, as provided in Chapter 1.36 LMC. The applicant may appeal the Hearing Examiner's decision in Pierce County Superior Court under RCW 34.05.510 through 34.05.598, if the appeal is filed within thirty (30)-calendar days of notification by the City to the owner of the decision being challenged.

L. Annual Compliance Review. Within thirty (30)-calendar days after the first anniversary of the date of filing the Final Certificate of Tax Exemption, and each year thereafter, for a period of eight or twelve years, the property owner shall file a notarized declaration with the Director indicating the following:

1. A statement of occupancy and vacancy of the multi-family units during the previous year;

2. A certification that the property continues to be in compliance with the contract with the City; and, if applicable, a certification of affordability based on documentation that the property is in compliance with the affordable housing requirements as described in RCW 84.14 since the date of the certificate approved by the City; and

3. A description of any subsequent improvements or changes to the property.

City staff shall also conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.

M. Cancellation of Tax Exemption. If the Director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multi-family housing to another use, the owner must notify the Director and the Pierce County Assessor within sixty (60) days of the change in use.

1. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the Pierce County Assessor may impose an additional tax on the property, together with interest and penalty, and a priority lien may be placed on the land, pursuant to State legislative provisions.

2. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the Director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the City Clerk within thirty (30)-calendar days, specifying the factual and legal basis for the appeal. The Hearing Examiner will conduct a hearing at which all affected parties may be heard and all competent evidence received. The Hearing Examiner will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. An aggrieved party may appeal the Hearing Examiner's decision to the Pierce County Superior Court.

### **3.64.030 Residential target area designation and standards.**

A. Criteria. Following a public hearing, the City Council may, in its sole discretion, designate one or more residential target areas (RTAs). Each designated RTA must meet the following criteria, as determined by the City Council:

1. The target area lacks sufficient available, desirable, and convenient residential housing to meet the needs of the public who would likely live in the mixed-use center if desirable, attractive, and livable places were available; and

2. The providing of additional housing opportunity in the target area will assist in achieving the following purposes:

a. Encourage increased residential opportunities within the target area; or

b. Stimulate the construction of new multi-family housing and the rehabilitation of existing vacant and underutilized buildings for multi-family housing.



In designating an RTA, the City Council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain a significant increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions and social liability in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020.

The City Council may, by ordinance, amend or rescind the designation of an RTA at any time pursuant to the same procedure as set forth in this chapter for original designation.

B. Target Area Standards and Guidelines. For each designated residential target area (RTA), the City Council shall adopt basic requirements for both new construction and rehabilitation supported by the City's property tax exemption for multi-family housing program, including the application procedures specified in Section 3.64.020 (G). The City Council may also adopt guidelines including the following:

1. Requirements that address demolition of existing structures and site utilization; and

2. Building requirements that may include elements addressing parking, height, density, environmental impact, public benefit features, compatibility with the surrounding property, and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area.

The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Residential Target Areas (RTAs). The boundaries of the RTAs are the RTA boundaries previously established by City Council resolutions at the time of adopting of this Chapter, and as such may be updated by future Council action, as depicted on the Comprehensive Plan Future Land Use and Zoning Maps. The previous RTA resolutions and maps are incorporated herein by reference, and on file in the City's Clerk's office.

**PLANNING COMMISSION RESOLUTION NO. 2020-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, FORMALIZING ITS RECOMMENDATIONS REGARDING THE 2020 ANNUAL DEVELOPMENT REGULATION AMENDMENTS AND FORWARDING ITS RECOMMENDATIONS TO THE LAKEWOOD CITY COUNCIL FOR CONSIDERATION AND ACTION.**

WHEREAS, the City of Lakewood is a code city planning under the Growth Management Act, codified in RCW 36.70A, and

WHEREAS, the City Council adopted its Comprehensive Plan via Ordinance No. 237 on July 10, 2000; and

WHEREAS, the Lakewood City Council adopted Title 18A, Land Use and Development Code, of the Lakewood Municipal Code (LMC) via Ordinance No. 264 on August 20, 2001; and

Whereas, the Growth Management Act (GMA) requires the City of Lakewood to adopt development regulations that are consistent with and implement the adopted Comprehensive Plan pursuant to Revised Code of Washington (RCW) 36.70A.040; and

Whereas, the Lakewood Planning Commission has reviewed the Lakewood Development Regulations and made certain modifications to Lakewood Municipal Code Titles 1, 12, 14, 15, 17, and 18A to provide needed revisions, clarifications and updates; and

Whereas, the Lakewood Planning Commission held an open public hearing on May 20, 2020, regarding the proposed amendments to the Lakewood Development Regulations; and

WHEREAS, environmental review as required under the Washington State Environmental Policy Act (SEPA) has resulted in the issuance of a determination of environmental non-significance that was published on June 2, 2020 under SEPA #202002903; and

WHEREAS, notice was provided to state agencies on June 2, 2020 per City of Lakewood--2020-S-1437--Request for Expedited Review / Notice of Intent to Adopt Amendment, prior to the adoption of this Resolution, and state agencies have been afforded the opportunity to comment per RCW 36.70A.106(1); and

WHEREAS, the Lakewood Planning Commission determined that the 2020 Annual Development Regulation Amendments are consistent with the Growth Management Act and the provisions of the City's Comprehensive Plan; and

WHEREAS, the Lakewood Planning Commission finds that the proposed amendments further the goals and policies of the Comprehensive Plan and promote the community's overall health, safety, and welfare; and

Whereas, on June 3, 2020, the Planning Commission completed review;

**NOW, THEREFORE, THE LAKEWOOD PLANNING COMMISSION OF THE CITY OF LAKEWOOD, WASHINGTON, DOES RECOMMEND AS FOLLOWS:**

**Section 1.** Amendments to the City’s land use and development regulations as summarized below and included in full in Exhibit A, attached hereto:

**Amendments to Title 1 (General Provision):**

- 1.36.020 and .265 related to Hearing Examiner appeals

**Amendments to Title 12 (Public Works):**

- Addition of definition of “unopened city street”

**Amendments to Title 14 (Environmental Protection):**

- Updated references to WAC chapters in LMC Chapter 14.02

**Amendments to Title 15 (Buildings and Construction):**

- Statement added to Chapter 15.05 related to use of IEBC in relation to other codes

**Amendments to Title 17 (Subdivisions):**

- Updated reference to LMC Title 12 in Chapter 17.02
- Addition of new Chapter 17.17 regarding Plat Alterations

**Amendments to Title 18 (Land use and Development Code):**

- Correcting scrivener errors
- New definitions added to Section 18A.10.180
- Table at 18A.20.080 replaced with updated table
- Removal of section 18A.20.320
- Update of SEPA appeal deadline in 18A.20.400
- Update of PDD application requirements at 18A.30.540
- Update to density range and minimum lot size in R1 zone at 18A.30.600
- Remove section 18A.30.640
- Addition of section 18A.40.025 re “dangerous and objectional elements”
- Amending allowed uses and related footnotes within LMC Sections 18A.40.040, .060, .080, .110 and .120 use tables, regarding accessory dwelling units, boarding houses, special needs housing and group homes
- Addition of text to 18A.60.090 (B) regulating electric fences
- Amend section 18A.40.110 (B)(1) (d) and (j) regarding allowed size of ADUs
- Deletion of section 18A.40.110 (B)(1)(m) and (n)
- Amending 18A.70.040 (A) and (C) re access to trash enclosures and sidewalks
- Amending parking standards for alleys in Chapter 18A.80

**Section 2:** The Planning Commission hereby requests that the City Council review the proposed LMC Chapter 17.17 (Plat Alterations) to determine whether it is more restrictive than legally required.

**Section 3:** The Lakewood Planning Commission hereby directs staff to transmit its recommendations as contained herein to the Lakewood City Council in a timely manner.

**Section 4:** If any provisions of this Resolution or the amendments to the Development Regulations are found to be illegal, invalid or unenforceable, the remaining provisions of this Resolution shall remain in full force and effect.

PASSED AND ADOPTED at a regular meeting of the City of Lakewood Planning Commission this 3<sup>rd</sup> day of June, 2020, by the following vote:

AYES:            BOARDMEMBERS:

NOES:           BOARDMEMBERS:

ABSENT:        BOARDMEMBERS:

/s/

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Donne Daniels, CHAIR, PLANNING COMMISSION

ATTEST:

/s/

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KAREN DEVEREAUX, SECRETARY

**EXHIBIT A**  
**2020 ANNUAL DEVELOPMENT REGULATION AMENDMENTS**

*Where portions of Lakewood Municipal Code sections or chapters are included below, the remainder of those sections or chapters remain unchanged.*

**Title 1**

**LMC 1.36.020 Office created.**

The office of Hearing Examiner is hereby created to act on behalf of the City Council by considering and applying zoning and regulatory ordinances to the land as provided herein. The Examiner shall also be authorized to act in a decision-making role involving administrative matters and such other quasi-judicial matters as may be granted by ordinance or referred to the Hearing Examiner by the City Manager, including appeals contesting administrative orders which direct a property owner to abate nuisances and/or dangerous conditions.

**LMC 1.36.265 Decision on appeals.**

- A. In considering appeals, the Hearing Examiner shall do one of the following:
1. Affirm the decision;
  2. Reverse the decision;
  3. Affirm the decision with modifications; or
  4. Remand the decision to the appropriate department director for further consideration. The Hearing Examiner shall include in the order the issues to be reviewed on remand.
- B. Conditions. The Hearing Examiner may include conditions as part of a decision granting, or granting with modifications, an appeal to ensure conformance with this code, the City's comprehensive plan or any other applicable laws or regulations. Conditions included may not direct or burden City resources.

**Title 12**

**12.14 Definitions and Abbreviations.**

Except for chapters with identified definition sections or specific definitions provided, the following definitions apply to this title:

\* \* \*

“Unopened city street” means any street or alley dedicated to public use upon which no public funding or in kind support has been expended for purchase or improvement and which has never been systematically used as a public passage afoot, mounted or by vehicle traffic. The street or ally must also not have been recorded as such in the rolls of the Office of the County Engineer, nor identified in the historic minutes of the City Council or its subordinate organizations.

## **Title 14**

### **14.02.030 Adoption by reference.**

The following sections of Chapter ~~173-806~~ 173-802 WAC, together with the sections of Chapter 197-11 WAC adopted by reference therein, as presently existing and as may subsequently be amended, are hereby adopted by reference, as if fully set forth herein:

<del>173-806-010</del>	<del>Authority.</del>
<del>173-806-020</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-030</del>	<del>Additional definitions.</del>
<del>173-806-040</del>	<del>Designation of responsible official.</del>
<del>173-806-050</del>	<del>Lead agency determination and responsibilities.</del>
<del>173-806-053</del>	<del>Transfer of lead agency status to a state agency.</del>
<del>173-806-055</del>	<del>Additional considerations in time limits applicable to the SEPA process.</del>
<del>173-806-058</del>	<del>Additional timing considerations.</del>
<del>173-806-065</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-070</del>	<del>Flexible thresholds for categorical exemptions.</del>
<del>173-806-080</del>	<del>Use of exemptions.</del>
<del>173-806-090</del>	<del>Environmental checklist.</del>
<del>173-806-100</del>	<del>Mitigated DNS.</del>
<del>173-806-110</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-120</del>	<del>Preparation of EIS—Additional considerations.</del>
<del>173-806-125</del>	<del>Additional elements to be covered in an EIS.</del>
<del>173-806-128</del>	<del>Adoption by reference.</del>
<del>173-806-132</del>	<del>Public notice.</del>
<del>173-806-140</del>	<del>Designation of official to perform consulted agency responsibilities for the City.</del>
<del>173-806-150</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-155</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-160</del>	<del>Substantive authority.</del>
<del>173-806-170</del>	<del>Appeals.</del>
<del>173-806-173</del>	<del>Notice/statute of limitations.</del>
<del>173-806-175</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-180</del>	<del>Adoption by reference.</del>
<del>173-806-185</del>	<del>Purpose of this part and adoption by reference.</del>
<del>173-806-205</del>	<del>Effective date.</del>
<del>173-806-220</del>	<del>Severability.</del>
<del>173-806-230</del>	<del>Adoption by reference.</del>

<b><u>173-802-010</u></b>	<b><u>Authority.</u></b>
<b><u>173-802-020</u></b>	<b><u>Adoption by reference.</u></b>
<b><u>173-802-030</u></b>	<b><u>Purpose.</u></b>
<b><u>173-802-040</u></b>	<b><u>Additional definitions.</u></b>
<b><u>173-802-050</u></b>	<b><u>Designation of responsible official.</u></b>
<b><u>173-802-060</u></b>	<b><u>Additional timing considerations.</u></b>
<b><u>173-802-070</u></b>	<b><u>Threshold determination process—Additional considerations.</u></b>
<b><u>173-802-080</u></b>	<b><u>Mitigated DNS.</u></b>

<u>173-802-090</u>	<u>EIS preparation.</u>
<u>173-802-100</u>	<u>Public notice requirements.</u>
<u>173-802-110</u>	<u>Policies and procedures for conditioning or denying permits or other approvals.</u>
<u>173-802-120</u>	<u>Environmentally sensitive areas.</u>
<u>173-802-130</u>	<u>Threshold levels adopted by cities/counties.</u>
<u>173-802-140</u>	<u>Responsibilities of individuals and work units within the department.</u>
<u>173-802-150</u>	<u>Coordination on combined department—Federal action.</u>
<u>173-802-190</u>	<u>Severability.</u>

#### **14.02.035 Options and additions to provisions adopted by reference.**

In addition to the WAC provisions adopted by reference herein, the following options are adopted and incorporated herein by this reference:

A. WAC ~~173-806-050~~ 173-02-050 Lead agency determination and responsibilities. (4) If the City of Lakewood or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within 15 days of receipt of the determination, or the City/county must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the 15-day time period. Any such petition on behalf of the City/county may be initiated by the City's SEPA responsible official.

