

City of Kenmore



City of Kenmore - 18120 68th Avenue NE - P.O. Box 82607 - Kenmore, WA 98028
Phone: 425-398-8900 - Fax: 425-481-3236 - E-mail: cityhall@kenmorewa.gov

City of Kenmore
City Council Special Meeting
6:00 p.m., Monday, April 22, 2013
City Council Regular Meeting
7:00 p.m., Monday, April 22, 2013
Kenmore City Hall, Council Chambers
18120 68th Ave. NE, Kenmore, WA 98028

If you have any questions or to confirm agenda items prior to the meeting, or if you require special accommodations, please call the City Clerk at 425-398-8900. You may also stop by City Hall at 18120 68th Avenue NE, Kenmore. Council agendas are also available on our website at www.kenmorewa.gov.

I. CALL SPECIAL MEETING TO ORDER - 6:00 p.m.

II. EXECUTIVE SESSION

Pursuant to RCW 40.32.110(1)(i), Potential Litigation, RCW 40.32.110(1)(c), Property Disposition, and RCW 40.32.110(1)(b), Property Acquisition

III. POSSIBLE ACTION RELATING TO EXECUTIVE SESSION

IV. ADJOURN SPECIAL MEETING

V. CALL REGULAR MEETING TO ORDER 7:00 p.m.

VI. ROLL CALL

VII. FLAG SALUTE

VIII. AGENDA APPROVAL

IX. PROCLAMATION

- A. Child Abuse Prevention Month Proclamation, April 2013 - Alicia Hansen, Children's Response Center Board Member

X. CITIZEN COMMENTS

This is an opportunity to express your views on issues that are important to you and to the community. Please limit your comments to three (3) minutes.

XI. CONSENT AGENDA

XI. CONSENT AGENDA

- A. Approve Minutes of the April 8, 2013 City Council Special & Regular Meeting
- B. Approve Check Nos. 27634 - 27696 in the Amount of \$212,735.96 and Electronically Transferred Payroll Funds Totaling \$62,887.22 and Payroll Check Nos. 210061 - 210063 in the Amount of \$1,687.07 for the Period Ending April 12, 2013.
- C. Adopt National Volunteer Week Proclamation, April 21- 27, 2013
- D. Adopt Council Rules and Procedures, Resolution No. 13-215

XII. PUBLIC HEARING

- A. Public Hearing to Receive Public Testimony Regarding Ordinance No. 13-0356, Business Registration Program - Nancy Ousley, Assistant City Manager

XIII. BUSINESS AGENDA

- A. Business Registration Program - Ordinance No. 13-356 - Nancy Ousley, Assistant City Manager

XIV. STAFF REPORT

XV. COUNCILMEMBER COMMENTS/REPORTS

XVI. ADJOURNMENT

Upcoming Meetings:

Tuesday, April 30, 2013	Northshore Summit Park Workshop	7:00 to 9:00 p.m.
Thursday, May 9, 2013	Joint Kenmore, Bothell, Woodinville & Northshore School District Board Meeting	7:00 p.m. Kenmore City Hall
Monday, May 13, 2013	City Council Regular Meeting	7:00 p.m.
Monday, May 20, 2013	City Council Regular Meeting	7:00 p.m.

City of Kenmore, Washington Proclamation

WHEREAS, all children deserve to grow up in a safe and nurturing environment to ensure they reach their full potential; and

WHEREAS, safe and healthy childhoods help produce confident and successful adults; and

WHEREAS, child abuse and neglect often occur when people find themselves in stressful situations, without community resources, and not knowing how to cope; and

WHEREAS, decreasing the occurrence of child abuse and neglect relies upon the efforts of every individual in order to make a positive, substantial impact upon the children of today so they can be the leaders of tomorrow; and

WHEREAS, it takes all of us to make sure that those who need protection receive it; and

WHEREAS, reporting abuse to the DSHS toll-free number 1-866-ENDHARM helps to protect the vulnerable; and

WHEREAS, Harborview Children's Response Center provides effective treatment and advocacy for abused children in our community; and

WHEREAS, wearing or displaying a pinwheel in April will serve as a positive reminder that together we can prevent child abuse and keep children safe;

NOW, THEREFORE, I, David Baker, Mayor of the City of Kenmore, Washington, on behalf of the City Council, do hereby proclaim **April 2013** as

"Child Abuse Prevention Month"

in the City of Kenmore, and I urge all citizens to join with the City Council in protecting and nurturing our children.

IN WITNESS WHEREOF, signed this 22nd day of April, 2013.

Signed: _____
David Baker, Mayor

Attested: _____
Patty Safrin, City Clerk

**City of Kenmore, Washington
City Council Special & Regular Meeting
Minutes
April 8, 2013**

CALL TO ORDER – The special meeting of the Kenmore City Council was called to order by Mayor David Baker at 6:30 p.m.

EXECUTIVE SESSION

Mayor Baker recessed the special meeting at 6:30 p.m. to an executive session to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 30 minutes and no action is anticipated as a result of the executive session.

Mayor Baker extended the executive session for 20 minutes at 7:00 p.m.

ADJOURN SPECIAL MEETING – Mayor Baker adjourned the special meeting at 7:20 p.m.

CALL REGULAR MEETING TO ORDER – Mayor Baker called the regular meeting to order at 7:25 p.m.

Councilmembers present: Mayor David Baker, Deputy Mayor Bob Hensel, and Councilmembers Brent Smith, Allan Van Ness, Milton Curtis, and Glenn Rogers

Councilmembers excused: Laurie Sperry

Staff present: Rob Karlinsey, City Manager; Nancy Ousley, Assistant City Manager; Kris Overleese, Engineering & Environmental Services Director; Kent Vaughan, Senior Civil Engineer; Dawn Reitan, City Attorney; and Patty Safrin, City Clerk

FLAG SALUTE

Boy Scout Troop No. 582 led the flag salute.

AGENDA APPROVAL

Councilmember Van Ness moved to amend the agenda by adding an executive session at the end of the meeting regarding Potential Litigation pursuant to RCW 42.30.110(1)(i). Councilmember Rogers seconded the motion. The motion passed unanimously.

PRESENTATION

History of the Kenmore Flag – LeRoy Anenson and Les “Bud” Eaton, Kenmore Flag Co-Chairs and Representatives of the Kenmore Heritage Society, were present to provide a brief presentation on the history of the Kenmore flag. They stated that the Kenmore Heritage society voted unanimously to give each Councilmember a copy of their 18-minute video about the flag, which they presented in appreciation for and acknowledgement of Council’s service to the City and as a resource for the Councilmembers.

CITIZEN COMMENTS

Don Williams, 18430 60th Place NE, Kenmore, was present to state his concerns regarding the need for noise barrier walls for the Uplake Neighborhood, which abuts SR 522.

Wayne Fu, 18228 60th Avenue NE, Kenmore, was present to ask the Council about the process for selling the Kenmore Village properties.

Carl Michelman, 18023 62nd Avenue NE, Kenmore, was present to state his concerns regarding the proposed Business Registration Ordinance. He stated that he represents the Kenmore Business Alliance.

Dave Crawford, 7534 NE 175th Street, Kenmore, was present to thank the Council for the slough history event that was held over the weekend and to suggest that 1% for art should be .5% for art and .5% for history. He stated his concerns regarding taxes, the Kenmore Camera purchase and sale agreement, the medians on SR 522, and Council executive sessions. He submitted two handouts to Council.

Mayor Baker thanked the citizens for their comments.

CONSENT AGENDA

Councilmember Van Ness moved to approve the consent agenda as submitted. Councilmember Curtis seconded the motion to Approve the Minutes of the March 18, 2013 and March 25, 2013 City Council Regular Meetings and April 1, 2013 City Council Special Meeting; Approve Check Nos. 27537 - 27633 in the Amount of \$471,275.99 and Electronically Transferred Payroll Funds Totaling \$63,082.50 and Payroll Check No. 21004 in the Amount of \$392.69 for the Period Ending March 29, 2013; and Approve the January 2013 City Council Retreat Report, including City Council Goals. The motion passed unanimously.

BUSINESS AGENDA

Business Registration – Ordinance No. 13-0356 – Nancy Ousley, Assistant City Manager, was present to give a brief PowerPoint presentation and overview of the proposed ordinance, including current requirements for licensing in the City, goals used in designing the program, who would be required to register a business, and enforcement features and structure. She was also available to answer any questions. She stated that, after adoption of the ordinance, the next steps would be possible changes to the current regulatory business licenses and changes to the current fee schedule. She noted that business registration was a recommendation of the 2009 Economic Development Strategy. The City is proposing to work with the Washington Department of Revenue's Master Business License program, to provide convenience for businesses. She stated that Kenmore is one of only five cities out of the 58 cities in King and Snohomish Counties without a general business registration or licensing requirement.

It was Council direction to revise the proposed ordinance.

SR 522 West (57th to 65th Avenue NE) Project Update – Kris Overleese, Engineering & Environmental Services Director, and Kent Vaughan, Senior Civil Engineer, were present to give a brief PowerPoint presentation regarding the status of the SR 522 West A (61st Avenue NE to 65th Avenue NE) and B (57th Avenue NE to 61st Avenue NE) projects. They were also available to answer any questions. Director Overleese announced that Project Manager Caroline Brabrook of H.W. Lochner was in the audience to listen to the discussion. They gave a brief overview of the projects as well as timelines, funding information, right-of-way acquisition procedures, and next steps. Senior Civil Engineer Vaughan stated that both segments will follow the design of previous SR 522 segments in Kenmore. The design for both segments is at 90%. Director Overleese stated that the West A project is fully funded; however, construction and final design for the West B project are not funded at this time. She noted that for the West A segment, one of the items to complete in 2013 is the resubmittal of the Channelization Plan to the Washington State Department of Transportation (WSDOT) for approval. WSDOT has authority from curb to curb on SR 522 for traffic signals, lane widths, striping, left u-turn pocket design and location, and signage. These elements are documented in the Channelization Plan, and WSDOT has the final approval authority. The last part of the presentation was an aerial view walk-through of the actual roadway and businesses, with an overlay detailing the changes.

STAFF REPORT

City Manager Karlinsey stated that the slough history event provided by Amberly “Gaul” Culley on Sunday was very successful, with standing room only. He stated that he has looked over the City’s art policy with regard to her \$5,000 artwork proposal, and would like Council permission to get the City Hall art committee together to review the proposal.

It was Council consensus to reactivate the City Hall art committee to review the \$5,000 artwork proposal.

CITY COUNCILMEMBER COMMENTS/REPORTS

Councilmember Van Ness stated that there were 300 to 400 people at the slough history event, and he commended the staff for working with Ms. Culley. He stated that, at the event, an outboard racing association coordinator from the area asked him about the possibility of having an outboard racing event in Kenmore.

Mayor Baker reported on a recent meeting he had with Representative DelBene and a tour of the Swamp Creek and Burke-Gilman Trail areas that he provided for Representative Rod Dembowski. He stated that there is currently a controversy about where a light rail station should go in this area for a line to Lynnwood. The City of Shoreline would like to have the station at 145th Street in Shoreline and has requested that the City of Kenmore pass a resolution in support of that choice. They will send us a sample resolution. He noted that the new Council Rules and Procedures resolution will be on the agenda April 22nd.

EXECUTIVE SESSION

Mayor Baker recessed the regular meeting to an executive session at 10:15 p.m. to discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i). He stated that the executive session will last for approximately 20 minutes and that no action is anticipated following the executive session.

ADJOURNMENT

Mayor Baker adjourned the regular meeting at 10:35 p.m.

David Baker, Mayor

ATTEST:

Patty Safrin, City Clerk

DRAFT

City of Kenmore Voucher Certification and Approval

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the following claims, paid by checks 27634-27696 which total \$212,735.96, and electronically transferred payroll funds which total \$62,887.22 and payroll checks: #210061 in the amount of \$196.76, #210062 in the amount of \$694.06 and #210063 in the amount of \$796.25 are just, due and unpaid obligations against the City of Kenmore/King County/Washington, and that I am authorized to authenticate and certify to said claims.

 City Manager	4-12-13 Date
 Finance Director	4-12-13 Date

Check #	Vendor Name	Description	Check Amount
27634	BAKER, DAVID	Mileage Reimbursement	127.13
27635	SOUND PUBLISHING, INC.	Feb. Bothell/Kenmore Reporter	189.93
27636	BANNER BANK LD	eNews, Social Media tools, Parking	64.35
27637	UNITED STATES POSTMASTER	Kenmore Newsletter Postage	1,466.40
27638	NATIONWIDE FINANCIAL 401a	Social Security Replacement Plan	10,360.12
27639	NATIONWIDE RETIREMENT SOLUTIONS 457	Deferred Comp Payroll Deduction	200.00
27640	ICMA RETIREMENT TRUST 457 - 304745	Deferred Comp Payroll Deduction	2,578.19
27641	DRS 457	Deferred Comp Payroll Deduction	1,783.33
27642	CITY OF KENMORE FS	Flexible Spending Medical Plans	253.08
27643	BANK OF AMERICA 941	Payroll Taxes	14,123.91
27644	WA GUARANTEED EDUCATION TUITION	WA Pre-Tax Education Plan	45.00
27645	DEPARTMENT OF RETIREMENT SYSTEMS	WA State Retirement	10,279.49
27646	STATE OF FLORIDA DISBURSEMENT UNIT	Payroll Deduction	275.00
27647	AMERICAN PLANNING ASSOCIATION	7/1/13-6/30/14 Membership Renewal	450.00
27648	CITY OF LAKE FOREST PARK	March Public Works Contract	68,089.95
27649	CITY OF SHORELINE	Q1 2013 Jail Van Usage	526.64
27650	COASTWIDE LABORATORIES	City Hall & Incubator Maint. Supplies	1,129.99
27651	REPUBLIC SERVICES	City Hall/ Rhod. Park Trash Svc - March	842.38
27652	FIRST AMERICAN TITLE	Ttile Services for Code Enforcement	547.50
27653	FRUHLING SAND & TOPSOIL	Dump Fees	75.00
27654	GEOENGINEERS INC	Kenmore Village Environmental Svcs.	5,222.00
27655	HOME DEPOT CREDIT SERVICES	Supplies/ Materials Chgs	30.25
27656	JET CITY PRINTING	Slough Boat Race Poster Printing	273.75
27657	KCDA PURCHASING COOP	Flags for City Hall	526.20
27658	KING COUNTY FINANCE	Feb. Community Work Program	5,719.00

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

27659	NEXTEL COMMUNICATIONS	March 2013 Staff Cell Phones	121.94
27660	NORTHSHORE UTILITY DIST	Irrigation & Water/Sewer Bills	1,075.37
27661	OFFICE MAX	Office Supplies/ Paper	346.46
27662	OFFICE TEAM	Temporary Svcs week ending 3/29	505.88
27663	PACIFIC TOPSOILS	Public Works Materials and Disposal	1,413.82
27664	PUGET SOUND ENERGY	Feb. Gas/ Electric & Light Bills	3,465.29
27665	CEMEX	Asphalt Repair Materials	110.05
27666	SEATTLE TIMES	March 2013 Legal Advertisements	1,019.98
27667	SIGN UP, SIGN CO, INC	NS Summit Park Land Use Sign	293.46
27668	TOTAL LANDSCAPE CORP	Q1 2013 Park & Ride Landscape	459.90
27669	WASHINGTON STATE DEPT OF INFO SERV	March 2013 List Serv	175.00
27670	COLUMBIA RIDGE LANDFILL	Sweeper Truck Dump Fees	570.85
27671	AWC EMPLOYEE BENEFITS	Employee Portion of Health Insurance	703.60
27672	DEPARTMENT OF LABOR AND INDUSTRIES	Worker's Compensation	1,457.77
27673	UNITED WAY OF KING COUNTY	Employee Charitable Contribution	137.00
27674	AURORA RENTS	Tool Rental for Road Repair	153.30
27675	KONICA MINOLTA BUSINESS SOLUTIONS	Q1 Copier Lease/Usage & Incubator Lease	2,056.56
27676	SOUND LAW CENTER	March 2013 Hearing Examiner	448.00
27677	KING COUNTY SHERIFF'S OFFICE	Reimbursement for Derelict Vessel Removal	15,121.30
27678	QUALITY BUSINESS SYSTEMS	March Photocopier Usage	551.09
27679	COMCAST	March Incubator Internet Service	149.75
27680	GORDON THOMAS HONEYWELL	Govt. Affairs Consulting - March	3,592.57
27681	SARAH ROBERTS	March 2013 Prosecution Service	10,302.00
27682	FIRE PROTECTION, INC	CH Fire Alarm/Elevator Phone Ann. Monitoring	959.22
27683	TITAN OUTDOOR, LLC	Surface Water Education & Outreach	382.78
27684	PHSI PURE WATER FINANCE	Incubator Water Filtration System	50.31
27685	FRONTIER	3/28 - 4/27 City Hall & Elevator Phone Bills	769.53
27686	PAWS	March Animal Sheltering Services	825.00
27687	JBS INSTRUMENTS	Monitoring Equipment	1,052.00
27688	WELLS FARGO FINANCIAL	April Photocopier Lease	803.43
27689	SNOHOMISH COUNTY SHERIFF'S OFFICE	March 2013 Jail Services	28,854.92
27690	MILLER STEPHENS, MARY	March 2013 Public Defense Services	1,250.00
27691	PERTEET INC.	Prof. Svcs. 1/14-3/31 Kenmore Village	931.25
27692	FRAUSE	Marketing Consultant	396.27
27693	HWA GEOSCIENCES INC.	Feb. 61st/181st Culbert & Traffic Signal Svcs	5,934.41
27694	HARRIS & SMITH PUBLIC AFFAIRS	March Sediment Consulting	187.50
27695	CULLEY, AMBERLY	Samm. Slough Boat Race Exp. Refund	810.62
27696	SELECT AIR SERVICES DBA GREENWOOD	Duplicate Mechanical Permit Refund	119.19
210061	CURTIS, MILTON	Payroll Check	196.76
210062	SHELTON, CINDY	Payroll Check	694.06
210063	MILLER, RYAN	Payroll Check	796.25
4/5/13	PAYROLL	Direct Deposit	62,887.22

