



## Legislation Passed June 11, 2024

The Tacoma City Council, at its regular City Council meeting of June 11, 2024, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 41443**

A resolution awarding a contract to Miles Resources, LLC, in the amount of \$1,259,417.40, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$1,448,330.01, budgeted from the Solid Waste Fund, for pavement repair and security gate upgrades at the Solid Waste Recovery and Transfer Center - Specification No. ES23-0081F.

[Jody Bratton, P.E., Senior Engineering Project Manager; Michael P. Slevin III, Director, Environmental Services]

### **Resolution No. 41444**

A resolution reappointing Carlos Watson to the Tacoma Public Utility Board to serve a five-year term, effective July 1, 2024, to expire June 30, 2029.

[Deputy Mayor Hines and Council Members Bushnell, Daniels, and Rumbaugh]

### **Resolution No. 41445**

A resolution awarding a contract to Miles Resources, LLC, in the amount of \$4,297,827.15, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$4,942,501.22, budgeted from various departmental funds, for the construction of a shared-use path along South Tacoma Way between South "M" Street and South Sprague Avenue - Specification No. PW23-0130F.

[Chris Storey, P.E., Principal Engineer; Ramiro A. Chavez, P.E. PgMP, Director, Public Works]

### **Resolution No. 41446**

A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Stealth Investments LLC, for the development of ten multi-family market and regulated rate rental housing units, located at 2106 South "J" Street in the Downtown Regional Growth Center.

[Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

### **Resolution No. 41447**

A resolution declaring surplus and authorizing the execution of a Quit Claim Deed and other necessary documents to convey a 1,409 square-foot City parcel adjacent to 3803 North Monroe Street to abutting owner Tania Rose Posa for the amount of \$20,384.84.

[Troy Stevens, Senior Real Estate Specialist; Ramiro A. Chavez, P.E. PgMP, Director, Public Works]

**Resolution No. 41448**

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$12,500, to sponsor attendance of Tacoma youth at a youth week event in Fuzhou, China.  
[Mayor Woodards]

**Resolution No. 41449**

A resolution authorizing the one-time use of Council Contingency Funds, in the amount of \$25,000, to support broken window replacement along Broadway's Antique Row.  
[Mayor Woodards]

**Ordinance No. 28969**

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, by amending Section 1.12.920, entitled "Protection of officers and employees against personal legal liability," and Section 1.12.940, entitled "Determination of scope of employment," to comply with the requirements of Washington State law regarding defense of City officers and employees for acts in the course of employment.  
[Steve Victor, Chief Deputy City Attorney; Chris Bacha, City Attorney]

**Ordinance No. 28970**

An ordinance amending Chapter 1.90 of the Municipal Code, relating to the Local Employment and Apprenticeship Training Program, by amending various sections, to replace outdated elements and strengthen program outcomes.  
[Deborah Trevorrow, Workforce Programs Analyst; Jeff Robinson, Director, Community and Economic Development]



## RESOLUTION NO. 41443

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Miles Resources, LLC, in the amount of \$1,259,417.40, plus applicable  
4 taxes, plus a 15 percent contingency, for a cumulative total of  
5 \$1,448,330.01, budgeted from the Solid Waste Fund, for pavement repair  
6 and security gate upgrades at the Solid Waste Recovery and Transfer  
7 Center, pursuant to Specification No. ES23-0081F.

8 WHEREAS the City has complied with all applicable laws and processes  
9 governing the acquisition of those supplies, and/or the procurement of those  
10 services, inclusive of public works, as is shown by the attached Exhibit "A,"  
11 incorporated herein as though fully set forth, and

12 WHEREAS the Board of Contracts and Awards has concurred with the  
13 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

14 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

15 Section 1. That the Council of the City of Tacoma concurs with the Board of  
16 Contracts and Awards to adopt the recommendation for award as set forth in the  
17 attached Exhibit "A."  
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Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Miles Resources, LLC, in the amount of \$1,259,417.40, plus applicable taxes, plus a 15 percent contingency, for a cumulative total of \$1,448,330.01, budgeted from the Solid Waste Fund, for pavement repair and security gate upgrades at the Solid Waste Recovery and Transfer Center, pursuant to Specification No. ES23-0081F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41444

1 BY REQUEST OF DEPUTY MAYOR HINES, AND COUNCIL MEMBERS  
2 BUSHNELL, DANIELS, AND RUMBAUGH

3 A RESOLUTION relating to committees, boards, and commissions; reappointing  
4 Carlos Watson to the Tacoma Public Utility Board.

5 WHEREAS a vacancy exists on the Tacoma Public Utility Board, and

6 WHEREAS, pursuant to City Charter Sections 2.4 and 4.8, the Mayor is  
7 required to appoint the members of the Tacoma Public Utility Board, which must be  
8 confirmed by a majority of the City Council, and

9 WHEREAS, at its meeting of May 21, 2024, the Government Performance  
10 and Finance Committee reviewed applications, interviewed the candidates, and  
11 recommended to the Mayor the reappointment of Carlos Watson to the Tacoma  
12 Public Utility Board, and

13 WHEREAS the Mayor accepts the recommendation of the Committee and  
14 forwards the reappointment of Carlos Watson to serve on the Tacoma Public Utility  
15 Board, subject to confirmation by the City Council; Now, Therefore,

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That Carlos Watson is hereby confirmed and reappointed as a member of the Tacoma Public Utility Board to serve a five-year term, effective July 1, 2024, to expire June 30, 2029.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



## RESOLUTION NO. 41445

1 A RESOLUTION related to the purchase of materials, supplies or equipment, and  
2 the furnishing of services; authorizing the execution of a contract with  
3 Miles Resources, LLC, in the amount of \$4,297,827.15, plus applicable  
4 taxes, plus a 15 percent contingency, for a cumulative contract total of  
5 \$4,942,501.22, budgeted from various departmental funds, for the  
6 construction of a shared-use path along South Tacoma Way between South  
7 "M" Street and South Sprague Avenue, pursuant to Specification No. PW23-  
8 0130F.