B. WAC ~~173-806-058~~ 173-802-060 Additional timing considerations. (1) For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the City's/county's staff recommendation to any appropriate advisory body, such as the Planning Commission.

C. WAC ~~173-806-100~~ 173-802-080 Mitigated DNS. (1) As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

3. The responsible official should respond to the request for early notice within 15 working days. The response shall:
  - a. Be written;
  - b. State whether the City/county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City/county to consider a DS; and
  - c. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

6. (Note: GMA counties/cities may use either Option 1 or 2; non-GMA counties/cities must use Option 1. A mitigated DNS is issued under either WAC [197-11-340\(2\)](#), requiring a 14-day comment period and public notice, or WAC [197-11-355](#), which may require no additional comment period beyond the comment period on the notice of application.

#### **14.02.060 Timing of Environmental Review.**

\* \* \*

B. At the latest, the City shall begin the environmental review process when a completed application for City approval of a nonexempt action has been received. The official responsible shall make a threshold determination on a completed application within ~~90~~120 days after the application and supporting documentation are complete and received, with the determination being made on the direct and indirect cumulative effects on the elements of the environment set forth in WAC 197-11-444. The applicant may request an additional 30 days for the threshold determination.

### **Title 15**

**15.05.020 Codes adopted by reference.** The following codes, as herein adopted and further amended, shall be collectively known as the Lakewood Building Code.

A. The 2015 Edition of the International Building Code (IBC), including Appendix Chapters E, G, J and I, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

B. The 2015 Edition of the International Residential Code (IRC) excluding Sections R103, R104, R105, R106, R107, R108, R109, R110, R111, R112, R113, R114, but including Appendices F, Q and V, as published by the International Code Council and as adopted and amended by the Washington State Building Code Council in Chapter 51-51 WAC, is hereby adopted by reference and as subsequently amended by this chapter. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

C. The 2015 Edition of the International Mechanical Code (IMC) published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-21 WAC; including the 2015 International Fuel Gas Code, the 2011 Edition



of NFPA 58 and the 2012 Edition of ANSI Z223.1/NFPA 54 as amended by the Washington State Building Code Council, are hereby adopted by reference and as subsequently amended by this chapter.

D. The 2015 Edition of the International Fire Code (IFC), including Appendix Chapters B, C, D (Sections 105 and 106), E, F and G, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-54A WAC, is hereby adopted by reference and as subsequently amended by this chapter.

E. The 2015 Edition of the Uniform Plumbing Code, including Appendices A, B and I, published by the International Association of Plumbing and Mechanical Officials and amended by the Washington State Building Code Council in Chapter 51-56 WAC, is hereby adopted by reference and as subsequently amended by this chapter.

F. The 2015 Edition of the International Energy Conservation Code, as amended by the Washington State Building Code Council in Chapters 51-11C and 51-11R WAC and known as the Washington State Energy Code, is hereby adopted.

G. The 2015 Edition of the International Existing Buildings Code, published by the International Code Council and amended by the Washington State Building Code Council in Chapter 51-50 WAC, is hereby adopted. Per the International Existing Buildings Code (IEBC) Section 302.2 Additional Codes, alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in the IEBC and the International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Property Maintenance Code, International Private Sewage Disposal Code, International Residential Code and NFPA 70. Where provisions of the other codes conflict with provisions of the IEBC, the provisions of the IEBC shall take precedence.

H. The 2015 Edition of the International Performance Code, published by the International Code Council, is hereby adopted.

I. The 2015 Edition of the International Property Maintenance Code, published by the International Code Council, is hereby adopted.

J. The current edition of the National Electrical Code, published by the National Fire Protection Association, as adopted in Chapter 296-46B WAC and Chapter 19.28 RCW, except that "Department" shall mean either the State Department of Labor and Industries or Tacoma Public Utilities, depending on geographic service area located within Lakewood's city limits.

## **Title 17**

### **17.02.030 Division of land by streets or rights-of-way.**

The City declares that the following shall not, of themselves, result in the division of a parcel:

- A. A state or federal road or highway; or
- B. A City street that has been adopted as part of the City street system; or
- C. A City street right-of-way that has been acquired or accepted by the City but is an unopened City street as defined in LMC Section 2.00 in Chapter 12.14 of the City Site Development Regulations, or as amended.

## **New Chapter 17.17** **PLAT ALTERATIONS**

### **17.17.010 Filing.**

When any person is interested in the alteration of any subdivision or the altering of any portion thereof, except as provided in RCW 58.17.040(6), that person shall submit an application to request the alteration to the City of Lakewood.

### **17.17.020. Application Submittal.**

- A. The application shall contain the signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
- B. A complete application as provided by the Community and Economic Development Department.
- C. A copy of the plat proposed to be altered and all affiliated codes, covenants and restrictions.
- D. A detailed plan of the proposed alteration drawn to the scale of one inch equals 50 feet. The detailed plan shall clearly show the following information:
  - 1. North arrow;
  - 2. The location, names and right-of-way widths of all existing and proposed streets and driveways within 250 feet of the boundaries of the proposed subdivision;

3. The location, names and right-of-way widths of all proposed streets and their proposed paved width;
4. Lot layout with lot line dimensions, the area in square feet contained in each lot;
5. The location and use of all existing buildings within the proposed subdivision, indicating which buildings are to remain and which are to be removed;
6. The use and approximate location of all buildings within 150 feet of the boundaries of the proposed subdivision;
7. The location, size and use of all contemplated and existing public areas within the proposed subdivision, and a description of the adaptability of the area for uses contemplated;
8. The location, size and kind of public utilities in and adjacent to the proposed subdivision, indicating those utilities which will provide service to the proposed development and their planned location within the subdivision to include any existing easements;
9. Location and disposition of any wells, creeks, drainage courses, drainage ways, septic tanks, drainfields, 100-year floodplain boundaries and easements in or within 200 feet of the proposed subdivision;
10. Topography and five-foot contours certified by the engineer or surveyor within the proposed subdivision; or, as an alternative in the case of a partition of one acre or less, elevations at each existing and proposed property corner. One-foot or two-foot contours may be required, at the Community Development Director's discretion;
11. Topography and at least 10-foot contours outside, but within 200 feet of, the proposed subdivision. The base for such information shall be the National Geodetic Survey (USGS), or other survey approved by the Community Development Director;
12. The location of all significant trees (as defined in the Lakewood Zoning Code) within the proposed subdivision, and for 150 feet beyond the terminus of all dead-end streets. (Individual trees in a stand of five trees or more need not be shown, but the area covered by the stand dripline shall be shown.) For trees outside the subdivision boundaries, the location of said trees may be based on aerial photographs or other methods acceptable to the Community Development Director, and which do not require the applicant to trespass on adjacent property;

13. For all 100-year floodplain boundaries shown on the vicinity map, the elevation of the 100-year flood at the point immediately upstream from the subdivision, and the direction and distance to said point;
14. The location of identified hazards or development limitation areas identified by the City of Lakewood critical areas map;
15. The location of any state shorelines and associated wetlands within the subdivision, as defined by state law and the City of Lakewood Shoreline Master Program.

E. Such additional information as the Community Development Director deems necessary.

#### **17.17.030 Plat Alteration Procedure.**

A. Plat alterations are type III permits and shall be processed as outlined in 18A.20.080 and RCW 58.17.215.

B. Upon receipt of an application for alteration, the legislative body shall provide notice of the application to all owners of property within the subdivision, and as provided for in RCW 58.17.080 and 58.17.090. The notice shall either establish a date for a public hearing or provide that a hearing may be requested by a person receiving notice within fourteen days of receipt of the notice.

C. The Hearing Examiner shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties.

D. After approval of the alteration, the City of Lakewood shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat, which after signature of the City of Lakewood Community and Economic Development Director, shall be filed with the county auditor to become the lawful plat of the property.

### **Title 18A**

#### **18A.10.180 Definitions.**

“Adult family home” means a residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than ~~six~~ eight adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.010 and Chapter 220, Laws of 2020.) Adult family homes shall serve

those with functional limitations and are not intended to serve those with a history of violence, including sex offenses. See also “Group home.”

“Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than thirty percent (30%) of a given monthly household income, adjusted for household size, as follows:

1. Moderate Income. For owner-occupied housing, eighty percent (80%) of the area median income, and for renter-occupied housing, sixty percent (60%) of the area median income.
2. Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of affordable housing in this title, rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the City.
3. For LMC Chapter 3.64, “Affordable housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent (30%) of the household's monthly income. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households.

"Attached accessory dwelling unit" means an accessory dwelling unit (ADU) located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Cargo containers”, also known as intermodal freight containers or shipping containers, means standardized, reusable portable vessels that were originally designed for use in intercontinental traffic of freight and designed to be mounted on a rail car, truck or ship. When such containers are used as a building or structure, they are subject to the provisions of the building code as adopted and modified by the City of Lakewood. Accordingly, a building permit is required to locate and use such structures. (See 2015 Internal Building Code Sect. 105.1- Permit Required). The site and building construction plans shall be adequate to demonstrate compliance with building, fire and site regulatory standards. Structural calculations are required for altered or structurally connected containers. As with other prefabricated structures such as portables or manufactured homes, building code approval of cargo containers may be obtained through the Washington State, Department of Labor and Industries (L&I), Manufactured Homes & Other Mobile Structures.

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a

survey map and plans have been recorded pursuant to Chapter 64.34 (RCW). (RCW 64.34.020 (10).)

“Condominium, detached” means a condominium pursuant to Chapter 64.34 RCW comprising one dwelling unit within one structure that is surrounded by a yard area and has an outward appearance of a detached single-family residence. All legal features of a condominium, including common ownership, declarations, and other provisions, shall be consistent with Chapter 64.34 RCW.

"Detached accessory dwelling unit" means an accessory dwelling unit (ADU) that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit.

“Detached single family” means a dwelling unit surrounded on all sides by open space. “Dwelling unit, one unit per structure, detached” means the same thing as “single-family dwelling unit” and “single-family residence.”

"Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Efficiency dwelling unit” means a small one-room unit, which includes all living and cooking areas with a separate bathroom.

“Lot, or corner” means a lot at the junction of and having frontage on two or more intersecting streets.

“Major transit stop” means: a stop on certain high capacity transportation systems; commuter rail stops; stops on rail or fixed guideway systems, including transitways; stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or stops for a bus or other transit mode providing fixed route service at intervals of at least 15 minutes during the peak hours of operation.

“Motion picture studio” means film or video production uses including onsite production facilities and associated non-permanent structures, and/or temporary sets.

