

## AGENDA

**DES MOINES CITY COUNCIL  
REGULAR MEETING  
City Council Chambers  
21630 11th Avenue S, Des Moines, Washington  
Thursday, October 20, 2022 - 6:00 PM**

City Council meeting can be viewed live on the City's website, Comcast Channel 21/321 or on the City's [YouTube](#) channel.

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CORRESPONDENCE

### COMMENTS FROM THE PUBLIC

### CITY MANAGER REPORT

- Item 1. SOUTH KING HOUSING AND HOMELESSNESS PARTNERS
- Item 2. COMMUNITY EMERGENCY RESPONSE TEAM - CERT GRADUATES

### CONSENT CALENDAR

- Item 1. APPROVAL OF VOUCHERS  
**Motion** is to approve for payment vouchers through October 6, 2022 and the payroll transfers through October 5, 2022 in the attached list and further described as follows:

ACH/EFT Vendor Payments	#7307 to 7370	\$470,082.98
Wires	#2051 to 2060	\$373,126.32
Payroll Checks	#19582 to 19590	\$6,463.02
Accounts Payable Checks	#164354 to 164389	\$362,101.55
Payroll Direct Deposit	#2901 to 3062	\$411,554.77

Total Checks and Wires for A/P and Payroll: \$1,623,328.64

[Approval of Vouchers](#)

- Item 2. APPROVAL OF MINUTES  
**Motion** is to approve the September 22, 2022 Regular Council meeting minutes.

[Approval of Minutes](#)

- Item 3. BREAST CANCER AWARENESS MONTH PROCLAMATION  
**Motion** is to approve the Proclamation recognizing October as Breast Cancer Awareness Month.

[Breast Cancer Awareness Month Proclamation](#)

- Item 4. DRAFT RESOLUTION 22-053 RESCINDING THE COVID-19 PROCLAMATION OF EMERGENCY  
**Motion** is to approve Draft Resolution 22-053, rescinding the Proclamation of Emergency issued by the City Manager on March 5, 2020 and confirmed by the City Council.

[Draft Resolution 22-053 Rescinding the COVID-19 Proclamation of Emergency](#)

- Item 5. RESOLUTION TO APPROVE SOUTH KING HOUSING AND HOMELESSNESS PARTNERS 2023 BUDGET AND WORK PLAN  
**Motion** is to enact Draft Resolution No. 22-051, approving the 2023 South King Housing and Homelessness Partners Budget and the 2023 Work Plan.

[Resolution to approve South King Housing and Homelessness Partners 2023 Budget and Work Plan](#)

- Item 6. 2022 DES MOINES FARMER'S MARKET HOLIDAY MARKET AGREEMENT  
**Motion** is to approve the Agreement with Des Moines Farmers Market for the 2022 Des Moines Waterfront Farmers Market Holiday Market to be held at the Beach Park Event Center on Saturday, November 5, 2022, and authorize the City Manager to execute the Agreement substantially in the form as attached.

[2022 DMFM Holiday Market Agreement](#)

- Item 7. CITY OF DES MOINES RIGHT-OF-WAY PROCEDURES STAFFING UPDATE  
**Motion** is to approve the City of Des Moines Right-of-Way Procedures Staffing Update and authorize the Mayor to sign the Staffing Update substantially in the same form as submitted.

[City of Des Moines Right-of-Way Procedures Staffing Update](#)

**NEW BUSINESS**

- Item 1. INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10 Minutes

**BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS**

(4 minutes per Councilmember) - 30 minutes

**PRESIDING OFFICER'S REPORT**

**EXECUTIVE SESSION**

**NEXT MEETING DATE**

October 27, 2022 City Council Regular Meeting

**ADJOURNMENT**

**CITY OF DES MOINES**  
**Voucher Certification Approval**  
**October 20, 2022**  
**Auditing Officer Certification**

Voucher transfers audited and certified by the auditing officer as required by RCW 42.24.080, and those expense reimbursement claims certified as required by RCW 42.24.090, have been recorded on a listing, which has been made available to the City Council.

As of **October 20, 2022** the Des Moines City Council, by unanimous vote, does approve for payment those vouchers through October 6th, 2022 and payroll transfers through October 5, 2022 included in the attached list and further described as follows:

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer:

*Beth Anne Wroe*

Beth Anne Wroe, Finance Director

		# From	# To	Amounts
<b>Claims Vouchers:</b>				
EFT Vendor Payments		7307	7370	470,082.98
Electronic Wires		2051	2060	373,126.32
Accounts Payable Checks		164354	164389	362,101.55
<b>Total claims paid</b>				<b>1,205,310.85</b>
<b>Payroll Vouchers</b>				
Payroll Checks		19582	19590	6,463.02
Direct Deposit	10/5/2022	2901	3062	411,554.77
<b>Total Paychecks/Direct Deposits paid</b>				<b>418,017.79</b>
<b>Total checks and wires for A/P &amp; Payroll</b>				<b>1,623,328.64</b>

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**MINUTES**

**DES MOINES CITY COUNCIL  
REGULAR MEETING  
City Council Chambers  
21630 11th Avenue S. Des Moines, Wasington**

**Thursday, September 22, 2022 - 6:00 PM**

**CALL TO ORDER**

Mayor Matt Mahoney called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE**

The flag salute was led by Councilmember JC Harris

**ROLL CALL**

**Council Present:**

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

**Staff Present:**

City Manager Michael Matthias; City Attorney Tim George; Director of Parks, Recreation and Senior Services Nicole Nordholm; Chief Administrative Officer Bonnie Wilkins; Human Resources Director Adrienne Johnson-Newton; Finance Director Beth Anne Wroe; Deputy Finance Director Jeff Friend; Police Chief Ken Thomas; Assistant Police Chief Mark Couey; Master Police Officer Justin Cripe; Officer Johnny Tyler; Officer Jon Coppedge; Office Administrator Executive Assistant to Police Chief Kathy Berrens; Community Development Director Denise Lathrop; CIP Manager Scott Romano; and Marina Office Specialist Tara Reilly

**CITY MANAGER REPORT**

- Police Chief Ken Thomas presented Nadya Curtis with the Chief's Award.
- Police Chief Ken Thomas presented former State Patrol Officer Kirk Merrill with a Meritorious Conduct Award for assisting Officer Jon Coppedge that was struggling to get a suspect into custody.

Regular Meeting Minutes  
September 22, 2022

## CORRESPONDENCE

Rhoda Green, Friends of Saltwater State Park Funding

[Correspondence](#)

## COMMENTS FROM THE PUBLIC

- Muriel Wahlstrom, Dead Man's Curve
- Bob Leonard, Sound View Park
- David Emery, Recent Police Enforcement at Redondo
- Greta Devan, Landmark on the Sound
- Stephanie Sallaska, Landmark on the Sound

[Public Comment](#)

## CITY MANAGER REPORT

### 2ND QUARTER FINANCE REPORT

- Deputy Director Jeff Friend gave Council a Second Quarter Financial PowerPoint Presentation update.

## CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

**Motion** is to approve for payment vouchers through September 12, 2022 and the payroll transfers through September 2, 2022 in the attached list and further described as follows:

ACH/EFT Vendor Payments	#	7122 to 7253	\$ 1,946,932.86
Electronic Wires	#	2025 to 2043	\$ 1,183,300.98
Accounts Payable Checks	#	164240 to 164328	\$ 625,385.59
Payroll Checks - 08/19/22	#	19531 to 19537	\$ 11,602.70
Payroll Direct Deposit - 08/19/22	#	2404 to 2568	\$ 411,066.88
Payroll Checks - 09/02/22	#	19538 to 19546	\$ 7,191.75
Payroll Direct Deposit - 09/02/22	#	2571 to 2740	\$ 412,953.67
Total Checks and Wires for A/P and Payroll:			\$4,598,434.43

Regular Meeting Minutes  
September 22, 2022

- Item 2: ACCEPTANCE OF CLAIMS FOR DAMAGES ACCEPTANCE AGENTS  
**Motion** to adopt Draft Resolution No. 22-047 updating the Acceptance Agents for Claims for Damages filed against the City pursuant to chapter 4.96 RCW and superseding Resolution No. 1397.
- Item 3: DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION  
**Motion** to approve the Proclamation supporting October as Domestic Violence Awareness Month.
- Item 4: EZRA NEHEMIAH TAYLOR PROCLAMATION  
**Motion** to approve the Proclamation recognizing September 26, 2022 to be in honor of Ezra Nehemiah Taylor.
- Item 5: FIELD HOUSE TOWER LEASE AGREEMENT WITH DISH WIRELESS  
**Motion** to approve the lease agreement with Dish Wireless for the installation of telecommunication facilities at Field House Park, and authorize the City Manager to sign the agreement substantially in the form as attached.
- Item 6: 2022 CITYWIDE PAVEMENT REPAIR PROJECT - PUBLIC WORKS CONSTRUCTION CONTRACT AWARD  
**Motion** to approve the Public Works Contract with AA Asphaltting, LLC for the 2022 Citywide Pavement Repair Project in the amount of \$55,000.00, and further authorize the City Manager to sign the Contract substantially in the form as submitted.

**Direction/Action**

**Motion** made by Councilmember Jeremy Nutting to approve the Consent Calendar; seconded by Councilmember Vic Pennington. Motion passed 7-0.

Mayor Matt Mahoney read the Domestic Violence Awareness Month Proclamation into the record.

Mayor Matt Mahoney read the Ezra Nehemiah Taylor Proclamation into the record.



Regular Meeting Minutes  
September 22, 2022

## **NEW BUSINESS**

Item 1: ADOPTION OF 2023-2028 CAPITAL IMPROVEMENTS PLAN  
Staff Presentation - Finance Director Beth Anne Wroe

**Motion** made by Councilmember Jeremy Nutting to adopt Draft Resolution No. 22-052 approving the City of Des Moines 2023-2028 Capital Improvement Plan; seconded by Councilmember Deputy Mayor Traci Buxton.  
Motion Passed 7-0

Item 2: INTRODUCTION OF ITEMS FOR FUTURE CONSIDERATION – 10  
Minutes

**Motion** made by Councilmember Jeremy Nutting to rescind the motion to the have a Resolution brought to Council to endorse the Highline Public School District 401 Bond Measure; seconded by Councilmember Councilmember Harry Steinmetz.  
Motion Passed 7-0

## **BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS**

(4 minutes per Councilmember) - 30 minutes

### **COUNCILMEMBER JC HARRIS**

- Reach Out Des Moines
- Economic Development Committee Meeting
- Municipal Facilities Committee Meeting

### **COUNCILMEMBER VIC PENNINGTON**

- Economic Development Committee Meeting
- Mount Rainier Homecoming Football Game

### **COUNCILMEMBER HARRY STEINMETZ**

- Des Moines Farmers Market
- Zenith Neighborhood Picnic
- Public Safety/Emergency Management Committee Meeting
- Municipal Facilities Committee Meeting

### **COUNCILMEMBER GENE ACHZIGER**

- Des Moines Farmers Market

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### **COUNCILMEMBER JEREMY NUTTING**

- Economic Development Committee Meeting
- Municipal Facilities Committee Meeting
- Mount Rainier Homecoming Football Game

### **DEPUTY MAYOR TRACI BUXTON**

- Attended 36 engagements with staff, public businesses, and colleagues.
- Des Moines Farmers Market
- Public Transportation

### **PRESIDING OFFICER'S REPORT**

- Theft of Catalytic Converters
- Zenith Neighborhood Picnic
- Octoberfest
- International Coastal Clean-up
- Ezra Taylor Event
- Marina Development Meeting

### **EXECUTIVE SESSION**

**The Executive Meeting was called to order by Mayor Matt Mahoney at 7:25 p.m.**

#### **ROLL CALL**

##### **Council Present:**

Mayor Matt Mahoney; Deputy Mayor Traci Buxton; Councilmember Gene Achziger; Councilmember JC Harris; Councilmember Jeremy Nutting; Councilmember Vic Pennington; and Councilmember Harry Steinmetz

##### **Others Present:**

City Manager Michael Matthias; City Attorney Tim George; Chief Administrative Officer Bonnie Wilkins; Human Resources Director Adrienne Johnson-Newton; Finance Director Beth Anne Wroe; Police Chief Ken Thomas

#### **PURPOSE**

**The purpose of the Special Meeting was to hold an Executive Session to discuss Labor Negotiations under RCW 42.30.140(4)(a). The Executive Session was expected to last 30 minutes.**

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September 22, 2022

**At 7:45 p.m. Mayor Matt Mahoney extended the meeting 15 minutes.**

**No formal action was taken.**

The Executive Session ended at 7:58 p.m.