9 WHEREAS the City has complied with all applicable laws and processes  
10 governing the acquisition of those supplies, and/or the procurement of those  
11 services, inclusive of public works, as is shown by the attached Exhibit "A,"  
12 incorporated herein as though fully set forth, and

13 WHEREAS the Board of Contracts and Awards has concurred with the  
14 recommendation for award as set forth in the attached Exhibit "A"; Now, Therefore,

15 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

16 Section 1. That the Council of the City of Tacoma concurs with the Board of  
17 Contracts and Awards to adopt the recommendation for award as set forth in the  
18 attached Exhibit "A."  
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Section 2. That the proper officers of the City are hereby authorized to enter into a contract with Miles Resources, LLC, in the amount of \$4,297,827.15, plus applicable taxes, plus a 15 percent contingency, for a cumulative contract total of \$4,942,501.22, budgeted from various departmental funds, for the construction of a shared-use path along South Tacoma Way between South "M" Street and South Sprague Avenue, pursuant to Specification No. PW23-0130F, consistent with Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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





## RESOLUTION NO. 41446

1 A RESOLUTION relating to the multi-family property tax exemption program;  
 2 authorizing the execution of a Multi-Family Housing 12-Year Limited Property  
 3 Tax Exemption Agreement with Stealth Investments LLC, for the  
 4 development of 10 multi-family market-rate and affordable rental housing  
 units located at 2106 South "J" Street in the Downtown Regional Growth  
 Center.

5 WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of  
 6 Washington, designated several Residential Target Areas for the allowance of a  
 7 limited property tax exemption for new multi-family residential housing, and  
 8

9 WHEREAS the City has, through Ordinance No. 25789, enacted a program  
 10 whereby property owners in Residential Target Areas may qualify for a Final  
 11 Certificate of Tax Exemption which certifies to the Pierce County  
 12 Assessor-Treasurer that the owner is eligible to receive a limited property tax  
 13 exemption, and  
 14

15 WHEREAS Stealth Investments LLC is proposing to develop 10 multi-family  
 16 market-rate and affordable rental housing units to consist of:

Number of Units	Type of Unit	Average Size
Market Rate		
7	Studio	432 Square Feet
1	Two bedroom, one bath	938 Square Feet
Affordable Rate		
2	Studio	432 Square Feet

21 WHEREAS the affordable units will be rented to households whose income  
 22 is at or below 70 percent of Pierce County Area Median Income, adjusted for  
 23 household size, as determined by the Department of Housing and Urban  
 24 Development on an annual basis, and rent will be capped at 30 percent of those  
 25 income levels, adjusted annually, and  
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WHEREAS the project will also include three on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 2106 South "J" Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A"; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of 12 years, to Stealth Investments LLC, for the property located at 2106 South "J" Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with



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Stealth Investments LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

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Mayor

Attest:  
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City Clerk

Approved as to form:  
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Deputy City Attorney

Legal description approved:  
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Chief Surveyor  
Public Works Department



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**EXHIBIT "A"**

**PROJECT DESCRIPTION**

Address: 2106 South "J" Street

Tax Parcel: 7685001500

Number of units	Type of Unit	Average Size	Expected Rental Rate
<i>Market Rate</i>			
7	Studio	432	\$1,500
1	Two bedroom, one bath	938	\$2,300
<i>Affordable Rate</i>			
2	Studio	432	\$1,419 (including utility allowance)

The affordable units will be rented to households whose income is at or below 70 percent of Pierce County Area Median Income, adjusted for household size, as determined by the Department of Housing and Urban Development on an annual basis. Rent will be capped at 30 percent of those income levels, adjusted annually. The project will include three parking stalls.

**LEGAL DESCRIPTION**

LOT 2 AND THE NORTH HALF OF LOT 3, BLOCK 18, SMITH & FIFE'S ADDITION TO NEW TACOMA, W.T., ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGES (63), RECORDS OF PIERCE COUNTY, WASHINGTON.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.



## RESOLUTION NO. 41447

1 A RESOLUTION relating to surplus property, authorizing the declaration of  
2 surplus and execution of a Quit Claim Deed and other necessary  
3 documents to convey a 1,409 square-foot City parcel adjacent to 3803  
4 North Monroe Street to abutting owner Tania Rose Posa for the amount of  
5 \$20,384.84.

6 WHEREAS the parcel that is the subject of this surplus action is located  
7 adjacent to 3803 North Monroe Street ("Property"), as more particularly  
8 described in Exhibit "A," and

9 WHEREAS, the Property was acquired by the City on August 3, 1929, by  
10 Local Improvement Assessment Deed recorded under Pierce County recording  
11 number 958404, and

12 WHEREAS the proposed purchaser, Tania Rose Posa, desires to  
13 purchase the City Property to officially combine it with her abutting property, and

14 WHEREAS a request for agency comment on this surplus action was  
15 distributed on March 8, 2023, with a deadline of March 24, 2023, and

16 WHEREAS Real Property Services did not receive any objections to  
17 selling the property; the only comment received was from Tacoma Power to  
18 reserve an easement over a portion of the property, which is being negotiated  
19 separately between the purchaser and Tacoma Power, and

20 WHEREAS the City Manager approved the surplus declaration on March  
21 15, 2023, and per the City's surplus policy, the Puyallup Tribe of Indians was  
22 given the first right of refusal to purchase the property on March 17, 2023, which  
23 was not exercised, and  
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WHEREAS this property is classified as a “Tier 3” Property pursuant to the City’s Policy for the Sale/Disposition of City-owned General Government Real Property, and

WHEREAS the property valuation was determined by staff using a combination of Pierce County Assessor data, an “across the fence” valuation methodology, and an opinion of value provided by the purchaser’s appraiser, and

