



CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

116 UNION AVENUE □ SNOHOMISH, WASHINGTON 98290 □ TEL (360) 568-3115 FAX (360) 568-1375

NOTICE OF REGULAR MEETING

SNOHOMISH CITY COUNCIL

in the
George Gilbertson Boardroom
1601 Avenue D

TUESDAY
March 1, 2016
7:00 p.m.

AGENDA

*Estimated
time*

- 7:00 1. **CALL TO ORDER**
- a. Pledge of Allegiance
 - b. Roll Call
2. **APPROVE AGENDA** contents and order
3. **APPROVE MINUTES** of the meeting of February 16, 2016 (*P.1*)
- 7:05 4. **CITIZEN COMMENTS**
5. **PUBLIC HEARINGS**
- 7:15 a. **Wireless Communications Regulations** (*P.25*)
- 1) Staff presentation
 - 2) Council's questions of staff
 - 3) Citizens' comments
 - 4) Close citizens' comments
 - 5) Council deliberation and action – **ADOPT** Ordinance 2296
- 7:45 b. **Fireworks Regulations** (*P.63*)
- 1) Staff presentation
 - 2) Council's questions of staff
 - 3) Citizens' comments
 - 4) Close citizens' comments
 - 5) Council deliberation and action – **ADOPT** Ordinance 2304

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- 8:00 6. **ACTION ITEM** – ADOPT Personnel Policies – **PASS** Resolution 1335 (P. 87)
- 8:15 7. **CONSENT ITEM - AUTHORIZE** payment of claim warrants #58236 through #58321 in the amount of \$200,434.01 issued since the last regular meeting (P.179)
- 8:20 8. **OTHER BUSINESS/INFORMATION ITEMS**
- 8:25 9. **COUNCILMEMBER COMMENTS/LIAISON REPORTS**
- 8:30 10. **MANAGER’S COMMENTS**
- 8:35 11. **MAYOR’S COMMENTS**
- 8:45 12. **EXECUTIVE SESSION** – Current/Potential Litigation
- 9:00 13. **ADJOURN**

NEXT MEETING: Tuesday, March 15, 2016, workshop at 6 p.m., regular meeting at 7 p.m., in the George Gilbertson Boardroom, Snohomish School District Resource Center, 1601 Avenue D.

The City Council Chambers are ADA accessible. Specialized accommodations will be provided with 5 days advanced notice. Contact the City Clerk's Office at 360-568-3115.

This organization is an Equal Opportunity Provider.

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**Snohomish City Council Meeting Minutes
February 16, 2016**

1. **CALL TO ORDER:** Mayor Guzak called the Snohomish City Council meeting to order at 7:00 p.m., Tuesday, February 16, 2016, in the Snohomish School District Resource Service Center, George Gilbertson Boardroom, 1601 Avenue D, Snohomish, Washington.

<u>COUNCILMEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Derrick Burke	Larry Bauman, City Manager
Karen Guzak, Mayor	Grant Weed, City Attorney
Tom Hamilton	Jennifer Olson, Finance Director
Dean Randall	Owen Dennison, Planning Director
Michael Rohrscheib	John Flood, Police Chief
Lynn Schilaty	Pat Adams, City Clerk
Zach Wilde	

2. **APPROVE AGENDA** contents and order:

Due to the large number of citizens in the audience, Discussion Item 6, Medical and Recreational Marijuana, was moved to immediately follow Agenda Item 4, Citizen Comments, and Public Hearing Agenda Item 5b, Wireless Communication Regulations was moved to Public Hearing Item 5a.

MOTION by Rohrscheib, second by Randall, to approve the amended agenda. The motion passed unanimously (7-0).

3. **APPROVE MINUTES** of the meeting of February 2, 2016

MOTION by Schilaty, second by Randall to approve the minutes of the February 2, 2016 regular meeting. Councilmember Rohrscheib abstained due to absence. The motion passed unanimously (6-0).

4. **CITIZEN COMMENTS:**

Morgan Davis, 206 Avenue I, stated on page four of the February 2, 2016 City Council meeting minutes, Mr. Mike Bickford listed his address as 3100 Bickford Avenue. He noted this is a commercial location, specifically Bickford Motors, which is not a residential property. It is his understanding that Mr. Bickford resides outside of the City limits. He stated citizens should provide their residential address prior to speaking before the Council under Citizen Comments. He also believes this is the proper protocol under the Council's rules and procedures. Mr. Davis indicated at the last council meeting under New Business, Councilmember Hamilton made some disparaging comments directed at citizen, Bill Betten and Mayor Guzak applauded his remarks. He stated Councilmember Hamilton questioned where this citizen got the 2.5 million dollar figure for a proposed council chamber meeting room at First and Cedar and an Artist-in-Residence program at 2000 Ludwig Road where the City paid \$700,000 in cash in 2013. Further, Mr. Davis stated Councilmember Hamilton said the Everett Herald commentary contained really bad information and the Mayor stated she was also distressed by the inaccuracies. He questioned Councilmember Hamilton on whether he still denies the 2.5 million dollar project presented by Steve Schuller on July 15, 2014 and supported by the City Council. He referenced the Artist-in-Residence program, which he

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stated was advocated by the Council in the Fall of 2014. Mr. Davis requested the Council read the minutes of the July 15 meeting. He provided an example of poor fact checking, as the Mayor's commentary within the Everett Herald on January 16, where she falsely stated the total cost to the City taxpayers for the failed attempt to build a new Senior Center on top of the Cemetery on Cypress Avenue was only \$99,700. Mr. Davis stated he researched the cost and can prove it was at least \$159,000, plus demolition costs of the old pink house, legal fees and restoration of the cemetery to its present state. That was as of 2006, and there were costs after that. A copy of the July 26 Tribune article shows the cost was provided by Brad Nelson, then City Treasurer on that date.

Councilmember Hamilton responded by referring to the Council minutes from the last meeting, where he read, Councilmember Hamilton stated on Saturday January 30, there was a commentary in the Everett Herald by Mr. Bill Betten and Rolf Rautenberg that he thought had a number of inaccuracies in it. It goes on to say, he telephoned Mr. Rautenberg and had a lengthy discussion with him regarding this issue. The first question he asked him concerned the issue of the \$2.5 million dollar City Council Chamber, as specifically stated in the Herald article. Mr. Rautenberg, at the time, said he was not aware of the number and had only lent his name to the document. Mr. Rautenberg was then asked about \$700,000 for an Artist-in-Residence Program, and he was unfamiliar with that. Councilmember Hamilton stated he continued the rest of his commentary, which are in the minutes of the last meeting. He did not discuss anything else, other than to talk to Mr. Rautenberg about a number of other issues that he was more familiar with. So, he doesn't believe that he made any disparaging comments. He simply asked some questions concerning the source of their information.

Mayor Guzak responded that the figures Mr. Davis referenced were for discussion purposes only. The Council discussed the Carnegie for council chambers and decided not to take action. The Council discussed an Artist-in-Residence program and decided not to take action. These were monies that were never spent.

Mr. Bauman stated that he did not come prepared with detailed costs for the cemetery project. He conducted some research on the contract for the archeological examination which was \$99,000. The total cost of the project did include additional work by the archeologists and the demolition cost of the prior Senior Center in order to make the property available for the archeological examination. The City was under a Superior Court Order to conduct the archeological examination. It was not done on a lark. It was done to understand the nature of the property and how many gravesites had not been removed, which were extensive. This information was provided to the community concerning a pioneer cemetery that had long ago been abandoned by its cemetery association, and subsequently taken over by the City in order to provide a place for the Senior Center to be located in the 1980s.

John Kartak, 714 Fourth Street, questioned why the marijuana stores and cell phone towers in parks issues were scheduled on the city council's agenda for tonight's meeting, as they are two major issues. He stated the cell phone tower issue was added on to this meeting a few days ago.

Mayor Guzak responded it was scheduled previously and the issue had been working toward getting before Council for quite some time.

Mr. Kartak stated he received an email about five days ago and that was the first information he received about the matter.

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Mayor Guzak responded it had been before the Planning Commission for quite some time. The Planning Commission has finished their work and has now brought it back to the Council. Council reviewed this issue in December and has been looking at it for months.

Arlyce Hopkins, 7030 142nd Drive SE, asked about the ban that was lifted on Averill Field. She stated she was told by Owen Dennison and Larry Bauman in December that they would have no problem placing a restriction for children's playground use only back on the property. She also asked about the group that was chosen for the Hal Moe Pool building and how the group was chosen. She heard they are leaning toward senior housing.

Mayor Guzak responded they are not leaning toward senior housing and it is just one of many options for that property being discussed.

Ms. Hopkins responded senior housing is not children's playground use. In 1922, the land was donated to the City for playground use only.

Mayor Guzak replied she believes the committee understands that and the process to select committee members involved advertising within the community requesting applicants apply to be committee members. The Council reviewed the applications and a group of diverse citizens were chosen.

Ms. Hopkins questioned how diverse the committee members' opinions are. She has heard a lot are leaning toward senior housing.

Mayor Guzak stated she thinks that is rumor which is not true.

Ms. Hopkins asked if there would be a vote by the citizens or will the committee decide how the land is used.

Mayor Guzak explained the Hal Moe Pool Advisory Committee will make a recommendation to the City Council and the City Council will make the final decision.

Mr. Bauman stated at the meeting attended by Ms. Hopkins, he explained he has no opposition to restoring some form of deed restrictions on the property that underlies both the Hal Moe facility, as well the Boys and Girls Club and other portions of Averill Field. However, it has always been his position to wait until the Council has made a decision regarding future uses of the Hal Moe pool facility before deciding what deed restrictions would be appropriate for that site.

Mayor Guzak replied the Council supports that recommendation.

Councilmember Schilaty wanted to take the opportunity to remind everybody that the ad hoc advisory committee for the Hal Moe Pool site is a very public process. People can attend and make citizen comments and observe the process. It is an opportunity for people to be engaged in the process and provide their input.

Mayor Guzak explained on the City's website, the public can view the meeting dates and location. She welcomes all interested individuals to attend those meetings and provide citizen comments.

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5. DISCUSSION ITEM – Medical and Recreational Marijuana

Mr. Dennison stated commercial marijuana uses have been prohibited in the City of Snohomish since October of 2014, when the City Council adopted Ordinance 2269. The medical marijuana collective gardens have been regulated through Chapter 9.100, which regulates it as a nuisance since April of 2013. As a reminder, the nuisance regulations prohibited collective gardens that were not organized to merely allow ten qualifying patients or their designated providers to grow and process marijuana for patients' use. It was written narrowly to preclude the establishment of dispensaries in the City. Elsewhere, including unincorporated Snohomish County, medical marijuana dispensaries have operated under the allowance in state law for collective gardens. In 2015, the legislature amended state law to combine the regulation of medical and recreational marijuana. As of July 2016, the only retail permitted will be state licensed facilities that can cater to the medical or recreational markets or both. Medical patients carrying recognition cards identifying a qualifying patient, or their designated provider as being on the state registry may purchase product from state licensed stores with a medical endorsement and will not have to pay the sales tax.

Collective gardens, which were the state's first concept for allowing medical marijuana patients to grow their own, have now been replaced with cooperatives. Cooperatives must all be state licensed and are not permitted within one mile of a licensed retailer. The location must be the residence of one of the members of the cooperative. They must provide for traceability, the same as a commercial operation. They must allow for Liquor and Cannabis Board inspections and according to state law, they may be prohibited by local jurisdictions.

Currently, recognition card holders where the domicile is not registered as a cooperative are permitted to grow fifteen plants for personal consumption. There have also been several changes to the statute for recreational marijuana in the 2015 legislative session. The first is the manner in which the excise tax is levied. As originally adopted under Initiative I-502, there was a 25% excise tax applied at each stage including the producer, processor, and then retail stage. This has been replaced with a 37% tax just at the retail stage. The original requirement for a thousand foot buffer from elementary and secondary schools, playgrounds, recreation centers or facilities, childcare centers, public parks, public transit centers, libraries, or arcades where admission is not limited to those 21 or older may now be reduced by local jurisdictions, with the exception of schools and playgrounds.

Further, the way in which excise tax is shared with participating jurisdictions has changed. According to the revised statute, shared revenues are to be limited to \$15 million and to be split up among participating jurisdictions in the 2018 and 2019 biennium, and then \$20 million per year afterward. The actual amount will be based on the revenues and the other statutory commitments that the State has made to various funds. Therefore, if \$25 million is left over to go into the State's general fund, that would be allocated according to the State's calculation. This is allocated to local jurisdictions in two streams. 30% is based on a jurisdiction's share of total marijuana revenues statewide and 70% is based on per capita proportion. Jurisdictions must allow all three allow marijuana uses to receive any portions of those shared revenues. Since it is based on three unknowns, the number of jurisdictions that will ultimately be participating in future years, the volume of sales locally, and the volume of sales in other jurisdictions around the State is very inexact. Therefore, estimating potential revenues to the City is approximate.

Considering the revenues of other jurisdictions currently in the system, staff roughly calculates the City may see \$10,000 to \$20,000 per year for the 70% population base. The portion based on actual sales that may occur in the City if allowed is really too speculative to

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attempt to ascertain. In addition to State revenues, the State would receive sales tax for sales within the City, which based on jurisdiction sales and jurisdictions of a comparable size, which is about 1.1 million, would generate about \$22,000 per year in sales tax.

Clearly there are other considerations, besides just revenue, that the City Council will want to consider, including convenience for residents, as discussed in the staff report, and potential impacts that may not be part of a larger trend. The choice to allow or prohibit marijuana uses in the City still rests with local jurisdictions. However, as the City Council is likely aware, there is a House Bill 1438 currently under consideration by the State Legislature that would preempt the City's authority to ban it as a legislative measure. It would be banned only by ballot proposition. While this is only under discussion by the State Legislature, this may be a consideration in how the City Council wishes to move forward.

Councilmember Randall asked when the legislative session concludes. He understands it is a short session.

Mayor Guzak replied it would be sometime in March.

Councilmember Randall asked Mr. Weed for an update on the City of Fife case pending in the Court of Appeals.

Mr. Weed explained the City of Fife case has two main issues, one is whether Federal law preempts the State law and local jurisdictions, and the other is whether local jurisdictions can directly ban or allow the retail sales of marijuana. The case is under consideration by the State Court of Appeals. Typically, the written decision of the court takes several months after the oral argument. So, he would not expect that there would be a decision soon. There is also always a possibility of any decision that might be rendered by the State Court of Appeals to be appealed to the State Supreme Court. Any final decision could be some time off and it's difficult to anticipate exactly how long it might be.

Councilmember Hamilton questioned when looking at comparable size cities as the City of Snohomish, with an estimated retail sales tax of 1.1 million, the annual sales tax equating to \$22,000. He wanted to know how that was calculated.

Ms. Olson responded the calculation was based on the City's portion of the total sales tax. The percent used was 2% because the City pays an administrative fee to the State. It is an estimate, because we would not know what the financial performance of a retail operation would generate, so it is purely speculative.

Councilmember Schilaty asked about the reduction of the thousand foot buffer.

Mr. Dennison responded it can be reduced by local jurisdictions from one thousand feet to one hundred feet.

Mayor Guzak asserted that the City could decide to maintain the thousand foot buffer.

Mr. Dennison confirmed it would be the City's decision.

Mayor Guzak asked about House Bill 1438 if it passes. She questioned if this body decided to go to the vote of the people for an advisory vote at the November election, would that be something the City could do.

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Mr. Bauman replied the City Council has latitude to ask for advisory votes on policy matters under its broad consideration. Of course, if the legislation discussed, does pass and is signed into law by the Governor, an advisory vote would not be sensible. At that point, a different kind of ballot measure would be required.

Morgan Davis, 206 Avenue I, wanted to make a few counterpoints to Mike Bickford's points he made in a January 29 e-mail to Ms. Schilaty's private e-mail address. He stated Mr. Bickford wrote that pot shops do nothing to contribute to the well-being of the community and its residents. He noted that a lot of City residents are prescribed medical cannabis for a whole range of maladies and now that recreational and medical cannabis are merged into one system, it is imperative that our City residents have convenient access. Why should a war veteran have to take an expensive cab to Arlington, Lake Stevens or Everett to fill their prescription to treat PTSD? Mr. Davis stated that Mr. Bickford wrote, the sales tax revenue from legal cannabis sales is not worth it and that apparently, he would prefer the 25% sales tax on legal sales go instead to the illegal black market as profits, enriching the drug cartels and their kingpins, like El Chapo. For every million dollars in legal sales, \$250,000 goes to the state local taxpayers. Mr. Bickford argues that 55% of the City voters meant they only wanted the citizens to use cannabis without being incarcerated, but they did not want the citizens to purchase it legally in a store where your family buys groceries or anywhere in Snohomish. With that logic, minors are morally corrupted when they see their parents purchasing a half gallon of vodka in Safeway, or gambling for money in poker games at the Senior Center. Much like teenagers texting while driving, or smoking tobacco, the parents, the schools and the churches need to do a better job of educating minors about all the dangers of risky behaviors. The State Liquor and Cannabis Board is now devoting a lot of the legal sales revenue to education, enforcement and the prevention of minors using State regulated or black market cannabis. This money goes to prevention. Mr. Davis said he's all for banning tobacco for anyone under twenty-one and stated we don't ban adults from owning guns or drinking legal alcohol or using cell phones, just because minors sometimes use them illegally. Minors and all adults need to learn to respect all laws, after all legal cannabis is State law, and whether we personally agree with it or not, it is the law and it should be respected by everyone. He asks that the Council please follow settled State law and the Washington State Liquor and Cannabis guidelines and repeal the City's ill-advised ban on legal cannabis. Mr. Davis stated at the last council meeting, he said at the very least the City should have an advisory ballot in November and let the citizens of Snohomish decide in a certified secret ballot election. Four years ago, 55% agreed that it should be legalized.

Tracy Holt, 6231 61st Avenue SE, stated she is a long time resident of Snohomish. She grew up here and attended Snohomish schools. Her children attended Snohomish schools and she is currently a substitute teacher. Her concerns are the effects marijuana has on young people. She has done research into the many negative effects. It is more problematic for young people. She referenced a study on individuals aged from thirteen to thirty-eight, which indicated that those who used marijuana a lot in their teens had up to an eight point drop in their IQ, even if they quit in adulthood. She explained when marijuana is smoked its effects begin almost immediately and can last from one to three hours. Decision-making, concentration and memory can suffer for days after use, especially in regular users. She said it is hard enough to educate young people, but if young people see adults using marijuana, they might think it's okay and want to try it. She stated if we allow access to marijuana within City limits, it will provide easier access to young people. She believes it's a really bad idea to have marijuana in our community.

LeaAnne Burke, 112 Long Street, stated she is a City resident and wanted to thank the City Council for re-visiting this issue regarding the permitting of marijuana sales. She personally

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supports lifting the ban. She stated Snohomish has long supported the adult use of intoxicants. Beer, wine, and distilled spirits are celebrated and Snohomish has festivals for them. Public streets and open spaces are closed off to facilitate their use. As adults, it is our responsibility to participate in the public process, and we have done so. We have had a statewide vote. Voters have spoken. It has been passed by a majority within the State. It passed by a majority in this community through the democratic process. She said it is our responsibility as adults to make decisions based on facts, not fear. By excluding ourselves from participating in this issue, we have lost the right of self determination. This is not an issue that will go away by ignoring and pretending it is not already here. Change can be frightening and uncomfortable, but by and large, the net effect of marijuana in other communities has been largely underwhelming.

Ben Doucett, 9003 77th Place SE, noted his residential address is about 75 feet outside of the City limits. He stated that just because he is not in the City limits, does not mean he is not a stakeholder. He has lived in this community for thirty years, and has taught at the high school. He believes the state vote legalizing recreational marijuana does not mean it is right for every community. He believes every community should have the right to decide for themselves.

Kim Cutuli, 15829 91st Avenue SE, stated she lives in Clearview where everybody now knows is called the “pot place.” She lives two blocks away from three pot stores and stated the stores have negatively impacted her property value. She also noted she is subjected to the smell of marijuana all the time. Her children know the smell of marijuana. She stated the City might get a little bit of revenue - \$20 to 22,000. She questioned whether it’s worth the businesses we will drive out and how low residential values will drop because of the marijuana stores. Communities are negatively impacted in a huge way. When you drive into Clearview, you see a huge neon sign flashing 24/7 that reads, “The Joint.” If you think marijuana stores won’t impact Snohomish, you are sadly mistaken. There has been a spike in crime in Clearview, and she believes there is a connection with the marijuana stores. Snohomish has an out of control heroin problem, and if it adds more drugs, it will have greater negative impacts on Snohomish and the community at large.

Jeanette Elmore, 15527 Broadway, stated she moved here almost a year ago. She moved here because it is nice community with good values. However, since living here, she admits she has been very frustrated with the pot shops. As Kim Cutuli mentioned, there are smells and consequences associated with pot shops. She mentioned she has encountered erratic drivers coming in and out of the marijuana stores. She implored the City Council to seriously consider the negative effects of lifting the ban and how it would impact the community. She stated it is not worth it for the revenue.

Emma deSota, 312 Avenue D, stated she is nineteen years old and has lived in Snohomish her whole life. She thanked the Council for banning marijuana in her hometown. She said it makes a big difference. She acknowledged young people are using marijuana, but she doesn’t want to see it advertised on the street. When she goes to college and returns home, she wants to feel safe. She believes it is a good decision to ban marijuana and wants to keep banning it. Everybody’s opinion should be respected.

Brian Bosse, 4233 113th Avenue SE, has resided in Snohomish for about sixteen years, and prior to that he went to elementary school in Snohomish. Due to family circumstances, he eventually moved to Granite Falls. He noted that Rolling Stone Magazine had a feature article in 2003 calling Granite Falls – Methville. He asked what is the reputation of a City when it is called Methville? The reputation of a City is important. The reason he moved

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back here is because Snohomish is a good family community. It's a community that draws people to its historic downtown. He takes his daughter downtown. There are sporting events here, people bicycle and there are a lot of outdoor activities. He believes these City elements need to be upheld. He has read all the Councilmember descriptions, which include references to youth, public safety, and parks and those elements are all good. He doesn't see anywhere where establishing marijuana stores in the City are going to help promote any of those values. He is asking the Council to uphold the ban on pot shops in the City of Snohomish. He provided the Council with some comments on marijuana. He stated marijuana is still a schedule one drug. He spoke with Chief Flood and First Street does present some challenges with homelessness and drug use, and we don't need pot shops within a quarter mile of the high school.

Bob Anderson, 127 Avenue A, stated he has a business in Snohomish, but lives outside the City limits. He has always been a person who believes that the experiment of prohibition of marijuana has been a failure. He believes it should be legalized and regulated. He is in support of having dispensaries and using the taxes for education and rehabilitation.

Rod Ashley, 1220 22nd Street, stated he lives outside of the City limits in Lake Stevens, but has been a pastor with the Snohomish Faith Church on 22nd Street for nineteen years. He is involved with the Chamber and a lot of City groups. He had a chance to help lead a network of fifteen local churches. At their last meeting, they were all in agreement that they hoped the Council would maintain the ban on marijuana. He has been doing research on the effects of marijuana, and questioned what is positive about it. He doesn't know how it is supposed to benefit our kids in any way – educationally, emotionally, psychologically or physically. Everything he's read is negative. He hopes the City maintains the ban and has an advisory vote in the Fall.

Eldon Bartleheimer 6320 107th Avenue SE, stated he also lives outside City limits, but has a business in town and is a member of the Chamber of Commerce. He is against the sale of marijuana. His family came to Snohomish in 1906. He was born and raised in Snohomish and has been here his whole life. He feels strongly that marijuana sales is not a good thing for Snohomish.

Bryce Rail, 7809 137th Avenue SE, stated he is a junior at Snohomish High School and the youth of this community are strongly opposed to the establishment of commercial marijuana stores within the City of Snohomish. He stated the increase of availability of marijuana is largely detrimental to the lives of students. He wants Snohomish to be known for its superb athletic teams, top notch scholars, and aspiring sense of community spirit, and not for being the pot smokers paradise. He is against allowing marijuana stores into our beautiful town to influence and corrupt the youth. Allowing marijuana stores within the City limits would disrupt what our community strives for. He knows it's illegal for high school students to have access to it, but it will increase the use of it because it will become more readily available. This will disrupt the learning environment that the students of Snohomish High School take part in. He said it is in the best interest of this community that we not allow commercial marijuana stores in our town. This town stands for community, friendship, and most importantly, this town stands for family. These shops don't fit into the family category. We, as students of Snohomish High School say – Not in our town.

Natalie Fay, 15215 Three Lakes Road, stated she is an eighth grader at Centennial and is already experiencing problems with pot going through her school. A student was suspended for having pot muffins. She already had some friends using it and possibly getting into other drugs. She asks what's more important the money or the youth?

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Troy Knafla, 430 Union Avenue, stated he has been a resident of Snohomish for sixteen years. He lives with his wife and two children. He thanked the Council for all the time and patience they have put in to make this City great. He values the open forum to be able to publicly speak. He stated he was asked to speak on behalf of several of his friends and neighbors against lifting the ban on the sale of marijuana. Snohomish is a very small town, and people come here to shop, work, play, and to live based on the appeal of our town. So every business and everything that happens here affects everything else. So having that in mind, consider strip places and cash advance places. They are both legal businesses and they are both very profitable businesses. Do you want your town to be known for them? Not even the towns where those businesses exist want to be known for them. The town the size of Everett can absorb those businesses. But a town this small, if businesses such as marijuana dispensaries are allowed, it will become what we are known for. That will have a detrimental effect on everything across the board. He thinks the ban should stay in place.

Steve Olson, 401 Union Avenue, stated he has worked in Snohomish as a naturopathic doctor for fourteen years and has a teenage daughter. He takes a lot of pride in this town. There is something very special about it. He thinks it could have been ruined many times over the last hundred years, but our Council and its citizens have always stepped forward to keep it special. He is against medical marijuana dispensaries and recreational use. He believes if some people need it medically, it should be from a pharmacy. The City should make it as difficult as possible for our youth to obtain that drug. He stated he thinks marijuana creates medical problems, emotional disease and mental disease and he's against it.

Eric Reyes, 2224 Rockefeller, Everett, explained that although he is not from this community, his grandparents live here. He manages a recreational marijuana store in Kirkland, called Mary Jane. He wanted to clarify that he heard a few people talking about dispensaries. In his industry, it is referred to as a medical dispensary, which is different from a recreational marijuana store. He believes medical dispensaries will be closed in July of 2016. He stated he wished to comment on what he has heard tonight about marijuana smell. He explained that the smell comes directly from the bud. According to State law, you cannot have any open packages in the store. Everything is already pre-packaged by a producer processor. There are no open consumable products in the store. So he doesn't understand why there would be a smell. In reference to the impacts on Snohomish youth, he noted that sales are only permitted to verified consumers over the age of twenty one. There are several consequences involved with the sale of marijuana to minors, including felonies, fines, misdemeanor charges, arrest, even permanent black listing from your industry preventing the sale of not only marijuana, but also liquor and tobacco products as well. Mr. Reyes also commented about concerns related to the City's reputation. He stated, as somebody who lives outside the City of Snohomish, he can guarantee nobody's going to be talking about the pot shops in Snohomish, unless it's a really great one people from all over the State want to come to see, which would be great for more businesses here in the area.

Jacob Woodward, 15515 OK Mill Road, stated he is a recovering pot addict. In 2012, he really started smoking a lot. This was when it was legalized. It just spread everywhere around him, and he decided to try it. He started smoking regularly, and it really screwed his life up in every way possible. He got into a really bad car accident. He almost killed someone due to smoking weed and driving. He went to rehab and feels fortunate that he got into this trouble, because it made him a better person. He believes marijuana should stay banned, because it is not good for him or anyone else his age.

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Bob McGowen, 120 Long Street, presented a petition from Kim Cutuli to Mayor Guzak. He stated he is passionate about this issue because this is an addiction he came out of 42 years ago. Firstly, he wanted to apologize to Derrick Burke and to Mike Rohrscheib because he stated at the last meeting, if you don't love your kids, just let the pot in here. He noted that nobody loves their kids more than Derrick Burke, and he felt the same way about Mike Rohrscheib. He apologized to them both. He wished to acknowledge how divisive the issue is. He stated according to the Drug Policy Alliance, once the fourth State went legal - funded by George Soros with a \$45 million dollar per year budget, the director said, we are going to push for meth, cocaine, and heroin to be legalized, so that we can get those income streams as well. That's why they put \$15 million into I-502 to provide us with half-truths, and to sucker punch the population. This is a master plan to break the back of America. The documents handed out to the Council state the difference between medical marijuana and marijuana based medicine. It goes through the protocols of what the FDA has to do to make it legal. Right now, it is still illegal at the federal level. The lawsuits coming out of Colorado is related to comingling. The black market is capitalizing on laundering money with legitimate businesses. If it has 10% of a legitimate business, and they have any kind of money from an illegal operation, that whole business goes down. They don't separate. So, the comingling is something that you want to be aware of as we move forward on this issue. This marijuana is dangerous. The potency of today's pot is extraordinary. One hit and you are done. An educator told me the kids are taking a hit of brown tar heroin, and they are taking a dab of butane hash oil and they vape it. As soon as the vape it, they are hooked.

Mark Hicks, 17822 87th Avenue SE, states he has Post Traumatic Stress Disorder (PTSD) and is a war veteran. He was in the infantry in Iraq. He returned and life just wasn't what everybody said it was. He found himself on all of the Veteran's Administration (VA) drugs. Drugs like benzos and those other drugs that ruin lives. They tore up his digestive track. He is now completely off of all those drugs and only uses cannabis. The reason he uses cannabis is because it helps him. He stated the government websites are jaded and not accurate. Cannabis helps people. It has helped with 75% of PTSD symptoms, and it's helped him.

Neil Kelly, 809 Root Avenue, stated he is a long time City of Snohomish community member, and has lived here for forty years. He is a firefighter and a paramedic in the City of Everett. He has also been a pastor for over fifteen years at the Hope Church in Snohomish. He noted as a paramedic he has seen firsthand what pot has done to the community of Everett. He stated the City of Everett is large and can accommodate a certain amount of stores without tarnishing the entire City, but Snohomish is a small community. He works along the Highway 99 corridor and as he drives down the corridor, it's lined with pot shops. If he ever needed medical marijuana, he would hope it would be available through a pharmacy. Mr. Dennison mentioned the sales tax and the convenience to the residents, versus the impact on the community. A good reputation is really hard to earn and really easy to lose. He thinks the City of Snohomish has worked really hard on having a good reputation. People want to move here. As a pastor, he has helped youth and adults through drug problems. He has three children and doesn't want them exposed to marijuana. He views Snohomish as a wholesome, family friendly City, and wants to keep it that way. He does not want the ban lifted.

Kevin Bruce, 522 South Lake Roesiger Road, stated the type of people that visit a retail marijuana store are not gang members or someone dangerous, they are your neighbors, your friends, your family, your leaders, your veterans, your volunteers, and your teachers. No one under twenty one can enter a marijuana store. All stores must check ID. All packaged marijuana is sealed. There is no smell from the packaged marijuana, and there is no smoking of the marijuana allowed in public. If someone is caught outside smoking in public, they get

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arrested. You can only smoke in your private home. Marijuana is less dangerous than alcohol. More people have died from alcohol related accidents than from marijuana. Alcohol is the only legal drug that destroys so many people and families. For most people, marijuana does not impair them. Marijuana is used for medicine. Alcohol is not. The differences are obvious. Snohomish is not Fife. Do we in Snohomish have our own identity? Do we in Snohomish emulate Fife? Do we in Snohomish care what Fife does or doesn't do? Do we in Snohomish live anywhere near Fife? I-502 is State law. We are not Fife. The strong stores will follow all the rules and regulations and have a good business plan. Those stores will survive. He requests the Council listen to the voters of Snohomish. This is America. Capitalism. Let's keep it that way.

Christian Funk, 431 Avenue A, noted the Mayor mentioned a couple of times that she wants to stay away from rumors. When people start to talk about what they think marijuana does, and what it might do, he doesn't think it's fair. Making assumptions and living out of fear isn't a way to make decisions. It is a schedule one drug and it is illegal federally. However, wouldn't the Governor be the first person to get arrested for putting it legally on the street? He doesn't understand how our City could be held accountable for that. He is aware Granite Falls is known for having meth and things like that. However, he is pretty sure the Mayor was the top drug dealer in that thing in 2003, which was over fifteen years ago. Walking downtown tonight, he likes to experience the lights in the downtown area and things like that, but there are also the bar fights, and the drunken alcohol excessiveness that's down on First Street as well. Speaking about how bad marijuana is a bit hypocritical when you consider First Street. The smells of the pot shops all up and down Highway 9 is a thing of the past. That's the wild west of pot from years before. We have laws now. We need active community participation and active parenting. If you don't know what your kids are doing, that's the problem. He knows there are a lot of religious people here, and he has no problem with faith, but religion has killed more people than marijuana ever has. He doesn't disrespect anybody for choosing what they like to do. He would support a vote later in the year, but noted there was already a vote. Eight out of ten districts voted for it.

Elaine Harvey, 10632 99th Avenue SE, supports the ban and the restriction on the medical and recreational sale of marijuana in Snohomish. Her ability to own and operate a business within Snohomish and within this wonderful community is extremely important to her and her family. It is also important to her as a parent and as someone who works with youth after having seen the impacts of marijuana first hand to stand up and speak her mind, and speak on behalf of her family in support of the ban.

David Weller, 915 Avenue A, stated I-502 is State law, but that doesn't mean we need to have those shops in this town. He has spoken to enough people who voted yes for I-502 who thought they were voting for some civil rights issue. If they had asked the question, do you want a pot store in your town, they would have voted no. He would support a November vote, because he thinks our citizens would come out and we could settle this issue.

Sandra Vandall, 329 Ninth Street, opposed having marijuana retail stores in our town. She noted that owners of retail marijuana stores say they only sell this product to persons twenty-one years of age or older. She stated we should not stick our heads in the sand, as there will be unscrupulous adults that will turn around and sell marijuana to our young people. It is happening now, and we have a significant drug problem in this town. Why provide another opportunity? She remembers a past meeting on this issue where a teacher spoke in tears at how difficult it was and how sad it was to try to teach a student while he or she was high on pot. This is not a decision to be made just for adults; this decision will definitely affect our children. Currently, under federal law, marijuana is an illegal substance. Until there is a

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marked change in federal policy, legal marijuana businesses will continue to combat issues, such as limited access to banking, and limits on deductibility of legitimate business expenses, both of which stem from conflicts between state and federal law. She feels the City will be opening a can of worms, if we allow retail marijuana stores. Drug use is an epidemic in our country. If you have not seen or experienced the devastation of a drug addiction in your friends or family at this point, don't be complacent. She asked the Council to vote no on this.

Ann Lewis, 6432 57th Avenue SE, stated she moved here in 1999, and felt blessed to be able to raise her children in this community and they are not drug addicts. She realized how significant a blessing that was last year, when in the fall of 2015, she attended two funerals for two of their best friends who died of overdoses. Then in just the last month or two, two of their other friends have shared with her their addictions to marijuana and how it has impacted their life and drawn them into other addictions. In speaking with Narcotics Anonymous (NA), they have told her that the use of marijuana is a common denominator among almost all of them. She finds it ironic at the beginning of the meeting we stood and pledged allegiance to the flag of The United States of America and to the Republic for which it stands, and at the same time we are considering voting something that is against Federal law.

John Kartak, 714 Fourth Street, stated somebody asked which is better to make a profit or watch out for our kids. He thinks that is something we should consider. This has to do with the sales tax. Our town has a brand to it, and he doesn't think that we should be just like Everett or Fife. One of the reasons why we are not is because we don't have marijuana stores, and one of the reasons for bringing them here is because it is considered a perfectly legal establishment, but so are strip joints and bikini baristas and casinos, and other businesses we don't have in this town. He stated Morgan Davis was talking about people and how we vote for things and he thinks that we should have marijuana stores, because that's what the people voted for statewide. We didn't vote for that for this town. As far as this town goes, we didn't vote for this, and he's upset that we have Councilmembers bringing this before Council to vote on whether there will be marijuana stores in town. Did we ask the people? If we asked the people by petition, and if most of the people wanted to have marijuana stores, great. He's against it, but at least the people have been brought into the whole discussion. He asked how many of the Councilmembers are in favor of having marijuana stores in town. Let the people decide this November. The moment the Council legalizes this, we will have stores selling marijuana. There's no getting rid of it.

Jerry Simonson, 418 Glen Avenue, wanted to see the ban continued. His family has been impacted by marijuana addiction. He has had so many marijuana problems within his own family. One of his brothers is now on social security and will never work. Pot is what caused him to fail in life. He has stolen from his parents and robbed people, and he has seen the ugly side of marijuana use. His other brother is getting off of it and is working and becoming more productive. He has been impacted tremendously by the use of marijuana. He doesn't want anything to do with it. He knows alcohol has its own problems too, but tonight we are talking about marijuana and he supports the ban.

Charlie Lewis, 6432 87th Avenue SE, has a neighbor that uses medicinal marijuana for pain. He understands the benefits marijuana has provided to the veteran with PTSD. He wanted to put that aside because that is not what he is addressing. His comments are simple and personal. He lost two of his older brothers before he was forty years old. One to suicide, who admirably endured several years of clinical depression, the other brother was lost when he began what seemed to him as a slow suicide. He began smoking marijuana and that led to other drugs and estrangement from his family. This led to a great deal of pain over the past forty years. The NA groups state the one thing they have in common, beside the positive goal

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of breaking their addiction, is that they all started with using marijuana and it got worse. So his question would be for the Council, do we want a community that allows a gateway drug to be sold here? What message is this sending to our children and to our adolescents? He doesn't wish to see any other family go through the grief and loss and pain that he has experienced. He asked that the ban be maintained.

Sherri Larkin, 9804 Waverly Drive, stated she lives in Clearview and has been in this process of attending similar meetings in her community. Snohomish is a city and Clearview is in unincorporated Snohomish County. It has made it much more difficult to communicate the concerns, needs and desires to the County. She is grateful that our city has given its citizens the opportunity to do so. One thing she has seen in Clearview is that crime has gone up in her neighborhood since marijuana was legalized. She noted, as she drives to Glacier Peak High School, she passes many marijuana shops. We are communicating to our youth this is okay by having these shops. It's legal and it's not a big deal. We know based on the personal testimonies that have already been shared, it is a big deal and it's not okay, and it doesn't lead to productive lives, as some of the youth have shared their own personal devastation. She asks that Council carefully consider having marijuana shops in Snohomish.

Jayne Kartak, 714 Fourth Street, stated she is a conservative and believes our country is falling apart. She was told in 1964 that about 7% of children were born out of wedlock; it is now more than 40%. She thanked fathers who stay with their kids. She has several boys. Her family has lived in this town since 1889. She supports continuing the ban.

Bob Bickford, 15027 76th Street SE, hopes to work on this issue in a friendly way. He cares passionately about this community. He is the third generation family from Snohomish. He has two adult children and one child attending Glacier Peak High School. As he drives through Clearview, his child takes note of each and every marijuana retail store he sees. He asked his son what he thought about it and what he hears at school. His son replied that he knows of two kids that have actually gone to those retail establishments and use marijuana. These are sophomores. His sense is having these stores around makes it easier for kids to go that direction because it legitimizes marijuana. He stated he understands the need for medical marijuana. His concern is having retail stores. Having it available in greater supply and more kids are going to see it. We don't need that in this great community. He is proud to live in Snohomish. It's a healthy community. He stated it's an indisputable fact in the medical community that the human brain does not mature until twenty-five. He has spoken with staff at rehabilitation centers and marijuana is a gateway drug. If you educate yourself, and speak with professionals, they will tell you where this starts, what the progression is, and that's something he would like to avoid in this community. He suggested researching this issue and its impacts in Colorado. It is not as positive as you think.

Denise Cornwell 7832 Riverview Road, has lived in or near Snohomish for fifty years. She graduated from Snohomish High School in 1968, was on the honor roll and started drinking alcohol at age fifteen. She became a weekend party girl. She was raised around alcohol. She also attended church and sang in the choir. On weekends, she was drinking. After graduation she moved to Seattle with her parents and began using marijuana, which led to other street drugs over the next ten years. In 1978, she took her last toke of marijuana when she was handed a marijuana cigarette laced with PCP. She ended up in the hospital in a coma for three days. She asked the Council to not allow marijuana in this City and to uphold the ban.

