



**MONROE CITY COUNCIL**  
**Legislative Affairs Committee Meeting**  
Tuesday, June 11, 2019, 6 P.M.  
Monroe City Hall

**2019 Committee**  
Councilmembers  
Ed Davis  
Jim Kamp  
Kirk Scarboro

# AGENDA

- I. Call to Order**
- II. Approval Minutes** (April 16, 2019) [\[Page 2\]](#)
- III. Unfinished Business**
- IV. New Business**
  - A. Donations/Art Policies (Parks & Recreation) [\[Page 4\]](#)
  - B. Taxi Regulations (Administration) [\[Page 22\]](#)
  - C. Voting Rights Act (City Clerk/Administration) [\[Page 49\]](#)
  - D. 2020 Legislative Priorities (Administration) [\[Page 77\]](#)
  - E. Initiative 976 [I-976] (Administration) [\[Page 81\]](#)
- V. Other**
- VI. Next Committee Meeting** (July 9, 2019, 6:30 p.m.)
  - A. Discussion Items: Annual Docket (Community Development)
- VII. Adjournment**



**MONROE CITY COUNCIL**  
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Tuesday, April 16, 2019, 6 P.M.  
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Councilmembers  
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Kirk Scarboro

## **MINUTES**

### **I. Call to Order**

A regular meeting of the Monroe City Council Legislative Affairs Committee was held on Tuesday, April 16, 2019. The meeting was called to order by Councilmember Davis, 6:00 p.m.; Passport Table, Monroe City Hall.

Council Present: Ed Davis; & Kirk Scarboro.  
Mayor: None.  
Staff Present: Elizabeth Adkisson, City Clerk; Mike Farrell, Parks & Recreation Director; Deborah Knight, City Administrator; & Ben Swanson, Community Development Director.  
Others Present: Heather Rousey.

### **II. Approval of Minutes (March 19, 2019)**

Councilmember Scarboro moved to approve the minutes of the Tuesday, March 19, 2019, Legislative Affairs Committee Meeting; the motion was seconded by Councilmember Davis. Motion carried (2-0).

### **III. Unfinished Business - NONE**

### **IV. New Business**

#### **A. MMC Title 2 Boards and Commissions (City Clerk)**

Ms. Adkisson provided background information on proposed amendments to the Monroe Municipal Code sections concerning boards, commission, and committees; including: winter internship scope and assessment; recommendations (consolidate code into one stand-alone title; utilize a uniform format; and enhance the web display); proposed repeal of term limits for the Planning Commission and Parks Board; and current appointment/reappointment process.

Discussion ensued regarding term limits and the current appointment application/review/selection process. The Committee recommended advertising for all open positions, regardless of whether there are any individuals eligible for reappointment.

The Committee recommended bringing forth the proposed amendments for consideration of the full Council at an upcoming meeting; and including a general provision regarding the advertisement of all open positions.

## B. Council Chambers Video (City Clerk)

Ms. Adkisson provided background information on the proposed provision of videos/live-streaming of City Council and other City meetings and events; including: equipment options, functionality, and costs; local jurisdiction comparables (video availability, format, views); and potential fiscal impacts (purchase/installation of software and equipment, network storage, staffing/opportunity costs, and additional costs to be determined).

Discussion ensued regarding associated costs, staffing, potential viewership interest, and requests to provide video recordings (none received).

The Committee was not in support of pursuing video/live-streaming; however, recommended bringing forth the information for consideration of the full Council at an upcoming meeting.

## V. Other

### VI. Next Committee Meeting (May 21, 2019, 6:30 p.m.)

The Committee reviewed the items for the May committee meeting (Legislative Updates & Donations Policy).

## VII. Adjournment

Councilmember Scarboro moved to adjourn the Tuesday, April 16, 2019, Legislative Affairs Committee Meeting; the motion was seconded by Councilmember Davis. Motion carried (2-0).

*The meeting was adjourned at 6:32 p.m.*



**MONROE CITY COUNCIL**  
**Legislative Affairs Committee Meeting**  
 Tuesday, June 11, 2019, 6 P.M.  
 Monroe City Hall

**2019 Committee**  
 Councilmembers  
 Ed Davis  
 Jim Kamp  
 Kirk Scarboro

<b>SUBJECT:</b>	<b>Donations/Art Policies</b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
06/11/2019	Administration	Mike Farrell	Mike Farrell	<b>New Business A.</b>

**Discussion:** 06/11/2019  
**Attachments:** 1. Proposed City Donation Acceptance Policy (DRAFT)  
 2. Revised City Public Art Policy (DRAFT)

**REQUESTED ACTION:** Discussion; and provide direction to the Mayor and City Staff regarding proposed new City Donation Acceptance Policy and revisions to the City’s existing Public Art Policy.

**POLICY CONSIDERATIONS**

*We currently do not have a formal process for acceptance and documentation of donations made to the City of Monroe. In addition, the City’s Public Art Policy does not have a formal process to make memorial public art considerations. Is the Council interested in development of a donation acceptance policy and revising the City’s Public Art Policy to include a section for Memorial Public Art Considerations?*

**DESCRIPTION/BACKGROUND**

The City does not currently have a formal process for acceptance of donations made to the City of Monroe. The City’s Municipal Code Chapter 3.40 *Donations of Property to City*, Section 3.40.030 *Acceptance* sets criteria for approval of monetary and non-monetary donations with value thresholds of up to \$5,000 and donations valued at higher than \$5,000, but is silent in setting any policy for: types of donations, consistency with City interests, acceptance of undesignated donations, designated donations, acceptance of memorial tree and bench donations, acknowledgement, declined donations and distribution of donations.

Staff have researched the issue and have developed a draft City Donation Policy (Attachment #1). The purpose of this proposed policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC - Code of Ethics and 3.40 MMC - Donations of Property to City. All donations are subject to be included in the City’s asset inventory listing as applicable.

While researching the issue of acceptance of donations and reviewing existing code chapters and policies, staff found that the City’s Public Art Policy, approved by City Council on March 16, 2016, is missing a formal process to make memorial public art considerations. Staff have researched this issue as well and have proposed a revision to the city’s Public Art Policy (Attachment #2).

**FISCAL IMPACT**

The proposed policy places requirements for accepting donations that will not add to the City’s workload unless it provides a net benefit, will not bring hidden costs; that any additional purchases

or labor costs shall be included in the total donation prior to any work being done or purchases made (Attachment #1 Chapter 5, Section 5.1).

### **TIME CONSTRAINTS**

Staff have received two recent inquiries regarding an undesignated donation and a memorial public art idea. Staff would like direction on the proposed new policy and revision prior to further consideration of these recent inquiries.

### **ALTERNATIVES TO REQUESTED ACTION**

- Recommend the Mayor and City Staff proceed with refinement of the proposed Donation Acceptance Policy and revisions to the Public Art Policy and bring back to the committee for further review.
- Recommend the Mayor and City Staff proceed with the proposed Donation Acceptance Policy and revisions to the Public Art Policy; prepare an Ordinance to amend Monroe Municipal Code, *Chapter 3.40 Donations of Property to City* to reference City Donation Acceptance Policy and bring forward to the full City Council for their consideration at a Study Session (for discussion) or Business Meeting (for action).
- Do not recommend the Mayor and City Staff proceed with proposed Donation Acceptance Policy and revisions to the Public Art Policy at this time.



# **City of Monroe Donation Acceptance Policy**

Adopted \_\_\_\_\_, 2019

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DRAFT

## **1.0 PURPOSE:**

- 1.1** The purpose of this policy is to establish a formal process for acceptance and documentation of donations made to the City of Monroe. This policy provides guidance when individuals, community groups, and businesses wish to make donations to the City. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapters 2.52 MMC - *Code of Ethics* and 3.40 MMC - *Donations of Property to City*. All donations are subject to be included in the City's asset inventory listing as applicable.

## **2.0 TYPES OF DONATIONS:**

- 2.1** Donations may be offered in the form of cash, real or personal property. Designated donations mean those that the donor specifies for a particular City department, location, or purpose. An undesignated donation means those donations that are given to the City for an unspecified use.

## **3.0 CONSISTENCY WITH CITY INTERESTS**

- 3.1** Designated donations may only be accepted when they have a purpose consistent with the City's long range strategic plans, goals and objectives, comprehensive planning documents, municipal code, policies and are in the best interest of Monroe. The City must always consider the public trust and comply with all applicable laws when accepting donations.

## **4.0 ACCEPTANCE OF UNDESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS**

- 4.1** All donations to the City, including art as defined in the City's Public Art Policy, shall immediately be submitted for consideration for acceptance. Based on the value of the donation offered as outlined below, appropriate City staff shall review every donation and determine if the benefits to be derived warrant the acceptance of the donation. The mayor shall estimate the value of any nonmonetary donation not supported by a bona fide appraisal for purposes of compliance with this section. (MMC 3.40) The following points list the threshold amounts for donation acceptance:

1. All monetary and nonmonetary donations with a current value of up to five thousand dollars may be approved and accepted for the City by the Mayor.
2. All donations with a value greater than five thousand dollars must be approved by the City Council before acceptance.
3. Offers of donations of cash or items valued more than \$5,000 must be accepted by the City Council. Donations valued at more than \$5,000 shall be accepted through a written agreement consistent with these guidelines and approved by the City Council. Non-cash donations valued at more than \$5,000 must include an appraisal done within twelve months of the donation and by an American Society of Appraisers accredited appraiser, to be provided by the donor.
4. Offers of donations for gratuitous purposes (e.g. holiday gift baskets, etc.) to any employee, department or the City shall be made available to benefit all employees.

## **5.0 ACCEPTANCE OF DESIGNATED DONATIONS OF CASH OR TANGIBLE ITEMS**

**5.1** Based on the value of the donation offer as outlined in Section 4 above, appropriate City staff or Council will review the conditions of any designated donation and determine if the benefits to be derived warrant acceptance of the donation. Requirements for accepting donations or gifts:

1. The donation or gift shall have a purpose consistent with City Interests as stated above in Section 3.
2. The City may decline any donation or gift without comment or cause.
3. The donation or gift will not be in conflict with any provision of the law.
4. Any non-cash donation or gift will be aesthetically acceptable to the City.
5. The donation or gift will not add to the City's workload unless it provides a net benefit to the City.
6. The donation or gift will not bring hidden costs such as starting a program the City would be unwilling to fund when the donation is exhausted.
7. If the donation or gift requires additional purchases, or labor to be provided by the City, the dollar value of those additional items shall be included in total donation and collected from the donor prior to any work being done or purchases made.
8. The donation or gift places no restrictions on the City, unless agreed to

by the Council.

9. All donations or gifts will receive recognition appropriate to the level and nature of the donation, as determined by the City. For those of a capital nature, that may be in the form of signage, marking, naming, or any other means the City should deem appropriate by an executed agreement. Regardless of the recognition strategy selected, the intent shall be to appropriately honor the donor for their contribution to the community.

## **6.0 ACCEPTANCE OF MEMORIAL TREE AND BENCH DONATIONS**

- 6.1** The purpose of this section is to establish guidelines for a consistent decision-making process related to the acceptance, placement and long-term maintenance of public requests for memorial tree and bench donations in City-owned facilities, parks, natural areas and trail system. Memorial Public Art considerations shall be subject to requirements of both this Policy and the City's Public Art Policy.
- 6.2** The City may limit memorials in order to promote resource management and sustainability of natural landscapes. The integrity, natural and architectural features of parks, natural areas and facilities will be preserved and not detract from a user's experience. Final decision on placement of memorials will be made by the Department receiving the donation. Memorials with a commercial appearance or corporate label will not be allowed.
- 6.3** All proposed donations will be evaluated by the Department Head according to the following criteria:
  1. Placement of enhancements must be compatible with existing development plans
  2. Final decision as to location of donated item will be determined by the receiving Department
  3. Memorials shall not detract from or overpower the scenic or architectural values of the existing environment
  4. All memorials will be constructed of materials that meet the design and maintenance considerations of the Department
  5. Large scale memorial donations may be considered on a case-by-case basis as they relate to park planning and other city approval

processes, including, but not limited to an executed agreement

**6.4** Application/Donation Procedure will be as follows:

1. Donor talks/meets Department Head to share ideas for memorial donations
2. Donor makes a proposal in writing to Department requesting acceptance of proposal
3. City Administrator and Department staff will review and determine the appropriateness of the proposal as measured by the approval criteria.
4. Department staff will notify the donor within 20 business days of the review decision, identifying any final conditions of approval. Conditions will include information on where donor can purchase and deliver agreed upon donated items and also any additional installation or equipment charges that may be applicable
5. With a positive review decision, Department staff will finalize and execute an Agreement for Services
6. Donor is responsible for the purchase of memorial benches or trees
7. Donor will remit any applicable additional payments to the City to cover the cost of installation and materials

**6.5** Improvements made in a public space become the property of the public and will be maintained accordingly by the Department. Neither the City, nor the Department, can offer any guarantee or obligation, legal or otherwise, to maintain or replace signs, plaques, materials, equipment, structures, or other donated resources that are vandalized, lost, stolen or otherwise damaged or destroyed. The City does not guarantee permanency of any memorial.

**6.6** Written approval must be received before order and installation of the memorial may proceed. The City will install the item and provide maintenance for a period of five years. Once installed the memorial becomes the property of the City of Monroe.

## **7.0 ACKNOWLEDGEMENT OF DONATIONS**

1. A Donation Acceptance Form is required to be completed by the receiving Department Head or the City Administrator and/or City Finance Officer for all donations provided to the City.
2. Acknowledgement of the donation should be in writing and be the

responsibility of the Department Head who is the beneficiary of the donation. Undesignated donations shall be acknowledged by the

City Administrator and/or City Finance Officer. A copy of the acknowledgement agreement shall be provided to the donors.

3. The Donor Acceptance Form including the donor names and donations amounts are public information subject to disclosure pursuant to the Revised Code of Washington (RCW) 42.56, Public Records Act.

## **8.0 DECLINED DONATIONS**

- 8.1 The City of Monroe reserves the right to decline any donation if, upon review, acceptance of the donation offer is determined in the sole discretion of the City to not be in the best interests of the City. A declined donation may be one that would violate the requirements of Section 5.

1. Appeal Procedure

- a. The donor shall have the right to appeal a declined donation.
- b. Written Notice of Appeal. A written notice of appeal shall be filed within five days after the mailing or personal delivery of a notice of a declined donation. This appeal shall set the grounds for the appeal.
- c. Appeal to Mayor or Designee. The mayor or his designee shall hear the donor or a designated representative, receive any relevant information and documents, and act on the appeal within five business days. The decision of the mayor or designee is appealable to the city council if there is sufficient time to be placed on the agenda for the next regular meeting.
- d. If Sufficient Time for Council Appeal. If there is sufficient time for a timely appeal to be heard by the city council, on a decision made by the mayor or designee, the donor may, at their option, request that the matter be scheduled before the city council. The decision of the city council is final.

## **9.0 DISTRIBUTION OF DONATIONS**

1. Tangible items will be distributed to appropriate City departments for use or, at the discretion of the Department Head or City Administrator, disposed of in an appropriate manner according to this policy.
2. Donations of cash for designated donations will be deposited into the appropriate revenue account for the designated City department.
3. .

## **10.0 DISSEMINATION OF INFORMATION**

A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the Finance Department and the designated department for which the donation was assigned.

Each original Donation Acceptance Form shall be maintained by the City Finance Officer.

A copy of each Donation Acceptance Form for accepted donations shall be forwarded for information to the City Council by the City Administrator and/or City Finance Officer.

**CITY OF MONROE**

**POLICY SUBJECT: Public Art**

**REFERENCE NUMBER: 2016-XXX**

**EFFECTIVE DATE: March 15, 2016**

**APPROVED:**

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Administrator

**SUBMITTED TO COUNCIL:**

\_\_\_\_\_ N/A

X  Yes

Date: March 15, 2016

## 1.0 PURPOSE:

- 1.1 The City of Monroe views public art as integral to the Monroe community's fabric by improving quality of life, enhancing community identity, strengthening economic development and tourism, and enriching the spirit and pride of its citizens. To this end, the City may periodically acquire, fund or otherwise commission the creation of certain works of art for installation and display on designated areas that are owned or controlled by the City. The purpose of this policy is to establish the standards and procedures that will inform the selection of such public art and its location. [All acquired art are subject to be added to the City's asset inventory listing as applicable.](#)
- 1.2 This policy only addresses the selection of public art that that is acquired, funded or otherwise commissioned by the City. This policy does not address or otherwise purport to regulate the display of art by members of the public in places and/or in the manner otherwise allowed under applicable federal, state and local law. Without prejudice to the foregoing, nothing in this policy is intended to create a public forum for the purpose of expression.
- 1.3 The City may periodically designate one or more areas of public property for temporary artistic displays, including without limitation art shows, contests similar events. The standards and procedures governing such temporary displays shall be established by separate policy and are not set forth herein.