\$ 277,310.25

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

2013 PRIOR VENDOR ACTIVITY	TOTAL	FOR 2013
A+ CONFERENCING		99.30
AAA PRINTING		192.10
ACTION ENTERTAINMENT		395.00
ACTIVE SHOOTER TRAINING LLC		800.00
AFLAC		1,376.70
ALCALDE & FAY		20,075.23
ALLIED WASTE SERVICES #172		1,682.74
ALPHAGRAPHICS US718		342.79
AM TEST, INC		500.00
AMERICAN GENERAL		1,592.37
AMERICAN PLANNING ASSOCIATION		1,540.00
AMERICAN PUBLIC WORKS ASSOCIATION		715.67
ANCHOR QEA, LLC		76,080.16
ASSOCIATED BOAT TRANSPORT		1,440.00
ASSOCIATION OF WA CITIES		14,220.00
AURORA RENTS		456.94
AWC EMPLOYEE BENEFITS		114,439.36
BAKER, DAVID		488.95
BANK OF AMERICA 941		75,396.54
BANNER BANK BAKER		1,364.73
BANNER BANK BH		1,188.28
BANNER BANK CS		2,516.26
BANNER BANK DB		100.00
BANNER BANK JG		4,353.71
BANNER BANK JGORDON		4,018.99
BANNER BANK KENMORE		8,437.69
BANNER BANK LD		571.37
BANNER BANK NO		2,128.58
BANNER BANK PS		1,526.51
BANNER BANK ROGERS		1,330.01
BANNER BANK VAN NESS		636.00
BASTYR UNIVERSITY		50,000.00
BINW		16,528.79
BIS		175.00
BLACKBAUD		5,204.11
BULGER SAFE & LOCK, INC.		125.49
CALPORTLAND COMPANY		138.13
CANTEEN REFRESHMENT SERVICES		654.68
CARLSON, THOMAS G.		100.00
CASCADE PEST CONTROL		427.05
CEMEX		1,556.59
CHAMPION COURIER		51.53
CHICAGO TITLE		10,000.00
CHIEF LAW ENFORCEMENT SUPPLY		188.21
CITY OF BELLEVUE		30,916.12
CITY OF KENMORE		210.58
CITY OF KENMORE FS		1,518.48
CITY OF LAKE FOREST PARK		140,693.98
CITY OF SHORELINE		495.36
CITYWORKS/ AZTECA SYSTEMS INC.		9,995.00

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

COASTWIDE LABORATORIES	1,497.00
CODE PUBLISHING COMPANY	350.00
COLUMBIA RIDGE LANDFILL	1,063.84
COMCAST	352.71
CSAT, LLC	500.00
CURTIS, DR. MILTON	72.24
DAILY JOURNAL OF COMMERCE	119.70
DEPARTMENT OF ECOLOGY	5,540.78
DEPARTMENT OF LABOR AND INDUSTRIES	7,370.67
DEPARTMENT OF LICENSING	39.00
DEPARTMENT OF RETIREMENT SYSTEMS	60,148.69
DRS 457	10,699.98
DURRANT, JEFF	287.58
EASTSIDE TRANSP PARTNERSHIP	200.00
EFFICIENCY INC	987.69
EJ USA, INC.	1,549.96
EMERGENCY SERVICE COORDINATING AGCY	41,832.00
ENTERPRISE SEATTLE	5,000.00
ENVIRONMENTAL SYSTEMS RESEARCH INST	4,779.00
EVERGREEN PRINT SOLUTIONS	291.05
EVERGREEN SAFETY COUNCIL	175.00
FERGUSON ENTERPRISES INC #1539	948.75
FIRST AMERICAN TITLE	3,011.25
FRAUSE	2,040.09
FRONTIER	31,111.19
FRUHLING SAND & TOPSOIL	453.00
GAMETIME	5,605.96
GEOENGINEERS INC	2,273.75
GORDON THOMAS HONEYWELL	7,186.98
GOVERNMENT FINANCE OFFICERS ASSOC	190.00
GRAINGER	60.07
GRAY & OSBORNE, INC	10,464.99
GREATER BOTHELL CHAMBER OF COMMERCE	20.00
GREGORY, JOANNE	119.92
H.W. LOCHNER, INC.	31,426.23
HANDY ANDY RENT-A-TOOL INC	134.40
HARBOR HISTORY MUSEUM	400.00
HARRIS & SMITH PUBLIC AFFAIRS	7,156.72
HOME DEPOT CREDIT SERVICES	346.66
ICMA RETIREMENT TRUST 457 - 304745	15,469.14
INDEPENDENT STATIONERS	493.29
INNOVAC	15,564.74
INSLEE, BEST, DOEZIE & RYDER, P.S.	48,260.69
INTEGRA TELECOM	2,343.29
INTERNATIONAL CITY/CNTY MGMT ASSOC	1,036.28
iWORQ SYSTEMS	1,000.00
JET CITY PRINTING	467.56
JOYCE ZIKER PARKINSON	20,941.51
JRW ENTERPRISES	1,642.50
JSH PROPERTIES, INC.	5,484.00
KARLINSEY, ROB	7,442.80

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

KBA INC.	66,487.65
KENMORE COMMERCIAL LLC	8,568.00
KING COUNTY ANIMAL SVCS	1,440.00
KING COUNTY FINANCE	34,994.23
KING COUNTY FINANCE W.L.R.D.	2,208.68
KING COUNTY MUNICIPAL CLERKS ASSOC	25.00
KING COUNTY OFFICE OF FINANCE	3,081.68
KING COUNTY RADIO COMM SERVICES	254.17
KING COUNTY RECORDER'S OFFICE	500.00
KING COUNTY SHERIFF	6,307.11
KING COUNTY SUPERIOR COURT CLERK	11,000.00
KING COUNTY UTILITY COORDINATION CO	40.00
KONICA MINOLTA BUSINESS SOLUTIONS	29.91
KVO INDUSTRIES, INC	365.00
LIGHTHOUSE CONSULTING INC	4,230.42
LOWE SABRA	250.00
MAIL FINANCE	1,003.04
MILLER STEPHENS, MARY	2,500.00
MINZGHOR, NICHOLAS	740.26
MR. T'S TROPHIES	208.99
NATIONAL BARRICADE CO	689.85
NATIONAL CITIZEN SURVEY	5,025.00
NATIONAL LEAGUE OF CITIES	1,549.00
NATIONAL LIFE OF VERMONT	704.67
NATIONWIDE FINANCIAL 401a	61,400.00
NATIONWIDE RETIREMENT SOLUTIONS 457	1,200.00
NEXTEL COMMUNICATIONS	762.66
NORTH COAST ELECTRIC	1,870.42
NORTH LAKE MARINA	1,520.51
NORTHSHORE FIRE DEPT	340.00
NORTHSHORE UTILITY DIST	10,865.40
OFFICE CLEANING CREW	248.00
OFFICE MAX	3,354.14
OLYMPIC ENVIRONMENTAL RESOURCES INC	1,470.00
OTAK	17,956.91
OVERLEESE, KRISTEN	70.67
PACIFIC TOPSOILS	2,490.46
PASSPORT TRAVEL AND TOURS	665.80
PAWS	825.00
PENDLETON, MICHAEL	4,680.70
PEOPLES STORAGE	1,150.50
PERSONAL BEST/ OAKSTONE	197.77
PERTEET INC.	10,241.65
PHOTOTAINMENT	1,231.88
PHSI PURE WATER FINANCE	301.89
PRSA	307.00
PUGET SOUND CLEAN AIR AGENCY	11,309.00
PUGET SOUND ENERGY	36,136.24
PUGET SOUND FINANCE OFFICERS ASSOC	50.00
PURE WATER TECHNOLOGY OF PUGET SOUND	188.35
QUALITY BUSINESS SYSTEMS	1,091.39

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

RAZZ CONSTRUCTION	478,729.15
ROGERS, GLENN	82.41
SAFRIN, PATTY	347.89
SARAH ROBERTS	20,604.00
SCHWARZWALTER, MARK	90.00
SEATTLE TIMES	1,498.58
SESAC	327.00
SHRED-IT	99.00
SIGN UP, SIGN CO, INC	293.46
SMITH, BRENT	91.03
SNOHOMISH COUNTY	5,728.00
SNOHOMISH COUNTY SHERIFF'S OFFICE	40,513.87
SOUND CITIES ASSOC	11,767.00
SOUND LAW CENTER	5,166.00
SOUND PUBLISHING, INC.	907.02
SPERRY, LAURIE	61.42
SPINNAKER STRATEGIES	11,799.40
ST OF WA DEPT OF FISH & WILDLIFE	150.00
STATE OF FLORIDA DISBURSEMENT UNIT	1,650.00
STEWART MACNICHOLS HARMELL, INC.	3,600.00
TELESYSTEMS WEST	301.13
THE KIPLINGER LETTER	99.00
TOPIA TECHNOLOGY/ BIS	350.00
TOTAL LANDSCAPE CORP	15,007.83
TOWN & COUNTRY FENCE, INC	416.10
TOWNE CENTRE HARDWARE	248.50
TRANE U.S. INC.	2,037.50
UNITED WAY OF KING COUNTY	822.00
UNIVERSITY OF WASHINGTON	827.00
URBAN LAND INSTITUTE	225.00
VAN NESS, ALLAN	752.31
VERIZON WIRELESS	2,079.41
WA ASSOC OF CODE ENFORCEMENT	50.00
WA CITIES INSURANCE AUTHORITY	161,036.00
WA FINANCE OFFICERS ASSOCIATION	150.00
WA GUARANTEED EDUCATION TUITION	1,245.00
WA STATE ASSOC OF PERMIT TECHNICIAN	95.00
WA STATE DEPARTMENT OF AGRICULTURE	33.00
WA STATE DEPT OF ENTERPRISE SVCS	1,000.00
WA STATE DEPT OF LABOR & INDUSTRIES	125.30
WA STATE DEPT OF TRANSPORTATION	4,843.60
WAGE WORKS	100.00
WASHINGTON ENERGY SERVICES	28.14
WASHINGTON STATE DEPT OF INFO SERV	350.00
WEINSTEIN AU	1,057.50
WEISBAND, BARRY	6,000.00
WELLS FARGO FINANCIAL	2,483.66
WELWEST CONSTRUCTION INC.	3,482.65
WINTERBOURNE LANDSCAPE	542.03
ZEP SALES AND SERVICE	865.49
ZONAR SYSTEMS	525.33
	<u>2,089,750.44</u>

XIB. Approve Check Nos. 27634 - 27696 in the Amount of
\$212,735.96 and Electronically Transferred Payroll Funds Totaling

**City of Kenmore, Washington
Proclamation**

WHEREAS, the entire community can inspire, equip and mobilize people to take action that changes the world; and

WHEREAS, volunteers can connect with local community service opportunities through hundreds of community service organizations; and

WHEREAS, individuals and communities are at the center of social change, discovering their power to make a difference; and

WHEREAS, during this week all over the nation, service projects will be performed and volunteers recognized for their commitment to service; and

WHEREAS, the giving of oneself in service to another empowers the giver and the recipient; and

WHEREAS, experience teaches us that government by itself cannot solve all of our nation's social problems; and

WHEREAS, our country's volunteer force of over 63 million is a great treasure; and

WHEREAS, volunteers are vital to our future as a caring and productive nation;

NOW, THEREFORE, I, David Baker, Mayor of the City of Kenmore, Washington, on behalf of the City Council, do hereby proclaim

**April 21 - 27, 2013
"National Volunteer Week"**

in the City of Kenmore, and I urge my fellow citizens to volunteer in their community. By volunteering and recognizing those who serve, we can replace disconnection with understanding and compassion.

IN WITNESS WHEREOF, signed this 22nd day of April, 2013.

Signed: _____
David Baker, Mayor

Attested: _____
Patty Safrin, City Clerk



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Resolution No. 13-215 Adopting City Council Rules and Procedures Proposed Council Action/Motion: Adopt Resolution No. 13-215, Adopting Council Rules and Procedures and Repealing Resolution Nos. 06-117, 06-123, 06-129, 06-130, and 09-167	For Council Meeting Agenda of: April 22, 2013 Department: Finance & Administration/City Clerk Prepared by: Patty Safrin <table border="0"><tr><td></td><td><u>Initial & Date</u></td></tr><tr><td>Approved by Department Head:</td><td>---</td></tr><tr><td>Approved by City Attorney:</td><td>RK 3-29-13</td></tr><tr><td>Approved by Finance Director:</td><td><i>[Signature]</i> 4-12-13</td></tr><tr><td>Approved by City Manager:</td><td><i>[Signature]</i></td></tr></table> Exhibits/Attachments: Resolution No. 13-215 Attachment 1 to Resolution: City of Kenmore Council Rules and Procedures		<u>Initial & Date</u>	Approved by Department Head:	---	Approved by City Attorney:	RK 3-29-13	Approved by Finance Director:	<i>[Signature]</i> 4-12-13	Approved by City Manager:	<i>[Signature]</i>
	<u>Initial & Date</u>										
Approved by Department Head:	---										
Approved by City Attorney:	RK 3-29-13										
Approved by Finance Director:	<i>[Signature]</i> 4-12-13										
Approved by City Manager:	<i>[Signature]</i>										
Expenditure Required \$ N/A Amount Budgeted \$ N/A Appropriation Required \$ N/A											
<u>INFORMATION/BACKGROUND:</u> At recent City Council retreats, the City Councilmembers determined that they wished to revise their rules and procedures for the conduct of City business and City Council meetings. An informal committee of Councilmembers was formed and the rules and procedures were revised. The City Clerk and City Attorney prepared the resolution to revise and adopt the new rules and procedures.											
<u>FISCAL CONSIDERATION:</u> N/A											
<u>COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:</u> This action is in compliance with RCW 35A.13.170 and 35A.12.120, which require the City Council to establish rules of procedure for the order of business and conduct of City Council meetings.											

**CITY OF KENMORE
WASHINGTON
RESOLUTION NO. 13-215**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
KENMORE, WASHINGTON, ADOPTING COUNCIL RULES AND
PROCEDURES AND REPEALING RESOLUTION NOS. 06-117, 06-
123, 06-129, 06-130, AND 09-167.**

WHEREAS, at City Council retreats, the City Councilmembers have agreed to certain working protocols and procedures; and

WHEREAS, these working protocols and procedures will form the basis of the City Council relationships with citizens, with each other, and with staff; and

WHEREAS, RCW 35A.13.170 and 35A.12.120 require the City Council to establish rules of procedure for the order of business and conduct of City Council meetings; and

WHEREAS, the City Council desires to adopt revised rules and procedures for the order of business and conduct of City Council meetings and hearings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON, DOES RESOLVE as follows:

Section 1. The City Council adopts the "City of Kenmore Council Rules and Procedures" attached to this Resolution.