WHEREAS, there being no foreseeable need for continued City ownership of the Property, the sale of said Property appears to be in the best interests of the City, pending final approval from the City Council; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

Section 1. That continued ownership of the City real property located adjacent to 3803 North Monroe Street, as more particularly described in Exhibit “A,” is not essential to the needs of the City and is hereby declared surplus pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Quit Claim Deed and any other documents necessary to convey the



1 subject property to Tania Rose Posa, for the amount of \$20,384.84, said  
2 documents to be substantially in the form of those on file in the office of the City  
3 Clerk.  
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5 Adopted \_\_\_\_\_  
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8 Attest: Mayor

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10 \_\_\_\_\_  
11 City Clerk

12 Approved as to form: Legal Description Approved:  
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15 Deputy City Attorney Chief Surveyor  
16 Public Works Department  
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**EXHIBIT "A"**

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**PARCEL NO. 5515000091**

THAT PORTION OF "LAWN STRIP" OF BLOCK 3, MARCH-MCCANDLESS ADDITION TO TACOMA, WASHINGTON, AS PER PLAT RECORDED IN BOOK 8 OF PLATS, PAGES 50 IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER LOT 4, BLOCK 3, OF SAID PLAT AND THE EASTERLY MARGIN OF NORTH MONROE STREET;  
THENCE NORTH 01°51'16" EAST ALONG SAID MARGIN, 27.57 FEET TO THE TRUE POINT OF BEGINNING AND AN ANGLE POINT IN SAID BLOCK;  
THENCE NORTH 31°54'27" WEST ALONG NORTHEASTERLY MARGIN OF SAID NORTH MONROE STREET, 17.76 FEET TO A POINT ON A 27.88-FOOT-RADIUS NON-TANGENT CURVE TO THE LEFT (RADIUS POINT BEARING NORTH 70°49'42" WEST);  
THENCE ALONG SAID CURVE 49.71 FEET THROUGH A CENTRAL ANGLE OF 102°09'30" TO SAID MARGIN;  
THENCE NORTH 31°54'27" WEST ALONG SAID NORTHEASTERLY MARGIN, 11.81 FEET TO THE SOUTHWEST CORNER OF BLOCK "C" OF SAID PLAT;  
THENCE NORTH 61°40'04" EAST ALONG THE SOUTH LINE OF SAID BLOCK "C", 47.29 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID BLOCK 3;  
THENCE SOUTH 02°04'44" WEST ALONG THE WEST LINE OF SAID BLOCK, 84.43 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.





## RESOLUTION NO. 41448

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS BUSHNELL  
2 AND WALKER

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$12,500,  
4 budgeted from the Council Contingency Fund, to sponsor attendance of  
5 Tacoma youth to a youth week event in Fuzhou, China.

6 WHEREAS the city of Fuzhou, China ("Fuzhou"), has proudly been the City  
7 of Tacoma's Sister City for 30 years, and Tacoma's participation in this program  
8 has resulted in significant economic development benefits for the City, including  
9 foreign capital investment primarily from China, and

10 WHEREAS from June 21 to June 30, 2024, Fuzhou will be hosting a youth  
11 week event that is a significant component of the 30th anniversary celebrations of  
12 the Sister City relationship between the City and Fuzhou, and as part of this  
13 momentous occasion, Fuzhou has extended a special invitation to the City to send  
14 a delegation of up to ten students to participate in this unique cultural and  
15 educational exchange, and

16 WHEREAS during this event, Tacoma students will have the extraordinary  
17 opportunity to join approximately 150 students from various parts of the United  
18 States, as well as about 160 Chinese students, at a gathering that aims to foster  
19 international friendship, cultural understanding, and mutual learning among the  
20 youth of our two nations, and

21 WHEREAS, although China as the host country will generously cover most  
22 of the expenses associated with this event, some costs including certain fees and  
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1 additional expenses, will need to be borne by the students and their families, and  
2 may pose a financial barrier to participation for some students, and

3 WHEREAS to ensure full Tacoma participation in this important Sister Cities  
4 event, Tacoma's funding will be concentrated on reducing necessary expenditures  
5 such as visa applications and any travel costs that are not included in the  
6 comprehensive invitation from Fuzhou, and  
7

8 WHEREAS, at the June 4, 2024, Study Session, Mayor Woodards shared a  
9 Council Consideration Request to authorize the one-time use of \$12,500 from the  
10 Council Contingency Fund to sponsor attendance of Tacoma youth to Fuzhou  
11 Youth Week, convening in late June 2024, and City staff will establish agreements,  
12 terms, and deliverables for the City's investment in this economic development  
13 effort, and  
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15 WHEREAS, RCW 35.34.250 and 35.34.260 authorize a withdrawal from the  
16 Council Contingency fund for any municipal expense, the necessity or extent of  
17 which could not have been foreseen or reasonably evaluated at the time of  
18 adopting the budget, and Tacoma Ordinance No. 22569 requires an affirmative vote  
19 of not less than six members of the Council in order to withdraw moneys from this  
20 fund, and  
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22 WHEREAS, the City Council finds that full Tacoma participation in this  
23 extraordinary Sister City event which marks the 30th anniversary of the Sister City  
24 relationship between Tacoma and Fuzhou is a fundamental governmental purpose  
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1 within the City's authority to provide for economic development and investment in  
 2 the City of Tacoma, and further that the maintenance of the relationship with  
 3 Fuzhou will continue to promote economic activity in Tacoma which is sufficient  
 4 consideration to the public to justify the City's investment; Now, Therefore,

5 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

6 Section 1. That the foregoing recitals are hereby adopted as the City  
 7 Council's legislative findings.

8 Section 2. That one-time funding in the amount of \$12,500, budgeted from  
 9 the Council Contingency Fund, is hereby approved for the purpose of ensuring full  
 10 participation of Tacoma youth to a youth week event in Fuzhou, China, which  
 11 commemorates the 30th anniversary of the Sister City relationship between  
 12 Tacoma and Fuzhou.