~~“Multifamily” means four (4) or more residential units in one (1) building.~~ “Multi-family housing” or “multifamily” means building(s) having four (4) or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

“Permanent residential occupancy” means multifamily housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

"Rapid re-housing" means housing search and relocation services and short- and medium-term rental assistance to move homeless persons and families (with or without a disability) as rapidly as possible into permanent housing.

"Rehabilitation improvements" means modifications to existing structures that are vacant for twelve (12) months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multi-family housing units.

"Residential target area" ("RTA") means an area that has been designated by the City Council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public. See LMC Chapter 3.64.

"Residential use" means the occupancy of permanent living quarters, as opposed to temporary accommodations for travelers, and certain accessory uses to such living quarters.

"Shipping containers": See "Cargo containers"

"Senior and/or disabled family or household" means one or more persons 62 years of age or older and/or disabled persons, and their domestic partners and/or live-in caregivers who need not be 62 years of age or older and/or disabled, who are domiciled together; provided, that the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure, as calculated under the city's adopted building code.

"Space, loading" means a marked off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Space, parking" means an off-street space used temporarily to park a motor vehicle and having access to a public street or alley. This does not include entrance alleyways or access space to a parking lot. This space does not include area for required circulation.

“Specialized senior housing dwelling unit” means a room or rooms located within a senior housing development designed, arranged, occupied or intended to be occupied by not more than one senior and/or disabled family or household as living accommodations separate from other households, except that specialized senior housing dwelling units need not contain food preparation facilities and areas within the room or rooms.

“Stacked duplex” means a small- to medium-sized structure that consists of two stacked dwelling units, one on top of the other, both of which face and are entered from the street.

“Three family residential, attached or detached dwelling units” means three dwelling units located on one property. The term means the same thing as “triplex.”

“Townhouse” means a type of attached multifamily dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“Trailer” means every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle.

“Transit shelter” means a small roofed structure which provides partial protection from the elements for persons waiting for buses, trains or other transit vehicles.

“Transit station” means more than one transit shelter in one location, or one large shelter, typically serving several transit routes and/or modes of transit, and which may or may not incorporate accessory convenience retail and service establishments.

“Transitional housing” means housing that provides homeless individuals and families with the interim stability and support to successfully move to and maintain permanent housing. Transitional housing may be used to cover the costs of up to 24 months of housing with accompanying supportive services. Program participants must have a lease (or sublease) or occupancy agreement in place when residing in transitional housing.

“Two family residential structure, attached or detached dwelling units” means two dwelling units located on one property. The term means the same thing as “duplex” or “stacked duplex units.” A single-family dwelling containing an accessory dwelling unit shall not be interpreted as a duplex.

## 18A.20.080

Replace existing table with table below

Applications	Public Notice of Application	Director	HE	PC	CC
TYPE I ADMINISTRATIVE					



Accessory building	N	D	O/ <u>Appeal</u>	N	N
Accessory dwelling unit	N	D	O/ <u>Appeal</u>	N	N
Administrative nonconforming determination	N	D	O/ <u>Appeal</u>	N	N
Boundary line adjustment	N	D	O/ <u>Appeal</u>	N	N
Business license	N	D	O/ <u>Appeal</u>	N	N
Certificate of occupancy	N	D	O/ <u>Appeal</u>	N	N
Commercial addition/remodel	N	D	O/ <u>Appeal</u>	N	N
Demolition permit	N	D	O/ <u>Appeal</u>	N	N
Design review	N	D	O/ <u>Appeal</u>	N	N
Final subdivision plat (10 or more lots)	Y	D	O/ <u>Appeal</u>	N	N
Home occupation permit			O/ <u>Appeal</u>		
Land use permit – minor modification	N	D	O/ <u>Appeal</u>	N	N
Manufactured/mobile home permit	N	D	O/ <u>Appeal</u>	N	N
New commercial building permit	N	D	O/ <u>Appeal</u>	N	N
New single-family building permit	N	D	O/ <u>Appeal</u>	N	N
Pre-application conference permit	N	N	N	N	N
Preliminary and final short plats (creating 2 – 9 lots)	N	D	O/ <u>Appeal</u>	N	N
Reasonable accommodation request	N	D	O/ <u>Appeal</u>	N	N
Residential addition/remodel	N	D	O/ <u>Appeal</u>	N	N
Shoreline exemption	N	D	O/ <u>Appeal</u>	N	N
Sign permit	N	D	O/ <u>Appeal</u>	N	N
Site development permit	N	D	O/ <u>Appeal</u>	N	N
Small wireless facility permit	See Chapter 18A.95 LMC				
Temporary use permit	N	D	O/ <u>Appeal</u>	N	N
Transfer of development rights	N/A (Program administered by Pierce County)				
Time extension or minor modification to a Type I permit	N	D	O/ <u>Appeal</u>	N	N
Tree removal permit	N	D	O/ <u>Appeal</u>	N	N
Zoning certification	N	D	O/ <u>Appeal</u>	N	N
Zoning (map and/or text) interpretation or determination	N	D	O/ <u>Appeal</u>	N	N
<b>TYPE II ADMINISTRATIVE</b>					
Binding site plan	Y	D	O/ <u>Appeal</u>	N	N
Cottage housing	Y	D	O/ <u>Appeal</u>	N	N

Environmental review (SEPA) – (SEPA Checklist and Threshold Determination)	Y	D	O/Appeal	N	N
Preliminary and final short plats (2 – 9 lots)	Y	D	O/Appeal	N	N
Shoreline conditional use permit	Y	D	O/Appeal	N	N
Shoreline substantial development permit	Y	D	O/Appeal	N	N
Shoreline variance permit	Y	D	O/Appeal	N	N
Time extension or minor modification to a Type II permit	Y	D	O/Appeal	N	N
Transitory accommodation permit	Y	D	O/Appeal	N	N
<b>TYPE III DISCRETIONARY</b>					
Conditional use permit	Y	R	D	N	N
Land use permit – major modification	Y	R	D	N	N
Major modification to a Type III permit	Y	R	D	N	N
Planned development district	Y	R	D	N	N
Preliminary plat, long	Y	R	D	N	N
Public facilities master plan	Y	R	D	N	N
Shoreline conditional use permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline substantial development permit when referred by the Shoreline Administrator	Y	R	D	N	N
Shoreline variance when referred by the Shoreline Administrator	Y	R	D	N	N
Time extension to a Type III permit	Y	R	D	N	N
Unusual use(s) permit	Y	R	D	N	N
Variance	Y	R	D	N	N
Zoning Map amendment, site specific	Y	R	D	N	CC/Appeal
<b>TYPE IV OTHER</b>					
Scrivener corrections to CPA map and/or CPA text	Y	R	N	N	D
<b>TYPE V LEGISLATIVE</b>					
Annexation	Y	R	N	R	D
Comprehensive Plan Map only amendment, Area Wide	Y	R	N	R	D
Comprehensive Plan Map only amendment, site specific	Y	R	N	R	D
Comprehensive Plan text only amendment	Y	R	N	R	D
Development agreement	Y	R	N	R	D

Shoreline Master Program <u>amendment</u>	Y	R	N	R	D
<u>Zoning</u> <u>amendment</u> Text only	Y	R	N	R	D

### 18A.20.320

~~18A.20.320 Use of Pierce County Assessor's Office taxpayer data.~~

~~The available records of the Pierce County Assessor's Office shall be used for determining the property taxpayer of record. Addresses for mailed notice shall be obtained from the County's real property tax records. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.~~

### 18A.20.400 Specific Appeal Procedures

\* \* \*

#### C. SEPA.

1. Environmental appeals are subject to the requirements of LMC 14.02.200, in addition to the requirements found in this subsection.
2. The City establishes the following administrative appeal procedures under RCW 43.21.C.075 and WAC 197-11-680:
  - a. Any agency or person may appeal the City's conditioning, lack of conditioning or denial of an action pursuant to Chapter 197-11 WAC. All such appeals shall be made to the Hearing Examiner and must be filed within seven (7) days after the comment period before the threshold decision has expired. This appeal and any other appeal of a land use action shall be considered together.
  - b. The following threshold decisions or actions are subject to timely appeal:
    - i. Determination of Significance. Appeal of a determination of significance (DS) or a claim of error for failure to issue a DS may only be appealed to the Hearing Examiner within that ten (10) ~~fourteen (14)~~ day period immediately following issuance of such initial determination.

## Article VI. Planned Development

\* \* \*

### 18A.30.540 Application.

\* \* \*

C. All PDD Applications. An applicant for a PDD shall submit the following items to the City, unless the Director finds in writing that one or more submittals are not required due to unique circumstances related to a specific development proposal:

1. Narrative. A detailed narrative that includes:

- a. Improvement. A description detailing how the proposed development will provide a net benefit to the City ~~be superior to or more innovative than conventional development methods as allowed under the City's land use regulations and how the approval criteria set forth in LMC 18A.30.560 have been satisfied;~~
- b. Public Benefit. A description of how the proposed PDD will benefit the public in a manner greater than that achieved if the project was to be developed using conventional land use regulations;
- c. Density Table. A table illustrating the density and lot coverage of the overall development, with the proportion of the site devoted to open space clearly indicated;
- d. Uses. A description of the types and numbers of dwelling units proposed and the overall land use density and intensity;
- e. Open Space and Recreation. A description of the proposed open space and recreation areas including any proposed improvements, including specific details regarding the ownership and maintenance of such areas;
- f. Landscaping. Detailed information regarding all proposed landscaping that is not included on an associated landscaping plan;
- g. Modifications. A description of the specific City standards as set forth in the underlying zoning district that the applicant is proposing for modification in accordance with Chapter 18A.20 LMC; and
- h. Impacts. A description of potential impacts to neighboring properties and how impacts have been mitigated through site design, screening buffering and other methods.

2. Site Plan. A site plan with the heading "Planned Development District Site Plan" that includes any additional information that is not included on the standard preliminary plat map, including building footprints, proposed landscaping, open space and parks and/or recreational areas including trails and proposed setbacks;

~~3. Drawings. Elevation drawings illustrating facade and building design elements, including height, overall bulk/mass and density and proposed residential design features that will provide for a superior development;~~

34. Landscape Plan/Map. A conceptual landscape plan/map showing the proposed location and types of vegetation and landscaping. The landscape plan may also be incorporated into the PDD site plan and narrative;

45. Phases. A phasing plan, if the development will occur in distinct phases with a written schedule detailing the timing of improvements;

56. Development Agreement. A draft development agreement, if proposed by the applicant or as required by the City; and

67. Conditions. A draft of proposed covenants, conditions and restrictions demonstrating compliance with this chapter.

D. An applicant shall provide sufficient facts and evidence to enable the Hearing Examiner to make a decision. The established fee shall be submitted at time of application.

E. Notice of application shall be provided pursuant to LMC 18A.30.330.

**18A.30.600 Permitted residential density and lot sizes.**

A. The number of dwelling units permitted in a planned development district may exceed the development standards found in LMC 18A.60.030. The permitted density shall be the maximum number of dwelling units allowed per gross acre (DUA) and shall be as follows:

1. R1 zoning district: ~~2 DUA~~ 4 DUA;
2. R2 zoning district: 4 DUA;
3. R3 zoning district: 7 DUA;
4. R4 zoning district: 9 DUA.

B. The minimum lot sizes in gross square feet (GSF) for the residential zoning districts subject to the planned development district overlay shall be as follows:

1. R1 zoning district: 10,000 ~~20,000~~ GSF;
2. R2 zoning district: 10,000 GSF;
3. R3 zoning district: 6,000 GSF;
4. R4 zoning district: 4,800 GSF.

C. The residential density and lot size standards of all other zoning districts are not subject to change.

**~~18A.30.640 Required Certificates and Approvals.~~**

~~Binding site plans shall include all the required certificates of a final plat. PDDs shall be subject to design review in accordance with LMC 18A.60.010 through 18A.60.050.~~

**CHAPTER 18A.40 - LAND USES AND INTERPRETATION TABLES**

Sections

18A.40.005	Definitions
18A.40.010	Purpose.
18A.40.020	Interpretation of Land Use Tables.
18A.40.025	<u>Restrictions on Dangerous and Objectional Elements.</u>
18A.40.030	Agricultural Uses.
18A.40.040	Commercial and Industrial Uses.
18A.40.050	Eating and Drinking Establishments.
18A.40.060	Essential Public Facilities.
18A.40.070	Government Services, General.
18A.40.080	Health and Social Services.
18A.40.090	Lodging.
18A.40.100	Open Space.
18A.40.110	Residential Uses.
18A.40.120	Special Needs Housing.
18A.40.130	Special Regulations in AICUZ Zoning Districts.
18A.40.140	Transportation.
18A.40.150	Utilities.
18A.40.160	Marijuana.