Section 2. Resolution Nos. 06-117, 06-123, 06-129, 06-130 and 09-167 are repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENMORE, WASHINGTON,
AT A REGULAR MEETING THEREOF THIS 22nd DAY OF April, 2013.

CITY OF KENMORE

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

APPROVED AS TO FORM:

Rod Kaseguma, City Attorney

ATTACHMENT TO CITY OF KENMORE RESOLUTION NO. 13-215

CITY OF KENMORE Council Rules and Procedures

Section 1. General

A. Purpose of Meetings

City Council meetings are for the purpose of conducting city business, including but not limited to budgeting (e.g. revenues, expenditures, taxes, fees, monthly payments, capital project payments), long-range planning (e.g. vision, zoning, development, and land use) and federal and state mandates.

B. Structure of Meetings

1. Meetings will be orderly and will involve Councilmembers, City staff, consultants, and citizens, which will allow all viewpoints to be heard and considered.
2. Meetings will be called to order by the Presiding Officer, who shall be the Mayor, the Deputy Mayor in the absence of the Mayor, or a Councilmember selected by the City Council in the absence of both the Mayor and Deputy Mayor.
3. There will be 3 regular meetings per month on the 2nd, 3rd and 4th Monday evenings. If a regular meeting falls on a holiday, it will be held the next day, Tuesday, unless canceled by the City Council. There will be no regular meetings on the 1st and 5th Monday evenings. Additional meetings, which may be referred to as meetings or work or study sessions, will be scheduled as needed. Executive sessions will be scheduled as needed. Town Hall meetings will occur periodically as determined by the City Council. Retreats will be scheduled yearly, or more often if needed, when extended blocks of time are needed to set priorities and make long-term plans for the City.
4. All public meetings will be scheduled or announced, and agendas will be prepared in advance as required by State law (the Open Public Meetings Act). Meetings may be added or canceled as discussed and approved by the City Council.
5. Actions may be taken, motions may be passed, proclamations may be made, and resolutions and ordinances may be adopted at regular meetings, or at special meetings with proper notification.
6. Meeting agendas with relevant information on each topic will be available 10 days in advance whenever possible.
7. Regular meetings will be recorded by the City Clerk or designee.

8. Remote attendance and voting will be allowed as noted in Section 5.
9. Copies of all documents distributed in the Council chambers pertaining to Council business, as well as copies of all documents submitted by speakers during Citizen Comments, shall be provided to the City Clerk and distributed as necessary.

C. Rules for Meetings

1. These rules constitute the official rules and procedures and code of conduct for the City Council.
2. In addition to these rules, the City Council shall conduct its meetings in compliance with the most current edition of Robert's Rules of Order Newly Revised (Robert's Rules). A copy shall be maintained in the office of the City Clerk.
3. Where there is a conflict between these rules and Robert's Rules, these rules shall govern. Where there is a conflict between these rules and State and federal laws, the State and federal laws shall govern.
4. In general, the City Council will follow Robert's Rules for "Formal Debate," including requiring a second for all motions and disallowing the Presiding Officer from making motions.
5. Robert's Rules of Order for "Small Boards" will be used to:
 - a. Allow the Presiding Officer to participate in debate. In general the Presiding Officer will speak after others have spoken on the topic.
 - b. Allow informal discussion before a motion is made.
 - c. Not require speakers "for" and "against" the motion to alternate.

Section 2. Order of Business Meetings

A. Call to Order

1. The Presiding Officer will call a meeting to order.
2. The Presiding Officer will request the City Clerk to call the roll of the Councilmembers. The Clerk will record the names of Councilmembers present and absent. The Clerk will also note the time of any late arrivals and early leave takings for the record.

B. Citizen Comments

1. Members of the public may only speak during the designated Citizen Comment period, or during a scheduled public hearing or a quasi-judicial hearing (as discussed in Section 7 below).

2. No person shall address the City Council at a meeting without being recognized by the Presiding Officer.
3. The Presiding Officer will state the rules for the Citizen Comment period. This may include items such as:
 - a. Members of the public must sign the log prior to the Citizen Comment period to be allowed to speak. They are not required to sign anywhere to attend the meeting.
 - b. They must state their name and address.
 - c. There is a 3-minute time limit.
 - d. It is a time for members of the public to speak on any topic(s) of their choice.
 - e. It is not a time for the Council or staff to answer questions, but exceptions can be made at the discretion of the Presiding Officer.
 - f. Comments should be addressed to the Presiding Officer and the City Council, not the audience.
 - g. If members of the public agree with the comments of previous speakers, they are encouraged to state that their comments have already been made by previous speakers.
 - h. Booing, hissing or clapping is inappropriate.
4. Each members of the public will be given 3 minutes. Suspension of this rule will require a majority vote of the Councilmembers present.
5. The Citizen Comment period will be a maximum of 30 minutes unless approved by a majority vote of the Councilmembers present. Extra time may be given at the end of the Council business meeting to hear more citizen comments.
6. No person may use the designated Citizen Comment period to support or oppose any candidate for public office.
7. The Presiding Officer will allow members of the public to return to their seats in the audience before paraphrasing and responding to their presentations.
8. There will be no two-way conversations between Councilmembers and members of the public.
9. The Presiding Officer may direct the City Manager to follow up with members of the public on issues brought before the City Council.

C. Agenda Approval

1. The City Council shall approve the agenda.
2. Amendments may be suggested, discussed and approved.

D. Council Business Meeting

1. Each item on the agenda will be addressed in turn with staff, consultant or special speaker reports as appropriate.
2. Council will discuss the issues and take action on them as appropriate.

E. Councilmember Reports and Comments

1. Councilmembers may give reports and make comments during "Councilmember Reports and Comments."
2. Each Councilmember will have 5 minutes for reports and comments. Extra comments can be submitted in writing.
3. By majority vote of Councilmembers present at a meeting, the maximum time for any or all Councilmember reports and comments may be extended.

F. Councilmember Initiatives

1. Councilmembers may raise new topics or issues during "Councilmember Initiatives."
2. In raising a new topic or issue, the Councilmember must present it as a concept that includes a statement of how the topic or issue relates to existing City goals or to other important Council discussions.
3. A second Councilmember must agree to discuss the new topic or issue in order for it to be discussed by the City Council.
4. The Presiding Officer will direct discussion of the new topic or issue.
5. After discussing the new topic or issue, the City Council will vote or come to consensus on whether to move the topic or issue forward as a future agenda item or as a request for action by the City Manager.

Section 3. Structure and Roles of Government

A. Council Role

1. Focus on policy matters, including but not limited to priority setting, long-range planning, budgeting, federal and State mandates, City Manager recruitment, hiring, evaluation and termination, and approval of employee positions. **The City Council will not focus on administrative issues and matters.**
2. Comply with the laws, regulations and policies affecting operation of City government.
3. Use public office for public good, not personal gain.

4. Be independent, impartial and fair in judgments and actions.
5. Conduct public deliberations and processes openly, unless legally confidential and privileged, in an atmosphere of respect and civility.
6. Monitor and understand operations of the City to be knowledgeable in order to provide policy direction.
7. Represent the City at local, State and national forums.
8. Represent the City to its citizens.
9. Notify staff in advance of meetings regarding key questions and discussion points that likely will be raised and addressed during meetings, to allow the staff time to prepare for the questions and discussions.
10. Not individually request the City Manager to initiate any action or work that will take more than 1 hour to complete, without consent of the City Council. If a Councilmember wants the City Manager to initiate action or work that will take more than 1 hour to complete, the Councilmember must ask the City Council to approve the action or work by a majority vote.
11. Interact with City staff and consultants through the City Manager, who is responsible for their duties and use of time. If a Councilmember wants City staff or consultants to accomplish actions or work, the Councilmember must make the request of the City Manager if the action or work will take 1 hour or less and of the City Council if the action or work will take more than 1 hour.
12. Access City computers at the appropriate access level. A City computer, such as an iPad, will be provided for home access if the Councilmember requests it, and it may not be used for personal business. This is preferred to the use of a Councilmember's personal computer, for risk management purposes. The City computer is the property of the City and will be returned to the City at the end of the term of office.
13. In the event of a vacancy on the City Council, a committee consisting of 3 Councilmembers will be formed to deliberate and present a recommendation to the full Council.

B. City Manager Role

1. Serve as the primary point of contact between the City Council and City staff and consultants. The City Manager works for and serves at the will of the City Council. The City staff works for and reports to the City Manager.
2. Direct the time of City staff and resources of the City in accordance with City Council approved priorities and budgets.

3. Spend City funds per the City's adopted purchasing policies, which align with State and City laws.
4. With input from the Mayor, prepare agendas for meetings and retreats.
5. Provide timely, useful information evenly and equally to all Councilmembers.
6. Meet with each Councilmember as mutually acceptable to the City Manager and the Councilmember.
7. Prepares adequately for City Council meetings.
8. Meets with citizens as needed to solve problems and answer questions.
9. Interact with other public agencies to accomplish City Council goals and policies.

C. Mayor Role

1. Primary roles: facilitate meetings; represent the City at local, State and national forums; and represent the City in a ceremonial capacity.
2. Keep the City Council informed of the Mayor's activities with reports during Councilmember Comments.
3. Announce in advance public presentations, ceremonies and events that the Mayor is invited to attend.
4. Bring new issues to the City Council during Council Initiatives.
5. Request other Councilmembers to attend meetings in place of the Mayor when he or she cannot attend, or to join the Mayor at such meetings to increase the City's representation.
6. At the Mayor's option, hold monthly meetings with up to two Councilmembers and the City Manager. The Mayor should attempt to rotate the participation of Councilmembers in such meetings.
7. In the event that a City Manager resigns or leaves, the Mayor will work with the City Council to find a replacement using a recruitment agency.

Section 4. Council Conduct

A. Purpose

This section sets forth a Code of Conduct for Councilmembers regarding their treatment of each other, City staff, City consultants, citizens, and others with whom they come into contact while representing the City.

B. General Courtesy Expectations

1. Be courteous, respectful, kind and professional at all times with everyone.
2. Be honest and truthful.
3. Act with integrity and in good faith.
4. Foster an environment of mutual respect for each other. Discourteous behavior, such as sidebar discussions, inflammatory language, innuendo, or negative body language, is not permitted.
5. At meetings, raise your hand to indicate a desire to speak, and then wait to be recognized by the Presiding Officer before speaking.
6. Stay on the topic being discussed for efficiency of dealing with the items on the agenda. Remarks must be germane to the topic.
7. Refrain from speaking more than twice on the same motion as stated in Robert's Rules of Order, except by consent of a majority of the Councilmembers present at the time the motion is before the City Council. During discussions prior to a motion being made, a Councilmember may request to speak more than twice.
8. Comments will be limited to 3 minutes at a time.
9. Refrain from interrupting or arguing with another Councilmember while such Councilmember has the floor except as stated in Robert's Rules of Order, such as a "point of order."
10. Refrain from criticizing in public other Councilmembers and personally attacking (verbally or in writing) other Councilmembers, the City Manager, City staff and City consultants.
11. Treat City staff in a polite and professional manner.
12. Having courtesy expectations is compatible with open and vigorous debate, with a variety of opposing opinions expressed on public issues.

C. Respect in Regard to Voting

1. Disagreement and differences of opinion are honored and respected features of government in the City.
2. When there is disagreement, discuss and clarify the issues before voting.
3. Councilmembers will be allowed one minute maximum to explain their vote during a roll call vote. This is an exception to Robert's Rules.
4. Councilmembers must not seek out members of the media to vent feelings when on the minority side of a vote. As a matter of courtesy, letters to the editor or other communication should be presented to the

full City Council at a meeting prior to publication so that Councilmembers will be aware of the proposed publication.

5. Councilmembers must not engage in personal attacks against other Councilmembers who voted against the councilmember on issues.
6. After a vote on an issue, a Councilmember may state an opposing viewpoint, but must clearly state the adopted City Council position and must clarify that the Councilmember's viewpoint or opinion is the Councilmember's personal viewpoint or opinion.
7. When Councilmembers represent the City or attend meetings in an official capacity, they must support and advocate the official City position on an issue, not a personal position on the issue.

D. Prohibited Conduct

1. The City Council recognizes the right of every Councilmember to free speech, as stated in the U.S. Constitution and as interpreted by the courts, and encourages the dissemination of a variety of opinions and ideas for discussion in a lawful manner. Laws concerning free speech are balanced by slander and libel laws.
2. The adoption of a Code of Conduct is necessary to discourage prohibited conduct as illustrated below.
3. Prohibited conduct includes, but is not limited to, the following:
 - a. Making a personal attack against a fellow Councilmember, the City Manager, or City staff as stated in Robert's Rules. "Personal attack" means an accusation against a person's character.
 - b. Acting maliciously toward a City staff member or a fellow Councilmember. "Maliciously" means acting with hostility or anger toward, or by bullying or harassing.
 - c. Modifying, revising, altering, or editing any document, report, record, or memorandum written by the City Manager, a City staff person, or other Councilmember without the author's consent or knowledge, and without clearly stating or showing the change, the date of the change, and the person making the change.
 - d. Engaging in unreasonable interruption and interference with the day-to-day business of the City. "Unreasonable interruption and interference with the day-to-day business of the City" means:
 - (i) Contacting City staff, other than as authorized by these rules or by final action of the City Council or by the City Manager, which contact materially limits a City staff member's ability to complete work assigned by the City Manager or by final action of the City Council; or

- (ii) Causing the City Manager or a City staff member to correct or explain the Councilmember's materially inaccurate statements or conduct, which correction or explanation substantially interrupts the efficient operations of the City.
- e. Making verbal or written contact with City staff, other than a Councilmember's contact with City staff as authorized by these rules or by final action of the City Council or by the City Manager, when such contact is used or intended to impermissibly redirect, interfere with, interrupt or undermine City staff's work assignments as determined by the City Manager or by a majority vote of the City Council.
- f. Representing to citizens, other public agencies, or other persons or organizations, that the City Council will vote or act in a specific manner concerning pending litigation or legislation, or concerning any other matter that has not yet come before the City Council for final action but that will be acted upon by the City Council.
- g. Discussing or disseminating information from an executive session to anyone outside of the proper lines of authority. "Proper lines of authority" means Councilmembers, the City Manager, City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council.
- h. Making contact, either verbally or in writing, with legal counsel representing a person or entity with whom the City has ongoing litigation or negotiations, other than as authorized by the City Manager or by majority vote of the City Council.
- i. Making verbal or written contact with State, county, regional, or city elected or appointed officials, when a Councilmember represents a position contrary to the adopted or declared position of the City or the City Council and when the Councilmember does not disclose such adopted or declared position of the City or the City Council.
- j. Taking actions and voting when there is a conflict of interest as defined in Chapter 42.23 RCW. Recusal must be used when there is a conflict of interest.

E. Sanctions

1. The Council has power under State law to impose punishment on its members, short of removal from office, for violation of State law or Council rules.
2. The Council may punish a member for violation of these rules by: a verbal admonition, written reprimand, letter of no confidence, censure,

expulsion from the meeting at which the conduct occurs, removal from committee memberships, and/or removal of intergovernmental duties.

3. The Presiding Officer may give a verbal admonition.
4. Other punishments not mentioned in Section 4.E.-2. require the affirmative vote of 5 members of the City Council.
5. A censure is a statement by 5 members of the City Council that a prohibited action has occurred.
6. A censure will be in the same form as any other Council motion or resolution. The motion must state the prohibited conduct or action.

Section 5. Council Attendance and Voting via Speakerphone or Video

A. Purpose

Occasionally, a Councilmember will not be able to be physically present at a meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Councilmember to attend a meeting via speakerphone or video is contained in this section.

B. Frequency

Councilmember attendance via speakerphone or video is limited to 3 times in a calendar year, but the City Council, by majority vote, may allow additional attendance by speakerphone or video.

C. Procedure

1. At least 24 hours before the starting time of a meeting, the Councilmember must advise the City Clerk of the desire to attend via speakerphone or video to allow time for preparation of the speakerphone or video components and of the agenda items to be attended via speakerphone or video.
2. The Councilmember attending via speakerphone must be able to hear all speakers in the meeting room, and all persons in the meeting room must be able to hear the Councilmember. The video and audio components of videoconferencing should be visible and audible to all persons in the meeting room.
3. When the particular agenda item is ready to be discussed, the Presiding Officer should state and ask for the record:
 - a. "Councilmember _____ is attending via speakerphone/video for Agenda Item No. _____, relating to _____."