Mike Bickford, 17225 51st Avenue SE, lives in the Clearview area. He thanked the audience for taking this issue seriously and for caring. He believes there are a lot of divisive issues that we are facing as a nation and also in this community. He thinks putting this issue

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before voters could be problematic because of the Fife issue. He believes the people who really care showed up and communicated their thoughts. He is concerned if marijuana is allowed, the advertising will be promoting its use. We will need to get a handle on that, so we are not promoting it.

Susan Bjorling, 219 Avenue E, lives right next to a little convenience store and the owner of the building has already told her someone is interested in opening a pot store there. She asks if you wouldn't put it right next door to your house, then please don't put it next to her house. She has three children. She doesn't want to add marijuana to the existing alcohol issues on First Street. She doesn't want her kids walking down sidewalks where people may be smoking pot they just bought in the store, and then get in their cars and drive off. People say heroin and alcohol are worse than marijuana. She doesn't know. We don't know what the consequences are. How do you get rid of it? It's either about money or convenience. The sales tax is not worth it. You can drive two minutes down Highway 2 and purchase marijuana. She thinks medicinal marijuana is great, but it doesn't have to be right downtown. She supports upholding the ban.

Nanette Sindon, 402 Fourth Street, stated she is a conservative and goes to church. She sings in her choir and is a two-time cancer survivor and believes there is fear in the room over the cannabis issue. People need to parent their children and be responsible for their actions. There is a lot of religious fear here over a plant that can help so many diseases and people in this country. She stated the City cannot shut out medical patients in July when they cannot go to medical stores to buy it anymore. Rite-Aid is not going to start selling marijuana within the next ten years unless the government does something to change laws. She believes alcohol and meth are bigger problems in this community than marijuana. Marijuana is not a gateway drug. It never has been. There has never been a confirmed death in the United States of someone dying from a marijuana overdose, and there is just a lot of fear in this room and a lot of misinformation. She supported removing the ban.

Elaisa Navarro, 309 Sixth Street, has lived in Snohomish since 1995 and is speaking from the perspective of a teacher. She teaches special education at an elementary school. She deals with the negative impact of children coming to school whose parents are drug users, and every day she has to deal with the mental health consequences of those choices and actions. It's difficult to teach a third grader to read when they're dealing with those issues. It's her honor and privilege to teach here in Snohomish. She wants the Council to consider the kids. It's been discussed that the City may gain some money from the tax revenue. She wants to know how much will be spent dealing with the crime issues that will eventually come from this. Is the profit worth the cost? A kid asked, is it better to make money or take care of us because we are your future. Her vote is to take care of the kids and keep the ban.

Mitch Cornelison, 331 Avenue F, stated it's pretty clear what the position of the majority of the citizens are. He believes the Council discussed this issue about eighteen months ago and he would prefer not to come before the Council every eighteen months. He said it's a very complicated issue. It's not all about whether we legalize the drug, and it's not about any of your personal opinions about it as Councilmembers as to whether you are for or against marijuana. This is about the administration of the sale of marijuana within the City limits of Snohomish. If you need to purchase marijuana, you can go to Everett right now. He believes we should maintain the ban on marijuana sales. We're dealing with a potential legalization of on a national basis. We need to move slowly. Let's let the big jurisdictions figure this out. Let's let the mistakes be made. We have no impetus, nor does our citizenry have any desire to move forward on this rapidly. Put a ban in place for a while; let's see how things shake

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out. We are not saying you can't go get the drug, it's out there and it's available, but let's move slowly inside the City of Snohomish.

Brandon Friche, 413 Union, has lived here about two years. He never thought he would live in Snohomish and now that he and his wife are here, he absolutely loves it. When people hear that he lives in Snohomish, they think of antique shops. He doesn't want this town to be known as a pot town. Two years ago, when hard alcohol was taken from the government's control and put into the private sector, he knew there would be a huge increase of alcohol in his client's homes and that's exactly what he's seen. His clients' storage of hard alcohol has tripled. He believes greater accessibility equals greater consumption. If we have marijuana stores within City limits, we will have greater access. Whether we like it or not, there will not just be a little increase in consumption, there will be a significant increase in consumption. He supported continuing the ban.

Charles Roetcisoenber, 9829 40th Place SE, Lake Stevens, stated he is fourth generation living in this community and loves it. This community draws out people that want to give back to it. He has six sons, one of which just started in the construction industry. That industry does a lot of drug testing. When the local laws change, those drug tests don't. He knows a sub shop in town that a young man applied for, but he was concerned because they require drug testing to get a job at a restaurant. So, there are real consequences. He doesn't want to sell our kids short. It's a very competitive job market. He wants Snohomish kids to have every single advantage out there.

Nancy Keith, 1908 Terrace, stated her family moved to Snohomish in 2003. She has three kids that came up through the Snohomish School District. She is proud of the education that he had here, and he currently works for Bickford Ford. She looked around the room and recognizes many people she has known that have helped to create so many well rounded awesome kids. She is privileged to be President of Historic Downtown Snohomish and to participate in the community coordinating meeting where every non-profit in this City is represented. All those people come together for the benefit of this City and for the kids. So many people care about this City and about the people and want it to be a great place. She supported the continuation of the ban.

John Tennon, Clearview, stated he is veteran and served in the same brigade as the earlier speaker. He was injured in Iraq and was also afraid of marijuana. He came home with spinal injuries and terrible PTSD. He was introduced to marijuana after years of drugs and alcohol, and things that made him a miserable person. He finds relief from marijuana. He was introduced to it as an alternative to narcotics, and it has helped him greatly. He works at one of the marijuana shops in Clearview. He doesn't understand why Snohomish doesn't want marijuana shops here. What he is hearing is the fear and the lack of information about modern marijuana. He stated 95% of the people he sees are elderly, and they are looking for alternatives to pharmaceuticals. People do party, they still want to get high, but by and large that is not what he's sees. He has great relationships with his neighbors. He invited the community to come and see his shop. It's brightly lit and clean. You may still smell a little marijuana even with the packaging, but at least then maybe you will see what it's really about. He has cameras around the store. He looks for things like people buying his product and selling to minors. Again, he invited the citizens to come down to his shop by the Whistle Stop Café, seven days a week.

Mayor Guzak thanked everybody who showed up to comment and who cares so much about this City, regardless of where they stood on this issue. She noted the Council who are elected to serve also care about the City and will carefully consider this issue.

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Councilmember Rohrscheib stated he put a lot of faith in the passing of I-502. Regardless of whether you agree with it or not, it passed within the City limits. If the Council vote were to happen today, he would vote to lift the ban. He supports letting the citizens of Snohomish decide whether or not to allow retail marijuana operations within the City limits. To answer the citizens' question on what platform he ran on, he ran on an open minded platform. You make your own choices. If you are against a strip club, don't go to one. If you're against bikini espresso stands, then go to Starbucks. If you're against smoking marijuana, you don't have to go to the store. This comes down to solid parenting, teach your children right from wrong and hold them accountable.

Councilmember Wilde stated he is twenty-six years old and younger than most of the Councilmembers. He had a friend in high school who was a valedictorian, with a 4.0 grade point average for four years. He just graduated law school, and he knows he smoked marijuana. A lot of his friends did. Councilmember Wilde states he is an athlete, lived in Hawaii, and saw it all the time. He has never smoked marijuana. He is looking at this issue with an open mind. He stated the past election results were not good and a lot of people didn't vote. He noted next year is a presidential year and more people might vote.

Councilmember Randall stated he was not in favor of re-opening this issue to discuss removing the ban. Several people have mentioned the City of Fife. They have a ban in place. The only reason the people are talking about the City of Fife is they actually got sued for putting the ban in place. He went to the Municipal Research website to see if they had an update on how many cities had allowed retail marijuana or recreational marijuana and how many had banned it. Seventy-three cities currently have a ban in place in the State of Washington. Fourteen cities have a moratorium in place. There are forty-eight cities that have not taken any action. Six have interim zoning, ninety-two have allowed recreational marijuana, and twenty-six have allowed it under interim zoning. His point is, we're not the only city and Fife is not the only city that has put a ban in place. Some cities in the area that have a ban in place are Marysville, Woodinville, Mill Creek, and Snohomish. There's actually five counties that have banned marijuana. Pierce County has banned it. Clark County has banned it and there are some very small counties in Eastern Washington that have banned it. We're the only City that have done this. He thinks we should be patient. There is legislation currently pending. He supports letting these issues work themselves out and then make a decision if we need to put it on the ballot for an advisory vote in November.

Councilmember Hamilton thanked everybody who came to speak at this meeting. He received many e-mails, and spent a fair amount of time on the telephone. Input from the community is really important. The Council has been discussing this for a long time. He has gone back and read all the minutes from the past meetings in 2014 and in November of 2013. Council has spent a considerable amount of time on this issue and he believes a record has been set tonight for the number of citizens that have commented on this issue. He has researched the issue on all sides. One thing he heard this evening is the concern for the City's young people. Studies reveal that there is an increasing number of young people who feel that marijuana is harmless. He thinks that is a concern for us as a community. In October 2014, he noted that we really need to educate people about this particular product. It's not just a gateway drug. One study he read stated that only 2% of the people who have used marijuana end up using heroin. The dot.gov sites tend to lead us to believe that marijuana is a gateway drug. He spoke to Jeff Rasmussen, City of Monroe Councilmember and asked him what the experience of Monroe has been. They actually passed a City Ordinance that they won't allow licenses in the City. Their reasoning was that the City Council felt as a whole, it was their community value. He spoke with Kim Daughtry in Lake Stevens. Lake Stevens does allow retail marijuana. The voters approved I-502 by 56%. He felt they had a mandate

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from the voters and they allowed it. Lake Stevens has one retail store. Councilmember Hamilton asked Kim what the impacts are on the City and was told they have seen no increases in the need for additional police or any other negative impacts. He just wanted to pass that information on. He stated the interesting thing for both of those cities is that very few people showed up for the public hearings. He doesn't think there is another community in this State that has the passion that the people of Snohomish do. He applauds them for coming out. He encouraged people to gain information on the marijuana issue. He has viewed documentaries on CNN called High Times in Colorado. The fight wasn't so much over whether they were going to have it or not, it was whether it should be downtown. When you follow the series through, you will hear all sides of the argument. It is Councilmember Hamilton's opinion that the voters have spoken, and he has been in support of allowing retail marijuana. He is also not opposed to taking it back to the people for an advisory vote. He doesn't know what the right timing on that is. It's not a determination that needs to be made tonight.

Councilmember Burke stated he spoke with Mr. Bickford earlier in the day and he opened his heart and mind a little bit to his perspective on this issue and he enjoyed the conversation. He also wished to apologize to City staff for bringing the issue up again publically. He firmly believes that many forms of marijuana consumption need to be discouraged, for example recreational uses and minors. He and Mr. Bickford agree on those issues. He believes the recreational side of marijuana is more heavily and carefully regulated than the medical side. When this hits the federal legislation for approval, the FDA is going to want to have an immediate say about the indications that doctors can prescribe for and it's going to get locked down fast. The money and the tax revenue that we keep talking about is secondary. This is a public health issue that needs to be managed by people that know how. The FDA needs to do this. Concentrates are a big deal. These products look like gummy bears. They can look like lollipops, and the concentration can be plus 20%. If you buy a bottle of aspirin, it tells you what is in there. This needs to happen with marijuana now. As he stated to Mr. Bickford, the road to hell can be paved with good intentions. He feels we can make the problem worse by maintaining the ban. The FDA needs to get moving. He would lift the ban tonight if it were up to him.

Councilmember Schilaty stated it's a difficult situation, because there are personal feelings and emotions, studies, and points of views that can be skewed. What matters when we consider this issue is our ability as a community to decide what our values are. Tonight's turnout has been amazing, and we have to look at what that means to our community as a whole. We are talking about the values of our community and what we want those values to be right now. She believes the best course of action is to maintain the ban. She feels we need to get the Federal Government involved and take this matter slowly. We need to keep the ban in place for now.

Mayor Guzak noted pursuant to the Council's procedures for conducting meetings and the meeting would need to be extended beyond 10:00 p.m.

MOTION by Burke, second by Schilaty to extend the meeting by one-hour to 11:00 p.m. The motion passed unanimously (7-0).

Councilmember Burke stated there is logic to delaying any action and continuing the ban. It can make a lot of sense to take a careful, calculating and cautious approach and wait. However, if someone can't access the medicine they need, that can matter. He doesn't like that our youth has access to illegal marijuana, but legal shops would eliminate a lot of that

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illegal access. Simply lower the price of marijuana and lower the tax rate initially, in order to kill the black market. Take it or leave it. That is how he sees it.

Councilmember Rohrscheib stated he supports Councilmember Schilaty's comments regarding waiting until the state legislature makes their decision. He is willing to do that.

Councilmember Wilde stated concerning the youth issue, the values need to be in the home. Whether we lift or don't lift the ban, we need to show our kids the right way.

Councilmember Schilaty agrees with Councilmember Wilde that parenting is important. A part of parenting is the community in which you live, and the support of the people. The blame for some of these issues does not necessarily reflect on poor parenting.

Mayor Guzak thanked everybody for being here and the Council for their thoughtfulness. She has enormous respect for the people sitting here and for the community process. She stated the last time they voted on this, she was the swing vote that voted in favor of the ban. She feels that a continuation of the ban is appropriate. She noted there is a lot of passion and caring for this community that really revolves around continuing the ban. She believes the Council is in favor of bringing forth an advisory vote and in continuing the ban until that time.

Councilmember Randall restated that he believes the City should wait until the legislature is adjourned prior to doing anything else.

Councilmember Hamilton stated he would ask that the Mayor bring the matter back before Council to gather additional information. There is no action required for tonight and this is an issue we should revisit again in the future.

Councilmember Schilaty thinks we should wait for an advisory vote.

Councilmember Randall noted that there may be two other substantial issues on the ballot this November. We have one in the Council's control, which is the possible fireworks ban. The other may be getting a petition circulated now. To have three divisive issues on the ballot at the same time may be difficult. He agrees that the City should wait for an advisory vote in 2017.

Councilmember Rohrscheib does not have a lot of a faith that the legislature will come to an agreement within the next two months. He is fine with postponing it until 2017.

Councilmember Wilde is a little torn on postponing it until 2017. This is due to the fact that the voter turnout last year was horrible. He noted this is an election year, so our voter turnout might be higher, which would encourage him that more people would vote. To postpone it another year means dragging the issue out longer.

Councilmember Burke would favor action this year.

MOTION by Schilaty, second by Rohrschieb to maintain the ban on the sale of medical and recreational marijuana and ask staff to prepare an advisory vote for the November 2017 General Election.

Councilmember Hamilton will not support the motion. He believes this is an issue that can be revisited in terms of an advisory vote in a nearer time period.

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VOTE ON THE MOTION: The motion passed (4-3) with Burke, Hamilton and Wilde voting nay.

At 10:15 p.m., a five minute **RECESS** was declared.

The meeting **RECONVENED** at 10:20 p.m.

Rolf Rautenberg, 210 Sixth Street, commented in regard to the agenda this evening. The agenda that he viewed online showed the wireless communication regulations public hearing was coming before the marijuana discussion. People plan their time for a public hearing in advance and he was upset that the Council arbitrarily decided to flip things at the last minute which appears to him may have been done deliberately.

Mayor Guzak responded it was done deliberately but not against the people there to speak about the cell tower issue, but because there were approximately 150 people here wanting to speak on the marijuana issue.

Mr. Rautenberg suggests in the future that the City not stack together events of such magnitude that is unlikely that one, much less two or three matters will be heard.

Mayor Guzak thanked Mr. Rautenberg for his comments and asked if he was in favor of postponing the hearing to a future date. He stated it is a hardship, but was agreeable.

John Kartak, 714 Fourth Street, stated he saw the two issues and they were big ones. There were a lot of calls to the Planning Commission to get them to hire an RF Engineer and also to look into hiring an FCC attorney for advice. Owen Dennison mentioned that this is the most complicated and convoluted code in our law books. His suggestion is to go ahead and hire an RF Engineer to review the code and also an FCC attorney.

Mayor Guzak thanked Mr. Kartak and stated she would take his suggestions under consideration.

Bill Betten, 56 State Street, appreciated that the Mayor is taking Mr. Kartak's suggestion under consideration but highly recommends that the Council consult with an RF Engineer and an FCC attorney. It's very important.

6. PUBLIC HEARINGS:

a. Wireless Communication Regulations:

The public hearing was opened and closed.

MOTION by Hamilton, second by Rohrscheib to **CONTINUE** the public hearing on wireless communication regulations to March 1, 2016. The motion passed unanimously (7-0).

b. Title 14 Amendments:

Brooke Eidem, Associate Planner stated the public hearing is regarding a variety of proposed amendments to Title 14 that are contained in draft Ordinance 2296. These amendments were recommended for adoption by the Planning Commission on December 2 and discussed by the Council on January 5.

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The first proposed amendment would exempt construction of a single family home from the requirement for an administrative development plan, which is the City's site development plan process. The next proposed amendments are in the general services land use tables. The first change would make churches, synagogues, temples and mosques an outright permitted use in the commercial designation where it currently requires a conditional use permit and in the mixed use designation where it is currently not a permitted use. In the commercial designation, the proposed amendment would be to remove note 2 for social services and instead add it to childcare uses. The last proposed amendment recommends making elementary, middle, or junior high and secondary or high schools an outright permitted use in the commercial and business park designations.

The next amendments are proposed for Chapter 14.210. Currently, the code precludes granting any permit for an existing building that crosses a property line. The encroachment must be first be cured through a boundary line adjustment. The proposal is to remove that requirement entirely as encroachments are a civil matter rather than a regulatory issue. The next proposed changes are to the dimensional standards for the business park designation. The standard for setbacks in the BP designation appear in two different places within the code and they are not the same within those two places. The proposal would revise both sections to eliminate minimum setbacks.

The height limit in the business park designation is 45 feet or three stories. An additional foot of height is granted to each additional foot of structural setback up to a maximum of six feet or four stories. This is granted through a variance. The proposal is to remove the variance requirement as well as the reference to the number of stories, but maintain the existing height limit of 45 feet up to a maximum of 60 feet.

Amendments to the dimensional tables include removing duplications and bringing order to the numbering systems and remove non-dimensional standards that are addressed elsewhere in the code. The last proposed amendments are the school impact fees in Chapter 14.290. The proposed amendment would remove the specific dollar amount for school impact fees and reference the fee resolution recently adopted under Resolution 1340.

Citizen comments: None
Citizen comments: Closed

Councilmember Hamilton appreciated the cleanup of issues within the code that were contradictory and knows the Planning Commission did a lot of work on this.

MOTION by Hamilton, second by Burke to **ADOPT** Ordinance 2296. The motion passed unanimously (7-0).

c. Amendments to Chapter 14.10 SMC

Mr. Dennison stated at the February 2 meeting, the City Council adopted an Ordinance to amend a number of the references to the collection of fees within the municipal code and directed them to fee resolution. A new fee resolution was adopted the same night. There was discussion concerning the land use review charges. Those fees were updated and the existing code in Chapter 14.10 describes a deposit system instead of a fee system. This has been in place since 1999. In 2003, there was a new fee schedule adopted. However, there was no change to Chapter 14.10, which still refers to a deposit. The fees that were

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adopted in the updated fee resolution on February 2 were for fees with deposits for the hearing examiner and for consultants hired to peer review application materials. The draft amendments in Ordinance 2300 would merely make the code consistent with the City's process for using a fee based structure rather than a deposit based structure.

Citizen comments: None.

Citizen comments: Closed.

MOTION by Hamilton, second by Randall to **ADOPT** Ordinance 2300. The motion passed unanimously (7-0).

7. **CONSENT ITEM: AUTHORIZE** payment of claim warrants #58160 through #58235 in the amount of \$388,925.31 issued since the last meeting.

MOTION by Hamilton, second by Randall, to **AUTHORIZE** the payment of claim warrants #58160 through #58235 in the amount of \$388,925.31. The motion passed unanimously (7-0).

8. OTHER BUSINESS/INFORMATION ITEMS:

Councilmember Schilaty sent the Council an email from a high school student who would like to be recommended for the Association of Washington Cities (AWC) community scholarship. She knows her personally and she is an outstanding student. She is a senior at Snohomish High School and will be attending Whitworth College. She has lettered in Community Service which is a very onerous thing to do. She would be a good candidate. This is a highly competitive scholarship because 200 cities are sending their applicant recommendations. She is seeking the Council's endorsement. Mayor Guzak has no objection and the Council concurred.

Mayor Guzak stated the Snohomish Affordable Housing Group wants to make a presentation at the AWC meeting to be held in Everett concerning their model work in providing affordable housing. Because they are not a member of the AWC, they have asked for a letter of support from the City of Snohomish. It seems to her it would be appropriate to do so. She asked for Council support in signing the letter. The Council agreed.

Mayor Guzak asked if the Council had any inclination to work on hiring an RF Engineer or a land use attorney relative to the cell tower regulations.

Councilmember Randall knows this is a tough industry to stay ahead of. He worked for Verizon for twenty-seven years and the innovation and rate of change is rapid. He suggested maybe we do need to think about the RF Engineer idea. He had no idea how much that would cost.

Councilmember Schilaty asked the City Attorney to comment on this issue. Mr. Weed responded when an issue comes up that his law firm recognizes is of such great special expertise they would recommend that the City consider hiring someone in that area. There is a wealth of good information out there that his firm has researched and is aware of concerning the changes in the law. Most notably was an FCC order and decision in rule making issued in 2014 that redefines some of the issues that led him to conclude that most cities should be updating and changing their wireless communication regulations to be in concert with what the FCC ruling states. He stated his office has had discussions with an FCC expert. His name is Bob Duchon with River Oaks Communications. He is a lawyer in

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this area and works throughout the country. Mr. Weed has not asked Mr. Duchen to study, critique and review this particular ordinance. He did recommend that we carefully study the recent ordinance that the City of Spokane adopted in this area after vetting it thoroughly through citizen stakeholders, businesses and lawyers that represent the wireless industry.

There are some provisions from the Spokane ordinance that was incorporated into the City's draft ordinance.

Councilmember Schilaty questioned the cost and hours involved. Mr. Weed stated that is a difficult question to answer, but estimated approximately five to ten hours of legal time.

Mayor Guzak stated she is aware Mr. Dennison has looked at best practices from a number of other jurisdictions, but Mr. Rautenberg who hired both an RF engineer and an attorney wanted to charge us \$5,000 for his information.

Councilmember Schilaty is not inclined to pay a citizen who hired an expert on their own. However, if City staff felt it was necessary to hire an attorney, she would support that. Due to the rapid changing technology, this ordinance may be changing. It's a balancing act. She sometimes gets the impression, and they are not here to respond, that the goal is to keep them out. We know that we can't do that. The goal is to mitigate the impact as much as possible.

Mr. Weed stated one alternative to hiring these areas of special expertise before you have your public hearing, would be to hold the public hearing and see what issues are raised concerning RF issues and legal issues. If in the City Council's best judgment after conducting the public hearing, the Council can evaluate the further need for experts.

Councilmember Hamilton agrees with the City Attorney. He would like to note the Planning Commission has held a public hearing. The individuals that had interest in this, attended and had opportunities to present information. They will have another opportunity to make public input and if they have some serious modifications and can justify that, the Council can either incorporate them or the hearing can be continued. He doesn't believe the Council needs to hire somebody in the interim.

The Council agreed to wait.

9. COUNCILMEMBER COMMENTS:

Councilmember Hamilton announced that he is now the Chair of the Finance and Administration Committee with Community Transit.

Councilmember Burke stated the City will be discussing the marijuana issue more in the future. He recommended Councilmembers review The Economist magazine investigative article about Washington and Colorado State. There is a lot of good numbers in it and he recommends it.

Councilmember Rohrscheib stated National Night Out is scheduled for August 2, 2016 and the Public Safety Commission is looking at conducting the event in a central location this year. Snohomish Presbyterian Church has a large and central area to hold this event. It would be very nice if all the City Council could attend. It's a Tuesday, but he thinks it would be good for all Councilmembers to be out in the community that night. He thinks it would be worth their time not to have a meeting that evening.

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10. MANAGER’S COMMENTS:

Mr. Bauman will follow up with the Council on Councilmember Rohrscheib’s suggestion regarding canceling the August 2 regular City Council meeting in order to participate in National Night Out. Staff is also looking at an extended workshop on May 3 regarding water supply. This is an issue that Council has visited numerous times in the last several years, but it is getting down to some critical decision points and staff would also like to include an executive session in that workshop framework. Staff would like to begin at 5:30 p.m., and he will follow up with an email to Council to confirm whether Council is interested in doing that or not.

11. MAYOR’S COMMENTS:

Mayor Guzak stated that Councilmembers Schilaty and Hamilton, along with City Manager Bauman had a pleasant lunch with Suzan DelBene, the City’s Representative to Washington D.C. They discussed issues of common concern. An issue she will be working on is trying to propose a Bill to collect sales tax on internet sales. Currently, many internet sales happen within Snohomish and the City is unable to collect any sales tax.

12. ADJOURN at 10:56 p.m.

APPROVED this 1st Day of March, 2016.

CITY OF SNOHOMISH

ATTEST:

Karen Guzak, Mayor

Pat Adams, City Clerk

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Date: March 1, 2016
To: City Council
From: Owen Dennison, Planning Director
Subject: **Public Hearing - Wireless Communications Facilities Amendments**

This agenda item provides a public hearing and City Council deliberation on Ordinance 2301 to amend regulations in Title 14 SMC applicable to wireless communication facilities (WCFs). A prior version of the draft regulations was discussed by the City Council on December 1, 2015. As addressed further below, the Planning Commission recommends adoption of the proposed amendments.

BACKGROUND: Demand for wireless bandwidth is increasing. To meeting the growing capacity requirements, service providers are upgrading existing facilities and installing new infrastructure. As a consequence, the density of WCFs across the community may increase over the coming years. The form these facilities take and any attendant ramifications for the visual character of the City depend on the regulations that guide them.

The recent application, now withdrawn, to construct a new wireless monopole adjacent to the Boys and Girls Club highlighted the obsolescence of the current wireless facility regulations. These regulations have not been updated for about nine years and are little changed from those adopted in 1998. Wireless facilities are currently regulated as *communications facility-major* and *communications facility-minor*. In general, a new monopole is a *communications facility-major*, and antennas mounted on buildings or on existing cell towers or extending from utility poles are *communications facilities-minor*. The former are conditional uses where allowed and the latter are permitted uses where allowed, except in the Historic Business designation where they are conditional uses. However, apart from the limited guidance of the conditional use criteria in Chapter 14.65 SMC, current regulations do not specifically limit the height, location, or design of new wireless facilities or require consideration of other, less prominent facility types.

ANALYSIS: In an effort to facilitate a rapid deployment of new facilities, the federal government has adopted rules to preclude local jurisdictions from prohibiting new WCFs or protracting the application review processes. According to 47 U.S. Code § 332(c)(7), a local jurisdiction may not “unreasonably discriminate among providers of functionally equivalent services” or “prohibit or have the effect of prohibiting the provision of personal wireless services”. Local governments may not regulate wireless facilities on the basis of the environmental effects of radio frequency emissions to the extent the facilities comply with the FCC’s regulations. Local governments must also act on requests to place, construct or modify a WCF “within a reasonable period of time”. This reasonable period has been interpreted by the FCC as 90 days for a colocation on an existing WCF support structure, and 150 days to decide an application for a new WCF.

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Congress also included provisions in the Middle Class Tax Relief and Job Creation Act of 2012 stating that local governments “may not deny and shall approve” modifications to existing cell towers that do not substantially alter the physical dimensions of the tower or base station. The FCC determined that 60 days is a reasonable period of time for this review, as the reviewing agency would have no choice but to approve such an “eligible facility”. Failure to issue an approval within this period means the application is “deemed granted”.

Except by mutual agreement of the applicant and local government, the only action that may pause or “toll” the prescribed review timeframe, typically referred to as the “shot clock”, is a determination that the application is not complete and additional information is required for review. Any request for additional information may only occur within the first 30 days after the date on which the application was initially filed. Current regulations do not refer to the shot clock timeframes, nor do they distinguish between eligible facilities, i.e., non-substantial collocation, removal, or replacement of equipment, and other, more substantial changes to an existing WCF. Proposed Chapter 14.242 SMC incorporates the shot clock timeframes—60-day, 90-day, and 150-day—as separate permit types for purposes of processing applications.

PROPOSED AMENDMENTS

If adopted, Ordinance 2301 would supplant existing WCF regulations in the Land Use Tables Chapter 14.207 SMC with a new Chapter 14.242.

The proposed code was developed with the expectation that wireless facilities of certain scales, forms, and locations are perceived to have a lower impact than others on surrounding neighborhoods and the overall visual character of Snohomish. In general, new monopoles are considered to be incongruous with the image and identity of the community, although not necessarily in all potential locations. However, prohibiting new facilities is inconsistent with federal law and may limit the range and quality of services to City residents. Therefore, the approach was to create an enforceable hierarchy of preferences as well as other conditions to minimize the visual prominence of WCFs while allowing services to expand.

The hierarchy in Section 14.242.050 incorporates land use designations to specify potential locations for new WCFs. Unlike the Land Use Tables in Chapter 14.207 SMC where these facilities are currently regulated, land use designations are only one variable of the regulatory preference status. Others include whether the WCF is within or on a building or other structure such as a utility pole or water tower, the height of the proposed WCF, whether the WCF is within a public street or transmission line right-of-way, ownership of the site, and whether the presence of existing buildings or vegetation on the site will provide screening.

Certain geographies, such as residential designations and the Historic District, are regarded as more sensitive to new WCFs than others. The draft regulations discourage, but do not prohibit, WCFs in these locations to avoid challenges based on the federal preemption. Within and adjacent to residential designations, a WCF may be:

- Entirely enclosed within a non-residential building (Tier 1);
- Incorporated into the architecture of an existing building above the first floor where it must match the building’s design (Tier 1);
- Located on a transmission tower within a transmission easement (Tier 1);
- On a City water tower (Tier 1);
- On a utility within a City right-of-way where the extension above the original pole height is no more than 25 feet (Tier 2);

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- On City-owned land where vegetation will screen 80 percent of the height where visible from off-site locations (Tier 3);
- On a utility pole in a minor arterial right-of-way, where the extension is no more than 40 feet above the original pole height (Tier 3);
- Within a public right-of-way where located on a wood support structure and limited to 60 feet in height (Tier 4); and
- In a non-building tract, such as for utilities, open space, or private recreation, where vegetation will screen 80 percent of the height where visible from off-site locations (Tier 4).

Of these, only the Tier 3 and Tier 4 options may be new monopoles. Any proposal for a Tier 3 or Tier 4 WCF must demonstrate that no higher-tier alternative will meet the needs of the applicant's functional requirements for the facility.

The proposed regulations prohibit new monopoles within the Historic District unless the applicant can demonstrate the site is necessary and without any effective alternative. As with the residential designations, the concern is that a blanket prohibition would not be legally sustainable in all circumstances. However, the justification is anticipated to represent a sufficiently high bar that the likelihood of a monopole in the Historic District is low. Also as with the residential designations, options to locate antennas on or inside a building or on a utility pole are available to service providers.

The tiers of the hierarchy are intended to categorize WCF alternatives solely on the basis of preference. As a result, colocations, new monopoles, building mounts, utility pole mounts, and other options are commingled within tiers. At the same time, the code addresses eligible facility requests, non-eligible colocations, and new structures as separate permit categories following the federal classification of WCFs. Combining the federal classifications with the hierarchy tiers results in a fairly complex regulatory scheme. On several occasions, this complexity has been raised as a fault with the proposal. In the view of staff and the Planning Commission, however, the complexity is not a defect provided the requirements can be understood and implemented by applicants and project reviewers. Ultimately, staff believes that effectiveness would be more important to the community than increasing the simplicity of these regulations.

Several policy issues of which the City Council should be aware are contained within the regulatory proposal. The first regards potential locations within City-owned parks. Clearly, following the issues at the Boys and Girls Club location, there is community sensitivity to this issue. Over the course of the Planning Commission's review, several public commenters requested provisions to remove public parks as a location option. After some debate, the Planning Commission determined that a categorical exclusion was not in the public interest, provided that new monopoles or other facilities are adequately screened to reduce their prominence and will not displace recreational opportunities. To address these concerns, the Planning Commission recommends that WCFs be allowed as a Tier 3 option on City-owned land where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities and where vegetation adjacent to the WCF location screens 80 percent of the height of the WCF where visible from off-site locations. The Tier 3 classification means that an applicant would need to provide technical justification that all alternatives in Tiers 1 or 2 are infeasible. The example discussed by the Planning Commission was within the dense stand of trees at the east end of Hill Park adjacent to Park Avenue. A location within the trees provides the necessary

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screening and does not compete for space with recreational activities. However, it is likely there is still sensitivity within the community on any potential park location.

The second policy issue regards proposed Section 14.242.070, which is intended to address concerns about the installation of WCFs on City-owned property, including parks. Private development on City lands requires both development approvals and lease approval. While the City is legally constrained in how land use approvals are processed and decided, the City Council has complete latitude to grant or deny the use of City property for a non-public use. These two processes are entirely separate although both are necessary to allow a WCF in a park or on other public property. Although Section 14.242.070 is located within the development regulations, the provision addresses the City Council's public process to determine whether to make the land available for a WCF rather than the permit approval process. The provision would require a specific public process—a public hearing—before taking action on a request to place a WCF on City property.

The final policy issue regards notification of land use proposals to install WCFs. Members of the public have voiced concerns that the standard notification provided for former the Verizon proposal was inadequate, as the sensitivity was community wide and not limited to the immediate vicinity of the project site. Standard development application notice includes site posting, publication of notice, and mailing to a 300-foot radius around the site. The Planning Commission recommends a citywide mailed notice for all new Tier 3 and 4 proposals. WCF types included in Tiers 3 and 4 include new monopoles outside the Business Park and Industrial designations and 40-foot utility pole extensions within a minor arterial right-of-way. While staff appreciates the concerns this is intended to address, citywide notice is a significant departure from the notification procedures for all other development types.

PUBLIC COMMENT

The Planning Commission received public comment from various sources as it reviewed the draft regulations. Commenters have addressed the following issues.

- Encourage distributed antenna systems (DAS) and other small cell systems.

Staff comment: According to case law, the City cannot require or specifically favor one technological approach over another. Technology is the purview of the Federal Communications Commission. The City can however, encourage its use. Draft Section 14.242.010A.3 provides a statement to this effect.

- As technology is progressing, there may be solutions the City cannot envision at this point that may be consistent with community expectations. The regulations should address this possibility.

Staff comment: Tier 1 of the siting hierarchy includes a provision (14.242.050A.9) allowing other unforeseen options that would provide a result equal to or better than other Tier 1 WCF types.

- Prohibit new monopoles within the viewshed of gateways and primary arterials.

Staff comment: While the policy intent is appreciated, implementation would be difficult. Gateway viewsheds are more difficult to define for purposes of regulation than discrete geographic areas. Further, many areas of the City are visible from a major corridor. For example, the three cell towers on and adjacent to the BPA site are visible from Avenue D. Almost all portions of the Business Park designation are visible from Bickford Avenue. Staff and

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the Planning Commission prefer using mapped geographies such as land use designations, rights-of-way, and the Historic District as the basis for WCF regulation.

- Broaden the Historic District exclusion zone to the older portion of the City south of Sixth Street, as the Historic District does not incorporate all areas that give the community its historic character and contribute to the City's "brand".

Staff comment: Out of caution for establishing differential protections not related to zoning or other adopted geographies, this suggestion was not incorporated in the draft chapter. However, excluding the Pilchuck District, the area in question is almost entirely in residential designations. Apart from locating WCFs on utility poles, locations within or adjacent to residential designations are Tier 4 types, meaning that other options would need to be exhausted before such locations could be approved and a public hearing before the Hearing Examiner would be required for approval.

- Prohibit WCFs in recreational tracts within residential plats.

Staff comment: This issue was discussed at length by the Planning Commission. Ultimately, the Commission determined that the same screening provisions applicable to public parks should apply to private parks (e.g., "tot lots" created in some subdivisions). In general, it is not likely that sufficient tree cover will be available in a pocket park to allow approval. However, the decision on whether to commit a portion of a private park to a WCF should be left to the homeowners association.

- Prohibit WCFs in public parks.

Staff comment: See policy issue discussion above.

Finally, a written comment summary was provided by Mr. Rolf Rautenberg at the Planning Commission's public hearing on February 3, 2016 (see Attachment B). According to his comments, Mr. Rautenberg engaged the services of an engineer with broad experience with WCF codes to evaluate the draft regulations. While Mr. Rautenberg noted that the engineer had provided him an annotated copy of the draft chapter, only the summary was offered to the Planning Commission for its review. While staff appreciates Mr. Rautenberg's efforts and expense on behalf of the community, staff's review of the summary does not reveal fatal flaws or, in fact, anything else that would necessitate changes to the current draft of Ordinance 2301. According to staff's reading, the primary approach within this summary indicates that the draft ordinance is overcautious with regard to timeframes in federal law, and over-inclusive in the definitions subject to federal requirements. Neither appears to represent a significant concern or obstacle to implementation.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends adoption of Ordinance 2301 as written. However, the Planning Commission also recommends the City Council consider engaging a professional engineer with expertise in wireless communications facilities and applicable federal law to review the draft, as a precautionary measure. Staff appreciates the cautious approach proposed by the Planning Commission. However, staff suggests that the costs, both in time and financial resources, be weighed against the benefits of a City-funded technical review. While WCFs are a potentially noticeable component of the landscape, they are but one of many land uses in the City. It is not clear how much valuable information would be contributed to the very significant effort already invested in the analysis for this code development process.

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STRATEGIC PLAN REFERENCE: This item generally furthers Strategy A: Enhance the streetscapes of primary corridors and improve gateways, signage, and way-finding to strengthen the City's identity and invite people to the City; of Initiative 7, Strengthen the City's attractiveness as a regional destination.

RECOMMENDATION: That the City Council **ACCEPT** public comment and **ADOPT Ordinance 2301** as written or as amended.

ATTACHMENTS:

- A. Draft Ordinance 2301
- B. Public comment
- C. Meeting minutes

ATTACHMENT A

**CITY OF SNOHOMISH
Snohomish, Washington**

DRAFT ORDINANCE 2301

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, AMENDING THE CITY'S DEVELOPMENT CODE AS SET FORTH IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE (SMC) BY ADDING A NEW CHAPTER 14.242 ENTITLED "WIRELESS COMMUNICATIONS FACILITIES" RELATING TO STANDARDS FOR REVIEW OF WIRELESS COMMUNICATIONS FACILITY PROPOSALS; AMENDING SMC 14.100.120 BY DELETING DEFINITIONS OF PLANNING TERMS; BY AMENDING SMC SECTIONS 14.207.090, 14.207.120, 14.207.125 AND 14.207.150 RELATING TO PERMITTED USES; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and promote compatible and rational land development and land use in all portions of the City; and

WHEREAS, the Development Code identifies processes for review of land use applications and conditions under which land uses may be approved; and

WHEREAS, the City's regulations applicable to wireless communications facilities are determined to be no longer consistent with community needs and expectations; and

WHEREAS, the City Council affirms it is in the public interest to allow and encourage investment in communications infrastructure in the City to provide adequate wireless services to City residents, businesses, and visitors; and

WHEREAS, since the current wireless communications facility regulations were last amended, federal regulations and court decisions, wireless technologies, and consumer demand have reshaped the environment within which wireless communication facilities are permitted and regulated; and

WHEREAS, through the Federal Communication Commission's rules, the federal government has mandated strict timeframes for review of applications for new and modified wireless communication facilities; and

WHEREAS, the City Council has determined that certain land use and development contexts are more sensitive than others to visual impacts related to new wireless communication facilities; and

WHEREAS, the community has articulated preferences for the form and location of new wireless communications facilities; and

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WHEREAS, following duly published notice, on February 3, 2016, a public hearing on the proposed amendments was held before the Snohomish Planning Commission and all persons wishing to be heard were heard; and

WHEREAS, following the public hearing, the Planning Commission evaluated issues related to proposed wireless communications facilities amendments; and

WHEREAS, consistent with SMC 14.15.090, the Planning Commission made findings and issued a recommendation to the City Council regarding the proposed amendments in which the Planning Commission found that the proposed amendments are internally consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, the Planning Commission recommends that the City Council adopt the proposed Development Code amendments set forth herein; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt proposed amendments to the City's Development Code set forth herein; and

WHEREAS, acting as the City of Snohomish SEPA Responsible Official, the City Planning Director reviewed the proposed amendments and issued a Determination of Non-significance (DNS); and

WHEREAS, following duly published public notice, on February 16, 2016, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Planning Commission Findings and Recommendation. The Planning Commission findings are hereby adopted and incorporated herein by reference, including but not limited to the findings that the Development Code amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 2. Adoption of Chapter 14.242 SMC. Title 14 of the Snohomish Municipal Code is hereby amended by adding a new Chapter 14.242 entitled "WIRELESS COMMUNICATIONS FACILITIES" as provided and attached to this Ordinance as **Exhibit A**.