**The Executive Session lasted 33 minutes.**

### **NEXT MEETING DATE**

October 6, 2022 City Council Regular Meeting

### **ADJOURNMENT**

**Direction/Action**

**Motion** made by Councilmember Jeremy Nutting to adjourn; seconded by Councilmember Harry Steinmetz.  
Motion passed 7-0.

The meeting adjourned at 7:58 p.m.

**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Breast Cancer Awareness Month  
Proclamation

FOR AGENDA OF: October 20, 2022


DEPT. OF ORIGIN: Administration

ATTACHMENTS:  
1. Proclamation

DATE SUBMITTED: October 12, 2022

CLEARANCES:

- City Clerk *JK*
- Community Development \_\_\_\_
- Courts \_\_\_\_
- Director of Marina Redevelopment \_\_\_\_
- Emergency Management \_\_\_\_
- Finance \_\_\_\_
- Human Resources \_\_\_\_
- Legal \_\_\_\_
- Marina \_\_\_\_
- Police \_\_\_\_
- Parks, Recreation & Senior Services \_\_\_\_
- Public Works \_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

**Purpose and Recommendation**

The purpose of this agenda item is to recommend City Council approval of the attached Proclamation recognizing October as Breast Cancer Awareness Month.

**Suggested Motion**

**Motion:** "I move to approve the Proclamation recognizing October as Breast Cancer Awareness Month."

**Background**

Breast Cancer Awareness Month began in 1985 as a partnership between the American Cancer Society and Imperial Chemical Industries Pharmaceuticals (AstraZeneca). Breast cancer is one of the most commonly diagnosed cancers among women, and is about 100 times more common in women than men. 1 in 8 women will be diagnosed with the disease, and diagnoses increase as patients get older.

In 2022, more than 287,000 new cases of breast cancer are expected to be diagnosed and more than 43,000 women will die from breast cancer in the United States.

**Discussion**

This is the first year that this proclamation has been before Council with the purpose of raising awareness. Increased breast cancer screening increases early detection; reduces death; increases life expectancy; decreases late-stage cancer diagnoses; and increases five-year survival rates.

**Alternatives**

None provided.

**Financial Impact**

No financial impact.

**Recommendation**

Administration supports Council approving the Proclamation recognizing October as Breast Cancer Awareness Month.



## City of Des Moines

ADMINISTRATION  
21630 11TH AVENUE SOUTH, SUITE A  
DES MOINES, WASHINGTON 98198-6398  
(206) 878-4595 T.D.D.: (206) 824-6024 FAX: (206) 870-6540



### Proclamation

**WHEREAS**, breast cancer is one of the most commonly diagnosed cancers among women, and

**WHEREAS**, breast cancer is about 100 times more common in women than men, 1 in 8 women will be diagnosed with the disease, and diagnoses increase as patients get older; and,

**WHEREAS**, Breast Cancer Awareness Month began in 1985 as a partnership between the American Cancer Society and Imperial Chemical Industries Pharmaceuticals (AstraZeneca); and

**WHEREAS**, many organizations, including the American Cancer Society and Susan G. Komen for the Cure, hold community events promoting awareness, raise funds for research and provide progress in how breast cancer is diagnosed and treated; and

**WHEREAS**, in 2022, more than 287,000 new cases of breast cancer are expected to be diagnosed; and

**WHEREAS**, more than 43,000 women die from breast cancer each year in the United States; and

**WHEREAS**, increased breast cancer screening increases early detection; reduces death; increases life expectancy; decreases late-stage cancer diagnoses; and increases five-year survival rates; and

**NOW THEREFORE**, the Des Moines City Council wishes to recognize October as

### ***BREAST CANCER AWARENESS MONTH***

**SIGNED** this 20<sup>nd</sup> day of October, 2022

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Matt Mahoney, Mayor

*The Waterland City*

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**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Draft Resolution 22-053 Rescinding  
the COVID-19 Proclamation of Emergency

FOR AGENDA OF: October 20, 2022

DEPT. OF ORIGIN: Administration

ATTACHMENTS:

DATE SUBMITTED: October 13, 2022

1. Draft Resolution 22-053
2. Resolution no. 1412
3. March 5, 2020 Proclamation of Emergency
4. Executive Order 20-001
5. Executive Order 20-002
6. Executive Order 20-003

CLEARANCES:

- City Clerk \_\_\_\_\_
- Community Development \_\_\_\_\_
- Courts \_\_\_\_\_
- Director of Marina Redevelopment \_\_\_\_\_
- Emergency Management *[Signature]*
- Finance \_\_\_\_\_
- Human Resources \_\_\_\_\_
- Legal /s/TG
- Marina \_\_\_\_\_
- Police \_\_\_\_\_
- Parks, Recreation & Senior Services \_\_\_\_\_
- Public Works \_\_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: *[Signature]*

**Purpose and Recommendation**

The purpose of this agenda item is to consider Draft Resolution 22-053, which would rescind the Proclamation of Emergency issued by the City Manager on March 5, 2020 and confirmed by the City Council in Resolution no. 1412, terminating the state of emergency in the City of Des Moines due to the worldwide COVID-19 pandemic.

**Suggested Motion**

**Motion 1:** "I move to approve Draft Resolution 22-053, rescinding the Proclamation of Emergency issued by the City Manager on March 5, 2020 and confirmed by the City Council."



### **Background**

In early 2020, the world was struck by a respiratory pandemic caused by a novel coronavirus. The disease caused by the virus, COVID-19, would come to infect approximately 100 million Americans and kill over 1 million in the US and would have even greater impact worldwide. On January 31, 2020, Secretary Alex Azar of the United States Department of Health and Human Services declared a public health emergency. Following confirmed cases of COVID-19 in Washington State, Governor Jay Inslee signed a Proclamation on February 29, 2020, declaring a State of Emergency in all counties in Washington and invoking the Washington State Comprehensive Emergency Management Plan. King County followed suit the following day.

Pursuant to powers delegated under chapter 2.36 DMMC and the City of Des Moines Comprehensive Emergency Management plan, the City Manager issued a Proclamation of Emergency for the City of Des Moines on March 5, 2020, pursuant to authority granted by the Legislature by chapter 38.52 RCW. On March 26, 2020, the City Council enacted Resolution no. 1412, confirming the City Manager's proclamation. The Proclamation authorized the City Manager to request any state or federal assistance needed to respond to the COVID-19 threat and to take appropriate measures as necessary and reasonable to protect the public health and the safety of the City's residents and employees.

### **Discussion**

In the approximately two and a half years since emergency declarations were enacted at the federal, state, and local levels, prevention and mitigation measures of varying kinds and scale have been put in place to combat COVID-19. These measures have included social distancing requirements, closing of businesses, mask mandates, travel restrictions, widespread testing and notification regimes, and increased production and distribution of more effective masks and other safety equipment.

Measures taken by the City of Des Moines included facility closures, remote work, virtual Council meetings, electronic filing, and alternative means of interacting with the public to keep staff and the public safe. The City additionally sought federal funds to minimize effects to City operations and to support the City's people and businesses as they felt the effects of the pandemic. The City implemented takeaway lunches to serve seniors who would otherwise have lunch at the Senior Center, the EATS program to support seniors and local restaurants, and provided supportive grants to local businesses.

As the pandemic continued, early mitigation efforts suppressed the spread of COVID-19, keeping the level of severe illness at a level that would not overwhelm the medical system; allowing for the development and deployment of vaccine; and allowing public health experts to learn more about the disease. As adoption of vaccination became widespread and understanding of the disease increased, the most restrictive mitigation measures were able to be rolled back. Booster shots would help combat new waves of COVID, and eventually new bivalent vaccines would be developed to fight newer variants.

The Governor has announced that the statewide proclamation of emergency will end on October 31, 2022. While the risk from COVID has not gone away, the City is likewise now in a position where the City government has returned to largely normal operations and can respond to COVID issues in the ordinary course of business. By adopting this Draft Resolution, the City Council will bring the emergency declaration to a close, as was always anticipated by the declaration. Rescinding the declaration will cause Executive Order 20-001 to end by operation of law, and the City Manager will rescind Executive Order 20-003 following the end of the emergency declaration as well. It is anticipated the City Manager will rescind Executive Order 20-002 at the end of February however that may be extended depending on the conditions at the time.

**Alternatives**

The Council may:

1. Enact the Draft Resolution as presented
2. Decline to pass the Draft Resolution and continue the state of emergency in the City.
3. Enact the Draft Resolution with amendments

**Financial Impact**

Staff anticipates no financial impact.

**Recommendation**

Staff recommends that the Draft Resolution pass as presented.

**Council Committee Review**

None.

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**CITY ATTORNEY'S FIRST DRAFT**

**DRAFT RESOLUTION NO. 22-053**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON,** accepting findings and ratifying and confirming all actions taken by the City Manager pursuant to the Proclamation of Emergency in the City of Des Moines due to the novel coronavirus disease 2019 ("COVID-19"), and rescinding the Proclamation of Emergency.

**WHEREAS,** on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for COVID-19 beginning on January 27, 2020; and

**WHEREAS,** on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring that a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state, and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS,** on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures; and

**WHEREAS,** cities are authorized, pursuant to RCW 38.52.070, to exercise certain emergency powers to respond to an emergency or disaster; and

**WHEREAS,** DMMC chapter 2.36 designates the City Manager as emergency management coordinator and directs the City Manager to implement the City Emergency Management Plan; and

**WHEREAS,** as a result of confirmed cases of COVID-19 affecting residents in King County, the Proclamations and Orders issued by the United States, the State of Washington and King County, and to provide for the best opportunity for the City of Des Moines to address immediate responses to the threat of COVID-19 and reduce the opportunities for exposure to the disease, the City Manager issued a Proclamation of Emergency on March 5, 2020; and

**WHEREAS,** on March 26, 2020, the City Council enacted Resolution No. 1412, ratifying and confirming the City Manager's Proclamation of Emergency, to be in effect until subsequently rescinded by the City Council; and

Resolution No. \_\_\_\_  
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**WHEREAS**, early in the pandemic, the City undertook various measures, including facility closures, remote work, virtual Council meetings, electronic filing, and alternative means of interacting with the public to keep staff and the public safe until the pandemic could be brought under control through vaccination and other measures; and

**WHEREAS**, on March 18, 2020, the City Manager issued Executive Order 20-001, amending the Council Rules and allowing City Council members to appear at City Council meetings telephonically without limitation, to be in effect until the declaration of emergency is rescinded by the City Council; and

**WHEREAS**, on April 7, 2020, the City Manager issued Executive Order 20-002, amending the City sick leave policy, to be in effect until the State declaration of emergency is ended by the Governor or the executive order is rescinded by the City Manager; and

**WHEREAS**, on May 18, 2020, the City Manager issued Executive Order 20-003, establishing a stand-by temporary unemployment status policy, to be in effect until the executive order is rescinded by the City Manager; and

**WHEREAS**, throughout the pandemic, the City Manager in coordination with City staff, took numerous actions designed to protect the City government as well as the public from the impacts of COVID-19; and

**WHEREAS**, the first COVID-19 vaccines began arriving in Washington in December 2020; and

**WHEREAS**, COVID-19 vaccines became available to all members of the general public 16 years and older in April, 2021; and

**WHEREAS**, vaccines were approved for children between the ages of 12 and 15 in May, 2021; and

**WHEREAS**, vaccination for children five and up and boosters for adults were approved in November 2021; and

**WHEREAS**, bivalent booster vaccinations targeted at new variants are now available; and

Resolution No. \_\_\_\_  
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**WHEREAS**, the availability of vaccinations and the use of high-filtration n95 or equivalent masks has greatly decreased the lethality and danger of exponential spread of COVID-19 in western Washington; and

**WHEREAS**, the office of the Governor has announced that the COVID-19 State of Emergency shall end on October 31, 2022; and

**WHEREAS**, the City Council has determined that the circumstances that necessitated the declaration of a state of emergency to respond to the COVID-19 pandemic have changed to the degree that the emergency declaration is no longer necessary to protect the public health and welfare; and

**WHEREAS**, the City will continue to remain vigilant and take necessary actions to protect staff and the public as needed; and

**WHEREAS**, Executive Order 22-001 will no longer be in effect upon passage of this Resolution; and

**WHEREAS**, the City Manager intends to rescind Executive Order 22-002 on February 28, 2023; and

**WHEREAS**, the City Manager will rescind Executive Order 22-003 upon passage of this Resolution; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** The foregoing recitals are adopted as findings of fact.

