

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 1**

CONVENE: 8:00 a.m.

PRESENT: Chair Tom Oliva and Councilmembers Michael Althaus and Leatta Dahlhoff.

Staff: City Administrator John Doan, Fire Chief Scott LaVielle, Police Chief Jon Weiks, Police Lieutenant Bruce Brenna, and City Clerk Melody Valiant.

**MUTUAL AID/SWAT
INTERLOCAL
AGREEMENT:**

Police Chief Weiks reported the proposed agreement is the 2019 Interlocal Cooperation and Agreement for Law Enforcement Mutual Aid and/or SWAT Deployment between Thurston County law enforcement agencies. The City currently has an existing mutual aid agreement; however, because of recent court rulings, the agreement is not sufficient to cover SWAT operations. A Pierce County court case prompted local cities and county governments to reconsider mutual aid agreements specifically for SWAT operations. The proposed agreement includes new language from the City's insurance authority adding several new definitions, increasing liability limits from \$1 million to \$10 million, and language addressing liability and how liability is specifically handled through SWAT operations. The agreement was updated to include RCW (Revised Code of Washington) references. Staff is requesting the committee's authorization to forward the proposed agreement to the City Council for approval and the Mayor's signature.

Commissioner Dahlhoff noted that the agreement includes four Tumwater Police Officers as members of the SWAT Team. She asked how many SWAT events have occurred in Tumwater. Police Chief Weiks said SWAT events are sporadic with no events occurring over several years and then several events occurring in a span of several months. SWAT officers are continually training because it is difficult to forecast need.

CONSENSUS: **The Public Health and Safety Committee recommended the City Council approve and authorize the Mayor to sign the 2019 Interlocal Cooperation and Agreement for Law Enforcement Mutual Aid and/or SWAT Deployment.**

**2019 FIREWORKS
UPDATE:**

City Administrator Doan referred to the staff report summarizing the outcome of fireworks-related incidents occurring in the City during the July 4th holiday. Overall, the outcome was incrementally better than in previous years. The City of Olympia reported pockets of illegal fireworks activity and Lacey statistics reflected a dramatic decline fireworks-related emergency calls; however, fireworks discharges continued to be experienced by Lacey throughout the city.

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 2

The City continues to pursue education efforts as the first line of defense to reduce usage of fireworks. Some resources were dedicated to responding to incidents that did occur. The City continues to experience enforcement limitations and the challenges of identifying the source of illegal fireworks discharges.

Councilmember Dahlhoff asked about prospect of working with Thurston County to pursue a fireworks ban in the county. City Administrator Doan advised that at the management level within Thurston County some discussions have occurred. Some options could be explored for banning fireworks in urban growth areas (UGA); however, outside of the UGAs he does not foresee the county banning fireworks primarily because of inadequate resources to enforce county-wide fireworks regulations. Some conversations at the policy-maker level could occur about banning fireworks within UGAs.

Chair Oliva asked whether the City received any calls on fireworks discharged within unincorporated county islands located within the City. Fire Chief LaVielle said the Fire Department did not experience any increase in calls from those areas of the City. Since the ban became effective, many residents elect to discharge fireworks in unincorporated areas of the county or attend the City's annual fireworks show. Fireworks responses this year were fewer. The ban appears to be effective and citizens are honoring the ban as dense housing has created some dangerous fire situations caused by the discharge of fireworks. The patrols by the Police Department and the Fire Department have also been helpful in reducing the number of discharge incidents.

City Administrator Doan added that there is a correlation between the City's fireworks ban and attendance at the City's 4th July celebration. Attendance has increased since the ban was implemented.

Councilmember Dahlhoff asked whether the City confiscated any fireworks this year. Fire Chief LaVielle responded that no fireworks were confiscated this year although the Fire Department has the capability to properly confiscate and transport fireworks for proper disposal. The three largest cities work together on the education campaign with all the cities conveying the same message. That partnership will continue next year.

FIRE
REGIONALIZATION:

City Administrator Doan provided an overview of the Fire Regionalization Study with a full briefing scheduled for all participating jurisdictions at a future date.