13 Section 3. That City staff under the direction of the City Manager will  
 14 establish agreements, terms, and deliverables for the City's investment in this  
 15 economic development effort.  
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17 Adopted \_\_\_\_\_

18 \_\_\_\_\_  
 19 Mayor

20 Attest:  
 21 \_\_\_\_\_  
 22 City Clerk

23 Approved as to form:  
 24 \_\_\_\_\_  
 25 Chief Deputy City Attorney



## RESOLUTION NO. 41449

1 BY REQUEST OF MAYOR WOODARDS AND COUNCIL MEMBERS DANIELS  
2 AND RUMBAUGH

3 A RESOLUTION authorizing the one-time use of funds in the amount of \$25,000,  
4 budgeted from the Council Contingency Fund, to serve as matching funds to  
5 support broken window replacement along Broadway's Antique Row area in  
6 the City's Theater District.

7 WHEREAS in the early morning hours of May 18, 2024, approximately  
8 16 businesses in the City's Theater District were attacked by an individual wielding  
9 a hammer to break storefront windows, resulting in over 50 smashed windows with  
10 over 90 percent of them being in the half block of Broadway's Antique Row between  
11 South 7th Street and South 9th Street ("Antique Row"), and

12 WHEREAS this unprecedented large-scale destruction of multiple windows  
13 in the heart of downtown Tacoma impacts public safety by encouraging and  
14 facilitating additional crime in the area, and creating an unsafe environment for  
15 Tacoma residents and visitors which highlights the need to move quickly to re-  
16 establish a safe and welcoming environment for the public, and

17 WHEREAS this funding would supplement the existing broken window  
18 replacement fund supported by American Rescue Plan Act funds, which would be  
19 targeted to specifically replace the windows destroyed in this incident, and is  
20 intended to match monies raised by the Downtown Tacoma Partnership and the  
21 impacted businesses, and  
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1           WHEREAS, at the June 4, 2024, Study Session, Mayor Woodards shared a  
2 Council Consideration Request to authorize the one-time use of \$25,000 from the  
3 Council Contingency Fund for matching funds to support broken window  
4 replacement for buildings damaged in the May 18th attacks along Broadway, and  
5 City staff will establish agreements, terms, and deliverables for the City's  
6 investment in this public safety effort, and  
7

8           WHEREAS RCW 35.34.250 and 35.34.260 authorize a withdrawal from the  
9 Council Contingency fund for any municipal expense, the necessity or extent of  
10 which could not have been foreseen or reasonably evaluated at the time of  
11 adopting the budget, and Tacoma Ordinance No. 22569 requires an affirmative vote  
12 of not less than six members of the Council to withdraw moneys from this fund, and  
13

14           WHEREAS the City Council finds that repairing this extraordinary damage in  
15 the heart of downtown Tacoma in the interest of public safety and economic activity  
16 which benefits the City is a fundamental governmental purpose within the City's  
17 authority to provide for public health safety and welfare, and further that the  
18 restored public safety and economic activity is sufficient consideration to the public  
19 to justify the City's investment; Now, Therefore,  
20

21           BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:  
22           Section 1. That the foregoing recitals are hereby adopted as the City  
23 Council's legislative findings.  
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25           Section 2. That one-time funding in the amount of \$25,000, budgeted from  
26 the Council Contingency Fund, is hereby approved for the purpose of supporting



1 broken window replacement for buildings damaged in the May 18th attacks along  
2 Broadway.

3 Section 3. That City staff under the direction of the City Manager will  
4 establish agreements, terms, and deliverables for the City's investment in this public  
5 safety effort.  
6

7 Adopted \_\_\_\_\_

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9 \_\_\_\_\_  
10 Mayor

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12 \_\_\_\_\_  
13 City Clerk

14 Approved as to form:  
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17 Chief Deputy City Attorney

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## ORDINANCE NO. 28969

1 AN ORDINANCE relating to City officer and employee protections; amending  
2 Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, by  
3 amending Section 1.12.920, entitled “Protection of officers and employees  
4 against personal legal liability,” and Section 1.12.940, entitled “Determination  
5 of scope of employment,” to comply with the requirements of Washington  
6 State law regarding defense of City officers and employees for acts in the  
7 course of employment.

8 WHEREAS Washington State law sets specific standards for circumstances  
9 in which all local governments in Washington must defend and indemnify their  
10 officers and employees for acts or omissions in the scope of their official duties,  
11 and

12 WHEREAS the standards set forth in Tacoma Municipal Code (“TMC”)  
13 Chapter 1.12 were enacted prior to those in State law and have never been  
14 amended to conform to the statewide requirements, and

15 WHEREAS, while the requirements of State law on this issue would control  
16 over conflicting local code, in order to avoid a perception of conflict and provide  
17 clear guidance it is necessary to amend the TMC to conform to State law; Now,  
18 Therefore,

19 BE IT ORDAINED BY THE CITY OF TACOMA:

20 Section 1. That the City Council hereby adopts the Recitals of this  
21 Ordinance as its formal legislative findings.

22 Section 2. That Sections 1.12.920 and 1.12.940 of the official Municipal  
23 Code of the City of Tacoma, respectively entitled “Protection of officers and  
24 employees against personal legal liability,” and “Determination of scope of  
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employment,” are hereby amended to read as set forth in Exhibit “A” to this Ordinance, which exhibit is incorporated herein by this reference.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other person or situation.

Section 4. Effective Date. This Ordinance shall be effective ten days after its publication.