## 2.0 KEY TERMS

- 2.1 **"Public Art"** means: (i) any visual work of art; (ii) that is lawfully displayed on a permanent or semi-permanent basis in an area owned or controlled by the City, including without limitation on the exterior of any City-owned facility, inside any City-owned facility, or on other property that is leased or otherwise controlled by the City; and (iii) that is acquired, funded or otherwise commissioned, in whole or in part, by the City.
- 2.2 **"Work of art"** includes, but is not limited to, the art forms of: sculpture, monument, mural, fresco, relief, fountain, banner, benches, architectural furniture, and performance art facilities. Work of art includes, but is not limited to, the art mediums of: weaving, carving, painting, assemblage, collage, welding, casting, and sculpting.
- 2.3 **"Selection Committee"** is a body composed of City staff and invited representatives from local organizations such as: the Monroe Park Board, Monroe Planning Commission, Monroe Arts Council, Monroe Chamber of Commerce, and Downtown Monroe Association, as appointed by the Mayor.



### 3.0 PUBLIC ART GOALS

- A. To curate a diverse public art collection.
- B. To facilitate exposure to public art.
- C. To use public art to reflect the characteristics of the greater Monroe community.

### 4.0 SELECTION CRITERIA

Proposed public art acquisitions will be evaluated on the following criteria:

#### 4.1 Work shall exhibit artistic quality and craftsmanship.

Does the proposed artwork have a strong aesthetic merit? Criteria for aesthetic quality should include:

- A. Durability and craftsmanship in fabrication;
- B. Relationship of artwork to other works in the City's public art collection as a whole;
- C. Appropriateness of artwork scale to the proposed site;
- D. Appropriateness of artwork to other aspects of its surroundings; and
- E. Artist's credentials and recognition.

#### 4.2 Work shall be original.

#### 4.3 Works that incorporate and/or reflect Monroe's natural geographical features, rich history and cultural diversity shall be encouraged (*media, subject matter, size, etc.*).

#### 4.4 Works shall not include nudity, pornography, obscenity, profanity or overtly partisan and/or political advocacy.

#### 4.5 Work shall be suitable size and media for the recommended site.

#### 4.6 Budget and Contractual Information.

- A. Projected costs must be accurate and realistic as demonstrated by artist/fabricator and/or installer estimates.
- B. If the site present special obstacles (e.g. poor drainage, steep slope) have these obstacles been adequately addressed?

#### 4.7 Vandalism and Safety.

In considering the type, size and location of proposed works of art, any relevant concerns regarding potential vandalism and public safety issues shall be taken into account.

- A. Description of potential safety hazards and how they have been addressed.
- B. Describe elements of the artwork that might the work be prone to vandalism and how this potential for vandalism has been addressed.
- C. Describe how specific issue of graffiti vandalism has been addressed.

#### **4.8 Durability - Routine and Long-Term Maintenance**

- A. Estimated accounting of on-going maintenance requirements and cost.
- B. Dimensions.
- C. Materials.
- D. Colors.
- E. Power, plumbing or other utility requirements.
- F. Construction/installation method.
- G. Fabricator is qualified to install the work and carries adequate insurance to meet city standards.

#### **4.9 Timeline**

Can the proposal/ artist meet the timeline established?

### **5.0 AQUISITION, MEMORIAL PUBLIC ART CONSIDERATIONS, RELOCATION AND DEACCESSION PROCEDURES**

#### **5.1 Acquisition**

##### **5.1.1 Call for Art**

###### **A. Eligibility:**

Whenever the City desires to commission the creation of a work of art, the City shall develop and issue a call specifying the general parameters of the proposal.

###### **B. Selected Location for Public Art Display:**

City shall select public locations for public art display subject to space availability, applicable regulations and policies, and prioritization of public uses. The City Council shall make the final determination regarding the specific location for the installation of public art.

###### **C. Specifications:**

1. City shall select a suitable scale for dimensions and artistic quality of public art.
2. Each work of art must require minimum maintenance and be able to withstand the effects of weather, be as resistant as possible to vandalism, able to withstand possible pedestrian contact, and not impede either walking or driving traffic.
3. It is the artist's responsibility to deliver the work of art at the specified site by the established deadline.
4. The City of Monroe reserves the right to reject any work of art that, when completed, differs from the original proposal, or does not meet standards of durability, safety, and quality.
5. Installation/Anchoring specifications to be determined by the City of Monroe for installation of the selected sculpture.

**D. Purchase Amount:**

To be determined on a case-specific basis through dedicated budgeting funding actions taken by the City Council.

**E. Selection Process:**

City shall develop a case-specific selection process utilizing selection criteria described in Section 4 of this policy.

**5.1.2 Unsolicited Donation**

- A. All accepted donated works become part of the City art collection and, as such, may be relocated at the City's discretion unless otherwise specified by contract.
- B. Unrestricted monetary donations to help fund public art acquisitions may be accepted by the City at any time. Donations with conditions or restrictions, such as use for acquisition of a specific artwork or theme, will be reviewed and accepted in accordance with this policy and any other applicable regulations, and shall be declined if the conditions or restrictions are not approved.
- C. For a work proposed for loan to the City and/or temporary display, the owner or owner's representative will be required to enter into an Art Display Agreement, in a form approved by the City Attorney, setting forth the length of the loan and other terms such as location, maintenance requirements, insurance, value of art work, installation and removal responsibility, and other conditions pertinent to the agreement.
- D. Donated or loaned temporary art work will include identifying plaques if accepted by the City at the sole cost of the donor.
- E. If applicable, loaned artwork may be subsequently purchased by the City if there is sufficient public support to acquire it via public fundraising or City Council action.
- F. The provisions of this policy shall be construed in accordance with, and shall be subordinate to, the applicable requirements of Chapter 3.40 MMC.

o **Memorial Public Art Considerations**

- Donation of memorial artwork can honor the memory of an event (contemporary or historical), an occasion, an outstanding member of the community, or serve a similar purpose.

• Proposed commissioned memorial art shall not ordinarily honor a living person, unless that person has made a significant and outstanding contribution to the arts or civic service. A waiting period of at least one year should elapse from the time of (1) the initial nomination of the living individual, (2) the passing away of the deceased individual(s) or, (3) the occurrence of the event in order to be eligible for consideration as a commissioned memorial public art work.

• Proposed memorial public art shall be reviewed by a Selection Committee with recommendation to the City Council. The Selection Committee will work with the donor and relevant City Departments to recommend an appropriate site for the work. For proposed memorial public art to be sited in a park, a recommendation from the Monroe Park Board will also be requested. The recommendation may endorse one of the proponent's proposed ideas or may recommend a different design approach or public art location.

• Memorials accepted by the City become a part of the City art collection and, as such, may be relocated.

Proposed memorial public art will be evaluated on the following criteria:

A. The fit of the art work with the overall character of public art already on display throughout the City.

B. It's consistency with City interests as defined in Section 3 of City's Donation Acceptance Policy.

B. The timeless qualities of the art work, including its significance and appeal to future generations. Memorial proposals honoring individuals or a personal event should be represented in a form that has a broader community interest and moves the viewer to a special experience. Examples include community parks, landscaped gardens and plazas, sculpture and art works, plaques about history or the environment, poetry, fountains, park benches, and site furnishings.

C. The art work's success in expressing the spirit of the person(s) or event to be commemorated.

D. Memorial artwork should not set a precedent that goes against the criteria outlined above. Artwork should be congruent with the existing collection, its immediate environment and site specific existing artwork.

E. The artistic merit of the art work.

F. The proposed location of the art work. The location should be an appropriate setting for the memorial and should not interfere with existing and proposed circulation and use patterns. It is recognized that a particular location may reach a saturation point and it would then be appropriate to consider limitations or a moratorium on future memorial installations at that location or area.

G. The fit in terms of the size, scale, material, form and style for the area in which it is to be placed.

H. Condition, durability, installation, and maintenance requirements of the art work.

## **5.2 Relocation**

The purpose of this section is to provide procedures for the relocation of City owned or loaned art work.

The City may relocate any public art work upon if one or more of the following criteria are satisfied:

- A. The condition or security of the art work cannot be reasonably guaranteed in its present location.
- B. The art work presents a public safety risk in its present location.
- C. Significant changes in the use, character or actual design of the site require a re-evaluation of the art work's relationship to the site.
- D. A more suitable location for the artwork has been identified by the City that may include other civic organization sites within the City by written agreement between the City and civic organization.
- E. The site is needed, in the City's sole discretion, for different public use.
- E.F. The art work no longer meets the mission and goals of the Public Art Policy.

### **5.3 Deaccession**

To provide procedures for the deaccession of City owned art work.

- A. Review of any restriction which may apply to the specific work.
- B. Assessment of options for storage or disposition of art work, which may include sale, trade, return to the artist, or gift.
- C. Analysis of reasons for deaccessioning and recommendation to City Council for the final decision.

### **6.0 Modification; Third-Party Rights.**

The City may modify, supplement and/or repeal this policy at any time in the City's sole discretion. This policy is for the exclusive use and convenience of the City. Nothing herein shall be construed as vesting any enforceable rights in or for any other parties.

\*\*\*End of Document\*\*\*



**MONROE CITY COUNCIL**  
**Legislative Affairs Committee Meeting**  
 Tuesday, June 11, 2019, 6 P.M.  
 Monroe City Hall

**2019 Committee**  
 Councilmembers  
 Ed Davis  
 Jim Kamp  
 Kirk Scarboro

<b>SUBJECT:</b>	<b>MMC 5.16.040 Taxicab Regulations</b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
06/11/2019	Exec/Police	Deborah Knight/ Chief Jeff Jolley	Deborah Knight/ Chief Jeff Jolley	<b>New Business B.</b>

- Discussion:** 06/11/2019
- Attachments:**
1. MMC Chapter 5.16
  2. City of Everett Chapter 5.68 For-Hire Vehicles
  3. RCW 46.72
  4. For Hire Comparables

**REQUESTED ACTION:** Discussion; and provide direction to the Mayor and City Staff whether to amend or repeal Chapter 5.16 establishing taxicab regulations in the Monroe Municipal Code (MMC).

**POLICY CONSIDERATIONS**

*Monroe Municipal Code Chapter 5.16 regulates taxicab services within the city limits. Any proposed changes would need to be amended by City Council ordinance. Is the Council interested in amending or repealing MMC Chapter 5.16?*

**BACKGROUND**

The city recently received and reviewed an application to operate a for-hire vehicle service in the City of Monroe under MMC Chapter 5.16 (Attachment 1).

The City adopted MMC 5.16 in 1946 to regulate taxicabs.

City staff struggled to interpret the requirements in MMC 5.16 in part because the code requires the Chief of Police to make a determination of qualification without objective standards. In addition, the process required to submit and review an application is through the city clerk and Chief of Police who rarely handle these types of applications.

While taxicab and for-hire vehicle services are required to have a state license (“endorsement”) through the Department of Licensing and Business License Services, there is no requirement to have a local license. Larger cities such as Vancouver, Tacoma and Spokane have regulations for taxicabs and transportation network companies (TNC) such as Uber and Lyft. King County oversees taxicab, vehicle for hire, and TNC licensing for the City of Seattle, the Port of Seattle and a dozen King County cities. The City of Everett recently adopted new “For Hire Vehicle” regulations (Attachment 2) including TNCs. Most other cities in Snohomish County have outdated taxi or vehicle for-hire codes similar to Monroe. Some cities such as Mill Creek, Shoreline and Mukilteo do not have taxicab regulations.

Mayor and city staff are seeking direction from the City Council regarding whether to repeal or amend MMC Chapter 5.16.

**DESCRIPTION**

The marketplace around taxicabs, for-hire vehicle services, and transportation network companies (Uber and Lyft) is rapidly changing.

### Taxicab and For-Hire Vehicles

There are overlapping state, county and local regulations for taxicabs and for-hire vehicle services. Historically, the state has co-regulated issues such as insurance and licensing through the Department of Licensing (DOL) and Business License Services.

RCW 35.90.010(6) allows the city to impose regulatory licenses and fees upon certain classes of businesses that require additional regulation and oversight for code enforcement or public safety services. Examples include fireworks stands, towing companies, taxicabs, and other for-hire vehicle operators.

In addition to insurance and licensing, counties and cities may also regulate background checks, vehicle requirements, data reporting, and enforcement.

### City of Monroe Taxicab Regulations

Under MMC 5.16.010 taxicab services cannot operate in Monroe without a valid taxicab driver's license issued by the city. A license is issued only to "persons who are experienced, able and careful motor vehicle drivers, and are of good moral character and reputation."

The application is filed with the City Clerk along with a deposit established by the City Council. The application is referred to the Chief of Police along with a photograph and fingerprints. The Chief makes an investigation to determine the qualifications of the applicant. All licenses issued expire on December 31.

Under MMC Chapter 5.16, taxicabs are required to carry the following insurance minimums established in 1980: Bodily injury liability, one hundred thousand (\$100,000) dollars, each person, three hundred thousand dollars (\$300,000), each accident; property damage liability, fifty thousand dollars (\$50,000), each accident; uninsured motorist liability coverage, fifteen thousand dollars (\$15,000), each person, thirty thousand dollars (\$30,000), each accident.

The City of Monroe receives occasional requests for a taxicab licenses. Since applications are received intermittently each application takes time to review, process and approve.

There are no active taxicab services operating or licensed in the City of Monroe. The last taxicab license was issued to Taxi Cancun in 2016. However, due to personal reasons, the applicant never initiated a taxi service. The city recently received an application for a "for-hire" vehicle service.

City staff determined the applicant was not subject to the City's taxicab regulations. Instead the applicant was directed to the Department of Revenue, Business License Services for a vehicle for-hire (taxi) endorsement.

### Transportation Network Companies (TNC)

Transportation network companies are companies that use a digital network or software applications to connect passengers with TNC drivers for the purpose of providing a prearranged ride for a fee.

There is some question in Washington as to whether TNCs may be best regulated at the local, regional, or state level.

There has been some legislative activity at the state level that resulted in the adoption of statewide minimum insurance requirements for TNCs. Since 2015, state law requires all TNC drivers carry at least \$1 million in liability and underinsured motorist coverage when passengers are in the vehicle.

Some cities and counties have adopted local ordinances to regulate TNC services including Seattle, Bellingham, Olympia, Lacey, Tumwater, Vancouver, Tacoma and Everett.

Local TNC ordinances impose a number of mostly safety-related requirements on TNCs, TNC drivers, and their vehicles including:

- Local business licenses
- Operator licenses
- Criminal background checks
- Safety inspections
- Liability insurance
- Operational guidelines.

Most cities and counties have not taken action to regulate TNCs. The City of Monroe does not currently regulate transportation network companies such as Uber and Lyft.

The policy question for the City Council is whether to amend or repeal MMC 5.16.

#### **FISCAL IMPACT**

The fiscal impact is minimal. The application fee and license fee are intended to cover staff time and expense for processing the application. There may be some cost savings in staff time if MMC 5.16 is repealed.

#### **TIME CONSTRAINTS**

None.

#### **ALTERNATIVES TO REQUESTED ACTION**

- Recommend the Mayor and City Staff proceed with the proposed amendments to the MMC and bring back to the committee for further review.
- Recommend the Mayor and City Staff proceed with the proposed amendments to the MMC and bring forward to the full City Council for their consideration at a Study Session (for discussion) or Business Meeting (for action).
- Do not recommend the Mayor and City Staff proceed with proposed amendments to the MMC at this time.

## Chapter 5.16 TAXICABS

### Sections:

- [5.16.010](#) License required.
- [5.16.020](#) License – Persons eligible.
- [5.16.030](#) License – Application.
- [5.16.040](#) License – Approval of application.
- [5.16.050](#) License – Fee.
- [5.16.060](#) License – Suspension or revocation.
- [5.16.070](#) Rates and charges posted.
- [5.16.080](#) Liability insurance.
- [5.16.090](#) License – Number – Information shown.
- [5.16.100](#) License – Taxicab – Fee.
- [5.16.110](#) Maintenance – Inspection.
- [5.16.120](#) Revocation or suspension of taxicab license.
- [5.16.130](#) Granting stands.
- [5.16.140](#) Conditions of grant.
- [5.16.150](#) Expiration of grants.
- [5.16.160](#) Payment for stand grant.
- [5.16.170](#) Consent of property owner to establish stand.
- [5.16.180](#) Parking in stand.