**Sec. 2.** The City Council of the City of Des Moines ratifies all actions taken by the City Manager pursuant to the Proclamation of Emergency, issued by the City Manager on March 5, 2020 and confirmed by the City Council on March 26, 2020, taken prior to adoption of this Resolution.

**Sec. 3.** The City Council of the City of Des Moines hereby rescinds the Proclamation of Emergency issued by the City Manager on March 5, 2020 and confirmed by the City Council on March 26, 2020.

Resolution No. \_\_\_\_  
Page 4 of 4

**ADOPTED BY** the City Council of the City of Des Moines,  
Washington this \_\_\_\_ day of \_\_\_\_\_, 2022 and signed in  
authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 1412**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON,** accepting findings and ratifying and confirming the City Manager's Proclamation of Emergency on March 5, 2020, in the City of Des Moines due to the novel coronavirus disease 2019 ("COVID-19").

**WHEREAS,** on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for COVID-19 beginning on January 27, 2020; and

**WHEREAS,** on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring that a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state, and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS,** on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures; and

**WHEREAS,** as a result of confirmed cases of COVID-19 affecting residents in King County, the Proclamations and Orders issued by the United States, the State of Washington and King County, and to provide for the best opportunity for the City of Des Moines to address immediate responses to the threat of COVID-19 and reduce the opportunities for exposure to the disease, the City Manager issued a Proclamation of Emergency on March 5, 2020, attached hereto and incorporated herein; and

**WHEREAS,** pursuant to the City of Des Moines' Comprehensive Emergency Management Plan, the City Council is required to confirm an emergency proclamation issued by the City Manager at the earliest time practicable; and

**WHEREAS,** the City Council has determined that it is in the best interests of the City of Des Moines to ratify and confirm the City Manager's Proclamation of Emergency, and to authorize the Proclamation of Emergency to continue until further notice; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** The foregoing recitals are adopted as findings of fact.







**CITY OF DES MOINES - PROCLAMATION OF EMERGENCY**

**WHEREAS**, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS**, on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures; and

**WHEREAS**, the Emergency Manager for the City of Des Moines has reported to the City Manager that the number of confirmed cases of COVID-19 in King County is increasing daily; and


**WHEREAS**, the City of Des Moines believes that the increased number of confirmed cases of COVID-19 constitute a civil emergency as defined by the Des Moines Comprehensive Emergency Management Plan and necessitates the utilization of emergency powers granted pursuant to chapter 2.36 DMMC, RCW 36.40.180, and RCW 38.52.070(2); and

**WHEREAS**, in the judgment of the undersigned, extraordinary measures are required to protect the public health, safety and welfare of Des Moines’ residents and may go beyond the capability of local resources; now therefore


**BE IT PROCLAIMED BY THE** City Manager of the City of Des Moines that an emergency exists in the City of Des Moines; therefore, the Des Moines Director of Emergency Management and City departments are authorized to take emergency actions and to provide emergency services to protect the health and safety of persons and property pursuant to the City of Des Moines Comprehensive Emergency Management Plan (“Plan”), chapter 38.52 RCW, and chapter 2.36 DMMC. As directed pursuant to the Plan, each City department is authorized to exercise the powers vested under this proclamation to enter into contracts and to incur obligations necessary to combat such victims of such disaster in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements.)

**DATED** this 5<sup>th</sup> day of March, 2020.

CITY OF DES MOINES

  
 \_\_\_\_\_  
 City Manager

APPROVED AS TO FORM:

  
 \_\_\_\_\_  
 Des Moines City Attorney

*The Waterland City*

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**CITY MANAGER'S EXECUTIVE ORDER NO. 20-001  
CITY OF DES MOINES**

**AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES** temporarily expanding Des Moines City Council Rule of Procedure 7.1 relating to Participation by Telephonic Communication to address public health and safety concerns given the current emergency created by the COVID-19 pandemic.

**RECITALS**

**WHEREAS**, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020, and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented, and

**WHEREAS**, on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures, and

**WHEREAS**, on March 5, 2020, the City Manager of Des Moines issued a Proclamation of Emergency for the City as a result of the COVID-19 outbreak, and

**WHEREAS**, the outbreak of COVID-19, and its rapid progression in Washington state continues to threaten the life and health of its people as well as the economy of the state, and remains a public disaster affecting life, health, property or the public peace, and

**WHEREAS**, the Department of Public Health — Seattle and King County issued new guidance on March 11, 2020 escalating the importance of taking measures to slow the spread of COVID-19 emergency, and

**WHEREAS**, there is evidence of increasing transmission of COVID-19 within King County, scientific evidence and national public health guidance support strategies to slow the transmission of COVID-19 and protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19, and

**WHEREAS**, on March 16, 2020, the King County Public Health Officer instituted mandatory disease control and containment control measures, including social distancing measures, and

**WHEREAS**, existing Council Rules regarding participation by telephone do not contemplate an epidemic of this nature, and



**CITY MANAGER'S EXECUTIVE ORDER NO. 20-002  
CITY OF DES MOINES**

**AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES** establishing a paid administrative leave policy and a sick leave advancement program, during the public emergency of the novel coronavirus as declared by United States Department of Public Health and Human Services Secretary Alex Azar and a Proclamation of Emergency in the City of Des Moines issued on March 5, 2020.

**RECITALS**

**WHEREAS**, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS**, on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures; and

**WHEREAS**, the Emergency Manager for the City of Des Moines has reported to the City Manager that the number of confirmed cases of COVID-19 in King County is increasing daily; and

**WHEREAS**, the City of Des Moines believes that the increased number of confirmed cases of COVID-19 constitute a civil emergency as defined by the Des Moines Comprehensive Emergency Management Plan and necessitates the utilization of emergency powers granted pursuant to chapter 2.36 DMMC, RCW 36.40.180, and RCW 38.52.070(2); and

**WHEREAS**, the City Manager is authorized by Des Moines Municipal Code 2.12.100 to promulgate personnel policies and regulations; and

**WHEREAS**, in the judgment of the undersigned, extraordinary measures are required to protect the public health, safety and welfare of Des Moines' residents and may go beyond the capability of local resources,

**NOW, THEREFORE**, it is hereby **ORDERED** as follows:

(1) A paid administrative leave policy, **Supplemental Pandemic COVID-19 Leave (SPL19)** has been established. All regular and extra-hire employees shall be eligible upon approval by the City Manager, to receive (SPL19), subject to budgetary constraints and current recommendations from the Center for Disease Control and King County Health Department, under one of the following conditions:

- (a) The employee's position does not lend itself to telework options.
- (b) There is a lack of work due to business closures and cancellation of programs and activities.
- (c) Required social distancing protocols as mandated by public health officials does not allow the employee to perform essential job functions.
- (d) The employee has been assigned to a rotational work schedule.
- (e) The employee has been advised by a doctor to quarantine due to concerns related to COVID-19.
- (f) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

(2) **A Pandemic COVID-19 Sick Leave Advancement Program** is established, subject to budgetary constraints, to allow full-time or part time employees to request an advancement of up to forty (40) hours of their remaining 2020 unearned State and/or City sick leave accruals under the following conditions:

- (a) The employee has a State and/or City sick leave balance of twenty (20) hours or less.
- (b) The employee has exhausted all other forms of leave to include vacation, holiday, compensatory time and Kelly time.
- (c) The employee has abided by City policies regarding sick leave use both prior and during the use of front-loaded sick leave.
- (d) The employee is ineligible to receive federally mandated paid leave covered under the Families First Coronavirus Response Act, state paid family or medical leave and/or City Shared Leave.
- (e) The employee agrees that the advancement of sick leave is a debt and the employee will be responsible for repaying the City of Des Moines by applying their future sick leave accruals against their balance owed to the City. Should the employee separate from the City of Des Moines prior to full repayment, the employee will have their wages and/or leave cash-out owed to them deducted to satisfy the debt to the City.

This Executive Order will be in effect until the Proclamation of State of Emergency by Governor Jay Inslee ends or until the City Manager rescinds this order.

**DATED** this 7<sup>th</sup> day of April, 2020.



Michael Matthias, City Manager  
City of Des Moines

APPROVED AS TO FORM:

/S/ Tim George \_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

**CITY MANAGER'S EXECUTIVE ORDER NO. 20-003  
CITY OF DES MOINES**

**AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES** establishing a stand-by temporary unemployment status policy during the public emergency of the novel coronavirus as declared by United States Department of Public Health and Human Services Secretary Alex Azar and a Proclamation of Emergency in the City of Des Moines issued on March 5, 2020.

**RECITALS**

**WHEREAS**, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020; and

**WHEREAS**, on February 29, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and

**WHEREAS**, on March 1, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures; and

**WHEREAS**, as of the date of this Order, the state of Washington and King County continue to experience newly confirmed cases of COVID-19 on a daily basis; and

**WHEREAS**, in order to combat the COVID-19 pandemic, the Governor of Washington has issued a statewide "Stay Home" order that has resulted in the large scale closures of businesses, cancelation of City services and events and major negative financial impacts statewide; and

**WHEREAS**, the City of Des Moines has been and will continue to be negatively impacted as a result of the Pandemic, and it is necessary to take immediate action to lessen the degree of financial strain that is caused due to virus mitigation efforts; and

**WHEREAS**, the City Manager is authorized by Des Moines Municipal Code 2.12.100 to promulgate personnel policies and regulations; and

**WHEREAS**, in the judgment of the undersigned, extraordinary measures are required to protect the public health, safety and welfare of Des Moines' residents and the City's ability to adequately serve those residents, ,

**NOW, THEREFORE**, it is hereby **ORDERED** as follows:

(1) A stand-by temporary unemployment status and policy, **Stand-by Temporary Unemployment Status Policy** has been established. This order is the policy. Any employees



placed on a stand-by temporary unemployment status as defined by the Employment Security Office shall be eligible, upon approval by the City Manager, to receive a one-time unemployment wage supplement payment and/or continuation of health benefits, subject to budgetary constraints for the period that they remain in this status

This Executive Order will be in effect until the City Manager rescinds this order.