**18A.40.025**

**Restrictions on Dangerous and Objectional Elements.**

A. Noise. The provisions of LMC 8.36, Noise Control, shall apply. In addition, frequent, repetitive or continuous sounds emanating from any use or facility, other than transportation facilities or temporary construction work shall not exceed seventy-five (75) decibels at the property lines. If the Community Development Director determines it to be necessary or has reason to believe that noise levels are being exceeded, the owner and/or operator of a use or facility shall be required to provide noise reading data for noise levels at all property lines.

B. Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

C. Odors. No emission shall be permitted of odorous gases or other odorous matter released from any operation or activity in such quantities so as to exceed the odor threshold beyond lot lines. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

D. Glare. No direct or reflected light or glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the property lines or skyward beyond the building height of the zone, shall be permitted. This restriction shall not apply to signs or lighting of buildings for security protection purposes as permitted by this title.

E. Radioactivity or Electrical Disturbance. The regulations of the federal occupational safety and health standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

F. Fire and Explosion Hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

G. Smoke, Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.

H. Liquid or Solid Wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the State Department of Ecology or other appropriate state agencies.

I. Hazardous substances or wastes. No release of hazardous substances or wastes which could contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

1. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW.

2. Hazardous substance land use facilities shall be located at least:

- a. Two hundred (200) feet from unstable soils or slopes which are delineated in a geo-technical report or on a critical areas hazard area map.
- b. Two hundred (200) feet from the ordinary high-water mark of major or minor streams or lakes which are delineated in a wetland report or on a critical areas wetlands area map, and from shorelines of statewide significance or shorelines of the state.
- c. One-quarter (1/4) mile from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas does not include public trails.
- d. Fifty (50) feet from any property line to create and serve as an onsite hazardous substance land use facility buffer zone. The buffer zone setback line for any hazardous substance land use facility shall apply to all such facilities in all zoning districts.
- e. Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit respectively.
- f. Five hundred (500) feet from a public assembly use or location.

3. Hazardous substance land use facilities shall not be located in the one hundred (100) year floodplain.

4. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a Type V solid screen landscaping buffer in the hazardous substance facility buffer zone as required by LMC 18A.50.400, Landscaping.

5. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state and local design and construction requirements.

6. Underground hazardous substance land use facilities shall meet federal, state and local design and construction requirements.

7. Hazardous substance land uses shall comply with the 1997 Uniform Fire Code and as revised thereafter.

8. Hazardous substance land uses shall provide a Hazardous Materials Inventory Statement for review and approval by the Fire Marshal. A Hazardous Materials Management Plan shall also be provided, if required by the Fire Marshal.

9. Hazardous substance land uses should use traffic routes which do not go through residential zones.



10. Without limiting the application of the Uniform Fire Code, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, on-site, oil burning equipment, such as electrical power generator systems, in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use by essential governmental facilities for stationary, on-site, oil burning equipment, such as electrical power generator systems, in residential zones shall be exempt from the hazardous substance regulations of this section. However, all above-ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the Community Development Director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

11. Residential uses are limited to a two hundred (200) gallon tank limit for household fuels that are classified as hazardous substances.

12. The hazardous substance zoning code regulations, except as specifically exempted in this section, shall apply to all hazardous substances as defined in this title.

13. In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

#### **18A.40.040 Commercial and Industrial Uses**

A. Commercial and Industrial Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Accessory commercial B(5)	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	-
Accessory Industrial B(6)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-
Accessory retail or services	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	P
Artisan shop	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
Auto and vehicle sales/rental B(8)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	P	P	-	-	-	-	-
Auto parts sales	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	-	-
Bank, financial services	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	-	P	-	-	-	-	-
Brewery – production B(1)*	-	-	-	-	-	-	-	-	-	P	-	-	C	C	C	P	C	-	P	-	-	-

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Building and landscape materials sales	-	-	-	-	-	-	-	-	C	-	-	P	P	-	P	P	P	-	-	-	-	-
Building contractor, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-
Building contractor, heavy	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	C	C	C	-
Business support service	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	-	-	-
Catering service	-	-	-	-	-	-	-	-	-	P	C	P	P	P	P	C	P	-	-	-	-	-
Cemetery, mausoleum, columbarium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Club, lodge, private meeting hall	-	-	C	-	-	-	-	-	C	C	C	P	P	P	P	-	C	-	-	-	-	-
Commercial recreation facility – indoor	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	C	C	-	C
Commercial recreation facility – outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-
Community center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	C
Construction/heavy equipment sales and rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	C	-
Convenience store	-	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P	-	-	-	-	-
Equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	P	-	-
Flex Space B(7)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	P	P	-	P	P	-	-
Fuel dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-
Furniture/fixtures manufacturing, cabinet shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	C	P	P	-
Furniture, furnishings, appliance/ equipment store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-
Gas station	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
General retail	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	-	P	-	-	-
Golf course, country club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Grocery store, large	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Grocery store, small	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-
Handcraft industries, small-scale manufacturing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	C	-	P	P	-	-
Health/fitness facility, commercial	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	P	C	-	-	-
Health/fitness facility, quasi-public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	P
Kennel, animal boarding B(3)	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	C	-	C	P	-	-
Laboratory – Medical/Analytical	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	P	-	P
Laundry, dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	C	C	-	-
Library, museum	-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	C	-	-	-	-	-
Live/work and work/live units	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-	C	C	-	-
Maintenance service, client site services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-

	Zoning Classifications																					
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Manufacturing, Assembling and Packaging - Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Manufacturing, Assembling and Packaging - Medium	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	P	P	P	-
Manufacturing, Assembling and Packaging - Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-
Metal Products Fabrication, Machine and Welding – American Direct	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	-
Medical Services - Lab													P	P	P	P	P		P			P
Mixed use	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Mobile home, RV, and boat sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Mortuary, funeral homes and parlors	-	-	-	-	-	-	-	-	-	P	-	-	P	-	P	-	P	-	-	-	-	-
Motion Picture Production Studios	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Office – business services	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	P	P	-	P	-	-	-
Office – processing	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	P	-	-	-
Office – professional	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	C	P	-	P	-	-	-
Outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	-
Pawn Brokers and Second Hand Dealers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Personal services	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-	-	-
Personal services – restricted	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-
Petroleum product storage and distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Places of assembly	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	p
Printing and publishing	-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	-	-
Produce stand	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Recycling facility – processing facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	C	C	-
Repair service - equipment, large appliances	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	-	C	P	P	-
Research and development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Recycling Facility - Scrap and dismantling yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Second hand store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-
Shelter, animal B(3), B(4)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	C	-	-	P	-	C
Shopping center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	C	P	-	-	-	-	-
Social service organization	-	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	C	-	-	-	-	-
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	C	P	P	-
Small craft distillery (2)	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-	-
Sports and active recreation facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	C
Storage - personal storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	C	P	-	-

					Zoning Classifications																						
					R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	M F3 (1)	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	
Studio - art, dance, martial arts, music, etc.					-	-	-	-	-	-	-	-	-	-	-	P	P	C	P	-	P	-	-	-	-	-	-
Swap meet					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theater, auditorium					-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-
Veterinary clinic B(3)					-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	-	-	P	-	-	C
Vehicle services – major repair/body work					-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	C	-	C	P	P	-	-
Vehicle services – minor maintenance/repair					-	-	-	-	-	-	-	-	-	-	-	C	P	P	P	P	P	-	P	P	P	-	-
Vehicle storage					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	P	-	-
Warehouse					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-	-	-
Warehouse retail					-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	P	-	-	-	-
Wholesaling and distribution					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	P	P	-	-	-
Wildlife preserve or sanctuary					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Wine production facility B(2)					-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
P: Permitted Use C: Conditional Use “-”: Not allowed																											
*Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																											

## B. Operating and development conditions

\* \* \*

8. Auto and Vehicle Sales/Rental. Establishments or places of business engaged in the sales or leasing of motor vehicles, utility trailers, recreational and/or sporting vehicles, commercial vehicles, construction equipment, and heavy equipment subject to compliance with all applicable federal, state, and/or local licensing requirements. Service of vehicles may be permitted as an incidental, and clearly secondary, accessory use. Proposed motor vehicle sales and rental land use types are subject to the following requirements:

a. The use of trailers, temporary modular homes, and/or manufactured or modular buildings for sales offices or other related activity is prohibited.

b. All vehicle sales and rental areas will provide supplemental customer parking on site, at a ratio of at least one space for every 2,000 square feet of motor vehicle sales and rental area.

c. Any arrangement of motor vehicle sales and rentals is allowed as long as adequate fire access is provided per the Fire Marshal.

d. All loading and unloading of motor vehicles sales and rentals shall occur on site.

e. The public right-of-way shall not be used to display motor vehicles sales and rental land use types.

f. No test drives shall occur on local residential streets found in or adjacent to R1, R2, R3, and R4 zoning districts.

g. Automobile wrecking or motor vehicle wrecking as defined in LMC 18A.90.200 shall not be conducted.

h. Spray booths and spray rooms shall not be permitted.

i. Car washes/detailing shall be located at least 50 feet from any residential zone, use, or structure.

j. Amplified speaker/public address systems are prohibited except within fully enclosed buildings. Such systems shall not be used while service bay or exterior walls entrances or exits are open.

k. The site where the motor vehicle sales or rental land use type is located shall be kept clear of weeds, rubbish, and all types of litter and combustible materials at all times, and consistent with Chapter 8.40 LMC.

#### **18A.40.060 Essential Public Facilities.**

Essential Public Facilities Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts.

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Airport (Seaplane) B(1)*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-
Community and technical colleges, colleges and universities B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	-	C	-	-	C	-	-
Correctional facilities B(1),B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
Electrical transmission lines of higher voltage than 115 kV, in existing corridors of such transmission lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical transmission lines of higher voltage than 115 kV, in new corridors B(1), B(2)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Group Home	See Section 18A.40.120 Special needs housing																						
In-Patient Facility Including but not Limited to Substance Abuse Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	C	-	C	-	-	C	-	-	-	C	-	-
Intercity High-Speed Ground Transportation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Intercity Passenger Rail Service B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	P	-	-	-	C
Interstate Highway “I-5” B(1)	-	-	P	-	-	-	P	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P
Mental Health Facility B(1), B(2), B(4) through B(11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Military Installation B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minimum Security Institution B(1), B(2)	-	-	-	C	C	C	C	C	C	C	C	C	C	C	-	-	-	-	-	-	C	-	-
Secure Community Transition Facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-

	Zoning Classifications																						
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I	O S R 1	O S R 2
(SCTFs) B(1), B(2), B(3)																							
Solid Waste Transfer Station B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	C	C	C	-	-	-
Sound Transit Facility B(1)	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	-	-	C
Sound Transit Railroad Right-of-Way B(1)	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	P	-	-	-	P
Transit Bus, Train, or Other High Capacity Vehicle Bases B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	<span style="color: red;">P</span>	-	-
Washington State Highway 512 B(1)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-
Work/Training Release Facility B(1), B(2)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-
P: Permitted Use C: Conditional Use “-“: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																							

## 18A.40.080 Health and Social Services.

\* \* \*

### B. Development and operating conditions

- Family day care, ~~adult family homes~~ and other health and social services which are residential in nature are regulated under LMC Section 18A.40.110 Residential Uses. Adult family homes are regulated under LMC Section 18A.40.120 Special Needs Housing.

## 18A.40.110 Residential Uses.

- Residential Land Use Table. See 18A.10.120 (D) for the Purpose and Applicability of Zoning Districts.