Section 5. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Chief Deputy City Attorney





EXHIBIT "A"

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**EMPLOYEE LEGAL PROTECTION**

**1.12.920 Protection of officers and employees against personal legal liability.**

It shall be a condition of employment of City officers and employees that in the event claims and/or litigation for personal injuries, wrongful death, property damage or any damages occasioned by any negligent act, error or omission by such officers or employees ~~in the scope and course of their duties or employment,~~ while performing or in good faith purporting to perform official duties, are made against such officers or employees, the City Attorney of the City of Tacoma shall, at the request of or on behalf of said officers or employees, investigate and defend such claims and/or litigation. In addition, police officers and other employees vested with the power of arrest shall receive the same protection for acts occurring in the course and the scope of their employment wherein claims or civil litigation are initiated against them involving false arrest, assault and/or battery, wrongful detention or imprisonment, malicious prosecution, violation of rights of privacy, discrimination, wrongful entry or eviction or other rights of private occupancy. If a claim be deemed by the City Attorney to be a proper one or if judgment be rendered against such offices or employees, such claim or judgment shall be paid by the City in accordance with procedures established for the payment of claims and judgments against the City; provided, that said officers or employees shall, in the event of an accident or occurrence, as soon thereafter as practical, give the City Attorney's office written notice thereof, identifying the officers or employees involved and containing information with respect to the time, place and circumstances thereof, and the names and addresses of the injured, and of any available witnesses, and shall forward to the City Attorney's office every demand, notice, summons or other process relating to said incident, and received by him or her or their representative, and shall cooperate with the City Attorney, his staff or any claims representative retained by the City upon request, and shall further assist in making settlements, in the conduct of suits and enforcing any claim or any right of contribution or indemnity against any person or organization who may be liable to the City because of bodily injury, property damage or other loss arising from the accident, incident or occurrence, and such officers or employees shall attend interviews, depositions, hearings and trials and assist in securing and giving evidence and obtaining the attendance of witnesses, and said officers and employees shall not, except at their own cost, voluntarily make any payment, assume any obligation or incur any expense other than for first aid to others at the time of an accident; provided further, that in the event any such officers or employees fail or refuse to cooperate as specified in the above proviso, or elects to provide his or her legal representation with respect to claims and/or litigation arising out of the officer's or employee's acts or duties in the scope of his or her employment by the City, provisions of this chapter will be inapplicable and of no force and effect with respect to any such claim and/or litigation; provided further, that the obligations assumed under this section by the City and the City Attorney's office shall not apply to any dishonest, fraudulent, criminal or malicious act.

\* \* \*

**1.12.940 Determination of scope of employment.**

The determination of whether the acts or omissions of said officer~~s~~ or employees were, or in good faith purported to be, within the scope of his or her official duties, ~~were acting within the scope and course of his or her employment by the City~~ shall be made by his, her, or their department head, or in the case of such a claim or litigation against the department head, by the City Manager, and in the case of any elected official of the City, by the City Attorney; in the event the determination cannot be made with reasonable certainty, then he or she shall have the option to refer the matter to the Superior Court for determination.

\* \* \*

\* \* \*



## ORDINANCE NO. 28970

1 AN ORDINANCE relating to employment; amending Chapter 1.90 of the  
2 Tacoma Municipal Code, relating to the Local Employment and  
3 Apprenticeship Training Program, by amending various sections, to  
replace outdated elements and strengthen program outcomes.

4 WHEREAS in 1997, the City of Tacoma ("City") created the Local  
5 Employment and Apprenticeship Training Program ("LEAP") to counteract  
6 economic and social ills which accompany high rates of unemployment within  
7 the City, and

8  
9 WHEREAS LEAP provides opportunities to access apprenticeship  
10 through partnerships with local workforce development providers, and

11 WHEREAS the program requires prime contractors awarded City-funded  
12 public work and improvement projects and related service contracts to fulfill  
13 workforce utilization requirements, and

14  
15 WHEREAS the Community Economic Development Department last  
16 presented LEAP updates and proposed Tacoma Municipal Code ("TMC")  
17 revisions to the Economic Development Committee ("EDC") on January 23,  
18 2024, and

19  
20 WHEREAS the EDC members recommended bringing the revisions to  
21 the LEAP Advisory Committee for input, and on February 29, 2024, the TMC  
22 revisions were reviewed and supported by the LEAP Advisory Committee, and

23 WHEREAS the proposed revisions will help strengthen the effectiveness  
24 of LEAP in enforcing workforce utilization requirements; Now, Therefore,

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BE IT ORDAINED BY THE CITY OF TACOMA:

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Section 1. That the City Council hereby adopts the Recitals of this Ordinance as its formal legislative findings.

Section 2. That Chapter 1.90 of the Tacoma Municipal Code, entitled “Local Employment and Apprenticeship Training Program”, is hereby amended as set forth in the attached Exhibit “A.”

Section 3. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Chief Deputy City Attorney



EXHIBIT "A"  
CHAPTER 1.90

LOCAL EMPLOYMENT AND APPRENTICESHIP TRAINING PROGRAM

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Sections:

- 1.90.010 Purpose.
- 1.90.020 Scope.
- 1.90.030 Definitions.
- 1.90.040 LEAP ~~Requirements~~goals.
- 1.90.050 *Repealed.*
- 1.90.060 Effect of program on prime contractor/subcontractor relationship.
- 1.90.070 Apprentice utilization requirements – Bidding and contractual documents.
- 1.90.080 Enforcement.
- 1.90.090 Compliance with applicable law.
- 1.90.100 Review and reporting.
- 1.90.105 Authority
- 1.90.110 Interpretation.

**1.90.010 Purpose.**

The purpose of this Chapter is to establish a means of providing for the development of a trained and capable workforce possessing the skills necessary to fully participate in the construction trades.

**1.90.020 Scope.**

The provisions of this Chapter shall apply to all Public Works or Improvements [and Service Contracts related to Public Works or Improvements](#) funded in whole or in part with City funds or funds which the City expends or administers in accordance with the terms of a grant.