**DATED** this 18<sup>th</sup> day of May, 2020.



\_\_\_\_\_  
Michael Matthias, City Manager  
City of Des Moines

APPROVED AS TO FORM:

/s/ Tim George  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Resolution to approve South King Housing and Homelessness Partners 2023 Budget and Work Plan

FOR AGENDA OF: October 20, 2022

DEPT. OF ORIGIN: PRSS

DATE SUBMITTED: September 16, 2022

ATTACHMENTS:

1. Draft Resolution 22-051 adopting the 2023 SKHHP work plan and budget
2. Attachment A to resolution: SKHHP resolution 2022-04

CLEARANCES:

- City Clerk \_\_\_\_\_
- Community Development \_\_\_\_\_
- Courts \_\_\_\_\_
- Director of Marina Redevelopment \_\_\_\_\_
- Emergency Management \_\_\_\_\_
- Finance \_\_\_\_\_
- Human Resources \_\_\_\_\_
- Legal */s/ TG*
- Marina \_\_\_\_\_
- Police \_\_\_\_\_
- Parks, Recreation & Senior Services *W. Noble*
- Public Works \_\_\_\_\_

APPROVED BY CITY MANAGER

FOR SUBMITTAL: *[Signature]*

**Purpose and Recommendation**

The purpose of this agenda item is for the City Council to review and accept the proposed 2023 Budget and 2023 Work Plan for the South King Housing and Homelessness Partners (SKHHP). Approving the Budget and Work Plan will solidify Des Moines' continued participation in this South King County partnership and ensure we have a place at the table in working through housing needs.

**Suggested Motion**

**Motion 1:** "I move to enact Draft Resolution No. 22-051, approving the 2023 South King Housing and Homelessness Partners Budget and the 2023 Work Plan."

### **Background**

In 2019, the South King Housing and Homelessness Partners (SKHHP) was established through an interlocal agreement to work together and share resources to increase the available options for South King County residents to access affordable housing and preserve the existing affordable housing stock. In accordance with the Interlocal Agreement, the annual SKHHP work plan and budget must be approved by the legislative body of each member jurisdiction in addition to the SKHHP Executive Board. Each SKHHP jurisdiction had an opportunity to review and provide feedback on the work plan and budget prior to Executive Board adoption. Feedback from member jurisdictions, the SKHHP Board and the SKHHP Staff work group was used to draft the 2023 SKHHP work plan and budget adopted by the SKHHP Executive Board on August 19, 2022, see attachment to proposed resolution.

The SKHHP 2023 work plan and budget operationalizes the SKHHP mission and goals and provides an itemization of all categories of all budgeted expenses and itemization of each Party's contribution, including in-kind services. Consistent with the SKHHP Interlocal Agreement, the SKHHP 2023 work plan and budget must be approved by each legislative body and adopted by the SKHHP Executive Board.

### **Discussion**

#### **Work Plan**

The 2023 work plan, developed in consultation with each member jurisdiction, the staff work group, and Advisory Board, builds upon work done in previous years to establish a housing capital fund through pooled public resources, increase philanthropic and corporate investment through the creation of a SKHHP fundraising branch, and establish a community advisory board to help ground decision-making in community needs and interests.

The 2023 work plan focuses on building the long-term sustainability of the SKHHP Housing Capital Fund, working with partner jurisdictions to develop new policies and programs to accelerate access to affordable housing, representing South King County at all relevant decision making tables, and providing outreach, education, and advocacy that helps to advance South King County housing needs and opportunities.

#### **Operating Budget**

Attributable to the Interlocal Agreement including an adopted budget before staff was hired and before the City of Auburn became the administering agency, the adopted budget for 2019 and 2020 was a projection of operating costs that did not cover the full SKHHP operating costs. In light of the COVID-19 pandemic and resulting revenue shortfalls and budget uncertainties, original jurisdictions contributions were maintained in 2021. This was made possible by personnel cost savings from 2019 and 2020. This decision intentionally spent down some of the cost savings from the previous two years to cover operating costs and deferred consideration of increasing member contributions.

In order to work towards a balanced budget over the course of the next three years, the 2022 SKHHP operating budget included the first incremental increase in member contributions since SKHHP's inception. Through a combination of incremental member jurisdiction contributions and spending down carryover funds, the 2023 SKHHP operating budget continues to reach towards a balanced operating budget by 2025. The SKHHP budget contributions are based on population size, as shown in the attachment to the resolution, Des Moines' 2023 SKHHP contribution is \$9,919.

If there are any additional contributions to SKHHP's operating budget from sources such as: additional partners become part of SKHHP, or contributions or donations from outside sources, each SKHHP partner contribution could be reduced through an amended budget.

**Alternatives**

The Council may:

1. Pass the proposed Draft Resolution as presented.
2. Pass with amendments.
3. Decline to pass the proposed Draft Resolution.

**Financial Impact**

The 2023 SKHHP Budget contributions are based on population size, as shown in the attachment to the resolution, Des Moines' 2023 SKHHP contribution is \$9,919.

**Recommendation**

Staff recommends approval of Resolution #22-051 adopting the 2023 SKHHP work plan and budget.

**Council Committee Review**

None.

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**CITY ATTORNEY'S FIRST DRAFT, 10/20/2022**

**DRAFT RESOLUTION NO. 22-051**

**A RESOLUTION OF THE CITY OF DES MOINES, WASHINGTON,** approving the South King Housing and Homelessness 2023 Work Plan 2023 Operating Budget.

**WHEREAS**, on April 2, 2019 the City of Des Moines enacted an Interlocal Agreement (ILA) with 8 other south King County cities and King County to form the South King Housing and Homelessness Partners (SKHHP), and

**WHEREAS**, pursuant to the Interlocal Agreement, each participating jurisdiction must approve an annual work plan each year to guide the work of SKHHP staff, and

**WHEREAS**, pursuant to the Interlocal Agreement, each participating jurisdiction must approve SKHHP's annual budget that includes an itemization of all categories of budgeted expenses and itemization of each Party's contribution, including in-kind services, and

**WHEREAS**, the purpose of the annual work plan and budget is to provide management and budget guidance; and implement the overarching SKHHP goals to work together and share resources to increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock, and

**WHEREAS**, the 2023 work plan includes five goals with corresponding action items that further SKHHP's mission and address SKHHP's overarching objectives to promote sound housing policy and planning, increase affordable housing investment, and provide outreach, education, and advocacy for South King County's housing needs, and

**WHEREAS**, on August 19, 2022 the SKHHP Executive Board adopted Resolution 2022-04 enacting the 2023 work plan and budget upon approval by the legislative body of each participating party, and

**WHEREAS**, the City Council of the City of Des Moines finds the 2023 SKHHP Work Plan appropriate and necessary to promote the public health and welfare, and

Resolution No. \_\_\_\_  
Page 2 of 3

**WHEREAS**, the City Council of the City of Des Moines finds the 2023 SKHHP Operating Budget appropriate and necessary to promote the public health and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:**

**Sec. 1.** The City Council hereby approves the SKHHP 2023 Work Plan, attached hereto as Exhibit "A".

**Sec. 2.** The City Council hereby approves the SKHHP 2023 Operating Budget, attached hereto as Exhibit "B".

**Sec. 3.** The City of Des Moines will transmit its annual contribution to SKHHP on an annual basis during the first quarter of the calendar year.

**Sec. 4.** The City Manager is authorized and directed to take such administrative procedures as may be necessary to implement this Resolution.

**Sec. 5.** This Resolution shall take effect and be in full force on passage and signing.

**PASSED BY** the City Council of the City of Des Moines, Washington this \_\_\_\_ day of \_\_\_\_\_, 2022 and signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
M A Y O R

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

Resolution No. \_\_\_\_  
Page 3 of 3

\_\_\_\_\_  
City Clerk



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**RESOLUTION NO. 2022-04**

A RESOLUTION OF THE EXECUTIVE BOARD OF THE SOUTH KING COUNTY HOUSING AND HOMELESSNESS PARTNERS (SKHHP), ADOPTING THE 2023 SKHHP WORK PLAN AND OPERATING BUDGET

WHEREAS, pursuant to the Interlocal Agreement, the SKHHP Executive Board approves an annual work plan and budget each year to guide the work of SKHHP staff; and

WHEREAS, pursuant to the Interlocal Agreement the annual budget includes an itemization of all categories of budgeted expenses and itemization of each Party's contribution, including in-kind services; and

WHEREAS, upon adoption, the annual work plan and budget will be transmitted to each participating jurisdiction for approval by their legislative body; and

WHEREAS, the budget will not become effective until approved by the legislative body of each jurisdiction and adopted by the SKHHP Executive Board; and

WHEREAS, if a party does not approve the work plan or budget in a timely manner, the Executive Board may adopt the annual budget and work plan with a two-thirds majority vote; and

WHEREAS, the purpose of the annual work plan and budget is to provide management and budget guidance; and implement the overarching SKHHP goals to work together and share resources to increase the available options for South King County residents to access affordable housing and to preserve the existing affordable housing stock; and

WHEREAS, the 2023 work plan includes five goals with corresponding action items that further SKHHP's mission and address SKHHP's overarching objectives to promote sound housing policy and planning; increase affordable housing investment; and provide outreach, education and advocacy for South King County's housing needs.

NOW, THEREFORE, THE EXECUTIVE BOARD RESOLVES as follows:

**Section 1.** The Executive Board adopts the 2023 SKHHP Work Plan in Attachment A.

**Section 2.** The Executive Board adopts the 2023 SKHHP Operating Budget in Attachment B.

**Section 3.** Each party's contribution to SKHHP's operating budget will be transmitted on an annual basis during the first quarter of the calendar year.

**Section 4.** This Resolution will take effect and be in full force upon approval by the legislative body of each participating jurisdiction.

Dated and Signed this 23<sup>rd</sup> day of August, 2023.

**SOUTH KING COUNTY HOUSING AND HOMELESSNESS PARTNERS**

Nancy Backus  
NANCY BACKUS, CHAIR

**RESOLUTION 2022-04 – ATTACHMENT A**  
**SKHHP 2023 WORK PLAN**

**PURPOSE**

Establish a 2023 SKHHP work plan and budget that is shaped by member jurisdictions, is consistent with the SKHHP Interlocal Agreement, and furthers SKHHP's mission.

**BACKGROUND**

Established by interlocal agreement, SKHHP jurisdictions work together and share resources to increase the available options for South King County residents to access affordable housing and preserve the existing affordable housing stock.

The 2023 SKHHP work plan, developed in consultation with the staff work group and Advisory Board, builds on work done in previous years to establish a housing capital fund through pooled public resources, increase philanthropic and corporate investment through the creation of a SKHHP fundraising branch, and establish a community advisory board to help ground decision-making in community needs and interests.

The work plan is organized into five goals and corresponding action items. Each action is identified by priority as follows:

- Critical – necessary to carry out the Interlocal Agreement or fully implement previous work
- Important – priority but not necessary
- Desirable – not as high priority, would be nice to get to

Prioritization of action items acknowledges that full execution of the work plan requires SKHHP to be at full staff capacity and allows for flexibility and adaptability based on emerging issues and opportunities.

Quarterly budget and progress reports on the status of the work plan elements will be submitted to the SKHHP Executive Board and the legislative body of each member jurisdiction as follows:

**Quarter 1:** May | **Quarter 2:** August | **Quarter 3:** November | **Quarter 4:** February


In accordance with the Interlocal Agreement, the 2023 SKHHP Work Plan will be approved by the legislative body of each member jurisdiction and the SKHHP Executive Board.

**SKHHP MISSION**

South King County jurisdictions working together and sharing resources to create a coordinated, comprehensive, and equitable approach to increasing housing stability, reducing homelessness, and producing and preserving quality affordable housing in South King County.