#### **5.16.010 License required.**

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It is hereby declared to be essential to the public interests that no person shall be authorized or permitted to operate a taxicab within the corporate limits of the city unless such person shall be the holder of a valid taxicab driver's license issued by the city of Monroe. (Ord. 289, 1946)

#### **5.16.020 License – Persons eligible.**

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Such a license shall be issued only to persons at least twenty years old, who are experienced, able and careful motor vehicle drivers and are of good moral character and reputation. (Ord. 289, 1946)

#### **5.16.030 License – Application.**

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Applicants for such a license shall sign an application therefor in the office of the city clerk and shall deposit therewith a sum as established by the city council by periodic resolution, to be applied on the license fee, if issued. All such applications shall be referred, first, to the chief of police, who shall require the photograph and fingerprints of such applicant to be taken, and shall make an investigation to determine the qualifications of the applicant for such a license. (Ord. 914, 1989; Ord. 289, 1946)

#### **5.16.040 License – Approval of application.**

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The chief of police shall, within a reasonable time after receiving such application, return the same to the city council with his written recommendations, either approving or rejecting the same, and in the event of the disapproval the reasons, in writing, for such disapproval, and the city council shall at its

next regular meeting thereafter act upon the application and either accept or reject the same. (Ord. 289, 1946)

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**5.16.050 License – Fee.**

All licenses so issued shall expire on December 31st thereafter. The annual license fee shall be as established by the city council by periodic resolution payable in advance, and in the event such application be rejected, the deposit made at the time of filing application shall be retained by the city to cover the expenses of investigation. (Ord. 914, 1989; Ord. 289, 1946)

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**5.16.060 License – Suspension or revocation.**

If at any time the chief of police finds that any person holding such a license has been convicted of a violation of any federal or state criminal law, or an ordinance of the city, from which it appears that such licensee is no longer of good moral character and reputation, or a careful and experienced driver, the chief of police shall forthwith make a written report of his findings to the city council and shall make recommendations as to the suspension or revocation of such license. The city council shall, before acting thereon, set a date for hearing upon the matter and notify the licensee, in writing, of such date of hearing and of the contents of such report, at least ten days in advance thereof. Such license may be suspended or revoked for such time and on such terms as shall be imposed by majority vote of members of the council present at such hearing. (Ord. 289, 1946)

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**5.16.070 Rates and charges posted.**

No taxicab shall be operated for calls originating within the corporate limits of the city unless the owner thereof has first secured a taxicab license from the city and filed with the city clerk his proposed rates and charges and posted a copy thereof in a conspicuous place within the taxicab, the same to have been first approved by the city council. (Ord. 289, 1946)

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**5.16.080 Liability insurance.**

No such license shall be issued for any taxicab until proof has first been filed with the city clerk that the owner thereof carries public liability and property damage insurance thereon in the following amounts: Bodily injury liability, one hundred thousand dollars, each person, three hundred thousand dollars, each accident; property damage liability, fifty thousand dollars, each accident; uninsured motorist liability coverage, fifteen thousand dollars, each person, thirty thousand dollars, each accident. (Ord. 731, 1981; Ord. 291, 1946; Ord. 289, 1946)

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**5.16.090 License – Number – Information shown.**

Application shall be made in writing for such a license to the city clerk, giving the full name and address of the owner thereof, the type and passenger-carrying capacity of each such vehicle, and shall be in turn submitted to the city council for approval or rejection, and the city council hereby reserves the right to limit the number of taxicabs licensed within the city of Monroe to one of each two thousand, or fraction thereof, in population. (Ord. 289, 1946)

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**5.16.100 License – Taxicab – Fee.**

The annual license fee for each taxicab so licensed shall be as established by the city council by periodic resolution, payable in advance at the time of application therefor, and all such licenses shall

expire on December 31st thereafter. The license fee for less than one year shall be prorated, and in the event the license is rejected, the deposited license fee shall be returned to the applicant. (Ord. 914, 1989; Ord. 289, 1946)

#### **5.16.110 Maintenance – Inspection.**

All taxicabs so licensed shall be kept in good mechanical and sanitary conditions, and shall be subject to inspection at all times under the direction of the chief of police. (Ord. 289, 1946)

#### **5.16.120 Revocation or suspension of taxicab license.**

Any taxicab license so issued shall be subject to suspension or revocation for violation of any of the provisions of MMC [5.16.070](#) through [5.16.110](#) in the same manner as provided in MMC [5.16.060](#) respecting taxicab driver's licenses. (Ord. 289, 1946)

#### **5.16.130 Granting stands.**

The matter of granting taxicab stands or zones for licensed taxicabs shall be at the discretion of the city council upon proper application therefor in writing. (Ord. 326, 1954)

#### **5.16.140 Conditions of grant.**

No such grant of taxicab stand or zone shall exceed one regular parking space; nor shall any such grant be made for a term to exceed one year. (Ord. 326, 1954)

#### **5.16.150 Expiration of grants.**

The term of all such grants so made shall expire on December 31st of each year and shall be renewed only upon application in like manner as an original application. (Ord. 326, 1954)

#### **5.16.160 Payment for stand grant.**

No such grant shall be made for less than a sum as established by the city council, or a prorated portion thereof; payment therefor shall accompany application. (Ord. 914, 1989; Ord. 326, 1954)

#### **5.16.170 Consent of property owner to establish stand.**

No application for a taxicab stand or zone shall be considered unless the same shall be accompanied by written consent of the owner and occupant of the real property immediately bordering the proposed stand or zone granting assent to the establishing and maintaining of such a stand or zone at such location. (Ord. 326, 1954)

#### **5.16.180 Parking in stand.**

It shall be unlawful for any person, other than the one to whom a taxicab stand or zone shall be granted as herein provided, to park any vehicle at any time in a properly identified taxicab stand or zone as provided herein. (Ord. 326, 1954)

## Chapter 46.72 RCW

### TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

#### Sections

<b>46.72.001</b>	Finding and intent.
<b>46.72.010</b>	Definitions.
<b>46.72.020</b>	Permit required—Form of application.
<b>46.72.030</b>	Permit fee—Issuance—Display.
<b>46.72.039</b>	Personal vehicles under chapter <b>48.177</b> RCW.
<b>46.72.040</b>	Surety bond.
<b>46.72.050</b>	Liability coverage—Right of action saved.
<b>46.72.060</b>	Right of action—Limitation of recovery.
<b>46.72.070</b>	Certificate—Fee.
<b>46.72.080</b>	Substitution of security—New certificate.
<b>46.72.100</b>	Unprofessional conduct—Bond/insurance policy—Penalty.
<b>46.72.110</b>	Fees to highway safety fund.
<b>46.72.120</b>	Rules.
<b>46.72.130</b>	Nonresident taxicabs—Permit—Fee—Compliance.
<b>46.72.140</b>	Nonresident taxicabs—Permit required for entry.
<b>46.72.150</b>	Nonresident taxicabs—Reciprocity.
<b>46.72.160</b>	Local regulation.
<b>46.72.170</b>	Joint regulation.
<b>46.72.180</b>	Uniform regulation of business and professions act.

#### NOTES:

*Age of drivers of for hire vehicles: RCW **46.20.045**.*

*Taxicab companies, local regulation: Chapter **81.72** RCW.*

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#### **46.72.001**

##### **Finding and intent.**

The legislature finds and declares that privately operated for hire transportation service is a vital part of the transportation system within the state. Consequently, the safety, reliability, and stability of privately operated for hire transportation services are matters of statewide importance. The regulation of privately operated for hire transportation services is thus an essential governmental function. Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate for hire transportation services without liability under federal antitrust laws.

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## 46.72.010

### Definitions.

When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride-sharing vehicles under chapter **46.74** RCW, limousine carriers licensed under chapter **46.72A** RCW, vehicles used by nonprofit transportation providers for elderly or handicapped persons and their attendants under chapter **81.66** RCW, vehicles used by auto transportation companies licensed under chapter **81.68** RCW, vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices, and vehicles used by charter party carriers of passengers and excursion service carriers licensed under chapter **81.70** RCW;

(2) The term "for hire operator" means and includes any person, concern, or entity engaged in the transportation of passengers for compensation in for hire vehicles.

[ **1996 c 87 § 18**; **1991 c 99 § 1**; **1979 c 111 § 14**; **1961 c 12 § 46.72.010**. Prior: **1947 c 253 § 1**; Rem. Supp. 1947 § 6386-1. Formerly RCW **81.72.010**.]

### NOTES:

**Severability—1979 c 111:** See note following RCW **46.74.010**.

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## 46.72.020

### Permit required—Form of application.

No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of licensing, except for those for hire operators regulated by cities or counties in accordance with chapter **81.72** RCW. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require.

[ **1992 c 114 § 1**; **1979 c 158 § 188**; **1967 c 32 § 80**; **1961 c 12 § 46.72.020**. Prior: **1947 c 253 § 2**; Rem. Supp. 1947 § 6386-2; prior: **1915 c 57 § 1**; RRS § 6382. Formerly RCW **81.72.020**.]

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## 46.72.030

### Permit fee—Issuance—Display.

Application for a permit shall be forwarded to the director with a fee. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do

business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner.

[ **1992 c 114 § 2; 1967 c 32 § 81; 1961 c 12 § 46.72.030.** Prior: **1947 c 253 § 3;** Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW **81.72.030.**]

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## **46.72.039**

### **Personal vehicles under chapter 48.177 RCW.**

RCW **46.72.040** and **46.72.050** do not apply to personal vehicles under chapter **48.177** RCW.

[ **2015 c 236 § 3.**]

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## **46.72.040**

### **Surety bond.**

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him or her and used in the conduct of his or her business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his or her agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

[ **2010 c 8 § 9089; 1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040.** Prior: **1947 c 253 § 4;** Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW **81.72.040.**]

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## **46.72.050**

### **Liability coverage—Right of action saved.**

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of RCW **46.72.040**. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

[ 1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

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## **46.72.060**

### **Right of action—Limitation of recovery.**

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages, or wrongful death caused by any careless, negligent, or unlawful act of any such person, firm, or corporation or his or her or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers on any public street, road, or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

[ 2010 c 161 § 1137; 2010 c 8 § 9090, 1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

### **NOTES:**

**Reviser's note:** This section was amended by 2010 c 8 § 9090 and by 2010 c 161 § 1137, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161:** See notes following RCW 46.04.013.

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## **46.72.070**

### **Certificate—Fee.**

The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee.

[ 1992 c 114 § 3; 1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

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## **46.72.080**

### **Substitution of security—New certificate.**

In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee.

[ 1992 c 114 § 4; 1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

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## 46.72.100

### **Unprofessional conduct—Bond/insurance policy—Penalty.**

(1) In addition to the unprofessional conduct specified in RCW 18.235.130, the director may take disciplinary action if he or she has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (a) He or she is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (b) he or she has been convicted of vehicular homicide or vehicular assault; (c) he or she is intemperate or addicted to the use of narcotics.

(2) Any for hire operator who operates a for hire vehicle without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter is guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

[ 2003 c 53 § 250; 2002 c 86 § 293; 1983 c 164 § 8; 1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

### **NOTES:**

*Rules of court: Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

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## 46.72.110

### **Fees to highway safety fund.**

All fees received by the director under the provisions of this chapter must be transmitted by him or her, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund. Appropriations from the highway safety fund will support expenses incurred in carrying out the licensing and regulatory activities of this chapter.

[ 2011 c 298 § 27; 2010 c 8 § 9091; 1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW 81.72.110.]

## NOTES:

**Purpose—Intent—Agency transfer—Contracting—Effective date—2011 c 298:** See notes following RCW [19.02.020](#).

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### 46.72.120

#### Rules.

The director is empowered to make and enforce such rules and regulations, including the setting of fees, as may be consistent with and necessary to carry out the provisions of this chapter.

[ [1992 c 114 § 5](#); [1967 c 32 § 88](#); [1961 c 12 § 46.72.120](#). Prior: [1947 c 253 § 11](#); Rem. Supp. 1947 § 6386-11. Formerly RCW [81.72.120](#).]

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### 46.72.130

#### Nonresident taxicabs—Permit—Fee—Compliance.

No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

[ [1992 c 114 § 6](#); [1967 c 32 § 89](#); [1961 c 12 § 46.72.130](#). Prior: [1953 c 12 § 1](#); [1951 c 219 § 1](#). Formerly RCW [81.72.130](#).]

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### 46.72.140

#### Nonresident taxicabs—Permit required for entry.

All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle.

[ [1967 c 32 § 90](#); [1961 c 12 § 46.72.140](#). Prior: [1951 c 219 § 2](#). Formerly RCW [81.72.140](#).]

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### 46.72.150

#### Nonresident taxicabs—Reciprocity.

RCW [46.72.130](#) and [46.72.140](#) shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations.

[ [1961 c 12 § 46.72.150](#). Prior: [1951 c 219 § 3](#). Formerly RCW [81.72.150](#).]

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## 46.72.160

### Local regulation.

Cities, counties, and port districts may license, control, and regulate all for hire vehicles operating within their respective jurisdictions. The power to regulate includes:

- (1) Regulating entry into the business of providing for hire vehicle transportation services;
- (2) Requiring a license to be purchased as a condition of operating a for hire vehicle and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;
- (3) Controlling the rates charged for providing for hire vehicle transportation service and the manner in which rates are calculated and collected;
- (4) Regulating the routes and operations of for hire vehicles, including restricting access to airports;
- (5) Establishing safety and equipment requirements; and
- (6) Any other requirements adopted to ensure safe and reliable for hire vehicle transportation service.

[ 1996 c 87 § 19.]

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## 46.72.170

### Joint regulation.

The department, a city, county, or port district may enter into cooperative agreements with any other city, town, county, or port district for the joint regulation of for hire vehicles. Cooperative agreements may provide for, but are not limited to, the granting, revocation, and suspension of joint for hire vehicle licenses.

[ 1996 c 87 § 20.]

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## 46.72.180

### Uniform regulation of business and professions act.

The uniform regulation of business and professions act, chapter **18.235** RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

[ 2002 c 86 § 294.]

### NOTES:

**Effective dates—2002 c 86:** See note following RCW **18.08.340**.

**Part headings not law—Severability—2002 c 86:** See RCW **18.235.902** and **18.235.903**.

## City of Everett Chapter 5.68 FOR-HIRE VEHICLES

Sections:

[5.68.010 Purpose.](#)

[5.68.020 Definitions.](#)

[5.68.030 Everett business license required.](#)

[5.68.040 For-hire license required.](#)

[5.68.050 Taxicab and TNC driver requirements.](#)

[5.68.060 Taxicab company and TNC requirements.](#)

[5.68.070 Vehicle requirements.](#)

[5.68.080 Operational requirements.](#)

[5.68.090 Insurance.](#)

[5.68.100 Registered agent required.](#)

[5.68.110 Audit.](#)

[5.68.120 Revocation, suspension, or denial of for-hire license.](#)

[5.68.130 Appeals.](#)

[5.68.140 Enforcement.](#)

[5.68.150 Violations—Penalties.](#)

[5.68.160 Effective date.](#)

[5.68.170 Review.](#)

[5.68.180 City nonliability.](#)

**5.68.010 Purpose.** 

The purpose of this chapter is to address the regulation of taxicab companies and transportation network companies (TNCs), which constitute an important component of the city's transportation system, thus affecting the safety and welfare of the general public. (Ord. 3553-17 § 1, 2017)

**5.68.020 Definitions.** 

The following words and phrases when used in this chapter have the meanings as set forth herein:

- A. "City" means the city of Everett, a municipal corporation.
- B. "City clerk" means the city clerk for the city of Everett or the city clerk's designee.
- C. "EMC" means the Everett Municipal Code as enacted or subsequently amended.

- D. "Operating a taxicab company in the city" means a taxicab company connects a taxicab driver to a passenger by any means, including without limitation, through a dispatch system, digital network, or through a customer hail of a taxicab, for a trip originating in the city.
- E. "Operating a taxicab or TNC vehicle" means using a taxicab or TNC vehicle to transport any passenger or item of property for compensation from a point originating in the city.
- F. "Operating a TNC in the city" means a TNC uses its digital network to connect a TNC driver to a passenger for a trip originating in the city.
- G. "Person" and "he" and "she" mean and include any natural person, and in addition, a partnership, corporation, an unincorporated association, or a legal entity, unless a contrary intention plainly appears.
- H. "For-hire license" means a license issued to a taxicab company or TNC pursuant to this chapter.
- I. "Taxi," "taxicab" and "cab" mean a motorized vehicle that is held out to the public as providing transportation to passengers:
1. Where the route traveled, destination, or both route and destination is controlled by the passenger; and
  2. Where the fare is based on an amount recorded and indicated on a taximeter or a digital network used to connect passengers with drivers or by a special contract rate. A TNC vehicle is not a taxicab.
- J. "Taxicab company" means any person operating one or more taxicabs other than or in addition to as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.
- K. "Taxicab driver" means a driver who uses a taxicab to transport passengers for compensation and that transportation is arranged through a taxicab company.
- L. "Taximeter" means a device by which the charge for hire of a taxicab is mechanically and/or digitally measured or calculated based upon a combination of mileage traveled and time elapsed.
- M. "Transportation network company" or "TNC" means a company that connects passengers with TNC drivers solely through a digital network. Additionally, TNC drivers use only personal vehicles to transport passengers for compensation between geographical points chosen by the passenger.
- N. "TNC driver" means a driver who uses a personal vehicle to transport passengers for compensation and that transportation is arranged through a TNC's digital network.

O. “Transportation network company vehicle” or “TNC vehicle” means a personal motorized vehicle affiliated with or operating under the authority of a TNC where the fare is based on a digital network used to connect passengers with TNC drivers. A taxicab is not a TNC vehicle.

P. “Violations hearing examiner” means the office of the violations hearing examiner created pursuant to Chapter [1.20](#). (Ord. 3588-18 § 1, 2018; Ord. 3553-17 § 2, 2017)

**5.68.030 Everett business license required.** 

A. Each taxicab company and TNC must have a current and valid city business license issued pursuant to Chapter [3.19](#) to operate in the city.