	Zoning Classifications																				
	R 1	R 2	R 3	R 4	M R 1	M R 2	M F 1	M F 2	M F 3	A R C	N C 1	N C 2	T O C	C B D	C 1	C 2	C 3	I B P	I 1	I 2	P I
Accessory caretaker’s unit	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	-
Accessory dwelling unit (ADU) B(1)*	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	-	-	-	-
Babysitting care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Boarding house B(2)	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cottage housing B(23)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Co-housing (dormitories, fraternities and sororities) B(43)	-	-	-	-	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-
Detached single family B(45)	P	P	P	P	P	P	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
Two family residential, attached or detached dwelling units	-	-	-	C	P	P	P	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Three family residential, attached or detached dwelling units	-	-	-	-	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Multifamily, four or more residential units	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Mixed use	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-	-
Family daycare B(6)	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Home agriculture	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Home occupation B(7)	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home parks B(8)	-	-	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile and/or manufactured homes, in mobile/ manufactured home parks B(8)	-	-	C	C	C	-	P	P	P	-	-	P	-	-	-	-	-	-	-	-	-
Residential accessory building B(9)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
Rooms for the use of domestic employees of the owner, lessee, or occupant of the primary dwelling	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small craft distillery B(6), (12)	-	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	P	-	P	-	-
Specialized senior housing B(10)	-	-	-	-	C	C	C	C	C	-	-	P	C	C	-	-	-	-	-	-	-
Accessory residential uses B(11)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-
P: Permitted Use   C: Conditional Use   “-”: Not allowed *Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.																					

## B. Operating and Development Conditions

1. Accessory Dwelling Units (ADUs) are permitted when added to, created within, or detached from a principle dwelling unit subject to the following restrictions:

- a. One (1) ADU shall be allowed as an accessory use in conjunction with any detached single-family structure, duplex, triplex, townhome, or other housing



unit. ADUs shall not be included in the density calculations. A ~~lot single-family residence~~ shall contain no more than one ADU.

b. An ADU may be established by creating the unit within or in addition to the new or existing ~~principle~~ principal dwelling, or as a detached unit from the principal dwelling.

c. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

d. The size of an ADU contained within or attached to an existing single family structure shall be limited by the existing structure's applicable zoning requirements. An attached ADU incorporated into a single-family house shall be limited to ~~forty (40) percent of the living space of the principal unit~~ one thousand (1000) square feet, excluding garage area.

The size of a living space of a detached ADU shall be a maximum of one thousand (1,000) square feet ~~or forty (40) percent of the size of the living space of the principal unit~~, excluding garage, ~~, whichever is smaller.~~

e. An ADU shall be designed to maintain the appearance of the principal dwelling as a single-family residence.

f. ~~The entrance to an attached ADU shall not be directed towards any front yard unless utilizing an existing doorway. Wherever practicable, a principal dwelling shall have one entrance on the front, with additional entrances permitted on the side and rear. On corner lots, it is permissible to locate the entry door to the accessory dwelling unit on a street side of the structure other than the street side with the entry door for the principal dwelling unit. The entrance to an attached accessory dwelling unit may be on the front of the house only if (a) it is located in such a manner as to be clearly secondary to the main entrance to the principal dwelling unit; or (b) it is screened from the street.~~

g. The design of an attached ADU, including the facade, roof pitch and siding, shall be complementary to the principal dwelling unit, so as not to be obvious from the outside appearance that it is a separate unit from the principal dwelling unit.

h. A minimum of one (1) off-street parking space shall be required for the ADU, in addition to the off-street parking required for the principal dwelling, pursuant to LMC Section 18A.80.030 (F). Such parking shall consist of a driveway, carport, garage, or a combination thereof, located on the lot they are intended to serve.

i. For lots located within one-quarter mile of a Pierce Transit bus route, the Sound Transit Lakewood Station, or other major transit stop, and also zoned R1, R2, R3, R4, MR1, MR2, MF1, and MF2, or TOC, off-street parking may not be required provided there is adequate street capacity, and there is curb, gutter, and sidewalk, constructed to city standards, adjoining the lot where an ADU is proposed. Parking may be required if the ADU is in an area with a lack of access to street parking capacity, physical space impediments, or other reasons to support that on-street parking is infeasible for the ADU.

j. Any legally constructed accessory building existing prior to the effective date of this title may be converted to an accessory dwelling unit, provided the living area created within the structure does not exceed one-thousand (1,000) square feet, forty (40) percent of the size of the living area of the principal unit, excluding garage area.

k. Where the residential accessory building is detached from an existing single-family structure, the building height shall be limited to twenty-four (24) feet.

l. If a structure containing an ADU was created without a building permit that was finalized, the city shall require a building inspection to determine if the structure is sound, will not pose a hazard to people or property, and meets the requirements of this section and building code. The ADU application fee will cover the building inspection of the ADU.

m. ~~Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures. These procedures shall include:~~

1. ~~One (1) of the dwelling units shall be owner occupied as the owner's principal residence for at least six (6) months a year, and at no time shall the owner-occupied unit be leased or rented.~~

2. ~~No building permit or zoning certification for an ADU shall be issued until the owner files and records with the Pierce County Auditor a covenant evidencing this use limitation against the property. The covenant shall acknowledge the existence of the ADU and document the owner's agreement to all the ADU requirements as provided in this section.~~

~~The covenant shall be in a form specified by the Community Development Director, and shall include at a minimum: the legal description of the property which has been approved for an ADU; the applicability of the restrictions and limitations contained in this sub~~

~~section; a copy of the floor/site plan approved by the City; and the notarized signature of all property owners.~~

~~n. Discontinuation of an ADU.~~

~~1. An ADU shall be converted to another permitted use or shall be removed if one (1) of the two (2) dwellings is not owner occupied, pursuant to the requirements of this section.~~

~~2. If either the ADU or the principal unit ceases to be owner occupied for more than six (6) months, the ADU permit shall be deemed revoked and use of the unit as an ADU shall cease immediately, and the ADU shall be removed or converted to a permitted use.~~

2. Standards – Boarding House

a. Parking requirements. At a minimum, there must be one (1) off-street parking stall per occupant. An owner may reduce the off-street parking requirement if an affidavit is signed that an occupant does not own a vehicle.

b. Solid waste management regulations.

1. All occupied units shall have minimum garbage service as prescribed by the City pursuant to LMC Title 13.

2. The owner is responsible to provide each occupant with the solid waste connection schedule and that schedule is to be posted within the unit as approved by the City.

c. International Property Maintenance Code. Pursuant to Title 15 LMC, International Property Maintenance Code occupancy requirements are applicable to a boarding house regardless of the number of individuals living in the residence.

d. Amortization Schedule. Existing boarding houses have until December 31, 2015 to become compliant with the regulations outlined in this Title and Title 5 as it pertains to boarding house.

e. Additional Standards. The following additional standards are required to be met for any boarding house housing over four (4) unrelated individuals excluding Types 1, 2, 3, 4, and 5 Group Homes in LMC 18A.10.040; hotels and motels as defined in LMC 18A.10.040; and excluding state-licensed foster homes, in addition to the criteria for a conditional use permit under LMC 18A.30, Part II.

1. Adequate living space based on the International Residential Code standards will be taken into account when a request for more than four (4) unrelated individuals is requested.

2. A designated property manager that is available twenty-hour (24) hours a day, seven (7) days a week is required.

3. The request for more than four (4) unrelated individuals will not adversely impact the surrounding community.

4. General Business License Required. A boarding house falling under this subsection is deemed a business activity and is subject to the requirements of LMC Chapter 5.02.

5. The applicant must adhere to the provisions of the City's noise control regulations found in LMC Chapter 8.36.

32. Cottage housing is permitted subject to the LMC 18A.20, Part III.

43. Dormitories, fraternities and sororities shall be permitted as accessory uses to public or private educational institutions or churches.

54. Detached primary dwelling units, or single-family dwelling units, include site-built homes, manufactured homes and modular homes.

a. All detached single-family dwellings (including manufactured homes) located in residential zones shall meet all of the following criteria:

1. May not have previously had a title granted to a retail purchaser and may not be a used mobile home as defined by RCW 82.45.032(2), now or hereafter amended.

2. Be built to meet or exceed the standards established by 42 U.S. Code Chapter 70 – Manufactured Home Construction and Safety Standards, now or hereafter amended.

3. Be thermally equivalent or better to that required by the state energy code for new residential structures, now or hereafter amended.

4. Be set on and securely attached to a permanent foundation as specified by the manufacturer.

5. Proof of title elimination per the Pierce County Auditor identified process is required prior to manufactured housing building occupancy.

6. Be connected to required utilities that include plumbing, heating and electrical systems.

b. All single-family dwellings (including manufactured homes) shall comply with the following siting and design standards unless sited within manufactured/mobile home parks:

1. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended.

2. The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the building official, which may or may not be load-bearing.

3. Modular homes on individual lots shall incorporate design features of typical site-built homes including but not limited to modulation, articulation, sloped roofs, and wood siding or siding of a material which imitates wood.

65. Family day care is a permitted use, subject to obtaining a state license in accordance with Chapter 74.15 RCW and the following:

a. Compliance with all building, fire, safety, health code, and city licensing requirements;

b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located;

c. Certification by the office of child care policy licensor that a safe passenger loading area, if necessary, is provided.

76. Home occupations are permitted subject to the following:

a. The home occupation shall be subordinate to the primary use of the premises as a dwelling unit.

b. All activities of the home occupation shall be conducted indoors.

c. The business shall be conducted by a member of the family residing within the primary residential premises plus no more than one additional person not residing in the dwelling unit.

d. Home occupations may have on-site client contact subject to the following limitations:

1. All the activities of the home occupation shall take place inside the primary residential structure or accessory building;
2. The home occupation shall generate no more than two vehicle trips per hour to the licensed residence; and
3. The home occupation shall not create a public nuisance.

e. The following activities shall be prohibited:

1. Automobile, truck, boat and heavy equipment repair;
2. Auto or truck body work or boat hull and deck work;
3. Parking and storage of heavy equipment;
4. Storage of building materials for use on other properties;
5. Painting or detailing of autos, trucks, boats, or other items;
6. The outside storage of equipment, materials or more than one vehicle related to the business;
7. Vehicles larger than 10,000 pounds gross weight operated out of the premises or parked on the property or on adjacent streets; and
8. Taxicab, van shuttle, limousine or other transportation services, except for office activities; provided all other requirements of this subsection concerning home occupations are met.

f. Home occupations shall not be allowed in accessory buildings within the rear yard setback.

g. Home occupations in accessory buildings shall not permit noise to intrude into another residential property at a level at or above 45 decibels outside the hours of 7:00 a.m. through 6:00 p.m. Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday.

h. Home occupations are required to obtain a city business license.

~~7. Households of more than six persons in which any one person is unrelated to any or all of the others are not permitted, except that the Director may allow larger numbers of unrelated persons to live together through a grant of special of reasonable~~

~~accommodation when necessary to comply with the provisions of the Federal Housing Act amendments, RCW 49.60.222, or RCW 35.63.220.~~

~~a. When necessary to comply with the provisions of the Federal Fair Housing Act amendments, RCW 49.60.222, or RCW 35.63.220, the Director may grant reasonable accommodation to individuals in order for them to live in a household of more than six persons, subject to the following:~~

~~1. An applicant for reasonable accommodation must demonstrate to the satisfaction of the Director that the special needs of the proposed residents makes it necessary for them to live in a household of the size proposed in order to have equal opportunity to use and enjoy a dwelling.~~

~~2. The Director shall determine what adverse land impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. The Director shall take into account the size, shape and location of the dwelling unit and lot, the building occupancy load, the traffic and parking conditions on adjoining and neighboring streets, the vehicle usage to be expected from residents, staff and visitors, and any other circumstances the Director determines to be relevant as to whether the proposed increase in density will adversely impact the neighborhood.~~

~~3. The Director shall consider the applicant's need for accommodation in light of the anticipated land use impacts, and the Director may impose conditions in order to make the accommodation reasonable in light of those impacts.~~

~~4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the Director's decision. If the Director determines that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the Director shall rescind or modify the decision to grant reasonable accommodation.~~

~~5. A decision to grant reasonable accommodation is a Type I action. The decision shall be recorded with the Pierce County auditor.~~

~~6. Nothing herein shall prevent the Director from granting reasonable accommodation to the full extent required by federal or state law.~~

8. Mobile and/or manufactured homes are allowed only in mobile/manufactured home parks developed in accordance with LMC 18A.40.110(C).

9. Residential accessory building:

a. The maximum height for residential accessory building shall be twenty-four (24) feet.

b. Detached residential accessory structures which are less than one hundred twenty (120) square feet in size and not higher than ten (10) feet, including garden sheds or greenhouses or combination of both; children's play equipment; arbors; and gazebos, when placed in a rear half of the lot shall have a minimum three (3) foot setback.