The study identified four options for consideration:

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October10, 2019 Page 3

1. Contract for services
2. Annexation to an existing Fire District
3. Creation of a Fire District
4. Creation of a Regional Fire Authority

Contracting for services is similar to some of the same contracting the Fire Department currently has in place, such as contracting with the City of Olympia for use of the Fire Training Facility or maintenance of Fire Department equipment. Contracting would essentially entail a contract with another entity to provide fire and emergency medical services. Contracts enable some flexibility as terms can be negotiated and can be between any type of fire agency, such as a municipality or fire district. Within Thurston County, fire and emergency medical services are provided by city fire departments, fire districts, and one regional fire authority. A challenge for contracting is the lack of permanency because contracts are a contractual relationship within a specific timeline. Cost allocation can be very difficult in terms of the payment of costs and the amount. Contracting services could also serve as an interim step to other permanent integrated option.

Annexation to an existing fire district would entail the City reducing its property tax rate by a specific amount with the fire district assuming the new rate. The property tax rate would not change for property owners; however, the City would retain the authority to bank taxing capacity that could be used at some point in the future. When the City of Lacey annexed to the Lacey Fire District, the city banked its capacity but it has never been used. One of the perceived negatives of annexation is citizens believing the Council is losing direct control. Although, the City Council forfeits direct control, citizens gain direct control as they would vote to elect fire commissioners to govern the fire district. The legal process for annexation involves the City adopting a resolution for annexation to the fire district with the fire district also adopting a similar resolution. The Thurston County Boundary Review Board would review the proposed action and the boundaries, and if approved by the Board, both the City and the fire district would have to vote in the affirmative through a majority vote of affected voters (50+1).

The third option of creating a fire district is not widely used. Similar to the creation of the Tumwater Metropolitan Park District, the City would create a Tumwater Fire District to provide services. The process is similar to annexation to another fire district. However, the option does not provide any advantages in terms of efficiencies or cost savings, but it does provide more opportunity for staging equipment, facilities, and utilizing staffing resources.

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 4

Fire Chief LaVielle said he is not aware of any city that has created a city fire district. Funding the fire district is similar to annexation whereby the City reduces its tax rate and transfers the taxing authority to the city fire district.

The final option of creating a regional fire authority was codified in 2004 by the State Legislature. Today, 13 regional fire authorities exist across the state ranging in size. A regional fire authority can encompass city fire departments and fire districts and serve as a regional fire organization. A regional fire authority has the ability to include port districts or tribes. The Port of Seattle is the only port in the state that has a fire department, which could merge with a regional fire authority at some point in time. A regional fire authority is created by all voters residing within the potential fire authority boundary through only one ballot measure. The process is initiated by all participating agencies by appointing three elected officials to serve on a planning committee. The study's consultant has recommended forming a planning committee following a thorough review of the study by the participating agencies of Lacey Fire District, City of Olympia Fire Department, City of Tumwater Fire Department, and East Olympia Fire District. At any time during the planning process, an agency has the option of withdrawing from the process.

Should the planning group elect to proceed with a regional fire authority, approval is required by a vote of 60% of the voters if the authority plans to assess fire benefit charges, which is an additional funding source that fire authorities can assess that are similar to an impact fee.

The study did not include Medic One. Should the planning committee consider a regional fire authority, Medic One would need to be invited to become part of the authority.

Requesting approval by voters is limited to three separate ballot measures. One of the advantages of a fire authority is providing the City with more control as the City would appoint representatives to serve on the governing board similar to other intergovernmental organizations in the county. Other advantages include economies of scale across different types of agencies (cities, fire districts), an equitable tax base between all participating jurisdictions, and better coverage because of the ability to deploy resources across the service area.

The study points out that to achieve cost savings and efficiencies, participating agencies should be of similar level of service and tax

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 5

base, which is why the recommendation does not include West Thurston Fire Authority and McClain/Black Lake Fire District as those organizations offer different levels of service and have a different structure than the other participating agencies.

The study consultant also recommended that participating agencies should pursue more conversations with policymakers and elected officials about the concept of regionalization, benefits, costs, advantages, as well as involving all affected fire labor unions.

City Administrator Doan described some existing regional fire authorities in the state, how they formed as separate entities, and the benefits provided to the service area.

Next steps recommended by the consultant include a presentation to all officials of each participating entity sometime in early November. Interested entities would proceed to form the planning committee. The City of Olympia has expressed interest in participating in the planning committee, as well as East Olympia Fire District. The planning committee would follow the process of studying, modeling of finances, transition costs, and future revenues. Each entity joining the authority would also need to model financial impacts to the respective organization. Engagement of the unions in detailed discussion would also be involved.

