

STUDY SESSION DES MOINES CITY COUNCIL – March 1, 2012 - 7:30 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: Note: **Comments must be limited to the items of business on the Study Session Agenda per Council Rule 10.** Please sign in prior to the meeting and limit your comments to three minutes.

<u>DISCUSSION ITEMS:</u>	<u>DISCUSSION LEADER:</u>	<u>GOAL:</u>	<u>EST. TIME:</u>
1. Policy Discussion on Sound Code	Planning Building Public Works Director Grant Fredricks	Direction	30 min
2. SCA Support of Governor's Petition to Federal Government Regarding Change in the Classification of Marijuana from Schedule 1 to Schedule 2 Substance	City Manager Tony Piasecki	Direction	30 min
3. City Council Process	Mayor Dave Kaplan	Direction	60 min
4. Executive Session Litigation Update	City Council		

NEXT MEETING DATE: Regular Meeting March 8, 2012

ADJOURNMENT

**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Sound Transmission Control Requirements and Sound Attenuation (Sound Code) Policy Discussion

FOR AGENDA OF: March 1, 2012

DEPT. OF ORIGIN: Planning, Building & Public Works

ATTACHMENTS:

DATE SUBMITTED: February 22, 2012

1. DMMC 14.08.180, Sound Transmission Control (STC) Requirements
2. Map of Sound Control Areas
3. City of Burien Aircraft Noise Reduction Requirements, BMC 15.12
4. Port of Seattle Part 150 Presentation (partial), 4/15/10
5. 1998 Noise Contour Map
6. 2016 Noise Contour Draft Map

CLEARANCES:

- Legal *PB*
- Finance NA
- Marina N/A
- Parks, Recreation & Senior Services NA
- Planning, Building & Public Works *WA*
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: *WA*

**Purpose and Recommendation**

The purpose of this item is to seek City Council policy direction on what, if anything, to change with the City's Sound Transmission Control (STC) ("Sound Code"). Any change would be incorporated into a draft ordinance for Council consideration this spring. No recommendations are offered or motions suggested at this time.

**Background**

City staff has been tracking the Port of Seattle's "Part 150 Study" and building "trends" towards more energy efficient materials with relationship to sound attenuation for several years. The Port's "Part 150" study will not be completed until 2016 when official determinations for noise contour delineation lines will be made by the Port of Seattle and approved by the Federal Aviation Administration; however, City staff are ready to move forward with Council's direction regarding interim Sound Code changes as needed.

The current language of DMMC 14.08.180 (Attachment 1) was substantially adopted in 1992 and further revised in 1996. Two sound zones or "Areas" were set up in the City at that time as shown in Attachment 2. "Area 1" is the City north of South 252<sup>nd</sup> Street or its extensions and "Area 2" are those portions of the City south of South 252<sup>nd</sup>.

Per the DMMC, noise determined construction requirements shall be applied to new construction, except for not normally inhabited portions of warehouses, storage buildings, and similar structures as determined by the Building Official. The City of Burien has a similar program to ours with regard to sound attenuation; however, they have three sound zones. Burien's first two sound zones mirror our Area 1 and Area 2 sound zones in both construction methods and requirements. (Attachment 3) Since 1992, construction methods and materials have increased the "sound efficiency" in certain types of buildings using particular products. Window installation is a large part of the sound mitigation process as the window assembly is the largest factor in allowing sound into the home or business.

Attachment 4 is a partial copy of the Port of Seattle's "Part 150" Study, which will not be finalized until 2016. The noise contours identified in the Study are shown more clearly in Attachments 5 (1998 data) and 6 (2016 projected data).

### **Discussion**

Des Moines' Sound Code is frequently mentioned by the development community as excessive, not economic or overly burdensome to both home owners who want to upgrade their windows or remodel their homes, or developers looking to provide the lowest cost product to their customers. There are many strong arguments on each side of this issue.

Policy questions the Council may wish to consider include:

1. Should the Council modify the current Sound Code at this time or wait until later?
2. Should Area 2 (south of S. 252<sup>nd</sup>) be eliminated?
3. Should the southern boundary of Area 1 be moved north from S. 252<sup>nd</sup> to Kent-Des Moines Road to more closely correspond to the projected 2016 DNL 65 contour?
4. Should areas of the City outside the projected 2016 DNL 65 contour be eliminated from Area 1 or, alternatively, have lesser sound transmission control requirements?
5. Should the Sound Code apply only to new homes and exclude remodels?
6. Should the Sound Code apply to only windows and not other construction features such as insulation or sheetrock?
7. Should the City's code be "advisory", not mandatory and/or provide for voluntary compliance?
8. Should the Building Official have discretion to waive any of the sound requirements based on "equivalent performance" or other special situations?