Section 3. Amendment of SMC Section 14.100.020. SMC Section 14.100.020 is hereby amended by deleting terms and definitions as set forth in the attached **Exhibit B** which is incorporated herein by this reference. Except for those deletions contained in Exhibit B, all other terms and definitions contained in SMC 14.100.020 remain in full force, unchanged.

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Section 4. Amendment of SMC 14.207.090, 14.207.120, 14.207.125 and 14.207.150. SMC Sections 14.207.090, 14.207.120, 14.207.125, and 14.207.150 are hereby amended to delete land uses and associated conditions set forth in the attached **Exhibit C** which is incorporated herein by this reference. Except for those deletions contained in Exhibit C, all other provisions of SMC 14.207.090, 14.207.120, 14.207.125 and 14.207.150 and associated conditions shall remain in full force, unchanged.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 6. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 1st day of March, 2016.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
PAT ADAMS, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____

Chapter 14.242 WIRELESS COMMUNICATIONS FACILITIES

Sections

14.242.010	Purpose
14.242.020	Definitions
14.242.030	Applicability and Exemptions
14.242.040	Prohibitions
14.242.050	Siting Hierarchy
14.242.060	Exception from the Standards.
14.242.070	City-Owned WCF Sites
14.242.080	Types of WCF Permits Required
14.242.090	WCF Application Requirements
14.242.100	Permit Review (“Shot Clock”) Time Periods
14.242.110	Category 1 WCF Permit Process and Findings
14.242.120	Category 2 WCF Permit Process and Findings
14.242.130	Category 3 WCF Permit Process and Findings
14.242.140	Development Standards
14.242.150	Conditions of Approval
14.242.160	Third Party Technical Review
14.242.170	Public Notice
14.242.180	Removal of Abandoned Equipment
14.242.190	Revocation

14.242.010 Purpose.

The purpose of this chapter is to accommodate wireless communication facilities (WCFs) in a manner that preserves the visual and aesthetic landscape and character of the City and minimizes adverse impacts to residents. These regulations are intended to provide all purveyors of wireless services an equal opportunity to serve the community in accordance with federal law.

- A. This chapter is intended to further the following objectives:
1. To establish procedural requirements and substantive criteria applicable to approval or denial of applications to modify existing WCFs or to locate and construct new WCFs in compliance with all applicable law.
 2. To minimize the adverse aesthetic impacts associated with WCFs through appropriate design and siting.
 3. To encourage the use of Distributed Antenna Systems (DAS) and other small cell systems that use components that are a small fraction of the size of macrocell deployments, and can be installed with little or no impact on utility support structures, buildings, and other existing structures.
 4. To encourage WCFs to locate on utility poles within the public right-of-way where a location in a residential area is necessary to meet the functional requirements of the telecommunication industry as defined by the Federal Communications Commission.

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5. To foster networks of telecommunications facilities that provide adequate wireless communication coverage to customers within the City and serve as an effective part of the City's emergency response network.
 6. To ensure that decisions are made in a timely, consistent and competitively neutral manner.
- B. To further these objectives, the City shall give due consideration to the zoning code, existing land uses, and environmentally, culturally and historically sensitive areas when approving sites for the location of communication towers and antennas.
- C. These objectives are intended to protect the public health, safety, and welfare, to protect property values, and to minimize visual impacts, while furthering the development of enhanced telecommunications services in the City. These objectives were designed to comply with the Telecommunications Act of 1996. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent wireless communication services.
- D. To the extent that any provision of this chapter is inconsistent or conflicts with any other City ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the City.

14.242.020 Definitions.

The following abbreviations, phrases, terms and words shall have the meanings assigned in the section or, as appropriate, in Chapter 14.100 SMC, as amended, unless the context indicates otherwise. Words that are not defined in this section or elsewhere in this title shall have the meanings set forth in Chapter 5 of Title 47 of the United States Code, Part 1 of Title 47 of the Code of Federal Regulations, and, if not defined therein, their common and ordinary meaning.

- A. "Antenna" means a specific device, the surface of which is used to transmit and/or receive radio-frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.
- B. "Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not include a tower, as defined herein, or any equipment associated with a tower. Base station includes, without limitation:
1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks).
 3. Any structure other than a tower that, at the time the relevant application is filed with the City under this section, supports or houses equipment described in paragraphs 1-2 above that has been reviewed and approved by the City.

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- C. “Colocation” means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.
- D. “Distributed Antenna System” or “DAS” means a network consisting of transceiver equipment at a central hub site to support multiple antenna locations throughout the designed coverage area.
- E. “Eligible facilities request” means any request for modification of an existing tower or base station that, within the meaning of the Spectrum Act, does not substantially change the physical dimensions of that tower or base station and involves (a) the colocation of new transmission equipment, (b) the removal of transmission equipment, or (c) the replacement of transmission equipment.
- F. “Eligible support structure” means any tower or base station that exists at the time the application is filed with the City.
- G. “FCC” means the Federal Communications Commission or successor agency.
- H. “Monopole” means a style of free-standing antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are attached to a foundation on the ground. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices.
- I. “Project” means a WCF for which a permit is required by the City.
- J. “RF” means radio frequency on the radio spectrum.
- K. “Spectrum Act” means Section 6409(a) of the Middle Class Tax Relief Act and Job Creation Act, 42 U.S.C. §1344(a) (providing, in part, “...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of any existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”).
- L. “Substantially change” means, in the context of an eligible support structure, a modification of an existing tower or base station where any of the following criteria is met:
 - 1. For a tower located outside of public rights-of-way:
 - a. The height of the tower is increased by more than twenty feet or by more than ten percent, whichever is greater; or
 - b. There is added an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - 2. For a tower located in the public right-of-way and for all base stations:

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- a. The height of the tower is increased by more than ten percent or ten feet, whichever is greater; or
 - b. There is added an appurtenance to the body of that structure that would protrude from edge of the tower by more than six feet.
3. For all base stations:
- a. The height of the base station is increased by more than ten percent or ten feet, whichever is greater; or
 - b. It involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not more than for four cabinets.
4. For either a tower or a base station:
- a. There is entailed in the proposed modification any excavation or deployment outside the current site of the tower or base station; or
 - b. The proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated; or
 - c. It does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.
5. To measure changes in height for the purposes of this section, the baseline is:
- a. For deployments that are or will be separated horizontally, measured from the original support structure.
 - b. For all others, measured from the dimensions of the tower or base station, inclusive of the originally approved appurtenances and any modifications that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.
 - c. To measure changes for the purposes of this section, the baseline is the dimensions that were approved by the City or Snohomish County, in the case of annexed facilities, prior to February 22, 2012.

M. “Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or FCC-authorized antenna, including any structure that is constructed for wireless communication service. This term does not include base station.

N. “Temporary WCF” means a nonpermanent WCF installed on a short-term basis, for the purpose of evaluating the technical feasibility of a particular site for placement of a WCF, for providing news coverage of a limited event, or for providing emergency communications during a natural disaster or other emergencies that may threaten the public health, safety and welfare.

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O. “Transmission equipment” means equipment that facilitates transmission of any FCC-licensed or FCC-authorized wireless communication service.

P. “Wireless communications facility” or “WCF” means any antenna, associated equipment, base station, small cell system, tower, and/or transmission equipment.

Q. “Wireless communications service” means, without limitation, all FCC-licensed backhaul and other fixed wireless services, broadcast, private, and public safety communication services, and unlicensed wireless services.

14.242.030 Applicability and Exemptions.

The provisions of this chapter shall apply to all applications for new and expanded/altered wireless communication facilities located within the boundaries of the City except the following, which shall be permitted in all land use designations unless otherwise regulated by Title 14 SMC:

- A. Systems for military and government communication and navigation.
- B. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.
- C. Hand-held, mobile marine and portable radio transmitters and/or receivers.
- D. Two-way radio used for temporary or emergency services’ communications.
- E. Federally licensed amateur (ham) radio stations and citizen band stations, provided that:
 - 1. No portion of the tower or antenna exceeds the height limits of the applicable land use designation;
 - 2. The tower shall be located a distance equal to or greater than its height from any existing residential structure located on an adjacent parcel;
 - 3. Towers shall not be used for commercial purposes; and
 - 4. All towers shall meet all applicable state and federal statutes, rules, and regulations, including obtaining a building permit from the City, if applicable.
- F. Receive-only television and satellite dish antennas as an accessory use.
- G. A temporary WCF.

14.242.040 Prohibitions.

- A. The following new wireless communication facilities are prohibited:
 - 1. Guyed towers.
 - 2. Lattice towers.

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B. Unless demonstrated to be necessary and without effective alternative, new monopoles are prohibited within the boundaries of the Historic District.

14.242.050 Siting Hierarchy.

Siting of antennas or support structures shall adhere to the siting hierarchy of this section. The order of preference ranking for antennas or antenna support structures, from highest to lowest, shall be Tier 1 to Tier 4. Except where a Tier 1 WCF is proposed, the applicant shall file relevant information including but not limited to an analysis and affidavit by a registered professional electrical engineer licensed in the State of Washington demonstrating that, despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher tier options are not technically feasible or not justified given the location of the proposed wireless communications facility and the need to cover significant gaps in network coverage.

A. Tier 1 -A WCF that is:

1. Concealed entirely within a non-residential building.
2. Incorporated into the exterior architecture of an existing building above the first floor to match the building's design.
3. Designed with no antenna extending more than 12 feet above a utility pole or structure (other than a building) constructed for a non-WCF purpose upon which it is mounted.
4. Located on an existing monopole or lattice structure in compliance with all original conditions of approval.
5. Located on a high-voltage transmission tower within a transmission right-of-way and outside a public street right-of-way.
6. A new monopole-style WCF with antennas in a canister located within the Business Park or Industrial designation.
7. Located on a City water tower.
8. Except as otherwise listed, any alternative not visible, and not anticipated to become visible, from any off-site location.
9. Determined to be consistent with the purpose of this subsection and resulting in an equivalent or lower visual impact than the WCF alternatives in this subsection due to incorporation of technologies not in common use as of the date of this ordinance.

B. Tier 2 - A WCF that is:

1. Located on a new or existing utility pole within a City right-of-way and extending no more than 25 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.
2. Located on the flat roof of an existing non-residential building in a commercial or industrial designation and extending no more than 20 feet above the existing roof, provided the WCF is no closer to the edge of the roof than the height of the WCF.

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C. Tier 3 - A WCF that is:

1. Located on City-owned land where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF location screens 80 percent of the height of the WCF where visible from off-site locations.
2. Located on a new or existing utility pole within a City minor arterial and extending no more than 40 feet above the existing pole height and having no antenna or other equipment extending more than 3 feet from the exterior of the pole on which it is mounted.

D. Tier 4 - WCF not meeting any of the options in A through C above when no reasonable alternative exists, where the facility height is demonstrated to be the lowest necessary to meet functional requirements, and when consistent with the following provisions:

1. In developed street rights-of-way adjacent to residential designations where located on wood support structures a maximum of 60 feet in height.
2. On non-building tracts within residential designations where vegetation removal is the minimum necessary to allow installation and maintenance of the facilities, and where vegetation adjacent to the WCF screens 80 percent of the height of the WCF from off-site locations.
3. On publicly owned lands of three acres or larger and located to minimize visibility from and impacts to adjacent properties.
4. In the Commercial, Mixed Use, and Pilchuck District designations, only where located on properties without residential uses and set back at least 20 feet from the front property line. The support structure shall be set back a distance equal to the height of the support structure from any residential designation.

14.242.060 Exception from the Standards.

Except as otherwise provided in this chapter, no WCF shall be used or developed contrary to any applicable development standard unless an exception has been granted pursuant to this section. These provisions apply exclusively to WCFs and are in lieu of the generally applicable variance provisions in Chapter 14.70 SMC.

A. A WCF exception is a Type 6 permit process.

B. Submittal Requirements. In addition to the submittal requirements for the WCF permit application, an application for a WCF exception shall include:

1. A written statement demonstrating how the exception would meet the criteria.
2. A site plan that includes:
 - a. A description of the proposed facility's design and dimensions, as it would appear with and without the exception.

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- b. Elevations showing all components of the WCF as it would appear with and without the exception.
- c. Color simulations of the WCF after construction demonstrating compatibility with the vicinity, as it would appear with and without the exception.

C. Criteria. An application for a WCF exception shall be granted if the following criteria are met:

1. The exception is consistent with the purpose of the development standard for which the exception is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential designations, the Historic District, and public places, including street rights-of-way through mitigating measures, including, but not limited to, building heights, design, bulk, color, and landscaping.
3. The applicant demonstrates the following:
 - a. A significant gap in the coverage, capacity, or technologies of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
 - b. The gap in coverage or connectivity can only be filled through an exception to one or more of the standards of this chapter; and
 - c. The exception requested is narrowly tailored to fill the service gap such that the wireless communication facility conforms to this chapter's objectives and standards to the greatest extent possible.
4. Except as otherwise provided in this chapter, for a new tower proposed to be located within or adjacent to a residential designation, the applicant must also demonstrate that the manner in which it proposes to fill the significant gap in coverage, connectivity, capacity, or technologies of the service network is the least visually intrusive to the surrounding community and the most consistent with the standards in this chapter.

14.242.070 City-Owned WCF Sites.

Except within rights-of-way, sale, lease or other use of City-owned lands for a WCF shall be subject to City Council approval following a public hearing. Public review of such sales, lease, or other use by the City Council is not subject to the permit review timeframes in SMC 14.242.100. Through its review, the City Council may deny a request to use City-owned land or, if approved, may require conditions in excess of this chapter.

14.242.080 Types of WCF Permits Required.

A WCF permit shall be required prior to the construction or installation of each new or modified WCF other than a temporary WCF as defined herein. A WCF permit is required in addition to

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any land use, building, or right-of-way use permit or approval to which the proposal is subject under this title.

A. A Category 1 WCF Permit shall be required for an eligible facilities request, as defined in this chapter.

B. A Category 2 WCF Permit shall be required for:

1. Any modification of an eligible support structure, including the collocation of new equipment, that substantially changes the physical dimensions of the eligible support structure on which it is mounted; or

2. Any collocation not eligible for a Category 1 WCF Permit.

C. A Category 3 WCF Permit shall be required for the siting of any WCF that is not a collocation subject to a Category 1 or 2 WCF Permit.

14.242.090 WCF Application Requirements.

All applications for a WCF Permit shall contain the following items:

A. The applicant shall specify in writing the classification of the proposal on the siting preference hierarchy in SMC 14.242.050. Except applications for any WCF Permit that are consistent with a siting preference Tier 1 WCF type, a justification for a lower tier shall be provided.

B. The applicant shall specify in writing whether the applicant believes the application is for an eligible facilities request subject to the Spectrum Act, and if so, provide a detailed written explanation as to why the applicant believes that the application qualifies as an eligible facilities request.

C. The applicant shall submit a land use application form, as may be amended from time to time.

D. The applicant shall submit a complete and signed application checklist available from the City, including all information required by the application checklist.

E. The applicant shall remit fees as prescribed in the adopted fee schedule.

F. The application shall be accompanied by all applicable permit applications with required application materials for each separate permit required by the City for the proposed WCF.

G. For Category 3 WCF Permits, the plans shall include a scaled depiction of the maximum permitted increase in the physical dimensions of the proposed project that would be permitted by the Spectrum Act, using the proposed project as a baseline.

H. The application submittal shall include such requirements as may be, from time to time, required by the City Planner, as publicly stated in the application checklist.

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14.242.100 Permit Review (“Shot Clock”) Time Periods.

A. City review of application materials. For the purposes of this chapter, all time periods are measured in calendar days. The timeframe for review of an application shall begin to run when the application is submitted, but shall be “tolled”, meaning temporarily suspended, if the City finds the application incomplete and provides notice of incompleteness that delineates the missing information in writing. A notice of incomplete application shall be made within 30 days of submittal of the application. After submittal of all additional information included on the notice(s), the City will notify the applicant within 10 days of this submittal if the additional information failed to complete the application. If the City makes a determination pursuant to SMC 14.242.080B1 that the application submitted as a Category 1 eligible facilities request should be processed as a Category 2 or Category 3 WCF Permit, then the Category 2 or Category 3 processing time, as applicable, shall begin to run when the City issues this decision.

B. Category 1 WCF Permit processing time. For Category 1 WCF Permit applications, the City will act on the WCF application, together with any other City permits required for a WCF modification, within 60 days, adjusted for any tolling due to requests for additional information or mutually agreed extensions of time.

1. If the City determines that the application does not qualify as a Category 1 eligible facilities request, the City will notify the applicant of that determination in writing and will process the application as a Category 2 or Category 3 WCF permit application, as applicable.
2. To the extent federal law provides a “deemed granted” remedy for Category 1 WCF Permit applications not timely acted upon by the City, no such application shall be deemed granted until the applicant provides notice to the City, in writing, that the application has been deemed granted after the time period provided in Section B above has expired.
3. Any Category 1 WCF Permit application that the City grants or that is deemed granted by operation of federal law shall be subject to all requirements of Section 14.242.140C and E and 14.242.150A through F.

C. Category 2 processing time. For Category 2 WCF Permit applications, the City will act on the application within 90 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

D. Category 3 processing time. For Category 3 WCF Permit applications, the City will act on the application within 150 days, adjusted for any tolling due to requests for additional information or mutually agreed upon extensions of time.

E. Denial of application. If the City denies a WCF application, the City will notify the applicant of the denial and the reasons for the denial, in writing.

14.242.110 Category 1 WCF Permit Process and Findings.

A. A Category 1 WCF Permit shall be reviewed by the City Planner, whose decision shall be final and shall not be appealable pursuant to Chapter 14.75 SMC.

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B. The City Planner shall grant a Category 1 WCF Permit provided that the City Planner finds that the applicant proposes an eligible facilities request.

C. The City Planner shall impose the following conditions on the grant of a Category 1 WCF Permit:

1. The proposed colocation or modification shall not defeat any existing concealment elements of the support structure; and
2. The proposed WCF shall comply with the development standards in SMC 14.242.140C and E and the conditions of approval in SMC 14.242.150.

14.242.120 Category 2 WCF Permit Process and Findings.

A. A Category 2 WCF Permit shall be reviewed by the City Planner, whose decision shall be appealable to the Hearing Examiner pursuant to Chapter 14.75 SMC.

B. The Hearing Examiner, on appeal, shall grant a Category 2 WCF Permit subject to findings the proposed WCF complies with the development standards in SMC 14.242.140 and the conditions of approval in SMC 14.242.150 and that the justification under SMC 14.242.050 and SMC 14.242.060, as applicable, contain sufficient engineering analysis to justify the proposal.

14.242.130 Category 3 WCF Permit Process and Findings.

A. A Category 3 WCF Permit for a WCF designated as Tier 4 in the siting preference hierarchy in SMC 14.242.050 shall be reviewed by the Hearing Examiner as a conditional use permit. All other Category 3 WCF Permits shall be reviewed by the City Planner. Approval shall be subject to findings of compliance with the development standards in SMC 14.242.140, the conditions of approval in SMC 14.242.150, and the conditional use approval criteria in SMC 14.65.020B, and that the justification under SMC 14.242.050 and SMC 14.242.060, as applicable, contains sufficient engineering analysis to justify the proposal.

B. The City Planner and Hearing Examiner decisions shall be appealable according to the provisions of Chapter 14.75 SMC.

14.242.140 Development Standards.

Except as otherwise provided in this chapter, a proposed WCF project shall comply with the following standards:

A. The WCF project shall utilize the smallest footprint possible consistent with its functional service requirements.

B. The WCF project shall be designed to minimize the overall height, mass, and size of the base station.

C. The base station shall be screened from public view.

D. The WCF project shall be architecturally compatible with the existing site to the extent possible.

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- E. An antenna, base station, or tower shall be designed to minimize its visibility from off-site locations. Concealment, screening, and other techniques may be used to blend the facilities with the visual character of the surrounding area.
- F. A building-mounted antenna, base station, or tower shall be architecturally compatible with the existing building on which the equipment is attached.
- G. Any WCF project in the Historic District, except when subject to an eligible facilities request, shall be reviewed by the Design Review Board and a recommendation issued for the project record.
- H. Except where proposed within a public right-of-way, a new support structure shall be set back from the street frontage to the extent possible.
- I. Where aviation safety beacon lights are required, red is preferred over white. Where applicable, applicants shall identify the type of lighting proposed and provide a justification for the use of white lights over red lights.

14.242.150 Conditions of Approval.

In addition to any other conditions of approval permitted under federal and state law and this code that the decision authority deems appropriate or required under this chapter, all WCF projects approved under this chapter, whether approved or deemed granted by operation of law, shall be subject to the following conditions of approval:

- A. Permit conditions. The grant or approval of a WCF Category 1 Permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by the Spectrum Act.
- B. As-built plans. The applicant shall submit to the City Planner an as-built set of plans and photographs depicting the entire WCF as modified, including all transmission equipment and all utilities, within 90 days after the completion of construction.
- C. The applicant shall hire a qualified engineer licensed by the State of Washington to measure actual radio frequency emission of the WCF and determine if it meets the FCC's standards. A report, certified by the engineer, of all calculations, required measurements, and the engineer's findings with respect to compliance with the FCC's radio frequency emission standards shall be submitted to the City Planner within one year of commencement of operation.
- D. Indemnification. To the extent permitted by law, the applicant shall indemnify and hold harmless the City, its City Council, its officers, employees and agents (the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside or void, any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City for its actual attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion and at the applicant's expense, elect to defend any such action with attorneys of its own choice.

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E. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws including, without limitation, all building codes, electrical code, and other public safety requirements. Any failure by the City to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.

F. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the City.

14.242.160 Third Party Technical Review.

Although the City intends for City staff to review administrative matters to the extent feasible, the City may retain the services of an independent, RF technical expert to provide technical evaluation of permit applications for WCFs. The selection of the third party expert is at the discretion of the City. The applicant shall pay the cost for any independent consultant fees, along with applicable overhead recovery, through a deposit, estimated by the City, paid within 10 days of the City's request. When the City requests such payment, the application shall be deemed incomplete for purposes of application processing timelines. In the event such costs and fees do not exceed the initial deposit amount, the City shall refund any unused portion within thirty days after the final permit is released or, if no final permit is released, within thirty days after the City receives a written request from the applicant. If the costs and fees exceed the deposit amount, then the applicant shall pay the difference to the City before the permit is issued. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the City may require changes to the proposal. The third party review may include, but is not limited to, the following:

- A. The technical accuracy and completeness of submittals;
- B. The applicability of analysis techniques and methodologies;
- C. The validity of conclusions reached by the applicant;
- D. The viability of other site or sites in the City for the use intended by the applicant;
- E. Whether the WCF complies with the applicable approval criteria set forth in this chapter; and
- F. Any specific engineering or technical issues identified by the City.

14.242.170 Public Notice.

Public notice of WCF applications shall be in accordance with the provisions of SMC 14.55.040. Notice of WCF applications shall be provided as follows:

- A. SEPA-exempt Category 1 and Category 2 permits shall be exempt from notice requirements.

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B. Notice of application shall be issued for Category 3 permits for WCFs listed as Tier 3 or Tier 4 on the preference hierarchy in SMC 14.242.050.

C. Public notice shall be in accordance with SMC 14.55.040, except that notice of application required under part B. shall be mailed to all owners of property located within the City.

14.242.180 Removal of Abandoned Equipment.

A WCF (Category 1, Category 2, or Category 3) or a component of that WCF that ceases to be in use for more than 90 days shall be considered abandoned and shall be removed by the applicant, wireless communications service provider, or property owner within 180 days of the cessation of the use of the WCF. This presumption may be rebutted by a showing that such WCF is an auxiliary back-up or emergency utility or device not subject to regular use or that the WCF is otherwise not abandoned. If the WCF is not removed within the prescribed time period and within 90 days written notice from the City, the City may remove the WCF at the owner of the property's expense or at the owner of the WCF's expense, including all costs and attorney's fees. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the WCF for a continuous period of 180 days.

14.242.190 Revocation.

The City Planner may revoke any WCF Permit if the permit holder fails to comply with any condition of the permit. The City Planner's decision to revoke a permit shall be appealable pursuant to Chapter 14.75 SMC.

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EXHIBIT B

14.100.020 Definitions.

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~~((**Communication facility — major** means a structural and/or freestanding tower facility for transmission and reception of UHF and VHF television signals, commercial FM or AM radio signals, or cellular radio signals. Large (over 6 feet diameter) microwave and satellite transmission dish assemblies are included in this description.))~~

~~((**Communication facility — minor** means communication antennas mounted on buildings, low power FM radio signals for short range use, and cellular radio antennas mounted on existing power poles or replacement poles and not adding more than fifteen feet to the original height of such poles.))~~

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EXHIBIT C

14.207.090 Government/Business Services Land Use Table.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Government Services														
((Communications facility, minor))				((p))	((p))	((p))	((p))	((p))		((e))	((p))	((p))	((p))	((p))
Court								p		p	p	p		p
Fire facility				c1	c1	c1	c1	p		p	p	p	p	c
Police facility								p		p	p	p		c
Public agency archives								p		p	p	p	p	p
Public agency office								p		p	p	p	p	p
Public agency yard								p			p	p	p	c
Sub regional utility			c	c	c	c	c	c		c	c	c	c	c
Business Services														
Professional office								p		p	p	p	p	p
Automobile dismantling												c10		c10
Automobile wrecking & scrap metal												c11		
Automotive parking								p		c	p	p	p	p
Automotive rental and leasing								p		p6	p	p	p	p6
Commercial/industrial accessory uses								p7		p7	p7	p	p	p7
Communication offices								p2		p2	p	p	p	p2
Construction and trade								p2		p2	p2	p	p	p2
Farm product refrigeration/storage			p6					p6			p	p	p	
Farm product warehousing			p6					p6			p6	p	p	p6
Freight and cargo service								p2		p2	p	p	p	p2
General business service								p		p	p	p	p	p
Heavy equipment and truck repair								p			p	p	p	p
Helipad													p	
Individual transportation and taxi								p2		p2	p	p	p	p2
Log storage												p		
Miscellaneous equipment rental								p		p6	p	p	p	p6
Outdoor advertising service								p6		p6	p6	p	p	
Passenger transportation service								p2		p2	p	p	p	p2
Professional sport teams/promoters								p2		p2	p2	p	p	p2
Research, development and testing								p		p	p	p	p	p
Self-service storage					p4	p4	p4	p6			p	p	p	
Telegraph and other communications								p2		p2	p	p	p	p2
Transportation service								p2		p2	p	p	p	p2
Trucking and courier service								p2		c3	p	p	p	p2
Warehousing and wholesale trade								p6			p6	p	p	p2

PUBLIC HEARINGS 5a

14.207.120 Regional Land Use Table.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Regional land uses														
Airport/heliport													p	
College/university								p		p	p	p	p	p
((Communication facility — major))		((e4,5))	((e4))	((e4))	((e4))	((e4))	((e4))			((e4))	((e4))	((e4))	((e4))	
Jail								p3						
Landing field													p	
Municipal water production												p		
Non-hydroelectric generation facility												p		
Public agency animal control facility												p		
Public agency training facility												p2		
School bus base											p	p		
Stadium/arena		c						p						
Transfer station												c		
Transit bus base												c		
Transit park and ride lot								p			p		p	p
Wastewater treatment facility												p		
<u>Wireless Communication Facilities (see Ch. 14.242 SMC)</u>														
Zoo/wildlife exhibit		c	p1											

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14.207.125 Regional Land Uses: Regulations.

1. For arboretum -- see Recreational/ Cultural Land Use Table.

2. Except outdoor shooting ranges.

3. Twenty-four (24) hour holding cells as part of City Police Department.

~~((4. Major communication facilities are permitted on existing utility towers where the new facility will not exceed the height of the existing tower. In all other instances, a conditional use permit is required. (Ord. 2092, 2006))~~

~~((5. Major communication facilities shall not interfere with use of the property for recreational purposes.))~~

PUBLIC HEARINGS 5a

14.207.150 Essential Public Facility Regulations.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
Essential Public Facilities														
Airport													p	
((Communication facility major))												((e))		
Earth station												c		
Energy resource recovery facility												c		
Hazardous waste storage & recycling												c		
Natural gas/electrical power generating facility												p		
Transfer station												c		
Work release facility												c		

ATTACHMENT B

Review document provided by Rolf Rautenberg at the Planning Commission public hearing,
February 3, 2016

Re: Draft Snohomish Wireless Code
February 2, 2016

I have attached my markup of the draft Section 14.242 of the Snohomish Municipal Code. First let me note that the authors have made a noble and largely successful attempt to account for federal wireless facility zoning limitations. Also note that this report is not legal advice but observations from an independent engineer who has participated in more than 500 wireless facility zoning processes, has had to interpret awkward code for local authorities or applicants, and has assisted municipalities in creating or modifying wireless ordinances.

In my opinion, this draft code is not ready for adoption. It is laced with the kinds of flaws commonly found in draft technical regulations. Some language demonstrates misunderstandings about meaning and application of rules. Most are minor things that just require editorial cleanup. Examples: prohibiting wireless service versus prohibiting the provision of wireless services, the inclusion of "microwave signals" which is not a technical class and for which the term "radio frequency signals" already suffices, the lack of the key category of personal wireless services in the definition of wireless communications service, etc. Missing words, confusing punctuation (or lack), inconsistent intermingling of terms and similar writing flaws make the draft more confusing than necessary. Some Code references seem to have the wrong numbers. There are some gaps in the Siting Hierarchy that could be plugged. Other clarifications too numerous to summarize are marked on the draft.

The effort to incorporate shot clocks, deemed-granted restrictions and other arcane elements of federal regulation is commendable. However, there are some cases where the City gives up some rights in the way it codifies federal rules. For example, the FCC shot clocks of 90 and 150 days for acting on certain applications are not hard and fast deadlines with immediate penalties. Only the 60 day period for Section 6409 applications is hard and fast and results in a deemed granted status if not satisfied. The 90/150 day clocks are a presumption on the part of the FCC, rebuttable in court. Rather than incorporating these two clocks in the Code per se, we recommend noting that the decision maker should make reasonable efforts to meet the time frames.

Because of your group's desire to move quickly and to spare the formalities, this report and the markup are notably abridged. Please let us know if there is anything else we can do to assist.

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Re: Draft Snohomish Wireless Code
February 3, 2016

You have asked a followup question. It relates to whether the applicant should provide evidence of need for the facility. Certainly if one is building a swimming pool or a barn, there is no interest on the part of the City as to whether the applicant needs it. However, those applications which are for personal wireless facilities ("PWSFs") subject to the Telecommunications Act of 1996 ("TCA") are in a different realm. [This document is not legal advice and comes from one highly experienced in providing technical advice to applicants and municipalities in permitting wireless facilities.]

First, one thing I observed in the draft Code is the intermingling of various kinds of services in the broad definition of Wireless Communications Facility. It appears the goal of this term is to harmonize the Code with the Section 6409 requirements regarding modifications of facilities, which it does. Section 6409 has been interpreted to apply to more facility types than just PWSFs. So, Tier 1 facilities are Sec. 6409 *eligible facilities* and are suitably defined by the terms *existing base station* and *existing tower*. The draft chooses to incorporate WCFs rather than PWSFs in order for Tier 1 to apply to the broader family of WCFs according to FCC expectations.

For those proposed facilities that are PWSFs, the TCA applies. Follow this thread for an explanation of why a PWSF applicant should be required to provide evidence of need:

1. TCA says denials shall be supported by substantial evidence in the record.
2. TCA says a denial shall not effectively prohibit the provision of personal wireless services.
 - A. The draft code applies to more than just PWS, so it gets a little murky.
3. Assume a decision denies a permit for a PWSF proposal.
4. The TCA test for the court to override that decision includes things like
 - A. significant gaps in the applicant's service and
 - B. a lack of reasonable alternatives or a lack of less intrusive alternatives
[less intrusive in this context is not visually less intrusive, but less intrusive to the intent of the regulation, which could include visual intrusiveness and other aspects].
5. Courts have found that if a City has effectively prohibited the provision of PWS, the City should have known and should have approved under federal mandate.
6. In order to know in advance whether a denial will be an effective prohibition, the record must be filled with facts about the purported gap and an evaluation of feasible alternatives that are likely to be less objectionable to the City.
7. In order to have that on record, it must be required as part of the application and must be part of the deliberations (Proof of need would be an application requirement. Vetting alternatives only occurs after the application is filed and the City reviews alternatives considered by the applicant and the City suggests alternatives to the applicant. TCA compliance is often an iterative process.)
8. Bear in mind that a decision making authority does not know in advance whether an approval or denial will result, so all evidence must be requested for the possible event of a denial.

Final note: the FCC 90/150 day shot clock applies to PWSFs. The draft Code applies this to all WCFs.

**Snohomish City Council Meeting Minutes Excerpt
December 1, 2015**

7. DISCUSSION ITEMS

b. Cell Tower Regulations

The City's current wireless communication facility regulations dated from 1998 and were out of date with more recent federal rule changes. As recent history had shown, they were out of step with the expectations of portions of the community. The Planning Commission was working on a draft chapter to Title 14 intended to balance the needs for adequate cellular services in the City with federal law and community values. It was important to emphasize that one of the intents was to enhance access to good wireless services because that helped economic development and was something the community would demand.

Types of wireless communication facilities were shown. The monopole was what most people typically considered a standard cell tower. The canister monopole was initially proposed for the Boys & Girls Club. Then there were the guyed and lattice towers. A guyed tower was fairly inexpensive but the guy wires came out quite a distance with a radius of 70-80% of the height of the tower, requiring about a half acre to support one 100' tower. This type of facility was proposed for outright prohibition. An example of the lattice tower was at the Bonneville Power Administration station. The primary reason it was proposed to be prohibited was that it wasn't attractive and looked industrial.

There was the type that was inside a building such as was in the old firehouse bell tower. All the base station equipment was within the building. Facilities on top of existing utility facilities such as a pole on top of a water tower was another approach. Towers were disguised with fake trees or architectural features. There had been discussion of small cell and distributed antenna systems used in buildings and in concentrated areas like stadiums where there was a high demand and a small area. It had also been used in urban areas where a taller tower didn't work. These were preferred in some quarters because the facilities were small additions to existing architecture.

Several federal codes were important to understand in constructing a new ordinance. Those from 1996 and 2012 were intended to facilitate the rapid deployment of new wireless facilities to match increasing demand. The first was the 1996 Telecommunication Act and the second was section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012.

The 1996 TCA said that jurisdictions shall not unreasonably discriminate among providers of equivalent services. The current and proposed codes were democratic with regard to the various providers. Secondly, regulations shall not prohibit or have the effect of prohibiting provision of wireless services. The 'have the effect of prohibiting' was important to keep in mind. It was not whether the City allowed some forms of wireless communication facilities but that those allowed were not unreasonable to the point where a carrier could argue that it wasn't possible to economically construct facilities to provide their service. The jurisdiction shall act on any request within a reasonable period of time. The Federal Communications Commission interpreted this as a shot clock, the period the jurisdiction had to act on the application. It was 90 days for a colocation and 150 days for a new facility. A colocation was placing new antennas on an existing tower supplementing the existing facilities or an additional carrier on an existing tower or adjacent to

an existing base station. Any decision to deny must be in writing and supported by substantial evidence, which was the way the City conducted all its development reviews.

A jurisdiction may not regulate based on the environmental effects of radio frequency emissions when the facility was functioning according to the FCC certification. FCC had certain thresholds for radio frequency emanations and, provided that the facility met FCC standards, the City could not use that for denial or even consideration in evaluating an application.

The 2012 federal action, section 6409, addressed colocation specifically with a number of important phrases. The 'may not deny and shall approve' took out the local discretionary authority. This applied to what was now known as 'eligible facility' requests which were requests to add infrastructure or modify existing wireless structures that did not result in a substantial change to the physical dimensions. FCC has codified what it meant to substantially change the physical dimensions. That was part of the proposed definitions within the draft chapter.

The FCC reduced the review time for eligible facilities to 60 days and stated that if a jurisdiction failed to act within the 60 day shot clock, the application was deemed granted. The shot clock was 60 days for an eligible facility; 90 days if it fell outside the FCC standards for what qualified as substantial change; and 150 days for a new facility. The FCC also determined that states and local jurisdictions had a window of 30 days following submittal of the application to request additional information. That additional information needed to be reflected on publicly available documents such as a submittal check list. The City could not randomly request more information that wasn't specified in City documents. The 'deemed granted' provision applied to eligible facilities requests, not for a new facility or a substantial modification to an existing facility. If the City missed the 90 or 150 day deadlines, there was potential for legal action by the applicant.

The proposed code provided opportunities for enhanced cellular service in the community; demand was growing year over year. The number of users and the band width required by each user was increasing as well. The City had to incorporate the federal requirements. It was very important to incorporate the shot clocks, time intervals the City has to act, within the code, as well as specifying those materials that were needed to reach a decision on compliance with City standards. Getting back to the community values, the City wanted the appearance to be consistent with the expectations of the community, balancing the need for facilities to serve the community. Those preferences for the kind of facilities the City wanted needed to be clearly enunciated within the code. Staff wanted the standards to be very clear.

Currently the only standards staff had to go by were the conditional use criteria, which were fairly loose and not dependable for regulating these facilities, particularly under the constraints of federal law with all the materials being required up front. The City needed to identify what they wanted to see and to put that into the code. Certain assumptions were needed for the types of facilities and the locations desired. The assumptions that staff and the Planning Commission had been working on with community input were (1) new equipment on an existing or inside an existing building was preferred to a new pole or facility; (2) small scale as opposed to a larger more obtrusive facility like a monopole. However new monopoles within the Industrial and Business Park zones were considered fairly benign. There were four poles currently within the Industrial and Business Park zones. He wasn't aware that those had aroused any particular concern in the community. New monopoles in the heart of the City, and residential and commercial areas (Pilchuck District, Commercial, Historic Business District) were the last places where new poles were wanted.

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Business Park and Industrial zones were shown on the map. Industrial included the wastewater treatment plant and south of the river outside the City. The Business Park zone extended along Bickford Avenue and a small area east of State Route 9. The City couldn't depend just on putting monopolies in those sites. There was a broad swath of community, particularly single-family areas, outside these areas, so they needed to ensure that all areas were serviceable within the context of the code.

Currently there were three monopolies near the Bonneville Power Administration; one between Bickford and Sinclair Avenues, and one on the BPA transmission lines east of Terrace Avenue. There was one at the police station on a utility pole, and the one inside the old firehouse building at Second Street/Avenue A.

The approach that staff and the Planning Commission had been using, and it seemed to be acceptable to members of the public that had commented at the Planning Commission meetings, was a preference hierarchy, identifying the things they would like to see first, and then in declining level of preference what the community could accept, down to the fourth tier which was 'if everything else failed, where did a facility need to go; what did the City need to accommodate to stay out of court.' There were regulatory considerations of the federal classifications for shot clocks; acknowledgement that there were three federal classifications that may not mesh with the hierarchies of preference; or our processes. There was a review process – administrative and the quasi-judicial hearing examiner process. There were the four hierarchical siting preferences; three shot clock tiers; and the two general process types. The first order of preference in the siting hierarchy included all three tiers. As currently proposed, the hearing examiner would address applications that came under the fourth order preference; and the top three preference levels would all be administrative. The idea was that the regulations would identify sufficiently what the community was willing to accept specifically enough that there is no need for a discretionary decision as would come with a quasi-judicial hearing.