**OBJECTIVES**

- **Housing Policy and Planning.** Share technical information and resources to promote sound housing policy
- **Affordable Housing Investment.** Coordinate public resources to attract greater private and public investment for affordable housing in South King County
- **Outreach, Education, and Advocacy.** Provide a unified voice to advocate for South King County needs at a local, regional, and state levels


**GOAL 1.** Define strategy, direction, and long-term goals to implement SKHHP Interlocal Agreement

**Critical**

- Develop a long-term funding strategy for the SKHHP Housing Capital Fun and facilitate conversations with member jurisdictions to identify and explore dedicated sources of revenue for affordable housing at the local and regional level.
- Develop annual work plan and budget.
- Generate and distribute quarterly progress reports to SKHHP Executive Board and member jurisdictions.

**Important**

- Develop a plan to build capacity of SKHHP.



**GOAL 2.** Build long-term sustainability for SKHHP Housing Capital Fund.

**Critical**

- Facilitate final 2022 funding allocations through member Councils.
- Prepare contract documents and distribute funds for awarded projects.
- Monitor funded projects including evaluating performance and tracking loan payments.
- Work with administering agency to maintain records and produce regular financial reports for the SKHHP Housing Capital Fund.

**Important**

- Work collaboratively with public funders at the state and local levels to promote shared affordable housing goals and equitable geographic distribution of resources.
- Work with private investors and lenders to maximize leverage of public investment into affordable housing.
- Work with member cities and project sponsor to start developing a pipeline of projects to be funded over the next five years.
- Actively vet potential projects and lead funding policy and prioritization discussions with SKHHP Executive Board.



**GOAL 3.** Work with partner jurisdictions to enhance and develop new local policies and programs that protect existing affordable housing stock, provide housing security, and accelerate access to affordable housing.

**Critical**

- Develop subregional housing preservation strategies.
- Continue to improve and refine and conduct regular updates to housing policy matrix and affordable housing database (being developed in 2022).
- Convene city and county land use planners to share best practices and increase coordination and collaboration on housing policy and planning.
- Support efforts to advance 5-year action plan identified by the Regional Affordable Housing Task Force.

**Important**

- Develop a program to assist member cities with administering local housing incentive programs, including density bonus, multifamily tax exemption (MFTE), impact fee waivers, and other programs.



**GOAL 4.** Represent South King County and its unique affordable housing needs at all relevant decision tables and foster collaboration between partners.

**Critical**

- Represent SKHHP at relevant local and regional meetings and forums that help advance SKHHP’s mission and provide a voice for increasing access to safe, healthy, and affordable housing in South King County.

**Important**

- Build relationships with state and federal legislators through organizing work sessions, and providing progress updates.



**GOAL 5.** Further strengthen regional stakeholders' understanding of the spectrum of affordable housing options, the range of related needs and opportunities, and the housing system.

**Critical**

- Coordinate with housing organizations and stakeholder groups to provide education and engagement opportunities for elected officials, stakeholders, and community members.
- Monthly SKHHP Executive Board educational topics on emerging housing and homelessness topics.

**Important**

- Annual updates to non-SKHHP South King County cities and relevant stakeholder groups.

**Desirable**

- Work with HDC, affordable housing developers, and city and county planners to reimagine the South King County Joint Planners and Developers work group.



**RESOLUTION 2022-04 – ATTACHMENT B**

**2023 SKHHP Operating Budget**

Projected beginning fund balance - January 1, 2023	\$194,188
Projected ending fund balance - December 31, 2023	\$116,771.76

**REVENUES**

Auburn	\$34,385
Burien	\$19,838
Covington	\$9,919
Des Moines	\$9,919
Federal Way	\$44,965
Kent	\$44,965
Maple Valley	\$9,919
Normandy Park	\$5,290
Renton	\$44,965
Tukwila	\$9,919
Unincorporated King County**	\$44,965
King County**	\$30,035
Interest earnings	
Office space (in-kind donation)	\$12,000

<b>TOTAL REVENUES</b>	<b>\$321,084.00</b>
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<i>Spend down balance</i>	\$77,416.24
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<b>TOTAL</b>	<b>\$398,500.24</b>
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**EXPENSES**

Salaries and benefits	\$290,803.85
Misc - travel, phone, postage	\$12,000.00
Advisory Board compensation	\$14,400.00
Office space (in-kind donation)	\$12,000.00
Supplies	\$1,000.00
Professional development	\$5,000.00
Interfund IT	\$28,160.00

<b>Subtotal</b>	<b>\$363,363.85</b>
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Administering agency – 10% Administrative Fee*	\$35,136.39
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<b>TOTAL</b>	<b>\$398,500.24</b>
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\*10% administrative fee is calculated as a percentage of operating costs which does not include in-kind donations, or carry forwards.

\*\*King County contribution based on the population of unincorporated King County is shown as increasing at the same rate as other partner jurisdictions and the additional allocation decreasing to maintain a total contribution of \$75,000 per year.



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**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: 2022 DMFM Holiday Market Agreement

FOR AGENDA OF: October 20, 2022

DEPT. OF ORIGIN: Events and Facilities

ATTACHMENTS:

DATE SUBMITTED: October 13, 2022

1. Agreement between the City of Des Moines and Des Moines Farmers Market Holiday Market for 2022
2. Fee Waiver Request

CLEARANCES:

- City Clerk \_\_\_\_\_
- Community Development \_\_\_\_\_
- Courts \_\_\_\_\_
- Director of Marina Redevelopment \_\_\_\_\_
- Emergency Management \_\_\_\_\_
- Finance *Bethanne Wake*
- Human Resources \_\_\_\_\_
- Legal */s/TG*
- Marina */s/ KB*
- Police \_\_\_\_\_
- Parks, Recreation & Senior Services */s/ KE*
- Public Works \_\_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

**Purpose and Recommendation**

The purpose of this presentation is seek City Council approval of the 2022 Agreement between the City of Des Moines and Des Moines Farmers Market for the 2022 Waterfront Farmers Market Holiday Market. The proposed Agreement will waive the rental costs for the event.

**Suggested Motion**

**Motion 1:** "I move approve the Agreement with the Des Moines Farmers Market for the 2022 Des Moines Waterfront Farmers Market Holiday Market to be held at the Beach Park Event Center on Saturday, November 5, 2022, and authorize the City Manager to execute the Agreement substantially in the form as attached."

### **Background**

The Des Moines Farmers Market has operated a seasonal Farmers Market in the Marina since 2006. The Market is open every Saturday from June through the last Saturday in October and offers fresh and tasty seasonal crops direct from the growers, an appetizing array of food vendors, a veritable collection of local crafts people, and live musical offerings. During the fall, the Farmers Market produces a holiday market located at the Beach Park Event Center. This market offers unique Crafters, Food Trucks, Farmers, Wreath Making and more.

### **Discussion**

The Market was formed in 2006 as a non-profit entity requiring all of its farmers to meet a basic set of environmental stewardship principles that ensure that their practice protects the environment and sustains long-term viability of farmland. The Market continues to provide Des Moines and surrounding communities with a variety of vegetables, fruit, honey, cheeses, crafts, flowers, meats, and fish, ready-to-eat foods, education, information, and entertainment. The Market also provides a gathering place and is a positive asset for the City of Des Moines. The Market receives its operating costs from sponsors, donation, grants, and vendor application and stall fees. The attendance and sales have grown consistently since the beginning.

The DMFM Holiday Market is based out of the Beach Park Event Center and in 2022 will expand to all three indoor facilities and the picnic shelter. This will be the first holiday market since 2019. This market provides opportunity for vendors that work with the market and other holiday seasonal vendors to sell their goods outside of peak season in an indoor environment. Patrons of the market park in the Beach Park and Marina North and Center lots.

### **Financial Impact**

This year the Market is requesting the City Council to waive the rental fee. Without this waiver, the rental fee would be \$5,092.50. The Market pays for any additional garbage and recycling needs and the Events and Facility Rentals Department provides parking management, restroom supplies and clean-up, sink, hot water, and parking for the food vendors, and electricity.

The City receives an unquantifiable public benefit from hosting the Farmers Market on City property, including increased patrons to Des Moines businesses, and an increased sense of community among attendees and vendors.

### **Recommendation**

Approve the Agreement for the 2022 Des Moines Farmers Market Holiday Market.

### **Council Committee Review**

None.



## Rental Contract / Permit

Printed: October 13, 2022

**Contract #: 1250**

**User: ayoung**

**Date: 23 Sep 2022**

**Status: Pending**

Des Moines, 22030 Cliff Ave S. Des Moines, WA 98198 hereby grants Des Moines Waterfront Farmers Market (hereinafter called the "Licensee") , permission to use the Facilities as outlined, subject to the Terms and Conditions of this Agreement contained herein and attached hereto all of which form part of this Agreement.

### A) Purpose of Use: 2022 DMFM Holiday Market

### B) Conditions of Use:

Renter agrees to follow all rules and regulations outlined in the Rental Policies & Procedures, and all Federal, State, and local laws, rules, and regulations, and the Special Event Permit.

#### Damage Deposit

Damage deposit minus non-refundable booking fee will be refunded in full within 45 days of your event if there is no damage or excessive cleaning by city custodial staff to any part of the rented building or equipment. Cleaning fees and/or damage assessments may be charged against deposit per the Facility Rental Policies & Procedures. Renter or designated Alternate Contract Person will be required to go through a Rental Inspection Checklist with a City Facility Attendant before and after the event. Deposit will be forfeited in full if Renter or designated Alternate Contact Person fail to sign the Rental Inspection Checklist. Events running over your contracted hours will be charged against your Damage Deposit by the quarter hour. For example: Time Out is 8pm. You leave at 8:15pm. We will deduct the prorated rent for that 15 minutes from your Damage Deposit. The City's remedy for damage or other breach of this agreement shall not be limited to charges against your deposit. All deposits include a non-refundable \$175 booking fee (\$30.00 for Shelters).

#### Damage Deposit Fee Schedule

- \$100 Deposit for Picnic Shelter (refunded less \$30.00 booking fee)
- \$500 - 1000 Deposit for EACH Facility NOT serving alcohol
- \$1000 - \$2500 Deposit for Each Facility which ARE serving alcohol\*

\*Assigned by Facility Manager. High Risk Events will be subject to a higher deposit at the City discretion.

FULL DEPOSIT DUE AT TIME OF CONTRACTING

#### Rental Times

Rental times must include set-up & clean up time for your event. Premises must be vacated by 12am. All supplies must be dropped off during your scheduled rental. Early arrivals are not permitted.

#### Attendance

If attendance of the event is higher than disclosed on this application and additional staff is called in to cover; this staff time will be billed at \$80.00 per hour per staff person. The City of Des Moines reserves the right to require police supervision at an additional cost for any event. Security requirements must be met prior to the event.

Adult chaperones required for events with attendees age 18 & under - minimum 1:12 ratio.

#### Additional Staff

Additional Staff required if attendance is over 100 people; or if serving alcohol. Standards are: 1 Staff Member required for every 100 people. The first staff person is included in the rental fee. An additional \$40/hour fee may be required at the discretion of the Facilities Manager for security staff to be on site while alcohol is being served at your event

#### Insurance

Renter shall procure and maintain for the duration of the use or rental period insurance against claims for injuries to persons or damage to property, which may arise from or in connection with the use of the Premises and the activities of Renter and his or her guests, representatives, volunteers and employees. Renter's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of Renter to the coverage provided by such insurance, or otherwise limit the Public Entity's recourse to any remedy

**Contract #: 1250**  
**Date: 23 Sep 2022**

**User: ayong**  
**Status: Pending**

available at law or in equity.

Renter is required insurance shall be as follows: General Liability insurance shall be at least as broad as Insurance Services Office (ISO) occurrence form CG 00 01 covering premises, operations, products-completed operations and contractual liability. The City shall be named as an additional insured on Renter's General Liability insurance policy using ISO Additional Insured-Managers or Lessors of Premises Form CG 20 11 or an endorsement providing at least as broad coverage.