B. Any TNC driver or taxicab driver who is an independent contractor affiliated with a TNC or taxicab company must have a current and valid city business license issued pursuant to Chapter [3.19](#) to operate in the city. (Ord. 3553-17 § 3, 2017)

**5.68.040 For-hire license required.** 

A. Each taxicab company and TNC must have a valid and current for-hire license to operate in the city.

B. The city clerk may issue a for-hire license to a taxicab company or TNC provided that the taxicab company or TNC submits, on a form provided by the city, an affidavit sworn under penalty of perjury that, to the best of the applicant’s knowledge, formed after a diligent inquiry into the facts, the taxicab company and its affiliated taxicab drivers or the TNC and its affiliated TNC drivers are in full compliance with this chapter, including without limitation, standards for vehicle safety, driver training and background, and insurance requirements.

C. Upon the submittal of a for-hire license application, the taxicab company or TNC shall submit a current estimate of the number of drivers affiliated with the taxicab company or TNC who will likely be operating in the city pursuant to this chapter.

D. The for-hire license shall be effective for one year. The license shall expire on December 31st of each year in accordance with Section [5.04.040](#)(B).

E. The annual for-hire license fee shall be based on the number of taxicab or TNC drivers affiliated with the for-hire license applicant that will be operating a taxicab or TNC vehicle in the city. In accordance with Section [5.04.040](#)(B), after June 30th of each year, the for-hire license fee shall be reduced by fifty percent. For-hire license fees shall be as follows:

1. One to ten affiliated drivers: five hundred dollars.

2. More than ten affiliated drivers: one thousand dollars.

F. The for-hire license will only become valid and effective when the city clerk has reviewed and approved the for-hire license application and the fee prescribed in this section has been paid. (Ord. 3588-18 § 2, 2018; Ord. 3553-17 § 4, 2017)

**5.68.050 Taxicab and TNC driver requirements.** 

A. In addition to other requirements set by this chapter or law, taxicab and TNC drivers shall comply with the following:

1. Only operate a taxicab or TNC vehicle for, or in affiliation with, a taxicab company or TNC that has a valid and current for-hire license issued pursuant to this chapter;
2. Be at least twenty-one years old;
3. Have and hold in their possession a valid driver's license as required by the state of Washington;
4. Have held a valid driver's license in the United States for one year immediately preceding the date authorized to drive for the affiliated taxicab company or TNC;
5. Have in force and hold in their possession any required vehicle registration(s) and documentation of automobile liability insurance required pursuant to Section [5.68.090](#);
6. Have and hold in their possession a copy of their Everett business license issued pursuant to Chapter [3.19](#);
7. Have not been convicted of, or been granted a deferred prosecution for, one or more of the following crimes, or a crime in another jurisdiction including those outside of the state of Washington that is the substantial equivalent of any of the following crimes, during the previous seven years:
  - a. Driving under the influence of an intoxicating liquor or any drug, or being in physical control of a vehicle while being under the influence of intoxicating liquor or any drug, or other alcohol or drug-related driving violation;
  - b. Reckless or negligent driving in the first degree;
  - c. Hit and run;
  - d. Assault or a violent, or serious violent offense;

e. Harassment as defined by Section [10.23.050](#), but not including the crimes of first degree criminal trespass, second degree criminal trespass, criminal mischief, or interference with property;

f. Gun-related violation;

g. Sexual offense;

h. Resisting arrest or attempting to elude a law enforcement officer;

i. Any felony;

j. Crimes involving fraud;

k. Crimes involving theft;

8. Are not a registered sex offender; and

9. Have not been convicted of or found to have committed three or more moving violations during any twelve-month period during the previous three years. The twelve-month period will run from the date the driver was found to have committed the moving violation, not the date the incident occurred, if those dates are different. (Ord. 3588-18 § 3, 2018; Ord. 3553-17 § 5, 2017)

#### **5.68.060 Taxicab company and TNC requirements.**



A. In addition to other requirements set by this chapter or law, each taxicab company and TNC must comply with the following:

1. Affirm to the best of the taxicab company's or TNC's knowledge, formed after a diligent inquiry into the facts, that it and each person driving for the company meets all requirements set forth in this chapter; and

2. Prior to permitting a person to act in the capacity of a taxicab or TNC driver, and annually thereafter, obtain and review a criminal background check report for such person. The criminal background check shall include a search of no less than seven years prior to the date of the current criminal background check. The criminal background check shall include a search of local, state, and national criminal history databases and publicly available national and state sex offender registries;

3. Implement and enforce a zero tolerance policy on the use (including prohibiting being under the influence) and possession of drugs (including without limitation, marijuana) or alcohol while operating a taxicab or TNC vehicle that is applicable to all taxicab and TNC drivers. Each taxicab company and TNC must provide notice of the zero tolerance policy on its website, or if the taxicab company or TNC does not

have a website, in each taxicab or TNC vehicle, as well as the procedures to report a complaint. The taxicab company or TNC must immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy, and conduct an investigation, which shall include the collection of information, into the alleged violation. The suspension shall last at least the duration of the investigation.

4. Revoke and deny a taxicab or TNC driver's authority to drive for the taxicab company or TNC if it finds that any driver requirement set forth in this chapter is no longer being met by the driver, and only reinstate his/her authority to drive for the company upon a finding by the company that all standards are again being met. (Ord. 3588-18 § 4, 2018; Ord. 3553-17 § 6, 2017)

**5.68.070 Vehicle requirements.** 

A. A taxicab and TNC vehicle must have a minimum of four doors, with two doors opening directly into the passenger seating area.

B. Taxicab vehicles using a taximeter to calculate a passenger's fare shall be inspected for accuracy by an independent party not employed by or associated with the taxicab company or any driver authorized to operate the taxicab vehicle in question within one year prior to the taxicab company's for-hire license application submittal date each year.

C. Safety Inspection. Each taxicab and TNC vehicle operating in the city must hold a valid certificate of safety issued by an independent motor vehicle mechanic, and who is a certified National Institute of Automotive Service Excellence (ASE) Mechanic in good standing with the ASE. Said certificate shall be based on the vehicle passing a vehicle safety inspection that meets the standards set forth below, and is performed within one year prior to the taxicab company/TNC for-hire license application submittal date each year.

D. Inspection Standards. A vehicle that passes inspection pursuant to King County Code Section 6.64.360 or Seattle Municipal Code Section 6.310.270.R (as each are now enacted or hereafter amended) annually, shall be in compliance with this subsection D. Alternatively, a vehicle inspection required pursuant to subsection C of this section must consist of a confirmation of the safe operation of applicable vehicle systems and equipment, and a review of the vehicle's exterior and interior condition and cleanliness. The inspection shall include, but is not limited to, a check of the following systems and equipment:

1. Brake system;
2. Alignment;

3. Tires and wheel systems;
4. Suspension;
5. Steering system;
6. Transmission;
7. Fuel system;
8. Exhaust system, compliance with emission standards;
9. Belts and hoses;
10. Fluids (motor oils, antifreeze, transmission and brake fluids);
11. Heater and air conditioning;
12. Drive train and axles;
13. Lighting systems and turn signals;
14. Seat mechanisms and seat belts;
15. Airbags;
16. Door locks and windows;
17. Hood and trunk latches;
18. Speedometer and other gauges;
19. Battery and cables;
20. Cooling system;
21. Horn;
22. Wiring;
23. Glass;
24. Windshield and window glazing;

- 25. Wipers and washers;
- 26. Mirrors;
- 27. Body component soundness;
- 28. Vehicle frame (rebuilt vehicle).

E. Company Identification. While in service in the city, each taxicab and TNC vehicle shall be clearly marked to allow a passenger, governmental official or employee, or other member of the public to associate the vehicle with a licensed taxicab company or TNC, whichever applies, using uniform colors, markings and/or insignia that are in compliance with all other applicable federal, state, and local laws and regulations. At a minimum, a person shall be able to associate the vehicle with a licensed taxicab company or TNC by viewing the front and rear of the vehicle. (Ord. 3588-18 § 5, 2018: Ord. 3553-17 § 7, 2017)

**5.68.080 Operational requirements.** 

- A. While in service in the city, TNC drivers shall only transport passengers who have arranged transportation through a TNC's digital network and shall not solicit or accept street hails by persons seeking transportation.
- B. TNC drivers may only transport passengers in the driver's personal vehicle.
- C. A taxicab may be lawfully hailed by a passenger.
- D. Taxicab vehicles using a taximeter to record a passenger's fare must provide the taxicab rates in a conspicuous area of the vehicle that is visible to passengers.
- E. Taximeters used by taxicab vehicles must be placed in a conspicuous area of the vehicle that is visible to passengers.
- F. Taximeters used by taxicab vehicles must accurately measure the rate advertised as required by subsection D of this section.
- G. Taxicab vehicles using a taximeter to record a passenger's fare must display the taxicab's license plate number, the name of the taxicab company the taxicab is affiliated with, a photograph of the taxicab driver taken within the previous year, and the driver's first and last name. This information must be placed in a conspicuous area of the vehicle that is visible to passengers.

H. Prior to initiating the ride, each TNC and taxicab company using a digital network to secure the ride, must disclose up-front the estimated cost of the ride to the potential passenger through the company's digital network.

I. If not using a digital network to secure the ride, upon the request of a potential taxicab passenger, and prior to initiating a ride, the taxicab driver providing the ride shall disclose the estimated cost of the ride to the potential passenger.

J. Whenever demanded by the passenger, the driver of a taxicab or TNC vehicle shall deliver to the passenger at the time of payment, a written receipt of payment. The taxicab or TNC driver may provide an electronic or paper receipt. This receipt shall contain the name of the taxicab company or TNC and its contact information, the name of the driver, any and all items for which a charge is made, the total amount paid, and the date of payment.

K. The TNC or taxicab company using a digital network to secure the ride must display for the passenger, through its digital network, the first name and photograph of the TNC or taxicab driver as well as the make, model, and license plate number of the TNC or taxicab vehicle.

L. Taxicab companies and TNCs may initiate dynamic market pricing if each passenger receives express written notice through the taxicab company's or TNC's digital network, or through an official taxicab company statement if no digital network is used to secure the ride, prior to the passenger accepting the ride. During periods of abnormal market disruptions, however, taxicab companies and TNCs companies may not initiate dynamic market pricing. For the purpose of these rules, "abnormal market disruptions" is defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, natural disasters, failure or shortage of electric power or other source of energy, strike, civil order, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in a declaration of a state of emergency by the mayor of the city, or the Governor of the state of Washington. "Dynamic market pricing" is defined as a pricing strategy that sets highly flexible prices for products or services based on current market demands. (Ord. 3553-17 § 8, 2017)

**5.68.090 Insurance.** 

A. Each TNC and TNC driver must comply with the automobile liability insurance requirements contained in Chapter [48.177](#) RCW as enacted or subsequently amended.

B. Each taxicab company and taxicab driver must comply with the surety and automobile liability insurance requirements contained in Chapter [46.72](#) RCW as enacted or subsequently amended.

C. Each taxicab and TNC driver shall maintain within his or her motor vehicle proof of insurance satisfying the requirements of this chapter. Such proof may be provided electronically. (Ord. 3553-17 § 9, 2017)

**5.68.100 Registered agent required.** 

Each taxicab company and TNC must maintain a registered agent for service of process in the state of Washington. The name, telephone number, and physical address of the registered agent shall be submitted to the city at the time of the license application. The taxicab company and TNC must notify the city in writing of any changes to its registered agent within seven days of such change. (Ord. 3553-17 § 10, 2017)

**5.68.110 Audit.** 

A. Unless the city determines there are problems that merit additional audits, then not more than twice per calendar year, the city may audit each taxicab company's and TNC's records to review compliance with this chapter. Each audit will be limited to records relating to no more than twenty randomly selected taxicab or TNC drivers operating a taxicab or TNC vehicle pursuant to this chapter. Drivers shall be randomly selected by the city. In the event the audit reveals discrepancies in the records reviewed, the city may, in its sole discretion, audit all of the taxicab company's and TNC's records related to taxicab or TNC drivers operating in the city and compliance with this chapter.

B. For the purpose of the random selection of drivers for an audit pursuant to subsection A of this section, upon the request of the city, a taxicab company or TNC shall, within five working days, provide the city a complete list of all drivers currently affiliated with the taxicab company or TNC and operating a taxicab or TNC vehicle pursuant to this chapter. At the option of the TNC or taxicab company, in lieu of providing driver's names, the TNC or taxicab company may provide the city other driver identification so long as each identification is unique to the driver it identifies.

C. Each taxicab company and TNC must retain records providing evidence of compliance with this chapter for a minimum of six years from effective date of their current for-hire license. Such records shall include, but are not limited to, driver's criminal and driving histories, vehicle inspection reports, proof of insurance for taxicab companies, TNCs, and their affiliated drivers, and records of all trips made by all drivers.

D. The audit shall occur at City Hall, 2930 Wetmore Avenue, Everett, Washington; provided, that the city may in its discretion agree to an alternative location.

E. Notwithstanding the foregoing, the city may require each taxicab company and TNC to produce records at any time to investigate a specific complaint regarding compliance with this chapter. (Ord. 3553-17 § 11, 2017)

**5.68.120 Revocation, suspension, or denial of for-hire license.** 

A. A for-hire license may be revoked, suspended, or denied by the city clerk for any of the following reasons:

1. Failure to meet or maintain any of the requirements or qualifications set forth in this chapter;
2. A materially false statement contained in the application for the license;
3. Any violation of this chapter, including any violation by a taxicab or TNC driver affiliated with the for-hire license holder, whether or not the for-hire license holder knew or should have known of the violation;
4. Any violation of any other applicable federal, state, or city licensing or permit requirements.

B. Prior to any revocation, suspension, or denial of a taxicab company or TNC license, the city shall inform the license holder or applicant in the case of a denial, of their right to a hearing. Such hearing, if requested, shall be conducted prior to the implementation of any revocation, suspension, or denial.

C. A revocation of a taxicab or TNC license shall be effective for one year from the date the revocation becomes final and no taxicab company or TNC subject to the revocation may obtain a for-hire license during the one-year revocation. Following the one-year revocation and consistent with this chapter, the taxicab company or TNC may obtain a for-hire license. (Ord. 3553-17 § 12, 2017)

**5.68.130 Appeals.** 

Within fifteen calendar days after a notice of revocation, suspension, or denial of a for-hire license issued or denied pursuant to this chapter, the license holder/applicant of the revoked, suspended, or denied license may file a notice of appeal with the violations hearing examiner. The notice of appeal must be in writing, signed by a person authorized to make it, and must explain the grounds for the appeal. The notice of appeal must be addressed to the violations hearing examiner, "ATTENTION: City Clerk." Notice of the appeal hearing shall be given by delivering a copy of the hearing notice to the license holder or by mailing a copy thereof to the license holder at his last address as shown by the city clerk's license records, and the notice will be mailed or delivered at least five days before the date fixed for the hearing. The violations hearing examiner may affirm, reverse, or modify the decision of the city clerk. The hearing shall be in accordance with Chapter [1.20](#) and the violations hearing examiner's rules of procedure, if any. Where a provision of Chapter [1.20](#) or the rules of procedure conflict with this chapter, this chapter controls. The

decision of the violations hearing examiner will be final. The decision of the violations hearing examiner may be appealed to Snohomish County superior court within fifteen calendar days of the date of the decision. (Ord. 3553-17 § 13, 2017)

**5.68.140 Enforcement.** 

The city clerk shall have administrative authority to implement and enforce this chapter. The city clerk may promulgate regulations not inconsistent with this chapter. By way of example, the city clerk may issue administrative subpoenas to implement the provisions of this chapter. The Everett police department shall have authority to enforce any provision of this chapter, and nothing in this section shall be construed to abrogate or limit the jurisdiction of the Everett police department. (Ord. 3553-17 § 14, 2017)

**5.68.150 Violations—Penalties.** 

- A. It is a violation of this chapter to fail to comply with or to be in conflict with any provision of this chapter. It shall be a separate offense for each and every day during which any violation of any of the provisions of this chapter is committed, continued, or permitted.
- B. The person operating a taxicab company or TNC is also in violation of this chapter if the city notifies the taxicab company or TNC of a violation of this chapter committed by the taxicab company's or TNC's affiliated driver and the taxicab company or TNC fails to cure the violation within fifteen days.
- C. Pursuant to Chapter [7.80](#) RCW, a person who violates this chapter for the first time in one twelve-month period shall be deemed to have committed a class 1 civil infraction with a two hundred fifty dollar penalty exclusive of statutory assessments.
- D. Any violation of any provision of this chapter constitutes a public nuisance which the city can abate by an action in county superior court. The costs of such action shall be taxed against the violator.
- E. Penalty and enforcement provisions provided in this chapter are not exclusive, and the city may pursue any remedy or relief it deems appropriate. (Ord. 3588-18 § 6, 2018: Ord. 3553-17 § 15, 2017)