In terms of where the federal requirements crossed with the local process, if an applicant said they had an eligible facilities request, the first order of business was to determine if it met the federal requirements as staff proposed to codify them in the definitions for what actually constituted that nonsubstantial change to an existing facility. Then they had to look at where it fit within the preference hierarchy and anything that was other than a first order preference had to be justified for why the first order couldn't be met. If it was the third or fourth preference level, why they couldn't meet the preferences above that. The tiers had to be included so staff was tracking the available time to process these applications. Then it had to be meshed with the City's regulatory scheme for all other permits as an administrative or quasi-judicial process. Currently the only ones that would need a conditional use permit and go through the hearing examiner process were those lowest preference monopolies.

The draft regulations started with a purpose and then extensive definitions, a lot of which were taken straight from federal law, either verbatim or paraphrased. There were several exemptions such as ham operators or emergency communications, which may fall under wireless communications but would be outside the scope of these regulations; certain prohibitions such as guyed towers and lattice towers that the City didn't want to see; and there wasn't a need for them, so applicants could meet their needs without relying on these means.

The preference hierarchy was for the towers and antennas as well as the base stations. Tomorrow night the Planning Commission will discuss whether there needed to be a preference hierarchy for the base stations. There were many types of antennas and

structures to hold antennas but the range of options for base stations were screen them on the ground behind vegetation or architectural screening of some sort, or have them inside a building, and that was really the extent of it. That will be based more on the context of where the applicant was proposing to locate it than the City's preferences for it. The Commission will discuss whether the base stations should actually be taken out of the preference hierarchy altogether.

There were the types of permits which accord with the various shot clocks: the application requirements for each type; time periods that needed to be met; the process and findings for each type of wireless permit; certain development standards that were laid out for screening and for minimizing the intrusiveness of facilities irrespective of the type of facility. Certain facilities like the eligible facilities will not trigger many of these but they will be codified so they can be relied on for the other permit types. There were specific conditions of approval such as providing the City with as-built plans; holding the City harmless in the event anything should occur with regard to the facilities; and as several other jurisdictions have done, the draft includes the potential for third-party review. Staff may need an expert in radio frequency engineering to review it, as critical areas applications were reviewed; someone with the scientific basis to say 'this was blowing smoke' or these were accurate. Staff could draw on that expertise and charge it back to the applicant as needed. Staff had talked with several jurisdictions that had this provision on the books and none of them had availed themselves of the option of bringing in an expert third party. Other provisions include removal of abandoned equipment, permit revocation should they not meet the conditions of approval; and finally one that hadn't been added yet in the current draft, but staff felt it was important, to identify what sort of public notification would be required. There was sensitivity to it in the public but because there was such variety, everything from essentially a building permit to a conditional use permit. The code should identify specifically what triggers public notification; and what level of public notification. That was pending the Planning Commission's discussion.

The siting hierarchy for anything but the most preferred group of facilities will require justification. The approval criteria identified certain criteria by tier type which was the first, second and third tier according to the federal identification of facility types. The development standards and compliance with those standards and conditions of approval were what the City was specifying.

Mayor Guzak noted the base station proposed at the Boys & Girls Club was about 700 square feet; that was a substantial structure. At the first hearing, she heard the applicant's testimony about the need of that size for the base equipment; it was bigger than a three-car garage. The City needed some criteria for what the base station was going to look like. If it was attached to a building it needed to be compatible with the structure of the building; if it was going to be freestanding, it needed to be compatible with the neighborhood it was in. The Planning Commission was thinking about taking away the tiering potential for base stations but hearing that was a warning flag for her.

Mr. Dennison agreed that was a very important point. Just because it was not in the preference hierarchy didn't mean there weren't standards for it. Those were included in the development standards including screening base stations from public view; making it architecturally compatible with the existing site to the extent possible; minimizing the overall height, mass, and size of the base station; using concealing and screening techniques; making it architecturally compatible with an existing building when attached to the building; and applicant justifications for why they weren't putting it in a building rather than using on-the-ground screening which would probably relate more to the context of the site than community preference.

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Mayor Guzak asked what “defeated” meant. For example, for either a tower or base station, the proposed modification would cause the concealment or camouflage elements of the tower or base station to be defeated.

Mr. Dennison said that was from the federal code language. It meant that the efforts to hide it would be lost if the modification occurred. There had to be respect for any prior approval of a facility that included some screening or concealment elements.

Councilmember Kaftanski complimented staff and the Planning Commission for putting this thorough study together. It was breaking new ground. He had two questions. One was showcased at the Planning Commission where several citizens had been actively involved with the issue. Please characterize the general comments that were received by the Commission with respect to the draft provided tonight.

Mr. Dennison said speakers had been supportive of the approach and they believed the Commission was on the right track. The hierarchy had gone over very well. There had been two suggestions that would be discussed by the Planning Commission tomorrow. Both were a little problematic from a regulatory standpoint, for compliance with federal law, and for equity. One was to have special provisions that would apply to portions of the City south of Sixth Street but not north of Sixth Street. The rationale was that this was an older part of town and represented to a great extent the City’s brand in terms of the historic character. One question was whether that could be accomplished and still not have the effect of prohibiting the provision of cell service in this part of town. There may also be the equity issue of whether the neighborhoods south of Sixth Street were more deserving of special consideration than those north of Sixth Street. A lot of the City’s population lived north of Sixth Street. The other was a request to include provisions to limit the visibility of new facilities at gateways and from major corridors. Part of that was because the proposed tower at Averill Field was very apparent from the Second Street entry to the City. He understood the intent but unless a geographic area was being identified, view-scapes were difficult to enforce, difficult to write for, and disallowing facilities that were invisible from a major transportation corridor was difficult. Four monopoles were already visible from Bickford and Avenue D. That conflicted with the proposal to allow new canister-type poles within the Industry and Business Park designations where they would be visible from the major corridors. He appreciated the intent but wasn’t sure how implementable those concepts were, but in general there has been support. The speakers felt the code was responding to their concerns.

Councilmember Kaftanski saw several references to 30 and 60 days. Were those calendar or business days? Was there an opportunity to specify which of those it would be in the version that came back to Council?

Mr. Dennison said it would. According to federal law it would be calendar days. The other related point was the chapter copied federal law in using the term “tolled” which meant to temporarily suspend. That may not be clear to people who hadn’t read the federal codes. Staff will include a clarification of terms within the code.

Councilmember Burke had a question about the Land Use Table and what the acronyms in some cells stood for.

Mr. Dennison clarified that was the existing code. This applied to all land uses outside the Pilchuck District in the City. “P” meant outright permitted, which did not require a land use permit. “C” was conditional use permit so that went through the hearing examiner process. Numbers beside either letter were the conditions that applied specifically to that use in that zone.

Councilmember Rohrscheib said they hadn't talked about a location yet which was near the current one proposed such as the library. It was a pretty large building already and the cell tower wouldn't stand out that much at that location.

Mr. Dennison had heard nothing from the current applicant since the application was withdrawn. The applicant had been looking at a utility pole extension similar to the one adjacent to the police station, one of the 70' poles. The issue there as elsewhere was where to put the base station. This also referred back to the issue of the size of the base station. The one at the police station couldn't be more than a few hundred square feet. It was much smaller than 750 sf. He wasn't sure what the calculation was for the Boys & Girls Club addition although it did incorporate the area required for the tower itself. It would be up to the Sno-Isle Library District if they wanted to lease part of their site for the base station. It did seem like a fairly innocuous place, capable of being landscaped and screened.

Mayor Guzak asked about the location proposed at the Boys & Girls Club. There had been some questions about the covenant or deed. What was the history there? Mr. Dennison said it was a continuing point of contention with certain members of the public. The block between Second and Third Streets that included Hal Moe Pool, Boys & Girls Club, and the skate park was received by the City in the early 1920's in three grants. The southern two were from Snohomish County and the northern one, from about the midpoint of the Hal Moe building north, was from a group called the Snohomish Playgrounds Association. Each of the deeds included the 'for playground purposes only' restriction. The deed restriction was removed from the central portion of the site. It was extinguished by the county since they were the grantor in 1988, which coincided with the construction of the building around the Hal Moe Pool. The deed restriction on the northern portion of the building north to Third Street exists yet today. In December 2014 City staff asked county staff if the county would agree to extinguish the covenant for the area remaining from about the north line of the Club south to Second Street. Correctly or not, the request wasn't seen as a policy or practical change for several reasons. While the site was used as a playground for decades, the decision by a former Council to provide the land for construction of the Boys & Girls Club made that restriction somewhat pointless since it was no longer 'for playground purposes only' with a building in the middle of it. The same covenant was removed from the parcel to the north in 1988 with no evident detrimental effects or public concern that staff could find in the record. The City Council had full legislative authority to determine what occurred on the land through the zoning process as well as full authority as property owner to determine what uses or activities may occur there. As the covenant was imposed by an outside agency, it didn't seem to be particularly reflective of any specific City policy and therefore staff did not perceive this was contrary to any intended policy. The combined site, and in particular the southern site, was used and will continue to be used for public recreation irrespective of the existence of the covenant. All that said, there was still some concern by members of the public that the request went to the county and that the action was taken by the Snohomish County Council to lift the covenant without local public discussion. If the City Council believed that there was an issue to be addressed, staff would be happy to come back and address this in terms of potential modifications to tighten up zoning, with options for another covenant that the City could apply, although if the City applied it, the City could just as easily remove it. And it would have to be something other than 'for playground purposes only' since that went away with construction of the Boys & Girls Club. Staff would be happy to bring back a discussion if the Council felt there was an outstanding issue.

Councilmember Burke considered two separate issues when he was looking at land use and conditional permitting for wireless towers. One was the idea of removing things like

PUBLIC HEARINGS 5a

public parks from the available categories of zoning types in which to put a cell tower. The second thing about that particular property was the 1922 grant. A lot of the uses on the property seemed to be in the spirit of the grant. When he thought about the rest of the property and what to do with it, he was willing to consider creating a structure that made it look like property for kids.

Mayor Guzak confirmed the Boys & Girls Club was considered appropriate, given the covenant just recently lifted.

Mr. Dennison said it was appropriate for a cell tower in that the existing code allowed cell towers as a conditional use in the Public Park zone. In the proposed code, public parks, recreational facilities including parks, were not eligible sites for monopoles.

Councilmember Rohrscheib asked while they were speaking about the Hal Moe area, was there a deed on that property currently solely as a park?

Mr. Dennison said it was deeded to the City 'for playground purposes only.'

Councilmember Rohrscheib said the Council had talked a few months ago about senior housing and the idea of transforming that property into senior housing. If that went forward, the deed would have to be changed. Was that something the Council could vote on or was it a bigger issue?

Mr. Dennison thought there were two issues. One was what would have to be done about a deed restriction applied by an agency, the Snohomish Playgrounds Association, that probably didn't exist anymore or the City couldn't identify successors and interests. The other issue for housing on that site was that the conditions under which the school district deeded it back to the City did not include housing. Two deeds were working against senior housing at that site.

Mr. Weed said the only practical way was by filing a Quiet Title action where the party that imposed the restriction may not exist any longer, would not appear, and by default the court might enter an order releasing the restriction if there was good cause or reason that could be shown why it should be done. There would be mutual cooperation and understanding with the school district as they would have to be a cooperating party in order to remove that restriction.

Councilmember Burke asked about the zoning map. Wasn't the Snohomish Iron Works building Industrial property?

Mr. Dennison said it was Commercial. The Visitor Information Center was within the Historic Business District but west to SR 9 was all Commercial.

Mayor Guzak asked when this would come back to Council. It was mentioned there would be a couple more meetings with the Planning Commission which met once a month. That meant maybe February?

Mr. Dennison said it was hoped the Planning Commission would hold a public hearing in January, provided that they felt comfortable with it, following tomorrow night's meeting to have a basis for a public hearing.

Mayor Guzak thanked Mr. Dennison for the report and all his work. She knew he had made it a priority and the Council appreciated it.

PUBLIC HEARINGS 5b

Date: March 1, 2016
To: City Council
From: Larry Bauman, City Manager
Subject: **Public Hearing for Ordinance 2304 for Revision of City Fireworks Code**

At its January 5, 2016, regular meeting the City Council discussed fireworks regulations and directed staff to develop an ordinance to revise Snohomish Municipal Code to reduce days for permitted discharge of fireworks to just one day, on July 4, each year. Proposed Ordinance 2304 (Attachment A) is provided for Council review and citizen comment during a public hearing at this time. The City Council also directed staff during the January 5 meeting to prepare a resolution for placing a complete ban before the voters as an advisory measure for the general election in November of this year. That resolution to schedule an advisory ballot measure is not an element of this agenda item and public hearing, and it expected to be brought forward at a later date this year for Council action.

BACKGROUND: State code (RCW 70.77.395) provides a wide range of dates for permissible local government code options (see Attachment A), including both sales and discharge on June 28 (12 noon to 11:00 p.m.) and on June 29 through July 3 (9:00 a.m. to 11:00 p.m.). For July 4, the state's codes permit sales from 9:00 a.m. to 11:00 p.m. and discharge from 9:00 a.m. to midnight. The state code also allows: sales on July 5 and during December 27-30 from 12 noon to 11:00 p.m. (no discharge on these dates); sales on December 31 also from 12 noon to 11:00 p.m.; and discharge on December 31 from 6:00 p.m. to 12 midnight plus continued discharge on January 1 from 12 midnight to 1:00 a.m. Local city and county codes may be only more restrictive but not more permissive than state codes.

Statewide, Snohomish County and Various City and County Restrictive Regulations: Some 64 of the 281 cities and towns in the state completely ban both sales and discharge of fireworks (See Attachment B). Among the state's 39 counties, five have banned both fireworks sales and discharge. In Snohomish County, the cities and towns that have adopted such total bans include the cities of Edmonds, Everett, Gold Bar, Mill Creek, Mountlake Terrace, Mukilteo and the Town of Woodway. The Snohomish County cities of Brier and Marysville placed advisory measures on the November 3, 2015, ballot and both measures received majority votes supporting prohibition of sales and discharge. The City of Marysville recently passed an ordinance to ban possession, sale or use of fireworks within the City, starting January 2017. However, as of the date of this staff report was written, Brier had apparently taken no further action to modify its fireworks codes. The voters in the King County cities of Kent and Maple Valley passed similar advisory measures in this most recent general election.

Snohomish Municipal Code Section 5.54 (Attachment C) contains the City's existing regulations concerning both the sale and discharge of fireworks. This code currently regulates the dates and times for sales and discharge of fireworks in the following manner:

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- Sales: permitted from 9:00 a.m. to 10:00 p.m. on July 1st, 2nd, 3rd, and 4th of each year.
- Discharge: permitted from 9:00 a.m. to 10:00 p.m. on July 1st, 2nd, 3rd, and 4th of each year.

ANALYSIS: Though there is no requirement that it should be, the City's existing code is not entirely consistent with Snohomish County's regulations. The County's code allows discharge only on July 4. The County code allows sales also on July 5 but prohibits discharge on July 1-3 and permits slightly later discharge on July 4 (from 9:00 a.m. to 11:59 p.m.).

Public safety impacts of fireworks typically may involve both police and fire responses. While a modest volume of 9-1-1 calls are typically received before and during July 4 for police response (related often to either illegal fireworks or discharges beyond the code time limits), only a relatively few of these in most years can be responded to in a timely manner. The community generated twenty 9-1-1 fireworks related calls during the period of June 29-July 5, 2015. However, it is expected that many residents don't bother to call 9-1-1 regarding fireworks because they know that little enforcement is likely to occur. By the time officers arrive on a scene, they find that the fireworks and those discharging them are often gone. The typical number of medical calls and calls in Snohomish for firefighter response each year related to fireworks is relatively low, according to Fire District 4 Chief Ron Simmons. The Snohomish School District also reports impacts during the Fourth of July period with illegal discharge of fireworks and extra cleanup requirements over several days on District properties. They have begun lighting their school's parking lots overnight during this period to discourage such illegal discharges.

Typical 9-1-1 calls and other calls directly to the City concerning fireworks-related complaints include noise, smoke and debris left behind in streets used for private fireworks displays, some of which can be extensive. Staff concerns regarding fireworks generally revolve around personal safety of citizens and the amount of debris left in streets and parks (although fireworks cannot be legally discharged in City parks, this continues to be an ongoing problem).

In December 2015 the City's Public Safety Commission reviewed options for revised codes restricting fireworks and recommended that the City Council restrict discharge to only the one day of July 4 (see Attachment D). Their letter also endorses the concept of the Council pursuing a complete ban on both sales and discharge of fireworks.

Although not currently regulated as such by the state, an environmental regulatory concern may eventually develop regarding how fireworks debris left in streets may result in harmful chemicals being flushed into stormwater systems and contribute to pollution of local rivers and the Puget Sound. Many of the City stormwater pipes eventually discharge into either the Pilchuck or Snohomish Rivers. Chemicals used in fireworks include various oxidizers (chemicals that carry oxygen) needed to power a high-heat reaction. Potassium nitrate, in a black powder, is a common chemical used for fireworks. Sulfur can serve as a fireworks fuel, as can charcoal. Different chemical elements are used to create bright colors for fireworks, including copper oxide, strontium chloride and calcium nitrate. All of these chemicals are considered to be potentially harmful in various degrees to rivers, the Puget Sound and to these waterways' aquatic life.

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Options: The options presented on January 5, 2016, to the City Council for revising the City's fireworks code included:

1. Revise both dates and/or times allowed for sales;
2. Revise only dates and/or times allowed for discharge;
3. Revise only dates and/or times allowed for sales;
4. Entirely prohibit sales and/or discharge;
5. Make no changes to current code.

In discussing options with Police Chief John Flood and District 4 Fire District Chief Ron Simmons, the preferred option at this time for any change (as a first step) to the City fireworks code would be to make discharge regulations mostly consistent with the County's regulations. This would mean limiting discharge to just one day—on July 4. However, staff does not recommend expanding sales to include July 5 as also allowed by the County. Both Chief Flood and Chief Simmons also support the concept of a complete fireworks ban, if approved by voters in an advisory vote.

As Council may be already aware, state law requires that any local government fireworks code change that is more restrictive than state law cannot take effect for a year after it goes into effect. Therefore, a more restrictive code change regarding Fourth of July fireworks that would be adopted prior to July 4, 2016, would not be able to take effect until July 4, 2017.

At its January 5 regular meeting, the City Council also expressed an interest in placing an advisory measure for a complete fireworks ban before the voters for the 2016 General Election. Assuming that remains the Council's direction, a resolution to accomplish that will be brought forward for Council action at a later date but well in advance of the required deadline for the election process.

STRATEGIC PLAN REFERENCE: Not applicable

RECOMMENDATION: That the City Council **HOLD** a public hearing on Ordinance 2304 and then consider whether to **ADOPT** Ordinance 2304 regarding changes to regulations concerning the discharge of fireworks.

ATTACHMENTS:

- A. Proposed Ordinance 2304
- B. Washington State Patrol List of Cities/Counties Fireworks Ban or Restricted Sales/Use
- C. Snohomish Municipal Code Section 5.54
- D. Letter from City Public Safety Commission

ATTACHMENT A

**CITY OF SNOHOMISH
Snohomish, Washington**

DRAFT ORDINANCE 2304

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO FIREWORKS AND AMENDING SNOHOMISH MUNICIPAL CODE SECTION 5.54.060 ENTITLED “DATES FOR SALE AND USE OF CONSUMER FIREWORKS”; AMENDING SNOHOMISH MUNICIPAL CODE SECTION 5.54.100 ENTITLED “SPECIFICATIONS FOR FIREWORKS STANDS”; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, RCW Chapter 70.77.395 sets forth the permitted dates and times for the sale and discharge of fireworks; and

WHEREAS, RCW Chapter 70.77.250 requires any local ordinance that is more restrictive than state law to take effect not less than one year following enactment; and

WHEREAS, the Snohomish Municipal Code and Snohomish County Code differ in the dates and times that the sale and discharge of fireworks are allowed; and

WHEREAS, the Snohomish City Council wishes the Snohomish Municipal Code to be more consistent with Snohomish County Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Section 5.54.060 entitled “Dates for Sale and of Consumer Fireworks” is hereby amended to read as follows:

No consumer fireworks shall be sold within the City except from nine a.m. to ten p.m. on July 1st, 2nd, 3rd, and 4th of each year. Hours of discharge or use shall be limited to nine a.m. to ten p.m. July 1st, 2nd, 3rd, and 4th. The sale, use and discharge of consumer fireworks from December 27, 2002, to December 31, 2002, and from December 27th to December 31st of each year thereafter, and at all other times except as provided above, shall be and hereby is specifically prohibited.

Section 2. SMC Section 5.54.100 entitled “Specifications for Fireworks Stands” is hereby amended to read as follows:

Consumer fireworks shall not be sold from any permanent buildings or structures. Temporary fireworks stands shall be constructed in accordance with the following specifications, subject to approval by the local fire official and building inspector:

A. Fireworks stands shall be located more than one hundred feet from any place of assembly, gasoline station, storage tank, or premises where flammable liquids are stored, and shall be located more than fifty feet from all other structures;

B. Fireworks stands shall be erected to the satisfaction of the fire department and shall be structurally sound and will have the following:

PUBLIC HEARINGS 5b

1. No less than two exits located at opposite ends of the stand. It shall remain unobstructed at all times,
2. No less than two fire extinguisher (water) of not less than a 2A rating,
3. "No Smoking" signs installed so that they are visible on all four sides of the stand,
4. A no parking area of twenty-five feet in front of the stand and within fifteen feet of the three other sides of the stand shall be roped or barricaded off,
5. Fireworks stored and displayed so that the general public cannot physically handle the fireworks,
6. No matches, lighters, open fires, or other sources of ignition shall be sold or stored in the stand,
7. No discharge of fireworks within one hundred feet of the stand,
8. All weeds and combustible materials shall be cleared from within at least twenty-five feet of a fireworks stand.

C. All permits, including these standards, shall be posted and maintained in the stand at all times;

D. Stands shall be removed and area cleaned up by ten p.m. July 11th 9th (five days after sales cease).

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 4. Effective Date. This ordinance shall be effective one year after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this ____ day of _____, 2016.

CITY OF SNOHOMISH

By _____
MAYOR KAREN GUZAK

ATTEST:

APPROVED AS TO FORM:

By _____
PAT ADAMS, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

ATTACHMENT B



FIRE PROTECTION BUREAU – PREVENTION DIVISION
 PO Box 42642
 Olympia WA 98504-2642
 (360) 596-3913 FAX: (360) 596-3934
 E-Mail: Fireworks@wsp.wa.gov



Fireworks Ban or Restricted Sales/Use

Fireworks Ban or Restricted Sales/Use by County and City

[RCW 70.77.395](#) State Law –

- Fireworks sales and discharge laws.
- Dates and times common fireworks may be sold or discharged.

State Fireworks Law RCW 70.77.395		
Date	Sales Period	Discharge Period
June 28th	12 p.m. noon to 11 p.m.	12 p.m. noon to 11 p.m.
June 29th to July 3rd	9 a.m. to 11 p.m.	9 a.m. to 11 p.m.
July 4th	9 a.m. to 11 p.m.	9 a.m. to 12 a.m. midnight
July 5th	9 a.m. to 9 p.m.	9 a.m. to 11 p.m.
December 27th to 30th	12 p.m. noon to 11 p.m.	No Discharge
December 31st	12 p.m. noon to 11 p.m.	6 p.m. to 12 a.m. midnight
January 1st	No Sales	12 a.m. midnight to 1 a.m.

Cities and Counties With Bans and Restrictions

The following is a list of cities and counties with more restrictive fireworks laws or ordinances. The jurisdiction has either banned use and/or sale or has a more restrictive sales period. This information should be used as a starting point. Contact your local police or fire department to inquire about local rules, ordinances, and laws before purchasing or using fireworks.

Corrections

If you find information that is not correct, please e-mail the change to Fireworks@wsp.wa.gov.

How to Read the Chart

If the **Ban or Restricted** column has the word:

- **None** — The jurisdiction follows the state law (see above).
- **Restricted** — The jurisdiction has restricted either the **Sales Period** and/or **Discharge Period**. If only one column has dates and times, it only applies to that period. The other period follows the state law. If there are dates and times in both, then both are restricted.
- **Banned** — The jurisdiction has banned both the Sales and Discharge of fireworks.

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Fireworks Ban or Restricted Sales/Use

Examples:

County/City	Ban or Restricted	Sales Period	Discharge Period
County	None	Follows State law	Follows State law
City 1	Restricted	June 28th, 12 p.m. noon to 11 p.m. July 1st to July 4th, 9 a.m. to 11 p.m. Follows the State law up to July 4th, then restricts with no sales July 5th.	July 4th, 9 a.m. to 11 p.m. Restricts discharge to July 4th only.
City 2	Restricted	Follows State law	July 4th, 9 a.m. to 11 p.m. Restricts discharge to July 4th only.
City 3	Banned	Sales Banned	Discharge Banned

County/City	Ban or Restricted	Sales Period	Discharge Period
Adams	None		
Othello	Restricted	July 1st to July 3rd, 9 a.m. to 10 p.m. July 4th, 9 a.m. to 11 p.m.	July 1st to July 3rd, 9 a.m. to 10 p.m. July 4th, 9 a.m. to 12 a.m. midnight
Ritzville	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon
Asotin	None		
Asotin	None		
Clarkston	None		
Benton	None		
Benton City	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m. July 5th, 9 a.m. to 9 p.m.	Follows state law except no discharge on July 5th
Kennewick	Banned		
Prosser	Banned		
Richland	None		
West Richland	Restricted		July 2nd to 3rd, 6 p.m. noon to 11 p.m. July 4th, 6 p.m. noon to 12 a.m. midnight
Chelan	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.
Cashmere	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.
Chelan	Banned		
Entiat	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Chelan	continued		
Leavenworth	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 10 p.m.
Wenatchee	Restricted	Follows state law except no sales on July 5th	Follows state law except no discharge on July 5th
Clallam	Restricted		June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 9 p.m.
Forks	None		
Port Angeles	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Sequim	None		
Clark	Restricted	Follows state law except no sales on July 5th	Follows state law except no discharge on July 5th
Battle Ground	None		
Camas	None	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 p.m. midnight July 5th, 9 a.m.	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 p.m. midnight
La Center	Restricted	June 28th, 12 p.m. noon to 10 p.m. June 29th to July 4th, 10 a.m. to 10 p.m. July 5th, 10 a.m. to 9 p.m.	June 29th to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 11 p.m.
Ridgefield	Restricted		Follows state law except discharge on July 5th, 9 a.m. to 9 p.m.
Vancouver	Restricted	July 2nd to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Washougal	Restricted	July 2nd to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Yacolt	None		
Columbia	None		
Dayton	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	Follows state law except no discharge on July 5th
Cowlitz	None		
Castle Rock	None		
Kalama	Restricted		June 28th, 12 p.m. to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m. July 5th, 9 a.m. to 9 p.m.
Kelso	None		
Longview	None		
Woodland	None		

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Douglas	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.
Bridgeport	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.
Coulee Dam	Banned		
East Wenatchee	Restricted	July 1st to July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 9 p.m.	July 3rd to July 4th, 1 p.m. to 11:59 p.m.
Waterville	Restricted	June 28th, 12 p.m. noon to 10 p.m. July 1st to July 4th, 9 a.m. to 10 p.m. July 5th, 9 a.m. to 9 p.m.	June 28th, 12 p.m. noon to 10 p.m. July 1st to July 4th, 9 a.m. to 10 p.m. July 5th, 9 a.m. to 9 p.m.
Ferry	None		
Republic	None		
Franklin	Banned		
Connell	Banned		
Pasco	Banned		
Garfield	None		
Pomeroy	None		
Grant	None		
Ephrata	Restricted	June 28th, 12 p.m. noon to 10 p.m. June 29th to July 4th, 9 a.m. to 10 p.m.	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.
George	None		
Mattawa	Restricted	June 28th, 12 p.m. noon to 11 p.m. July 1st to July 4th, 9 a.m. to 11 p.m.	Follows state law except on July 5th, 9 a.m. to 9 p.m.
Moses Lake	Banned		
Quincy	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 5th, 12 p.m. noon to 9 p.m. weekdays, 10 a.m. to 9 p.m. Saturday and Sunday	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 5th, 12 p.m. noon to 9 p.m. weekdays, 10 a.m. to 9 p.m. Saturday and Sunday
Royal City	None		
Soap Lake	None		
Grays Harbor	None		
Aberdeen	Restricted	July 1st, 11 a.m. to July 4th, 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Cosmopolis	Restricted		July 4th, 9 a.m. to 12 a.m. midnight
Elma	None		
Grayland	None		
Hoquiam	Restricted		July 3rd to July 4th, 9 a.m. to 12 a.m. midnight
McCleary	None		

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Grays Harbor	continued		
Montesano	None		
Oakville	None		
Ocean Shores	Restricted		July 2nd to 3rd, 12 p.m. noon to 11 p.m. July 4th, 12 p.m. noon to 12 a.m. midnight
Westport	Restricted		Discharge only along the beach at Half Moon Bay, July 4th, 9 a.m. to 11 p.m.
Island	None		
Coupeville	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 11 p.m.
Langley	Restricted		July 4th, 9 a.m. to 12 a.m. midnight
Oak Harbor	None		
Jefferson	Restricted		July 4th, 9 a.m. to 12 a.m. midnight
Port Townsend	Banned		
Port Ludlow	Restricted	June 28th, 12 p.m. noon to 11 p.m. July 1st to July 4th, 9 a.m. to 10 p.m.	
King	Restricted	June 28th, 12 p.m. noon to 11 p.m. July 1st to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Algona	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 9 p.m.	July 3rd, 12 p.m. noon to 11 p.m. July 4th, 12 p.m. noon to 2 a.m. on July 5th
Auburn	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Beaux Arts Village	Banned		
Bellevue	Banned		
Black Diamond	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 12 a.m. midnight
Bothell	Restricted	July 1st, 12 p.m. noon to 11 p.m. July 2nd to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Burien	Banned		
Carnation	Banned		
Clyde Hill	Banned		
Covington	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 12 a.m. midnight
Des Moines	Banned		
Duvall	Restricted		July 4th, 9 a.m. to 11 p.m.

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
King	continued		
Enumclaw	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Federal Way	Banned		
Hunts Point	Banned		
Issaquah	Banned		
Kenmore	Banned		
Kent	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 11 p.m.
Kirkland	Banned		
Lake Forest Park	Banned		
Maple Valley	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 11 p.m.
Medina	Banned		
Mercer Island	Restricted		July 4th, 9 a.m. to 11 p.m.
Newcastle	Banned		
Normandy Park	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.
North Bend	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Pacific	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Redmond	Banned		
Renton	Banned		
Sammamish	Banned		
SeaTac	Banned		
Seattle	Banned		
Shoreline	Banned		
Skykomish	None		
Snoqualmie	Restricted		July 4th, 9 a.m. to 12 a.m. midnight
Tukwila	Banned		
Woodinville	Banned		
Yarrow Point	Banned		
Kitsap	Restricted	Follows state law except on July 4th, 9 a.m. to 6 p.m. with no sales on July 5th	July 4th, 11 a.m. to 11 p.m.
Bainbridge Island	Restricted	July 1st to July 4th, 12 p.m. noon to 11 p.m.	July 4th, 5 p.m. to 11 p.m.

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Kitsap	continued		
Bremerton	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 11 a.m. to 11 p.m.
Port Orchard	Restricted		July 4th, 11 a.m. to 11 p.m.
Poulsbo	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m. July 5th, 9 a.m. to 9 p.m.	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m. July 5th, 9 a.m. to 9 p.m.
Kittitas	Restricted	July 1st, 9 a.m. to July 4th, 11 p.m.	July 4th, 9 a.m. to 11:59 p.m.
Cle Elum	Restricted	July 1st to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 11:59 p.m.
Ellensburg	Restricted	No 4th of July sales	No 4th of July discharge
Kittitas	Restricted	July 1st to July 4th, 9 a.m. to 11 p.m.	July 1st to 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 11:59 p.m.
Roslyn	Restricted	July 1st to July 4th, 9 a.m. to 11 p.m.	No 4th of July discharge
Klickitat	Restricted		July 4th, 9 a.m. to 11 p.m.
Bingen	None		
Goldendale	None		
White Salmon	Restricted		July 4th, 9 a.m. to 11 p.m.
Lewis	None		
Centralia	None		
Chehalis	None		
Morton	None		
Mossy Rock	None		
Napavine	None		
Pe Ell	None		
Toledo	None		
Vader	None		
Winlock	None		
Lincoln	None		
Davenport	None		
Mason	None		
Shelton	Banned		
Okanogan	Banned		
Brewster	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon
Conconully	None		
Okanogan	None		
Omak	None		
Oroville	None		
Pateros	None		

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FIRE PROTECTION BUREAU – PREVENTION DIVISION
 PO Box 42642
 Olympia WA 98504-2642
 (360) 596-3913 FAX: (360) 596-3934
 E-Mail: Fireworks@wsp.wa.gov



Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Okanogan	continued		
Tonasket	None		
Twisp	None		
Winthrop	None		
Pacific	None		
Illwaco	None		
Long Beach	None		
Raymond	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	
South Bend	None		July 3rd, 10 a.m. to 10 p.m. July 4th, 10 a.m. to 12 a.m. midnight
Pend Oreille	None		
Newport	None		
Pierce	None		
Bonney Lake	Restricted	Follows state law except no sales on July 5th	July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 11 p.m.
Buckley	Restricted	Follows state law except on July 4th, 9 a.m. to 9 p.m. with no sales July 5th	July 2nd to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 11 p.m.
Dupont	Restricted		July 3rd, 12 p.m. noon to 11 p.m. July 4th, 12 p.m. noon to 12 a.m. midnight
Eatonville	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	July 3rd to July 4th, 12 p.m. noon to 11 p.m.
Edgewood	Restricted		July 1st to July 3rd, 12 p.m. noon to 11 p.m. July 4th, 12 p.m. noon to 12 a.m. midnight July 5th, 12 p.m. noon to 11 p.m.
Fife	None		
Fircrest	Banned		
Gig Harbor	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon
Lakewood	Restricted	Follows state law except no sales on July 5th	July 3rd to July 5th, 11 a.m. to 11 p.m.
Milton	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Orting	Restricted		July 4th, 12:01 a.m. to 11:59 p.m.
Pacific	Restricted	June 28th, 12 p.m. to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Pierce	continued		
Puyallup	Restricted	Follows state law except on July 4th, 9 a.m. to 9 p.m. with no sales on July 5th	July 4th, 9 a.m. to 11 p.m.
Roy	None		
Ruston	Banned		
Steilacoom	Banned		
Sumner	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 12 p.m. noon to 12 a.m. midnight
Tacoma	Banned		
University Place	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
San Juan	Banned		
Friday Harbor	Banned		
Skagit	None		
Anacortes	Banned		
Burlington	Banned		
Concrete	None		
La Conner	Restricted	Sale of Fireworks Banned	July 4th, 9 a.m. to 12 a.m. midnight
Mount Vernon	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 12 p.m. noon to 12 a.m. midnight.
Sedro-Woolley	Restricted	June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Skamania	None		
North Bonneville	None		
Stevenson	None		
Snohomish	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	July 4th, 9 a.m. to 11:59 p.m.
Arlington	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Bothell	Restricted	July 1st, 12 p.m. noon to 11 p.m. July 2nd to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 9 p.m.	July 4th, 9 a.m. to 11 p.m.
Brier	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 11:59 p.m.
Darrington	Restricted		July 4th, 9 a.m. to 11:59 p.m.
Edmonds	Banned		
Everett	Banned		
Gold Bar	Banned		

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Snohomish	continued		
Granite Falls	Restricted		July 4th, 9 a.m. to 11:59 p.m.
Index	Restricted		July 4th, 9 a.m. to 12 a.m. midnight
Lake Stevens	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Lynnwood	Banned		
Marysville	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 11 p.m.
Mill Creek	Banned		
Monroe	Restricted	June 28th, 12 p.m. noon to 11 p.m. June 29th to July 4th, 9 a.m. to 11 p.m.	July 4th, 9 a.m. to 12 a.m. midnight
Mountlake Terrace	Banned		
Mukilteo	Banned		
Snohomish	Restricted	July 1st to July 4th, 9 a.m. to 10 p.m.	July 1st to July 4th, 9 a.m. to 11 p.m.
Stanwood	Restricted	Follows state law except on July 5th, 9 a.m. to 12 p.m. noon	June 28th to July 5th, 12 p.m. noon to 11 p.m.
Sultan	None		
Woodway	Banned		
Spokane	Banned		
Airway Heights	Restricted	July 2nd to July 4th, 8 a.m. to 8 p.m.	July 4th, 8 a.m. to 12 a.m. midnight
Cheney	Banned		
Deer Park	Restricted	June 28th, 12 p.m. noon to 10 p.m. June 29th to July 3rd, 9 a.m. to 10 p.m. July 4th, 9 a.m. to 9 p.m.	July 1st to July 4th, 9 a.m. to 10 p.m.
Liberty Lake	Banned		
Medical Lake	Restricted	July 1st to July 4th, 9 a.m. to 8 p.m.	July 4th, 9 a.m. to 11 p.m.
Millwood	Banned		
Spokane	Banned		
Spokane Valley	Banned		
Stevens	None		
Chewelah	Restricted	July 1st to July 4th, 9 a.m. to 9 p.m.	July 4th, 10 a.m. to 10 p.m.
Colville	Restricted	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 7 p.m.	July 4th, 9 a.m. to 11 p.m.
Kettle Falls	None		
Marcus	None		
Springdale	Banned		

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Thurston	Restricted		July 3rd to July 4th, 9 a.m. to 11 p.m.
Lacey	Banned		
Olympia	Banned		
Rainier	None		
Tenino	None		
Tumwater	Restricted	July 1st to July 4th, 9 a.m. to 11 p.m.	July 3rd to July 4th, 9 a.m. to 11 p.m.
Yelm	None		
Wahkiakum	None		
Cathlamet	None		
Walla Walla	Restricted	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight
College Place	Restricted	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 11 p.m.
Waitsburg	None		
Walla Walla	Restricted	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight	July 4th, 9 a.m. to 12 a.m. midnight
Whatcom	None		
Bellingham	Banned		
Blaine	Restricted	July 1st to July 4th, 9 a.m. to 9 p.m.	July 1st to July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 11 p.m.
Everson	None		
Ferndale	None		
Lynden	None		
Sumas	None		
Whitman	Restricted	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 12 p.m. noon to 11 p.m. July 5th, 9 a.m. to 12 p.m. noon	June 28th, 12 p.m. noon to 9 p.m. June 29th to July 3rd, 9 a.m. to 11 p.m. July 4th, 12 p.m. noon to 11 p.m. July 5th, 9 a.m. to 12 p.m. noon
Colfax	None		
Colton	None		
Oaksdale	Restricted	July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 11 p.m. July 5th, 9 a.m. to 7 p.m.	July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight July 5th, 9 a.m. to 7 p.m.

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Fireworks Ban or Restricted Sales/Use

County/City	Ban or Restricted	Sales Period	Discharge Period
Whitman	continued		
Palouse	None		
Pullman	Restricted	July 1st to July 4th, 9 a.m. to 11 p.m.	July 3rd, 9 a.m. to 11 p.m. July 4th, 9 a.m. to 12 a.m. midnight
Yakima	Banned		
Grandview	Banned		
Mabton	Banned		
Moxee	Restricted	Follows state law except no sales on July 5th	July 4th, 9 a.m. to 11 p.m.
Naches	Banned		
Selah	Banned		
Sunnyside	Banned		
Tieton	Banned		
Toppenish	Banned		
Union Gap	Banned		
Wapato	None		
Yakima	Banned		
Zillah	Restricted		July 3rd, 12 p.m. noon to 10:30 p.m. July 4th, 12 p.m. noon to 12 a.m. midnight.