Councilmember Althaus asked whether the regional fire authority board is governed only by appointed elected officials, similar to the Medic One governance structure. Fire Chief LaVielle said the board would include many members with representation from each of the participating organizations. Councilmember Althaus asked about the process for bargaining new contracts with firefighters of the regional fire authority. City Administrator Doan said the board would hire a fire chief who would oversee the regional fire authority and all components of the new organization. The human resources director of the new organization would represent the regional fire authority during labor negotiations. Additionally, the regional fire authority could contract with a city or another agency to provide those services, such as financial, IT, and human resource services.

Councilmember Althaus asked whether reducing the City's base of FTEs would impact its ability to negotiate better health care plans and benefits. City Administrator Doan said the Fire Department's healthcare plan is not the same as the City's healthcare for other City employees. Additionally, firefighters have a different retirement system. There likely would be no disadvantage to the City with respect to the loss of fire FTEs. However, the issue is complicated as the City has land, buildings, and equipment. The City of Bonnie

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 6

Lake spent many years trying to force the fire authority to purchase the fire station that had been built. The fire authority resisted based on the belief that the taxpayers already paid for the station. Typically, fire engines and equipment are transferred to the new entity.

Councilmember Althaus asked how the reduction in the City's property tax would interact with the City's existing public service levy. City Administrator Doan said the issue has not been addressed at this time. In 2011, voters were promised that the levy would fund fire trucks for the next 25 years. One solution may involve the City paying for fire trucks for the next 25 years and deeding them to the fire authority.

Councilmember Dahlhoff said that the report, although it includes recommendations, lacks any information on unforeseen, negative impacts, or unintended consequences. City Administrator Doan replied that it is often difficult to foresee situations; however, there are many benefits of fire regionalization because of the nature of fire services. Fire service entails many fire stations, expensive equipment, group deployment models, and training expenses for personnel that often benefit from a regionalization model that provides more efficient and better service.

Fire Chief LaVielle said one of the biggest perceptions or challenges is the loss of local control. Many citizens believe their local fire department would no longer exist with the firefighters many citizens have relied on or formed a relationship with. The planning committee would work through those perceptions and beliefs to reassure citizens that local fire departments would continue to be available and local firefighters would continue to respond.

City Administrator Doan said the region has been successful in providing regional services throughout Thurston County for animal services, Medic One, 911, and LOTT Clean Water Alliance. Many other communities in the state are attempting to implement similar services and have contacted some of the region's service providers to learn more about the structures and how the county was able to create those agencies successfully. Ultimately, regionalization of fire service will be the decision of elected officials, policymakers, and the public. However, the region would likely embrace this type of service provision based on its regionalization history for other services.

Chair Oliva stressed the importance of engaging the public at the onset. City Administrator Doan said the planning committee would pursue focus groups, workshops, and other public meetings to

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October 10, 2019 Page 7**

engage the public to learn about the kinds of services the public expects.

Councilmember Dahlhoff asked whether updating of some tables and data is still underway. City Administrator Doan affirmed data continues to be updated. Some data pertaining to salaries was not valid because of updated salary schedules. The data essentially represents a snapshot in time. Should the participating agencies agree to pursue regionalization, modeling of current data would be necessary. The planning committee would also need to determine how to staff and fund those modeling efforts.

Chair Oliva agreed that the report lacks any description of negatives or adverse impacts of regionalization as opposed to only the positives. He suggested the report should document in practical terms both negative and positive impacts of regionalization. City Administrator Doan acknowledged the request.

**CODE
ENFORCEMENT
UPDATE:**

Police Chief Weiks introduced Police Lieutenant Brenna, who briefed the committee on code enforcement efforts by the Police Department.

Lt. Brenna reported code enforcement continues to be a learning experience. The department currently has 29 cases with 72 cases opened this year to date and 71 cases closed. Many of the current old cases are long-standing cases, such as the Franks property. Currently, Mr. Franks lives on the property. The bank has assumed possession of the property is proceeding with eviction of Mr. Franks. Mr. Franks was assigned a guardian through Adult Protective Services. The guardian is working with Mr. Franks to move to another location. Water and power have since been turned off to the property. The City may need to pursue next steps in terms of the property being uninhabitable and pursuing the relocation of Mr. Franks to another residential situation. Final disposition of the property is unknown at this time because it is dependent on action by the bank.