Attached accessory structures shall meet the same setbacks as the main building.

c. Pools, hot tubs, and similar accessory structures may not be located in the rear or interior yard setbacks.

d. Vehicle covers and other storage structures that are composed of pipes or poles with a fabric, plastic or other type of cover on the top of the framework are required to meet the development standards for the applicable zoning district, including lot coverage limitations and setback requirements. If the covering on such a structure is metal, wood, hard plastic or other rigid material and the structure exceeds 120 square feet in size, a building permit is required for the structure. If the structure is used for recreational, sporting or utility vehicle storage, the storage requirements of LMC 18A.60.160, including a parking pad and screening must be met. Fabric, vinyl, flexible plastic or other membrane material may be utilized to enclose the sides of the structure only if the structure is specifically designed and used for vehicle storage. Such enclosed structures are not exempt from the screening requirements of LMC 18A.60.150. Except as noted above, general storage is prohibited in tents, yurts or other tent-like structures.

e. Railroad cars, shipping containers, and semi-truck trailers shall not be placed or maintained in any single-family residential, mixed residential, or multi-family residential zoning district.

10. See LMC Section 18A.40.120.

11. Residential accessory uses are secondary, subordinate permitted uses and include the following:



- a. Private docks and mooring facilities as regulated by applicable shoreline management regulations.
- b. Attached carports or garages for the sole use of occupants of premises and their guests, for storage of personal household goods and motor, recreational, and sporting vehicles.
- c. Detached carports or garages are allowed in conjunction with an approved access and driveway.
- d. Other accessory buildings and structures such as hobbyist greenhouses and storage buildings for personal household goods and yard maintenance equipment, but excluding accessory dwelling units, are allowed.
- e. Outdoor storage of one (1) recreational/sporting/utility vehicles, subject to LMC Section 18A.60.160.
- f. Minor maintenance of a vehicle owned by a resident or a relative of a resident of the site on which the activity is performed, where the activity is not performed for pay or the exchange of goods or services, and subject to the provision of LMC Section 18A.50.180.
- g. Hobbyist crop or flower gardens which are non-commercial and serve one (1) or more neighborhood homes on an informal, cooperative basis.
- h. “Pea patch” or community gardens, “tot lots,” private parks and open space set-asides. May include private, on-site composting facility with less than ten (10) cubic yards’ capacity.
- i. On-site underground fuel storage tanks to serve a residential use.
- j. Antennas and satellite dishes for private telecommunication services.
- k. Decks and patios.
- l. Non-commercial recreational facilities and areas, indoor and outdoor, including swimming pools and tennis courts, for exclusive use by residents and guests.
- m. On-site soil reclamation in accordance with state regulations.
- n. Retaining walls, freestanding walls, and fences.
- o. Yard sales.

p. Continuation of equestrian uses, which are accessory to a single-family dwelling, already legally existing within the zone at the time of adoption of this title. Maintenance, repair and replacement of existing equestrian structures shall be permitted.

12. Small craft distilleries may contract distilled spirits for, and sell distilled spirits to, holders of distillery licenses, manufacturer's licenses and grower's licenses.

#### 18A.40.120 Special Needs Housing.

\* \* \*

B. Special Needs Housing Table. See 18A.10.120(D) for the Purpose and Applicability of Zoning Districts.

		Zoning Classifications									
Description(s)	Number of residents (size)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
Assisted Living Facility	N/A	-	C	P	P	P	P	-	-	-	-
Confidential Shelter (5)	Max. of 15, plus resident staff	P	P	P	P	P	-	-	-	P	-
Continuing Care Retirement Community	N/A	-	C	P	P	P	P	-	-	-	-
Enhanced Services Facility	Max. of 16, plus resident staff	-	-	-	C	C	C (C2 zone only)	-	-	-	-
Hospice Care Center	N/A	C	C	P	-	-	-	-	-	-	-
Nursing Home	N/A	-	C	P	P	P	P	-	-	-	-
<u>Permanent Supportive Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>C</u>	<u>I</u>
<u>Rapid Re-Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>C</u>	<u>I</u>
<u>Transitional Housing</u>	<u>N/A</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>I</u>	<u>I</u>	<u>I</u>	<u>C</u>	<u>I</u>
Type 1 Group Home – Adult Family Home (C)(1)	Max. of 6 <u>or 8</u> per (C)(1)	P	P	P	P	P	-	-	-	C	-
Type 2 Group Home, Level 1	Max. of 7, plus resident staff	P	P	P	P	P	-	-	-	C	-

		Zoning Classifications									
Description(s)	Number of residents (size)	R1, R2, R3, R4,	MR1, MR2	MF1, MF2, MF3	ARC, NC1, NC2	TOC, CBD	C1, C2, C3	IBP, I1, I2	OSR1, OSR2	PI	ML, CZ, AC1, AC2
Type 2 Group Home, Level 2	Max. of 10, plus resident staff	C	C	C	-	-	-	-	-	-	-
Type 2 Group Home, Level 3	More than 10, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 1	Max. of 8, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 2	Max. of 12, plus resident staff	-	-	C	C	C	-	-	-	C	-
Type 3 Group Home, Level 3	More than 12, plus resident staff	-	C	C	C	C	-	-	-	C	-
Type 4 Group Home	N/A	-	-	-	-	-	C (C1 & C2 zones only)	-	-	-	-
Type 5 Group Home	N/A	-	-	-	C (NC2 zone only)	C	C(C2 zone only)	-	-	-	-
P: Permitted Use C: Conditional Use (2) (3) (4) -: Not allowed Numbers in parentheses reference use-specific development and operating conditions under subsection B of this section.											

\* \* \*

### C. Operating and development conditions

1. Adult family homes are permitted, subject to obtaining a state license in accordance with Chapter 70.128 RCW and Chapter 220 Laws of 2020 and the following:

- a. Compliance with all building, fire, safety, health code, and city licensing requirements;
- b. Conformance to lot size, setbacks, building coverage, hard surface coverage, and other design and dimensional standards of the zoning classification in which the home is located.

### Section 18A.60.090 General Standards.

\* \* \*

## B. Setbacks and Lot Lines.

\* \* \*

12. Fences within the required setbacks or located on the property line. Fences to enclose, screen, or separate areas may be erected within required yard setbacks, provided that fences or other barriers:

- a. Do not obstruct the sight distance of a driveway, private street, or public street.
- b. Do not exceed a maximum height of six (6) feet within the interior and rear yards.
- c. Do not exceed a maximum height of four (4) feet within the front yard;
  1. Except that within the back half of a front yard setback on a corner lot, the rear lot line and the rear of the structure may be enclosed with a maximum six (6) foot high fence, and
  2. Except that within the required front yard setback of a lot fronting on a Principal Arterial Street, the maximum height shall be six (6) feet.
  3. Except as allowed in conjunction with a design review permit application for commercial/industrial development, the maximum height permitted outright shall be six (6) feet. Any fence exceeding six (6) feet in height shall first obtain a variance and building permit.
- d. In residential zoning districts, are not constructed of barbed wire, razor wire, embedded glass, or other similar materials, construction, or anti-entry techniques that may cause injury.
- e. Electric Fences. The construction and use of electric fences shall be allowed pursuant to a Director's Determination in the IBP, I1, I2 and P/I zones, subject to the following standards:
  1. Permit. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed Director's Determination application for review of such fencing as a building permit review to receive approval for the fence and electrical permits for the project. The application shall include:

- a. Site plan showing the location of the protective barrier and the electrified fence on the property in relation to the property lines, walkways, existing buildings, and curb;
  - b. Fence details showing both the electrified fence and protective barrier, including all gates;
  - c. All supporting documentation from the electric fence manufacturer, equipment to be used, and certification of service from the monitoring provider.
- 2. IEC Standard 60335-2-76. Unless otherwise specified herein, electric fences shall be constructed or installed in a conformance with the specifications set forth in International Electro technical Commission (IEC) Standard No. 60335-2-76.
- 3. Electrification.
  - a. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However the solar panel may be augmented by a commercial trickle charger.
  - b. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.
- 4. Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall.
  - a. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.
  - b. Electric fences shall be subject to the screening requirements of LMC 18.70.150 when installed adjacent to, across a street or alley from a non-industrial zone.
  - c. Electric Fences are subject to Street Frontage requirements prescribed in the Lakewood Municipal Code Title 18A or 18B when installed along street frontage that is adjacent to or across the street from a non-industrial zone.
- 5. Location.
  - a. Electric fences shall be permitted on any non-residential outdoor storage areas.

- b. Electric fences shall not be installed within one hundred fifty (150) feet of a property line for a residence, or from a school, or day care facility, unless the exterior perimeter non-electrified fence is covered with a solid covering (e.g. solid mesh, slats, etc.) to further prevent contact with the electric fence.
  - c. Electric fences shall not be installed within five (5) feet of a sidewalk, trail or other pedestrian connection unless the exterior perimeter non-electrified fence is covered with a solid covering.
- 6. Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.
- 7. Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.
- 8. Electric fence burglar alarms shall be governed and permitted under LMC Chapter 9.13.
- 9. Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.
- 10. Key Box.
  - a. Electric fences shall have installed a key box system in accordance with the West Pierce Fire & Rescue standards.
  - b. The electric fence controller and emergency key safe for the electric fence must be located in a single accessible location for the entire fence.
- 11. Fire Department Registration. Prior to the installation or use of any electrified fence, the property owner or tenants of the property upon which such fencing will be installed or used shall submit a completed registration for such fencing to the Fire Department using forms provided by the Fire Chief.
- 12. Indemnification. All applicants issued a permit to install or use an electric fence as provided in this chapter shall agree, as a condition of permit issuance, to defend, indemnify and hold harmless the

City of Lakewood and its agents, officers, consultants, independent contractors and employees from any and all claims, actions or proceedings, including but not limited to those arising out of any personal injury, including death, or property damage caused by the electric fence.

13. Emergency Access. In the event that access by the West Pierce Fire & Rescue and/or Lakewood Police Department personnel to a property where a permitted electric fence has been installed and is operating, is required due to an emergency or urgent circumstances, and the Knox Box or other similar approved device referred to in this section is absent or non-functional, and an owner, manager, employee, custodian or any other person with control over the property is not present to disable the electric fence, the fire or police personnel shall be authorized to disable the electric fence in order to gain access to the property.

As a condition of permit issuance, all applicants issued permits to install or use an electric fence as provided in this section shall agree in writing to waive any and all claims for damages to the electric fence against the West Pierce Fire & Rescue and/or its personnel and the City of Lakewood and/or its personnel under such circumstances.

14. It shall be unlawful for any person to install, maintain or operate an electric fence in violation of this section.

#### **18A.70.040 Specific Uses Design Standards.**

A. Commercial Uses and Zones. These standards are intended to create an attractive and functional environment for commercial uses, improve vehicular and pedestrian circulation, and upgrade the City's visual appearance in commercial zones.

1. Commercial Site Design Objectives.

h. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

i. ~~h.~~ Service and loading areas shall be designed in accordance with the general criteria outlined in [LMC 18A.70.050\(B\)](#).

j. ~~i.~~ [Grocery stores](#) and large retailers shall provide shopping cart collection areas within the parking areas. The collection areas shall be evenly spaced and shall provide easy [access](#) and safety features.

~~k. j.~~ Weather protection for pedestrians shall be provides as outlined in LMC 18A.70.050(C)

~~l. k.~~ Blank walls shall be treated as described in LMC 18A.70.050(E).

~~m. l.~~ Drive through facilities shall be designed in accordance with LMC 18A.40.050 (B)(3).

\* \* \*

C. Multifamily Residential Uses and Zones. These standards are intended to create an attractive and enjoyable environment for multifamily residential uses, improve vehicular circulation and upgrade the City's visual appearance in high-density residential areas.

1. Required Multifamily Site Design and Building Design Elements. These standards are in addition to other development standards applicable under this article or other chapters of the code. Exterior lighting shall comply with LMC 18A.60.095.

\* \* \*

q. Safe pedestrian routes and barrier free access must be provided from the building to trash enclosures and adjacent sidewalks.

#### **18A.80.040 Development Standards.**

A. Parking area design shall include:

1. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the City Engineer.

2. Backing Out Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.

3. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

~~43.~~ Parking Spaces--Access and Dimensions. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles.