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Chapter 5.54

FIREWORKS

Sections:

- 5.54.010 Fireworks--Defined
- 5.54.020 Permit Required
- 5.54.030 Permit Procedure
- 5.54.040 Action by City Council
- 5.54.050 Issuance of Permit—Non-transferable
- 5.54.060 Dates for Sale and Use of Common Fireworks
- 5.54.070 Storage of Unsold Stocks of Fireworks
- 5.54.080 Discharge of Special Fireworks
- 5.54.090 Restriction on Sale of Common Fireworks
- 5.54.100 Specifications for Fireworks Stands
- 5.54.110 Operation of Fireworks Stands
- 5.54.120 Fees
- 5.54.130 Enforcement--Revocation of Permit
- 5.54.140 Seizure of Fireworks
- 5.54.150 Seizure Proceedings
- 5.54.160 Penalty for Violation
- 5.54.170 Purpose and Intent--Liability
- 5.54.180 Severability

5.54.010 Definitions Incorporated by Reference. As used in this chapter, the term "fireworks", "display fireworks", and "consumer fireworks" shall have the same meaning and be defined in Chapter 70.77 RCW, as amended by Chapter 370, Laws of 2002. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.020 Permit Required. No person, firm, partnership or corporation shall establish or maintain a place where fireworks are sold without first having obtained a City fireworks permit. Such permit shall be issued if the application meets the requirements of RCW Chapter 70.77 and all ordinances of the City of Snohomish. (Ord 1781, 1995)

5.54.030 Permit Procedure. Any adult person, firm, partnership, corporation, association or other group may apply for a fireworks permit. The application shall be in writing and shall be filed with the local fire official after April 10th and before May 10th. The application shall include the following:

- A. Proof that the applicant has been issued a fireworks license by the state fire marshal;
- B. Certification of insurance in a minimum amount of one million dollars Combined single limit covering bodily injury liability and premises liability with the applicant names as insured, and also naming the City of Snohomish, its officers and employees in their capacities acting as agents for the City of Snohomish;
- C. Site map showing location of the proposed stand, including street names, sidewalks, distances from structures and driveways;
- D. Sketch of proposed stand showing approximate dimensions and materials;
- E. Signed statement of property owner's permission to place a fireworks stand at the proposed location;
- F. Cashier's receipt showing payment of permit fee and/or clean up fee as established by Council resolution. (Ord 2091, 2005)

5.54.040 Action by City Council or designee. After a completed permit application is received, the City Council or its designee shall grant the permit, if the application meets the standards under Ch. 70.77 RCW and Ch. 5.54 SMC. The permit shall be granted by June 10th, or no less than 30 days after receipt of a complete application, whichever occurs first. The City

PUBLIC HEARINGS 5b

Council may designate the City Manager as the approval authority for fireworks permits under this Chapter. The decision of the City with respect to an application shall be final. (Ord. 2091, 2005)

5.54.050 Issuance of Permit--Non-transferable. Upon approval by the City Council or its designee of the fireworks permit, the City Clerk shall issue the same to the applicant. The permit shall be for a term of one year. No permit shall be transferable without express approval by the City Council or its designee. (Ord. 2091, 2005)

5.54.060 Dates for Sale and Use of Consumer Fireworks. No consumer fireworks shall be sold within the City except from nine a.m. to ten p.m. on July 1st, 2nd, 3rd, and 4th of each year. Hours of discharge or use shall be limited to nine a.m. to eleven p.m. July 1st, 2nd, 3rd, and 4th. The sale, use and discharge of consumer fireworks from December 27, 2002, to December 31, 2002, and from December 27th to December 31st of each year thereafter, and at all other times except as provided above, shall be and hereby is specifically prohibited. (Ord. 1736, 1993; Ord. 1781, 1995; Ord. 2007, 2002)

5.54.070 Storage of Unsold Stocks of Fireworks. Unsold stocks of fireworks remaining after the authorized sales period provided above shall be returned on or before July 31st of the same year to an approved storage facility of a licensed fireworks wholesaler, or to some other magazine or storage place approved by the local fire official. (Ord. 1622, 1987)

5.54.080 Discharge of Display Fireworks. No person shall discharge display fireworks as defined at any place in the City except as authorized by state license and local permit for a public display of fireworks as defined by Chapter 70.77 RCW as amended by Chapter 370, Laws of 2002. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.090 Restriction on Sale of Common Fireworks. No person shall sell or transfer any consumer fireworks to a consumer or user thereof other than at a fixed place of business or a retailer for which a fireworks permit has been issued. No sale of fireworks shall be to a person under the age of 16. (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.100 Specifications for Fireworks Stands. Consumer fireworks shall not be sold from any permanent buildings or structures. Temporary fireworks stands shall be constructed in accordance with the following specifications, subject to approval by the local fire official and building inspector:

- A. Fireworks stands shall be located more than one hundred feet from any place of assembly, gasoline station, storage tank, or premises where flammable liquids are stored, and shall be located more than fifty feet from all other structures;
- B. Fireworks stands shall be erected to the satisfaction of the fire department and shall be structurally sound and will have the following:
 1. No less than two exits located at opposite ends of the stand. It shall remain unobstructed at all times,
 2. No less than two fire extinguisher (water) of not less than a 2A rating,
 3. "No Smoking" signs installed so that they are visible on all four sides of the stand,
 4. A no parking area of twenty-five feet in front of the stand and within fifteen feet of the three other sides of the stand shall be roped or barricaded off,

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5. Fireworks stored and displayed so that the general public cannot physically handle the fireworks,
 6. No matches, lighters, open fires, or other sources of ignition shall be sold or stored in the stand,
 7. No discharge of fireworks within one hundred feet of the stand,
 8. All weeds and combustible materials shall be cleared from within at least twenty-five feet of a fireworks stand.
- C. All permits, including these standards, shall be posted and maintained in the stand at all times;
- D. Stands shall be removed and area cleaned up by July 11th (five days after sales cease). (Ord. 1622, 1987; Ord. 2007, 2002)

5.54.110 Operation of Fireworks Stands.

The party holding the fireworks permit shall operate the fireworks stand exclusively by and through its employees, members or designees. No person under the age of eighteen years shall staff a fireworks stand.

- A. One operator shall remain at the counter where fireworks are sold at all times that the stand is open.
- B. Operators shall enforce the no smoking rule.
- C. Operators shall enforce no parking within the barricaded area described in Section 5.54.100 (b) (4) of this chapter.
- D. When stands are closed, the fireworks area shall be closed and locked. Sleeping therein is prohibited.
- E. No fireworks shall be sold to persons under 16 years of age. All fireworks stands shall post, in at least two

conspicuous places, a sign, acceptable in size, form and content to the local fire official, concerning the prohibition of sales of fireworks to persons under the age of 16 years. (Ord. 1736, 1993)

- F. Only such fireworks as authorized by the state of Washington, pursuant to RCW 70.77, will be sold.
- G. A list of all fireworks which may be sold to the public shall be posted prominently and maintained at each retail outlet. The posted list shall be in a form approved by the state fire marshal. (Ord. 1622, 1987; Ord. 1672, 1989)

5.54.120 Fees. The City Council shall establish the fees for permits and/or clean up fees issued pursuant to this ordinance by council resolution. (Ord. 1622, 1987)

5.54.130 Enforcement -- Revocation of Permit.

The local fire official shall be authorized to enter and inspect all fireworks stands to assure compliance with the provisions of this chapter and to protect the public health, safety and welfare. The fire official is authorized to temporarily revoke any permit, for cause. Any party aggrieved by such revocation shall have the right to appeal the same to the City Council within ten days thereafter. The decision of the City Council shall be final. (Ord. 1622, 1987)

5.54.140 Seizure of Fireworks.

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of this chapter shall be subject to seizure by the local fire official or his designee or the Chief of Police or his designee or the state fire marshal. Any fireworks seized may be disposed of by the local fire official or designee by distribution at any time subsequent to thirty days from such seizure or ten days from the termination of proceedings under Section 5.54.150. (Ord. 1622, 1987)

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5.54.150 Seizure Proceedings. Seized fireworks may be returned after a petition is filed and, if requested, a hearing held proves the fireworks were illegally or erroneously seized.

A. Any person whose fireworks are seized under Section 5.54.140 may within ten days after such seizure petition the local fire official or state fire marshal to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the local fire official or state fire marshal within fifteen days after filing and an oral hearing granted the petitioner, if requested. Notice of the decision of the local fire official or state fire marshal shall be served upon the petitioner. The local fire official or state fire marshal may order the fireworks seized to be disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the local fire official or state fire marshal is final unless within sixty days an action is commenced in a court of competent jurisdiction for the recovery of the fireworks seized by the local fire official or state fire marshal.

B. If the fireworks are not returned to the petitioner or destroyed, the local fire official or state fire marshal may sell confiscated common fireworks to wholesalers licensed by the state fire marshal. Sale shall be by public auction after publishing a notice of the date, place and time of the auction in a newspaper of general circulation in Snohomish County at least three days before the date of the auction. Proceeds of the sale of seized fireworks shall be deposited in a general fund. Fireworks that are not legal for use and possession shall be destroyed by the local fire official or state fire marshal. (Ord, 1622, 1987)

5.54.160 Penalty for Violation. Any person, firm, partnership, corporation, association or other group violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding three hundred dollars, or by imprisonment for a period not exceeding ninety days, or by both such fine and imprisonment, The fireworks permit of any violator shall be revoked. (Ord. 1622, 1987)

5.54.170 Purpose and Intent -- Liability.

A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter that no provision nor any term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a permittee to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its

PUBLIC HEARINGS 5b

officers, employees or agents. (Ord. 1622,1987)

5.54.180 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this chapter, or the validity of its application to other persons or circumstances. (Ord. 1622, 1987)

ATTACHMENT D



December 7, 15
Larry Bauman
City Manager
City of Snohomish
116 Union Avenue
Snohomish, WA 98290

Dear Larry,

In our November Meeting, the Snohomish Public Safety Commission discussed proposed changes to Snohomish Municipal Code Section 05.54, governing the sale and discharge of fireworks within Snohomish's city limits.

The consensus of the Snohomish Public Safety Commission members was that Snohomish's Municipal Code be amended to align with Snohomish County regulation governing fireworks which states legal fireworks are only permitted to be discharged on July 4, between the hours of 9 AM and midnight.

Further, the Snohomish Public Safety Commission supports Snohomish City Council in pursuing a ban on the sale and discharge of all fireworks within Snohomish city limits.

The Commission does caution the City and the Public that while this law may reduce the risk and nuisance of fireworks, serious injuries and noise issues are usually caused by fireworks that are already illegal. Further, the Commission expects an increase in calls for law enforcement service, which could impact code enforcement and effectiveness.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ty Hammond".

Ty Hammond, Chairman, Snohomish Public Safety Commission

A handwritten signature in black ink, appearing to read "Merle Kirkley".

Merle Kirkley, Vice Chairman, Snohomish Public Safety Commission

cc: John Flood, Sheriff; Ron Simmons, Fire Chief; Michael Thompson; Jim Schmoker; B.J. Myers; Sharon Snell; Jan Lengenfelder; Michael Rohrscheib

ACTION ITEM 6

Date: March 1, 2016
To: City Council
From: Pat Adams, Human Resources Manager
Subject: **2016 City Personnel Policies and Procedures Manual - Resolution 1335**

It has been more than five years since the City's personnel policies have been reviewed and updated. The most significant amendments to the City's personnel policies are outlined as follows:

- ***Law Enforcement Personnel*** – As a result of the City's current contract for law enforcement services with the Snohomish County Sheriff's Office, all references to law enforcement and Civil Service personnel has been removed from the current policy manual.
- ***Policies related to use of City Technologies (Computer Systems, Cell Phones, Internet, E-mail, and Social Media (Facebook, Twitter, YouTube, etc.))*** The City is increasingly utilizing social media to enhance communications with the public, and it is necessary to adopt a social media policy outlining the dos and don'ts of online communication. In part, this policy requires that only authorized users who have been trained regarding their roles, responsibilities and security risks be allowed access to social media sites while at work as a City employee. Further, with the expansion of public records to include any city-related texts sent on City cell phones or personally-owned devices the policies, it is necessary to provide staff with guidelines to address public disclosure and retention issues.
- ***Patient Protection and Affordable Care Act (PPACA)***. The federal Affordable Care Act (ACA) became law in 2010. Implementation is being phased in through 2018. For the City, the most significant aspect to take effect in 2016 is the Employer Shared Responsibility Provision. This provision of the ACA will assess penalties for all employers (50+ FTEs) who do not offer health insurance coverage that is "affordable" to full-time employees. Currently, the ACA will only apply to the City's temporary employees for whom the City offers no health insurance or other City benefits. As a result, the City has established a measurement period under the ACA as 12-months to allow for averaging of peak hours worked by the seasonal employees during the year, which falls well below the ACA threshold requiring the City to offer these workers medical insurance.
- ***Unpaid Holidays (2) for Reasons of Faith or Conscience*** - Effective June 2014, a new law took effect which requires local governments to provide their employees with two unpaid holidays per calendar year to use for a "reason of faith or conscience."

ACTION ITEM 6

- ***Travel Policy -- Increase in Meals Per Diem*** – The City increased and updated its meal allowance from \$46.00 per day to \$58.00 per day, based on the 2015 Per Diem Rates for Washington as reported by the U.S. General Services Administration for Snohomish County (Everett/Lynnwood). This amount is also consistent with the State of Washington Office of Financial Management Guidelines for meal reimbursement.
- ***Tobacco, Drugs, Narcotics and Alcohol – Marijuana***. Notwithstanding the legalization of marijuana under Washington law, marijuana remains an illegal drug under federal law and its use by employees is therefore prohibited under the City's policies.

The purpose for enacting these personnel policies is to ensure compliance with current Federal and State personnel laws, and to provide a uniform system of personnel administration throughout the City, and to assist managers and supervisors in developing sound management practices and procedures.

It should be noted that the policies will apply to all City employees, except elected officials and independent contractors. In the event there is a conflict between these policies and any collective bargaining agreement, personnel services contract, or State or Federal law, the terms and conditions of that contract, rule or law shall prevail. In all other cases, the City's policies and procedures will apply.

RECOMMENDATION: That the City Council APPROVE Resolution 1335, adopting the City's Personnel Policies and Procedures Manual.

ATTACHMENTS:

- A. Resolution 1335
- B. Personnel Policies and Procedure Manual

ACTION ITEM 6

ATTACHMENT A

**CITY OF SNOHOMISH
Snohomish, Washington**

DRAFT RESOLUTION 1335

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SNOHOMISH,
WASHINGTON, ADOPTING PERSONNEL POLICIES AND PROCEDURES
FOR EMPLOYEES OF THE CITY OF SNOHOMISH AND REPEALING
RESOLUTION 1254.**

WHEREAS, on March 16, 2010, the City Council of the City Snohomish adopted Resolution 1254 implementing personnel policies and procedures for City employees; and

WHEREAS, the City Council deems it necessary and appropriate to adopt revised personnel policies and procedures, so that they are consistent with current practice and applicable laws; and

WHEREAS, the City Council also deems it necessary and appropriate to revise the personnel policies and procedures to make them more clear and comprehensive;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SNOHOMISH AS FOLLOWS:**

Section 1. Resolution 1254 is hereby repealed for the reason that it is replaced by this resolution.

Section 2. The Personnel Policies and Procedures Manual for all employees of the City of Snohomish, Washington, a copy of which is attached hereto and incorporated herein by this reference, is hereby adopted.

PASSED by the City Council and **APPROVED** by the Mayor this ____ day of ____ 2016.

CITY OF SNOHOMISH

By _____
Karen Guzak, Mayor

ATTEST:

APPROVED AS TO FORM:

By _____
Pat Adams, City Clerk

By _____
Grant K. Weed, City Attorney

City of Snohomish

Employee Handbook



*Adopted March 16, 2010
Amended March 1, 2016
City Council Resolution # 1335*

ACTION ITEM 6

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I. INTRODUCTION

A. Scope

The City of Snohomish (“City”) adopts these Personnel Policies and Procedures, also referred to as the Employee Handbook (“Handbook”), to accomplish the purposes and goals set forth in the Purpose Statement below. The City specifically reserves the right to amend, modify or repeal these Personnel Policies and Procedures at any time, with or without notice. None of the policies and procedures in this Handbook creates or shall be construed to create a contractual right in any employee or to limit the power of the City to amend, modify or repeal this Handbook. The policies and procedures in this Handbook are not promises of specific treatment to any employee and should not be construed as such. The employment relationship between the City and each of its employees is “at-will” and can be terminated with or without cause and with or without notice at any time by either the City or the employee, unless the employee is specifically provided additional rights in a written contract. “Employee” includes any person holding a regularly compensated position for the City of Snohomish, including regular full time, part time, temporary, seasonal, or any other classification which is regularly compensated. The term “employee” excludes City Council members and members of City Boards and Commissions.

B. Purpose Statement

The policies and procedures in this Handbook are adopted by the City in order to further the following goals:

- To provide a uniform system of personnel administration throughout the City service;
- To assist managers in the development of sound management practices and procedures, and to make effective and consistent use of human resources throughout the City service;
- To provide City employees with an overview of the City’s policies and procedures;
- To promote communication among City employees; and
- To ensure that recruitment, selection, placement, retention and separation of City employees are in compliance with federal, state and local laws, and are substantially based upon the employees’ fitness and qualifications, while still retaining the “at will” employment relationship.

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C. Interpretation

In the event of conflict between this Handbook and any collective bargaining agreement, personal services contract, City ordinance, or federal, state or local law, the terms and conditions of the contract, ordinance, rule, or law shall govern. In all other cases, this Handbook shall govern. If any ordinance, rule or law incorporated in this Handbook or upon which this Handbook relies is amended, this Handbook will be deemed amended in conformance with the ordinance, rule or law. Where any aspect of this Handbook requires interpretation to resolve an ambiguity, the City Manager will make the final interpretation of this Handbook.

D. Employee Acknowledgement of Receipt and Review

Each employee shall be required to sign and submit to the Human Resources Manager a statement acknowledging that the employee has received, reviewed, and understands the City's Personnel Policies and Procedures as set forth in this Employee Handbook.

II. PERSONNEL RECORDS

A. Personnel Files

Official Personnel files for all City employees are maintained by the Human Resources Manager. Official Personnel files may include, but are not limited to, the following:

- Employment application
- Employment benefits information
- Job description
- Performance evaluations
- Personnel action forms
- Personnel data
- Training information.

Documents containing medical information about City employees are not maintained in the employee's personnel file. Instead, such documents are placed in separate medical files that are kept in a locked file cabinet with access limited to the City Manager and Human Resources Manager.

B. Civil Service Files

Official Civil Service files for former law enforcement classified civil service personnel, are maintained by the Human Resources Manager or an approved designee. Official Civil Service files may include, but are not limited to, the following:

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- Background checks
- Civil service test results
- Oral board results
- Polygraph tests results
- Psychological profiles.

C. Access to Personnel Records

Employees may view the documents maintained in their personnel file, medical file, or civil service file upon request and with reasonable notice. Access by others to an employee's personnel or Civil Service files by appropriate City personnel may be allowed for administrative purposes. Otherwise, information contained in an employee's personnel, civil service, or medical file will generally not be released to any person without a bona fide release of information form signed by the employee or former employee. However, exceptions may occur, such as when information contained in personnel, civil service, or medical file is subject to disclosure pursuant to a subpoena, a court order, or a public records request for which no statutory exemption from disclosure exists.

III. EMPLOYMENT RELATIONS

A. Equal Employment Opportunity

The City is an equal opportunity employer. This means that the City does not discriminate in employment decisions or policies in violation of law on the basis of race, color, national origin, creed, religion, sex, age (over 40), marital status, physical or mental disability, sexual orientation, or status as an honorably discharged veteran, or any other class protected by federal, state, or local law. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

B. Issues of Accommodation

1. Employees with Disabilities

The City complies fully with its duty to provide a reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of his/her job. If you have a disability that limits your ability to perform your job, please inform the Human Resources Manager of your disability and request for accommodation.

In order to provide a reasonable accommodation, the City may seek to communicate with you and your medical provider to gain a better understanding of any limitations you possess, and given those limitations, the means by which an accommodation would allow you to perform the

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essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from a disability-related leave, the City may request that you undergo a fitness for duty examination to ensure that you are capable of performing the essential functions of the job.

If an employee qualifies, the City will work with the employee, his/her medical providers, and potentially the independent medical provider to provide the employee with a reasonable accommodation so that he or she can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that he or she is able to perform. However, in certain instances, the City may be unable to provide the employee with an appropriate accommodation and the employee may be terminated.

The City will maintain any medical records and related information in a separate confidential file, as described above. The City will take reasonable precautions to protect such information from inappropriate disclosure. Therefore, managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information may be subject to disciplinary action, up to and including immediate termination. If employees have any questions about the manner in which their medically related information is maintained, they should contact their Department Head or Human Resources Manager.

2. Employees seeking accommodation for religious beliefs or practices

The City complies fully with its duty to provide a reasonable accommodation of any employee's sincerely-held religious beliefs, unless the City believes such an accommodation would create an undue hardship or is contrary to the City's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that vary from any dress code adopted by the City, please inform the Human Resources Manager of your request for accommodation.

C. Life-Threatening Illnesses

Employees with life threatening illnesses, such as cancer, heart disease, or AIDS, may wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards and can perform the essential duties of their job. As in the case of other disabilities, the City will make reasonable accommodations to assist qualified employees with life threatening illnesses to perform the essential functions of their jobs, as required by law, and will treat medical information about such employees with confidentiality to the extent practical under the circumstances, as set forth in Section III. B. Disability Accommodation.

Employees with questions or concerns about life threatening illnesses are encouraged to

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contact the Human Resources Manager for information. Employees, who believe they have been discriminated against or subjected to unlawful harassment because of a life threatening illness, should advise the City as set forth in Section IV. A. Reporting Complaints.

D. Prohibition of Harassment

The City is committed to providing a work environment, which is free from unlawful harassment and where all employees are treated with respect. The City expects all of its employees to accomplish their work in a professional manner. The City expressly prohibits any form of unlawful harassment by or against its employees based on race, color, sex, sexual orientation, religion, age, marital status, national origin, the presence of sensory, mental or physical disability, veteran status, or status in any other legally protect group.

Harassment may have serious consequences for the employees involved as well as for the City. Therefore, it is the responsibility of every employee to create an atmosphere free from harassment and to cooperate with and assist in the implementation of this policy. If you believe that you or another employee has been harassed or discriminated against, you must report the complaint, as described in Section IV. A. Reporting Complaints.

E. Sexual Harassment

As stated above, sexual harassment is one of the types of harassment that the City prohibits by or against its employees. This section is intended to provide detailed information on sexual harassment. This section should not be interpreted as expressing or implying a lessened commitment by the City to the prevention of other forms of unlawful harassment. No type of unlawful harassment is acceptable.

Sexual harassment is conduct that is directed at an employee because of his or her gender, is unwelcome, and is offensive to the reasonable person. Even conduct that is not intended to be offensive may constitute sexual harassment if a reasonable person who experiences or witnesses it would consider it so. Examples of the types of conduct that may constitute prohibited sexual harassment include the following:

- Sexually suggestive touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair or brushing against someone's body
- Grabbing, groping, kissing or fondling
- Lewd, off-color, sexually oriented comments or jokes
- Sexually suggestive leering or staring

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- Sexually explicit or suggestive posters, calendars, cartoons, photographs, drawings, graffiti or screen savers
- Sexually explicit or suggestive email or voicemail messages
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct
- Sexually oriented comments or questions regarding someone's sex life, sexual experiences, sexual activities, prowess or deficiencies
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided
- Sexual assault or rape

With respect to other forms of unlawful harassment, the City prohibits any conduct, including comments, jokes, or images, directed at an employee because of his or her race, disability, age, sexual orientation or other protected class status that is unwelcome to the employee and offensive to the reasonable person.

F. Workplace Violence

The City prohibits workplace violence by or against its employees. For purposes of this Handbook, workplace violence is any violent or potentially violent behavior, which arises from or occurs in the workplace and involves City employees, visitors, vendors or members of the public. Violent or threatening behavior can include, but is not limited to, physically aggressive acts, oral or written statements, harassing telephone calls, physically aggressive gestures or expressions, and behaviors such as stalking.

Employees should immediately report direct threats of harm to any person or to property by calling 911 and reporting the matter to local law enforcement authorities. Employees should report all other complaints of workplace violence to their Department Director.

Every report of workplace violence will be taken seriously and investigated thoroughly. To every extent possible, consistent with the State public disclosure statute and the need to investigate and reconcile the problem, the City will protect the confidentiality of those involved.

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Any employee who commits violent or threatening behavior in the workplace may be subject to disciplinary action, up to and including immediate termination. The City also may report complaints of workplace violence to local law enforcement authorities.

G. Prohibition of Retaliation

The City prohibits any form of retaliation against any employee for good faith actions in filing a complaint under the City's discrimination, harassment, and workplace violence policies, and for participating in the investigation of any complaint of discrimination, harassment or workplace violence. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. If you believe that you have been subjected to unlawful retaliation, or if you observe that another employee has been subjected to unlawful retaliation, you are obligated to report the matter immediately, as described in Section IV.A. Whistleblowing.

H. Security

The City makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

Employees, are prohibited for possessing firearms or other weapons on City of Snohomish property and at events sponsored by the City. Employees are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business.

Employees are issued identification badges that must be available for display while working for and representing the City.

Employees are expected to exercise reasonable care for their own protection and for protection of their personal property while on City premises and while away from the premises on business. The City assumes no responsibility for loss, damage, or theft of personal property.

Employees are expected to know and comply with City security procedures and should report any violations or potential problems to the Police Department. Violations of City security rules or procedures will result in disciplinary action, up to and including termination.

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IV. COMPLAINTS

A. Reporting Complaints

1. Informal Complaint Procedure

Any employee who feels he or she has been subject to harassment, in violation of the policies set forth in Article III Employment Relations, should clearly inform the perpetrator, to the extent that the employee feels comfortable doing so, that his or her behavior is inappropriate, offensive, and unwelcome and should immediately cease. The problem may be caused by a lack of awareness and will be resolved if you respectfully raise it with the person against whom you have a complaint.

The City encourages you to try this informal approach before you bring a formal harassment complaint. If, however, you believe that it would be inappropriate to discuss the matter with the person, the person does not respond as desired, or if you are uncomfortable discussing the issue with the person, you may bypass this person and report your complaint as set forth in the Formal Complaint Procedure below.

2. Formal Complaint Procedure

This formal complaint procedure should be utilized for employees who have complaints of unlawful discrimination, retaliation, and workplace violence. This formal complaint procedure should also be used for harassment complaints if the employee is not satisfied with the informal resolution, or feels uncomfortable talking with the perpetrator. To make a formal complaint, the employee should bring his/her complaint to the attention of the Human Resources Manager. If the employee believes the Human Resources Manager is involved in the inappropriate conduct, then the employee should bring the concern to the attention of the City Manager. The complaint should include a description of the offensive conduct or action, the date of the occurrence(s), the individuals involved, and the names of any witnesses.

B. Investigating and Resolving Complaints

Every report of discrimination, harassment, workplace violence, and retaliation will be taken seriously and investigated thoroughly. To every extent possible, consistent with the need to investigate and reconcile the problem, the City will protect the confidentiality of those involved. Different circumstances may produce different responses and levels of investigation.

All complaints will be promptly and fairly investigated by the Human Resources Department, unless the circumstances require the retainer of an outsider investigator. If the allegations are founded, corrective action will be taken. There may be disciplinary action up to and including immediate termination of employment against those who violate this policy, as well as against any others who condone such conduct. If the alleged perpetrator is not a City

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employee, then the matter may be referred to the appropriate authority for determination and implementation of appropriate corrective action.

If the employee is not satisfied with the resolution of the complaint, the matter shall be referred to the City Manager, whose determination shall be final.

C. Complaints of Other Matters (Grievances)

There may be instances in which an employee has a concern or a complaint about a matter that does not involve unlawful harassment, discrimination, workplace violence, or retaliation. The City believes that it is important to resolve these concerns in an open and fair manner as well. While the City recognizes that not everyone is comfortable presenting a complaint or grievance to his or her employer, the City encourages you to do so and is committed to preventing any retaliation against an employee who raises such concerns.

The City believes that taking the time to ask and answer questions and to state and resolve workplace concerns makes an important contribution to the City's overall performance and growth. Accordingly, employees may submit complaints or grievances regarding the application of any provision in this Handbook to the immediate supervisor, Department Head, or Human Resources Manager, except that where a matter is covered by an employee's union contract, the grievance procedure in the union contract shall be followed. If the employee is not satisfied with the resolution of the complaint, or if the Department Head or Human Resources Manager deems it appropriate, the matter may be referred to the City Manager, whose determination shall be final.

D. Whistleblowing

This whistleblowing procedure is intended to implement, be consistent with, and be construed in accordance with, Ch. 42.41 RCW, Local Whistleblower Protection. As required by RCW 42.41.030, a summary of the procedures set forth herein shall be posted where all employees have access to it.

The City strives to conduct its business with the utmost integrity and in strict accordance with all applicable federal, state and local laws. Accordingly, employees are encouraged to bring to the attention of the City any improper actions of City officials and employees. The City will not retaliate against any employee who makes such a disclosure in good faith and in accordance with the procedures set forth in this policy.

Improper actions are actions undertaken by an officer or employee, in the performance of his or her official duties, which (a) are in violation of any federal, state or local law; (b) constitute an abuse of authority; (c) create a substantial and specific danger to public health or safety; or (d) grossly waste public funds. Improper actions do not include common personnel actions, such as the processing of grievances, decisions regarding hiring, promotion, transfers,

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firing and other discipline, or alleged violations of labor agreements, employment contracts, collective bargaining and civil service laws, or policies or procedures set forth in this Handbook, except as otherwise specifically provided herein.

An employee, who has a good faith concern that improper action has occurred or is about to occur, should first raise that concern with the City. Specifically, the employee should submit his or her concerns and related information (“Complaint”) in writing to the City Manager. In the event that the Complaint concerns the City Manager, the Complaint should be submitted to the City Attorney or County Prosecuting Attorney, who will abide by this procedure. In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action, such as the Snohomish County Prosecuting Attorney. The City will attempt to keep the identity of a reporting employee as confidential as possible, given the nature of a subsequent investigation and resolution. The employee may report under this policy through a union business representative or the employee’s personal attorney, however, such union representative or personal attorney should also abide by these procedures.

If the reporting employee is not satisfied with the investigation and/or resolution of the Complaint, the reporting employee may request reconsideration in writing within five (5) working days of receipt of the City’s response. Written requests for reconsideration should be submitted to the City Manager or designee and should identify the specific elements of the City’s investigation or response which the reporting employee finds unsatisfactory. The City will promptly advise the reporting employee in writing whether reconsideration will be granted. Any reconsideration will be limited to examination of the specific issues raised by the reporting party in his or her written request. The City will have a reasonable time from the date reconsideration is granted to complete any additional investigation and provide the employee with a further response. If the employee is still not satisfied with the City’s response, the employee may submit the Complaint to the County Prosecuting Attorney.

Employees who make a good faith attempt to follow this policy shall not be subject to discipline or discharge for reporting, disclosure, or other activities subject to the policy. All City personnel are prohibited from taking any adverse employment action against an employee who registers a Complaint in accordance with this policy. If an employee believes there has been retaliation for reporting improper actions in accordance with this policy, the employee may seek redress in accordance with RCW 42.41.040, which is summarized as follows.

- The employee shall provide written notice of the charge of retaliatory action to the City Council within thirty (30) days of the date the alleged retaliatory action occurred. The notice must specify the alleged retaliatory action and specify the relief requested.

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- The City will respond to the charge within 30 days of receipt of a written notice that contains the above required information. The response will typically identify the alleged retaliatory action and persons involved, identify the relief requested, describe the investigation conducted, state and explain the disposition of the charge, and identify the relief, if any, that is being granted and explain why the relief is appropriate.
- The charging party may be entitled to a hearing if he or she so chooses. However, the hearing must be requested in writing within fifteen (15) days of delivery of the City's written response to the charge.
- Within five (5) working days of receipt of a timely request for hearing, the City must apply to the State Office of Administrative Hearings, for an adjudicative proceeding before an administrative law judge.
- Unless the administrative law judge extends the period, the judge will issue a final decision within 45 days of the date the request for hearing was delivered to the City. The administrative law judge's decision is subject to court review.

V. GENERAL RULES

A. Employee Identification Cards

The City issues employee identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other employees who may require City identification while working in remote job sites. Employee identification cards contain an employee's name, position and department and should be carried at all times when an employee is working. The card should be used as identification if requested by a member of the public or another City employee. It also provides immediate access to emergency information should an employee become injured or incapacitated on the job.

It is the employee's responsibility to ensure accurate and timely updates of information contained on the employee identification card. All requests for re-issuance of employee identification cards should be made to the Personnel Office. Employees may not reproduce or copy identification cards without the City's permission. All old cards should be returned to the Personnel Office before a new card is issued. If a card is lost, damaged or destroyed, the employee should immediately notify the Personnel Office. Unauthorized or inappropriate use of the employee identification card is prohibited and may result in disciplinary action, up to and including immediate termination.

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B. Appearance/Work Attire

Employees are expected to dress neatly and appropriately for the type of work they are doing, and to present a good, professional image of the City to the public.

1. Clothing should be maintained in good condition and as the work environment permits, clean and free from tears, holes and visible stains.
2. Employees should ensure their personal hygiene does not offend others and does not detract from the high quality service orientation of the City.
3. Safety clothing and accessories (e.g., boots, vests, hard hats) must be worn when safety rules require and/or when circumstances warrant it.

Should uniforms, safety apparel or equipment be required for a particular position, they will be provided at City expense. Except for exigent circumstances, uniforms identifiable with the City of Snohomish shall only be worn during hours of work or duty.

C. Union Activities and Labor Agreements

All non-FLSA exempt City employees must join and/or pay dues to the union that represents their department's employees, and may participate in lawful union activities as prescribed by federal and state law.

Wages, benefits and conditions of employment of bargaining unit employees will be provided as specified in the respective labor agreement entered into between the union and the City. Employees are not granted time off with pay to perform union activities unless specifically agreed to by the City at the time of such activity. City equipment and facilities are not to be used for union activity unless specifically provided for in the labor agreement, or unless approved by the City Manager on a case by case basis.

D. Workplace Visitors

To provide for the safety and security of both visitors and employees in City facilities, only authorized visitors are permitted inside the workplace. Restricting unauthorized visitors assists the City in maintaining safety standards, protects against theft, assures security of equipment, helps secure confidential information, preserves employee welfare, and avoids potential disruptions and intrusions.

All visitors should enter City premises at the main lobby of each respective facility. Authorized visitors should be given directions or be escorted to their destination. Employees are responsible for the oversight of visitor conduct and safety.

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If an unauthorized individual is observed on City premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby. In the event of any altercation or hostility on the part of the visitor, employees are to calmly inform the visitor of these policies and that City Police will be called, if necessary. Should the visitor remain non-compliant, employees are authorized to call City Police for assistance.

E. Workplace Solicitations

With the exception of United Way and other City-approved activities, peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed. Exceptions may be granted by the City Manager's office.

Working hours include the working time of both the employee doing the soliciting or distributing and the employee to whom such activity is directed. Employees are, however, free to discuss these matters before or after normal working hours, and during lunch or break periods in non-work areas.

F. Media/Public Inquiries

All media inquiries and other inquiries of a general nature should be referred to the Department Head or Division Manager. In addition, the City Manager must approve all press releases, publications, speeches, or other official declarations. The City Manager may authorize specific employees to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Human Resources Department.

G. Conflicts of Interest

No City employee should engage in any act which is in conflict, or creates an appearance of unfairness or conflict, with the performance of his or her official duties. An employee may be deemed to have a conflict if the employee:

- Has any financial interest in any sale to the City of any goods or services with prior knowledge that the City intended to purchase the property, goods, or services and the employee's financial interest is not fully disclosed to the City Manager immediately.
- Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction, which is or may be the subject of official action by the City.

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- Participates in his or her capacity as a City employee in the issuing of a purchase order or contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
- Engages in, accepts employment from, or renders services for, private interests for any compensation or consideration having monetary value, when such employment or service is incompatible with the proper discharge of official duties or would tend or appear to impair independence of judgment or action in performance of official duties. Also see Section V. H. Outside Employment.
- Directly or indirectly, gives or receives, or agrees to receive any compensation, gift, reward, commission or gratuity from any source except the City, for any matter directly connected with or related to his official services as an employee with the City; provided, however, that reasonable exceptions may be permitted for financially insignificant expressions of courtesy, which are not predicated on the employee's ability to influence, directly or indirectly, any matter before the City; and provided further that the conflict of interest provisions in Ch. 42.23 RCW, Code of Ethics for Municipal Officers, shall apply to all municipal officers as defined in RCW 42.23.020.
- Discloses or uses without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
- Has a financial interest or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

This list is illustrative only and does not describe every instance in which a conflict of interest may arise.

“Interest” is defined as any direct or indirect monetary or material benefit accruing to a City employee or to a City employee's family, as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated).

Interests include: (1) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or

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owned directly or indirectly by the employee, (2) interest in any business entity in which the City employee is an officer, director, or employee, (3) interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business will not typically be deemed to create a conflict of interest.

“Family” is defined as an employee’s spouse, registered domestic partner, child, parent, parent-in-law, brother, sister, grandparent, son-in-law, daughter-in-law, and grandchildren.

“Contract” includes any contract or agreement, sale, lease, purchase, or purchase order.

H. Use of City Property

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. City stationery, supplies and postage may not be used for personal mail. The City mail system is exclusively for City business. This means that you may not receive incoming mail of a personal nature at work, nor may intra and inter-city mail be used for anything other than City business. Your personal mail should be directed either to your home postal address or post office box. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business or for the promotion of public safety.

I. Political Activities

No City employee may use City time or property in any manner to promote any political issue or candidate, to solicit funds for any political purpose, or to influence the outcome of any election.

No City employee shall be eligible for appointment or election to any public office, when the holding of such office would be incompatible or would substantially interfere with the discharge of the employee’s official duties. In such case, the employee shall elect to continue employment with the City or continue in public office.

Any employee who is found to be in violation of this policy may be subject to disciplinary action, up to and including immediate termination. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

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J. Outside Employment

Full-time employees are discouraged from accepting second jobs, whether self-employed or otherwise. Any employee holding or considering a second job shall obtain permission from his or her supervisor.

K. Technology Use

The City is a strong proponent of the use of technology in conducting City business. The City's objective for use of these tools is to make staff more efficient when dealing with information gathering and exchange. The City encourages all employees to use technology to increase productivity and efficiency. This policy is to ensure that the use of such technologies among City employees is consistent with other City policies, all applicable laws, and the individual user's job responsibilities.

This policy applies to all City employees, elected officials, vendors, contractors, interns, volunteers, and otherwise defined entities that use City technology assets and equipment. This policy applies to remote use such as virtual private networking (VPN), wireless, and other remote access technologies. In general, City employees have an obligation to use City technology in a responsible and informed manner just as any other business asset of the City is used. The following policies have been developed to provide a framework for appropriate use by all City employees.

L. Computer Systems and Electronic Communications

Computers, tablets, telephones, cell phones, fax, copy machines, all associated software and peripheral devices, and any other City equipment provided for employee use are the property of the City and are intended solely for use in conducting official City business. Use of City time and resources may be allowed for approved participation in professional organizations related to the employee's official position, upon approval by the City Manager. Employees are responsible for taking adequate measures to prevent damage, theft, or loss of City equipment. Laptop, tablet computers and hand-held devices, in particular, are subject to damage, theft, or loss when removed from City offices.

- City employees should minimize personal calls, sending or receiving facsimile messages and using the photocopy machine during business hours. Personal activities should be conducted during an employee's break or lunch hour. Long distance personal calls and faxes are prohibited.

Except as provided in this section, employees will not use City equipment for personal use. In no event may a City employee take City property to his or her home without prior consent of the Department Director or the City Manager. Improper use of City communications services

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and equipment or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of applicable laws or other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications.

Cell Phones

City issued cell phones should not be used for personal use, except for unforeseen necessary work-related situations such as unanticipated overtime or family emergencies.