**1.90.030 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

~~1.90.030.A-~~

“Apprentice” shall mean a person enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

~~1.90.030.B-~~

“Building Projects” shall mean all Public Works or Improvements having an Estimated Cost greater than \$750,000.00, and for which a building permit must be issued pursuant to Chapter 1 of the current edition of the state building code (Uniform Building Code).

~~1.90.030.C-~~

“City” shall mean all divisions and departments of the City of Tacoma, and all affiliated agencies, provided, however, that the Tacoma Community Redevelopment Authority shall not be included within this definition.

~~D-~~“Civil Projects” shall mean all Public Works or Improvements that are not defined as a “Building Project,” provided that those projects having an Estimated Cost of less than \$250,000.00 shall not be included in this definition.



1 ~~E.~~ “Contractor or Service Provider” means a person, corporation, partnership, or joint venture ~~entering into~~ entering a contract with the City to construct a Public Work or Improvement or provide a service related to a Public Work or Improvement.

2 1.90.030.D

3 ~~F.~~ “Director” shall mean the Director of Community and Economic Development, or the Director’s Designee.

4 1.90.030.E

5 ~~G.~~ “Economically Distressed ZIP Codes”\* shall mean ZIP codes in the Tacoma Public Utilities Service Area that meet two out of three (2/3) of the ~~criteria~~ thresholds of:

- 6 1. High concentrations of residents living under 200% of the federal poverty line in terms of persons per acre (69th percentile)
- 7 2. High concentrations of unemployed people in terms of persons per acre (45th percentile)
- 8 3. High concentrations of people 25 years or older without a college degree in terms of persons per acre (75th percentile)

9 (\*Current ZIP Codes are available on the Local Employment and Apprenticeship Program web page.)

10 ~~Said thresholds shall be updated within 30 days following any Prevailing Wage updates issued by the Washington State Labor and Industry. All updates are to be published on the first business day in August and in February of each calendar year.~~

11 ~~H.~~ “Electrical Utility” and “Water Utility” shall mean, respectively, the Light Division of the Department of Public Utilities of the City of Tacoma, and shall include the electrical ~~and telecommunications~~ services of that Division, and the Water Division of the Department of Public Utilities of the City of Tacoma.

12 ~~I.~~ “Estimated Cost” shall mean the anticipated cost of a Public Work or Improvement or related Service Contract, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.

13 ~~J.~~ “Estimated Labor Hours” shall mean the anticipated number of Labor Hours determined by the City to be necessary to construct a Public Work or Improvement and set forth in the specifications for the project, or as may be subsequently revised due to contract or project adjustment, or pursuant to an agreed upon change order.

14 ~~K.~~ “Existing Employee” shall mean an employee whom the Contractor or Service Provider can demonstrate was actively employed by the Contractor or Service Provider for at least 1000 hours in the calendar year prior to bid opening plus one month following bid opening, and who was performing work in the construction trades.

15 1.90.030.L.

16 “Labor Hours” shall mean the actual number of hours worked by workers receiving an hourly wage who are employed on the site of a Public Work or Improvement or related Service Contract, and who are subject to state or federal prevailing wage requirements. The term “Labor Hours” shall include hours performed by workers employed by the Contractor or Service Provider and all ~~Subcontractors,~~ and Subcontractors and shall include additional hours worked as a result of a contract or project adjustment or pursuant to an agreed upon change order. The term “Labor Hours” shall not include hours worked by workers who are not subject to the prevailing wage requirements set forth in either RCW 39.12 or the Davis-Bacon Act - 40 U.S.C. 276 (a).

17 ~~M.~~ “LEAP Coordinator” shall mean the City of Tacoma staff member who administers LEAP.

18 ~~N.~~ “LEAP Program” or “Program” shall mean the City of Tacoma’s Local Employment and Apprenticeship Training Program, as described in this chapter.

19 ~~O.~~ “LEAP Regulations” or “Regulations” shall mean the rules and practices established in this document.



1 ~~P.~~ “LEAP Utilization Plan” shall mean the document submitted by the Contractor to the LEAP Coordinator which outlines how the associated LEAP requirements goals will be met ~~will be met on the project.~~

2 1.90.030.P

3 ~~Q.~~ “Priority Hire Resident” shall mean any resident within the Economically Distressed ZIP Codes.

4 ~~R.~~ “Project Engineer” shall mean the City employee who directly supervises the engineering or administration of a particular construction project subject to this chapter.

5 ~~S.~~ “Public Work or Improvement” shall have the same meaning as provided in Section 39.04.010 RCW, as that Section may now exist or hereafter be amended.

6 1.90.030.R

7 ~~T.~~ “Resident of Tacoma” shall mean any person, ~~not defined as a Resident of the Community Empowerment Zone~~, who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person’s presence is more than merely transitory in nature.

9 1.90.030.S

10 ~~U.~~ “Service Area - Electrical” or “Electrical Service Area” shall mean that area served with retail sales by the Electrical Utility of the City of Tacoma at the time a bid is published by the Electrical Utility for a Public Work or Improvement or related Service Contract to be performed primarily for the Electrical ~~Electrical~~ Utility.

12 ~~V.~~ “Service Area - Water” or “Water Service Area” shall mean that area served with retail sales by the water utility of the City of Tacoma at the time a bid is published by the ~~W~~water ~~U~~tility for a Public Work or Improvement or related Service Contract to be performed primarily for the ~~W~~water ~~U~~tility.

14 ~~W.~~ “Service Contract” shall mean all City contracts relating to a Public Work or Improvement which utilize labor at a City site and which are not within the exceptions to nor defined as “Building Projects” or “Civil Projects.”

16 ~~X.~~ “Subcontractor” means a person, corporation, partnership, or joint venture that has contracted with the Contractor or Service Provider to perform all or part of the work to construct a Public Work or Improvement or related Service Contract by a Contractor.

17 1.90.030.T

18 ~~Y.~~ “Tacoma Public Utilities” means the City of Tacoma, Department of Public Utilities.