The General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate. The insurance policy shall contain, or be endorsed to contain that Renter's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or self-insured pool coverage maintained by the City shall be excess of Renter's insurance and shall not contribute with it.

If Renter maintains higher insurance limits than the minimums shown above, the City shall be insured for the full available limits of Commercial General and Excess or Umbrella liability maintained by Renter, irrespective of whether such limits maintained by Renter are greater than those required by this Agreement or whether any certificate of insurance furnished to the City evidences limits of liability lower than those maintained by the User. Renter shall provide a certificate of insurance evidencing the required insurance 30 days prior to using the Premises. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

Renter shall procure and maintain for the duration of the Agreement Liquor Liability insurance for for \$1,000,000 each occurrence. The City is to be named as an Additional Insured on the Liquor Liability insurance. If Renter is using another party to sell and/or serve the alcohol, the User shall require this party to have Liquor Liability insurance with limits of not less than \$1,000,000 per occurrence, listing the City as an additional insured.

For short-term facility use, the Washington Cities Insurance Authority (WCIA), through their broker, offers short-term liability for tenant/users of member property or locations. This is called Tenant Users Liability Insurance Policy (TULIP). The TULIP covers users and the WCIA member as insureds. Insurance must be received by the City 30 days prior to your event. You can apply on line at <https://tulip.intactspecialty.com/e/tulip/apply.aspx>. You may also contact your insurance agent.  
Additional Terms

- Obey leash and scoop provision law.
- All fireworks are prohibited.
- All firearms or weapons are prohibited.
- Removal and defacing of any city property is prohibited.
- Cutting, picking or destruction of plant life is prohibited.
- No camping

Any violation of this agreement by Renter or Renter's guests, invitees, employees, or contractors may result in immediate expulsion of Renter's guests, invitees, employees, and contractors from City facilities.

Expulsion from any City rental facility will result in forfeiture of entire damage deposit and any unused rental fees.

Upon the failure of Renter to provide full payment, proof of insurance, or other required documents within the deadlines stated in this agreement, the City may terminate the rental without advance notice. Such termination will be deemed cancellation by Renter, and Renter will be subject to charge per the Cancellation Policy set forth in this agreement. Renter shall ensure that all COVID 19 mitigation requirements issued by the Governor, by health authorities, or by the City in effect on the date of the event are strictly enforced. Failure to implement and enforce COVID mitigation requirements in effect on the date of the event may be grounds for immediate cancellation of the event and expulsion from the premises. Renter's rights, duties, and obligations under this Agreement may not be assigned to any third party without the prior written consent of the City. The failure of the City to enforce any provisions of this agreement shall not be construed as a waiver or limitation of the City's right to subsequently enforce and compel strict compliance with every provision of this agreement.

Renter shall fully defend, indemnify, and hold harmless the City, its officers, officials, employees, and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property, which arises out of the use of Premises or from any activity, work or thing

**Contract #: 1250**  
**Date: 23 Sep 2022**

**User: ayoung**  
**Status: Pending**

done, permitted, or suffered by Renter in or about the Premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City.

Renter understands that the City may close City facilities at any time and without prior notice due to occurrence of unforeseen circumstances in order to protect human life, safety, and the environment. The City shall not be liable for any failure or delay in performance of its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fires; floods; wars; civil or military disturbances; acts of terrorism; sabotage; strikes; epidemics; riots; power failures; computer failure and any such circumstances beyond its reasonable control as may cause interruption, loss or malfunction of utility, transportation, computer (hardware or software) or telephone communication service; accidents; labor disputes; acts of civil or military authority; governmental actions; or inability to obtain labor, material, equipment or transportation. The City shall not be liable for any direct or consequential damages resulting from facility closures, with or without prior notice, made in response to bona fide emergency taken of the City's initiative nor actions taken pursuant to emergency declaration or directive by Federal, State, or other local authorities.

**Covid-19 Advisement**

Due to the global COVID-19 outbreak, emergency proclamations have been issued by the State of Washington, King County, the City of Des Moines, and other jurisdictions authorizing extraordinary measures to respond to and recover from the outbreak. Measures taken to date include restriction on public gatherings and a stay at home order. This agreement is being made with the knowledge that there is a potential risk that the event will be cancelled due to measures taken to minimize transmission of the virus. Renter understands that the City may cancel the reservation without notice at any time due to the COVID-19 pandemic. Renter agrees that the City shall not be liable for any direct, indirect, or consequential damages of any kind arising in any way from any cancellation related in any way to the COVID-19 pandemic.

**C) Date(s) and Time(s) of Use:** # of Events: 7      Starting: 11/4/2022 12:00 PM      Expected Attendance: 4000  
 Ending: 11/5/2022 8:00 PM

**D) Rental Details:**

Facility / Equipment	Day	Start Date	Start Time	End Date	End Time	Fee	Tax	Total
Beach Park Event Center - Auditorium	Fri	4 Nov 2022	12:00 PM	4 Nov 2022	05:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Dining Hall	Fri	4 Nov 2022	12:00 PM	4 Nov 2022	05:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Founders Lodge	Fri	4 Nov 2022	12:00 PM	4 Nov 2022	05:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Auditorium	Sat	5 Nov 2022	06:00 AM	5 Nov 2022	08:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Dining Hall	Sat	5 Nov 2022	06:00 AM	5 Nov 2022	08:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Founders Lodge	Sat	5 Nov 2022	06:00 AM	5 Nov 2022	08:00 PM	\$0.00	\$0.00	\$0.00
Beach Park Event Center - Beach Park Picnic Shelter	Sat	5 Nov 2022	07:00 AM	5 Nov 2022	08:00 PM	\$0.00	\$0.00	\$0.00

**E) Fee Summary:**

Rental Fees	Tax	Rental Total	Deposit Amount	Total Applied	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	

**F) Explanation of Fees:**

Product	Quantity	Fee	Tax	Total Cost
Founders Lodge Non Profit -75%	2	\$0.00	\$0.00	\$0.00
Dining Hall Non Profit -75%	2	\$0.00	\$0.00	\$0.00
Aud Non Profit -75%	2	\$0.00	\$0.00	\$0.00
Auditorium Booking Fee	1	\$0.00	\$0.00	\$0.00
Beach Park Picnic Shelter Full Day	1	\$0.00	\$0.00	\$0.00
44 Inch Blue Fencing	40	\$0.00	\$0.00	\$0.00

**Contract #: 1250**  
**Date: 23 Sep 2022**

**User: ayoung**  
**Status: Pending**

**G) Payment Terms:**

Payment in full is due no later than 30 days PRIOR to the event date. All balances must be ZERO 30 days prior to the event date.

Deposits are due at the time of booking. All deposits are refunded after the event less the Booking Fee. Refunds are evaluated and processed within 2 weeks of the event, however these can take 4-6 weeks to show on a credit card statement or check payment after the conclusion of the event.

**H) Notes:**

Event must be fully detailed 30 days prior to the event date. All required permits, insurance, room sets and other event details must be received by the Facility Office no later than 30 days prior to your event date. Any changes made after this date cannot be guaranteed.  
Rental must have a ZERO balance in order for doors to be opened on day of event.

IF THIS EVENT IS AN ALCOHOL EVENT. All alcoholic beverages must be confined to the inside, patio or deck of the Facility. No alcoholic beverages will be permitted in any City Park.  
Renter understands that the City may close City facilities at any time and without prior notice due to occurrence of unforeseen circumstances in order to protect human life, safety, and the environment. The City shall not be liable for any failure or delay in performance of its obligations under this Agreement arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control, including, without limitation, acts of God; earthquakes; fires; floods; wars; civil or military disturbances; acts of terrorism; sabotage; strikes; epidemics; riots; power failures; computer failure and any such circumstances beyond its reasonable control as may cause interruption, loss or malfunction of utility, transportation, computer (hardware or software) or telephone communication service; accidents; labor disputes; acts of civil or military authority; governmental actions; or inability to obtain labor, material, equipment or transportation. The City shall not be liable for any direct or consequential damages resulting from facility closures, with or without prior notice, made in response to bona fide emergency taken of the City's initiative nor actions taken pursuant to emergency declaration or directive by Federal, State, or other local authorities.

**Authorized Signer :**

The undersigned has read and on behalf of the Licensee agrees to be bound by this Permit/ License and the Terms and Conditions contained herein and attached hereto, and hereby warrants and represents that he/she executes this Permit/License on behalf of the Licensee and has sufficient power, authority and capacity to bind the Licensee with his/her signature.

**X:** \_\_\_\_\_

**Des Moines Waterfront Farmers Market**  
22975 Marine View Dr S  
Des Moines WA 98198  
t: 509-869-0051

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

**X:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

Des Moines, 22030 Cliff Ave S. Des Moines, WA 98198

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

Cart is empty



Billed To: Des Moines Waterfront Farmers Market

Invoice #29657

22975 Marine View Dr S  
Des Moines, WA 98198

Description	Qty	Price	Total
Aud Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/04/2022 12:00pm	1	\$0.00	\$0.00
Dining Hall Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/04/2022 12:00pm	1	\$0.00	\$0.00
Founders Lodge Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/04/2022 12:00pm	1	\$0.00	\$0.00
Aud Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/05/2022 06:00am	1	\$0.00	\$0.00
Dining Hall Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/05/2022 06:00am	1	\$0.00	\$0.00
Founders Lodge Non Profit -75% - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/05/2022 06:00am	1	\$0.00	\$0.00
Beach Park Picnic Shelter Full Day - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/05/2022 07:00am	1	\$0.00	\$0.00
44 Inch Blue Fencing - Des Moines Waterfront Farmers Market 2022 DMFM Holiday Market @ 11/05/2022 07:00am	40	\$0.00	\$0.00
Deposit w/ Alcohol AUD/DH/FH/AC - Des Moines Waterfront Farmers Market	1	\$0.00	\$0.00
Auditorium Booking Fee - Des Moines Waterfront Farmers Market	1	\$0.00	\$0.00
		Invoiced:	\$0.00
		Amount Due:	\$0.00

**Des Moines - Beach Park Event Center**

22030 Cliff Ave S.  
Des Moines, WA 98198

Phone: 206-870-9370  
Host: ayounj 10/13/2022 11:41am  
Credit Card Privacy & Refund Policy

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Signature



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**From:** [Market](#)  
**To:** [Ashley Young](#)  
**Cc:** [Michael Matthias](#); [kim@frogsongfarms.com](mailto:kim@frogsongfarms.com)  
**Subject:** Event Rental Fee Waived  
**Date:** Friday, October 14, 2022 8:58:33 AM

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**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.  
The Des Moines Waterfront Farmers Market would like to request that the rental charges for the Beach Park Event Center on November 4<sup>th</sup> and 5<sup>th</sup> of 2022 be waived.  
This Holiday Market is a free community event put on by a non-profit organization.

[Susie Novak](#)  
*Des Moines Waterfront Farmers Market*  
*Manager*  
*Every Saturday from June 4<sup>th</sup> to Sept. 24<sup>th</sup>*  
[www.dmfj.org](http://www.dmfj.org)

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**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: City of Des Moines Right-of-Way  
Procedures Staffing Update

FOR AGENDA OF: October 20, 2022

DEPT. OF ORIGIN: Public Works


ATTACHMENTS:

DATE SUBMITTED: October 12, 2022

1. Right-of-Way Procedures Staffing Update
2. Approved City of Des Moines Right-of-Way Procedures (March 2018)

CLEARANCES:

- City Clerk \_\_\_\_\_
- Community Development \_\_\_\_\_
- Courts \_\_\_\_\_
- Director of Marina Redevelopment \_\_\_\_\_
- Emergency Management \_\_\_\_\_
- Finance *Bob Kane* \_\_\_\_\_
- Human Resources \_\_\_\_\_
- Legal */s/TG* \_\_\_\_\_
- Marina \_\_\_\_\_
- Police \_\_\_\_\_
- Parks, Recreation & Senior Services \_\_\_\_\_
- Public Works *Michael Jones* \_\_\_\_\_

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

**Purpose and Recommendation**

The purpose of this agenda item is to authorize the Mayor to sign a Staffing Update (Attachment 1) to the City's Right-of-Way Procedures. The following motion will appear on the consent calendar:

**Suggested Motion**

**Motion:** "I move to approve the City of Des Moines Right-of-Way Procedures Staffing Update and authorize the Mayor to sign the Staffing Update substantially in the same form as submitted."