The City requires employees, who are issued City provided cell phones to use its cellular telephones and other wireless handheld communications devices safely while conducting City business. Regardless of the circumstances, employees are expected to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are prohibited from placing themselves or others at risk to fulfill business needs.

- If it is imperative to accept a call while driving, employees must use a hands-free device per state law. In positions that require regular driving and answering business calls, the City may provide hands-free equipment, if feasible and required for the employee's duties.
- Employees are prohibited from sending or receiving text messages via wireless handheld communications devices while operating a motor vehicle or performing a task.
- Employees are prohibited from using personal wireless devices while operating a City vehicle.
- The City is not liable for the loss of personal wireless devices brought into the workplace.

Internet Use and Issues

The Internet is a publicly accessible, unregulated network with an extensive amount of reliable and unreliable resources. The Internet can be an enormously rich and productive tool for City staff to utilize in many different ways. It also has many hazards that must be taken into consideration to protect the City and staff from liability.

- City staff using City-provided technology assets must have no expectation of privacy in the use of these tools. They are provided solely for the purpose of conducting City business and should be used as such.
- When using City network resources the City and its employees are identified as the

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sender or recipient when the Internet is used for e-mail, research, browsing, or other activities.

- The Information Services Department monitors the use of the City technology system and technology assets.

System Security

The City implements security measures around its technology system to mitigate the risk of utilizing network technologies such as the Internet. Examples of security measures include but are not limited to usernames, passwords and limited access.

- City staff shall not share usernames and passwords with anyone including their supervisor(s) or store this information in an unsecure fashion.
- Do not write down passwords and store them anywhere in your office.
- Do not store passwords in a file or any computer system without encryption.
- Do not use the “Remember Password” feature of applications such as web browsers (Internet Explorer). Do not use the same password for City network accounts for other non-City access.
- City staff shall not share or allow other City staff the use of their City provided technology equipment such as desktop workstations, laptops, tablets or cell phones.
 - When away from assigned computers or cell phones, City staff should lock the screen, log off or shut down the equipment.
 - At no time, should an unauthorized staff person access or use another staff persons assigned technology equipment.
 - City staff users who are required to or need to use an alternate workstation or laptop for City business should ensure that the regular user is logged off or shall login as their own user.

Downloading software programs of any kind may subject the computer and the network to viruses or other malicious software, which can destroy or compromise data on the computer and the network. Thus, software shall not be downloaded (nor installed) without the prior approval of the Information Services Department. Connecting non-City provided equipment to the City’s network can introduce significant hazards to City technology assets. No City employee, intern, volunteer, vendor, contractor, or otherwise defined entity shall connect a non-City owned device of any kind to the City network or technology assets in any fashion without prior consent of the Information Services Department.

- Due to records retention requirements, use of online storage services are prohibited for uploading documents from City computers. Online storage services include but are not limited to: Google Drive, DropBox, Carbonite, OneDrive, etc.

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- Due to potential high risk of malware, no external files or documents may be downloaded without being properly scanned for viruses.
- Not all employees have access to City technology assets such as e-mail or Internet access and this policy does not create a right to have such access. City staff shall not provide access to those who have not been given explicit authorization to access City technology such as friends or family members.

Should City staff have any knowledge of a security risk such as the loss of a City technology asset or compromised usernames and passwords, the Information Services Department must be notified immediately.

Guidelines on Official Use of the Internet

The Internet is not a secure means of transmission. Thus, sensitive or confidential files or e-mail should not be sent over the Internet. Unless you are specifically authorized to do so, do not claim to represent the views or positions of the City.

Unacceptable sites or Internet uses include, but are not limited to, the following:

- Pornographic sites and access to pornographic materials.
- Internet use to harass anyone - employees, vendors, customers, and others.
- Sports or games sites.
- Dating sites
- Internet use for political purposes.
- Streaming Media including Internet Radio sites
- Unauthorized transfer of copyrighted materials.
- Any site that charges a fee (unless there has been prior written approval to justify the City expense for the item by the supervisor or the department Director).
- Marketing of personal or private business.
- Participation in non-business Internet discussion groups or chat rooms.
- Creating or publishing personal web pages.
- Use of Instant Messaging and Chat applications to conduct city business are prohibited due to difficulty in retaining content from these applications.

Guidelines on Personal Use of the Internet

The use of electronic equipment provided by the City is for the purposes of conducting City business. However, personal use of the Internet is permissible if it is utilized on a limited basis and in such a way that it does not interfere with the employee's responsibilities or official City business nor pose any risk or inflict damage on City technology assets. Authorized personal use of the Internet is a concept that recognizes the reality of the workplace. Employees have a legitimate need at times to contact family, friends, and take care of a certain

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amount of personal business during the workday. City employees are expected to observe the following guidelines on personal Internet use:

- Employees must limit the personal use of the Internet to a reasonable duration and during personal time (during breaks or before/after work hours).
- Personal use of the Internet must not adversely reflect on the City (e.g., furthering of extremist organizations; dirty jokes; chain letters; racial ethnic or gender slurs).
- Unlawful or inappropriate use of the Internet is not permitted (e.g., no access to pornographic sites, no privacy violations, no release of confidential, sensitive, classified, or public disclosure exempt information, no copyright or licensing law violations).
- Employees may transact a limited amount of commercial activities on the Internet at work, but may not conduct a business through the Internet (e.g., purchase of a book through the Internet is acceptable, but conducting a consultant business while at work is not).
- Personal use of the Internet must not interfere with the City's mission.
- Employees must not use the Internet for political activities (e.g., using Internet to further one's own or someone else's political campaign).
- Employees may not claim to represent the views or positions of the City, and may not make any unauthorized commitments or promises of any kind purporting to bind the City.
- If employees accidentally access a website that contains pornographic, sexually explicit, inappropriate or illegal materials, they must leave the site immediately.
- Supervisors are responsible for determining reasonableness of use and may restrict an employee's access to the Internet, e-mail, or other computer programs.
- Employees should have no expectation of privacy with regard to their use of the Internet, as the City retains the right to monitor and review usage at any time.

Guidelines on Electronic Mail (e-mail)

All email generated or received on the City's email system is archived. This includes emails that have been deleted, forwarded, created, sent, and any other potential state of an email. This means that all email can be potentially requested in a records request. City staff should be aware of this and conduct email activities accordingly.

- The e-mail system may not be used to solicit or generate interest in commercial ventures, chain letters, religious or political causes, outside organizations, or other non-job-related solicitations.
- The e-mail system may not be used to access, create, or forward offensive or

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disruptive messages. Among those which are considered offensive are any messages which contain sexual content, racial slurs, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

- The e-mail system and the Internet may not be used to send (upload) or receive (download) copyrighted materials. All licensing conditions, downloading and usage conditions should be understood before using or distributing any copyrighted information.
- When city staff forward email messages, which originated from someone else, staff may not make changes to the messages without clearly stating the exact nature of the changes. Emails from courts, private attorneys, or private vendors acting on behalf of the City, the city's officers or employees, may be privileged and confidential, and these messages shall not be forwarded to anyone without prior explicit approval of the author or City Manager.
- If an email comes to a staff by mistake, the staff should stop reading as soon as they realize the message was not meant for them, notify the sender immediately, and delete the email.
- Any non-city email accounts shall not be used to conduct City business. Exception may be allowed in case of natural disaster emergencies where city network services are affected, and when only Internet email service is available and approved by the City Manager or Department Director. In such cases, the City would create appropriate email accounts for each department, division, and/or staff as required.
- Protected Data such as HIPPA, CJS, PCI, etc must not be sent via unencrypted email. Email may be intercepted, viewed, and used inappropriately when sent over the Internet.
- City's email system is not intended for general mass mailings. If mass email mailings are necessary, a mass mailing or marketing service should be used.
- Employees should have no expectation of privacy with regard to emails sent or received on City systems, as the City retains the right to monitor and review content at any time.

Guidelines on Text Messaging (with cell phones)

All Text Messages generated or received on the City owned cell phones are archived. Text Messages are considered public records. City staff should be aware of this and exercise good etiquette when using Text Messaging. Text messaging features shall be approved in advance by the City Manager or Department Director.

- Text Messaging may not be used to access, create, or forward offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual content, racial slurs, or any other comment that offensively addresses someone's age, sexual orientation, religious or political

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beliefs, national origin or disability.

- Text Messaging may not be used to solicit or generate interest in commercial ventures, chain letters, religious or political causes, outside organizations, or other non-job-related solicitations.
- If a Text Message comes to a staff by mistake, the staff should stop reading as soon as they realize the message was not meant for them, notify the sender immediately, and delete the message. Staff are prohibited to forward Text Messages unless approved in advanced by the City Manager.
- Protected Data such as HIPPA, CJIS, PCI, etc must not be sent via Text Messaging.
- Text Messaging is not intended for general mass texting/mailings. If mass texting is necessary, a mass texting or marketing service should be used.
- Employees should have no expectation of privacy with regard to Text Messages on City owned cell phones.

Social Media

The City of Snohomish may utilize social media sites to further enhance communications with various stakeholder organizations in support of City goals and objectives. City officials and City organizations have the ability to publish articles, facilitate discussions and communicate information through various media related to conducting City business. Social media facilitates further discussion of City issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

For the purpose of this policy, the following terms are defined as provided below:

- **Social Media** – Social media is content created by individuals using accessible and scalable technologies through the Internet. Examples of social media include Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, Flickr, etc.
- **Blog** – (an abridgment of the term web log) is a City of Snohomish website with regular entries of commentary, description of events, or other material such as graphics or video.
- **City of Snohomish Author** - An authorized City of Snohomish official that creates and is responsible for posted articles and information on social media sites.
- **Article** – An original posting of content to a City of Snohomish social media site by the City's author.
- **Commenter** – A City of Snohomish official or member of the public who submits a comment for posting in response to the content of a particular City of Snohomish article or social media content.
- **City of Snohomish Moderator** – An authorized City of Snohomish official who reviews, authorizes and allows content submitted by the City of Snohomish authors

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and public commentators to be posted to a City of Snohomish social media site(s).

All City of Snohomish social media sites shall be (1) approved by the Information Services Manager and the requesting Department Director or City Manager; (2) published using approved City social media platform and tools; and (3) administered by the Information Services Department or their designee who has appropriate content and technical experience. All City of Snohomish social media sites shall adhere to applicable state, federal and local laws, regulations and policies including applicable City policies.

City of Snohomish social media sites are subject to the State of Washington's public records laws. Relevant City and state records retention schedules apply to social media content. Records required to be maintained pursuant to a relevant records retention schedule shall be maintained for the required retention period in a format that preserves the integrity of the original record and is easily accessible using the approved City platforms and tools.

- All social network sites and entries shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.
- City of Snohomish social media content and comments containing any of the following forms of content shall not be allowed for posting:
 - Comments not topically related to the particular site or blog article being commented upon;
 - Profane language or content;
 - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to national origin, physical or mental disability or sexual orientation;
 - Sexual content or links to sexual content;
 - Conduct or encouragement of illegal activity;
 - Information that may tend to compromise the safety or security of the public or public systems; or
 - Content that violations a legal ownership interest of any other party.

Guidelines for Participating in Social Media

City technology security policies, rules regulations and standards of conduct apply to employees that engage in social media activities while conducting City business. Use of City e-mail address and communicating in your official capacity will constitute conducting City business. Employees representing the City government via social media outlets must conduct themselves at all times as a representative of the City and in accordance with all conduct policies.

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- City employees shall notify their supervisor and the IS Department if they intend to create a social media site or service to conduct City business.
- Departments have the option of allowing employees to participate in existing social media sites as part of their job duties. Department heads may allow or disallow employee participating in any social media activities in their departments.
- All City social media moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with this policy.
- Protect your privacy, the privacy of citizens and the information the City holds. Follow all privacy protection laws, i.e., HIPPA and protect sensitive and confidential City information.
- Follow all copyright laws, public records laws, retention laws, and financial disclosure laws and any others laws that might apply to the City or your functional area.
- All social media sites shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social network site. Where possible, social media sites should link back to the official City of Snohomish Internet site for forms, documents and other information.
- All social media sites shall clearly indicate they are maintained by the City of Snohomish and shall have the City of Snohomish contact information prominently displayed.
- Do not cite vendors, suppliers, clients, citizens, co-workers or other stakeholders without their approval.
- Unless you are a City social media moderator responsible for publishing content on a City website, when publishing content on a website make it clear that you are speaking for yourself and not on behalf of the City of Snohomish. If you publish content on any website outside of the City of Snohomish and it has something to do with the work you do or subjects associated with the City, use a disclaimer such as, “The postings on this site are my own and don’t necessarily represent the City of Snohomish’s positions or opinions.”
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the City’s workplace. Avoid comments or topics that may be considered objectionable or inflammatory.
- If you identify yourself as a City employee, ensure your profile and related content is consistent with how you wish to present yourself to colleagues, citizens and other stakeholders.
- Correct your mistakes, and don’t alter previous posts without indicating that you have done so. Frame any comments or opposing views in a positive manner.
- Add value to the City of Snohomish through your interactions. Provide worthwhile information and perspective.

Files, Directories and File Structure

All files created or stored on the City information system are considered public records. City staff should be aware of this and exercise good etiquette when creating and storing files

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and will have no expectation of privacy in the use of the City Information System. For security reasons and to provide consistent backups, files are to be saved on the assigned network drives and not on an employee's local computer or personal computer.

Network directories and files are backed up on a nightly basis. **All data not saved to the network will not be backed up and the employee will be responsible for loss of data in the event of a hardware failure. To have a file restored from a backup, contact Information Services Department.**

Each department has access to a shared network drive which all other departments have access to. At this level the shares are considered "public" in that everyone with access to the network can view files located here. There are also many shares which are specific to a department or group which are restricted but provide an efficient way of sharing files between staff. The City also provides each user with a "private" drive in which they can store their files on the network. This "private" drive is not generally accessible by other City employees (although the City may access all content on its systems, and employees should have no expectation of privacy as to any content saved on City systems). Employees are expected to periodically review the files they have saved on the network to determine if they are still useful and delete files that are no longer needed, according to applicable records retention schedules.

Backup and Recovery

A full backup of the entire network is done on a nightly basis. All critical files should be saved to the network so they are backed up. This ensures that inadvertently deleted or corrupted files can be restored from back-up and will not need to be re-created. It is the responsibility of the employee to save critical files on the network.

Software & Applications

All software and apps will be legally licensed to the City of Snohomish and not in an individual employee's name. The City will purchase the number of licenses required to meet software vendor requirements. Employees are not authorized to install personal software (software not purchased by the City) on City computers. Employees are not authorized to install apps on City smartphones or tablets.

All software and apps purchased by the City should only be installed on City technology assets. Employees are prohibited from installing software and apps purchased by the City on non-city computers, tablets or smartphones unless approved in advanced by the Information Services Department. Desktop applications that are not on the preapproved software and apps list and are not department specific specialty software must be approved by the Information Services Department.

- Specific specialty software must be requested by the Department Director and

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- approved by the Information Services Department on a case by case basis.
- Client Server Applications are approved through the budget process. All client server application budget requests must be reviewed by the Information Services Department prior to submittal for compatibility and hardware needs.

Usernames and Passwords

Usernames and passwords are some of the most basic and critical lines of defense against unauthorized activity on the City's network and computer equipment. A strong password helps mitigate risk against unauthorized activity and attacks such as dictionary password and brute force password hacks. As a government agency the City is also required to abide by policies related to regional, state, and federal networks. Username and Passwords guidelines are found in the Information Services – Procedural Guidelines. Each employee password shall follow the listed set of password guidelines provided by the Information Services Department and these requirements shall be enforced.

Terminated Employees

The City periodically terminates employment relationships for a variety of reasons with staff as part of normal business operations. As such the following steps will be taken to prevent un-authorized access to the City's network and computer resources from terminated employees.

Once a termination of employment effective date has been set the human resources manager or director of the employee will contact Information Services Department to inform of termination date and to whom access to the terminated employee's digital content should be transferred to. The Information Services Department will ensure that all access to network and computer resources is removed on the effective date of employment termination with the exception of the designated staff person who is to receive access to the terminated employee's digital content.

Technology Procurement

The City has uniform standards that are applied to technology procurement. The Information Services Manager in conjunction with applicable Information Services Advisory Committee policies is responsible for approving all technology related purchases with the exception of the following peripheral devices which are treated as general office supplies and should be procured by individual departments: enhanced keyboards, mice, and speakers not distributed with the PC.

Authorized Users

No City employee shall be authorized to use City technology assets until he or she has signed a Technology Policy affidavit indicating that the employee has read and agrees to be bound by the terms of this policy.

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Enforcement of Policy

The Information Services Department will conduct informal audit throughout the year to ensure that un-authorized user accounts have been properly removed. Violation of any part of this policy shall be subject to disciplinary action up to and including termination. It is the Department Director's responsibility to enforce these policies. Employees who are found in violation of this policy may be subject to the following:

- Internet and E-Mail access may be revoked
- Access times may be restricted
- Disciplinary action

M. Nepotism

Members of an employee's family should not be employed in regular full-time or regular part-time positions where:

- One family member would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other or to effectively recommend such actions;
- One family member would be responsible for auditing the work of the other;
- Other circumstances exist which would place the family members in a situation of actual or reasonably foreseeable conflict between the City's business interests and their own.

For purposes of this section, "family member" includes an employee's spouse, registered domestic partner, child, parent, brother, sister, grandparent, parent-in-law, son-in-law, daughter-in-law, grandchild or any other person related to the employee by blood or marriage who resides in the employee's home. "Family member" also includes any individual who resides with the employee and is in a relationship substantially similar to that of a spouse or registered domestic partner.

If two employees work in the same department, or are in a situation where one supervises the other, and those two employees become related (typically by marriage or a relationship substantially similar), the City may transfer one of the employees to another suitable position. If a suitable position is not available, one of the two may be asked to seek other employment. The employees will typically be given the opportunity to suggest which of them should transfer or seek other employment.

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N. Emergency Conditions

City offices and activities must remain open and in operation during established working hours. All employees should make every attempt to report for work on a timely basis.

The City undertakes in appropriate circumstances to provide emergency services to the citizens of Snohomish. Accordingly, each employee must report to work in the case of emergency conditions unless such employee is excused from reporting or cannot report to work due to a valid risk of personal injury. City officials will make a reasonable effort to contact employees by phone and to make public announcements through the broadcast media regarding the need for City employees to report to work in emergency conditions. Employees not reporting to work have the burden of justifying their failure to report to work. If employees are unable to report to work due to emergency conditions, the following criteria shall apply:

- The employee is responsible for contacting his or her supervisor or Department Head by telephone to indicate anticipated absence from work or late arrival to work and the reason.
- If an employee is unable to report to work, the absence may be charged as annual leave, or the employee may elect to take this time off without pay.
- The City Manager is authorized to close City offices to protect the safety and welfare of City employees. In this event, employees will receive full pay, and no annual leave or personal leave allowances will be affected.

O. Liability Claims Against the City

All City employees must notify their supervisor within one day of any accidents or incidents which result in potential claims for personal injury or property damage. The supervisor should report the accident or incident, in writing, to the Risk Manager within three business days. Items reported should include any personal injury or property damage occurring during work for the City, no matter how minor.

No employee should discuss matters involving claims against the City, unless authorized by the City Manager or Risk Manager. All questions pertaining to claims should be referred to the Risk Manager.

VI. EMPLOYMENT STATUS

A. Date of Hire and Anniversary Date

For purposes of this Handbook, "date of hire" is the effective date of the individual's

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initial employment with the City.

For purposes of this Handbook, “anniversary date” is the date the employee began his or her employment in his or her most recent position. The anniversary date for a regular employee who is promoted, demoted or transferred is the effective date of the promotion, demotion or transfer. The anniversary date of a regular employee returning from a leave of absence (not counting leaves without pay that qualify for federal or state family medical leave or other leaves authorized by law) without pay is extended by the length of time the employee was on leave without pay. There is no change in an employee’s anniversary date where the employee’s position is reallocated to a new classification title without significant change in his or her duties and responsibilities. The anniversary date of an employee who is reinstated to the same position or a position in the same class following layoff from the City is extended by the same length of time as the duration of the layoff.

B. Employment “At-Will”

Unless additional rights are specifically provided for under a written contract or statute, the employment relationship may be terminated at any time by either the City or the employee. Generally, the City will follow its progressive discipline process, as outlined in Chapter IX. However, the City reserves the right to forego that process when, in the discretion of the City Manager, progressive discipline is not merited. The decision to use progressive discipline in a given case is an attempt to improve the performance or behavior, but does not change the at-will nature of the employment relationship.

C. Orientation Period

Promotions and transfers are made on a trial basis of 6 months, which is considered an integral part of the selection and evaluation process. The "Orientation Period" provides the employee an opportunity to demonstrate his/her suitability for the position through actual work performance, and it provides the City an opportunity to evaluate the employee's ability to meet the demands of the position and become a contributing member of the City.

Extensions of the standard 6-month orientation period may be approved to properly evaluate the employee's performance. The orientation period will not be less than 6 months for any reason. No orientation period will extend beyond 12 months.

Prior to the end of the orientation period, the Supervisor should prepare a written performance evaluation. The performance evaluation will be reviewed by the Human Resources Manager and/or City Manager. Successful completion of the Orientation Period does not modify an employee’s at-will employment status.

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D. Types of Employment

Types of City employment include the following:

- *Regular Full-Time Employee:* An employee who works a shift schedule which will total no less than 2080 hours per year.
- *Regular Part-Time Employee:* An employee who works a shift schedule of 20 hours or more, but less than 40 hours, per week.
- *Temporary Full-Time Employee:* An employee whose work assignment is limited in duration and works a 40 hour per week shift schedule which on an annual basis would typically total no more than 693 hours, not including overtime.
- *Temporary Part-Time Employee:* An employee whose work assignment is limited in duration and works a weekly shift schedule of 20 hours or more, but less than 40 hours, which on an annual basis would total less than 2080 hours.
- *Special Shift Employee:* An employee who works a shift schedule which is regularly less than 20 hours per week or which varies from week to week.
- *Intermittent Employee:* An employee qualified to work in one or more job assignments who is on call to work at irregular intervals in one or more City departments.
- *Student Intern Employee:* A paid or unpaid temporary employee who desires on-the-job experience in a field related to their course of study or career objectives, assigned a project or responsibilities designed to be a learning experience.

E. Performance Evaluations

The purpose of the performance evaluation is to provide feedback, encouragement, and motivation of employee performance. The employee should be evaluated using objective criteria related to the employee's job. The evaluation serves as one of the criteria for merit increases, promotions, demotions, and transfers.

The City strives to conduct performance evaluations by the immediate supervisor of the employee, at the end of the orientation period, annually on or near the employee's anniversary date, or as needed to document unusually outstanding or unsatisfactory performance. The evaluation typically is in writing and will become part of the employee's personnel file. The employee may make written comments relating to the evaluation and will be asked to sign the evaluation to acknowledge discussion of the evaluation with the supervisor. Supervisors and employees are encouraged to meet regularly to discuss performance, whether in a formal or

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informal setting. Communication on performance will regularly occur informally. Failure by the City to conduct a formal performance evaluation does not prevent the City from administering discipline it deems appropriate, nor does it alter an employee's "at will" status or alter the City's ability to terminate an employee with or without notice and without cause.

F. Types of Terminations and Separations

Employee terminations and separations from employment are categorized as follows:

- Service Retirement is voluntary termination after having satisfied the age and length of employment requirements of the applicable State Retirement System procedures for applying for retirement benefits.
- Disability Retirement is termination necessitated by an injury or illness, which renders the employee incapable of performing his or her job duties. The termination is typically preceded by a letter from the employee to his or her supervisor advising of the disability ruling, date of termination, supporting documentation, and a ruling by the appropriate Board or Industrial Insurance Division verifying the disability and approving the retirement.
- Employee - Initiated Resignation is voluntary termination for any reason other than formal retirement. A minimum of two weeks advance written notice must be provided to the supervisor with a copy sent to Human Resources. The two weeks notice must include time that will be actually worked. Annual Leave, compensatory time or other forms of paid time off may not be included in the advance notice requirement.

It is the City's policy to consider an employee ineligible for rehire if he or she does not provide the expected two weeks advance resignation notice. Human Resources must be notified immediately of all terminations in order to complete necessary exit paperwork.

- Supervisor - Initiated Resignation is termination initiated by the City, which permits the employee to resign in lieu of being discharged.
- Discharge is termination of an employee by and at the will of the City.
- Layoff is termination of an employee by the City for lack of work, lack of funds, or other similar changes that have taken place. A reduction in force is accomplished in accordance with labor contracts and civil service rules, where applicable.

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In layoff, recall and filling regular job vacancies, the City may give equal consideration to an employee's ability and performance of the duties required in the job with consideration of an employee's length of continuous service with the City in the classification. In applying this provision, where qualifications, experience and performance are equal in the City's judgment, length of service should govern. Every effort will be made for transfers to other departments, based on the foregoing criteria, when a position is open for which the employee qualifies.

The City should strive to provide an employee with at least two weeks advance notice prior to layoff, except in case of emergency. If the City is unable to contact the employee within seven calendar days, the City's effort to recall the employee shall cease. The City will not attempt to recall an employee after he or she has been on continuous layoff for a period of one year. Should an employee not return to work within seven calendar days after being recalled, the City will make no further attempt to recall him or her.

The supervisor should schedule an exit interview for terminating employees with the Personnel Office prior to the last day of employment. Temporary employees ordinarily do not participate in the exit interview process unless information can be gained which will improve or enhance present employment conditions.

G. Demotions and Promotions

Employees reassigned to positions in a lower classification will receive a cut in pay commensurate with the nature of the demotion as determined by the Department Head in consultation with the Personnel Office. Employees demoted to new positions may be subject to an orientation period for the new position.

The City may, but is not required to fill vacant positions with a qualified City employee. Qualified employees are encouraged to apply for vacant positions.

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by the Department Head for a specified time or assignment, as necessary. Such appointments are made on an "acting" basis and the employee returns to his or her regular position upon completion of the assignment. The actual salary for "acting" appointments is set by the Department Head in consultation with the Personnel Office.

Unless otherwise provided by written contract, whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, the employee should enter the new position at the entry level of the new position. However, in the event that the entry level of the new position does not provide a salary increase of 5% or more, the employee should enter at the next closest level that provides a salary increase of 5% or more. The new pay rate, upon promotion, should not exceed the maximum of the new pay range.

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H. Reclassifications

Revision of position descriptions and re-allocations within classification plans will be made as often as is deemed necessary by the City Manager to provide current information on positions and classes.

When a new position is requested by a Department Head or the duties of an old position are substantially changed, the Department Head may submit a written recommendation for reclassification to the Personnel Office. The request should be reviewed by the Personnel Office. If the request is justified, the budget impact will be determined and a summary should be prepared for review by the City Manager and the City Council. If the reclassification is approved, the Personnel Office will take the necessary steps to effect the reclassification. A reclassification involving an upgrade of salary should not be effected unless it is requested and approved as part of the budget process or is approved by the City Council.

Any employee who considers his or her position improperly classified should submit a request in writing for reclassification to his or her Department Head, who will review the request and transmit it with a written recommendation to the Personnel Office.

I. Transfers

Openings for City positions will typically be posted for a minimum of seven calendar days at City Hall.

Current employees (regular full-time employees or regular part-time employees) may apply for a transfer by submitting an application to the Personnel Office. If the employee meets the requirements for the position, he or she will proceed through the regular hiring procedures with all other applicants. If the employee is selected, his or her Department Head will be advised prior to the offer being made to the employee. If the employee accepts the position, it will be the responsibility of the respective Department Heads and the employee to reach agreement on the transfer date. In the event satisfactory agreement cannot be reached on this matter, it will be forwarded to the City Manager for a decision. Every effort should be made to accomplish the transfer within two weeks of the offer's acceptance.

The salary offered to the employee should be consistent with the salary and requirements of the new position. Thus, an employee who meets only the minimum requirements for the position will typically be started at the bottom of the salary range regardless of the employee's current salary. Employees who exceed the minimum requirements for the position may be offered a salary consistent with the employee's level of skills, experience, and knowledge. If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply. Any exceptions must be stated in writing and be authorized by the City Manager.

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Transfers may also be initiated by the City in instances where the City's best interests may be served.

J. Minor Work Permits

The City, through the Personnel Office, secures from the State a permit to employ minors under the age of 18. Whenever a minor is employed, the hiring department should:

- Complete a parental authorization form and obtain necessary signatures;
- Obtain and photocopy the minor's proof of age document; and
- Forward these items to the Personnel Office.

K. Special Employment and Volunteer Programs

The Personnel Office coordinates all special employment programs funded by external agencies. Department Heads should forward requests for participation in special employment programs to the Personnel Office for coordination with the external agency. The Personnel Office will develop a scope of work and qualifications statement to be used in the recruitment and selection of employees and in the definition of tasks to be performed during the period of employment. The Personnel Office will maintain records on program participants, including the contractual agreement between the City and external agency and the scope of work and qualifications statement. Department Heads and supervisors should provide the Personnel Office with regular performance evaluations on program participants as well as evaluations of the program.

The City may also provide or utilize certain volunteer programs. In those cases, the Personnel Office will, in cooperation with the requesting department, develop a scope of work and qualifications statement for use in the recruitment and selection of volunteers and in the definition of tasks to be performed during the volunteer period. Persons who volunteer their services to the City will have their hours of volunteer service included in the Washington State Labor & Industries coverage for volunteer workers. All volunteers are required to sign an agreement upon becoming a volunteer for the City.

As required by state law, all volunteers potentially coming into contact with children or the handicapped are required to complete a background check for history of abuse or sexual deviant behavior or other crimes of violence. Volunteers under 14 years of age are permitted only if the volunteer organization provides proof of medical insurance, proof of liability insurance, and adult supervision. Volunteers between 14 and 17 years of age are permitted only if the volunteer provides a signed statement of parental approval. The Personnel Office will maintain records on volunteers, including the contractual agreement between the City and the

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volunteer organization.

VII. COMPENSATION

A. Hours of Work and Attendance

Except as otherwise provided by labor agreement, normal working hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday. This does not apply to employees engaged in shift work. Employees are expected to be at their workplace and ready to begin work at the beginning of the workday or at the beginning of their shift.

Employees are allowed a paid 15-minute rest period for each consecutive four hours worked. Employees working five or more consecutive hours are allowed an unpaid 30-minute meal period. To the extent possible and consistent with federal, state and local laws, rest periods and meal periods should be coordinated in accordance with staffing needs and work flow.

Employee requests for adjustment to working hours for personal reasons will be evaluated by the Department Head in light of staffing needs and work flow. Prior approval of any adjustment of working hours by the Department Head is required.

Every employee is a valued member of the City's staff. Therefore, the City places high value on consistent attendance. Absence or tardiness places an additional burden on other employees and interferes with the operations of the workplace. Any employee who will be absent or tardy must personally notify his or her immediate supervisor as soon as possible so that alternative staffing arrangements can be made. Repeated episodes of absence or tardiness may be the basis for disciplinary action, up to and including immediate termination. Any employee who is absent without sufficient cause for three days without notice is considered to have resigned.

B. Breastfeeding

For one year after the birth of a child, employees who are nursing are entitled to breaks of reasonable duration each time the employee has a need to express milk. If the employee expresses milk during a standard 15-minute rest break as described above, she will be paid for the time. If the employee is taking an additional break for the purpose of expressing milk, the time will be unpaid. The City will provide a location, free from intrusion from coworkers or members of the public, which may be used for this purpose. Employees will not be retaliated against for exercising their rights under this policy.

C. Compensation System

It is the policy of the City to establish a compensation system that generally will provide for a uniform method of establishing the compensation of its employees. The compensation system will be determined by the City Manager and adopted by the City Council and will apply

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to all employees not covered by a labor agreement. Employees covered by labor agreements will be compensated as provided for in those agreements.

Cost-of-living adjustments and salary modifications, if any, will be determined by the City Manager and adopted by the City Council. If granted, such adjustments and modifications will typically be effective December 26 of each year.

Rates of pay may be reduced upon determination of the City Manager and adoption by the City Council, except that rates of pay contained in a labor agreement will be modified as provided for in the agreement.

In the event that the pay rate of any position is re-evaluated by the City Manager, resulting in an increase or decrease in salary for the position, the employee will retain his or her current pay rate within the range or assume the entry level step of the new range, whichever is greater at the time of re-evaluation, and will be paid according to the new range whenever it would result in an increase for the employee.

Any employee, whose pay rate exceeds the maximum prescribed for his or her classification as a result of a reallocation of his or her position to a lower classification when there have been no recent changes in assigned duties and responsibilities, will not be reduced in pay. This does not apply to demotions. The employee will not be eligible for future salary increases until he or she occupies a position for which the salary range maximum is more than the pay rate he or she currently receives.

It is the policy of the City that positions with similar duties and responsibilities are typically assigned to the same salary level. The City Manager's Office conducts periodic studies of various positions, when it is deemed necessary and appropriate.

The Human Resources Manager will be responsible for the continuous administration and maintenance of the City's compensation plan. The review typically will include an analysis of general rates of pay for similar positions in comparable markets. On the basis of this information, the City Manager may recommend to the City Council changes, consistent with the City's budgetary ability, to keep the plan current and equitable. Such changes should be approved by the City Manager and submitted in the annual budget to the City Council.

D. Pay Periods

City employees are to be paid once per month, on the last working day of the month, or as authorized by the City Manager. The monthly payroll cycle begins on the 26th of each month, and ends on the 25th of each month.

Pay checks are distributed by the Payroll Clerk to each department by noon on the last working day of the month. If a pay day falls on a holiday, the day of pay is the last working day

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preceding the normal pay day.

Employees who wish to receive a draw of pay in a mid-payroll cycle may do so by making a written request on a form provided by the Payroll Clerk. Applications must be made before the 12th of each month to be effective for that month's pay period. Mid-month draw checks will be issued on the 15th day of each month, except when the 15th falls on a weekend or holiday, in which case the check will be issued the Friday preceding the 15th. Employees may request a draw in any amount up to 50% of their net monthly salary or normal hourly wages. The draw request will be processed administratively by the Payroll Clerk and normally does not require management approval. When a draw request has been implemented by the Payroll Clerk, it will remain in force for every month thereafter, until the employee requests a change or until he or she leaves City employment.

The City will make deductions from an employee's paycheck as required by law or as authorized by the employee. Any employee who believes there was an improper deduction from his/her paycheck should notify the Payroll Clerk immediately. The City will review the deduction and made any appropriate corrections. No employee will be subjected to retaliation for raising concerns about proper payment of wages.

E. Time Sheets

Employees are responsible for accurately reporting their time. Time sheets are due to the Payroll Clerk on the 25th of each month. Changes in pay rate, position and status should be supported by a Personnel Action Form (PAF) approved by the Department Head and Human Resources Manager. Falsification of time records may result in discipline, up to and including immediate termination. Employees may direct inquiries concerning payroll matters to the Payroll Clerk.

F. Exempt and Non-exempt Employees

According to federal and state law, all employees are classified as either exempt or nonexempt for purposes of overtime pay. Exempt employees are not eligible for overtime, while nonexempt employees are eligible for overtime. Only hours worked in excess of 40 per work week will be paid at time and a half to nonexempt employees. Paid leave time (e.g., annual leave) is not treated as hours worked. Overtime will be rounded to the nearest quarter hour and must be approved in advance by the Department Head.

Non-exempt employees must have approval from their manager **prior** to working overtime. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior written approval, so long as the supervisor subsequently documents the overtime approval.

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The City strives to comply with all federal state and local laws regarding employee classification and compensation. If you believe that your classification or compensation has been improperly set or calculated, you should notify the Payroll Clerk immediately.

G. Out Of Classification Work

The provisions of this policy apply to all City employees who are not subject to a labor agreement that specifically provides for an Out of Classification Work procedure.

Additional compensation when working out of classification is provided when an employee performs duties normally performed by an employee paid at a higher classification. The employee must perform the full range of duties of the higher classification for a minimum of two consecutive days. Pay for working out of classification is permitted only after written recommendation of the Department Head and concurrence by the City Manager. Authorization for pay for working out of classification must be obtained prior to the assumption of higher classification duties. Pay for working out of classification is available for temporary assignments.

An employee working out of class is paid the starting salary of the classification in which the employee is working, or 5% more than the employee's current salary, whichever is higher. When the temporary assignment is completed, the employee's salary returns to its previous level or the level that it would have attained, including general salary adjustment and within range increases, if the out of classification pay had not been made.

H. Personal Financial Obligations

Employees should manage their personal finances so that they do not adversely affect job performance. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City through extra bookkeeping and the need to respond to legal notices and court orders. The City will not disclose employee financial information to outside parties without the express written permission from the employee, except as required by law. The Support Services Director is the only person authorized to receive a writ of attachment or garnishment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Division will notify the affected employee and then deduct the required amount from the employee's earnings, as required by law.

VIII. EMPLOYEE BENEFITS

As discussed below, the City currently provides several benefits to eligible employees. The City reserves the right, however, to alter, amend or discontinue any of these benefits at any time, consistent with all applicable laws. For union employees, the specific terms of many of

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these benefits are set forth in collective bargaining agreements and may be modified only through the collective bargaining process, consistent with federal and state law.

A. Credit Union

Regular, full-time and part-time City employees and their family members are eligible to participate in the NW Plus Credit Union and *Snocope Federal Credit Union*. Employees may arrange to have payroll deductions from their paychecks, or they may make a direct deposit or payment to their credit union account.

City employees who are members, officers, board members, or committee members of any credit union and attend local or state credit union meetings or functions relating to credit union business will not be compensated for the time spent away from their regularly scheduled work. Time off for these meetings may be charged to annual leave, compensatory time, other compensated time, or leave without pay, or the time may be worked on a “make up” basis, subject to Department Head approval.

For more information or enrollment forms, contact the Payroll Clerk.

The City makes no claim or guarantee regarding any credit union. Regular employees who use credit unions do so at their own risk. The City does not endorse or advocate employee use of any financial institution.

B. Medical Plan

The City offers to all regular full-time employees and all eligible dependents a group medical coverage plan. If approved by the carrier and the City Manager, regular part-time employees may have the option of enrolling in the City’s medical insurance program on a pro rata basis. For example, if a regular part-time employee normally works four hours per day and the department’s normal workday is eight hours, the City would pay 50% of the premiums it would have otherwise paid for a full-time employee. The remaining percentage would be paid by the employee at his or her own expense through payroll deduction.

Coverage becomes effective the first day of the next month following the first day of employment. Specific benefits of both plans are described in insurance brochures provided to each new employee by the Payroll Clerk. Each December there is an open enrollment period during which an employee may elect to change medical plans. Medical coverage may be continued during an approved leave of absence up to three months at either the City’s or the employee’s own expense, depending on the employee’s eligibility for various types of leave offered under federal or state law. Extensions may be granted with approval by the City Manager and the appropriate insurance carrier.

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Enrollment cards are available from the Payroll Clerk for eligible employees who wish to participate in the plan or otherwise alter their plan. It is the employee's responsibility to notify the Payroll Clerk of any change in dependent status by completing updated enrollment cards. Upon termination of employment with the City or other qualifying changes in employment status, an eligible employee may elect to continue medical coverage for the employee and eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (R.L. 99-272) (COBRA).

C. Patient Protection and Affordable Care Act (PPACA)

The City's policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). Under the terms and conditions of this policy and City's health benefits plan, the City provides health coverage to full-time employees and their dependents up to age 26. The benefits, terms, and conditions of the City's health benefits plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") and/or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the document satisfying the minimum protections of the PPACA shall apply.

Definitions and Classifications (Note: The definitions below apply only for purposes of this Medical Plan policy. For all other purposes in this Handbook the full- and part-time definitions set forth in Section VI.D apply.)