19 ~~Z.~~ “Tacoma Public Utilities Service Area” shall mean every ZIP code listed by Tacoma Public Utilities as an area that either receives services or maintains infrastructure to provide services.

20 1.90.030.W

21 ~~AA.~~ “Washington State Labor and Industries ~~y~~ Prevailing Wage” shall mean the hourly wage, usual ~~benefits~~ benefits, and overtime, paid in the largest city in each county, to the majority of workers, laborers, and mechanics. Prevailing wages are established, by the Department of Labor & Industries, for each trade and occupation employed in the performance of public work. They are established separately for each ~~county, and~~ county and are reflective of local wage conditions.

24 **1.90.040 LEAP Requirements ~~goals~~.**

25 A. Utilization Requirements ~~Goals~~.

26 1. All Contractors constructing Civil Projects or Building Projects, and all Service Providers involved with the construction of a Public Work or Improvement, shall ensure that at least 15 percent of the total



Labor Hours ~~actually worked~~ worked on the Project are performed by persons having their residence within the boundaries of the City of Tacoma or Economically Distressed ZIP Codes, whether or not any such person is an Apprentice.

- a. The thresholds for this section shall be \$250,000.00 for Civil Projects and \$750,000.00 for Building Projects.
2. Fifteen percent (15%) of the Total Labor Hours on contracts above one-million dollars (\$1,000,000.00) shall have work performed by Apprentices who are residents of the Tacoma Public Utilities Service Area consistent with RCW 39.04.320(1)(a), subject to waiver based on exceptions as specified in RCW 39.04.320(2)(a), (b), and (c).
3. Labor Hours performed by non-residents of the State of Washington will be deducted from a project's total Labor Hours for purposes of determining compliance with the requirements of this chapter.
4. All Contractors and Service Providers shall submit a LEAP Utilization Plan as provided for in the regulations adopted under this chapter, and shall meet with the LEAP Coordinator to review said Plan prior to being issued a Notice to Proceed. Failure to submit a LEAP Utilization Plan may be grounds for the City to withhold remittance of a progress payment until such Plan is received from the responsible Contractor or Provider. A meeting with the LEAP Coordinator prior to issuance of a Notice to Proceed shall be excused only when the LEAP Coordinator is unavailable to meet prior to the scheduled date for issuance of the Notice to Proceed and the Contractor and the LEAP Coordinator have otherwise scheduled a meeting for the coordinator to review the Contractor's or Provider's plan.

The Contractor or Service Provider shall be responsible for meeting the LEAP utilization ~~goal~~ requirements of the contract, including all amendments and change orders thereto, and shall be responsible for overall compliance for all hours worked by Subcontractors. To the extent possible, the Contractor or Service Provider shall recruit Apprentices from multiple trades or crafts.

B. Failure to Meet Utilization ~~Requirements~~ Goal.

1. Contracts for the construction of Building projects or Civil projects and Service Contracts shall provide that Contractors or Service Providers failing to meet the LEAP utilization ~~goal~~ requirements shall be assessed an amount for each hour that is not achieved. The amount per hour shall be based on the extent the Contractor or Service Provider met its ~~requirements~~ goal. The amount per hour that shall be assessed shall be as follows:

Percent of <del>Requirements</del> Goal Met	Assessment per unmet hour
100%	\$ 0.00
90% - 99%	\$ 12.00
75% to 89%	\$ <del>20.00</del> 3.50
50% to 74%	\$ <del>30</del> 5.00
1% to 49%	\$ <del>45</del> 7.5.00
0%	\$ <del>60</del> 10.00

When determining the percent of ~~requirements~~ goal that ~~are~~ is met, all rounding shall be down to the nearest whole percent. No penalty shall be waived by the City unless it is determined by the Director to be in the best interests of the City, which determination shall be made after consultation with the LEAP Coordinator.

2. Deposit of Assessments. All assessments imposed pursuant to this section shall be deposited into a separate account and utilized to support the City's pre-apprenticeship and training program. The policies and regulations adopted by the City Manager and Director of Utilities pursuant to this chapter shall address issues pertaining to a Contractor's existing workforce. Contributions need not be made for Labor Hours that have been adjusted in accordance with Section 1.90.040(E).





C. LEAP Reports.

1 Notwithstanding the provisions of TMC 1.90.100, the LEAP Coordinator~~Director~~ shall, not less than  
2 annually, publish a LEAP report setting forth Contractor compliance with this chapter. Said report shall  
3 include information on all contracts and all Contractors to which this chapter applies, and shall detail the  
4 level and nature of LEAP participation by contract and by Contractor, The LEAP Coordinator's~~Director's~~  
LEAP report may include such other information as may be helpful to assuring fair and accurate  
representation of the contracts, Contractors or projects covered in the report. The LEAP Coordinator's  
~~Director's~~ LEAP reports may be considered by the Board of Contracts and Awards in its determinations as  
to bidder responsibility.

5 D. LEAP Requirement~~Goal~~ Adjustments.

6 1. LEAP utilization requirements~~goals~~ may be adjusted prior to bid opening and/or as a result of a  
contract amendment or change order on a Building Project, Civil Project, or Service Contract.

7 a. If LEAP utilization requirements~~goals~~ are adjusted prior to bid opening, they shall be set forth in the  
8 bid or Request For Proposal advertisement and specification documents or in an addendum timely  
9 provided to prospective bidders, provided that such adjustment shall be based upon a finding by the  
10 Project Engineer that the reasonable and necessary requirements of the contract render LEAP utilization  
11 unfeasible at the required levels. The Director shall concur with the Project Engineer's finding, provided  
12 that should the Project Engineer and the Director fail to reach agreement on the Project Engineer's  
13 finding, then in that circumstance the matter shall be referred to the City Manager or the Director of  
14 Utilities, as appropriate, for ultimate resolution. Notwithstanding any other provision of this chapter to the  
15 contrary, the decision of the City Manager or the Director of Utilities with regard to LEAP  
16 requirement~~goal~~ adjustments may not be appealed.