### **Background**

In order to facilitate capital infrastructure improvements undertaken by the City, the need to obtain additional right-of-way is often required. This is frequently due to the necessary improvements such as additional travel lanes, bicycle lanes, landscaped planter strip, and/or sidewalks being elements of a capital project. The Washington State Department of Transportation (WSDOT) provides Local Agency Guidelines (LAG) as to the process and steps for municipalities in Washington State to follow in their planning, design, construction, and maintenance of transportation facilities. To assist agencies in accomplishing these goals, the LAG manual describes the processes, documents, and approvals necessary to obtain Federal Highway Administration (FHWA) funds to develop local transportation projects and defray their costs.

The LAG manual is a compilation of information from many sources and is a reference source for administrative and field personnel in any governmental agency. Highways and Local Programs is the division within the Washington State Department of Transportation (WSDOT) which serves local agencies.

For a transportation project to be eligible for FHWA federal funding, the project's right-of-way must be acquired in accordance with the requirements of the State of Washington Right-of-Way Procedures Manual, Chapter 25, WSDOT Local Agency Guidelines.

The City last obtained approval of its Right-of-Way Procedures (Attachment 2) from WSDOT in 2018.

### **Discussion**

The City's current Right-of-Way Procedures were last updated in 2018 and key staff changes have taken place since their approval. To continue to utilize the approved Right-of-Way Procedures, a staffing update is required to be submitted to WSDOT for review. All other approved Right-of-Way Procedures will remain in effect.

### **Alternatives**

The City Council may elect not update the staffing changes. This will negatively impact the City's ability to obtain right-of-way on future projects.

### **Financial Impact**

None.

### **Recommendation**

Staff recommends adoption of the motion.

### **Council Committee Review**

Not applicable.

## ***Right of Way Procedures Staffing Update***

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CITY OF DES MOINES

This form is to be utilized when only minor staffing changes (two or three changes) are necessary: All other Approved ROW Procedures will remain in effect.

Please be sure to include Staff Name, Position Title, and attach the necessary resumes.

i. PROGRAM ADMINISTRATION:

Remove: R. Brandon Carver, Public Works Director

Add: Andrew Merges, Public Works Director (see attachment 1)

---

Note: Staff included under Program Administration must have completed the eLearning Administrative Settlement and No ROW Verification training available at <http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm>

ii. APPRAISAL

Remove:

Add:

---

iii. APPRAISAL REVIEW:

Remove:

Add:

---

iv. ACQUISITION:

Remove:

Add:

---

Note: Staff included under Acquisition must have completed the eLearning Administrative Settlement training available at <http://www.wsdot.wa.gov/LocalPrograms/ROWServices/Training.htm>

v. RELOCATION:

Remove:

Add:

---

vi. PROPERTY MANAGEMENT:

Remove: Daniel J. Brewer, Chief Operations Officer

R. Brandon Carver, Public Works Director

Andrew Merges, Transportation & Engineering Services Manager

Loren Reinhold, Surface Water & Environmental Engineering Manager

Cecilia Pollock, Interim Finance Director

Add: Andrew Merges, Public Works Director (see attachment 1)

Thomas Owen, City Engineer (see attachment 1)

Tyler Beekley, Civil Engineer II (see attachment 1)

Beth Anne Wroe, Finance Director (see attachment 1)

---

\_\_\_\_\_  
Matt Mahoney  
Mayor, City of Des Moines

\_\_\_\_\_  
Date

**Washington State Department of Transportation**

Approved By:

\_\_\_\_\_  
Local Programs Right of Way Manager

\_\_\_\_\_  
Date

-----  
**The following section to be completed by WSDOT Local Programs Right of Way:**

Approval Dates of the following:

\_\_\_\_\_  
ROW Procedures

\_\_\_\_\_  
Administrative Settlement Policy

\_\_\_\_\_  
Administrative Offer Summary (AOS)

\_\_\_\_\_  
LPA-001b  
Rev. 7/2021

## ATTACHMENT 1

### AGENCY STAFF POSITIONS & QUALIFICATIONS

City of Des Moines staff will be responsible for the Program Administration and Property Management functions. The following positions and individuals are identified below. Position descriptions and qualifications are available.

**Public Works Director:** Andrew Merges, P.E. - Registered Professional Engineer in the states of Washington, Arizona, and Minnesota; Executive MPA, University of Washington; B.S. Civil Engineering, Michigan Technological University; Mr. Merges has over 18 years of experience in the public and private sector managing and fulfilling Engineer of Record roles for transportation infrastructure projects consistent with the WSDOT LAG manual. Experience includes Right-of-Way acquisition plan development, acquisition management, and project certification.

**City Engineer:** Thomas Owen, P.E., PTOE. - Registered Professional Engineer and Certified Professional Traffic Operations Engineer, Washington State; B.S. Engineering Management, University of Portland; Mr. Owen has over 14 years of experience in the public sector managing transportation infrastructure improvements consistent with WSDOT LAG guidelines.

**Civil Engineer II:** Tyler Beekley, P.E. – Registered Professional Engineer, Washington State; B.S. Civil Engineering, Washington State University; Mr. Beekley has over 9 years of experience in the public sector involving stormwater infrastructure projects, water quality permitting, and landslide restoration projects.

**Finance Director:** Beth Ann Wroe, CPA – Licensed WA State CPA #11274. Bachelor of Business with major in accounting, University of Portland. She has over 30 years of experience in public sector financing and accounting. Her experience over the past 20 years include the cities of Issaquah, Sumner, Bonney Lake, Tacoma, and Des Moines.

**City Attorney:** Timothy A. George, - J.D. California Western School of Law, Attorney licensed to practice law in Washington, California, and the United States Western District. Mr. George has been practicing law for over 15 years and has extensive civil and criminal law experience including acquisition of public Right-of-Way via use of municipal powers of eminent domain.



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Transportation Building  
310 Maple Park Avenue S.E.  
P.O. Box 47300  
Olympia, WA 98504-7300  
360-705-7000  
TTY: 1-800-833-6388  
www.wsdot.wa.gov

March 20, 2018

Mr. R. Brandon Carver, PE  
Public Works Director  
City of Des Moines  
21650 11<sup>th</sup> Avenue South.  
Des Moines, Washington 98198-6317

**City of Des Moines  
Updated Right of Way Procedures**

Dear Mr. Carver:

On February 28, 2018, the Local Programs Right of Way Section received the City's updated Right of Way (ROW) Procedures. These updated ROW procedures are approved, and supersede and replace the previous procedures subject to the following requirements:

1. R. Brandon Carver, P.E. P.T.O.E., Public Works Director is approved to perform the Program Administration function, which includes oversight of hired ROW consultants, review and approval of recommended actions and payments, review and preliminary approval of administrative settlements, and authorization of just compensation including approval of Administrative Offer Summaries (AOS).
2. Appraisals and appraisal reviews must be contracted for with the Washington State Department of Transportation (WSDOT) or consultant on WSDOT's approved qualified appraiser/reviewer list.
3. All acquisition work must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Since the City has no experienced staff to oversee the acquisition process, the City must have direct supervision from the LAC. At a minimum, the LAC must be provided the opportunity to review all parcel files prior to first offers being made to the property owners. To avoid a conflict of interest, acquisition agents are only approved to acquire property valued at \$10,000 or less if they also prepare the Administrative Offer Summary (AOS).
4. All relocations must be contracted for with qualified consultants, other agencies with qualified staff or WSDOT. Any relocation consultant must be monitored by the LAC. For any projects involving relocation, the City must provide confirmation they have an approved relocation appeal procedure in place prior to starting relocation activities.
5. Cecilia Pollock, Interim Finance Director; Daniel J. Brewer, P.E., P.T.O.E., Chief Operations Officer; R. Brandon Carver, P.E., P.T.O.E., Public Works Director; Andrew Merges, P.E., Engineering Services Manager; Loren Reinhold, P.E., Surface Water & Environmental Engineering Manager; and Timothy A. George, City Attorney are approved to perform Property Management functions.

R. Brandon Carver, PE  
Public Works Director  
City of Des Moines  
Updated Right of Way Procedures  
March 20, 2018

The City is approved to use the Federal Highway Administration approved waiver process of \$25,000 or less, including cost to cure items in which it is not required to offer appraisals for values at \$10,000 or less. The city's relocation appeal procedures submitted in July of 2013 remain in effect.

It is requested that the City work closely with the region LAC early and throughout the right of way process to ensure that all necessary procedures are followed on any federal-aid projects. In particular, the City must notify the Region LAC prior to contracting with consultants to initiate the process.

When staffing changes occur, an updated list must be submitted for approval prior to commencement of any right of way work.

If you have any questions regarding the requirements, please contact David Narvaez, Northwest Region LAC at (206) 440-4205, or Mehrdad Moini, Northwest Region Local Programs Engineer at (206) 440-4734.

Sincerely,



Dianna Nausley  
Right of Way Manager  
Local Programs

DN:sas

Enclosures

cc: Mehrdad Moini, Northwest Region Local Programs Engineer, MS NB82-121  
David Narvaez, Northwest Region Local Agency Coordinator, MS NB82-121

## **Right of Way Procedures**

---

The City of Des Moines, hereinafter referred to as "AGENCY", desiring to acquire real property (obtain an interest in, and possession of, real property) in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act and applicable federal regulations (49 CFR Part 24) and state law (Ch. 8.26 RCW), and state regulations (Ch. 468-100 WAC) hereby adopts the following procedures to implement the above statutes and Washington Administrative Code. The AGENCY is responsible for the real property acquisition and relocation activities on projects administered by the AGENCY. To fulfill the above requirements the AGENCY will acquire right-of-way (ROW) in accordance with the policies set forth in the Right of Way Manual M 26-01 and Local Agency Guidelines. The AGENCY has the following expertise and personnel capabilities to accomplish these functions:

1. The following relate to the AGENCY's request.
  - a. Below is a list of responsible AGENCY individual names and positions, for which the AGENCY has qualified staff to perform the specific right-of-way function(s). Attached are resumes for each individual AGENCY staff listed to perform those functions below, and a brief summary of their qualifications pertaining to the specific ROW function(s) for which they are listed. The procedures shall be updated whenever staffing changes occur. The AGENCY will be approved to acquire based upon staff qualifications.
    - i. **PROGRAM ADMINISTRATION :**  
Oversee delivery of the R/W Program on federal aid projects for the agency. Ensures R/W functions are carried out in compliance with federal and state laws, regulations, policies and procedures.  
**Responsibilities/Expectations:**
      - Ensures agency's approved R/W Procedures are current, including staff qualifications, and provides copies to consultants and agency staff;
      - Oversight of ROW consultants;
        - use of consultant contract approved by WSDOT (under construction)
        - management of ROW contracts
        - management of ROW files
        - reviews and approves actions and decisions recommended by consultants
        - Overall responsibility for decisions that are outside the purview of consultant functions
      - Sets Just Compensation prior to offers being made;
      - Approves administrative offer summaries per policy;
      - Ensure agency has a relocation appeal process in place prior to starting relocation activities;
      - Oversight of Administrative Settlements;
      - Obligation authority for their agency;
      - Obtain permits (Non-Uniform Relocation Act (URA));
      - Ensures there is a separation of functions to avoid conflicts of interest.
      - Verifies whether or not ROW is needed, and that the property rights and/or interests needed are sufficient to construct, operate and maintain the proposed projects (see Appendix 25.176).