**5.68.160 Effective date.** 

Pursuant to Section 3.4 of the City of Everett Charter, the ordinance codified in this chapter will become effective upon fifteen days after it is valid, except that a company subject to this chapter with a valid and current for-hire business license at the time the ordinance codified in this chapter becomes effective shall not be required to comply with Section [5.68.040](#) until such company's current for-hire license expires. Upon the expiration of such company's current for-hire business license and no later than August 1, 2017, the company shall comply with Section [5.68.040](#) in its entirety to continue to lawfully operate the company

in the city. Notwithstanding the foregoing, a company with a valid and current for-hire business license at the time the ordinance codified in this chapter becomes effective, which the city revokes or suspends subsequent to the effective date of the ordinance codified in this chapter, shall be required to fully comply with Section [5.68.040](#) to thereafter lawfully operate in the city. (Ord. 3553-17 § 16, 2017)

**5.68.170 Review.** 

At least once every three years, staff will brief the city council on the city's experience with this chapter (as it now exists or is subsequently amended) to determine whether it reflects the current needs and desires of the city in relationship to the regulation of the for-hire industry. (Ord. 3553-17 § 17, 2017)

**5.68.180 City nonliability.** 

It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter that no provision or any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 3553-17 § 20, 2017)

**For Hire Vehicle Service**

CITY	Regulations Y/N	Year Adopted/ Amended	Taxicab	For Hire	TNC	Police	Application Submitted To
						Review Y/N Vehicle	
Arlington	Y	1950/2011	Y	Y	N	Inspection	City Clerk
Edmonds	Y	1955	Y	Y	N	Y	City Clerk
Everett	Y	2017/2018	Y	Y	Y	N	City Clerk
Marysville	Y	1980	Y	Y	N	Y	Licensing Specialist/ Designee
Mill Creek	N						
<b>Monroe</b>	<b>Y</b>	<b>1946/1980</b>	<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y</b>	<b>City Clerk</b>
Mukilteo	N						
Shoreline	N						
Snohomish	Y	1973	Y	Y	N	Y	City Manager/ Designee



**MONROE CITY COUNCIL**  
*Legislative Affairs Committee Meeting*  
 Tuesday, June 11, 2019, 6 P.M.  
 Monroe City Hall

**2019**  
**Committee**  
 Councilmembers  
 Ed Davis  
 Jim Kamp  
 Kirk Scarboro

<b>SUBJECT:</b>	<b>Washington Voting Rights Act</b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
06/11/2019	Administrative/ City Clerk	Elizabeth Adkisson	Deborah Knight	<b>New Business C.</b>

**Discussion:** 06/11/2019  
**Attachments:** 1. WVRA/ESSB 6002  
 2. MRSC Articles on WVRA  
 3. Articles on Everett Districting Process

**REQUESTED ACTION:** None; informational only.

**POLICY CONSIDERATIONS**

*The Washington Voting Rights Act (WVRA) provides municipalities the authority to change their voting systems for the election of their legislative bodies from “at-large” elections to district-based elections, to remedy potential voting rights violations.*

**DESCRIPTION/BACKGROUND**

The Washington Voting Rights Act (WVRA) was signed into law on March 19, 2018 (ESSB 6002, Laws of 2018, Chapter 13 – Attachment 1). This Act provides municipalities the authority to change their voting systems for the election of their legislative bodies from “at-large” elections to district-based elections, to remedy potential voting rights violations. Voters will also have the right to compel change in voting systems that adversely affect the voting rights of members of protected classes (*Excerpts from Attachment 2*).

In 2018, City Council briefly discussed whether to proactively initiate district-based elections or to wait for notice of a potential violation, per the WVRA. Direction followed to hold on initiating action; and in the interim, investigate the process of other local jurisdictions who consider the transition. As a precaution, money was set aside in the 2019 Budget for the purpose of a districting study to be performed by a demographer, should action be deemed necessary.

At this time, the City of Everett is currently going through the voluntary districting process after two advisory ballot measures passed regarding the subject in November 2018 (*see Attachment 3*). Seattle implemented districting in 2015; and other cities that use districts include Yakima and Spokane (both of which implemented districting prior to the WVRA). Staff is not aware of any other Washington jurisdictions currently transitioning to district-based elections.

At this time, staff recommends continuing the same course of action – hold on initiating action, continue to budget for a potential districting study, and continue to investigate the process of other local jurisdictions who consider the transition.

**FISCAL IMPACTS**

\$5,000 has been allocated in the 2019 Budget for Demographer Services (for the purpose of creating equitable voting districts within the City of Monroe, City Limits). Staff recommends carrying this allocation over to 2020, to be utilized as deemed appropriate by the City Council.

**TIME CONSTRAINTS**

N/A.

**ALTERNATIVES**

Request Staff bring this item to the full Council for their information at an upcoming Study Session.

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 6002**

Chapter 113, Laws of 2018

65th Legislature  
2018 Regular Session

VOTING RIGHTS

EFFECTIVE DATE: June 7, 2018

Passed by the Senate March 5, 2018  
Yeas 29 Nays 20

CYRUS HABIB

**President of the Senate**

Passed by the House February 27, 2018  
Yeas 52 Nays 46

FRANK CHOPP

**Speaker of the House of Representatives**

Approved March 19, 2018 3:18 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6002** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

**Secretary**

FILED

March 20, 2018

**Secretary of State  
State of Washington**



1 fifteenth amendments to the United States Constitution. The well-  
2 established principle of "one person, one vote" and the prohibition  
3 on vote dilution have been consistently upheld in federal and state  
4 courts for more than fifty years.

5 The legislature also finds that local government subdivisions are  
6 often prohibited from addressing these challenges because of  
7 Washington laws that narrowly prescribe the methods by which they may  
8 elect members of their legislative bodies. The legislature finds that  
9 in some cases, this has resulted in an improper dilution of voting  
10 power for these minority groups. The legislature intends to modify  
11 existing prohibitions in state laws so that these jurisdictions may  
12 voluntarily adopt changes on their own, in collaboration with  
13 affected community members, to remedy potential electoral issues so  
14 that minority groups have an equal opportunity to elect candidates of  
15 their choice or influence the outcome of an election.

16 The legislature intends for this act to be consistent with  
17 federal protections that may provide a similar remedy for minority  
18 groups. Remedies shall also be available where the drawing of  
19 crossover and coalition districts is able to address both vote  
20 dilution and racial polarization.

21 The legislature also intends for this act to be consistent with  
22 legal precedent from *Mt. Spokane Skiing Corp. v. Spokane Co.* (86 Wn.  
23 App. 165, 1997) that found that noncharter counties need not adhere  
24 to a single uniform county system of government, but that each county  
25 have the same "authority available" in order to be deemed uniform.

26 NEW SECTION. **Sec. 103.** The definitions in this section apply  
27 throughout this chapter unless the context clearly requires  
28 otherwise. In applying these definitions and other terms in this  
29 chapter, courts may rely on relevant federal case law for guidance.

30 (1) "At-large election" means any of the following methods of  
31 electing members of the governing body of a political subdivision:

32 (a) One in which the voters of the entire jurisdiction elect the  
33 members to the governing body;

34 (b) One in which the candidates are required to reside within  
35 given areas of the jurisdiction and the voters of the entire  
36 jurisdiction elect the members to the governing body; or

37 (c) One that combines the criteria in (a) and (b) of this  
38 subsection or one that combines at-large with district-based  
39 elections.

1 (2) "District-based elections" means a method of electing members  
2 to the governing body of a political subdivision in which the  
3 candidate must reside within an election district that is a divisible  
4 part of the political subdivision and is elected only by voters  
5 residing within that election district.

6 (3) "Polarized voting" means voting in which there is a  
7 difference, as defined in case law regarding enforcement of the  
8 federal voting rights act, 52 U.S.C. 10301 et seq., in the choice of  
9 candidates or other electoral choices that are preferred by voters in  
10 a protected class, and in the choice of candidates and electoral  
11 choices that are preferred by voters in the rest of the electorate.

12 (4) "Political subdivision" means any county, city, town, school  
13 district, fire protection district, port district, or public utility  
14 district, but does not include the state.

15 (5) "Protected class" means a class of voters who are members of  
16 a race, color, or language minority group, as this class is  
17 referenced and defined in the federal voting rights act, 52 U.S.C.  
18 10301 et seq.

19 NEW SECTION. **Sec. 104.** As provided in section 302 of this act,  
20 no method of electing the governing body of a political subdivision  
21 may be imposed or applied in a manner that impairs the ability of  
22 members of a protected class or classes to have an equal opportunity  
23 to elect candidates of their choice as a result of the dilution or  
24 abridgment of the rights of voters who are members of a protected  
25 class or classes.

26 **PART II - VOLUNTARY CHANGES TO ELECTORAL PROCESSES**

27 NEW SECTION. **Sec. 201.** (1) A political subdivision that  
28 conducts an election pursuant to state, county, or local law, is  
29 authorized to change its electoral system, including, but not limited  
30 to, implementing a district-based election system, to remedy a  
31 potential violation of section 104 of this act.

32 (2) If a political subdivision invokes its authority under this  
33 section to implement a district-based election system, the districts  
34 shall be drawn in a manner consistent with section 202 of this act.

35 NEW SECTION. **Sec. 202.** (1)(a) Prior to the adoption of its  
36 proposed plan, the political subdivision must provide public notice

1 to residents of the subdivision about the proposed remedy to a  
2 potential violation of section 104 of this act. If a significant  
3 segment of the residents of the subdivision have limited English  
4 proficiency and speaks a language other than English, the political  
5 subdivision must:

6 (i) Provide accurate written and verbal notice of the proposed  
7 remedy in languages that diverse residents of the political  
8 subdivision can understand, as indicated by demographic data; and

9 (ii) Air radio or television public service announcements  
10 describing the proposed remedy broadcast in the languages that  
11 diverse residents of the political subdivision can understand, as  
12 indicated by demographic data.

13 (b) The political subdivision shall hold at least one public  
14 hearing on the proposed plan at least one week before adoption.

15 (c) For purposes of this section, "significant segment of the  
16 community" means five percent or more of residents, or five hundred  
17 or more residents, whichever is fewer, residing in the political  
18 subdivision.

19 (2)(a) If the political subdivision invokes its authority under  
20 section 201 of this act and the plan is adopted during the period of  
21 time between the first Tuesday after the first Monday of November and  
22 on or before January 15th of the following year, the political  
23 subdivision shall order new elections to occur at the next succeeding  
24 general election.

25 (b) If the political subdivision invokes its authority under  
26 section 201 of this act and the plan is adopted during the period of  
27 time between January 16th and on or before the first Monday of  
28 November, the next election will occur as scheduled and organized  
29 under the current electoral system, but the political subdivision  
30 shall order new elections to occur pursuant to the remedy at the  
31 general election the following calendar year.

32 (3) If a political subdivision implements a district-based  
33 election system under section 201(2) of this act, the plan shall be  
34 consistent with the following criteria:

35 (a) Each district shall be as reasonably equal in population as  
36 possible to each and every other such district comprising the  
37 political subdivision.

38 (b) Each district shall be reasonably compact.

39 (c) Each district shall consist of geographically contiguous  
40 area.

1 (d) To the extent feasible, the district boundaries shall  
2 coincide with existing recognized natural boundaries and shall, to  
3 the extent possible, preserve existing communities of related and  
4 mutual interest.

5 (e) District boundaries may not be drawn or maintained in a  
6 manner that creates or perpetuates the dilution of the votes of the  
7 members of a protected class or classes.

8 (4) Within forty-five days after receipt of federal decennial  
9 census information applicable to a specific local area, the  
10 commission established in RCW 44.05.030 shall forward the census  
11 information to each political subdivision.

12 (5) No later than eight months after its receipt of federal  
13 decennial census data, the governing body of the political  
14 subdivision that had previously invoked its authority under section  
15 201 of this act to implement a district-based election system, or  
16 that was previously charged with redistricting under section 403 of  
17 this act, shall prepare a plan for redistricting its districts,  
18 pursuant to RCW 29A.76.010, and in a manner consistent with this act.

19 NEW SECTION. **Sec. 203.** A new section is added to chapter  
20 28A.343 RCW to read as follows:

21 The school board of directors may authorize a change to its  
22 electoral system pursuant to section 201 of this act. Any staggering  
23 of directors' terms shall be accomplished as provided in RCW  
24 28A.343.030 and 28A.343.600 through 28A.343.650.

25 **Sec. 204.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to  
26 read as follows:

27 The board of county commissioners of each county shall divide  
28 their county into three commissioner districts so that each district  
29 shall comprise as nearly as possible one-third of the population of  
30 the county: PROVIDED, That the territory comprised in any voting  
31 precincts of such districts shall remain compact, and shall not be  
32 divided by the lines of said districts.

33 However, the commissioners of any county composed entirely of  
34 islands and with a population of less than thirty-five thousand may  
35 divide their county into three commissioner districts without regard  
36 to population, except that if any single island is included in more  
37 than one district, the districts on such island shall comprise, as  
38 nearly as possible, equal populations.

1       The commissioners of any county may authorize a change to their  
2 electoral system pursuant to section 201 of this act. Except where  
3 necessary to comply with a court order issued pursuant to section 403  
4 of this act, and except in the case of an intervening census, the  
5 lines of the districts shall not be changed ((oftener)) more often  
6 than once in four years and only when a full board of commissioners  
7 is present. The districts shall be designated as districts numbered  
8 one, two and three.

9       **Sec. 205.** RCW 36.32.040 and 1982 c 226 s 5 are each amended to  
10 read as follows:

11       (1) Except as provided in subsection (2) of this section, the  
12 qualified electors of each county commissioner district, and they  
13 only, shall nominate from among their own number, candidates for the  
14 office of county commissioner of such commissioner district to be  
15 voted for at the following general election. Such candidates shall be  
16 nominated in the same manner as candidates for other county and  
17 district offices are nominated in all other respects.

18       (2) Where the commissioners of a county composed entirely of  
19 islands with a population of less than thirty-five thousand have  
20 chosen to divide the county into unequal-sized commissioner districts  
21 pursuant to the exception provided in RCW 36.32.020, the qualified  
22 electors of the entire county shall nominate from among their own  
23 number who reside within a commissioner district, candidates for the  
24 office of county commissioner of such commissioner district to be  
25 voted for at the following general election. Such candidates shall be  
26 nominated in the same manner as candidates for other county offices  
27 are nominated in all other respects.

28       (3) The commissioners of any county may authorize a change to  
29 their electoral system pursuant to section 201 of this act.

30       NEW SECTION. **Sec. 206.** A new section is added to chapter 35.21  
31 RCW to read as follows:

32       The legislative authority of a city or town may authorize a  
33 change to its electoral system pursuant to section 201 of this act.

34       NEW SECTION. **Sec. 207.** A new section is added to chapter 35A.21  
35 RCW to read as follows:

36       The legislative authority of a code city or town may authorize a  
37 change to its electoral system pursuant to section 201 of this act.

1        NEW SECTION.    **Sec. 208.**    A new section is added to chapter 52.14  
2    RCW to read as follows:

3        The board of fire commissioners of a fire protection district may  
4    authorize a change to its electoral system pursuant to section 201 of  
5    this act by majority vote.

6        NEW SECTION.    **Sec. 209.**    A new section is added to chapter 53.12  
7    RCW to read as follows:

8        The port commission may authorize a change to its electoral  
9    system pursuant to section 201 of this act.

10       **Sec. 210.**    RCW 54.12.010 and 2004 c 113 s 1 are each amended to  
11    read as follows:

12       A public utility district that is created as provided in RCW  
13    54.08.010 shall be a municipal corporation of the state of  
14    Washington, and the name of such public utility district shall be  
15    Public Utility District No. . . . . of . . . . . County.

16       The powers of the public utility district shall be exercised  
17    through a commission consisting of three members in three  
18    commissioner districts, and five members in five commissioner  
19    districts.

20       (1) If the public utility district is countywide and the county  
21    has three county legislative authority districts, then, at the first  
22    election of commissioners and until any change is made in the  
23    boundaries of public utility district commissioner districts, one  
24    public utility district commissioner shall be chosen from each of the  
25    three county legislative authority districts.

26       (2) If the public utility district comprises only a portion of  
27    the county, with boundaries established in accordance with chapter  
28    54.08 RCW, or if the public utility district is countywide and the  
29    county does not have three county legislative authority districts,  
30    three public utility district commissioner districts, numbered  
31    consecutively, each with approximately equal population and following  
32    precinct lines, as far as practicable, shall be described in the  
33    petition for the formation of the public utility district, subject to  
34    appropriate change by the county legislative authority if and when it  
35    changes the boundaries of the proposed public utility district. One  
36    commissioner shall be elected as a commissioner of each of the public  
37    utility district commissioner districts.

1 (3) Only a registered voter who resides in a commissioner  
2 district may be a candidate for, or hold office as, a commissioner of  
3 the commissioner district. Only voters of a commissioner district may  
4 vote at a primary to nominate candidates for a commissioner of the  
5 commissioner district. Voters of the entire public utility district  
6 may vote at a general election to elect a person as a commissioner of  
7 the commissioner district.