- b. "Councilmember _____, can you (see and) hear me?"
(There must then be a clearly audible response in the affirmative.)
 - c. "Can the City Council and City Clerk (see and) hear Councilmember _____?"
- 4. Upon conclusion of the particular agenda item, the Presiding Officer should state: "Councilmember _____, discussion of Agenda Item No. _____ has concluded. "
- 5. Each agenda item being attended via speakerphone or video shall be introduced and acknowledged in the same manner as set forth above.
- 6. After all agenda items being attended via speakerphone or video have been concluded, the Presiding Officer should state for the record:
 - a. "Councilmember _____, thank you for your attendance via speakerphone/video. The remote connection will now be terminated."
 - b. "Let the record reflect Councilmember _____'s attendance via speakerphone/video has been terminated."

Section 6. Executive Sessions

A. Executive Session Topics and Confidentiality

The topics that may be discussed in executive sessions are set forth in RCW 42.30.110 and RCW 42.30.140. Topics discussed in executive session must not be discussed outside of the executive session with anyone outside of the proper lines of authority (Councilmembers, the City Manager, and City staff assigned to the topic or matter, designated legal counsel, and others attending the executive session at the invitation of the City Council). Councilmembers shall keep all executive session information and discussions confidential to ensure that the City's interests are not compromised.

B. Topics for Executive Session Discussions

- 1. Executive session topics include but are not limited to the following:
 - a. Acquisition of real estate when public knowledge regarding the acquisition would cause a likelihood of increased price.
 - b. Consideration of the minimum price for sale or lease of City property when public knowledge regarding such consideration would cause a likelihood of decreased price.
 - c. Review of negotiations on the performance of publicly bid contracts when public knowledge regarding such review would cause a likelihood of increased costs.

- d. Receipt and evaluation of complaints or charges against a public officer or employee.
- e. Evaluation of qualifications of an applicant for public employment.
- f. Review of the performance of a public employee.
- g. Discussion with legal counsel of litigation, potential litigation or pending litigation (legal counsel may attend via speakerphone or video).
- h. Discussion of collective bargaining sessions with employee organizations.
- i. Consideration of matters affecting national security.

C. Procedure

- 1. The Presiding Officer must announce the executive session by stating: "The City Council is recessing into an executive session pursuant to RCW _____ (e.g. "RCW 42.30.110(1)(a)) regarding _____. (e.g., review of the performance of a city employee). The executive session is expected to last for ____ minutes (hours)."
- 2. If the executive session is the last item on the meeting agenda, the Presiding Officer shall state whether or not the City Council will take action or take no action when the meeting reconvenes.
- 3. If, during the executive session, the Presiding Officer believes that the executive session will extend beyond the announced deadline, the Presiding Officer shall announce in open session the number of minutes that the executive session will be extended.
- 4. The Presiding Officer shall announce the conclusion of the executive session in open session by stating: "The executive session is completed."
- 5. At the close of the executive session or the meeting at which the executive session occurs, the Presiding Office shall complete a document recording the topic or reason and time of the executive session, including extensions.

D. Written Material

- 1. During an executive session, papers or documents may be distributed for informational purposes to the Councilmembers in attendance as part of the discussion.
- 2. Papers and documents that are distributed during executive sessions are to be returned to the City Manager or the Presiding Officer (if the City Manager is not in attendance), prior to the end of the executive session. No paper or document will be removed by a Councilmember from the executive session, unless the City Manager, or the Presiding

Officer (if the City Manager is not in attendance), determines that the paper or document may be removed from the executive session.

3. Written notes taken by any attendee of an executive session will be treated in the same manner as a paper or document as discussed above, that is, the paper or document will be returned to the City Manager or Presiding Officer prior to the end of the executive session.
4. Councilmembers will not generate computer notes, take photos, or make recordings during an executive session.

Section 7. Public Testimony

A. Citizen Comments as noted in Section 2.B. above.

B. Public Hearings

1. The Presiding Officer shall open the public hearing and ask for a City staff presentation.
2. Members of the public will be invited to provide comments.
3. Each person will be allowed to speak for 5 minutes, which is longer than the 3 minutes allowed for Citizen Comments.
4. A person who testifies shall state his or her name, address and organization (if applicable).
5. Motions will not be made during the public hearing.
6. After all members of the public wishing to speak have had an adequate opportunity to speak, and the Councilmembers have had an opportunity to ask City staff questions regarding the staff presentation and/or the public comments, the Presiding Officer shall declare the public hearing closed. The City Council may by, majority vote, continue the public hearing to a stated date, time and place, and/or allow for certain written materials to be presented to the City Council for a period of time after the public hearing.

C. Quasi-Judicial Matters

1. Quasi-judicial actions involve policy application rather than policy making. The action will generally have a greater impact on specific individuals than on the entire community. In a quasi-judicial action, the City Council applies law to facts and makes a decision. Examples of quasi-judicial actions are: conditional uses, variances, rezoning of a specific site, planned unit developments, and discretionary zoning permits. Quasi-judicial actions are distinct from legislative actions, examples of which are adopting, amending or revising comprehensive, community or neighborhood plans, land use planning

documents, area-wide zoning ordinances and area-wide zoning amendments.

2. The Presiding Officer will begin a quasi-judicial hearing by asking Councilmembers to place on the record any ex parte contacts with either proponents or opponents of the action. The Presiding Officer shall ask whether any person objects to participation of a Councilmember in the action, and if so, to explain the objection. If an objection is made, the Presiding Officer shall ask for input from the City Attorney.
3. The Presiding Officer, or the City Attorney at the request of the Presiding Officer, shall explain the rules and procedures for the quasi-judicial action.
4. The Presiding Officer, with the assistance of the City Attorney, will control the taking of testimony and presentation of documents, in light of the type of quasi-judicial action and applicable City rules and regulations.

Section 8. Waiver / Effect of Waiver of Rules

These rules are adopted for the sole benefit of the City Councilmembers to assist in the orderly conduct of City Council business. These rules do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, employees and agents, or serve as the grounds for invalidation of any City Council action or decision. The City Council may, by a majority vote, temporarily waive all or any of these rules.



City Council Business Agenda Item
City of Kenmore, WA

Subject/Topic: Public Hearing: Ordinance No. 13-0356 Business Registration Program	For Council Meeting Agenda of: 22 April 2013 Department: Executive Prepared by: Nancy Ousley Initial & Date Approved by Department Head: <u>NKO 16 APR 2013</u> Approved by City Attorney: <u>D. REITAN - email</u> Approved by Finance Director: <u>JMK 4/16/13</u> Approved by City Manager: <u>ROK</u>	
Proposed Council Action/Motion: Approve Ordinance No. 13-0356, Adopting a New Chapter 5.105 of the Kenmore Municipal Code, to Establish a Business Registration Program for the City and Fixing an Effective Date	Exhibits/Attachments: 1. Proposed Ordinance No. 13-0356 (revised 16 April 2013) 2. Agenda Package for 8 April 2012 Council meeting 3. Powerpoint Presentation from 8 April 2013 Council meeting	
Expenditure Required \$0	Amount Budgeted \$5000 for directory/publicity	Appropriation Required \$0
<u>INFORMATION/BACKGROUND:</u> The 2009 Economic Development Strategy, adopted unanimously by the Council, recommended establishing a Business Registration program for local businesses as an effective way to connect with the business community, identify business clusters and assess potential actions to assist local businesses. The proposed Ordinance adds a new chapter to the Municipal Code establishing the program. The key features of the proposal reflect many discussions and conversations with business owners, particularly at City sponsored Business Open Houses. Staff presented the framework for the proposal to the Council in November, 2012 for discussion and on April 8, 2013, the Council discussed a Proposed Ordinance. Following the April 8, 2013 discussion, the Administration made revisions to the Proposed Ordinance in response to Council requests. The Revised Proposal is presented for Public Hearing, followed Council discussion. Under the proposal, the City would partner with Washington Department of Revenue (DOR) Business Licensing Service so that businesses could apply for the City registration through the DOR website, along with any state registration or license that is required. The Business Licensing Service will be available to add Kenmore to its roster of participating cities in the 3 rd Quarter of 2013, and will administer the transactions. Registrants would pay a service fee for DOR administration, along with the City fee. The City fee will be proposed as an amendment to the 2013 Fee Schedule following adoption of the Ordinance.		

I:\ACM\ACM NK0\Agenda Bill Drafts\AB 22 April 2013 Business Registration Ordinance.docx

XIIA. Public Hearing to Receive Public Testimony Regarding
Ordinance No. 13-0356, Business Registration Program - Nancy

Certain regulatory business licenses that are now in place will continue, and those businesses that are required to obtain those licenses will also be required to get the annual general business registration. Staff will propose revisions to the regulatory business license requirements later this year.

The following would be exempt from the general Business Registration: businesses with gross income under \$12,000 per year; schools; churches; minors; businesses located outside the City; and deliveries from businesses outside Kenmore where delivery was the only activity occurring in the City. Local non-profit organizations would be required to register, but would not be subject to the City fee.

Businesses located in the City, including home occupations, that are not exempted as noted above, would be required to participate in the Business Registration Program. A local business with 2 or more locations doing business with the same name and same type of business could include the additional locations under one registration. If two or more businesses meeting the requirements are located in one location, separate registrations would be required. Voluntary participation by local businesses that are exempt from the Business Registration Program requirement would be allowed.

The benefits of instituting this Business Registration program, as noted above, include:

- provide a conduit for communication between the City and local businesses—this is particularly valuable in connecting with home based businesses
- enhance emergency preparedness
- provide the foundational data for producing a Kenmore Business Directory, which would be available on line and in hard copy
- inform and guide the City's Economic Development and Economic Gardening efforts by identifying business clusters, providing market data, and connecting complimentary businesses

Establishing this Program will send a signal to businesses that the City is in step with the majority of other cities in engaging with local businesses. City staff respond to an average of 5-10 inquiries per week from businesses on how to apply for a local business license or registration. Kenmore is one of only five cities of the 58 cities in King and Snohomish Counties that do not have a general Business Registration or License Program.

Staff will continue work with DOR on the start-up and operational details of the program, including notices to local businesses. We also plan to produce a business directory.

FISCAL CONSIDERATION:

There are currently approximately 2000 Kenmore businesses registered with the State Department Of Revenue. Revenue from Business Registrations will help support producing a directory of local businesses, marketing and other business support activities. Expected revenue from the program is unknown at this time. Preliminary estimate of net annual revenue to the City is \$24,000 in the initial years of program.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Continue to Implement the Economic Development Strategy

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 13-0356

AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING A NEW CHAPTER 5.105 OF
THE KENMORE MUNICIPAL CODE TO ESTABLISH A
BUSINESS REGISTRATION PROGRAM FOR THE CITY,
AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Economic Development Strategy in 2009 which calls for establishing a Business Registration program required for Kenmore businesses as a means of maintaining a closer connection with the business community and identifying business clusters and opportunities; and

WHEREAS, the 2009 Economic Development Strategy Goal II states, "Support existing businesses and pursue opportunities to expand employment; Work to retain the City's existing independent businesses by understanding and responding to their issues; and Better understand and track the makeup of the City's commercial sectors by establishing a business registration requirement with a modest fee"; and

WHEREAS, Kenmore is one of very few cities in King and Snohomish Counties that do not have a general business license or registration program; and

WHEREAS, a business registration program can help the City to provide a local business directory that includes businesses who desire to be listed in such a directory; and

WHEREAS, this proposal was first initiated by the Advisory Group for the Economic Development Strategy, and has been informally discussed with business owners since 2009; and

WHEREAS, the City has the opportunity to join over 50 other cities in a partnership with the Washington Department of Revenue Business Licensing Service that will make it convenient for businesses to establish and renew the Kenmore business registration, and efficient for the City to administer; and

WHEREAS, the Business Registration for Kenmore businesses will assist in providing information that is vital for emergency services;

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

Section 1. Adoption. The City Council hereby adopts a new Chapter 5.105 of the Kenmore Municipal Code, entitled "Kenmore Business Registration

Program" as set forth in Exhibit 1 to this ordinance, attached hereto and incorporated by reference as if set forth in full.

Section 2. Effective Date. This ordinance shall take effect on July 1, 2013.

APPROVED by the City Council this ____ day of _____, 2013.

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

EXHIBIT 1 TO ORDINANCE NO. 13-0356

CHAPTER 5.105 KENMORE BUSINESS REGISTRATION PROGRAM

Sections:

- 5.105.010 Chapter and purpose.
- 5.105.020 Definitions – General.
- 5.105.030 Business registration required – Posting.
- 5.105.040 Exceptions – Applicability of provisions.
- 5.105.050 Non-profit businesses and organizations
- 5.105.060 Application and renewal.
- 5.105.070 Registration term or expiration.
- 5.105.080 Fee.
- 5.105.090 Late renewal.
- 5.105.100 Registration – Suspension, denial or revocation.
- 5.105.110 Violation – Civil infraction, enforcement.
- 5.105.120 Rules and Rulings

5.105.010 Chapter and purpose.

Maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the city allows the city to carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the state of Washington as a non-charter code city. Such information can best be accumulated and maintained on a current basis through the establishment of a program for the registration of such business activities. The business registration program ("Program") is hereby established to protect the public and promote economic development and not intended to benefit any individual or class.

5.105.020 Definitions – General.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

- A. "Business," "occupation" or "pursuit" means and includes all activities, occupations, trades, pursuits, professions, and matters located or engaged in within the City with the object of gain, benefit, or advantage to the applicant for business registration or other person, directly or indirectly, whether part-time or full-time, whether resident or nonresident.
- B. "City" means the city of Kenmore, Washington.

C. "Clerk" means such city employees or agents as the city manager shall designate to administer this chapter, or any designee thereof.

D. "Engage in" "engages in" or "engaged in" business means commence, conduct or continue in business, and also means the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

E. "Person," "firm," or "corporation," used interchangeably in this chapter, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof.

5.105.030 Business registration required – Posting.

A. Any person that engages in any business, occupation, home occupation (see Chap. 18.73 KMC), or pursuit in the City shall register that business with the City's Program. To register under the Program a person must submit an application to the State Department of Revenue and pay the applicable registration fee.

B. A business located within the City must be registered with the Program.

C. A business registration shall be posted in a conspicuous location at the place of the business.

5.105.040 Exceptions – Applicability of provisions.

This chapter does not apply to:

A. The performance of governmental or proprietary functions by any instrumentality of the United States, the state of Washington, or any political subdivision thereof, including City of Kenmore sponsored civic events.

B. The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the city and the only event occurring within the city is a delivery.

C. Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only; political groups and organizations as to their political activities only.

D. Minors, a person under the age of 18, engaged in business or operating a business concern where no other person is employed by the minor.

E. A business with an annual gross income of Twelve Thousand Dollars (\$12,000.00) or less.

F. Farmers selling fruit, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced or manufactured by such person; Provided that nothing herein authorizes any person to sell, deliver or peddle any dairy product, meat, poultry, eel, fish, mollusk or shellfish without a license as otherwise required by the State of Washington.

E. Where preempted by federal or state constitutions or laws.

5.105.050 Non-profit businesses and organizations.

Organizations exempt from taxation under 26 USC 501 (C)(3) and (4) must register under the business registration program, but shall be exempt from paying the registration fee. This shall not constitute an exemption from all other applicable taxes and fees. Such organization must be able to show satisfactory proof of such status to the City.

5.105.060 Program application and renewal.

A. A person shall register a business with the Program by submitting an application to the State Department of Revenue (with its Business Licensing Service), in coordination with the Clerk, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Businesses that are not required to be registered because they do not exceed the annual gross income threshold may be voluntarily registered with the Program, in the same manner set forth in KMC 5.105.030.

B. Only one registration is necessary if a business is located at two or more separate locations within the City, if the same business name and type of business is operated at the separate locations in the City.

C. If more than one business is conducted or operated on premises, a separate business registration shall be required for each business that meets the requirements for business registration. Each business owner must separately register a business with the Program.

D. A business registration is nontransferable. A person engaged in business within the City shall notify the Clerk and State Department of Revenue of a

change of business location within thirty (30) days of the location change or by the next registration renewal date, whichever date occurs first.

E. A person who has registered a business under the City's Program shall renew the registration on an annual basis, in the same manner as the original application for registration including payment of fees.

F. A person engaged in business within the City must comply with all applicable City ordinances and code provisions, and state and federal laws.