- **Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. Eligible employees are typically enrolled in health coverage the first day of the month following their date of hire or change in job classification. In no instance will enrollment take longer than 90 days.
- **Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on the City's prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).
- **Variable-hour.** At time of hire or change in job classification, the City cannot reasonably determine whether employee will or will not average 30 or more hours per week. Variable-hour employees are subject to monthly and annual hours limitations and are

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generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on the City's prior approval, a variable-hour employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

- **Seasonal.** At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately five months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.
- **Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children. Excludes spouses, domestic partners, stepchildren and foster children. Dependents of full-time employees are eligible for health coverage.
- **Volunteers.** Individuals who provide services to the City on a voluntary basis and whose compensation is limited to: (1) reimbursement for reasonable expenses incurred in the performance of services as a volunteer; (2) reasonable fringe benefits, excluding health coverage; and/or (3) nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

Work Hours Limitations

For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

- **Full-time** employees are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods (discussed below).
- **Part-time** employees are subject to an annual hours limitation and may not exceed [**1500 hours**] annually without the City's prior approval. In addition to an annual hours limitation, part-time employees may not exceed [**125 hours**] in any single calendar month without the City's prior approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

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- **Variable-hour** employees are subject to an annual hours limitation and may not exceed [1500 hours] annually without the City's prior approval. In addition to an annual hours limitation, variable-hour employees may not exceed [125 hours] in any single calendar month without the City's prior approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).
- **Seasonal** employees are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Seasonal employees are limited to an annual employment duration of approximately five months and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

Measurement and Administrative Periods – Initial Periods

The City uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the initial measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

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Initial Administrative Period (Phase 1) --	Begins on date of hire, continues until end of month.
Initial Measurement Period --	Begins on first day of first full calendar month following date of hire and continues for 12 months.
Initial Administrative Period (Phase 2) --	Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.
Initial Stability Period --	Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, Employer will divide the employee's total hours worked during the period by 52.

Example:

Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.

Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is placed into an initial administrative period from April 15, 2015 through April 30, 2015. Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).

Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, Employer calculates Employee A's and Employee B's hours worked during the initial measurement period.

Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

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Measurement and Administrative Periods – Standard Periods

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by Employer. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the stability period.

Standard Measurement Period	--	December 1 of [Year 1] through November 30 of [Year 2]
Standard Administrative Period	--	December 1 through December 31 of each year.
Standard Stability Period	--	January 1 through December 31 of each year.

To determine the average hours worked by each employee during the 12-month standard measurement period, Employer will divide the employee's total hours worked during the period by 52.

Example:

Employee C is an ongoing variable-hour employee who was hired on or before December 1, 2017 (the start of Employer's standard measurement period).

Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).

Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, the City calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C

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averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.

Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).

Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

Measurement and Administrative Periods – Overlapping Initial and Standard Periods

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employee's date of hire.

Example:

Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.

Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.

Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.

Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.

Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.

Because Employee D was hired on or before Employer's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.

Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.

Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

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Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour, and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, Employer may exclude the employee from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if the City determines an employee is not eligible for coverage during the initial measurement period, but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

Rules Concerning Eligibility and Enrollment

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provides when coverage terminates and whether there is a grace period for payment. Employer is not required to provide health coverage for the period for which the cost of health coverage is not timely paid and may terminate coverage.

If applicable, eligible employees may have the right to waive enrollment in the City's health coverage. The City will provide a written waiver that must be timely completed, signed, and submitted by an eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new waiver must be completed annually. The City will provide otherwise eligible employees who previously waived enrollment in health coverage the opportunity to enroll at least once annually.

Hours for Paid and Unpaid Leave During Measurement Periods

Hours of service for employees during measurement periods include both actual hours of service worked in addition to paid hours for annual leave, holiday leave or other paid leave.

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Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period. *Example:* Employee E is a variable-hour employee subject to a 12-month (52-week) standard measurement period. During the standard measurement period, Employee E takes four weeks of unpaid FMLA leave. The four weeks of unpaid FMLA leave are excluded from the hours calculation. The average is calculated by the total hours worked by Employee E during the standard measurement period (12 months), divided by 48 weeks (instead of 52 weeks).

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

Breaks in Service

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 continuous weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a “new” employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than 90 days following their date of re-hire. Employees who are re-hired into part-time, variable-hour, or seasonal positions are subject to the City’s initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

D. Dental Plan

All regular full-time employees and their eligible dependents are eligible for group dental coverage. Regular, part-time employees and their eligible dependents may be granted the option of enrolling in the City’s dental program on a pro-rata basis.

An eligible employee who wishes to enroll, add a dependent, or remove a dependent, should contact the Finance Department. It is the employee’s responsibility to notify the Payroll Clerk of any change in dependent status by completing updated enrollment cards. Specific benefits and eligibility requirements are described in the plan document, which is currently provided by the Washington Dental Service.

Upon termination of employment, employees may contact the Payroll Clerk regarding conversion to any individual dental plan coverage. Contact must be made within 30 days after termination of employment.

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E. Vision Plan

The City offers to all its regular full-time employees and their eligible dependents group vision coverage through an established plan, currently provided by the Washington Teamster Welfare Trust Vision Plan EXT, unless otherwise specified by bargaining agreement. Regular, part-time employees may be granted the option of enrolling in the City's vision plan on a pro-rata basis.

Enrollment cards are available in the Finance Division. It is the employee's responsibility to notify the Payroll Clerk of any change in dependent status by completing updated enrollment cards. Specific benefits of the plans are described in insurance brochures provided to each new employee by the Payroll Clerk.

F. Continuance of Medical Coverage (COBRA)

Employee and/or dependent medical coverage under the current plan may cease as a result of one of the following events:

- Termination of employment
- Change to nonparticipating employment status
- Divorce or legal separation
- Dependent child became ineligible (attained age 26)
- The City terminates the medical plan.

Eligible employees or dependents may elect to continue medical coverage beyond the date that it would otherwise terminate by doing one of the following:

- Convert the group medical coverage to an individual policy provided directly by the insurance carrier. Employees will be sent benefit information and rates regarding conversion options directly from the insurance company. For additional information, contact the Payroll Clerk.
- Continue to participate in the group medical coverage plan under the criteria outlined below:
 - Rights of Employee. Employees presently covered by the insurance plan or health maintenance organization (HMO) may continue this coverage for up to 18 months from the date that employment terminates or status changes to a nonparticipating (non insured) employment status, provided that the employee pay the full cost of the premium and any administrative fee (up to a 2%) that may be imposed.
 - Rights of a Spouse/Registered Domestic Partner of Employee. The spouse/registered domestic partner of an employee covered by the medical plan or a sponsored HMO has the right to continue coverage,

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if the employee was terminated or changed to nonparticipating employment status or if a divorce, termination of registered domestic partnership, or legal court-decreed separation from the employee took place. Coverage under these circumstances may continue for a period up to 36 months, provided that the spouse or registered domestic partner pays the premium in full and any administrative fee (up to a 2%) that may be imposed.

- Rights of Child(ren). Qualified dependent children of an employee covered by the medical plan or a sponsored HMO may have the right to continue coverage, if group health coverage under the medical plan is lost because of termination of a parent's employment or change to nonparticipating employment status; parents' divorce or legal court-decreed separation; or the dependent ceases to be a "dependent child" under the medical plan (attains age 26). Coverage under these circumstances may continue for a period up to 36 months provided that the premium and any administrative fee (up to a 2%) that may be imposed are paid.

If a qualified employee or eligible spouse/registered domestic partner or dependent does not elect to continue coverage, group health insurance will end as scheduled under the plan.

If an employee elects to continue group medical coverage, the employee or eligible dependent is responsible for paying the entire cost (both employer and employee share). This cost will be subject to periodic rate changes. Employees are not required to show that they are insurable (by taking a medical exam) to continue the coverage. The current monthly cost, including options, is specified on the attached summary of rates.

Continued coverage may be terminated earlier than the 18 or 36 month period, if group medical plans for all other employees are terminated, if a covered spouse remarries and becomes eligible to be covered under a group medical plan, or if the employee or eligible spouse or dependent:

- fails to remit the required monthly payments within 31 days of the due date;
- becomes eligible under any other group medical plan; or
- becomes eligible for Medicare.

G. Life Insurance

All regular full-time City employees are currently covered by a term life insurance policy, provided at City expense as an employee benefit through Standard Insurance Life in the amount of ten thousand dollars (\$10,000) and administered by the Association of Washington

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Cities. This benefit is provided at no cost to the employee, unless otherwise specified by a collective bargaining agreement.

Coverage becomes effective the first day of the next month, following the first day of employment and continues until the employee leaves the City's employment, the employee moves to an employee class which is not eligible for this benefit, or the policy is discontinued completely by the City. Termination of coverage shall be determined when premium payments for an employee's insurance is discontinued.

Specific benefits and terms of the policy are provided to each new employee by the Payroll Clerk. Additional copies are available.

H. Retirement System

All regular full-time City employees, except the City Manager (who has the option of joining the ICMA RC), participate under the Washington State Retirement System. Participation is under the Public Employees' Retirement System (PERS), as set forth in Ch. 41.26 RCW, and the Law Enforcement Officers Retirement System, as set forth in the State LEOFF I and II statutes.

Part-time employees working over 70 hours per month for five (5) consecutive months during a twelve-month period in eligible positions are required to participate in the Retirement System.

Retirement benefits are derived from both employee and employer contributions. Contributions to the Retirement System are mandatory for eligible positions and are deducted from the member's salary each payroll period. Enrollment and benefits forms are available through the Payroll Clerk. It is the employee's individual responsibility to keep information on file up to date related to their retirement account as to name, address and beneficiary(s).

The City is not responsible for employee retirement or disability benefits, except as prescribed by law and regulations. Employees are urged to contact the Retirement System for a full explanation of employee benefits and obligations.

I. Deferred Compensation

The City currently provides an option to all City employees to invest a portion of their present earnings in a deferred compensation plan. This is an arrangement where a certain dollar amount can be designated by the employee to be withheld from his or her paycheck and invested for payment at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred amount nor earnings on the investments are subject to current federal income taxes until such time as the employee receives payment from the plan. The City-provided program includes various investment options and is currently

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administered by the International City Management Association (ICMA) Retirement Corporation and State of Washington Department of Retirement Systems – Deferred Compensation Program. Enrollment can be arranged through the Payroll Clerk. Contributions to the program are generally financed solely by the employee, either through direct deposit or payroll deduction.

J. Social Security

All employees are automatically included as participants in the Social Security System (FICA), as required by federal laws. These benefits are in addition to Public Employees' Retirement System benefits for which the employee may be eligible.

Financing of the FICA program is accomplished by employee payroll deduction contributions and through a match paid by the City in amounts required by law. The City is not responsible for employee retirement or disability benefits except as prescribed by law and regulations. Employees are urged to contact the Social Security System for a full explanation of employee benefits and obligations.

K. Unemployment Compensation

The City is a covered employer under State unemployment compensation laws. The basic objective of the program is to provide a partial replacement of wages for City employees during periods of involuntary unemployment. The program is financed completely by the City through required payments by the City to the program.

L. Workers Compensation (On-the-Job Injuries)

The City participates in the State Worker's Compensation program, as required by applicable laws. Worker's Compensation is a program of industrial insurance to protect workers, their families and dependents, from loss due to an occupational accident or illness. Financing for this program is shared jointly by the City and by employees through payroll contributions or deductions. Both City contributions and employee pay deductions are controlled by law.

Any employee involved in an occupational injury or illness must report the incident to his/her immediate supervisor or Department Head immediately or, if incapacitated, as soon thereafter as possible. The affected employee shall also file an application for Worker's Compensation in accordance with applicable laws, rules and regulations. Failure to report an injury immediately is a serious offense for which an employee may be disciplined.

Regular employees receiving salary continuation through Worker's Compensation who are still receiving their regular wages from the City by usage of their accrued annual leave, should return their Worker's Compensation payment to the Finance Department. The Finance Department will then use the check amount to reinstate the employee's annual leave balance at the employee's current rate of pay.

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M. Disability Insurance

Unless provided otherwise in a collective bargaining agreement, the City maintains a Short Term Disability policy (STD) and a Long Term Disability policy (LTD) to provide income to employees during a leave of absence due to a covered disability.

The City reserves the right to amend, improve, or discontinue the STD and/or LTD program at any time.

The STD and LTD list of benefits, procedures for filing a claim and other plan details are contained in the Plan's Summary Plan Description, which is available from the Human Resources Manager.

N. Wellness Program and Committee

The City of Snohomish recognizes that its employees are critical to the quality and efficiency of local government services. The health of its employees directly affects their ability to perform their job duties and provide services to its citizens. The health of employees also has a direct effect on the costs to the City. The City recognizes its need to contribute in a positive way to the health and well being of its employees. This policy is established as a means to provide information and activities to City employees to encourage health and safety in the work environment.

- **Goal.** To support wellness in the workplace by creating a wellness program of health education and fitness activities that meets the needs and interest of the employees.
- **Scope.** All City of Snohomish employees including fulltime, part-time and temporary.
- **Voluntary Participation.** Employee participation in the programs and activities is voluntary.
- **Wellness Program Committee.**

Membership: The Wellness Committee is made up of at least five (5) members representing each department and the City Manager's Office, one of which shall be the Committee's chairperson. Membership on this committee is voluntary.

Members of each department shall be appointed by the department director.

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- **Duties:** The duties of the committee are to:
 - Provide enthusiastic support of the purpose and goal of the Wellness Committee.
 - Act as a liaison between the Wellness Committee and the employees to represent the interest, needs, and opinions of the employees.
 - Help plan, implement, and promote wellness programs.
 - Provide peer support and advocacy to boost wellness program participation.
 - Prepare an annual budget for program support.
 - Share responsibilities to lessen the workload impact on the Chairperson.
 - Perform evaluation of ongoing programs and activities.

The duties of the chairperson include:

- Setting the time and place of the meetings.
 - Communicating with all members of the Committee to coordinate meeting dates and times.
 - Preparing an agenda in advance of the meeting and distributing copies to other members, along with notice of the meeting.
 - Managing the agenda and discussion of the meeting.
 - Provide communication to the City Manager.
- **Meeting Schedule.** The Wellness Committee shall meet monthly, or as needed during regular business hours.
 - **Term.** Members of the Wellness Committee will serve an indefinite term.
 - **Attendance/Termination.** If a member has more than five (5) unexcused absences, the Committee may vote to remove that member from the Committee.
 - **Program Activities.**
 - Behavior change programs such as nutritional information, stress reduction, smoking/tobacco use cessation and weight management.
 - Motivational programs such as interdepartmental employee group challenges and awards for healthful eating, exercise and stress reduction programs.
 - Information and awareness programs such as flyers, paycheck stuffers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops and classes.
 - Participate in the AWC Well Check programs, when offered.

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- To explore opportunities to develop and institute additional wellness
- incentives and policies that contributes to the health and well being of employees and their family members.

O. Family and Medical Leave

In accordance with the federal Family and Medical Leave Act (FMLA) and the Washington Family Leave Act (FLA), eligible employees can take time off, under certain qualifying conditions related to pregnancy, childbirth or child placement; to care for oneself or a family member with a serious health condition, or for military-related reasons.

- **Eligibility.** To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Snohomish for at least 12 months, and must have worked at least 1,250 hours in the preceding 12 months.
- **Leave Entitlement.** An eligible employee may request up to 12 workweeks of FMLA and/or FLA leave per “leave year” for one or more of the following reasons:
 - To care for the employee’s child upon birth, or to care for a child upon the child’s placement with the employee for adoption or foster care;
 - To care for a spouse, son, daughter, parent, or registered domestic partner (FLA only) who has a serious health condition;
 - To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
 - For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangement, attending certain counseling sessions and attending post-deployment reintegration briefings.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee’s spouse, parent, child, or next of kin. A covered service member is a current member of the Armed Forces, including National

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Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. A covered service member may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

The City of Snohomish defines leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Snohomish are jointly entitled to a combined leave of 12 work/weeks of family leave for the birth or placement of a child for adoption or foster care. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child, spouse, or parent with a serious health condition, or for either employee's own serious health condition.

- **Serious Health Condition.** A serious health condition is an illness, injury, impairment or physical or mental condition that involves:
 - Any period of incapacity or treatment connected with inpatient care (i.e., overnight stay) in a hospital, hospice, or residential medical care facility;
 - A period of incapacity of more than three consecutive, full calendar days from work, school or other regular daily activities that also involves either (a) two visits to a health care provider within 30 days of the first day of incapacity, or (b) one visit to a health care provider within 7 days of the first day of incapacity, plus continuing treatment by (or under the supervision of) a health care provider;
 - A period of incapacity due to pregnancy for prenatal care; or
 - A period of incapacity or treatment due to a chronic serious health condition (that also involves two visits to a health care provider with a 12 month period), for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days

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in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

- **Intermittent or Reduced Work Schedule Leave.** In certain circumstances, eligible employees may take FMLA/FLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA/FLA leave is because of the employee's own health condition or to care for a family member, the employee may take the leave intermittently on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service.

If FMLA/FLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City of Snohomish's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City of Snohomish operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City of Snohomish may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

- **Notice and Certification.** Employees who need to take FMLA/FLA should provide the City of Snohomish with at least 30 days notice of the need for leave, if the need for leave is foreseeable. If 30 days advance notice is not possible, notice must be provided as soon as practical (which is generally the same day or next business day after the need becomes known.) Absent unusual circumstances, employees are required to complete the City's Request for Leave of Absence form when requesting FMLA/FLA leave. When requesting leave, employees must provide sufficient information for the City of Snohomish to determine whether the leave may be FMLA/FLA qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA/FLA leave was previously taken or certified.

When leave is required in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Snohomish's operations.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from the health care provider of the serious health condition. The City of Snohomish may require a

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second or third opinion (at the City of Snohomish's expense), periodic recertification of the serious health condition, and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.

Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City may also delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA/FLA leave requests.

- **Continuation of Pay and Benefits.** If an employee uses leave because of his or her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid annual leave and then will be eligible for unpaid leave, up to a total of twelve (12) weeks of paid and unpaid. During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health insurance premiums. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave period, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Annual Leave will continue to accrue during paid leave, but not during unpaid leave.
- **Job Restoration Upon Return From Leave.** Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.
- **Additional Leave for Pregnancy Disability and to Care for a Newborn.** Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

Under *Washington State Law*, regardless of whether they meet FMLA eligibility requirements, pregnant employees are entitled to additional unpaid leave for the

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period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

The pregnancy disability leave runs concurrent (at the same time) with the FMLA, and does not extend the 12 weeks of leave allowed under federal law.

The pregnancy disability leave runs consecutive (one begins after the other ends) with the FLA, and does extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18 to 20 weeks of leave (6 to 8 weeks of physical disability leave, plus 12 weeks of leave under the FLA.) The FLA and pregnancy disability leave are unpaid leave unless the employee has accrued available annual leave, and employees are responsible for the full cost of health insurance during the unpaid portion of these leaves.

Male employees may use up to 80 hours of paid leave during the birth and immediately following the birth of the employee's child.

P. Family Care/Use of Accrued Leave to Care for Sick Family Member

Consistent with the **Washington Family Care Act**, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, registered domestic partner, parent, parent-in-law or grandparent as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)

An employee may use available paid time off when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in any period of incapacity or treatment or recovery following inpatient care;
- Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

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Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

Q. Military Leave

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with State and Federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, annual leave, vacation, layoffs and compensation as are provided by applicable law.

Washington State Law provides twenty-one (21) days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed twenty-one (21) working days during each year beginning October 1 and ending the following September 30. According to guidance from the Attorney General’s Office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond 21 days of paid time off will be unpaid. The employee may elect to use accrued annual leave, vacation, compensatory time or other available paid time off during the period of military leave.

R. Leave for Spouses of Military Personnel (Non-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse or registered domestic partner is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of their intent to take the leave within five (5) business days of receiving official notice that the employee’s spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued annual leave, vacation or compensatory time for any part of this family military leave.

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S. Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault or stalking. It is also available to employees with a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault or stalking. This leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic Violence/sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g., annual leave, or compensatory time if it qualifies) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault or stalking; or
- To participate in safely planning to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. Depending on the situation, verification can take the form of police reports, court documents or the employee’s own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

T. Jury or Witness Duty.

Employees who are required by law to render jury service will be granted paid time off during the period of jury duty. Payment received from the courts during City-paid jury duty leave must be paid to the City. Expense payments, such as for mileage, do not need to be paid to the City. Employees should notify their supervisor as soon as possible after receipt of a jury summons so that operational adjustments can be made as needed during the employee’s absence.

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A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty; in such cases, the City will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Snohomish.

U. Administrative Leave.

On a case by case basis, the City Manager may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the City's best interest, such as during the pendency of an investigation.

V. Leave of Absence Without Pay

Requests for leave of absence without pay shall be in writing, and shall state specifically the reasons for the request, the date desired to begin the leave, and the date of return. The request should be submitted by the employee to the affected Department Head. The Department Head should recommend to the City Manager whether the request should be granted, modified, or denied. The City Manager's office makes a decision based upon the needs of the City, giving due consideration to the reasons given by the employee, and the requirements of any applicable laws.

The appointing authority office may grant a full-time regular employee a leave of absence without pay not to exceed ninety (90) days for non-medical purposes. Non-medical leave is unpaid leave time for career advancement, personal or family situations. Such leaves may be requested after annual leave accrual has been exhausted.

Under no circumstances may an employee use a leave of absence to work for another employer or to pursue self-employment.

Under extenuating circumstances, the City Manager may grant an extension of a leave period upon written request by the employee. Such extension may not exceed three months and will be based on departmental as well as employee considerations.

Employees who fail to return to work on the date specified in the leave request without receiving an extension in advance are subject to disciplinary action, up to and including immediate termination.

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No holiday, annual leave benefits, or any other fringe benefits shall accrue while the employee is on leave of absence without pay. The employee's length of service shall be adjusted to reflect the length of the absence for the purposes of computing longevity or other employment rights.

Any employee on an approved leave of absence may continue his or her medical, dental and life insurance coverage by paying the full cost to the City in advance for each month or portion thereof of which he or she is absent, subject to limitations set by the insurance carrier or City policy.

Upon expiration of the leave of absence, the employee should be reinstated in the position held at the time the leave was granted, if available, or another equivalent position, if available. If no position is available the employee will be considered laid off with right of recall.

Leave shall not accrue during leaves of absence without pay. When an employee is transferred to another position, any unused leave which may have accumulated to the employee's credit shall transfer with the employee. Earned leave accruals must be exhausted prior to taking an unpaid medical leave of absence.

W. FLSA-Exempt Staff Partial Day Absences

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week, meaning the demands of their job may require extra hours of work, attendance at night meetings or conferences and additional supervisory responsibilities. In recognition of the extra time demands of certain exempt positions, exempt employees are not required to strictly adhere to the normal attendance requirements as for hourly employees. However, if flexible attendance interferes with department operations, or the work of subordinates, this will be dealt with as a performance issue. Should an exempt employee be absent from the workplace for a period of four or more hours, they are required to properly deduct these hours from their annual leave banks, as appropriate.

X. Leave Sharing.

The City Manager may permit a regular full-time or regular part-time employee to receive leave donations from other qualified employees under this subsection if:

- The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to:

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- Go on leave without pay status; or
- Terminate City employment.
- The employee's absence and the use of shared leave are justified;
- The employee has depleted or will shortly deplete his or her paid leave reserve;
- The employee has abided by all personnel rules regarding leave use.

Y. Annual Leave

Unless provided otherwise in a labor agreement, an employee shall, after six (6) months of continuous service from the last date of hire with the City, accrue annual leave as set forth below.

ANNUAL LEAVE CREDITS by Years of Continuous Service

Years of Service	Annual Leave Credit (based on full-time hours)		Credit hours per Regular Hours Worked*
	Days	Hours	
0-2	20	160	0.07692
3-4	22	176	0.08462
5-10	25	200	0.09615
11-14	27	216	0.10385
15-17	30	240	0.11538
18-19	32	256	0.12308
20+	35	280	0.13462

* Hourly accruals shall be used only in determining pro-rata leave credit.

Employees may maintain a bank of 240 hours maximum and carry over 80 hours annually. Annual leave time earned in excess of this maximum limit must be used or forfeited, unless the annual leave requested has been denied in writing by the Department Head or City Manager.

Employees will be compensated for a maximum of 240 hours of annual leave at time of separation from the City, as described below. All annual leave in excess of the 240 hours must be taken prior to separation or forfeited.

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An employee who resigns employment or is terminated prior to completion of six-months of continuous employment is not entitled to payment of unused leave time.

All annual leave should be taken at such time as approved by the head of the department or the City Manager. Annual Leave should be scheduled at such times as the Department Head finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for annual leave must be approved by the Department Head prior to the commencement of the requested leave.

Regular part-time employees who separate from the City may receive compensation at their regular rate of pay for each hour of annual leave earned. Regular part-time employees will accrue annual leave based on the pro-rata application of the schedule above.

If an employee transfers from one department within the City to another, the leave credits are also transferred. Annual leave credit earned by an employee cannot be transferred to another employee except pursuant to the City's shared leave policy. Temporary employees do not earn annual leave and are not entitled to leave pay upon separation. Annual leave will not accrue while an employee is on leave of absence without pay. Paid holidays occurring during annual leave are not charged to annual leave.

Z. Floating Holiday

An employee is eligible to receive one day per calendar year as a paid floating holiday after he or she has been employed by the City for six months or as provided for in the applicable bargaining unit agreement. The employee should provide at least one week advance notice to his or her immediate supervisor prior to taking a floating holiday.

The employee's supervisor will approve the number of employees selecting a particular day off. Floating holidays must be taken no later than December 25 during the calendar year of entitlement, or be forfeited, except when an employee has repeatedly requested a personal holiday, the request has been denied, and no opportunity for taking the day was made available to the employee.

When the number of requests for a particular day would impact department operations, if granted, the following criteria shall be used to determine which requests are allowed:

- The holiday should be granted to employees in the order in which the requests for a holiday date are submitted, with the earliest request receiving first priority.
- In the event several requests are submitted on the same day, requests should be granted based on length of service with the City.

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- Final authority for approving or disapproving holiday requests rests with the Department Head based on department operations. Any disapproval should be communicated to the employee involved as soon as possible.

Floating holidays may be combined with annual or other leaves. Unused floating holidays are not paid out to employees following termination or resignation.

AA. Holidays

Unless covered differently in a labor agreement, the City celebrates the following holidays as paid time off for regular full-time and part-time employees:

New Year's Day.....	January 1
Martin Luther King	3rd Monday in January
President's Day	3rd Monday of February
Memorial Day	Last Monday of May
Independence Day.....	July 4
Labor Day	1st Monday of September
Veteran's Day	November 11
Thanksgiving Day.....	4th Thursday of November
Day After Thanksgiving	4th Friday of November
Christmas Day.....	December 25
Floating Holiday	As described above

In the event a holiday falls on a Sunday, the following Monday shall be deemed to be the holiday. In the event the holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday.

Regular part-time employees receive time off on a pro rata basis, with pay at their regular straight time hourly rate for each approved holiday observed. Pro-rata compensation is based on the budgeted weekly hours divided by 40.

When a paid holiday falls within a period of paid leave, the day off will be a holiday and shall not be a leave day in computing the amount of leave debited.

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BB. Unpaid Holidays for Reasons of Faith or Conscience

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious demonstration, church, or religious organization.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose and undue hardship, or the employee is necessary to maintain public safety.

1. An employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of ten (10) days prior to the requested day.
2. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, and the availability, if any, of a qualified substitute.
3. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all. They must be taken in full-day increments, and they do not carry over from one year to the next.
4. Employees exempt from overtime under the Fair Labor Standards Act (FLSA) who request time off under this policy shall have the wages for the days taken off deducted from their regular paycheck.

CC. Professional Dues and Fees

The City will pay an annual lump sum payment equal to the current annual dues or fees to each employee who is required by ordinance, or state or federal law to be a member of a professional organization or who must maintain current a particular certification or license as a condition of employment. Payment will be made upon approval by the employee's Department Head.

Employees who belong to professional organizations that promote individual professional growth, competence and effectiveness in functioning as City employees will be allowed time off with pay to attend local, state and national meetings subject to approval by the Department Head and budgetary limitations. Collective bargaining units that negotiate for City employees are excluded from coverage under this policy.

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Membership in outside organizations should be in the name of the City, rather than the individual employee, if possible.

IX. CONDUCT AND DISCIPLINE

A. Standards of Conduct

The City is involved in providing various services to the public. Citizens rely on the quality and reliability of these services, and all employees are expected to provide professional service to the public.

If an employee fails to meet this standard of conduct, he or she may be subject to disciplinary action, up to and including immediate termination. The City will take appropriate disciplinary action based on the seriousness of the misconduct. The seriousness of the misconduct will be determined by the City.

Listed below are actions and behaviors that the City considers violations of the standard of conduct. This list is for illustrative purposes only. It is not an exhaustive list of actions and behaviors that may result in disciplinary action, up to and including immediate termination. Nothing in this paragraph alters any employee's at-will employment status or precludes either the City or the employee from terminating the employee's employment at any time for any reason or for no reason at all.

- Failure or refusal to carry out job assignments and management requests;
- Unauthorized release of City information;
- Swearing or verbal abuse while on City premises;
- Falsification of any time card, work, personnel, or other City records;
- Removal of City property without permission;
- Unauthorized removal of City funds or property, or unauthorized charges against a City account;
- Dishonesty;
- Discrimination against or harassment of co-workers;
- Being under the influence of alcohol or a controlled substance at work or on City premises;
- Deliberate, negligent, or avoidable damage to City property;
- Fighting or threatening to fight with another employee or member of the public;
- Participation in a business directly competing with the City;
- Serious misconduct of any kind;
- Inefficient performance of an assigned duty or responsibility;
- Substandard performance of an assigned duty or responsibility;
- Absenteeism or tardiness in reporting to work or returning from rest periods or

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meal periods;

- Failure to report an absence in accordance with the attendance policy;
- Failure to comply with safety or security rules and procedures;
- Carelessness or negligence in the performance of an assigned duty or in the care and use of City property;
- Sleeping or slacking on the job;
- Tobacco use where prohibited;
- Possessing firearms or other weapons on City property (unless employee is required to carry a firearm or other weapon as a condition of employment);
- Failing to wear assigned safety equipment or failing to abide by safety rules and policies;
- Misusing communications systems, including electronic mail, computers, internet access, and telephones; or
- Violation of any City policy.

B. Pre-Disciplinary Hearing

To the extent required by law or as provided in a labor agreement, the Human Resources Manager may provide for an informal, pre-disciplinary hearing prior to demotion, suspension, or termination of any employee. In such instances, the employee will be provided a written notice of the charge and will be given an opportunity to respond orally or in writing. The employee may have legal counsel or union representation present at a pre-disciplinary hearing.

The department's written notice of the charge should be sufficient to apprise the employee of the basis for the proposed disciplinary action. This shall not limit the employer at subsequent hearings from presenting more detailed and/or complete facts and evidence, including presentation of witnesses and documents not available at the pre-disciplinary hearing, provided that the employee has the opportunity to respond.

If the City Manager determines to take disciplinary action after the pre-disciplinary hearing, written notice of the disciplinary action should be provided to the employee. The notice should state the charge, the findings from the hearing, and the disciplinary action being taken. There is no appeal from a determination following a pre-disciplinary hearing, except as provided by labor agreement.

This Section does not, however, prohibit the City from demoting, suspending or terminating an employee immediately without a pre-disciplinary hearing, if such disciplinary action is in compliance with the law and if the City deems such immediate action to be appropriate. Nor does this Section alter an employee's "at will" status or alter the City's ability to terminate an employee with or without notice and without cause.

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C. Types of Discipline

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

1. Oral Warning.
2. Written Reprimand.
3. Suspension.
4. Demotion.
5. Termination.

The choice of what discipline to apply in any particular case is solely the City's. The use of discipline less than termination in any particular case does not change the at-will nature of the employment relationship.

X. TOBACCO USE, DRUGS, NARCOTICS AND ALCOHOL

A. Tobacco use

In the interests of the health and well-being of all of our employees, tobacco use is not permitted anywhere at the workplace or in City vehicles during the performance of job responsibilities. Tobacco use is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the tobacco use policy. Tobacco users have a special obligation to keep tobacco use areas litter-free and not to abuse break and work rules. Complaints about tobacco use issues should be resolved at the lowest level possible, but may be processed through the City's grievance procedure. Employees who violate the policy will be subject to disciplinary action.

Employees may contact the Human Resources Department for information regarding the effects of tobacco use and the availability of tobacco use cessation programs.

B. Drugs, Narcotics, and Alcohol

The City is dedicated to providing safe, dependable and economical services to our community. The purpose of this policy is ensure employee fitness for duty and to protect them and the public from the risks associated with the abuse of alcohol and/or drugs.

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This policy applies to all employees. Sections of this policy relating to drug and alcohol testing apply only to those employees who have been deemed to work in a safety-sensitive position, including public safety employees and employees required to hold a Commercial Driver's License (CDL).

For purposes of this Handbook, the following terms are defined as follows:

- **Safety Sensitive Function:** An employee who must hold a CDL to perform their job or a public safety employee.

Prohibited Drugs: Any illegal drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1308.11 through 1308.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Notwithstanding the legalization of marijuana under Washington law, marijuana remains an illegal drug under federal law and its use is therefore prohibited under this policy. Illegal use includes use of any illegal drug, the misuse of legally prescribed drugs, or the use of illegally obtained prescription drugs.

- **Allowable Drugs:** A legally prescribed drug designated by prescription or other written approval, in the employee's name, from a physician for the use of the drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.

The use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel prior to performing duties. It is the employee's responsibility to read warning labels and/or to seek medical advice from a physician when appropriate. It is also the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication. The misuse or abuse of illegal drugs while performing business is prohibited.

- **Drug Test:** The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory gas Chromatography/Mass Spectrometry (CG/MS) test will be performed.
- **Prohibited Alcohol:** Beverages or other substances containing alcohol, such that alcohol is present in the body while of City of Snohomish property, time or in

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other circumstances that might adversely affect operations, safety or job performance is prohibited.

- **Alcohol Test:** A breath alcohol concentration test will be conducting utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of point zero two (.02) or greater, a second test will be performed to confirm the results of the initial test. Any employee who has a confirmed alcohol concentration of point zero two (.02) or greater but less than point zero four (.04) will be removed from their position for twenty-four (24) hours and considered to be in violation of this policy and subject to discipline. An alcohol concentration of point zero four (.04) or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in federal regulations for safety-sensitive employees. Alcohol testing should be performed within two (2) hours of an accident or a determination of reasonable suspicion, or the City must maintain a record stating the reasons the test was not promptly administered. Alcohol testing may not take place more than eight (8) hours after an accident or determination of reasonable suspicion.

Violation of the following provisions is prohibited and punishable by disciplinary action up to and including termination:

- **Manufacturing, Trafficking, Possession and Use:** Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on City of Snohomish premises, in City vehicles or while on City business. Employees who violate this provision will be subject to discipline, up to and including termination.
- **Drug and Alcohol Use:** Employees must not report for work or continue to work if they are not fit for duty because of the presence of prohibited substances or alcohol in their system. Any employee who is reasonably suspected of being not fit for duty due to drug or alcohol use shall be suspended from duties pending an investigation of condition.
- **Positive Drug Test.** The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Any employee that has a verified positive drug test will be removed from their position immediately. The person will be informed of education and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment.

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- **Failure to Comply with Testing Requirements:** Any employee who refuses to comply with a request for testing, shall be removed from duty. Such refusals will be recorded as a positive test. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as verbal declaration, obstructive behavior, physical absence resulting in the ability to conduct the test, or any other acts constituting refusal under 49 C.F.R. part 40.

Any employee who is suspected of providing false information in connection with test, or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection by medical personnel and will be subject to discipline up to and including discharge.

- **Notification of Criminal or DWI Convictions:** All employees are required to notify the City of any criminal drug statute conviction for a violation with five days after such conviction. Failure to report such conviction or any moving violation causing the loss of driver's license by state or local law enforcement involving drugs or alcohol, shall result in discipline, up to and including termination.
- **Failure to Comply with Treatment Requirements:** Employees are encouraged to make use of the available resources for treatment of alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse in order to maintain employment with the City. Any employee who refuses or fails to comply with City requirements shall be subject to discipline, up to and including termination.
- **Testing Procedures:** The testing process will insure protection of individual dignity, privacy and confidentiality. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as allowed by Federal regulations. All CDL and public safety employees shall be subject to testing prior to employment, for reasonable suspicion and following an accident.

In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's

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recommended treatment program. Employees who perform CDL or safety sensitive functions shall also be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

- **Pre-employment Testing:** All safety-sensitive position applicants shall undergo urine drug testing following the offer of employment, or transfer into a safety sensitive position and prior to performing any safety sensitive functions. The employment offer is contingent upon successful test results. Receipt by the City of Snohomish of a negative drug test is required prior to employment. Applicants testing positive will not be eligible to be considered for employment for a period of twelve (12) months, and must provide proof of evaluation, referral and satisfactory completion of an approved treatment program. Applicants for DOT regulated positions may also be asked to authorize the City to contact prior DOT regulated employers for whom the applicant has worked during the last two (2) years to determine if the applicant has violated DOT regulations in prior employment.
- **Post Accident Testing:** All employees in safety sensitive positions will be required to undergo urine and breath testing if they are involved in an accident with a City of Snohomish vehicle that results in a fatality. This includes all surviving employees who are operating the vehicle and any others whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site, unless, by the evidence available at the scene, the operator can be completely discounted as a contributing factor to the accident. All other employees may be tested after an accident if there are factors in the accident giving rise to reasonable suspicion that drugs or alcohol were involved.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident (as defined above) must refrain from alcohol use for eight (8) hours following the accident or until they undergo a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but also any other employees whose performance could have contributed to the accident.

- **Random Testing:** Employees in CDL positions will be subject to random, unannounced urine and breath testing. The selection of CDL employees for

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random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.

- **Return to Duty Testing:** All employees who previously tested positive on an alcohol and/or drug test must test negative for drugs and alcohol, and be evaluated and released for duty by the Substance Abuse Professional before returning to work.
- **Follow-up Testing:** Employees who previously tested positive will be required to undergo frequent unannounced, random urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years (based on the Substance Abuse Professional's recommendation), with six (6) tests to be performed during the first year.
- **Employee Requested Testing:** Any employee who questions the results of a required drug test, may request that an additional test be conducted. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the original sample verified test result. Request after seventy-two (72) hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.
- **Assessment/Assistance Referrals:** Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a CDL driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse a failure to comply with all of the provisions of this policy.

Annual leave, or leave of absence without pay may be granted to treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be

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provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible.

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be provided a list of Substance Abuse Professionals (SAP) to whom they can go for evaluation.

- A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited drug use or alcohol misuse.
- If an employee is allowed to return to duty, they must properly follow the rehabilitation program prescribed by the SAP, the employee must have a negative return-to-duty drug and alcohol test, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services is the responsibility of the employee.
- **Record Retention:** All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.
- **Education and Training:** Drivers subject to this policy pursuant to federal regulations will be provided with this policy. Supervisory level staff will receive at least two (2) hours of instruction on how to identify the signs of drug and/or alcohol use or impairment and what to do in reasonable suspicion cases.

XI. TRAINING AND TRAVEL

A. Training

The City encourages training for its employees in order that services rendered by the City will be more effective and efficient. For purposes of this Handbook, “training” includes any work-related conference, convention, course, program, seminar, or workshop, which is attended by an employee who is in a paid status with the City at the time of the conference, convention, course, program, seminar, or workshop, and for which the expenses associated with the conference, convention, course, program, seminar, or workshop are paid in whole or in part by

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the City. This policy is subject to and limited by the conditions of an affected employee's labor contract.

Attendance at training programs will be approved at the Department Head level, except that attendance at a training program involving out-of-state travel or in excess of one shift or \$200 requires approval by the City Manager prior to registration. Attendance expenses should be processed through the Purchase Order Request Form.

City-required and sponsored training should be scheduled during work hours. A Department Head may change the standard work hours to accommodate attendance at training activities. Such training should be recorded as time worked within the meaning of this policy.

Employees, who acquire training on their personal time and at their personal expense, are encouraged to notify the Human Resources Manager, so the information regarding such training can be noted in the employee's personnel file.

Employees are encouraged to continue formal education through participation in educational programs during non-working hours. Reimbursement may be granted for job related courses with prior approval of the City Manager. Reimbursement will be allowed for tuition only. Approval for tuition reimbursement will be given only for courses offered by accredited colleges, universities or vocational training institutes. Any reimbursement will be given only after successful completion of the course. Successful completion is defined as receipt of a certificate of satisfactory completion or a grade of C (2.0 grade point) or better or attainment of pass in a pass/fail grading system. Request for reimbursement must be made within 30 days following the completion of the course.