8 (4) The term of office of each public utility district  
9 commissioner other than the commissioners at large shall be six  
10 years, and the term of each commissioner at large shall be four  
11 years. Each term shall be computed in accordance with RCW  
12 (~~(29A.20.040)~~) 29A.60.280 following the commissioner's election. All  
13 public utility district commissioners shall hold office until their  
14 successors shall have been elected and have qualified and assume  
15 office in accordance with RCW (~~(29A.20.040)~~) 29A.60.280.

16 (5) A vacancy in the office of public utility district  
17 commissioner shall occur as provided in chapter 42.12 RCW or by  
18 nonattendance at meetings of the public utility district commission  
19 for a period of sixty days unless excused by the public utility  
20 district commission. Vacancies on a board of public utility district  
21 commissioners shall be filled as provided in chapter 42.12 RCW.

22 (6) The boundaries of the public utility district commissioner  
23 districts may be changed only by the public utility district  
24 commission or by a court order issued pursuant to section 403 of this  
25 act, and shall be examined every ten years to determine substantial  
26 equality of population in accordance with chapter 29A.76 RCW. Except  
27 as provided in this section (~~(e)~~), section 403 of this act, RCW  
28 54.04.039, or in the case of an intervening census, the boundaries  
29 shall not be changed (~~(often)~~) more often than once in four years.  
30 Boundaries may only be changed when all members of the commission are  
31 present. Whenever territory is added to a public utility district  
32 under RCW 54.04.035, or added or withdrawn under RCW 54.04.039, the  
33 boundaries of the public utility commissioner districts shall be  
34 changed to include the additional or exclude the withdrawn territory.  
35 Unless the boundaries are changed pursuant to RCW 54.04.039, the  
36 proposed change of the boundaries of the public utility district  
37 commissioner district must be made by resolution and after public  
38 hearing. Notice of the time of the public hearing shall be published  
39 for two weeks before the hearing. Upon a referendum petition signed  
40 by ten percent of the qualified voters of the public utility district

1 being filed with the county auditor, the county legislative authority  
2 shall submit the proposed change of boundaries to the voters of the  
3 public utility district for their approval or rejection. The petition  
4 must be filed within ninety days after the adoption of resolution of  
5 the proposed action. The validity of the petition is governed by the  
6 provisions of chapter 54.08 RCW.

7 **PART III - CITIZEN-INITIATED CHANGES TO ELECTORAL PROCESSES**

8 NEW SECTION. **Sec. 301.** (1) A voter who resides in the political  
9 subdivision who intends to challenge a political subdivision's  
10 electoral system under this act shall first notify the political  
11 subdivision. The political subdivision shall promptly make such  
12 notice public.

13 (2) The notice provided shall identify and provide contact  
14 information for the person or persons who intend to file an action,  
15 and shall identify the protected class or classes whose members do  
16 not have an equal opportunity to elect candidates of their choice or  
17 an equal opportunity to influence the outcome of an election because  
18 of alleged vote dilution and polarized voting. The notice shall also  
19 include a type of remedy the person believes may address the alleged  
20 violation of section 302 of this act.

21 NEW SECTION. **Sec. 302.** (1) A political subdivision is in  
22 violation of this act when it is shown that:

23 (a) Elections in the political subdivision exhibit polarized  
24 voting; and

25 (b) Members of a protected class or classes do not have an equal  
26 opportunity to elect candidates of their choice as a result of the  
27 dilution or abridgment of the rights of members of that protected  
28 class or classes.

29 (2) The fact that members of a protected class are not  
30 geographically compact or concentrated to constitute a majority in a  
31 proposed or existing district-based election district shall not  
32 preclude a finding of a violation under this act, but may be a factor  
33 in determining a remedy. The equal opportunity to elect shall be  
34 assessed pragmatically, based on local election conditions, and may  
35 include crossover districts.

36 (3) In determining whether there is polarized voting under this  
37 act, the court shall analyze elections of the governing body of the

1 political subdivision, ballot measure elections, elections in which  
2 at least one candidate is a member of a protected class, and other  
3 electoral choices that affect the rights and privileges of members of  
4 a protected class. Elections conducted prior to the filing of an  
5 action pursuant to this act are more probative to establish the  
6 existence of racially polarized voting than elections conducted after  
7 the filing of an action.

8 (4) The election of candidates who are members of a protected  
9 class and who were elected prior to the filing of an action pursuant  
10 to this act shall not preclude a finding of polarized voting that  
11 results in an unequal opportunity for a protected class to elect  
12 candidates of their choice.

13 (5) Proof of intent on the part of the voters or elected  
14 officials to discriminate against a protected class is not required  
15 for a cause of action to be sustained.

16 (6) Other factors such as the history of discrimination, the use  
17 of electoral devices or other voting practices or procedures that may  
18 enhance the dilutive effects of at-large elections, denial of access  
19 to those processes determining which groups of candidates will  
20 receive financial or other support in a given election, the extent to  
21 which members of a protected class bear the effects of past  
22 discrimination in areas such as education, employment, and health,  
23 which hinder their ability to participate effectively in the  
24 political process, and the use of overt or subtle racial appeals in  
25 political campaigns are probative, but not necessary factors, to  
26 establish a violation of this act.

27 NEW SECTION. **Sec. 303.** (1) The political subdivision shall work  
28 in good faith with the person providing the notice to implement a  
29 remedy that provides the protected class or classes identified in the  
30 notice an equal opportunity to elect candidates of their choice. Such  
31 work in good faith to implement a remedy may include, but is not  
32 limited to consideration of: (a) Relevant electoral data; (b)  
33 relevant demographic data, including the most recent census data  
34 available; and (c) any other information that would be relevant to  
35 implementing a remedy.

36 (2) If the political subdivision adopts a remedy that takes the  
37 notice into account, or adopts the notice's proposed remedy, the  
38 political subdivision shall seek a court order acknowledging that the  
39 political subdivision's remedy complies with section 104 of this act

1 and was prompted by a plausible violation. The person who submitted  
2 the notice may support or oppose such an order, and may obtain public  
3 records to do so. The political subdivision must provide all  
4 political, census, and demographic data and any analysis of that data  
5 used to develop the remedy in its filings seeking the court order and  
6 with any documents made public. All facts and reasonable inferences  
7 shall be viewed in the light most favorable to those opposing the  
8 political subdivision's proposed remedy at this stage. There shall be  
9 a rebuttable presumption that the court will decline to approve the  
10 political subdivision's proposed remedy at this stage.

11 (3) If the court concludes that the political subdivision's  
12 remedy complies with section 104 of this act, an action under this  
13 act may not be brought against that political subdivision for four  
14 years by any party so long as the political subdivision does not  
15 enact a change to or deviation from the remedy during this four-year  
16 period that would otherwise give rise to an action under this act.

17 (4) In agreeing to adopt the person's proposed remedy, the  
18 political subdivision may do so by stipulation, which shall become a  
19 public document.

20 NEW SECTION. **Sec. 304.** (1) Any voter who resides in the  
21 political subdivision may file an action under this act if, one  
22 hundred eighty days after a political subdivision receives notice of  
23 a challenge to its electoral system under section 301 of this act,  
24 the political subdivision has not obtained a court order stating that  
25 it has adopted a remedy in compliance with section 104 of this act.  
26 However, if notice is received after July 1, 2021, then the political  
27 subdivision shall have ninety days to obtain a court order before an  
28 action may be filed.

29 (2) If a political subdivision has received two or more notices  
30 containing materially different proposed remedies, the political  
31 subdivision shall work in good faith with the persons to implement a  
32 remedy that provides the protected class or classes identified in the  
33 notices an equal opportunity to elect candidates of their choice. If  
34 the political subdivision adopts one of the remedies offered, or a  
35 different remedy that takes multiple notices into account, the  
36 political subdivision shall seek a court order acknowledging that the  
37 political subdivision's remedy is reasonably necessary to avoid a  
38 violation of section 104 of this act. The persons who submitted the  
39 notice may support or oppose such an order, and may obtain public

1 records to do so. The political subdivision must provide all  
2 political, census, and demographic data and any analysis of that data  
3 used to develop the remedy in its filings seeking the court order and  
4 with any documents made public. All facts and reasonable inferences  
5 shall be viewed in the light most favorable to those opposing the  
6 political subdivision's proposed remedy at this stage. There shall be  
7 a rebuttable presumption that the court will decline to approve the  
8 political subdivision's proposed remedy at this stage.

9 (3) If the court concludes that the political subdivision's  
10 remedy complies with section 104 of this act, an action under this  
11 act may not be brought against that political subdivision for four  
12 years by any party so long as the political subdivision does not  
13 enact a change to or deviation from the remedy during this four-year  
14 period that would otherwise give rise to an action under this act.

15 **PART IV - SAFE HARBOR AND LEGAL ACTION UNDER THIS ACT**

16 NEW SECTION. **Sec. 401.** (1) After exhaustion of the time period  
17 in section 304 of this act, any voter who resides in a political  
18 subdivision where a violation of section 104 of this act is alleged  
19 may file an action in the superior court of the county in which the  
20 political subdivision is located. If the action is against a county,  
21 the action may be filed in the superior court of such county, or in  
22 the superior court of either of the two nearest judicial districts as  
23 determined pursuant to RCW 36.01.050(2). An action filed pursuant to  
24 this chapter does not need to be filed as a class action.

25 (2) Members of different protected classes may file an action  
26 jointly pursuant to this act if they demonstrate that the combined  
27 voting preferences of the multiple protected classes are polarized  
28 against the rest of the electorate.

29 NEW SECTION. **Sec. 402.** (1) In an action filed pursuant to this  
30 act, the trial court shall set a trial to be held no later than one  
31 year after the filing of a complaint, and shall set a discovery and  
32 motions calendar accordingly.

33 (2) For purposes of any applicable statute of limitations, a  
34 cause of action under this act arises every time there is an election  
35 for any members of the governing body of the political subdivision.

36 (3) The plaintiff's constitutional right to the secrecy of the  
37 plaintiff's vote is preserved and is not waived by the filing of an

1 action pursuant to this act, and the filing is not subject to  
2 discovery or disclosure.

3 (4) In seeking a temporary restraining order or a preliminary  
4 injunction, a plaintiff shall not be required to post a bond or any  
5 other security in order to secure such equitable relief.

6 (5) No notice may be submitted to any political subdivision  
7 pursuant to this act before July 19, 2018.

8 NEW SECTION. **Sec. 403.** (1) The court may order appropriate  
9 remedies including, but not limited to, the imposition of a district-  
10 based election system. The court may order the affected jurisdiction  
11 to draw or redraw district boundaries or appoint an individual or  
12 panel to draw or redraw district lines. The proposed districts must  
13 be approved by the court prior to their implementation.

14 (2) Implementation of a district-based remedy is not precluded by  
15 the fact that members of a protected class do not constitute a  
16 numerical majority within a proposed district-based election  
17 district. If, in tailoring a remedy, the court orders the  
18 implementation of a district-based election district where the  
19 members of the protected class are not a numerical majority, the  
20 court shall do so in a manner that provides the protected class an  
21 equal opportunity to elect candidates of their choice. The court may  
22 also approve a district-based election system that provides the  
23 protected class the opportunity to join in a coalition of two or more  
24 protected classes to elect candidates of their choice if there is  
25 demonstrated political cohesion among the protected classes.

26 (3) In tailoring a remedy after a finding of a violation of  
27 section 104 of this act:

28 (a) If the court's order providing a remedy or approving proposed  
29 districts, whichever is later, is issued during the period of time  
30 between the first Tuesday after the first Monday of November and on  
31 or before January 15th of the following year, the court shall order  
32 new elections, conducted pursuant to the remedy, to occur at the next  
33 succeeding general election. If a special filing period is required,  
34 filings for that office shall be reopened for a period of three  
35 business days, such three-day period to be fixed by the filing  
36 officer.

37 (b) If the court's order providing a remedy or approving proposed  
38 districts, whichever is later, is issued during the period of time  
39 between January 16th and on or before the first Monday of November,

1 the next election will occur as scheduled and organized under the  
2 current electoral system, but the court shall order new elections to  
3 occur pursuant to the remedy at the general election the following  
4 calendar year.

5 (c) The remedy may provide for the political subdivision to hold  
6 elections for the members of its governing body at the same time as  
7 regularly scheduled elections for statewide or federal offices.

8 (4) Within thirty days of the conclusion of any action filed  
9 under section 402 of this act, the political subdivision must publish  
10 on the subdivision's web site, the outcome and summary of the action,  
11 as well as the legal costs incurred by the subdivision. If the  
12 political subdivision does not have its own web site, then it may  
13 publish on the county web site.

14 NEW SECTION. **Sec. 404.** (1) No action under this act may be  
15 brought by any person against a political subdivision that has  
16 adopted a remedy to its electoral system after an action is filed  
17 that is approved by a court pursuant to section 303 of this act or  
18 implemented a court-ordered remedy pursuant to section 403 of this  
19 act for four years after adoption of the remedy if the political  
20 subdivision does not enact a change to or deviation from the remedy  
21 during this four-year period that would otherwise give rise to an  
22 action under this act.

23 (2) No action under this act may be brought by any person against  
24 a political subdivision that has adopted a remedy to its electoral  
25 system in the previous decade before the effective date of this  
26 section as a result of a claim under the federal voting rights act  
27 until after the political subdivision completes redistricting  
28 pursuant to RCW 29A.76.010 for the 2020 decennial census.

29 NEW SECTION. **Sec. 405.** (1) In any action to enforce this  
30 chapter, the court may allow the prevailing plaintiff or plaintiffs,  
31 other than the state or political subdivision thereof, reasonable  
32 attorneys' fees, all nonattorney fee costs as defined by RCW  
33 4.84.010, and all reasonable expert witness fees. No fees or costs  
34 may be awarded if no action is filed.

35 (2) Prevailing defendants may recover an award of fees or costs  
36 pursuant to RCW 4.84.185.

37 **PART V - MISCELLANEOUS PROVISIONS**

1        NEW SECTION.    **Sec. 501.**    The provisions of parts I, III, and IV  
2 of this act are not applicable to cities and towns with populations  
3 under one thousand or to school districts with K-12 full-time  
4 equivalent enrollments of less than two hundred fifty.

5        NEW SECTION.    **Sec. 502.**    A new section is added to chapter 29A.76  
6 RCW to read as follows:

7        In any change to its electoral system under section 201 of this  
8 act or preparation of a redistricting plan under section 201 of this  
9 act, political subdivisions may use population data regarding  
10 political parties only to the extent necessary to ensure compliance  
11 with this act or federal law.

12       NEW SECTION.    **Sec. 503.**    This act supersedes other state laws and  
13 local ordinances to the extent that those state laws or ordinances  
14 would otherwise restrict a jurisdiction's ability to comply with this  
15 act.

16       NEW SECTION.    **Sec. 504.**    If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

20       NEW SECTION.    **Sec. 505.**    Sections 101 through 202, 301 through  
21 501, and 503 of this act constitute a new chapter in Title 29A RCW.

Passed by the Senate March 5, 2018.  
Passed by the House February 27, 2018.  
Approved by the Governor March 19, 2018.  
Filed in Office of Secretary of State March 20, 2018.

--- END ---

# The Future of Voting in Washington

March 29, 2018 by [Linda Gallagher](#)  
Category: [Elections](#)



The right to vote is a fundamental part of democracy. Our state has taken a big step to further this right for all voters, especially those in certain protected classes. The Washington Voting Rights Act (WVRA) was signed into law on March 19, 2018 ([ESSB 6002](#), Laws of 2018, Chapter 13).

This is an important law patterned after the federal Voting Rights Act ([52 U.S.C. 10301 et seq.](#)) and intended by the legislature “to be consistent with federal protections that may provide a

similar remedy for minority groups.”

## The Basics

Most municipalities — large and small — will now have the authority to change their voting systems for the election of their legislative bodies from “at-large” elections to district-based elections, to remedy potential voting rights violations. Voters will also have the right to compel change in voting systems that adversely affect the voting rights of members of protected classes, or “a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal voting rights act, [52 U.S.C. 10301 et seq.](#)” (See Sec. 103(5) of the WVRA)

The law sets forth many factors to be considered in adopting remedies. Remedies for plausible violations of the WVRA, whether agreed or disputed, are required to be submitted for review to the state superior courts.

## Political Subdivisions

This law applies to “*political subdivisions*,” which are defined as counties, cities, towns, school districts, fire protection districts, port districts, and public utility districts. Most of the WVRA (Parts I, III, and IV) does not apply to cities and towns with populations less than 1,000 residents or to school districts with student populations less than 250 students, but even these smaller cities, towns, and school districts may still make voluntary changes in their electoral processes under Part II of the Act.

## Advance Notice Requirement

Beginning July 19, 2018, voters residing in a covered political subdivision may provide notice of a WVRA violation and a proposed remedy. This notice is a requirement before a voter may bring a lawsuit. This notice will trigger a duty to “work in good faith with the person providing notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice.” (See Sec. 303(1) of the WVRA)

## Work in Good Faith

The political subdivision will have up to 180 days (90 days after July 1, 2021) to work in good faith with the voter(s) who submits a notice (or notices) and with the community. The goal will be to adopt a remedy, either the one proposed in the notice or an alternative remedy, and then obtain approval of the remedy in superior court.