54. Surfacing. All parking areas shall be surfaced with permeable paving surfaces in conformance with the current City of Lakewood Stormwater Design Manual, asphalt, concrete or similar pavement so as to provide a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water.

65. Stormwater management is required and shall comply with the current City of Lakewood Stormwater Design Manual and shall be subject to the city's review and approval.

76. Parking shall be designed and constructed for a minimum of thirty percent and a maximum of fifty percent of the required number of spaces for compact size cars. An applicant must clearly identify all spaces designed and constructed for compact car use. The Director may approve the design and designation of more than fifty percent of the spaces for use by compact cars if the applicant demonstrates that no adverse impact will result.

87. Parking area for land uses located outside the city shall be prohibited.

98. Community design requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part I.

109. Landscaping requirements. Parking areas shall meet the applicable landscaping requirements of LMC 18A.70 Part II.

1110. Marking: The property owner shall identify required parking stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the approving authority. Crosswalk marking shall be provided consistent with the requirements of the public works department. Paint is not permitted as a sole means of marking crosswalks. Display areas which are not required parking areas, such as a car dealership or rental display area, are not required to be marked as individual stalls.

1211. An owner/developer may install parking spaces in phases if a phased schedule has been approved. This schedule must specifically indicate when the parking will be provided. The Director may permit the use of temporary parking areas with appropriate screening as part of a phasing schedule. In addition, the Director may require a performance assurance device to insure conformance with the requirements.

1312. When adequate vehicular access to an approved lot or development is available from a side street, no such access shall be permitted from the front street. Where lots have double frontage, if vehicular access from a side street or a street of lower functional classification is not available, such access shall be from the street anticipated to carry the least amount of traffic or the street that would have the least conflict with pedestrian traffic.

1413. Parking Area and Circulation Design.

- a. The city public works and engineering department shall have the authority to fix the location, width and manner of approach of vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.
- b. Internal circulation of the lot shall be so designed as to minimize conflicts with pedestrians with priority given to pedestrians considering convenience, comfort, safety and security. In-and-out driving time, idling time and time spent looking for a parking space should be a consideration, but should not influence design parameters that reduce pedestrian functionality.

1514. Parking places for the physically disabled: All parking lots regulated by this chapter shall be modified as necessary to provide parking places for the physically disabled as specified in the building code, including installation of curb ramps, signage and other required improvements.

1615. Parking ratios for mixed use development projects shall be determined by calculating the percentage of GFA by use multiplied by the appropriate parking ratio for each use plus a five percent parking reduction for two uses, ten percent parking reduction for three uses and fifteen percent parking reduction for four or more uses.

1716. All major employers or major worksites, as defined by RCW 70.94.524, shall designate at least five percent of auto spaces as carpool spaces. These spaces must be located as close to the main employee entrance as possible and shall be called out on the site plan.



TO: Mayor and City Council

FROM: Heidi Ann Wachter, City Attorney

THROUGH: John Caulfield, City Manager *John E. Caulfield*

DATE: June 8, 2020

SUBJECT: Review of Pierce County Force Investigation Team Agreement

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In order to comply with recent additions to the Washington Administrative Code<sup>1</sup>, Pierce County and municipalities throughout the County have entered into a Memorandum of Understanding which creates the Pierce County Force Investigation Team. This agreement addresses roles and responsibilities relative to the investigation of police use of force. Among other things, it ensures departments do not investigate themselves, there is regular communication to the public and representatives of the public are involved to an appropriate degree.

Without the agreement, it is highly unlikely that the City will be able to comply with the WAC given the extensive recommendations and the requirement to have other jurisdictions involved. Because the agreement is between jurisdictions, the agreement falls under the Interlocal Cooperation Act and thus requires ratification by the governing body.<sup>2</sup>

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<sup>11</sup> In December 2019, the WAC updated Chapter 139-12, LAW ENFORCEMENT TRAINING AND COMMUNITY SAFETY ACT—INDEPENDENT INVESTIGATIONS CRITERIA (LETCSA) to include Independent Investigation Criteria.

<sup>2</sup> [RCW 39.34.080](#)

**Pierce County Force Investigation Team**  
**Memorandum of Understanding**

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## **SECTION 1. STATEMENT OF PURPOSE**

The Mission and Purpose of the Pierce County Force Investigation Team (PCFIT) is to conduct independent, thorough, accurate, appropriate, open, and unbiased investigations, in compliance with the Law Enforcement Training and Community Safety Act (LETCSA), RCW 10.114.011, and Chapter 139-12 WAC, for all officer-involved use of deadly force incidents that result in death, substantial bodily harm, or great bodily harm occurring within Pierce County.

The PCFIT will conduct criminal investigations to develop relevant information to allow a determination of the presence or absence of criminal culpability on the part of those involved in the incident. The purpose of investigations shall be to inform any determination of whether the use of deadly force met the “good faith” standard of RCW 9A.16.040 and satisfied other applicable laws and policies.

Once a PCFIT investigation has been completed and submitted to the prosecutor for final review, it shall be made available to the involved agency for their internal use and disclosure.

Investigations shall follow the rules of law established by the state and federal constitutions, statutory and case law which apply to criminal investigations. The investigation shall be performed in a manner that provides both the appearance and the reality of an independent, thorough, fair, complete and professional investigation.

- **Our Goals:** To conduct professional multi-jurisdictional investigations of incidents of deadly force by law enforcement while promoting public trust through transparency and consistency.

## **SECTION 2. MEMBER AGENCIES**

<b>Bonney Lake Police Department</b>	<b>Orting Police Department</b>
<b>Buckley Police Department</b>	<b>Pacific Police Department</b>
<b>Dupont Police Department</b>	<b>Pierce County Sheriff’s Department</b>
<b>Eatonville Police Department</b>	<b>Puyallup Police Department</b>
<b>Fife Police Department</b>	<b>Roy Police Department</b>

<b>Fircrest Police Department</b>	<b>Ruston Police Department</b>
<b>Gig Harbor Police Department</b>	<b>Steilacoom Department of Public Safety</b>
<b>Lakewood Police Department</b>	<b>Sumner Police Department</b>
<b>Milton Police Department</b>	<b>Tacoma Police Department</b>
	<b>Washington State Patrol</b>

### SECTION 3. DEFINITIONS

**Good faith:** An objective standard under RCW 9A.16.040, which shall consider all the facts, circumstances, and information known to the officer at the time to determine whether a similarly situated reasonable officer would have believed that the use of deadly force was necessary to prevent death or serious physical harm to the officer or another individual.

**Involved Agency:** The agency which employed or supervised the officer(s) who used deadly force.

**Venue Agency:** The agency having geographic jurisdiction of the incident. (This may or may not be the involved agency.)

**Member Agency:** Signatories to this agreement.

**Involved Officer(s):** Officer who used deadly force and is the subject of the investigation.

**Non-law Enforcement Community Representatives:** Civilians chosen by Member Agencies to carry out the duties assigned by WAC 139-12-030(2),(4).

**Witness Officer(s):** Officer involved in the incident who did not use deadly force.

### SECTION 4. EXECUTIVE BOARD

The Executive Board of the PCFIT shall consist of the Sheriff and Chief, or their designee, of each agency with personnel assigned to the Team. Representatives of the Prosecutor's Office and the Medical Examiner's Office will be invited to all Board meetings and their input may be solicited. For voting purposes and for decision making in administering this agreement, it will be the majority rule of the Executive Board.

The Chairperson of the Executive Board will be designated by the Pierce County Police Chiefs Association for a term of two years. The Chairperson of the Executive Board shall schedule a meeting of the Executive Board in January of each year. The purpose of the meeting will be to receive a comprehensive report from the PCFIT Commander(s) concerning activities of the Team over the past year, address issues pertaining to the operation and support of the Team, and address changes to the PCFIT protocol. Special meetings may be called at any time by a member of the Executive Board. Special meetings may also be requested by the PCFIT Commander(s).

## **SECTION 5. PCFIT COMMANDERS**

There will be at least two PCFIT Commanders. They will be the rank of lieutenant or higher and from different departments. The PCFIT Commanders shall have the responsibility to develop Standard Operating Procedure/Guidelines (SOP/G) and manage and coordinate the readiness and training of the Unit. Candidates for the PCFIT Commander position will be nominated by a member agency and selected by the Executive Board and will report directly to the Executive Board. The PCFIT Commanders will serve two years, but the term may be extended or terminated at the discretion of the Executive Board. A Commander must have strong interpersonal and leadership skills, with experience in complex criminal investigations and strong working knowledge of case law relevant to police use of force. A Commander shall not oversee, consult, or participate in any manner on any investigation where the Commander's employer is the involved agency.

## **SECTION 6. LEAD INVESTIGATORS**

There will be at least two Lead Investigators from different departments. The Lead Investigators will be qualified senior investigators with experience in criminal investigations. The Lead Investigators will be nominated by a member agency and selected by the PCFIT Executive Board. The Lead Investigators must have strong leadership and organizational skills and should have a working knowledge of the Incident Command System (ICS) and be prepared to assume command in the absence of the PCFIT Commander. The Lead Investigators will assist the PCFIT in the development of the SOP/G, oversee investigations and assign PCFIT resources as needed. Lead investigators shall not participate in, oversee, or assign resources to investigations involving officers from their employer agencies.

## **SECTION 7. INVESTIGATORS**

Investigators will be experienced officers with a background in criminal investigations. Investigators shall meet state law requirements for officers investigating use of deadly force. They must be adept at working with multiple agencies. The Investigators will be selected by the PCFIT Commanders with input from the non-law enforcement community representatives and the permission of the investigators agency's chief executive or designee.

## **SECTION 8. NON-LAW ENFORCEMENT COMMUNITY REPRESENTATIVES**

Each Member Agency shall appoint at least one civilian to fulfill the duties assigned by WAC 139-12-030, provided that Member Agencies may use Non-Law Enforcement Community Representatives appointed by other Member Agencies upon mutual agreement. The Executive

Board shall create a transparent process for soliciting names and creating a roster of individuals willing to serve in this capacity.

## **SECTION 9. TRAINING**

The Member Agencies will ensure that personnel assigned to PCFIT either have completed or will complete classes in the following core areas:

Criminal Investigations

Crime Scene Investigations

Basic Homicide Investigations

Interview and Interrogation

Officer Involved Shooting Investigations

LETCSA Violence De-escalation and Mental Health training

Assigned personnel are expected to complete all the core classes within two years of being assigned. In addition, member agencies are encouraged to provide their investigators with advanced training courses. These courses may include advanced homicide investigation, blood stain pattern analysis, crime scene photography/videography, and other classes relevant to their assignment with the PCFIT.

## **SECTION 10. ACTIVATION**

Upon request of the involved agency to investigate an officer-involved use of force resulting in substantial bodily harm, great bodily harm or death, the following Protocol shall automatically and immediately take effect:

- A Chief of Police, Sheriff, WSP Commander, or their designee, shall make the request for the PCFIT to South Sound 911 (SS911).
- SS911 shall contact the PCFIT Commander through standard call-out procedures identified on the PCFIT phone tree or contact list.
- The PCFIT Commander shall assign the Lead Investigator. The Lead Investigator shall be responsible for determining how many investigators will be needed during the initial response.
- The Lead Investigator, other investigators and crime scene processors called out shall not be from the involved agency.

## **SECTION 11. RESPONSIBILITIES**



- The involved agency shall make the initial request to activate the PCFIT.
- The involved agency will immediately secure the crime scene(s). This responsibility includes preservation of the integrity of the scene(s) and its/their contents, controlling access to the scene(s), and the identification and separation of witnesses. Use of allied agency resources may be necessary to accomplish this task.
- The venue agency, if not also the involved agency, shall make facilities and equipment available as needed by the PCFIT. No specialized equipment belonging to the involved agency may be used by the investigative team unless no reasonable alternative exists, the equipment is critical to carrying out the independent investigation, and the use is approved by the PFIT commander. If the equipment is used, the nonlaw enforcement community representatives on the PCFIT must be notified about why it needs to be used and steps taken to strictly limit the role of any involved agency personnel in facilitating the use of that equipment.
- The involved agency shall provide a command-level liaison and make appropriate department personnel available to provide information as needed for the investigation.