B. Travel

The City will reimburse employees for necessary and reasonable expenses incurred by employees while on official City business. Mileage will be reimbursed at a rate per mile equal to the allowable IRS rate. All other allowable expenses will be reimbursed on actual cost basis. Claims for reimbursement of travel expenses, other than mileage, should be accompanied by invoices or receipts showing proof of payment, except the daily meal per diem as described below.

For overnight trips, reimbursement is as follows:

- Lodging: Lodging expenses will be reimbursed on completion of authorized travel upon submittal of proper proof of payment. A reasonable class of accommodation must be selected when possible.

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- Meals: Reimbursement for meals will be at a daily per diem to a maximum amount as provided below for each meal period. When calculating the daily per diem amount, amounts may be transferred from one meal type to another, as long as the amounts do not exceed the total for the number of meals required per day:

Breakfast	\$	14.00
Lunch	\$	16.00
Dinner	\$	28.00

Meals included as part of the charge for an event or service will not be reimbursed.

Meals for City Council members or other non-employees may be reimbursed on an actual cost basis when official City business is conducted during the meal. A receipt and documentation of who was present during the meal is required. Meals for City Council members and other non-employees must be approved by the City Manager.

- Mileage Allowance: Employees, who utilize privately-owned motor vehicles on travel assignments, will be allowed the IRS allowable rate per mile. Reimbursement for mileage will not exceed the dollar amount of round trip airfare at the coach rate on a licensed common carrier, plus auto rental or taxi fare at point of destination.

When two or more employees are attending the same training, carpooling should be practiced whenever possible. If an employee travels by an indirect route or interrupts travel by the most economical route for his or her own convenience, the employee will bear any extra expense involved.

For local travel and expenses, reimbursement is as follows:

- Mileage: No mileage will be paid for commuting from an employee's personal residence to City Hall or other work site.
- Parking: Parking fees will be reimbursed by actual cost and receipts shall be presented where possible.

The following expenses will not be reimbursed:

- Laundry, cleaning, or valet services (except of trips of over one week duration)

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- Tobacco products
- Alcoholic beverages
- Entertainment
- Personal telephone calls to home in excess of one per day
- First class travel accommodations when economy or coach class are available
- Meals and lodging in lieu of other meals and/or lodging the expense of which is included in the registration fee
- Fines, forfeitures or penalties
- Rental vehicles except as pre-approved by the City Manager
- Expenses of a spouse or other non-employee
- Loss or damage to personal property
- Barber, beauty parlor, shoe shine or toiletries
- Personal postage.

XII. VEHICLE USE

A. Minimum Qualifications

Employees are strongly encouraged to use City-owned motor vehicles, rather than privately-owned motor vehicles, while conducting official City business. No City employee is required to provide a privately-owned motor vehicle for conducting City business. Privately-owned motor vehicles may be used for conducting official City business only with the prior approval of the employee's Department Head.

When employees use their own vehicles for business purposes, insurance industry practices dictate that auto liability coverage follows the auto. Therefore, the employee's personal auto insurance would be considered primary, and WCIA's coverage excess. Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Therefore, employees who operate personal vehicles for City business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by the representing personal insurance agent.

Employees whose position necessitates use of a motor vehicle must possess a valid State Driver's License and a safe driving record. Prior to acceptance for employment with the City in a position that necessitates the operation of a motor vehicle, an employee's motor vehicle operator's record may be requested from the State Department of Motor Vehicles by the Personnel Office. If a Department of Motor Vehicles review indicates three or more moving violations within three years of the date of review, the employee may be denied authorization to operate a motor vehicle while conducting official City business. If the employment is incumbent

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upon the ability to operate a motor vehicle, the prospective employee may be denied employment. Periodically, the Personnel Office will verify the existence of a valid driver's license and request from the driver a copy of their current driving abstract.

Employees approved to drive while conducting City business are required to inform their supervisor immediately of any changes that may affect either their legal or physical ability to drive or their continued insurability. Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle on City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication.

Employees holding jobs requiring regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards. For all other jobs, driving is considered a non-essential function of the position.

Employees operating motor vehicles while conducting official City business shall observe all traffic laws, rules and regulations, and the dictates of common sense and good judgment. If, during the course of employment, an employee exhibits a disregard for acceptable safe driving procedures, his or her Department Head may deny further authorization to operate a motor vehicle while conducting official City business.

B. Use of City Vehicles

City-owned motor vehicles should be used for official City business only. City-owned motor vehicles should not be taken home overnight except as follows:

- Employees authorized by the Department Head verbally or in writing to take a City-owned motor vehicle home overnight when attending an out-of-city meeting that takes place late at night after normal working hours or early in the morning prior to normal working hours.
- Employees designated by the Department Head to be “on 24-hour call” for department or division emergencies.
- Employees authorized in writing by the City Manager to take a City-owned motor vehicle home overnight.
- City-owned vehicles must be available for City business at all times.
- City-owned vehicles may be used for travel to lunch when an employee is on official City business or when an employee is in a City-owned vehicle in a location where driving to obtain his or her privately-owned car would result in an

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extra and unnecessary expenditure of fuel.

- Employees shall not transport any person other than City employees in City-owned motor.
- Department Heads may establish supplemental policies regarding use of motor vehicles by employees within their departments.

XIII. SAFETY

A. Safety and Accident Prevention

It is the responsibility of all employees to cooperate in a safe work environment. Each employee must:

- Follow all safety rules.
- Notify his or her supervisor of any unsafe or potentially unsafe conditions he or she may discover.
- Use required personal protective equipment.
- Attend all required safety training.
- Report all job-related injuries or illnesses.
- Fully cooperate with supervisors in their investigation of any accident of which they have knowledge.
- Use equipment only in an authorized manner.

A safety bulletin board is provided for the display of safety meeting minutes, safety posters and other safety education material. A safety bulletin board will typically be maintained at City Hall, the City Shop, Engineering Office, Water and Wastewater Plants and Police Department. Violations of City safety rules, regulations or procedures will result in disciplinary action, up to and including termination.

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B. First Aid Cards

All leads, supervisors or other persons in direct charge of crews working in physically dispersed operations should have a valid first aid certificate. A crew means a group of two or more employees working at a work site separate from the main work site. In fixed establishments, all foremen, supervisors or persons in direct charge of a group or groups of employees shall have a valid first aid certificate. In addition in each crew or group, an alternate person should hold a valid first aid card in the event of the absence of the foreman or supervisor. In order to comply with to this policy, the City arranges for its employees to attend first aid courses. First aid certificates are valid for a period of three years, and a refresher course must be taken prior to the end of the three-year period to ensure continued validity for employees who are to have their certificate renewed. Basic and refresher courses shall be scheduled annually.

C. Blood Borne Pathogen Training

Employees may be offered Blood Borne Pathogen training, and depending on the employee's job position, the training may be mandatory.

Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen training certification remains current.

Employees who may be exposed to Hepatitis B have the option to receive Hepatitis B vaccinations paid for by the City of Snohomish. Employees will be given the opportunity to accept or decline the vaccinations.

D. Safety Committee

The City of Snohomish complies with all applicable federal, state and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Snohomish or by federal, state, or local law. The Safety Committee maintains a Safety Program Manual.

The City has appointed a Safety Committee to oversee the City of Snohomish's safety policies and procedures. All employees are responsible for ensuring that they understand and comply with all safety rules, regulations and procedures. All employees are responsible for:

- Being familiar with all safety and health procedures relevant to the operations under their supervision;

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- Inspecting their work areas periodically;
- Identifying conditions that recognized as being unsafe; and
- Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred for medical care.

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure the employee understands and complies with the safety rules, regulations and procedures within their department. The completed and signed form should be included in the employee's official personnel folder.

E. Responding to On-the-job Injuries

The City will provide for the treatment of on-the-job injuries and illnesses as provided by the Washington State Industrial Insurance Program. Any incident involving a City employee must be reported to that employee's supervisor immediately.

In the event of serious injury, the aid unit should be called immediately. If there is any question concerning the seriousness of the injury, the Fire District should be dispatched through the 911 Dispatch Center. For employees who require minor medical care, supervisors are to secure reliable transportation.

All employees must complete an Emergency Information form provided by the City. The employee will receive initial treatment and will be advised by the attending physician as to the need for further treatment. Employees may obtain treatment from a healthcare provider of their choice.

The employee must complete a Department of Labor & Industries form for all injuries requiring medical attention. All forms must be submitted to the Human Resources Manager. The Human Resources Manager will notify the Risk Manager. The Risk Manager will inform the Safety Committee for follow-up, as needed.

The State required log of occupational injuries and illnesses is maintained by individual departments. Information will be summarized and reported to the State on an annual basis by the Human Resources Manager.

F. Medical Procedures

Employees may be required to have a medical examination when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an

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accommodation for a particular disability, or has a questionable ability to perform essential job junction due to a medical condition.

Employees are encouraged, but not required, unless it is determined to be a condition of employment, to have physical examinations periodically during their employment, and to participate in wellness programs.

Medical examinations required by the City of Snohomish will be paid for by the City and will be performed by a physician or licensed medical facility. Medical examinations paid for by the City are the property of the City of Snohomish, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs.

Employees returning from a disability leave or an absence caused by health problems should provide a doctors certification of their ability to perform their regular work satisfactorily without endangering themselves or fellow employees.

Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisor. The supervisor will arrange referral for examination and recording of the incident as necessary. The time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.

The City may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law.

G. Accidents Involving Defective Equipment

When an accident involving defective equipment occurs, employees at the scene should attend any injuries of employees or others. The equipment should be turned in question into supervisor with full details of the incident. Supervisors will consult with the Risk Manager. Equipment suspected of being defective must be placed out of service, appropriately disabled from further operation, and tagged as defective as required by WISHA. A detailed report, including all circumstances surrounding the incident and all manufacturing information available

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concerning the equipment in question, should be submitted to the Risk Manager. The Risk Manager will report such accidents to the Safety Committee.

H. Motor Vehicle Accident Investigations

If, while operating a City-owned motor vehicle, or a privately-owned motor vehicle in the performance of official City business, an employee is involved in a motor vehicle accident, he or she should request that all parties and properties involved remain at the scene of the accident, if possible, until a law enforcement representative has released them. All accidents involving City-owned motor vehicles or employees engaged in the performance of official City business should be investigated by a police agency. If occurring outside the City, the accident should be investigated by the police agency having jurisdiction. If occurring within the City and involving minor injury or property damage, the accident should be investigated by the City Police Department. If occurring within the City and involving a fatality or injury requiring immediate hospitalization of any party, the accident should be investigated by an outside authority selected by the City Police Department.

Employees are prohibited from making statements regarding the accident to anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company if the employee's privately owned vehicle is involved.

A copy of all police reports and any statements attached thereto should be forwarded to the Risk Manager within one business day. The Risk Manager will report all accidents to the Safety Committee.

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EMPLOYEE ACKNOWLEDGMENT

My signature below confirms that I:

- Have received, read and agree to abide by this Handbook, dated December ____, 2015; and
- Understand its contents; and
- Understand that I am employed at-will, that this Handbook is not an agreement or contract for employment and that my employment may be terminated at any time and for any reason either by me or the City unless additional terms and conditions of employment have been provided for under a written contract or statute; and
- Understand that the City reserves the sole right to exercise its discretion in all circumstances regarding my employment terms and conditions, subject to limitations imposed by contract and/or law; and
- Understand that the City retains the right to change the policies and procedures contained in this Employee Handbook; and
- Understand and agree that the City may retain investigators to investigate complaints arising under the policies contained in this Handbook; and
- Understand that this Handbook supersedes any prior handbooks or policy manuals issued by the City.

Signature of Employee

Print Your Name

Date of your signature

**NOTE: You should KEEP this Employee Handbook for your records.
You must RETURN this signed page with your new hire paperwork or,
if you are an existing employee, within ten (10) days after receiving it.**

CONSENT ITEM 7

Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Skagit Valley College					
	58236	38248	2/18/16	Comm Svc Officer Training	\$1,158.00
				Check Total	\$1,158.00
				Batch Total	\$1,158.00
5 Corners Plumbing LLC					
	58237	020816	2/24/16	Business License Overpayment	\$25.00
				Check Total	\$25.00
Acclaim Restoration Services LLC					
	58238	020816	2/24/16	Business License Overpayment	\$25.00
				Check Total	\$25.00
ABCO Rooter The Drain Doctors, Inc					
	58239	020416	2/24/16	Business License Overpayment	\$25.00
				Check Total	\$25.00
Emily Johnson					
	58240	020116	2/24/16	Business License Overpayment	\$10.00
				Check Total	\$10.00
G & J Restoration Inc					
	58241	012916	2/24/16	Business License Overpayment	\$25.00
				Check Total	\$25.00
J-Lee Floors Inc					
	58242	012216	2/24/16	Business License Overpayment	\$25.00
				Check Total	\$25.00
Snohomish County Treasurer					
	58243	CrimevictimsEDC	2/24/16	State Pass Thru January 2016	\$53.98
	58243	CrimevictimsTVB	2/24/16	State Pass Thru January 2016	\$0.02
				Check Total	\$54.00
SEFNCO Communications, Inc					
	58244	020116	2/24/16	Business License Overpayment	\$50.00
				Check Total	\$50.00
Senske Lawn & Tree Care Inc					
	58245	012716	2/24/16	Business License Overpayment	\$30.00
				Check Total	\$30.00
Washington State Department of Licensing					
	58246	SNP000044	2/24/16	Original CPL Sannes	\$18.00
	58246	SNP000045	2/24/16	Original CPL Spiller	\$18.00
	58246	SNP000046	2/24/16	Original CPL Demiglio	\$18.00
	58246	SNP000047	2/24/16	Original CPL Leggett	\$18.00
	58246	SNP000048	2/24/16	Original CPL Hutt	\$18.00
	58246	SNP000049	2/24/16	Original CPL Smith	\$18.00
	58246	SNP000050	2/24/16	Original CPL Thomson	\$18.00
	58246	SNP000051	2/24/16	Original CPL Pickford	\$18.00
	58246	SNP000052	2/24/16	Original CPL Mcallister	\$18.00
	58246	SNP000053	2/24/16	Original CPL Bang	\$18.00
	58246	SNP000054	2/24/16	Original CPL Redding	\$18.00
	58246	SNP000055	2/24/16	Original CPL Haab	\$18.00
	58246	SNP000056	2/24/16	Original CPL Cassidy	\$18.00
	58246	SNP000059	2/24/16	Original CPL Garl	\$18.00
	58246	SNP000060	2/24/16	Original CPL Smoots	\$18.00
	58246	SNP000061	2/24/16	Original CPL Davidson	\$18.00
	58246	SNP000062	2/24/16	Original CPL Hutt	\$18.00
				Check Total	\$306.00

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<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Washington State Treasurer					
	58247	EDCSTGEN40	2/24/16	State Pass Thru January 2016	\$1,303.39
	58247	EDCSTGEN50	2/24/16	State Pass Thru January 2016	\$784.62
	58247	EDCSTGEN54	2/24/16	State Pass Thru January 2016	\$44.84
	58247	EDCHWYSAFETY	2/24/16	State Pass Thru January 2016	\$1.13
	58247	EDCDEATHINV	2/24/16	State Pass Thru January 2016	\$0.71
	58247	EDCJISACCT	2/24/16	State Pass Thru January 2016	\$117.13
	58247	EDCTRAUMA	2/24/16	State Pass Thru January 2016	\$32.92
	58247	EDCAUTOHEFT	2/24/16	State Pass Thru January 2016	\$64.23
	58247	EDCTRAUMABRAIN	2/24/16	State Pass Thru January 2016	\$12.80
	58247	WSPHIWAYSAFE	2/24/16	State Pass Thru January 2016	\$4.10
	58247	PARKSTGENFUND50	2/24/16	State Pass Thru January 2016	\$0.60
	58247	PARKSTGENFUND40	2/24/16	State Pass Thru January 2016	\$5.13
	58247	PARKJIS	2/24/16	State Pass Thru January 2016	\$23.00
	58247	BLDGSVCCHG	2/24/16	State Pass Thru January 2016	\$85.50
				Check Total	\$2,480.10
				Batch Total	\$3,055.10
Alpha Courier Service					
	58248	15317	2/24/16	lab courier service-WWTP	\$114.70
				Check Total	\$114.70
AT&T Mobility					
	58249	413073-2/16	2/24/16	WTP Modem Scada Remote Connections	\$42.36
				Check Total	\$42.36
Bank of America					
	58250	15120068315	2/24/16	Bank Analysis	\$3,951.47
				Check Total	\$3,951.47
Benchmark Document Solutions					
	58251	10291	2/24/16	City Hall Fax Machine	\$19.31
				Check Total	\$19.31
BHC Consultants					
	58252	7474	2/24/16	WWTP Upgrades 13-48	\$7,249.62
				Check Total	\$7,249.62
City of Everett Environmental Lab					
	58253	I16000179	2/24/16	lab analysis-WWTP	\$603.00
	58253	I16000180	2/24/16	lab analysis	\$232.20
	58253	I16000317	2/24/16	lab analysis	\$151.20
				Check Total	\$986.40
City Of Everett Utilities					
	58254	01015702252016	2/24/16	6600 109th Ave SE	\$29,464.70
	58254	01016402052016	2/24/16	6400 118th DR SE	\$434.39
	58254	01673902052016	2/24/16	99th SE/5 line	\$782.12
	58254	01741002052016	2/24/16	6203 107th Ave SE	\$892.87
	58254	01954602052016	2/24/16	3300 BLK Bickford Ave	\$2,447.37
				Check Total	\$34,021.45
Cues					
	58255	450625	2/24/16	software support	\$1,800.00
				Check Total	\$1,800.00
Curtis Galde					
	58256	020416	2/24/16	Driving School Reimbursement	\$176.64
	58256	021116	2/24/16	Driving School Reimbursement	\$176.64
	58256	021816	2/24/16	Driving School Reimbursement	\$176.64
	58256	022516	2/24/16	Driving School Reimbursement	\$176.64
				Check Total	\$706.56

CONSENT ITEM 7***Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting***

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Dawn Reilly					
	58257	5527020	2/24/16	Reimbursement for uniform shirt purchase	\$91.26
				Check Total	\$91.26
Debbie Emge					
	58258	21116	2/24/16	Land Use Map for Conference Room	\$70.72
	58258	21116	2/24/16	Calendar Events for Kiosks	\$137.09
				Check Total	\$207.81
Discovery Benefits					
	58259	587194-IN	2/24/16	HSA-Monthly	\$4.50
	58259	594945-IN	2/24/16	HSA-Monthly	\$4.50
	58259	602857-IN	2/24/16	HSA-Monthly	\$4.50
				Check Total	\$13.50
Elite Lock And Safe					
	58260	33342	2/24/16	keys cut	\$19.06
				Check Total	\$19.06
Evergreen District Court					
	58261	January 2016	2/24/16	Court filing fees January 2016	\$665.50
				Check Total	\$665.50
Express Personnel Services					
	58262	16917806-8	2/24/16	Clerical services - HR/Clerk Office	\$225.50
				Check Total	\$225.50
Feeney Wireless					
	58263	q59401	2/24/16	cradlepoint-service agreement	\$110.98
				Check Total	\$110.98
Frontier					
	58264	118075-2/16	2/24/16	Telemetry Auto Dialer	\$67.49
	58264	406075-2/16	2/24/16	City Manager Share City Hall Fax	\$9.48
	58264	406075-2/16	2/24/16	Human Resources Share City Hall	\$9.51
	58264	406075-2/16	2/24/16	Clerk Share City Hall Fax	\$9.51
	58264	406075-2/16	2/24/16	Building Inspection Share City Hall Fax	\$9.51
	58264	406075-2/16	2/24/16	Economic Development Share City Hall Fax	\$9.51
	58264	406075-2/16	2/24/16	Planning Share City Hall Fax	\$9.51
	58264	406075-2/16	2/24/16	Finance Share City Hall Fax	\$9.52
	58264	406075-2/16	2/24/16	IS Share City Hall Fax	\$9.51
	58264	406075-2/16	2/24/16	Engineering Share City Hall Fax	\$9.51
	58264	1214935-2/16	2/24/16	Fleet & Facilities Share Shop Fax	\$28.69
	58264	1214935-2/16	2/24/16	Water Share Shop Fax	\$14.34
	58264	1214935-2/16	2/24/16	Storm Share Shop Fax	\$14.34
	58264	1214935-2/16	2/24/16	Street Share Shop fax	\$14.34
	58264	1214935-2/16	2/24/16	Parks Share Shop fax	\$14.34
				Check Total	\$239.11
Girard Resources & Recycling, LLC					
	58265	31891	2/24/16	lawn mix-Pilchuck Park	\$504.99
				Check Total	\$504.99
Gray & Osborne, Inc.					
	58266	1	2/24/16	Storm NPDES Permit Assistance 14-22	\$1,828.14
				Check Total	\$1,828.14
Grainger Inc.					
	58267	9013428330	2/24/16	filter element	\$262.34
				Check Total	\$262.34

CONSENT ITEM 7

Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Great Floors, LLC					
	58268	706999	2/24/16	Supply and Install Flooring	\$4,766.01
				Check Total	\$4,766.01
Hach Chemical					
	58269	9789255	2/24/16	lab supplies-WWTP	\$741.09
				Check Total	\$741.09
H.B. Jaeger					
	58270	167974/1	2/24/16	hose, fitting, nipple	\$107.99
	58270	168510/1	2/24/16	water parts	\$269.13
	58270	168544/1	2/24/16	water parts	\$136.26
	58270	168545/1	2/24/16	water parts	\$86.58
	58270	168578/1	2/24/16	sump pump	\$136.00
	58270	168577/1	2/24/16	12" test tite	\$131.78
				Check Total	\$867.74
Home Depot - Parks					
	58271	0013024	2/24/16	staples, ceiling, trim board	\$70.51
	58271	2013923	2/24/16	door stop, connector, wire, bits	\$87.24
	58271	3072490	2/24/16	Ludwig house - sealnt, bulbs, tsp	\$36.21
				Check Total	\$193.96
Home Depot - Streets					
	58272	1093240	2/24/16	LED tripod lights	\$152.75
	58272	1093240	2/24/16	LED tripod lights	\$152.76
	58272	1583298	2/24/16	ratchets	\$78.21
	58272	8062645	2/24/16	shovel, hepa filter	\$89.88
	58272	9564171	2/24/16	filter bags - shop vac	\$109.19
	58272	0012968	2/24/16	fast set concrete	\$42.65
				Check Total	\$625.44
Home Depot - Storm					
	58273	2022003	2/24/16	quick connect	\$10.74
	58273	1014053	2/24/16	rapid cement, cement	\$21.73
	58273	9013160	2/24/16	rapid cement, cement	\$65.18
	58273	7583011	2/24/16	connector, sleeve insert	\$8.70
	58273	7013414	2/24/16	transfer pump	\$102.67
	58273	2572488	2/24/16	heat shrink tubing	\$4.31
	58273	2572492	2/24/16	adapter, bushings	\$17.91
				Check Total	\$231.24
HD Supply Waterworks LTD					
	58274	F081971	2/24/16	resettters	\$748.60
	58274	F081954	2/24/16	meters, antenna asse	\$3,818.88
	58274	F098148	2/24/16	antenna asse	\$425.95
	58274	F036412	2/24/16	software maintenance	\$3,525.12
				Check Total	\$8,518.55
Home Depot - Water					
	58275	1014056	2/24/16	lumber, joist hanger, screws	\$40.75
				Check Total	\$40.75
Home Depot Waste Water Treatment					
	58276	9013122	2/24/16	adhesive, rug gripper	\$24.52
	58276	7013384	2/24/16	floor sweep	\$49.26
	58276	2141063	2/24/16	strap tie, tubing, heat shrink	\$19.41
	58276	0014184	2/24/16	sakrete, potting mix	\$74.22
				Check Total	\$167.41
IER Environmental Services, Inc					
	58277	2016-5027	2/24/16	chemicals-WWTP	\$1,399.04
				Check Total	\$1,399.04

CONSENT ITEM 7***Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting***

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
InfoSense, Inc					
	58278	1273	2/24/16	SL-RAT kit	\$23,517.00
				Check Total	\$23,517.00
Integra Telecom					
	58279	13656418	2/24/16	City Hall Phones	\$1,818.46
	58279	13664778	2/24/16	Water Reservoir	\$61.63
				Check Total	\$1,880.09
J Thayer Company					
	58280	995606-0	2/24/16	paper	\$342.61
	58280	979677-0	2/24/16	office supplies-WWTP	\$138.34
	58280	999245-0	2/24/16	office supplies-WWTP	\$175.21
	58280	1005951-0	2/24/16	office supplies-Water	\$118.07
	58280	1018580-0	2/24/16	office supplies-WWTP	\$4.67
	58280	1018578-0	2/24/16	office supplies-WWTP	\$93.21
	58280	1012642-0	2/24/16	office supplies	\$27.71
	58280	1012642-0	2/24/16	office supplies	\$9.77
	58280	1012642-0	2/24/16	office supplies	\$64.17
	58280	1018984-0	2/24/16	paper supplies, file folders, markers	\$215.88
	58280	999857-0	2/24/16	Office Supplies	\$287.45
	58280	C999857-0	2/24/16	Office Supplies Return	\$-133.44
	58280	1000275-1	2/24/16	Office Supplies	\$117.42
	58280	1000275-0	2/24/16	Office Supplies	\$29.32
				Check Total	\$1,490.39
Julie Kostelecky					
	58281	021716	2/24/16	Mileage reimbursement	\$10.04
				Check Total	\$10.04
Kendall B Utt					
	58282	uttpesticdctr	2/24/16	lunch reimburse.-1 day class pesticide	\$15.00
	58282	uttwwpestlicre	2/24/16	Waterworks, Pesticide license renewals	\$76.00
				Check Total	\$91.00
Laura Clarke					
	58283	021716	2/24/16	Mileage reimbursement	\$20.84
				Check Total	\$20.84
McDaniel Do It Center - Parks					
	58284	468375	2/24/16	flashlight	\$41.33
	58284	468402	2/24/16	drive extension, socket, anchor pack	\$10.85
	58284	468413	2/24/16	sealant, caulk gun	\$13.02
	58284	468452	2/24/16	keys cut	\$4.33
	58284	468257	2/24/16	simple green	\$13.05
				Check Total	\$82.58
McDaniel Do It Center - Storm					
	58285	468183	2/24/16	fuse	\$2.17
				Check Total	\$2.17
McDaniel Do It Center- Streets					
	58286	468084	2/24/16	fasteners	\$6.62
	58286	468242	2/24/16	concrete mix	\$6.51
	58286	468289	2/24/16	fasteners, tape	\$38.08
	58286	468415	2/24/16	mortar mix, bucket	\$4.34
	58286	468517	2/24/16	brush handle, key rings	\$11.08
	58286	468733	2/24/16	drill bit set, drill bit	\$84.83
	58286	468812	2/24/16	bucket, gloves	\$10.87
				Check Total	\$162.33
McDaniel Do It Center - Water					
	58287	468095	2/24/16	keys cut	\$2.17
	58287	468200	2/24/16	cleaning supplies, distilled water	\$60.38
	58287	468495	2/24/16	cutting wheel	\$19.52

CONSENT ITEM 7

Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
	58287	468512	2/24/16	top soil, flower bulbs	\$31.46
	58287	468747	2/24/16	magnify glass, pens	\$13.02
				Check Total	\$126.55
McDaniel's Do It Center Wastewater					
	58288	468368	2/24/16	batteries, yellowjacket bait	\$27.69
	58288	468481	2/24/16	distilled water, mineral oil	\$75.72
				Check Total	\$103.41
Norton Arnold & Company					
	58289	29701	2/24/16	Mtg facilitation Open Govrnmnt Committee	\$5,070.00
				Check Total	\$5,070.00
Northwest Cascade Inc					
	58290	2-1535062	2/24/16	sani can rental-water res	\$91.50
				Check Total	\$91.50
Partner Construction Products					
	58291	7620	2/24/16	crack sealer parts	\$324.54
				Check Total	\$324.54
Puget Sound Energy					
	58292	94678	2/24/16	116 Union Ave	\$305.82
	58292	924802052016	2/24/16	2100 Baird Ave	\$94.48
	58292	703202052016	2/24/16	2000 Weaver Road	\$12.14
	58292	857002152016	2/24/16	701 18th St	\$38.68
	58292	202402152016	2/24/16	50 Lincoln Ave	\$80.28
	58292	758902152016	2/24/16	50 Maple Ave	\$80.28
	58292	836402152016	2/24/16	1610 Park Ave	\$38.68
				Check Total	\$650.36
Questica Inc					
	58293	206871-1	2/24/16	Budget Software License	\$13,179.00
				Check Total	\$13,179.00
Rainier Environmental Laboratory					
	58294	2114	2/24/16	minnow acute test	\$1,200.00
				Check Total	\$1,200.00
Rick Karschney					
	58295	cdlendorsere	2/24/16	CDL endorsement reimburse	\$102.00
				Check Total	\$102.00
Snohomish County Finance Department/Solid Waste					
	58296	67802	2/24/16	vactor grit disposal	\$208.00
				Check Total	\$208.00
Snohomish County Fire Dist.#4					
	58297	0003	2/24/16	Facility Use Fee - All City Staff Mtg	\$50.00
				Check Total	\$50.00
Snohomish County Human Services					
	58298	I000405472	2/24/16	4th Qtr Liquor Excise Taxes	\$604.89
				Check Total	\$604.89
Schluter Water System					
	58299	02062016lud	2/24/16	water-Ludwig	\$26.75
				Check Total	\$26.75
Snohomish County Public Defender Association					
	58300	1466	2/24/16	Indigent Defense Services	\$9,205.61
				Check Total	\$9,205.61

CONSENT ITEM 7***Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting***

Name	Check #	Invoice #	Check Date	Description	Amount
Snohomish County Pud #1					
	58301	157098713	2/24/16	#1000545615, 1610 Park Ave, Hill Park	\$19.10
	58301	137446239	2/24/16	#1000531585 2749 Bickford Traffic Signal	\$140.99
	58301	160303179	2/24/16	#1000566359, 811 1st St, Street Lighting	\$19.66
	58301	160303206	2/24/16	#1000531586, 2621 Bickford, South Signal	\$84.22
	58301	104407790	2/24/16	#1000482443, 505 Rainier, Rainer L/S	\$1,191.76
	58301	104408063	2/24/16	#1000542988, 50 Lincoln, Lincoln L/S	\$147.73
	58301	111062299	2/24/16	#1000556519, 2181 Cady Dr, Cady Pk L/S	\$50.24
	58301	134234777	2/24/16	#1000439204, 40 Maple, Cady Park	\$254.12
	58301	150654724	2/24/16	#1000539970, 1608 Park, Hill Pk L/S	\$135.27
	58301	150654850	2/24/16	#1000395660, 617 18th, Champ L/S	\$130.24
	58301	124329918	2/24/16	#1000125182, 230 Maple, Police Dept	\$1,705.20
	58301	127634564	2/24/16	#1000125557, 116 Union Ave, City Hall	\$547.14
	58301	130942650	2/24/16	#1000535766, 1610 Park, Hill Park	\$178.18
	58301	153911512	2/24/16	#1000125814, 1819 1st St, CSO L/S	\$568.97
	58301	111060918	2/24/16	#1000385041, 20 Ave A, Street Lighting	\$16.29
	58301	117695186	2/24/16	116 Union Ave, First St Lighting	\$67.18
	58301	127634168	2/24/16	#1000301981, 201 Maple, 2nd&Maple Signal	\$55.50
	58301	137448619	2/24/16	121 Glen Ave, Street Lighting	\$8.85
	58301	137449799	2/24/16	#1000122743, 2000 Ludwig, Ludwig House	\$24.97
	58301	144074835	2/24/16	#1000430944, 112 Union, Engineering	\$87.00
	58301	147367823	2/24/16	#1000580435, 400 2nd, Street Lighting	\$35.12
	58301	147367995	2/24/16	#1000579410, 1115 1st, Street Lighting	\$26.24
	58301	147368005	2/24/16	116 Avenue B, Street Lighting	\$8.85
	58301	147368006	2/24/16	124 Avenue B, Street Lighting	\$8.85
	58301	160304896	2/24/16	#1000539313, 1010 2nd, Street Lighting	\$57.88
	58301	163518914	2/24/16	#1000558695, 1029 1st, Public Restrooms	\$78.73
	58301	121017061	2/24/16	#1000539338, 1801 1st, Shop Portable	\$101.63
	58301	121017061	2/24/16	#1000539338, 1801 1st, Shop Portable	\$101.64
	58301	144078691	2/24/16	#1000141396, 2015 2nd, North Meter	\$6,663.38
	58301	104412727	2/24/16	#1000498870, 210 Ave D, 2nd&D Signal	\$55.29
	58301	107750691	2/24/16	#1000504619, 434 Ave D, 5th&D Signal	\$75.30
	58301	117698098	2/24/16	#1000561224, 1301 1st, 13th&D Signal	\$79.76
	58301	104414042	2/24/16	#1000467578, 1301 1st, VIC	\$226.26
	58301	104415751	2/24/16	#1000125224, 101 Cedar, Carnegie	\$2,017.33
	58301	147371081	2/24/16	#1000137618, 1801 1st, City Shop	\$1,748.86
	58301	147372287	2/24/16	#1000201937, 1103 Maple, Maple House	\$26.68
				Check Total	\$16,744.41
Shred-It USA, Inc					
	58302	9409211833	2/24/16	Document Destruction Service	\$60.65
				Check Total	\$60.65
Snohomish Auto Parts					
	58303	439516	2/24/16	distributor, core deposit	\$151.29
	58303	439691	2/24/16	grease	\$7.00
	58303	439828	2/24/16	hydraulic fluid	\$52.96
	58303	439825	2/24/16	filters	\$64.54
	58303	439830	2/24/16	filters	\$42.13
	58303	439778	2/24/16	orings, hyd fluid	\$42.86
				Check Total	\$360.78
Snohomish Farmers Market Assoc					
	58304	Reimb2015	2/24/16	Reimb 2015 Deposit	\$500.00
				Check Total	\$500.00
Sound Equipment Rental and Sales					
	58305	11230	2/24/16	excavator rental	\$374.60
				Check Total	\$374.60

CONSENT ITEM 7***Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting***

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Sound Safety Products Co.					
	58306	41571/1	2/24/16	boot return-Galde	\$-200.00
	58306	41564/1	2/24/16	boot return-Murphy	\$-200.00
	58306	38607/1	2/24/16	partial uniforms-Murphy	\$101.01
	58306	44041/1	2/24/16	partial uniforms-Soren	\$244.99
	58306	44042/1	2/24/16	partial uniforms-Miller	\$233.60
				Check Total	\$179.60
Sound Telecom					
	58307	000006-516-751	2/24/16	monthly answering service February 2016	\$124.10
				Check Total	\$124.10
Summit Law Group PLLC					
	58308	77562	2/24/16	Labor Relation Legal Services	\$1,615.00
				Check Total	\$1,615.00
Tetra Tech Inc					
	58309	51013330	2/24/16	Engineering Services through 1/22/2016	\$11,938.18
				Check Total	\$11,938.18
The Daily Herald					
	58310	10656765	2/24/16	Subscription	\$192.93
				Check Total	\$192.93
Sound Publishing					
	58311	7657214	2/24/16	City Council Agenda Publishing	\$1,701.00
	58311	EDH682012	2/24/16	Ordinance Publishing - Legal Ad	\$94.60
				Check Total	\$1,795.60
US Bank CPS					
	58312	100018531	2/24/16	New fingerprint pad	\$61.91
	58312	2512216	2/24/16	traffic cone signs	\$104.80
	58312	2512216	2/24/16	traffic cone signs	\$44.00
	58312	024448	2/24/16	2uniform jackets-Reilly	\$164.70
	58312	s3-843642	2/24/16	modules, dist cap, rotor	\$150.91
	58312	29148	2/24/16	MAG Meeting Lunch	\$14.37
	58312	591116	2/24/16	Rental Equip New City Council Photo	\$44.94
	58312	83599	2/24/16	WA State Dept of Ent: Standard Spec 2016	\$217.80
	58312	490593400	2/24/16	Training - LID Hydrologic Modeling	\$43.19
				Check Total	\$846.62
US Health Works Medical Group WA, PS					
	58313	0650758-WA	2/24/16	CDL Exam Parks/Facilities Maint Wrk	\$99.00
				Check Total	\$99.00
U.S. Postmaster					
	58314	020516-021116	2/24/16	Council Postage	\$11.38
	58314	020516-021116	2/24/16	City Manager Postage	\$2.87
	58314	020516-021116	2/24/16	Clerk Postage	\$45.54
	58314	020516-021116	2/24/16	Finance Postage	\$7.01
	58314	020516-021116	2/24/16	Police Postage	\$3.63
	58314	020516-021116	2/24/16	Planning Postage	\$3.13
	58314	020516-021116	2/24/16	Engineering Postage	\$4.26
	58314	020516-021116	2/24/16	Water Postage	\$0.49
	58314	020516-021116	2/24/16	Sewer Postage	\$14.60
				Check Total	\$92.91
Utilities Underground Location					
	58315	6010200	2/24/16	locates-Jan 2016	\$19.51
	58315	6010200	2/24/16	locates-Jan 2016	\$19.51
	58315	6010200	2/24/16	locates-Jan 2016	\$19.50
				Check Total	\$58.52

CONSENT ITEM 7

Schedule of Checks for the Checks Issued Since the February 16, 2016 Meeting

<i>Name</i>	<i>Check #</i>	<i>Invoice #</i>	<i>Check Date</i>	<i>Description</i>	<i>Amount</i>
Verizon Wireless					
	58316	9760015392	2/24/16	Parks Cellular	\$165.83
	58316	9760015392	2/24/16	Streets Cellular	\$135.05
	58316	9760015392	2/24/16	Fleet Cellular	\$58.41
	58316	9760015392	2/24/16	Econ Cellular	\$57.58
	58316	9760015392	2/24/16	Bldg Insp Cellular	\$57.58
	58316	9760015392	2/24/16	Police Cellular	\$57.58
	58316	9760015392	2/24/16	Engrg Cellular	\$270.33
	58316	9760015392	2/24/16	Water Distribution Cellular	\$235.09
	58316	9760015392	2/24/16	WTP Cellular	\$205.19
	58316	9760015392	2/24/16	Collections Cellular	\$186.83
	58316	9760015392	2/24/16	Storm Cellular	\$117.06
	58316	9760015392	2/24/16	WWTP Cellular	\$172.73
	58316	9760015392	2/24/16	Utilities Manager Cellular	\$57.58
	58316	9760015392	2/24/16	City Mgr Cellular	\$57.58
	58316	9760231668	2/24/16	CSO Modem	\$22.79
				Check Total	\$1,857.21
Voyager					
	58317	869344283606	2/24/16	Vehicle Fuel	\$1,999.68
				Check Total	\$1,999.68
Washington Crane & Hoist					
	58318	0028099-IN	2/24/16	crane inspection-WWTP	\$1,115.20
				Check Total	\$1,115.20
Western Facilities Supply Inc					
	58319	004026	2/24/16	kimwipes-WTP	\$281.06
				Check Total	\$281.06
Whistle Workwear					
	58320	TR282517	2/24/16	partial uniforms-Palmer	\$214.19
	58320	TR-282521	2/24/16	work boots-Palmer	\$147.41
	58320	TR286709	2/24/16	safety boots	\$200.00
				Check Total	\$561.60
Washington State Department of Enterprise Services					
	58321	73145058	2/24/16	Envelopes	\$224.75
				Check Total	\$224.75
				Batch Total	\$169,832.74
Washington State Department of Revenue					
	ACH	January 2016	2/09/16	Excise Tax	
				Check Total	\$26,388.17
				Total All Batches	\$200,434.01

I hereby certify that the goods and services charged on the vouchers listed below have been furnished to the best of my knowledge. I further certify that the claims below to be valid and correct.

City Treasurer

WE, the undersigned council members of the City of Snohomish, Washington, do hereby certify that the claim warrants #58236 through #58321 in the total of \$200,434.01 dated through February 24, 2016 are approved for payment on March 1, 2016.

Mayor

Councilmember

Councilmember

Councilmember