Analysis of the data could also lead to a conclusion that there is no WVRA violation. In that case, a political subdivision may need to defend a court case brought by a voter who has given notice of an alleged violation. Typically, both election and demographic data will need to be analyzed and used to reach a decision about adoption of a remedy under the WVRA.

## Public Process

The new law has provisions to ensure the public is notified of a WVRA issue at several steps along the way. When a political subdivision is making voluntary changes to adopt a remedy, public notice must be provided to the residents of the subdivision and a public hearing is required before adoption of a remedy. In addition, written and verbal notice, and radio or television public service announcements need to be provided in other languages when 5% or more of the population, or 500 residents, whichever is fewer, have limited English proficiency and speak another language.

The notice received from a voter must promptly be made public by the agency receiving it. Upon submission to the court for approval, all political, census, and demographic data and any analysis of that data used to develop the remedy must be provided to the court. This information must also be provided along with any documents made public. After a WVRA court case is concluded, within 30 days, notice of the outcome must be made public on the agency’s website, including a summary of the action and the legal costs incurred by the subdivision.

## Federal VRA Cases

In recent years, the cities of Yakima and Pasco have each changed their election systems based on the federal Voting Rights Act. Yakima did so as part of a federal court lawsuit and court order. Pasco did so with a consent order in federal court.

John Safarli, Partner at Floyd, Pflueger and Ringer, represented both Yakima and Pasco in their now-concluded federal cases. I asked Mr. Safarli how this new law will impact Washington municipalities and he said:

*“Municipalities should be aware of this law because now nearly every municipality in this state is potentially subject to a voting rights lawsuit. It used to be that only municipalities with large, concentrated populations of protected-class voters needed to be worried about this area, but the Washington Voting Rights Act allows a plaintiff to file—and potentially to win—a lawsuit even if a covered municipality’s voters belonging to a protected class make up 5% of the population and are spread across the entire city.”*

## What’s next?

We do not know yet how many cases will be brought or how they will proceed to conclusion. The cooperative process upon receipt of a voter's notice and the litigation process will likely be interconnected.

MRSC plans to work with the Association of Washington Cities (AWC), Washington State Association of Municipal Attorneys (WSAMA), Washington Association of Prosecuting Attorneys (WAPA), and others to help political subdivisions implement this new law in the most positive and practical way. Additionally, we strongly recommend you consult with your agency's legal counsel and your risk pool representatives or insurers with questions about this law.

## Questions? Comments?

If you have questions about this or other local government issues, please use our [Ask MRSC form](#) or call us at (206) 625-1300 or (800) 933-6772. If you have comments about this blog post or other similar topics you would like me to write about, please email me at [lgallagher@mrsc.org](mailto:lgallagher@mrsc.org).



### About Linda Gallagher

Linda Gallagher joined MRSC in 2017. She previously served as a Senior Deputy Prosecuting Attorney for King County and as an Assistant Attorney General.

Linda's municipal law experience includes risk management, torts, civil rights, transit, employment, workers compensation, eminent domain, vehicle licensing, law enforcement, corrections, and public health.

She graduated from the University of Washington School of Law.

[VIEW ALL POSTS BY LINDA GALLAGHER](#) ▶

## Comments

0 comments on The Future of Voting in Washington

Blog post currently doesn't have any comments.

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# WVRA: To Change or Not to Change?

May 25, 2018 by [Linda Gallagher](#)  
Category: [Elections](#)



*“Be the change you want to see in the world.” – Mahatma Gandhi*

This year Washington passed the Washington Voting Rights Act (WVRA), which I wrote about in [The Future of Voting in Washington](#).

This new law gives most municipalities the authority to change their election systems to remedy potential issues relating to equal voting opportunities for members of certain protected classes.

I will address some common questions MRSC has received about what comes next for municipalities considering WVRA changes.

## What is the process for making voluntary changes?

Starting June 7, 2018, the WVRA allows municipalities to make their own election system changes on a voluntary basis. These changes typically involve moving from “at-large” elections to district-based elections, and the process involves public notice and participation, including at least one public hearing.

A good start might be to look at your agency’s data, including statistics and recent election results, for indications of polarized or diluted voting. Engage the public in the process of considering changes to your election systems. Create a proposed remedy with districts drawn in compliance with the factors listed in the WVRA, [ESSB 6002](#). Next, seek superior court approval with the assistance of legal counsel.

## Does the new law allow or require districting for positions on legislative bodies?

The new law gives authority for districting where such authority did not exist before this law. Creating districts or re-drawing current districts are the primary method provided in WVRA to address and remedy possible voting act violations. However, there is not a mandate or requirement because the law does not use language such as “shall” or “must” for a particular type of remedy.

## What data and analysis should we use and provide to the public?

You will want to gather your past election results and census data showing demographic information about the nature and size of racial, ethnic, and language minorities in your municipality. Some of this information is available with the State of Washington, your county, and through AWC (for towns and cities).

## **What is polarized voting?**

As defined in WVRA, “polarized voting” means voting in which there is a difference in the choice of candidates or other electoral choices preferred by voters in a protected class with the choice of candidates and/or other electoral choices preferred by voters in the rest of the electorate.

## **Should we be proactive and adopt a voluntary remedy or wait for an eligible voter to give notice of a potential violation?**

The answer depends on the jurisdiction, itself, and its eligible voters.

Several municipalities have asked MRSC and AWC about how to begin the process of moving to district-based election systems that are in compliance with the new WVRA. Fortunately now is a great time to begin the process of gathering the demographic and election data and starting public engagement about equal voting rights.

On the other hand, if you do not think a WVRA is required or wanted for your municipality you may want to wait. Part of the voluntary change process requires an agreement that there is a potential violation of WVRA in order to seek the required court approval of a remedy voluntarily adopted.

## **If we receive a WVRA Notice from a voter, then what?**

After July 18, 2018, an eligible voter may serve a municipality with a notice of violation. This triggers a 6-month period of working in good faith with the voter to reach a remedy before a WVRA lawsuit may be commenced.

If you receive a notice, the WVRA requires you to promptly share it with the public. In addition, share it with your leaders, election-related employees, and your legal counsel. Reach out right away to the provider(s) of the notice with an acknowledgement and commitment to comply with WVRA. You should then begin to work in good faith to negotiate regarding a remedy.

## **How do we “work in good faith” when we receive a WVRA Notice?**

The details here are not spelled out in the new law but other examples of “good faith work” or ‘good faith negotiation” should be followed. Consult with your legal counsel and risk pool or insurers.

At a minimum, I suggest you plan an early public meeting with the voter providing the notice and with others. This suggestion is based in part on an earlier version of the bill (not passed) that contained a provision directing that weekly meetings be held, so I believe at least some of the proponents of voting rights legislation wanted meetings to happen.

Treat this as you would with other government subjects important to your public: Keep an open mind, be curious, show respect, and make sincere efforts to understand and consider resolutions. Share information, listen to suggestions, and reach the best outcome, by agreement if possible. Although the notice is also required to later commence litigation, do not treat it as an entirely adversarial process. Cooperate and collaborate.

## **If we decide to adopt the remedy proposed in the notice what next?**

A remedy by stipulation or written agreement must then be presented to the superior court. The new law does not give specifics on how this happens, but filing of a civil action is likely required with a hearing date before a judge or, perhaps court commissioner, depending on the county. The new law requires that the election and census data and any analysis used to propose the remedy also be filed in court. The WVRA Notice may also be included. Again, work closely with your legal counsel.

## **If we decide to adopt a different remedy than proposed or no remedy, then what next?**

Each public agency is required to seek court approval of any WVRA remedy adopted. File a superior court action or wait to adopt your proposed alternative remedy until the provider of the WVRA Notice files an action.

## **Do we need a lawyer?**

Yes, whether making voluntary changes or changes in response to a notice of alleged violation, it is important to work with your legal counsel to make sure all of the legal requirements are followed.

## **Do we need experts to give opinions about potential remedies and to help analyze census data and voting data?**

Probably, depending on how accessible your data is and how much support your county may be able to provide. Consult with your legal counsel about retaining the right experts.

## **Questions? Comments?**

In conclusion, this is just the beginning and not the end of a process that will lead to more equal voting rights for everyone, especially members of protected classes. We will provide more support as the WVRA becomes law and more municipalities become experienced in navigating these important changes.

If you have questions about this or other local government issues, please use our [Ask MRSC form](#) or call us at (206) 625-1300 or (800) 933-6772. If you have comments about this blog post or other similar topics you would like me to write about, please email me at [lgallagher@mrsc.org](mailto:lgallagher@mrsc.org).



### **About Linda Gallagher**

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## Comments

0 comments on WVRA: To Change or Not to Change?

Blog post currently doesn't have any comments.

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# Council districts, EMS levy on Everett ballots

By MICHAEL WHITNEY

EVERETT — Residents are voting on three city ballot measures, two of which are about changing the City Council to use district elections. The third measure asks to reset the Emergency Medical Services (EMS) levy to 50 cents.

Voters are being asked two questions about using districts to shake up the city's elected body: Should Everett do it, and how?

Proposition 1 is a simple yes-no question on the matter. A city survey this summer found majority support for introducing geographically elected seats on council.

Proposition 2 asks the public to choose whether the seven-member council should be reshaped using either five or four district seats. The mayor's position would remain a citywide election.

The council's current makeup has five council members living in North Everett and two in South Everett. That

will stay the same after the only City Council election on 2018's ballot because both candidates live south of 41st Street.

The group Everett Districts Now, which started and led the effort, has pushed for geographic districting because it puts some council elections in the hands of neighbors. It believes this could help get underrepresented people elected on the council and remove the cost barrier to mounting a citywide election campaign.

Everett Districts Now wants five districts. The citizen group argues that a four-three split could still allow a majority concentration of council members to be elected from the same area, while five districts busts up the map well enough to avoid this chance.

On the opposing side is a group against the idea called No Everett Districts.

The group argues that using districts reduces the public's choices and that could end up excluding the city's best-qualified candidates

from being able to run for any available seat.

It also is concerned that people elected on neighborhood issues might not fight beyond their home area even though the council body is meant to represent the entire city.

On this, Everett Districts Now says that having a local council member would be more aware about localized issues and be more hands-on about them.

South Everett also has a much larger voter population already, the vote no group argues.

Data shows that two-thirds of the votes in the 2015 general election were from people living south of 41st Street. There were about 15,000 registered voters in North Everett compared to 34,000 registered voters in South Everett in 2015.

The north-south divide is a key piece in the districts conversation.

With so many council members living in North Everett right now, Everett Districts Now argues that this

leaves some people without effective representation. The elected officials from North Everett mostly live in the wealthier neighborhoods of the area.

This disenfranchisement that would be fixed using districts, it argues.

Three of the five districts Everett Districts Now put on a suggested map are in South Everett.

If approved, the first district elections would be in 2021, and turnover would be gradual. District maps would be drawn in 2020 with data from the U.S. Census, and the districts would be evenly spread by population. A volunteer nine-member districts commission would also be created, and council would select most of the commission's members.

EMS levy

The EMS levy rate has slid

down to 40 cents per \$1,000, and Proposition 3 asks to reset it back to the maximum 50 cents per \$1,000 in property value.

The city has been plunging money into EMS operations from its general fund for day-to-day operations. City officials say that the budget can't keep filling this shortfall, and without taxes paying for EMS then money-saving changes will be necessary.

Combined with a planned 1 percent city property tax increase, the amount of city taxes levied to a resident with a \$422,239 home would be \$1,071 in 2019 if the EMS measure passes, or about \$68 more than this year for the city portion. The same example homeowner lives in a \$385,000 home and paid \$1,003 for the city portion of his or her property tax bill this year at a rate of \$2.60 per

\$1,000 in property taxes. This amount doesn't include state, school district, Port of Everett or Sound Transit 3 taxes.

Next year's city rate would be \$2.54 per \$1,000 in value. The rate is lower because property taxes are levied across the overall value of properties in the city, and values have gone up.

Ballots are due Nov. 6.

## Everett districts information events

The organization behind the effort to restructure the council will hold a Q-and-A session Thursday, Oct. 25 from 7 to 9 p.m. at Black Lab Gallery, 1618 Hewitt Ave. featuring musical guests Buddy Kye and Eric Scott. The event is open to all ages.

More information on districting is available from the city online at [www.everettwa.gov/1856/Districting](http://www.everettwa.gov/1856/Districting)

# Vogeli likely to win council contest

## City Council elections-by-district reform approved

By MICHAEL WHITNEY

EVERETT — A measure reforming the City Council election system using geographic districts looks likely to pass, and voters opted for a system of five district seats and two at-large positions.

Meanwhile, council candidate Liz Vogeli has all but won a seat onto the City Council against Tyler Rourke, with Vogeli 778 votes ahead of her opponent at the latest count at press time.

A levy restoration for emergency services looked clear to be approved.

There were 4,200 ballots left to count as of press time Monday morning.

A *Tribune* analysis of precinct data from Thursday night's results showed no extreme geographic divisions in the Vogeli-Rourke race. At the time there were more than 10,000 ballots were left to count in Everett alone.

Cumulatively, Vogeli was stronger than Rourke in areas north of 41st Street and south of Highway 526 — Vogeli picked up almost 800 more votes than Rourke in Everett's northern neighborhoods — but Rourke held strong in central Everett. Residents south of Highway 526 contributed more than 7,000 of the 24,000 votes at

the time cast in the race, or a little under one-third of the total vote, as of Thursday night.

The winner will take over for appointed Councilwoman Ethel McNeal, who ran for election but didn't make it out of the primary.

### Council districts

A ballot measure to break up the City Council by districts was predicted to pass, and did with nearly 56 percent of the vote. Voters chose a system that has five district seats versus four.

Districting will split up the city elections to have people able to run localized campaigns. Voting for the district seat to council would be only within the district.

Supporters for districting wanted the five-two option to avoid the chance of geographic dominance in the four-three system if, say, all the at-large seats had people from north Everett where one of four districts seats also lay.

The city will create a volunteer-led commission to draw a map based on census data.

The first district elections could be in 2021. The five district seats would transform the seats in council positions



Liz Vogeli, above, is leading the race for City Council.

one through five, which are currently held, in order, by Paul Roberts, Jeff Moore, Scott Murphy, McNeal and Scott Bader. Three of these council members are from north Everett.

The at-large seats would be positions

six and seven, which are currently held by Councilwoman Brenda Stonecipher and Judy Tuohy.

The city operates under a "strong mayor" system where the mayor does not sit on the City Council. The mayor's seat will always be a citywide, at-large election.

Opponents fought the measure on grounds that some candidates elected in the district system won't consider the public's general interests but instead make citywide decisions based narrowly on their area's issues. Supporters argue this is exactly why districts are needed: to ensure fair and broad representation for every region of the city. Right now, a five-councilmember majority lives north of 41st Street.

An independent group tried to get a districting measure on last year's ballot with 4,000 petition signatures, but didn't make it because of situationally high signa-

ture thresholds that year. The same 4,000-signature tally would have been more than enough to meet the threshold to make the 2016's ballot.

### EMS levy

An EMS levy measure looks likely to pass. It holds close to a 53 percent approval rating in the latest counts.

If approved, it would reset the emergency medical services levy rate back to the maximum 50 cents per \$1,000 in property value.

Combined with a planned 1 percent city property tax increase, the amount of city taxes levied to a resident would be \$1,071 in 2019 if the EMS measure passes, or about \$68 more than this year for the city portion. The same homeowner paid \$1,003 for the city portion of his or her property tax bill this year at a rate of \$2.60 per \$1,000 in property taxes. This amount doesn't include state, school district, Port of Everett or Sound Transit 3 taxes.

Next year's city rate would be \$2.54 per \$1,000 in value. The rate is lower because property taxes are levied across the overall value of properties in the city, and values have gone up.

### Certification

The election will be certified Nov. 27.

# Everett districting commission activates soon

By MICHAEL WHITNEY

EVERETT — More than two dozen applicants from all corners of the city have so far applied for Everett's council districting commission.

The count is 28 as of Wednesday, April 24. The application window closed April 30 after press time.

The nine-member commission's role will be to set the boundary map used for district elections. They might hire "Dis-

tricting Master" specialist consultant to assist with the work.

The city is restructuring its City Council elections starting in 2021. Five seats will be won in elections within geographic districts and two seats will be at-large, citywide elections. Voters last fall approved the change.

Among applicants, north, central and south Everett are all represented fairly evenly: Ten applicants are north Everett neighborhoods, 10 are from central Everett neighborhoods and seven

are from south Everett, from information provided by the city.

The City Council will receive a dossier of all the applicants for its May 1 meeting this week, and then make nominations at its May 15 meeting. Final selections will be on May 29.

The City Council will appoint seven of the commissioner seats, Mayor Cassie Franklin appoints one, and the commissioners themselves pick their ninth colleague when the group begins meeting this

summer.

Their map work should conclude after the 2020 Census.

The City Council is not allowed to alter the map.