5.105.070 Registration term or expiration.

Business registration shall be valid for a term of twelve months, and shall expire on the date determined by the Department of Revenue, in coordination with the City.

5.105.080 Fee.

A. The fee to register with the City's Program, or renew such registration shall be as set forth in a fee resolution adopted by the City Council.

B. From July 1, 2013, to December 31, 2013, Program registration fees may be pro-rated to coincide with the Washington State Department of Revenue's (its Business Licensing Service) registration term of twelve months. The pro-rated fee shall be as set forth in a fee resolution adopted by the City Council.

Thereafter, all registration fees shall be the full amount identified in KMC

5.105.080.A.

5.105.090 Late renewal.

Each business registration issued must be renewed annually on or before the expiration date, or expiration of any prorated period. Failure to renew a business registration by the expiration date may result in an increase in the amount of the renewal fee by fifty percent (50%).

5.105.100 Registration denial or revocation.

A. An application for registration required under this chapter may be denied or revoked by the City based on any of the grounds provided below:

1. If the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business fail to comply with the requirements of this chapter.

2. If a person procures registration by fraud or misrepresentation of fact, or the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business obtain registration so as

to practice some illegal act or some act injurious to the public health, safety and welfare.

3. Whenever a person fails or refuses to pay the registration or renewal fee.

B. The City shall not deny or revoke a business registration without cause.

5.105.110 Violation – Civil infraction, enforcement.

A. A violation of this chapter shall constitute a civil infraction. A person who violates any provision of this chapter shall be subject to a civil fine in an amount not to exceed \$100.00.

B. The Clerk and officers authorized to provide police services to the city shall enforce this chapter and are authorized to issue civil infractions for violations of this chapter. The disposition of a civil infraction issued under this chapter shall follow the procedures adopted under the following statutes:

1. A notice of civil infraction issued under this chapter shall comply with the procedures of RCW 46.63.060(1),(2)(a)-(g) and (3), hereby adopted by reference as if set forth in full. A response to the notice of civil infraction and/or request for hearing shall comply with RCW 46.63.070(1)-(4) and (6), hereby adopted by reference as if set forth in full.

2. RCW 46.63.090 and RCW 46.63.100, which regulate hearings on contested infractions and hearings to explain mitigating circumstances, are hereby adopted by reference as if set forth in full.

3. The phrase "traffic infraction" referenced in the above-cited statutes shall mean a "civil infraction" issued under this chapter.

C. A civil infraction issued under this chapter shall be filed with the King County district court, which shall have the exclusive jurisdiction to hear and determine the same. Rules of procedures for the conduct of hearings filed under this chapter may be established by rule of the court.

5.105.120 Rules and Rulings. The city manager may, from time to time, adopt, publish and enforce rules and regulations not inconsistent with this chapter or with state law. The purpose of such rules and regulations is to carryout the provisions of this chapter. The city manager may also issue letter rulings from time to time which are applicable only to specific businesses. Such administrative rulings shall be binding on the City and the applicable business.



XIIA. Public Hearing to Receive Public Testimony Regarding Ordinance No. 13-0356, Business Registration Program - Nancy

annual business registration fee.

Certain regulatory business licenses that are now in place will continue, and those businesses that are required to obtain those licenses will also be required to get the annual general business registration. Staff will propose revisions to the regulatory business license requirements later this year.

The following would be exempt from the general Business Registration requirement: businesses with gross income under \$10,000 per year; schools; churches; minors with babysitting or newspaper delivery jobs; and deliveries from businesses outside Kenmore where delivery was the only activity occurring in the City. Businesses located outside the City who do business in Kenmore would be required to obtain the general Business Registration. Local non-profit organizations would be required to register at no cost.

The proposed Ordinance includes enforcement provisions for businesses that present a nuisance or allow illegal activity.

The benefits of instituting this Business Registration program, as noted above, include:

- provide a conduit for communication between the City and local businesses—this is particularly valuable in connecting with home based businesses
- enhance emergency preparedness
- provide the foundational data for producing a Kenmore Business Directory, which would be available on line and in hard copy
- inform and guide the City's Economic Development and Economic Gardening efforts by identifying business clusters, providing market data, and connecting complimentary businesses

Staff recommends holding a public hearing on the Ordinance and consideration for adoption on April 22.

Staff will continue work with DOR on the start-up and operational details of the program, including notices to local businesses. We also plan to produce a business directory.

FISCAL CONSIDERATION:

There are currently approximately 2000 Kenmore businesses registered with the State DOR. Revenue from Business Registrations will help support producing a directory of local businesses, marketing and other business support activities. Expected revenue from the program is unknown at this time. Preliminary estimate of net annual revenue to the City is \$24,000 in the initial years of program.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

Economic Development

CITY OF KENMORE
WASHINGTON
ORDINANCE NO. 13-0356

AN ORDINANCE OF THE CITY OF KENMORE,
WASHINGTON, ADOPTING A NEW CHAPTER 5.105 OF
THE KENMORE MUNICIPAL CODE TO ESTABLISH A
BUSINESS REGISTRATION PROGRAM FOR THE CITY,
AND FIXING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Economic Development Strategy in 2009 which calls for establishing a Business Registration program required for Kenmore businesses as a means of maintaining a closer connection with the business community and identifying business clusters and opportunities; and

WHEREAS, Kenmore is one of relatively few cities in the Puget Sound area that do not have a general business license or registration program; and

WHEREAS, this proposal was first initiated by the Advisory Group for the Economic Development Strategy, and has been informally discussed with business owners since 2009; and

WHEREAS, the City has the opportunity to join numerous other cities in a partnership with the Department of Revenue for the Master Business License program that will make applying and renewing the business registration convenient for businesses and efficient for the City to administer;

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

Section 1. Adoption. The City Council hereby adopts a new Chapter 5.105 of the Kenmore Municipal Code, entitled "Business Registration" as set forth in Exhibit 1 to this ordinance, attached hereto and incorporated by reference as if set forth in full.

Section 2. Effective Date. This ordinance shall take effect on July 1, 2013.

APPROVED by the City Council this ____ day of _____, 2013.

David Baker, Mayor

ATTEST/AUTHENTICATED:

Patty Safrin, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
Rod Kaseguma, City Attorney

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

EXHIBIT 1 TO ORDINANCE NO. 13-0356

CHAPTER 5.105 BUSINESS REGISTRATION

Sections:

- 5.105.010 Chapter and purpose.
- 5.105.020 Definitions – General.
- 5.105.030 Business registration required – Posting.
- 5.105.040 Exceptions – Applicability of provisions.
- 5.105.050 Non-profit businesses and organizations
- 5.105.060 Application and renewal.
- 5.105.070 Registration term or expiration.
- 5.105.080 Fee.
- 5.105.090 Penalty for late renewal.
- 5.105.100 Registration – Suspension, denial or revocation.
- 5.105.110 Violation – Penalty.
- 5.105.120 Additional enforcement.
- 5.105.130 Rules and Rulings

5.105.010 Chapter and purpose.

Maintenance of current information with respect to business, trade, service, commercial and professional activities carried on within the city allows the city to carry out the duties and authorities delegated to it by the Washington State Constitution and the laws of the state of Washington as a non-charter code city. Such information can best be accumulated and maintained on a current basis through the establishment of a program for the registration of such business activities. The business registration program is hereby established to protect the public and promote economic development and not intended to benefit any individual or class.

5.105.020 Definitions – General.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

A. "Business," "occupation" or "pursuit" means and includes all activities, occupations, trades, pursuits, professions, and matters located or engaged in within the City with the object of gain, benefit, or advantage to the applicant for business registration or other person, directly or indirectly, whether part-time or full-time, whether resident or nonresident.

B. "City" means the city of Kenmore, Washington.

C. "Clerk" means such city employees or agents as the city manager shall designate to administer this chapter, or any designee thereof.

D. "Engage in" business means commence, conduct or continue in business, and also means the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

E. "Person," "firm," or "corporation," used interchangeably in this chapter, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, corporation, association, canvasser, peddler, solicitor, society, or any group of individuals acting as a unit, whether mutual cooperative, fraternal, nonprofit or otherwise, and includes the United States or any instrumentality thereof.

5.105.030 Business registration required – Posting.

A. It is unlawful for any person, firm or corporation, which is required to register with the State Department of Revenue, to engage in any business, occupation, home occupation (see Chap. 18.73 KMC), or pursuit in the City without first having applied for and obtained a business registration as provided in this chapter.

B. Businesses with a permanent location within the City must obtain a business registration. Businesses with a permanent location outside the City, but no permanent location within the City, which engage in business within the City or with the City, must obtain a business registration.

C. The business registration provided for in this chapter shall be posted in a conspicuous location at the place of the business. Such business registration is nontransferable.

5.105.040 Exceptions – Applicability of provisions.

This chapter shall not be applicable to:

A. The performance of governmental or proprietary functions by any instrumentality of the United States, the state of Washington, or any political subdivision thereof.

B. The delivery of goods by vehicle to a customer or client by a business where the sale occurred on a business premises outside of the city and the only event occurring within the city is a delivery.

C. Accredited public or private schools, colleges, or universities, as to their education endeavors only; churches and other religious bodies, as to their religious activities only; political groups and organizations as to their political activities only.

D. Minors engaged in baby-sitting or delivery of newspapers.

E. A business with an annual gross income of Ten Thousand Dollars (\$10,000.00) or less.

F. Where preempted by federal or state constitutions or laws.

5.105.050 Non-profit businesses and organizations.

Organizations exempt from taxation under 26 USC 501 (C)(3) and (4) must apply and obtain a business registration, but shall be exempt from the registration fee. This shall not constitute an exemption from all other applicable taxes and fees. Such organization must be able to show satisfactory proof of such status to the City.

5.105.060 Application and renewal.

A. The application for a registration shall be made by filing a master application through the State Department of Licensing's Master License Service, in coordination with the Clerk, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter.

B. Business registration must be approved by the City before a business commences operation within the city. If business is transacted by one person at two or more separate locations within the City, a separate application must be filed for each business location and a separate registration shall be obtained and displayed in each location.

C. The Clerk may refer applications to the planning and development services department, the police department, or other governmental agencies for their review. Compliance with building, zoning and other laws is the business owner's responsibility and issuance of business registration is not a guarantee of compliance or a waiver of future enforcement by the City or other agency with jurisdiction.

D. If more than one business is conducted or operated on premises, a separate business registration shall be required for each business. Each business owner must make a separate application for registration.

E. The filing of an application for business registration, or the renewal thereof, or the payment of any application or renewal fee, shall not authorize a person to engage in or conduct a business until such registration has been granted or renewed.

F. A business registration is nontransferable. No person who obtains a business registration shall allow another person to operate a business under, or display the registration issued to their business, nor shall another person operate under or display the registration issued to another business. A person who acquires an existing business must make application for a city business registration before commencing business within the city with that business. A person must report a change of location of the business to the Master License Service, in coordination with the Clerk. A change of the location of a business requires approval by the City before business may commence at the new location, and may require submitting a new application and payment of fees.

G. Business registration renewals are handled by the Master License Service in coordination with the city. Renewal of the registration requires payment of fees, including handling fees.

5.105.070 Registration term or expiration.

The term of a business registration shall be for twelve months, and shall expire on the date determined by the Master License Service, in coordination with the City.

5.105.080 Fee.

A. The fee for each business registration required by this chapter shall be as set forth in a fee resolution adopted by the City Council.

B. The registration fee shall be in addition to any other license fee or tax imposed or levied under any law or other ordinance of the city except as otherwise expressly provided.

C. From July 1, 2013, to December 31, 2013, registration fees may be pro-rated to coincide with the Washington State Business License Service's registration term of twelve months. The pro-rated fee shall be as set forth in a fee resolution adopted by the City Council. Thereafter, all registration fees shall be the full amount identified in KMC 5.105.080.A.

5.105.090 Penalty for late renewal.

Each business registration issued must be renewed annually on or before the expiration date, or expiration of any prorated period. Failure to renew a business registration by the expiration date may result in the assessment of a late renewal

penalty of fifty percent (50%) of the renewal fee. Non-renewal may require reapplication for the city business registration, and approval by the city.

5.105.100 License – Suspension, denial or revocation.

A. A business registration may be suspended, revoked or denied based on any of the grounds provided below:

1. Whenever the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business fail to:

- (a) maintain the registered premises or business activity in compliance with applicable health, building, fire and safety laws, ordinances or regulations; or
- (b) comply with the requirements of this chapter.

2. Whenever a business registration is procured by fraud or misrepresentation of fact, or the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business desire to obtain a business registration so as to practice some illegal act or some act injurious to the public health, safety and welfare.

3. Whenever the business that is the subject of the business registration is deemed to be a public nuisance, or is allowed, maintained or permitted as a public nuisance. "Public nuisance" in addition to its common meaning, and as defined under RCW 7.48.120, RCW 9.66.010 and Chapter 8.35 KMC, includes, but is not limited to, a business generating a need for significant police and/or other government services.

6. Whenever the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business engage in, maintain, permit, allow or fail to prevent unlawful activity on the business premises.

7. Whenever the person who obtains the registration or any of the business officers, directors, agents, owners or employees of the business fail to pay a civil penalty or comply with any notice and order of the City relating to the business.

8. Whenever a person fails or refuses to pay any registration fee, renewal fee, penalty, tax and/or any other fee or costs relating to the business and owing to the City, such person shall not be granted a business registration or renewal until all such fees, penalties, taxes and/or costs have been paid in full. Upon any person's or business's failure to pay such fees, penalties, taxes or costs, such fees, penalties, taxes or costs may be collected by the City by legal action. Additionally, the registration may be revoked or suspended and the person's

business may be ordered to cease and desist from all business activities until all such payments are made in full. This remedy is cumulative and not exclusive.

A business registration shall not be suspended, revoked or denied without cause.

B. Pursuant to KMC 5.05.120 and 5.05.130, the Clerk shall, by certified mail, give written notice to the applicant of a denial, suspension or revocation of a business registration, including a summary of the complaints, objections and information considered by the Clerk and the reason(s) for the action. Notice mailed to the mailing address on the application or most recent renewal shall be deemed received three days after mailing. The Clerk's decision may be appealed to the city hearing examiner upon payment of the appropriate appeal fee.

C. Any suspension or revocation shall remain in effect until the conditions causing the suspension or revocation are cured and reasonable measures are taken to ensure that those conditions will not recur. Provided, however, a business registration that was suspended or revoked because of fraud or forged application shall remain suspended or revoked for one year from the date of said suspension or revocation.

D. An appeal of the City's decision to suspend, revoke or deny a business registration, and the required appeal fee, shall be filed with the Clerk within ten (10) days of the date of the decision being appealed. If an appeal or applicable appeal fee have not been filed pursuant to the time limits established hereunder, then the Hearing Examiner shall dismiss the appeal as untimely. Failure to timely appeal shall be construed as a waiver to the right to administratively appeal the city's decision to suspend, revoke or deny the business registration.

E. The written appeal must contain the following: (1) A conspicuous statement that it is a notice of appeal; (2) a brief statement setting forth the legal interest of the appellants; (3) the specific order or action protested, together with any material facts claimed to support the contentions of appellants; (4) the relief sought, and reasons why it is claimed, and why the protested action or notice and order should be reversed, modified or otherwise set aside; (5) the signatures of all persons named as appellants, and their official mailing addresses; and (6) the verification (by declaration under penalty of perjury) of each appellant as to the truth of the matters stated in the appeal.

F. The hearing on the appeal shall follow the process set forth in KMC 5.05.150.

G. Within fourteen (14) business days following conclusion of the appeal hearing, the hearing examiner shall make written findings of fact and conclusions of law, supported by the record, and a decision which may affirm, modify, or

overrule the action of the city, and may further impose terms and conditions to the issuance or continuance of the business registration.

H. An appeal of the decision of the hearing examiner must be filed with the King County superior court within 21 calendar days of service of the decision, which shall be the exclusive means to appeal a decision of the hearing examiner rendered under this chapter.

5.105.110 Violation – Penalty.

A. Any violation of this chapter shall constitute a misdemeanor and the punishment shall be as provided in KMC 5.05.160.

B. In addition to or as an alternative to any other penalty provided herein or by law, any person who violates any provision of this chapter shall be subject to a civil penalty in an amount not to exceed \$250.00. The city manager shall determine the amount of the civil penalty in the manner set forth in KMC 5.05.140.