Agency Position: Public Works Director

(Employee name & qualifications – see Attachment 1)

ii. APPRAISAL

Prepare and deliver appraisals on federal aid projects for the agency. Ensures that appraisals are consistent and in compliance with state and federal laws, regulations, policies and procedures.

**Responsibilities/Expectations:**

- Use only qualified agency staff approved by WSDOT to perform appraisal work;
- Use appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);
- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Obtain specialist reports;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Qualified Consultant

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iii. APPRAISAL REVIEW:

Review appraisals on federal aid projects for the agency to make sure they are adequate, reliable, and have reasonable supporting data, and approve appraisal reports. Ensures appraisals are adequately supported and represent fair market value and applicable costs to cure and are completed in compliance with state and federal laws, regulations, policies and procedures.

**Responsibilities/Expectations:**

- Use only qualified agency staff approved by WSDOT to perform appraisal review work;
- Use review appraiser from WSDOT's Approved Appraiser List if agency does not have qualified staff;
- Ensures project wide consistency in approaches to value, use of market data and costs to cure;
- Coordinate with engineering, program administration, acquisition, relocation, and/or property management as necessary.

Qualified Consultant

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iv. ACQUISITION:

Acquire, through negotiation with property owners, real property or real property interests (rights) on federal aid projects for the agency. Ensures acquisitions are completed in compliance with federal and state laws, regulations, and policies and procedures.

**Responsibilities/Expectations:**

- Use only qualified staff to perform acquisition activities for real property or real property interests, including donations;
- To avoid a conflict of interest, when the acquisition function prepares an AOS, only acquires property valued at \$10,000 or less;
- Provide and maintain a comprehensive written account of acquisition activities for each parcel;
- Prepare administrative settlement justification and obtain approval;
- Prepare Project Funding Estimates (PFE) or, when applicable, True Cost Estimates (TCE);

- Prepare Administrative Offer Summaries (AOS or Appraisal Waiver);
- Review title, and recommend and obtain approval for acceptance of encumbrances;
- Ensure acquisition documents are consistent with ROW plans, valuation, and title reports;
- Provide a negotiator disclaimer;
- Coordinate with engineering, program administration, appraisal, relocation, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each acquisition.

Qualified Consultant

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v. **RELOCATION:**

Provide relocation assistance to occupants of property considered displaced by a federally funded projects for the agency. Ensures relocations are completed in compliance with federal and state laws, regulations, policies and procedures.

**Responsibilities/Expectations:**

- Prepare and obtain approval of relocation plan prior to starting relocation activities;
- Confirm relocation appeal procedure is in place;
- Provide required notices and advisory services;
- Make calculations and provide recommendations for agency approving authority prior to making payment;
- Provide and maintain a comprehensive written account of relocation activities for each parcel;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.

Qualified Consultant

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vi. **PROPERTY MANAGEMENT:**

Establish property management policies and procedures that will assure control and administration of ROW, excess lands, and improvements acquired on federal aid projects for the agency. Ensures property management activities are completed in compliance with federal and state laws, regulations, policies and procedures.

**Responsibilities/Expectations:**

- Account for use of proceeds from the sale/lease of property acquired with federal funds on other title 23 eligible activities;
- Keep R/W free of encroachments;
- Obtain WSDOT/FHWA approval for change in access control along interstate;
- Maintain property records;
- Coordinate with engineering, program administration, appraisal, acquisition, and/or property management as necessary;
- Maintain a complete, well organized parcel file for each displacement;
- Ensure occupants and personal property is removed from the ROW.



Agency Positions: Finance Director; Chief Operations Officer, Public Works Director, Engineering Services Manager;  
SWM Utility Manager, City Attorney

(Employee names and qualifications – See Attachment 1)

- b. Any functions for which the AGENCY does not have qualified staff, the Agency will contract with another local agency with approved procedures, an outside contractor, or the Washington State Department of Transportation (WSDOT). An AGENCY that proposes to use outside contractors for any of the above functions will need to work closely with the WSDOT Local Agency Coordinator (LAC) and Local Programs to ensure all requirements are met. When the AGENCY proposes to have a staff person approved to negotiate who is not experienced in negotiation for FHWA funded projects, the LAC must be given a reasonable opportunity to review all offers and supporting data before they are presented to the property owners.
  - c. An AGENCY wishing to take advantage of an Appraisal Waiver (aka Administrative Offer Summary or AOS) procedure on properties valued up to \$25,000 or less should make their proposed waiver procedure a part of these procedures. The procedure outlined in LAG manual has already been approved using form LPA-003. The AGENCY may submit a procedure different than that shown and it will be reviewed and approved if it provides sufficient information to determine value.
  - d. Attached is a copy of the AGENCY's administrative settlement procedure showing the approving authority(s) and the procedure involved in making administrative settlements.
2. All projects shall be available for review by the FHWA and WSDOT at any time and all project documents shall be retained and available for inspection during the plan development, right-of-way and construction stages, and for a three year period following acceptance of the projects by WSDOT.
  3. Approval of the AGENCY's procedures by WSDOT may be rescinded at any time the AGENCY is found to no longer have qualified staff or is found to be in non-compliance with the regulations. The rescission may be applied to all or part of the functions approved.

  
\_\_\_\_\_  
Mayor or Chairman

5/29/17  
\_\_\_\_\_  
Date

**Washington State Department of Transportation**

Approved By:

  
\_\_\_\_\_  
Local Programs Right of Way Manager

3/20/18  
\_\_\_\_\_  
Date

## ATTACHMENT 1

### AGENCY STAFF POSITIONS & QUALIFICATIONS

City of Des Moines staff will be responsible for the Program Administration and Property Management functions. The following positions and individuals are identified below. Position descriptions and qualifications are available.

**Chief Operations Officer:** Daniel J. Brewer, P.E., P.T.O.E. - Registered Professional Engineer and Certified Professional Traffic Operations Engineer, Washington State; BS Civil Engineering, University of Washington. Mr. Brewer has over 20 years of experience in the public sector managing transportation programs and projects consistent with WSDOT LAG guidelines. Experience includes Right-of-Way acquisition meeting WSDOT/FHWA certification requirements.

**Public Works Director:** R. Brandon Carver, P.E., P.T.O.E. - Registered Professional Engineer and Certified Professional Traffic Operations Engineer, Washington State; BS Civil Engineering, University of Washington. Mr. Carver has over 21 years of experience in the public sector managing transportation infrastructure improvements consistent with WSDOT LAG guidelines. Experience includes Right-of-Way acquisition meeting WSDOT/FHWA certification requirements.

**Transportation & Engineering Services Manager:** Andrew Merges, P.E. - Registered Professional Engineer in the states of Washington, Arizona, and Minnesota; Executive MPA, University of Washington; B.S. Civil Engineering, Michigan Technological University; Mr. Merges has over 13 years of experience in the public and private sector managing and fulfilling Engineer of Record roles for transportation infrastructure projects consistent with the WSDOT LAG manual. Experience includes Right-of-Way acquisition plan development, acquisition management, and project certification.

**Surface Water & Environmental Engineering Manager:** Loren Reinhold, P.E. - Registered Professional Engineer, Washington State; BS in Civil Engineering and Geology, University of Idaho. Mr. Reinhold has 28 years of engineering experience in the public sector involving stormwater infrastructure projects, road improvements, utility infrastructure, and landslide restoration projects.

**Interim Finance Director:** Cecilia Pollock, BSBA degree - major in accounting. Her accounting work experience for local government entities in Washington State over the past 20 years include Community Health Center, Covington Water District, and City of Des Moines.

**City Attorney:** Timothy A. George, -J.D., California Western School of Law, Attorney licensed to practice law in Washington, California, and the United States Western District. Mr. George has been practicing law for 10 years and has extensive civil and criminal law experience including acquisition of public Right-of-Way via use of municipal powers of eminent domain.



## WAIVER OF APPRAISAL PROCEDURE

The City of Des Moines, Washington, hereinafter referred to as "AGENCY", desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

### Rules


- A. The AGENCY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost-to-cure items. A True Cost Estimate shall not be used with this procedure.
- B. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

### Procedures

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Public Works Director for approval.
- C. The Public Works Director signs the AOS authorizing a first offer to the property owner(s).

AGENCY

By:

  
Mark H. Smith  
Mayor, City of Des Moines

APPROVED:

  
Quanna Nausley 3/29/18  
Local Programs Right of Way  
Manager

LPA-003  
10/2014

SEE ALSO REQUIREMENTS LISTED IN  
RIGHT OF WAY PROCEDURES APPROVAL LETTER

City of Des Moines

**ADMINISTRATIVE SETTLEMENT POLICIES**

Administrative settlements that exceed Fair Market Value (FMV) as established through the appraisal process, and in accordance with LAG manual section 25.11, Administrative Settlement Guidelines, shall be documented and thoroughly justified, and shall be set forth in writing. Administrative Settlements shall be subject to the following levels of approval authority: The City Manager, or designee shall have the authority to make administrative settlements up to 10% above FMV not to exceed \$50,000. Administrative settlements in excess of \$50,000 shall require the approval of the City Council.


Passed and approved by the City of Des Moines Council, this 15<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

**Washington State Department of Transportation**

Approved By:

  
\_\_\_\_\_  
Local Programs Right-of-Way Manager

3/20/18  
\_\_\_\_\_  
Date

STILL SUBJECT TO REQUIREMENTS LISTED IN  
RIGHT-OF-WAY PROCEDURES APPROVAL LETTER

RESOLUTION NO. 1377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting Administrative Settlement Policies in accordance with the Washington State Department of Transportation Local Agency Guidelines (LAG) manual, section 25.11, *Administrative Settlement Guidelines*.

WHEREAS, it is sometimes necessary for the City to acquire real estate property in order to construct or accommodate planned improvements and,

WHEREAS, for a project to be eligible for federal funding on any phase of the project, the project's right-of-way must be acquired in accordance with the requirements of the Washington State Department of Transportation Local Agency Guidelines (LAG) manual and,

WHEREAS, Section 25.09 of the LAG outlines the process for Administrative Settlements which include requiring the local agency to submit for review to the Washington State Department of Transportation (WSDOT) the agency's responsible official with authority to approve administrative settlements, and the procedure for handling administrative settlements, and

WHEREAS, the designated local agency representative may approve an administrative settlement when it is determined that such action is in the public interest; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

The Des Moines City Council adopts the following Administrative Settlement Policies for real estate property purchases required for public works projects in accordance with the Washington State Department of Transportation Local Agency Guidelines (LAG) manual, section 25.11, *Administrative Settlement Guidelines*.

ADMINISTRATIVE SETTLEMENT POLICIES


(1) The City Manager, or the City Manager's designee, shall have the authority to make administrative settlements up to ten percent (10%) above the Fair Market Value (FMV) not to exceed \$50,000.

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Resolution No. 1377  
Page 2 of 2

(2) Administrative settlements in excess of \$50,000 shall require the approval of the Des Moines City Council.

**ADOPTED BY** the City Council of the City of Des Moines, Washington this 15th day of February, 2018 and signed in authentication thereof this 15th day of February, 2018.

  
MAYOR

APPROVED AS TO FORM:


  
Assistant City Attorney

ATTEST:

  
City Clerk

APPROVED BY:

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

  
Local Programs Right-of-way Manager  
Dated: 3/20/18

SUBJECT TO REQUIREMENTS LISTED IN  
RIGHT OF WAY PROCEDURES APPROVAL LETTER

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