The main task of code enforcement within the Police Department has been the installation and implementation of the code enforcement software program. Initially, the department used an existing records management software program. However, based on experience with code enforcement to date, the best approach called for using a code enforcement program as it automates and streamlines information and enables input by officers in the field through iPad entries.

Most code enforcement involves overgrown vegetation from the summer on properties that are not maintained. Additionally, some

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October10, 2019 Page 8

code enforcement complaints that were resolved in the field after speaking to the property owner were not entered in the software program. Since then, all incidents have been captured within the system to enable better accounting of officer time and an accurate count of violations.

Lt. Brenna acknowledged the patience and efforts by Transport and Code Enforcement Officers Patrick Long and Ross Rutledge. Both officers work with citizens who are willing to work through a solution or resolution. Enforcement is the last option.

Since code enforcement was transferred to the Police Department, only one new notice of violation was issued this year. The majority of cases have been resolved by working with the property owner or the case is at a point where fines have been levied. In many cases, the property owner is unable to pay the fine and subsequently, the officers are working with the property owners to identify another option other than continuing to assess fines.

Lt. Brenna noted that many cases involve residents who are no longer able to maintain their property because of age or medical condition. Many of the properties are in foreclosure and it has been difficult to identify the responsible party.

Councilmember Dahlhoff asked whether the department has identified a list of local non-profits in the county to utilize as a resource. Lt. Brenna said the program at this point has not developed a list other than meeting with City Administrator Behrends Cerniwey to identify a process to coordinate volunteer groups or partners to assist code enforcement efforts. Councilmember Dahlhoff offered to assist the department in identifying some resources.

Councilmember Althausser added that a non-profit in Tumwater has partnered with many big box stores and receives donated products. One of the partners is Home Depot. If the violation includes a poverty issue and the owner is unable to purchase a lawn mower, the non-profit would be able to provide the owner with the equipment to enable maintenance of the yard. The non-profit houses the equipment in a 20,000 square-foot warehouse and often turns away trucks with products because of the lack of space.

Lt. Brenna commented that one of the challenges for the next year is determining how to address some of the properties that have long-standing code violations because of poverty, mental or physical health issues. In many cases, letters from the Police Department have had an impact in terms of securing compliance by property owners. He reviewed several photographs of homes with long-term code

**TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF MEETING
October10, 2019 Page 9**

violations that were resolved after the owner received a code violation notification letter from the Police Department.

Lt. Brenna acknowledged the need to address properties with violations in Olympia located adjacent to the City limits of Tumwater.

Lt. Brenna clarified that when the department assumed code enforcement responsibilities, staff attempted to use existing report-writing patrol software for code enforcement. However, because code enforcement is completely different and involves different processes, specific software for code enforcement was deemed necessary. The software increased efficiency substantially and reduced mistakes.

Chair Oliva asked about the status of code enforcement involving the brewery property. Lt. Brenna said monthly inspections are ongoing. At one point, vegetation was trimmed back but has since grown back. A recent conservation with Officer Long verified that all original violations continue to be ongoing. He plans to follow up with the owner on the status of the voluntary correction agreement with the City. Each month, the property is inspected and photographed to document any ongoing violations.

Councilmember Dahlhoff noted that many neighbors surrounding the Franks property have expressed frustrations with the City. She asked whether the City's relationships with those neighbors have improved. Police Chief Weiks said he recently met with the neighbors who continue to express frustration about the property. Most of the issues relate to law enforcement violations. Often, the neighbors never contacted the Police Department to report issues. The department is attempting to rebuild relationships and is encouraging residents to contact the Police Department when issues occur so the department can respond appropriately. Sometimes code enforcement issues and law enforcement issues are difficult to distinguish which has resulted in less reporting of incidents to the Police Department. He believes progress is occurring with the neighbors.

OTHER BUSINESS: Councilmember Dahlhoff recommended adding a future agenda item on an example of an experience a homeless person experiences. Chair Oliva recommended the committee receive an update on the Police Citizens Academy.

ADJOURNMENT: **With there being no further business, Chair Oliva adjourned the meeting at 9:20 a.m.**