2021 will be the first election by district. Candidates can run for 4-year terms in positions 1 through 5, representing the new districts. In 2023, there will be elections for positions 6 and 7 for four-year, at-large terms.

In 2019, there will be elections

See DISTRICTS, page 7

## Districts

Continued from page 1

for positions 4 and 5 (two-year, at-large terms) and for positions 6 and 7 (four-year, at-large terms).

Currently, the council members by position are:

Position 1: Paul Roberts of the Northwest Neighborhood;

Position 2: Jeff Moore of the Silver Lake Neighborhood;

Position 3: Scott Murphy of the Northwest Neighborhood;

Position 4: Liz Vogeli of the Westmont Neighborhood;

Position 5: Scott Bader of the Riverside Neighborhood;

Position 6: Brenda Stonecipher of the Northwest Neighborhood; and

Position 7: Judy Tuohy of the Northwest Neighborhood.

The mayor's position is an at-large position.

This year, Bader is running for re-election and has two

challengers who have formally filed campaign finance paperwork with the state: Jonathan Peebles and Joseph Erikson.

Tuohy and Vogeli are also running for council re-election. Vogeli is up for election again because the race she won last year was a one-year term. It was to finish off Mayor Franklin's term as a council member as Franklin was elected mayor in 2017.

Seattle implemented a 7-2 district system in 2015. Other cities that use districts include Yakima and Spokane.

When Yakima introduced districts in 2015, two Latinos won their districts, giving the city its first Latino council members in its history. *The Seattle Times* reported.



**MONROE CITY COUNCIL**  
*Legislative Affairs Committee Meeting*  
 Tuesday, June 11, 2019, 6 P.M.  
 Monroe City Hall

**2019**  
**Committee**  
 Councilmembers  
 Ed Davis  
 Jim Kamp  
 Kirk Scarboro

<b>SUBJECT:</b>	<b>2020 Legislative Priorities</b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
06/11/2019	Administration	Deborah Knight	Deborah Knight	<b>New Business D.</b>

**Discussion:** 06/11/2019  
**Attachments:** 1. Adopted 2019 Legislative Priorities

**REQUESTED ACTION:** Discuss the City of Monroe 2020 Legislative Priorities.

**DESCRIPTION/BACKGROUND**

The City had a very successful year advancing key priorities during the 2019 legislative session.

- HB 2044 passed allowing agencies to de-annex from a parks district.
- With the support of Senator Guy Palumbo, WSDOT received \$12.8 million to begin design of the SR522/Paradise Lake Road Interchange. \$10 million in funding was advanced in the Connect Washington package to the 2021-2023 biennial budget.
- Senator Hobbs included all of the construction money to finish SR522 in the transportation package which will likely move forward in the next biennium 2021-2023.
- Working with the Boys and Girls Club the City received \$464,000 for ADA improvements and repairs to the facility and \$1 million to expand the building to support a new Early Childhood Advancement Program (ECAP).

The City typically adopts its legislative priorities in the fall to prepare for the beginning of the State legislative session in January. This year the City has an opportunity to meet with state representatives one-on-one to share issues of concern before the next session starts in January 2020.

The Mayor and City Staff are requesting input from Legislative Committee members on current legislative priorities in order to meet with legislators and build support for the City’s Legislative Agenda.

The City Council can continue to refine its legislative agenda throughout the fall prior to the start of the legislative session in January.

The Legislative Agenda list of funding and policy proposals reflects the City of Monroe’s position on key initiatives that are expected to arise in the form of legislation, budget decisions, or policy decisions in the upcoming 2020 Session of the State Legislature.

The draft 2020 Legislative Agenda is organized around the City’s strategic priorities: Safe and Secure, Economic Development, Manage Growth, Utilities and Transportation, Community Culture and Good Government:

1. Fund completion of the SR522/Paradise Lake Interchange and Widening project in the transportation package (\$180,000,000).
2. Support efforts to streamline annexations of urban growth areas.
3. Increase funding options to support homelessness programs at the state and local level.

4. Pass legislation to address mental health to support local communities to improve mental health and especially to lend critical support to families and youth.
5. Provide funding to respond to the national opioid epidemic and expand access to treatment.
6. Update the US 2 Route Development Plan. Evaluate necessary capacity improvements. Provide funds to alleviate congestion and improve safety on US 2.
7. Provide federal funding to evaluate traffic safety and congestion improvements at five railroad crossings on US 2 between Fryelands Blvd. and Main Street.

#### **IMPACT – BUDGET**

There is no specific budget associated with advancing the 2020 draft Legislative Agenda. The 2019 budget includes funding for the contract with Strategies 360 to provide legislative and government affairs consulting services through 2019.

Securing requested funding through the State Capital and Transportation Budget for priority capital improvements will serve state and city residents.

#### **TIME CONSTRAINTS**

The 2020 Legislative session begins on January 13, 2020. The Association of Washington Cities (AWC) Legislative Action Days is scheduled for January 28-29, 2020. Ideally, the City Council will adopt the City's legislative priorities in September 2019. This provide sufficient time for Mayor Thomas and City Staff to begin contacting the City's legislative delegation regarding the City's priorities.

#### **ALTERNATIVES**

The City Council can choose to postpone taking action on the legislative agenda until a later date. The Association of Washington Cities is still working to finalize its legislative agenda. Snohomish County and Economic Alliance won't publish their 2020 legislative priorities until later in the fall.

The City Council may also direct Mayor Thomas and City Staff to add, change or delete items to the Legislative Agenda prior to adoption.



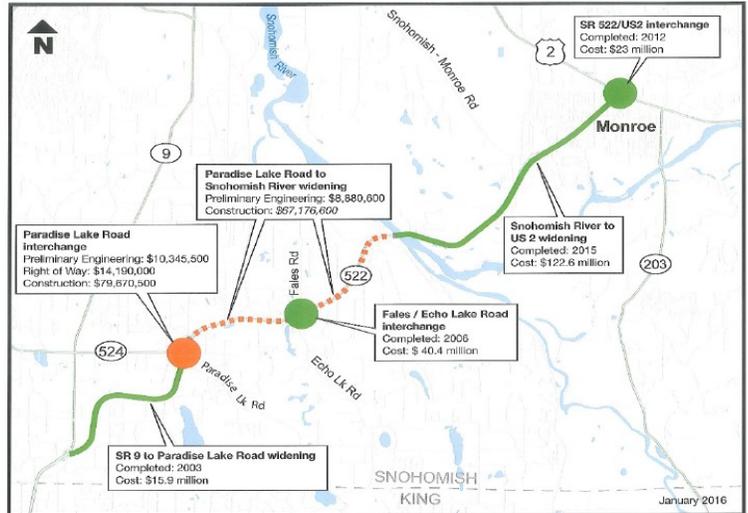
# City of Monroe 2019 State Legislative Priorities

## Transportation

### SR 522 Capacity Improvements

Complete practical design assessments of the SR522 Interchange and Widening projects, in order to produce updated design concepts and accompanying design and construction estimates.

Advance \$10 million in Connecting Washington transportation investment package funds allocated for SR522 pre-engineering and design.



### US 2 Capacity and Safety Improvements



Update the US 2 Route Development Plan. Evaluate necessary capacity improvements. Provide funds to alleviate congestion and improve safety on US 2. Support economic development for Skykomish Valley residents and business owners. Link rural and urban communities.

### 191<sup>st</sup> Street Extension

Support the city's efforts to "fast-track" the lease process with WSDOT to access unused WSDOT right-of-way to provide a second access point for public safety vehicles and congestion relief. Support transportation budget request for \$1,200,000 for right-of-way and permitting.



191st St. alternate public safety access

### Increase Assessed Value Limit for Arterial Preservation Program

Increase assessed value limit from \$2 billion to \$3 billion for TIB Arterial Preservation Program. The program is designed to assist small and mid-sized cities. Increases in housing prices and property values have pushed mid-sized cities, like Monroe, out of the program.

# 2019 State Legislative Priorities

## Parks & Facilities



### Lake Tye Park Athletic Fields

Fund \$850,000 RCO grants to construct all-weather multi-purpose fields for Lake Tye Park, for joint use by the City of Monroe Parks & Recreation Department and the Monroe School District.

### Support funding option for parks operations

Additional flexibility with existing tools such as making an optional sales tax authority for parks maintenance, operations and capital a council decision.

## Boys and Girls Club Facility Improvements

Request \$1,800,000 to seal exterior walls; replace worn roofing, windows, HVAC, carpet, lighting and gymnasium flooring. Update restrooms and teen center.



## Policy/Fiscal Issues



### Human Services/Homelessness/Affordable Housing

Support and improve a strained mental and behavioral health system; and enhance actions to increase affordable housing and to decrease homelessness.

### Annexations

Remove barriers and support the city's ability to annex land within the urban growth area consistent with the Growth Management Act.

## Other Legislative Priorities

- Railroad Crossing Safety Study—provide funding to evaluate traffic safety and congestion improvements at 5 railroad crossings on US 2 between Frylands Blvd. and Main Street.
- Pass legislation to address mental health to support local communities to improve mental health and especially to lend critical support to families and youth.
- Provide funding to respond to the national opioid epidemic and expand access to treatment.
- Preserve local government authority to manage their rights-of-way and determine where wireless infrastructure is sited.



**MONROE CITY COUNCIL**  
*Legislative Affairs Committee Meeting*  
 Tuesday, June 11, 2019, 6 P.M.  
 Monroe City Hall

**2019  
 Committee**  
 Councilmembers  
 Ed Davis  
 Jim Kamp  
 Kirk Scarboro

<b>SUBJECT:</b>	<b><i>Initiative 976 (I-976)</i></b>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
06/11/2019	Administration	Deborah Knight	Deborah Knight	<b>New Business E.</b>

**Discussion:** 06/11/2019  
**Attachments:** 1. *Background information on I-976*

**REQUESTED ACTION:** Discussion and provide direction to the Mayor and City Staff whether to adopt a resolution in favor or opposition to Initiative 976.

**POLICY CONSIDERATION**

*The policy question for the Legislative Committee is whether to recommend bringing the issue of supporting or opposing I-976 to the full city council for consideration and potential action.*

*Washington State law (RCW 42.17A.555) broadly prohibits the use of any public facility or resources from being used in support or opposition to a ballot proposition with three limited exceptions:*

- 1. Local elected bodies, including city councils, may vote on a motion or resolution supporting or opposing a ballot proposition if the meeting is properly noticed and both sides are given equal opportunity to express their position.*
- 2. Elected officials may make a statement at an open press conference in support or opposition to a ballot proposition.*
- 3. Local offices or agencies may engage in activities that are part of their normal and regular conduct, which may include preparation of objective and neutral presentation of facts concerning a ballot proposition.*

**DESCRIPTION/BACKGROUND**

Initiative 976 (I-976) is an initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature did not act on the initiative; therefore, I-976 will be presented to voters during the next general election in November 2019.

I-976 is often described as the “\$30 car tab initiative,” but it also proposes significant changes to many other aspects of the state’s transportation system, including repeal of the authority for city Transportation Benefit Districts (TBDs) to impose fees. Note that the City of Monroe’s Transportation Benefit District is funded by a voter approved 0.2 percent sales tax. **The City’s TBD would not be directly affected** if Initiative 976 passes.

What does the initiative propose?

I-976 is an expansive proposal that would significantly change how the state’s transportation system generates revenue. If passed, the initiative would do the following:

- Limit motor vehicle license fees (car tab fees) to \$30 per year;
- Repeal or reduce certain motor vehicle weight fees;
- Repeal the authority for TBDs to impose vehicle fees;
- Reduce electric vehicle fees to \$30 per year;
- Repeal the 0.3 percent tax on motor vehicle retail sales;

- Require local motor vehicle excise taxes (MVETs) to be calculated using the Kelley Blue Book base value of the vehicle;
- Conditionally repeal the Sound Transit 0.8 percent MVET, and;
- Require the retirement or refinancing of Sound Transit-related bonds.

## **FISCAL IMPACTS**

### How would city TBDs and local projects be impacted?

Cities have the authority to establish TBDs for the purposes of acquiring, constructing, improving, providing and funding transportation improvements. Currently, over 100 cities have formed TBDs to fund local transportation projects. TBDs are primarily funded through vehicle license fees or local sales taxes.

If **I-976** passes, the authority for TBDs to impose fees would be eliminated. Over 60 TBDs receive revenue from vehicle license fees, and 55 TBDs use vehicle licenses fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue.

### How would state transportation funding be impacted?

If passed, I-976 would reduce funds for state and local government transportation projects by over \$700 million in the 2019-2020 biennium and more than \$4.2 billion in the next 10 years. This includes an estimated annual loss of at least \$124 million in established Transportation Benefit Districts. In addition, the measure would eliminate nearly \$7 billion in Sound Transit Revenues forecast through 2041.

Many of the funds proposed to be reduced or eliminated by I-976 are currently deposited in the state Multimodal account, which provides flexible funding to support a variety of local mobility projects. Mobility investments that would be impacted include new transit service, park and ride lots, demand management programs, as well as speed and reliability improvements.

I-976 would impact the following state and local funding sources:

- Repeal the authority for Transportation Benefit Districts (TBDs) to impose any vehicle license fee, including voter-approved license fees, eliminating this as a local funding option (TBDs would still be authorized to impose a 0.2 percent sales tax with voter approval);
- Repeal the authority for Regional Transit Authorities (Sound Transit) to impose a motor vehicle excise taxes (MVET);
- Repeal the authority for Public Transportation Benefit Areas to impose an MVET for passenger ferry service and for Sound Transit;
- Limit all other vehicle license and registration fees to \$30, including the electric vehicle fee, commercial trailer and snowmobile fees, and weight-based fees for vehicles up to 10,000 pounds; and,
- Repeal the 0.3 percent tax on motor vehicle retail sales.

## **TIME CONSTRAINTS**

Initiative 976 qualified for the November 2019 ballot. The City Council can choose to adopt a resolution in support or opposition to I-976 any time prior to the election on Tuesday, November 5, 2019.

## **ALTERNATIVES**

- Discuss I-976 and direct staff to bring the issue to the full city council for discussion at a later date.
- Discuss 1-976 and direct staff to bring back additional information prior to taking action.
- Discuss 1-976 and direct staff not to bring the issue forward to the city council for discussion.

## **Initiative 976 headed to voters; potential impacts to state and local transportation funding**

**Contact:** [Logan Bahr](#), Association of Washington Cities

### **What is Initiative 976?**

**Initiative 976 (I-976)** is an initiative to the Legislature that was filed for consideration in the 2019 legislative session. The Legislature did not act on the initiative; therefore, **I-976** will be presented to voters during the next general election in November 2019. **I-976** is often described as the “\$30 car tab initiative,” but it also proposes significant changes to many other aspects of the state’s transportation system, including repeal of the authority for city Transportation Benefit Districts (TBDs) to impose fees.

### **What does the initiative propose?**

**I-976** is an expansive proposal that would significantly change how the state’s transportation system generates revenue. If passed, the initiative would do the following:

- Limit motor vehicle license fees (car tab fees) to \$30 per year;
- Repeal or reduce certain motor vehicle weight fees;
- Repeal the authority for TBDs to impose vehicle fees;
- Reduce electric vehicle fees to \$30 per year;
- Repeal the 0.3% tax on motor vehicle retail sales;
- Require local motor vehicle excise taxes (MVETs) to be calculated using the Kelley Blue Book base value of the vehicle;
- Conditionally repeal the Sound Transit 0.8% MVET, and;
- Require the retirement or refinancing of Sound Transit-related bonds.

### **How would city TBDs and local projects be impacted?**

Cities have the authority to establish TBDs for the purposes of acquiring, constructing, improving, providing and funding transportation improvements. Currently, over 100 cities have formed TBDs to fund local transportation projects. TBDs are primarily funded through vehicle license fees or local sales taxes.

If **I-976** passes, the authority for TBDs to impose fees would be eliminated. Over 60 TBDs receive revenue from vehicle license fees, and 55 TBDs use vehicle licenses fees as their sole funding source. In fiscal year 2018, vehicle license fees raised \$58.2 million in revenue.

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### **If I-976 passes, the authority for Transportation Benefit Districts to impose fees would be eliminated.**

To understand how **I-976** would impact your city and others across the state, check out the AWC data tool below to discover TBDs in your area and their revenue sources.

### **How would state transportation funding be impacted?**

If **I-976** passes, there would be reductions in many of the state accounts associated with transportation funding, including the Multimodal Transportation Account, the Motor Vehicle Account, State Patrol Highway Account, and the Transportation Partnership Account. The state estimates lost revenue of \$588 million in the 2019-21 biennium, \$677 million in the 2021-23 biennium, and \$758 million in the 2023-25 biennium.

**What can I do as a city elected official to respond to I-976?**

Elected officials have many options for officially engaging with initiatives but should be aware of some prohibited actions. AWC has compiled an [extensive list of allowed and prohibited actions](#) for city elected officials. For further reference, please review the PDC [Guidelines for Local Government Agencies in Election Campaigns](#).

**What is AWC's role on initiatives during election season?**

AWC does not take positions for or against ballot initiatives. AWC's role is to provide our members with educational materials that can be shared with elected officials, staff, and local communities.