5.105.120 Additional enforcement.

Notwithstanding the existence or use of any other remedy, the city attorney may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

5.105.130 Rules and Rulings. The city manager may, from time to time, adopt, publish and enforce rules and regulations not inconsistent with this chapter or with state law. The purpose of such rules and regulations is to carryout the provisions of this chapter, and it shall be unlawful to fail to comply with any such rule or regulations. The city manager may also issue letter rulings from time to time which are applicable only to specific businesses. Such administrative rulings shall be binding on the City and the taxpayer.

I:\ACM\ACM NK\Agenda Bill Drafts\AB 13 Nov 2012 Business Registration.docx



City Of Kenmore, Washington

MEMO

30 October 2012

TO: Rob Karlinsey, City Manager

FR: Nancy Ousley, Assistant City Manager *NKO*

RE: Business Registration Preliminary Proposal

This memo outlines the main features being considered for a proposed Ordinance that would establish a Business Registration Program for Kenmore businesses. I look forward to reviewing this material with the City Council for comments and direction as we move forward with drafting the Ordinance.

The 2009 Economic Development Strategy recommended establishing a Business Registration requirement with a modest fee as a way to better understand the make-up of the business sector, help identify potential business clusters and to respond to the needs of local businesses. Kenmore is unusual in that we don't have a general Business Registration or license requirement, other than what appears to be a hold-over from King County Code requiring licenses for a small sector of businesses.

We have surveyed and discussed the potential for Business Registration at Business Open Houses and in numerous conversations with local business people, and have generally learned that they are open to the idea, particularly if the fee is reasonable. Local business people have also expressed support for the City to use the Business Registration information to produce a Kenmore Business Directory that would be sent to Kenmore addresses and available on the City website. We have also reviewed Business License or Registration codes from a number of cities to identify provisions that we are interested in incorporating into the proposal.

Key Features:

State of Washington Master Business License Program: we recommend joining the growing number of cities that use the Master Business License Program administered through the Department of Revenue. When businesses apply for or renew their state license, they also register for local licenses. This is convenient for business owners, as it can be done online or at Department of Revenue offices. It's also efficient for administration, as Revenue handles renewal reminders and reporting. Cities retain their regulatory authority in reviewing applications submitted through DOR. I have attached a listing of participating cities and their local business registration/license annual fees.

18120 68th Ave NE · PO Box 82607 · Kenmore, WA 98028

Office: (425) 398-8900 · Fax: (425) 481-3238 · cityhall@kenmorewa.gov · www.kenmorewa.gov

Exemptions: Cities often exempt certain activities from business registration requirements, such as newspaper deliveries, religious organizations, or participants in city-sponsored events. We will propose reasonable exemptions.

Fee: based on our conversations and surveys with local businesses, we are comfortable recommending a \$25 annual fee for businesses of any size, including home occupations. This fee would assist in producing a directory and would support other marketing or other activities for the Kenmore business community.

Requirements for Registration If Doing Business in Kenmore: in addition to businesses physically located in Kenmore, we are considering requiring registration for businesses that are physically located elsewhere but do business in Kenmore, with reasonable exclusions and thresholds. We will work with the Department of Revenue and check further with other cities that have this requirement.

Additional License Requirements for Certain Business Types: Title 5 of the Kenmore Municipal Code addresses Business Licenses and Regulations. Business Licenses are required for businesses such as: adult entertainment and retail; massage parlors and bathhouses; pawnbrokers; secondhand dealers; outdoor musical entertainment; go-kart tracks; and peddlers/solicitors/transient merchants. The Code needs to be reviewed and updated for general relevance to today's conditions, but it may be prudent from a public safety standpoint to continue requiring additional license requirements and fees for certain types of business activities. Some cities follow this practice—Bellevue and University Place are examples—and staff will likely propose this type of provision in the draft Ordinance.

Unlawful Activities and Business Registration/License Denial, Suspension or Revocation: some cities such as Lakewood in Pierce County list grounds for denying, suspending or revoking licenses that address criminal history relevant to the business, allowing a public nuisance to exist, or allowing/failing to prevent unlawful activity on the business premises. We will incorporate similar language into the proposal.

Home Occupation Requirements: home occupation development or location requirements are contained in the Zoning Code, and at this time staff do not anticipate recommending any changes to those provisions. We do however plan to summarize the requirements on the application form and refer applicants to the relevant code sections.

Non Profit Registration Requirements: we recommend requiring non-profits located in Kenmore to register at no cost.

Fire and Emergency Information: we will work with Northshore Fire District to incorporate and streamline inspection information into this program.

Staff will present a proposed Ordinance for Council action in 1st Quarter 2013.

Attachment



State of Washington
Business Licensing Service
PO Box 9034
Olympia WA 98507-9034
1-800-451-7885

City License Fee Sheet

In most cities, a city license is required for businesses operating within the city limits, including those businesses that are located outside the city limits but perform services for customers inside the city limits. Businesses located outside city limits must carry a copy of their license while operating in the city.

Some cities may exempt special types of businesses from being licensed. Examples of those types of business may include:

- Farmers selling their own produce
- Newspaper deliveries
- Limited number of casual sales (garage sales)
- Churches and other religious organizations
- Charitable fundraising organizations
- Fraternal benefit societies
- Participants in a city-sponsored community event
- Delivery of goods sold outside the city

A city may require proof of qualifying for an exemption. If you think your business qualifies for exemption, contact the city directly for more information.

You may apply for the General Business License for the following cities using the Business License Application at the same time you apply for state licenses and registrations. In addition to the General Business License some cities may require other licenses, such as a Home Occupation Permit or peddlers license, to conduct particular business activities. Contact the cities directly for more information.

Additional forms and city approval are required for each city.

City of Anacortes

General Business License	\$30
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Bellevue

General Business Registration	\$84
-------------------------------	------

In addition to the general registration, a Home Occupation Permit is required for businesses that conduct any part of business from their home in Bellevue if there is any external indication of commercial activity, nonresident employees, client visits, business deliveries or vehicle signs. For information contact the Bellevue Dept. of Planning & Community Development at (425) 452-4188.

Bellevue regulatory licenses which may be needed in addition to the General Business Registration.

Ambulance	No fee
Cabaret	\$400
Adult Cabaret	\$700
Dance Hall Premises	\$375
Pawnbroker	\$100
Dealer-Precious Metals/Gems	\$100
Panoram	\$200

City of Bellingham

General Business License	\$40
--------------------------	------

Note: Nonprofit businesses are required to obtain a general business license.

City of Blaine

General Business License	\$65
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

BLB 700-002 (08/25/12) Page 1 of 4

City of Bonney Lake

General Business License	\$60
Nonprofit Business License	No fee

Businesses located outside of the City of Bonney Lake are not required to be licensed by the city.

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Buckley

General Business License	\$75
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Camation

General Business License	\$75
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Clyde Hill

General Business License	\$25
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of College Place

General Business License	No Fee
--------------------------	--------

Note: Businesses located outside of the City of College Place are not required to be licensed by the city.

City of Connell

General Business License	\$30
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

Continued on page 2

City of Covington

General Business License	\$80
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of DuPont

General Business License	\$50
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Duval

General Business License	\$55
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

Town of Eatonville

General Business License	\$50
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Edgewood

General Business License	\$35
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Enumclaw

General Business License	\$50
--------------------------	------

Note: Nonprofit business licenses must be obtained directly from the City of Enumclaw at (360) 825-3593.

City of Fircrest

General Business License	\$85
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Gig Harbor

General Business License	\$30
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Gold Bar

General Business License	\$40
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Granite Falls

General Business License	\$45
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Ilwaco

General Business License	\$125
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Issaquah

General Business License	\$80
Nonprofit Business License	No fee

A business with less than \$3,000 gross annual income is exempt from this city's business license requirement.

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Lake Stevens

General Business License	\$40
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Leavenworth

General Business License	\$115
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Liberty Lake

General Business License	\$26
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Long Beach

General Business License	\$125
--------------------------	-------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Longview

General Business License	\$50
Nonprofit Business License	\$50

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Marysville

General Business License	\$50
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Millwood

General Business License	\$5
Nonprofit Business License	\$5

Businesses located outside of the City of Millwood are not required to be licensed by the city.

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

Continued on page 3

City of Milton

General Business License	\$88
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Monroe

General Business License	\$50
Nonprofit Business License	No fee

Businesses located outside of the City of Monroe are not required to be licensed by the city.

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Newcastle

General Business License	\$31
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Olympia

General Business License	\$80
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Port Orchard

General Business License	\$35
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Port Townsend

General Business License	\$28
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Poulsbo

General Business License	\$65
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of Secretary of State as a nonprofit corporation.

City of Prosser

General Business License	\$50
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Pullman

General Business License	\$20
Nonprofit Business License	No fee

Businesses located outside of the City of Pullman are not required to be licensed by the city.

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Richland

General Business License	\$40
Per employee fee (first 2 employees free)	\$12
Property rental fee (per rental unit)	\$2

See Richland License Category Sheet and addendum for more information.

Town of Ruston

General Business License	\$40
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Sammamish

General Business License	\$15
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Sedro Woolley

General Business License	\$35
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Selah

General Business License	\$25
--------------------------	------

Note: Nonprofit businesses may be exempt from city licensure. Please contact the city for more information.

City of Sequim

General Business License	\$50
Nonprofit Business License	\$50

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Shoreline

General Business License	\$40
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

Town of Skykomish

General Business License	\$50
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Spokane Valley

General Business License	\$13
Nonprofit Business License	\$3

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation or submit a copy of the business' IRS 501 (c) certificate with their Business License Application. Nonprofit organizations located outside of the city are exempt from this city's business license requirement.

City of Stanwood

General Business License	\$35
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Sultan

General Business License	\$75
--------------------------	------

Note: Nonprofit businesses are exempt from this city's business license requirement.

City of Sumner

General Business License	\$40
Nonprofit Business License	No fee

Businesses qualify for the nonprofit license if they have been granted a 501(c) tax exemption by the IRS.

City of Tumwater

General Business License	\$50
--------------------------	------

Includes canvassers, peddlers, solicitors and mobile units as well as other commercial businesses.

Nonprofit Business License	No fee
----------------------------	--------

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation. Nonprofit organizations located outside of the city are exempt from this city's business license requirements.

City of University Place

General Business License	\$50
Nonprofit Business License	No fee

Home based businesses with less than \$12,000 gross annual income are exempt from this city's business license requirement.

Businesses qualify for the nonprofit license if they are registered with the Office of the Secretary of State as a nonprofit corporation.

City of Washougal

General Business License	\$25
--------------------------	------

Note: Nonprofit businesses are required to obtain a general business license.

City of West Richland

General Business License	\$40
Nonprofit Business License	No fee

City Contacts:

Anacortes.....	(360) 299-1968
Bellevue.....	(425) 452-6851
Bellingham.....	(360) 778-8025
Blaine.....	(360) 332-8311
Bonney Lake.....	(253) 862-8602
Buckley.....	(360) 829-1921
Carnation.....	(425) 333-4192
Clyde Hill.....	(425) 453-7800
Connell.....	(509) 234-2701
College Place.....	(509) 525-0510
Covington.....	(253) 638-1110
DuPont.....	(253) 864-8121
Duval.....	(425) 788-1185
Eatonville.....	(360) 832-3361
Edgewood.....	(253) 952-3299
Enumclaw.....	(360) 825-3593
Fircrest.....	(253) 564-8901
Gig Harbor.....	(253) 851-8136
Gold Bar.....	(360) 793-1101
Granite Falls.....	(360) 691-6441
Illwaco.....	(360) 642-3145
Issaquah.....	(425) 837-3100
Lake Stevens.....	(425) 334-1012
Leavenworth.....	(509) 548-5275
Liberty Lake.....	(509) 755-6700
Long Beach.....	(360) 642-4421
Longview.....	(360) 442-5000
Marysville.....	(360) 363-8202
Millwood.....	(509) 924-0960
Milton.....	(253) 922-8733
Monroe.....	(360) 794-7400
Newcastle.....	(425) 649-4444
Olympia.....	(360) 753-8327
Port Orchard.....	(360) 876-7020
Port Townsend.....	(360) 379-4412
Poulsbo.....	(360) 394-9880
Prosser.....	(509) 786-2332
Pullman.....	(509) 338-3342
Richland.....	(509) 842-7313
Ruston.....	(253) 759-3544
Sammamish.....	(425) 295-0500
Sedro Woolley.....	(360) 855-0929
Selah.....	(509) 698-7326
Sequim.....	(360) 683-4908
Shoreline.....	(206) 801-2230
Skykomish.....	(360) 677-2388
Spokane Valley.....	(509) 921-1000
Stanwood.....	(360) 629-2181
Sultan.....	(360) 793-2231
Sumner.....	(253) 863-8300
Tumwater.....	(360) 754-4136
University Place.....	(253) 460-2510
Washougal.....	(360) 835-8501
West Richland.....	(509) 967-3431

Additional cities may join the Business Licensing Service. Visit business.wa.gov/BLS or call 1-800-451-7885 for a current listing.

For assistance or to request this document in an alternate format, visit <http://business.wa.gov/BLS> or call 1-800-451-7885. Teletype (TTY) users may call 360-705-6718. BLS 700-032 (06/25/12) Page 4 of 4

BUSINESS LICENSE PROGRAM COMPARISON
March 2013

CITY	EXEMPTIONS	FEE	REGULATORY LICENSES	CAN I APPLY ONLINE?	BUSINESSES LOCATED OUTSIDE CITY
Bothell	deliveries	Based on FTE's+type of business +sq footage+ special classification. No fee for non profits or businesses with <\$12,000 gross income per year	Special Classification: Peddler, pawn, amusement devices, second hand dealer, public dance	no	required
Kirkland	No	\$100 base + \$100 per FTE; \$50 base for non profits and businesses with <\$12,000 gross income per year		no	required
Lake Forest Park	no	\$30 for businesses located in city, \$60 for businesses located outside city. B&O tax rate is .002 of gross sales	Second hand dealers fee is \$60	no	required
Kenmore (proposed)	Deliveries, <\$10,000 gross income per year	\$25; no fee for non profits	yes	Yes (through WA Dept of Revenue)	required

City of Bothell

Business License Information

Who needs a Business License?

- All persons conducting business within the Bothell City limits, with the following exemptions:
 - Public utilities
 - Delivery of goods purchased outside the City limits
 - Farmers peddling their own produce
 - Businesses operated in conjunction with a non-profit community festival that is limited to three consecutive days or 12 total days per year (Need to register with the Community Development Department)
 - Certain non-profit enterprises (Need to register with the Community Development Department)
 - Businesses with a gross income of less than \$1,000 per month (Need to register with the Community Development Department)
- Branches of the same business need a separate license for each location.
- One license can cover a business with two business activities at the same address.
- Special regulatory licenses are issued through the Community Development Department for peddlers, ice cream vendors, and amusement devices.
- Contractor's licenses are required for companies based outside the City limits that provide services within the City limits.

How do I apply for a Business License?

- Applications are available by fax. **Completed applications are not accepted by fax.**
- Applications can be downloaded from the City of Bothell Website:
www.ci.bothell.wa.us (Select City Services and scroll down to Licenses & Passport)
- Applications can be picked up at City Hall, the Dawson Building, or the Downtown Fire Station.

Bothell City Hall
18305 101st Ave NE

Bothell Dawson Building
9654 NE 182nd St

Bothell Fire Station
10726 Beardslee Blvd

- Please allow two weeks for processing. Return the completed application with appropriate fee to:

City of Bothell
9654 NE 182nd St
Bothell, WA 98011

What are the Business License fees?

- See the Business License Fee Schedule, as authorized by Resolution No. 1262 (2010)

How can I renew my Business License?

- Your license period will run from July 1 to June 30. You will receive a renewal by mail during the month of June.

If you have questions regarding business licensing, or if you have special regulatory license needs, please contact:

Community Development – Administrative Services Division
Phone: (425) 486-8152
Liz.scanlon@ci.bothell.wa.us

2013 Business License Fee Schedule

Contractors Please Note:

In-City Contractors: Pay the appropriate fees from Categories A, B, and C.
Out-of-City Contractors: Pay fees from Category A and B only.

New for 2013:

For new licenses applied for between January 1 and June 30 of each year, the fee for the license shall be 50 percent of the business license fee schedule currently in effect at the time of application (per Ordinance 2098).