## **SECTION 12. AUTHORITY**

Once the PCFIT has agreed to investigate an incident as requested by the involved agency's chief executive, the PCFIT shall have sole and exclusive authority concerning the investigation of the incident. The PCFIT Commander(s) or designee will provide limited briefings about the progress of the investigation to the involved agency's designated command level liaison throughout the course of the investigation.

## **SECTION 13. INVESTIGATIVE PRIORITY**

The criminal investigation has investigative priority over the administrative investigation, and shall begin immediately after an incident has occurred. Provided, however, that the criminal investigation shall be conducted in a manner that does not inhibit the Involved Agency from conducting a timely administrative investigation.

## **SECTION 14. INVESTIGATIVE GOALS – SHARING OF INFORMATION**

The goal of the investigation is to develop all available relevant information about the incident. When the investigation is completed, including all forensic testing, toxicology report and autopsy reports, the case will be submitted to the County Prosecutor. The County Prosecutor will make a final determination as to whether the use of deadly force satisfies the statutory "good faith" standard, and on the presence or absence of criminal culpability on the part of the officers involved in the incident.

No information about the ongoing independent investigation will be shared with any member of the involved agency, except limited briefings given to the designated command level liaison of the involved agency about the progress of the investigation.

If the chief or sheriff of the involved agency requests that the PCFIT release the body cam video or other investigation information of urgent public interest, the PCFIT commander should honor the request with the agreement of the prosecutor.

The investigation may incidentally provide factual information to the involved agency's management for its internal use. While the Criminal Investigators do not direct their investigative attention to administrative concerns, it is recognized that the Criminal Investigation's results are of proper interest to agency management for its internal use, and those results are fully available for that purpose.

## **SECTION 15. INVESTIGATIVE REQUIREMENTS**

The investigation is required to follow the rules of law, which apply to all criminal proceedings; these include constitutional, statutory and case law. Investigators will maintain the integrity of the investigation by following the rules of evidence throughout the investigation.

The investigation will be performed in a manner that provides a thorough, fair, complete and professional investigation, free of conflicts of interest.

## **SECTION 16. COSTS**

Each member agency shall be responsible for their employees' wages and associated personnel costs. The involved agency shall be responsible for reasonable or extraordinary investigative expenditures (to include, but not limited to, hospital security). The involved agency shall be advised of all extraordinary costs associated with the investigation, but shall not have the power to veto or prohibit the expenditure of any necessary expenditures.

## **SECTION 17. EVIDENCE**

- Evidence Storage: All evidence shall be stored at a non-involved agency property room as designated by the PCFIT Commander. The PCFIT Commander shall coordinate with the member agency's chief executive or designee to ensure compliance with that agency's policies and procedures. The involved agency shall be responsible for storage and handling costs of extraordinary items such as vehicles, HAZMAT, etc.

- Evidence Retention: Evidence shall remain in the custody of the designated, non-involved agency property room until the Pierce County Prosecutor has reviewed the case and made a charging determination or has authorized the release of evidence.
  - If no charges are filed, all evidence will be transferred to the involved agency's property room.
  - If charges are filed, all evidence will remain in the custody of the designated, non-involved agency property room until the completion of the criminal prosecution. Once the criminal prosecution is completed all evidence will be transferred to the involved agency's property room.

## **SECTION 18. CASE FILES**

- All original reports, statements and other documentation related to the investigation will be electronically filed with SS911.
- While the investigation is in process and not yet forwarded to the prosecutor, access to the electronic case files will be restricted to personnel conducting the investigation. Under no circumstances will reports or other case material be disseminated without the written consent of the Commander.
- The complete investigation will be sent to the Pierce County Prosecuting Attorney's Office for review.
- Once the investigation is complete, the involved agency will be granted access to the case files to conduct their administrative investigation. The non-law enforcement PCFIT representatives shall also have access to the completed case file. Public dissemination of the case files shall be consistent with state law.

## **SECTION 19. VEHICLE INCIDENTS**

When requested, the PCFIT will investigate incidents in which the use of a vehicle is an intentional use of force that causes substantial bodily harm, great bodily harm or death. In these investigations, the PCFIT may utilize experienced Collision Reconstructionists and other appropriate resources.

This section is not to imply that the PCFIT will be activated in a police involved collision causing great bodily harm or death where the collision was not a result of an intentional use of force.

## **SECTION 20. COMMAND STAFF BRIEFING**

The purpose of this briefing is to advise the Command Staff from the involved agency the status of the incident and to determine what information is appropriate for media releases. In

addition to the Command Staff from the involved agency, the attendees to this meeting typically will consist of the PCFIT Commander and Lead Investigator.

## **SECTION 21. PHYSICAL EVIDENCE COLLECTION, PRESERVATION, AND ANALYSIS**

Member agencies having the capability to assist PCFIT Investigators in the documentation of the scene(s) and to assist in the collection, preservation, and analysis of physical evidence may do so providing they possess the requisite training and experience, provided that agencies involved in the use of force shall not assist with the collection, preservation, or analysis of physical evidence.

Prior to final relinquishment of the scene, the Lead Investigator, crime scene Investigators/ professionals, and PCFIT Commander will confer to determine if the collection of evidence is complete.

## **SECTION 22. EMPLOYEE RIGHTS**

Law enforcement employees have the same rights and privileges regarding criminal investigative interviews that any other citizen would have, including the right to remain silent, the right to consult with an attorney prior to an interview, and the right to have an attorney present during the interview.

## **SECTION 23. OFFICER INTERVIEWS**

- Witness officers
  - Witness officers will provide a written report and/ or recorded interview as deemed appropriate by the Lead Investigator.
- Involved officers
  - Statements from the officers using force must be completely voluntary. Under no circumstances are investigators to take a compelled statement from the involved officer(s). Any compelled statements obtained in Administrative Investigations shall not be shared with the PCFIT investigative team.

## **SECTION 24. PUBLIC SAFETY STATEMENT**

Public Safety Statements should be taken with consideration of the Involved Agency's policies, procedures and documents. The public safety statement may include:

- Any outstanding suspects
- Location of evidence
- Location of potentially injured people

- Any general public safety concerns

## **SECTION 25. REPORT WRITING**

1. All investigators participating in the criminal investigation will write reports documenting their participation.
2. The Investigators within each investigative team will allocate and divide among themselves the responsibility for documenting interviews and observations.
3. Prompt completion of reports is essential. All involved agencies and investigators will strive for report completion within 7 days of any investigative activity. The Medical Examiner's report may be delayed beyond 30 days pending results of some scientific tests.

## **SECTION 26. PUBLIC TRANSPARENCY AND MEDIA RELATIONS**

The PCFIT Commander shall provide public updates about the investigation a minimum of once per week, even if there is no new progress to report. When an investigation is complete, the information will be made available to the public in a manner consistent with applicable state law.

The PCFIT Executive Board shall ensure that all the following is made available to the public:

- The names of the members, supervisors, commanders, and non-law enforcement community representatives on the PCFIT.
- The PCFIT policies and procedures

During investigations, the PCFIT commander shall insure that all state law requirements for notification of family members and Tribes are followed.

1. PCFIT: Once the PCFIT has initiated an investigation, all media releases related to the investigation shall be made by the PCFIT Public Information Officer (designated by the PCFIT Commander) after consultation with the involved agency's chief executive or designee, and after review by the PCFIT's non-law-enforcement community representatives. The PCFIT may release information typically on the day of the incident, an intermediate news release, and then a release when the complete investigation is sent to the Prosecutor.
2. THE INVOLVED AGENCY: The involved agency's Public Information Officer ("PIO"), or other official designee, will release information in coordination with PCFIT supervisors. It shall be the responsibility of the involved agency to determine when the involved

officer's name will be released to the public, pursuant to their policies and procedures and consistent with the requirements of state laws including the Public Records Act.

#### **SECTION 27. FAMILY AND TRIBAL LIAISONS**

The Lead Investigator will assign a liaison to the family of the person against whom deadly force has been used. The liaison will make every effort to keep the family informed of the status of the investigation and provide details that do not compromise the integrity of the investigation. A Tribal liaison shall be assigned if the person against whom deadly force was used is a member of a recognized Indian Tribe.

#### **SECTION 28. PROSECUTOR PROTOCOL**

The Lead Investigator will ensure adherence to the Pierce County Prosecutor's Officer Involved Fatal Incident Protocol. Questions regarding the Prosecutor's protocol or legal questions related to the investigation should be referred to the Pierce County Prosecuting Attorney's Office.

#### **SECTION 29. SANCTIONS/REMOVAL OF MEMBER AGENCY**

Willful violations of the protocol agreement will be brought to the attention of the Executive Board by the PCFIT Commander or Lead Investigator. The Executive Board, by majority vote, may elect to immediately stop the investigation and turn the investigation over to the involved agency for another independent agency to investigate. A member agency failing to abide by this agreement may also be removed from the PCFIT by a majority vote of the Executive Board.

#### **SECTION 30. TERM OF AGREEMENT**

This Agreement shall become effective on the date it is executed by all signing parties, and shall remain in full force and effect and is intended to be indefinite.

### **SECTION 31. TERMINATION**

A party may terminate this Agreement or, alternatively, withdraw its participation in the PCFIT by providing written notice to the chief law enforcement officer for each member agency of its intent to terminate or withdraw from this agreement. A notice of termination or withdrawal shall become effective upon the latter of: a) 30 days after service of the notice on the chief law enforcement officers for all member agencies; or b) at the conclusion of any PCFIT investigation that is pending on the date of the written notice of intent to terminate or withdraw from this Agreement.

### **SECTION 32. STATUS OF OFFICERS ASSIGNED TO PCFIT**

- Pursuant to RCW 10.93.050, each officer assigned to the PCFIT remains the employee of the party who hired the officer, and is not an employee of any other member agency.
- Member agencies shall not allow officers who have been disciplined for dishonesty, bias or improper use of force to be assigned to the PCFIT.

### **SECTION 33. LIABILITY, HOLD HARMLESS AND INDEMNIFICATION**

Pursuant to RCW 10.93.040, it is understood and agreed that each member agency, its agents, employees, and insureds do not, by virtue of these Protocols, assume any responsibility or liability for the actions of another agency's officers.

Each party hereto shall be responsible and assume liability for its own wrongful or negligent acts or omissions, or those of its officers to the fullest extent required by law, and shall save, indemnify, defend and hold harmless all other parties from such liability. In the case of negligence of more than one party to this Agreement, any damages shall be in proportion to the percentage of negligence attributed to each party, and each party shall have the right to contribution from the other party in proportion to the percentage of negligence attributed to the other party. Nothing contained in this section of this Agreement shall be construed to create a liability or a right of indemnification in any third party. The provisions of this section shall survive the termination or expiration of this Agreement.

### **SECTION 34. DISPUTE RESOLUTION**

For the purpose of this Agreement, time is of the essence. Should any dispute arise concerning the enforcement, breach or interpretation of this Agreement, the parties shall first meet in a good faith attempt to resolve the dispute.

### **SECTION 35. SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference to this Agreement shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement. To this end, the provisions of this Agreement are declared to be severable.

### **SECTION 36. MISCELLANEOUS**

Any provision of this Agreement that imposes an obligation that continues after termination or expiration of this Agreement shall survive the term or expiration of the Agreement and shall be binding on the parties to this Agreement. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.

### **SECTION 37. EXECUTION OF AGREEMENT**

This Agreement may be signed in counterparts by the parties. If the Agreement is signed by the parties in counterparts, it will be considered a fully executed Agreement.



# PCDFIT

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Print Name	Title
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Signature	Date
<b>Bonney Lake Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Buckley Police Department</b>	

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Print Name	Title
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Signature	Date
<b>DuPont Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Eatonville Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Fife Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Fircrest Police Department</b>	

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Signature	Date
<b>Orting Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Pacific Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Pierce County Sheriff's Department</b>	

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Print Name	Title
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Signature	Date
<b>Puyallup Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Roy Police Department</b>	

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Print Name	Title
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Signature	Date
<b>Ruston Police Department</b>	

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Print Name Title

Signature Date  
Gig Harbor Police Department

Print Name Title

Signature Date  
Lakewood Police Department

Print Name Title

Signature Date  
Milton Police Department

Print Name Title

Signature Date  
Washington State Patrol

Print Name Title

Signature Date  
Steilacoom Dept of Public Safety

Print Name Title

Signature Date  
Sumner Police Department

Print Name Title

Signature Date  
Tacoma Police Department