17 b. If LEAP utilization requirements~~goals~~ are adjusted due to contract amendment or change order, the  
18 amount of adjustment shall be consistent with the utilization requirements~~goals~~ set forth in this chapter  
19 and shall be determined pursuant to regulations adopted pursuant to this chapter for administration of  
LEAP utilization requirement~~goal~~ adjustments.

20 2. The methodology of determining the appropriate adjustments to LEAP utilization requirements~~goals~~  
21 shall be determined in consultation with the LEAP Advisory Committee, established pursuant to this  
22 ordinance for so long as the LEAP Advisory Committee remains in existence.

23 3. LEAP utilization requirements~~goals~~ shall not apply to those portions of a project that are funded by  
24 sources other than

25 (a) City funds, or (b) funds which the City expends or administers in accordance with the terms of a grant  
26 to the City, provided that the Project Engineer shall notify the LEAP Coordinator~~Director~~ of such non-  
application prior to bid advertisement. For the purposes of this paragraph, credits extended by another  
entity for the purpose of providing project funding shall not be considered to be City funds.

E. Utilization - Electrical Projects Outside Electrical Service Area.

20 Civil Projects or Building Projects that are constructed primarily for the benefit or use by the City's  
21 Electrical Utility, which are wholly situated outside the Electrical Service Area, and for which the  
22 estimated cost is less than \$1,000,000.00, are exempt from the requirements of this chapter.

F. Utilization - Water Projects Outside Water Service Area.

23 Civil Projects or Building Projects that are constructed primarily for the benefit or use by the City's water  
24 utility, which are wholly situated outside the Water Service Area, and for which the estimated cost is less  
25 than \$1,000,000.00 are exempt from the requirements of this chapter.

G. Utilization - Projects Outside Tacoma Public Utilities Service Area.

25 Civil Projects or Building Projects that are constructed primarily for the benefit or use by Tacoma Public  
26 Utilities, which are wholly situated outside the retail service area of the Tacoma Public Utilities Service  
Area, and for which the estimated cost is less than \$1,000,000.00 are exempt from the requirements of





1 this chapter. Projects wholly situated outside the Tacoma Public Utilities Service Area, and for which the  
 2 estimated cost is more than \$1,000,000.00, shall be exempt from 15% utilization ~~requirement~~<sup>goal</sup>  
 3 specified in subsection A1. of this section. The 15% utilization ~~requirement~~<sup>goal</sup> specified in subsection  
 4 A2. of this section may be met if project work is performed by Apprentices who are enrolled in a course  
 5 of training specific to a particular construction trade or craft, provided such training has been approved by  
 6 the Washington State Apprenticeship and Training Council in accordance with Chapter 49.04, RCW.

7 H. Emergency.

8 This chapter shall not apply in the event of an Emergency. For the purposes of this section, an  
 9 “Emergency” means unforeseen circumstances beyond the control of the City that either: (a) present a  
 10 real, immediate threat to the proper performance of essential functions; or (b) will likely result in material  
 11 loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

12 I. Conflict with State or Federal Requirements.

13 If any part of this chapter is found to be in conflict with federal or state requirements which are a  
 14 prescribed condition to the allocation of federal or state funds to the City, then the conflicting part of this  
 15 chapter is inoperative solely to the extent of the conflict and with respect to the City departments directly  
 16 affected. This provision does not affect the operation of the remainder of this chapter. Administrative  
 17 rules or regulations adopted under this chapter shall meet federal and state requirements which are a  
 18 necessary condition to the receipt of federal or state funds by the City.

19 \* \* \*

20 **1.90.080 Enforcement.**

21 A. The ~~LEAP Coordinator~~<sup>Director</sup> shall review the Contractor’s or Service Provider’s and all  
 22 Subcontractor’s employment practices during the performance of the work for compliance with LEAP  
 23 Program requirements. On-site visits may be conducted as necessary to verify compliance with the  
 24 requirements of the LEAP Program. The Contractor, Service Provider, or Subcontractors shall not deny to  
 25 the City the right to interview its employees, provided that the ~~LEAP Coordinator~~<sup>Director</sup> shall make  
 26 reasonable efforts to coordinate employee interviews with employers.

B. Any knowing failure or refusal to cooperate in compliance monitoring may disqualify the defaulting  
 Contractor, Service Provider, or Subcontractor from eligibility for other City contracts.

C. The making of any material misrepresentation may disqualify the defaulting Contractor, Service  
 Provider, or Subcontractor from eligibility for other City contracts.

D. Any action by the City, its officers and employees, under the provisions of this Chapter may be  
 reviewed by the ~~Hearings Examiner~~<sup>Board of Contracts and Awards</sup>, upon written application of the party  
 so affected. Application shall be made within twenty (20) days of the date of the action upon which the  
 appeal is based, and provided to the City by certified mail or by personal service. Any action taken by the  
~~Hearings Examiner~~<sup>Board of Contracts and Awards</sup> may be ~~appealed to the City Council or Public Utility~~  
~~Board, as appropriate~~ <sup>appealed pursuant to Hearings Examiner Code TMC Chapter 1.23.-, and thereafter</sup>  
~~if desired, to the Superior Court of Pierce County, Washington, within fifteen (15) days of the previous~~  
~~decision.~~

\* \* \*



1 **1.90.100 Review and reporting.**

2 The City Manager and Director of Utilities shall review the Program on or before January 1, 2000, and  
3 every two (2) years thereafter, and shall report to the City Council and Public Utility Board the  
4 Manager's and LEAP Coordinator's~~Director's~~ findings, conclusions, and recommendations as to the  
5 continued need for the Program, and any revisions thereto that should be considered by the Council and  
6 Board.

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