Locate the Appropriate Fees From Each of the Following Categories and Enter on Application Form

CATEGORY A – Number of Employees				
*Business owner counts as one employee.	Number of Employees	License Fee	Number of Employees	License Fee
	0-2	\$24.00	51-75	\$472.00
	3-10	\$68.00	76-100	\$629.00
	11-25	\$144.00	101+	\$629.00 + \$7.00 for each employee over 100
	26-50	\$313.00		
CATEGORY B – Type of Business				
Code	Business Type	Description	Fee	
100	Public Assembly	Public recreation, funeral homes, clubs, restaurants, food service, and theater.	\$66.00	
150	Non-Profit Organization	An enterprise, without private profit for a public, charitable, educational, literary, or fraternal purpose, when its not-for-profit status is demonstrated through Internal Revenue Service Documentation.	No fees, registration required	
200	Educational Use	Various types of training schools.	\$66.00	
300	Institutional Use	Health care facilities of various types. Adult daycare centers and adult family homes.	\$66.00	
400	Residential	Business where primary use is residential. Includes hotels, motels, and lodging houses. For home offices, see "Store, Office" below.	\$48.00	
401	Apartments	All apartments are included.	\$261.00	
*500	Store, Office	Business involved in the sale, service, or maintenance of products.	\$33.00	
501	Contractors – in-City	Contractors who maintain a home office within the City limits, but do not have employees working at that home office location.	\$33.00	
502	Contractors – out of City	Contractors based outside the City limit. (Pay fees from Category A based on # of employees working in City of Bothell)	\$33.00	
503	Gross Proceeds Less Than \$1,000 Per Month	Business whose gross monthly proceeds are less than \$1,000.	No fees, registration required	
506	Home Occupation Business	Home-based business where the primary use of the dwelling is residential. Maximum of 2 workers, one of whom must reside in that home.	\$33.00	
507	Family Daycare Home	State-licensed daycare provider who regularly provides daycare for not more than 12 children in the provider's home in the family living quarters.	\$17.00 fee from Category B only.	
600	Basic Industry, Utility	Research/laboratory, military/defense, communications.	\$83.00	
700	Manufacturing Use	Manufacturing/assembling of goods.	\$83.00	
800	Storage Use	All types, except hazardous waste.	\$66.00	
CATEGORY C – Square Footage				
Square Footage		License Fee	Square Footage	License Fee
Less than 3,000		\$0	17,001 to 20,000	\$1,983.00
3,001 to 5,000		\$50.00	20,001 to 50,000	\$2,393.00
5,001 to 10,000		\$81.00	Greater than 50,000	\$4,160.00
10,001 to 15,000		\$1,284.00	Greater than 50,000	\$2,773.00 (Apartments only)
15,001 to 17,000		\$1,767.00		
SPECIAL CLASSIFICATIONS				
505	Peddler	Persons who travel door-to-door, or street-to-street, selling their wares. Includes ice cream vendors	\$81.00 initial fee \$38.00 investigation fee \$17.00 annual renewal fee	
508	Amusement Game Device	Amusement game device located within a store, office, public assembly business, etc.	\$41.00 per game device	
509	Secondhand Dealer	Resale of used goods.	\$43.00	
510	Public/Teen Dance	Any dance that is open to the public and which is conducted for a profit, either direct or indirect, or that requires a monetary payment or contribution from the persons admitted.	\$479.00	
511	Pawnbroker	Receives goods, wares, or merchandise for repayment of security of any money loaned; or loans money on deposit of personal property; or publicly displays sign indicating money to loan on personal property on deposits or pledge.	\$161.00	
OTHER FEES				
Change of Business Location		\$24.00	Change of Business Owner	\$24.00
			Duplicate License	\$4.00

*Ground floor storefronts on Main Street west of 102nd Ave NE and along the Bothell-Everett Highway from SR 522 to one-half block north of NE 185th Street must be pedestrian oriented retail, as defined in the Downtown Subarea Plan and Regulations.

Updated 1/13



FREQUENTLY ASKED QUESTIONS about the City of Kirkland Business License Program

Whether you are a new or longtime Kirkland business, the City is pleased that you have chosen Kirkland as the place to operate your business. The City's Licensing Division is available to assist you in your business license application. This "Frequently Asked Question" flyer is intended to help answer questions you may have about the licensing process.

City of Kirkland Business License Division
Kirkland City Hall
123 5th Avenue, Kirkland, WA 98033
Monday-Friday, 8 a.m. to 5 p.m.
425-587-3140
www.ci.kirkland.wa.us/business_license@ci.kirkland.wa.us

About the business license application process

Q: When is a City of Kirkland business license required?

A: As a person or company conducting business within Kirkland city limits, you must obtain a license prior to commencing the business, whether you are operating from a fixed location in the City or from an outside location to provide services within city limits.

Q: How do I apply for a City of Kirkland business license?

A: Application forms are available at the Business License Division, Kirkland City Hall or may be downloaded from the City's website. Because your signature is required on the application, you must mail or submit it at the counter for processing to begin. You will receive your license or be notified that your application has been denied within 30 days of the City receiving your application.

Q: Can I apply for a Kirkland business online?

A: No. At this time, forms must be submitted or mailed to the Business License Division, Kirkland City Hall, 123 5th Avenue, Kirkland, WA 98033.

Q: When does my Kirkland business license expire?

A: Your license becomes effective upon issuance and is valid for exactly one year (12 months). For example, if you receive your city business license in May 2009, your renewal will be due in May 2010. As your "anniversary" date of receiving the license approaches, you will receive a notice from the City to renew.

Q: If my business is conducted from my home, do I need a business license?

A: Yes. Home occupations require a Kirkland business license and a Home Occupation Agreement. If there are land use/zoning issues associated with your home occupation, you may need a Home Occupation Permit. Contact the Planning Department at 425-587-3225 to determine if you need a Home Occupation Permit.

Q: If I'm a subcontractor working for a general contractor, do I need a City business license?

A: Yes. Both you and your general contractor need to obtain a business license from the City.

Q: Will the City issue a business license if I don't have my Washington State License?

A: No. You must obtain the state and city business license prior to commencing your business in Kirkland. For state business license information, go to www.dol.wa.gov/business.

Q: Is a business license required for a temporary business?

A: Yes. A temporary license is required if you are conducting a business for up to 35 consecutive days. You may only receive one temporary license per year (otherwise a regular business license is required). The fee is \$50.

Q: Is the Business License Fee a Business & Occupation (B&O) Tax on Gross Revenues?

A: No. The business license fee is based on the number of full-time equivalent employees (FTEs).

Q: What if I don't obtain a Kirkland business license?

A: A City business license is required prior to starting (opening) your business. Failure to obtain a new license or a renewal for your operating business will subject you to a graduated penalty.

- Up to 29 days late, a penalty of \$25 or 10% of the amount of the license, whichever is greater;
- Between 30-59 days late, a penalty of \$50 or 50% of the amount of the license, whichever is greater;
- More than 60 days late, a penalty of \$100 or 100% of the amount of the license, whichever is greater.

Q: Are utilities (telecommunications, cable, electric, natural gas and sanitation) subject to the business license fee?

A: Yes. Utilities are subject to both the base fee and per FTE charge, in addition to applicable utility taxes.

About calculating your business license fee

Q: What is the formula to calculate my business license fee?

A: Your business license fee is calculated by adding a base fee of \$100 to a \$100 per full-time employee fee. A simplified equation is shown to the right and would apply to businesses that are not exempt from the base fee (non-profits) or the per full-time employee fee.

Number of FTEs _____ x \$100 = \$ _____

Plus: Base Fee = \$ 100.00

Total Fee = \$ _____

Q: How do I calculate full-time employees?

A: A full-time equivalent (FTE) is calculated by dividing the total number of hours worked by all part-time employees by 1,920 hours to arrive at your company's FTE count.

Q: How do I calculate temporary employees?

A: Where there are employees who work less than 1,920 hours per year, the total number of hours worked by all such employees during the previous four (4) quarters shall be added together and divided by 1,920. A fraction of .5 or over shall be rounded up.

Q: How do I calculate contract employees?

A: If you hire a contract employee, the company through which you hired the contractor, must obtain a business license. Therefore, contract employees should not be part of your total FTE calculation. However, businesses are required to report temporary employee hours and the name and address of the temporary agency.

Q: If I am my company's only employee, do I need to obtain a city business license?

A: Yes. You would need to pay the base fee of \$100 and \$100 for one FTE (you).

Q: What exemptions are allowed in the business license program?

A: Generally speaking, **non-profit, government and religious organizations** are exempt from the business license fee, but not the license. A small business that receives less than \$12,000 in annual gross revenue must obtain a license and pay a \$50 base fee but is exempt from the per-employee fee.

Q: How do I determine if my annual gross revenue is less than \$12,000?

A: Annual gross revenue consists of 100% receipts received by the businesses in one year, with no deductions.

About paying your business license fee

Q: When do I need to pay for the business license fee?

A: Payment for your business license fee is due at the time of your first time application or renewal.

Q: What payment methods are available to pay for my business license fee?

A: Full payment for your business license fee can be paid by cash, check, and VISA or Mastercard. (Installment payments are not available).

17425 Ballinger Way NE
Lake Forest Park, WA 98155
Telephone: 206-368-5440
FAX: 206-957-2830



Please find enclosed a business license application form for the City of Lake Forest Park. A business license is required for businesses located in or doing business in the city.

Contractors applying for building or mechanical permits must complete and submit the business license application form along with the application fee. The business license will be issued within 2-3 weeks. The business license fee is as follows:

Businesses Located in LFP	\$30.00
Businesses Located Outside LFP	\$60.00
Secondhand Dealers located in LFP	\$60.00

Issued for Calendar Year – January through December

A business B&O tax form is required to be completed by businesses on a quarterly basis. The tax rate is two tenths of one percent (.002) of gross sales.

The enclosed information sheet regarding business license and tax collection provides additional information regarding doing business in Lake Forest Park. If you have further questions, please contact me at the telephone number or email address listed below.

Thank you.

Heidi Dunlap-Inglis
Accountant
(206) 368-5440 xt 132
heidi@ci.lake-forest-park.wa.us

Enclosures



City of Lake Forest Park
17425 Ballinger Way NE
Lake Forest Park, WA 98155
(206)368-5440 (206) 957-2830 (FAX)

BUSINESS LICENSE AND TAX COLLECTION INFORMATION

General

1. All businesses located or doing business in Lake Forest Park must be licensed. A business license application form must be completed and signed, along with the business license fee which is listed on the current fee schedule annually, based on the calendar year. After the application is processed, which takes up to two to three weeks, a license will be mailed to the business owner for display at the business location. (LFP Municipal Code, 5.04.190)
2. On a quarterly basis, a business tax of two tenths of one percent of the gross proceeds of the business is due and a tax return will be mailed to the business owner. Businesses collecting less than \$5,000.00 per quarter in taxable income, shall not be required to pay business tax. The signed return and the tax payment, if applicable, are due one month after the end of each quarter. (LFP Municipal Code 5.04.010-180, 230-240).
3. Deductions from the gross proceeds amount are allowed for the following: contributions, cash discounts, credit losses, excise taxes, interest on residential property, interest on farm loans, and items allowed as deductions for state B&O taxes for financial businesses (banks, loan companies, investment companies) only. (LFP Municipal Code 5.04.170)
4. All businesses, including Home Occupation Businesses, must comply with the land use code governing the property where the business is located. Home Occupation applications are subject to review by the Planning Department.
5. When reporting state sales tax, please make sure to use location code 1717 for the City of Lake Forest Park.
6. Taxes that are delinquent will be turned over for collection. The business owner is responsible for any and all collection fees; attorney and legal fees.

Annual Business Tax Returns

1. Businesses located in LFP at a residential-zoned address may elect to pay taxes on an annual basis. A business tax of two-tenths of one percent of the gross proceeds of the business is due, and a tax return will be mailed to the business owner.
2. Businesses which collect less than \$20,000.00 in taxable income for the year, or less than \$5,000.00 per quarter shall not be required to pay business tax.
3. Businesses choosing the annual reporting (available to LFP residential addresses only) option must notify the city or they will be considered quarterly-reporting businesses and will be required to submit quarterly returns and payments.
4. The annual tax return will be mailed on or about January 1st of each year to businesses choosing the annual return option. The return and tax payment, if applicable, is due by January 31st of each year.
5. Businesses converting from quarterly to annual status during the year will be credited for any payments made during the year.

DOR Contract Number: K910

BUSINESS LICENSING SERVICES AGREEMENT**I. Parties and Contact Information**

This Business Licensing Services Agreement ("Agreement") is entered into between the parties identified below:

	State of Washington Department of Revenue Business Licensing Services ("Revenue")	City of Kenmore ("Partner")
Mailing Address	PO Box 47475 Olympia, WA 98504-7475	PO Box 82607 Kenmore WA 98028
Delivery Address	6500 Linderson Way SW, Ste 102 Tumwater, WA 98501	18120 68 th Ave NE Kenmore WA 98028
Contact Person:	Maria Moore Phone: (360) 705-6641 FAX: (360) 705-6699 E-Mail: mariam@dor.wa.gov	Rob Karlinsey, City Manager Phone: (425) 398-8900 FAX: (425) 481-3236 E-Mail: rkalinsey@kenmorewa.gov

II. Purpose.

The purpose of this Agreement is to establish the terms under which the Business Licensing Services Division of the Department of Revenue will act as Partner's agent for the purpose of collecting, processing, and disbursing information, licenses, and fees related to Partner's licensing or other regulatory activities. Partner retains all power and authority over its business licensing and other regulatory activities except as expressly delegated to Revenue under this Agreement.

III. Effective date.

This Agreement is effective as of (*check one*): ☐ (mm/dd/yyyy).

☒ the date of the last signature of the parties.

IV. Services provided by Revenue

Revenue will perform the services identified in this Section IV using best efforts in a manner determined by Revenue in good faith to be appropriate considering objectives, costs, and effectiveness.

- Distribute and process initial and renewal internet and/or paper-based applications for Partner's business licensing and/or other regulatory activities.
- Collect and process license fees and licensing information received from applicants and licensees. Disburse collected fees as directed by Partner.
- Issue Business License with Partner's license endorsement as authorized by Partner.
- Provide routine reports on Partner's business licenses as requested by Partner, which may include daily lists of new business applications and renewals, fees processed each day, weekly list of pending accounts, and lists of businesses for which fees have been transferred.

- Maintain electronic or microfilm images of all paper documents and electronic representations of electronic filings received by Revenue from applicants and provide copies or certified copies as requested.
- Maintain a database containing information received from applicants and licensees (the BLS Database).
- Provide technical assistance to establish and configure appropriate BLS Database access and secure access for Partner staff.
- Provide initial training to Partner staff in the use of the BLS Database, and ongoing training to address changes to the BLS database/access protocols or in Partner staff. Training will occur at Partner's location, over the telephone, or online, as agreed upon by the parties.
- Effect reasonable modifications in the BLS system, database, process, or forms to accommodate Partner's licensing or other regulatory requirements. Revenue will consult with Partner in evaluating alternatives and determining the most feasible and timely means of achieving Partner objectives.
- Timely notify Partner of other modifications to the BLS system, database, process, or forms, including modifications accommodating other BLS partners.

V. Partner obligations

- Timely provide Revenue with all information requested to implement Partner's participation in the BLS program.
- Follow all requirements identified by Revenue as necessary for participation in the BLS program, including using :
 - The Business License Application and other forms and processes established by Revenue;
 - The "Business License" document for proof of licensure under Partner's licensing or regulatory program.
 - The Unified Business Identifier (UBI) number to identify licensees and license accounts in all communications with Revenue.
- Obtain and maintain at its own cost, all necessary equipment and on-line services required at Partner's business location(s) to support Partner's access into and use of the BLS Database. End-to-end testing will take place until such time as Revenue is satisfied.
- Ensure Partner Licensing and Information Technology staff are available to respond promptly to Revenue. Partner staff will be knowledgeable of Partner operations and/or technology and be able to assist Revenue staff with process improvements and/or troubleshooting.
- Provide timely advance notice to Revenue of potential changes to Partner business licensing requirements, fees or processes.
- Upon request by Revenue, provide statistical data associated with the BLS Partner Partnership Agreement such as Full Time Equivalent (FTE) savings, change in number of Partner licensees, and change in revenue flow.

VI. Compensation

Services identified in this Agreement are provided by Revenue at no charge with the exception of the following:

- Partner shall reimburse Revenue for all fees charged by credit card processors and/or financial institutions upon any funds charged, collected, or refunded by Revenue in processing applications and /or collecting fees related to Partner's licensing or other regulatory activities.
- Partner shall reimburse Revenue the costs of developing and producing ad hoc informational reports. Ad hoc reports will be created only if requested by the Partner and agreed-upon by Revenue.
- Partner shall reimburse Revenue's expenses for the implementation of changes to the BLS process, if requested by the Partner and agreed-upon by Revenue.
- All project coordination costs, including travel-related expenses, shall be absorbed by the respective parties for their own staff.
- The Partner shall reimburse Revenue for Partner's share of mainframe charges from the Department of Enterprise Services. Partner's share includes per inquiry/entry charge for access and usage of the BLS system, costs required to transmit Word document reports, and costs associated with ad hoc reports requested (if any).

VII. Billing procedures.

Partner will provide and maintain with Revenue its current billing addresses and the personnel, if any, to whom invoices should be directed. Revenue shall submit invoices to Partner as-needed, but in no event more frequently than monthly. Partner shall pay all invoices by warrant or account transfer within thirty (30) calendar days of the invoice issue date. Upon expiration or termination of this Agreement, any claim for payment not already made shall be submitted within ninety (90) calendar days after the expiration/termination date or the end of the fiscal year, whichever is earlier.

VIII. Confidentiality and data sharing.

The parties agree to the confidentiality and data sharing provisions set forth in Exhibit A and incorporated herein by this reference.

IX. Term and Termination.

This agreement is effective until terminated. Either party may terminate this Agreement upon ninety (90) calendar days' prior written notice to the other party.

X. Disputes.

The parties agree to participate in good faith mediation to resolve any disputes that are not otherwise resolved by agreement, prior to any action in court or by arbitration. At any time, either party may initiate formal mediation by providing written request to the other party setting forth a brief description of the dispute and a proposed mediator. If the parties cannot agree upon a mediator within fifteen (15) calendar days after receipt of the written request for mediation, the parties shall use a mediation service that selects the mediator for the parties. Each party shall be responsible for one-half of the mediation fees, if any, and its own costs and attorneys' fees.

XI. Miscellaneous.

- A. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Washington. Any action arising out of this Agreement must be commenced in Thurston County, Washington.
- B. Interpretation. This Agreement shall be interpreted to the extent possible in a manner consistent with all applicable laws and not strictly for or against either party.

- C. No Waiver. The failure of either party to enforce any term in any one or more instance will not be construed as a waiver or otherwise affect any future right to insist upon strict performance of the term. No waiver of any term of this Agreement shall be effective unless made in writing and signed by personnel authorized to bind the party against whom enforcement is sought.
- D. Assignment and Delegation. Either party may assign any right or interest, or delegate any duty or obligation, arising under this Agreement upon thirty (30) days written notice to the other party.
- E. Severability. If any provision of this Agreement is held invalid by a court of competent jurisdiction, the remaining provisions of this Agreement shall be given effect to the extent consistent with applicable law and the fundamental purpose of this Agreement.
- F. Survival. Terms of this Agreement which by their nature would continue beyond termination will survive termination of this Agreement for any reason, including without limitation, Sections 3 through 7 in Exhibit A.
- G. No third party beneficiaries. This Agreement is for the benefit of the parties and their successors and may not be enforced by any non-party.
- H. Amendments. No amendment to this Agreement is enforceable unless made in writing and signed by personnel authorized to bind the party against whom enforcement is sought.
- I. Merger and Integration. This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties.
- J. Changes in law. The provisions of this Agreement shall be deemed to change in a manner that is consistent with any changes to any directly applicable statutory authority, provided that the change is consistent with the manifest intent of this Agreement and does not conflict with any of its express provisions. Any such change to this Agreement shall be effective on the effective date of the change in authority.

IN WITNESS WHEREOF, this Agreement is executed effective as of the date specified above.

State of Washington
Department of Revenue
Business Licensing Services

Partner
City of Kenmore

Date

Date

Template approved as to form

Approved as to form

ON FILE

Rebecca Glasgow,
Assistant Attorney General for Washington State

Date

EXHIBIT A
CONFIDENTIALITY AND DATA SHARING

1. Purpose and Scope

The following provisions establish the terms under which Revenue and Partner will share Confidential Licensing Information pursuant to the BLS Agency Partnership Agreement (the "Agreement").

2. Definitions

"Confidential Licensing Information" has the same meaning as "Licensing Information" under RCW 19.02.115(1) (b) and includes, but is not limited to, any information included in the master applications, renewal applications, and master licenses under the business licensing service program. Confidential Licensing Information is classified as at least Category 3 data under Washington's Standard for Securing Information Technology Assets, OCIO Standard No. 141.10.

3. Confidentiality

Partner and Revenue each agree to keep confidential and secure from unauthorized use, access, or disclosure, all Confidential Licensing Information received under the Agreement.

- A. **Ensuring Security:** Partner and Revenue shall each establish and implement physical, electronic, and managerial policies, procedures, and safeguards to ensure that all Confidential Licensing Information received by it under this Agreement is secure from unauthorized use, access, or disclosure.
- B. **Electronic Security:** Partner's electronic security policies, procedures, and safeguards must be at least as stringent as those set forth in *Washington's Standard for Securing Information Technology Assets*, OCIO Standard No. 141.10, as amended from time to time.
- C. **Proof of Security.** Revenue reserves the right to monitor, audit, or investigate Partner's security policies, procedures, and safeguards for Confidential Licensing Information. Partner agrees to provide information or proof of its security policies, procedures, and safeguards as reasonably requested by Revenue.

4. Statutory Prohibition Against Disclosure: Secrecy Affidavit

- A. **Criminal Sanctions.** RCW 19.02.115 prohibits the disclosure of Confidential Licensing Information, except as expressly authorized by RCW 19.02.115. It is a misdemeanor for any person acquiring Confidential Licensing Information under this Agreement to disclose such information in violation of the disclosure limitations stated in RCW 19.02.115. Additionally, if the person is a state officer or employee, the person must forfeit such office or employment and is incapable of holding any public office or employment in Washington for a period of two years thereafter.
- B. Partner will require employees with access to Confidential Licensing Information to sign a copy of the secrecy affidavit attached at Exhibit B.

5. Authorized Use, Access, and Disclosure

- A. **Permitted Uses:** Confidential Licensing Information may be used for official purposes only.
- B. **Permitted Access:** Confidential Licensing Information may be accessed only by Partner's employees and agents that have a bona fide need to access such information in carrying out their official duties.
- C. **Permitted Disclosure:** Confidential Licensing Information received under the Agreement must not be disclosed to non-parties unless the disclosure is:
 - permitted under an express disclosure exception in RCW 19.02.115;

- ordered under any judicial or administrative proceeding; or
 - otherwise expressly authorized by Revenue in writing.
- D. Public Records Requests: In the event that Partner reasonably believes that it must disclose information pursuant a Public Records Request, and Partner is prohibited from disclosing such information under the terms of this Agreement, Partner must give notice to DOR of its intention to disclose. The notice shall be provided at least 14 business days in advance of disclosure, the notice shall contain a copy of the public records request, and the notice shall reasonably identify the information that Partner believes is prohibited from disclosure under this Agreement.

6. Breach of Confidentiality

In the event of any use, access, or disclosure of by Partner or its employees or agents in material violation of the confidentiality terms of this Agreement:

- A. Partner shall notify Revenue in writing as soon as practicable, but no later than three working days, after determining that a violation has occurred.
- B. Revenue may immediately terminate this Agreement and require the certified return or destruction of all records containing Confidential Licensing Information, however, Revenue shall provide Partner with an electronic record containing all information collected for Partner's licensing or other regulatory activities in an electronic medium.

7. Ownership and Retention of Records

Records furnished to Partner in any medium remain the property of Revenue. However, except as otherwise expressly provided in this Agreement, Partner may retain possession of all such records in accordance with its own electronic information and document retention policies.

****end*****

Confidentiality Affidavit

"Licensing Information" that is collected and maintained through the Business Licensing Service program is confidential and may not be disclosed by any person unless and to the extent expressly authorized by statute.

"Licensing Information" is defined under RCW 19.02.115(1)(b) and includes, without limitation, all information included in any master business license application, renewal application, or master license under the BLS program. It is a misdemeanor for any person to disclose this confidential Licensing Information except under certain limited circumstances.

The Department of Revenue requests that each employee of any city, county, agency, or other entity participating in the BLS program who has access to Licensing Information read and become aware of the definition of "Licensing Information," as well as the limitations and exceptions on disclosures.

By signing below, you acknowledge that you have read RCW 19.02.115 and agree to abide by the confidentiality requirements of state law.

State of Washington

County of _____

I, _____, employed by _____
swear or affirm that I have read the attached statutes and understand their requirements.

Dated: _____

(Signature)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____

(Signature of Notary Public)

My appointment expires _____

BLS 700-003 (06/01/12)

RCW 19.02.115

Licensing information — Authorized disclosure — Penalty.

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner licensing information;

(b) "Licensing information" means any information created or obtained by the department in the administration of this chapter and chapters 19.80 and 59.30 RCW, which information relates to any person who: (i) Has applied for or has been issued a license or trade name; or (ii) has been issued an assessment or delinquency fee. Licensing information includes master applications, renewal applications, and master licenses; and

(c) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency.

(2) Licensing information is confidential and privileged, and except as authorized by this section, neither the department nor any other person may disclose any licensing information. Nothing in this chapter requires any person possessing licensing information made confidential and privileged by this section to delete information from such information so as to permit its disclosure.

(3) This section does not prohibit the department of revenue from:

(a) Disclosing licensing information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In which the person about whom such licensing information is sought and the department, another state agency, or a local government are adverse parties in the proceeding; or

(ii) Involving a dispute arising out of the department's administration of chapter 19.02, 19.80, or 59.30 RCW if the licensing information relates to a party in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director prescribes by rules adopted pursuant to chapter 34.05 RCW, such licensing information regarding a license applicant or license holder to such license applicant or license holder or to such person or persons as that license applicant or license holder may designate in a request for, or consent to, such disclosure, or to any other person, at the license applicant's or license holder's request, to the extent necessary to comply with a request for information or assistance made by the license applicant or license holder to such other person. However, licensing information not received from the license applicant or holder must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the license applicant, license holder, or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies, which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the license applicant or license holder by the order of any court;

(c) Publishing statistics so classified as to prevent the identification of particular licensing information;

(d) Disclosing licensing information for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions, or licensing;

(e) Permitting the department's records to be audited and examined by the proper state officer, his or her agents and employees;

(f) Disclosing any licensing information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax or license enforcement. A peace officer or county prosecuting attorney who receives the licensing information may disclose that licensing information only for use in the investigation and a related court proceeding, or in the court proceeding for which the licensing information originally was sought;

(g) Disclosing, in a manner that is not associated with other licensing information, the name of a license applicant or license holder, entity type, registered trade name, business address, mailing address, unified business identifier number, list of licenses issued to a person through the master license system established in chapter 19.02 RCW and their issuance and expiration dates, and the dates of opening of a business. The department is authorized to give, sell, or provide access to lists of licensing information under this subsection (3)(g) that will be used for commercial purposes;

(h) Disclosing licensing information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(i) Disclosing any licensing information when the disclosure is specifically authorized under any other section of the Revised Code of Washington;

(j) Disclosing licensing information to the proper officer of the licensing or tax department of any city, town, or county of this state, for official purposes. If the licensing information does not relate to a license issued by the city, town, or county requesting the licensing information, disclosure may be made only if the laws of the requesting city, town, or county grants substantially similar privileges to the proper officers of this state; or

(k) Disclosing licensing information to the federal government for official purposes.

(4) The department may refuse to disclose licensing information that is otherwise disclosable under subsection (3) of this section if such disclosure would violate federal law or any information sharing agreement between the state and federal government.

(5) Any person acquiring knowledge of any licensing information in the course of his or her employment with the department and any person acquiring knowledge of any licensing information as provided under subsection (3)(d), (e), (f), (j), or (k) of this section, who discloses any such licensing information to another person not entitled to knowledge of such licensing information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person must forfeit such office or employment and is incapable of holding any public office or employment in this state for a period of two years thereafter.

[2011 c 298 § 12.]

BLS 700-003 (06/01/12)

BUSINESS REGISTRATION

April 2013



**CITY OF KENMORE
PROPOSED
ORDINANCE NO. 13-0356**

PROPOSAL



- CREATE A LOCAL BUSINESS REGISTRATION PROGRAM WITH ANNUAL RENEWAL
- PARTNERSHIP WITH WASHINGTON DEPARTMENT OF REVENUE BUSINESS LICENSING SERVICE
- 2009 ECONOMIC DEVELOPMENT STRATEGY RECOMMENDATION

CURRENT REQUIREMENTS



- NO GENERAL CITY LICENSE OR REGISTRATION REQUIRED FOR KENMORE-BASED BUSINESSES
- NO REQUIRED REGISTRATION FOR BUSINESSES LOCATED OUTSIDE KENMORE BUT DOING BUSINESS IN KENMORE
- REGULATORY LICENSES REQUIRED FOR ENTERTAINMENT, MASSAGE, GO-KARTS, SECOND-HAND, PAWN SHOP, PEDDLERS
- HOME OCCUPATION LAND USE REQUIREMENTS

EXPECTED BENEFITS



- EASIER TO CONNECT WITH BUSINESSES
- INFORMATION ON TYPES OF BUSINESSES AND POTENTIAL BUSINESS CLUSTERS
- HOME OCCUPATIONS
- HELPFUL IN DESIGNING ECONOMIC DEVELOPMENT INITIATIVES AND ASSISTANCE
- PROVIDES DATA FOR MARKETING AND BUSINESS RECRUITMENT

GOALS FOR PROGRAM DESIGN



- LOW FEE
- CONVENIENT TO APPLY AND RENEW
- RETURN ON INVESTMENT
- EFFICIENT TO ADMINISTER
- USEFUL FOR EMERGENCY INFORMATION

WHO WOULD REGISTER?



- ANNUAL GROSS INCOME OVER \$10,000 (NOTE RECOMMENDED REVISION TO \$12,000)
- BASED IN KENMORE
- BASED OUTSIDE THE CITY BUT DOING BUSINESS IN KENMORE
- MULTIPLE LOCATIONS IN CITY
- MULTIPLE BUSINESSES IN ONE LOCATION
- NON-PROFIT ORGANIZATIONS (AT NO FEE)

EXEMPT FROM BUSINESS REGISTRATION



- UNDER \$10,000 GROSS ANNUAL INCOME*
- DELIVERY IS ONLY ACTIVITY IN KENMORE
- MINORS WITH BABYSITTING/LAWN CARE
- SCHOOLS OR UNIVERSITIES
- CHURCHES AND OTHER RELIGIOUS BODIES
- GOVERNMENT ORGANIZATIONS
- POLITICAL ORGANIZATIONS

*REVISION RECOMMENDED

ENFORCEMENT FEATURES



- REGISTRATION MAY BE DENIED, SUSPENDED OR REVOKED
 - VIOLATIONS OF HEALTH, SAFETY, FIRE REQUIREMENTS
 - FRAUD OR MISREPRESENTATION
 - PUBLIC NUISANCE
 - UNLAWFUL ACTIVITY
 - NON PAYMENT OF CIVIL PENALTY
 - NON PAYMENT OF TAXES

BUSINESS LICENSING SERVICE



- DEPARTMENT OF REVENUE (DOR)
- OVER 50 CITIES CURRENTLY PARTICIPATE
- FEE STRUCTURE
- DOR HANDLES APPLICATION, RENEWALS, NOTICES
- REPORTS PROVIDED TO CITY
- CITY HAS APPROVAL AUTHORITY
- ONLINE APPLICATION AND TRANSACTIONS FOR BUSINESSES

COMPARISON TO OTHER CITIES



- KENMORE IS ONE OF FIVE (5) CITIES OF THE 58 CITIES IN KING AND SNOHOMISH COUNTIES WITHOUT A GENERAL BUSINESS REGISTRATION/LICENSE REQUIREMENT
- OTHER CITIES WITHOUT BUSINESS LICENSE/REGISTRATION: BEAUX ARTS VILLAGE; HUNTS POINT; MEDINA; YARROW POINT
- PROPOSED STRUCTURE IN RELATION TO NEIGHBORING CITIES

DECISION SEQUENCE



- PUBLIC HEARING AND ACTION 22 APRIL 2013
- EFFECTIVE DATE 1 JULY 2013
- PROPOSED REVISIONS FOR REGULATORY LICENSES
- FEE RESOLUTION AMENDMENT(S)

QUESTIONS?