### **Alternatives**

Council could elect to act now to provide immediate regulatory relief to homeowners or developers in all or parts of the City, delay action until closer to 2016 when the Port 150 Study will be finalized, or decide to leave the City's Sound Code unchanged.

### **Financial Impact**

There are no financial implications to tonight's policy discussion inasmuch as this is only providing staff direction on what, if anything, to do to modify the Sound Code. Any financial impact will be analyzed at the time an ordinance is drafted.

### **Recommendation or Conclusion**

None



**PLANNING BUILDING AND  
PUBLIC WORKS DEPARTMENT**

**SOUND TRANSMISSION  
CONTROL  
REQUIREMENTS  
BH-008**

21630 11th Avenue South, Ste D • Des Moines, Washington 98198 • Tel: (206) 870-7576 Fax: (206) 870-6544

The City is divided into two sound transmission control areas:

- Area 1 (all portions of the city north of South 252nd Street or its extension) is a 35 decibel reduction zone, and
- Area 2 (all portions of the city south of South 252nd Street or its extension) is a 30 decibel reduction zone.

This informational handout is a summary of the City of Des Moines Sound Transmission Control Ordinance, Title 14. Section 1 describes the construction requirements for buildings constructed in Area 1 that must meet the requirement of 35-decibel reduction. Section 2 provides the same information for buildings constructed in Area 2.

## **SECTION 1**

### **Exterior Walls in Area 1**

1. Exterior walls, other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-40; **(OR)**
2. Masonry walls having a weight of at least seventy-five (75) pounds per square foot, do not require a furred (stud) interior wall. At least one surface of the concrete block walls shall be plastered.
3. Stud walls shall be at least four inches (4") in nominal depth and shall be finished on the outside with **solid sheathing under an approved exterior wall finish.** Due to energy code requirements, a 2" X 6" wall would be appropriate in order to obtain the R-21 minimum insulation requirements.
  - A. Continuous **composition board, plywood, O. S. B. board or gypsum board** sheathing at least one inch (1") thick shall cover the exterior side of the wall studs. **The thickness of the exterior sheathing includes the thickness of the sub-sheathing only. The thickness of the exterior wall finish (or siding) is not included.**
  - B. Sheathing panels shall be butted tightly and covered on the exterior with an approved building wrap. Building paper must be overlapping.
  - C. Insulation material of a type approved by the Building Official, (listed), and rated not less than R-21 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs.
  - D. The interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths (5/8") thick, installed on the studs.
    - +The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco.
    - +If the exterior wall finish is siding on sheathing, the interior gypsum board or plaster shall be fastened using resilient channels to the studs or double thickness must be used.**

### Exterior Windows in Area 1

Windows other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-38; **(OR)**

1. Windows shall be double-glazed with panes at least three-sixteenths inch (3/16") thick. Panes of glass shall be separated by a minimum one-half inch (1/2") airspace, and **shall not be equal in thickness.**
2. Double glazed windows shall employ fixed sash or efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
3. Glass shall be sealed in an air-tight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.
4. The perimeter of the window frames shall be sealed air-tight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official, (listed).

### Exterior Doors in Area 1

Doors other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-33; **(OR)**

1. Double door construction is required for all hinged door openings to the exterior. Such doors shall be side hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch (1-3/4") thick separated by an airspace of at least three inches (3") from another door, storm door. Both doors shall be tightly fitted and weather-stripped.
2. The glass of double glazed sliding doors shall be separated by a minimum one-half inch (1/2") airspace. Each sliding frame shall be provided with an efficiently airtight weather-stripping material as specified in (d) above.
3. Glass, over two (2) square feet in area, of all doors, shall be at least three-sixteenths (3/16") thick. Glass of double sliding doors shall not be of equal thickness.
4. The perimeter of door frames shall be sealed airtight to the exterior wall construction (framing) as described in section (d) above.
5. Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or gasket tape.

### Roofs in Area 1

Combined roof and ceiling construction on other than as described in this section and the section on ceilings shall have a **laboratory** sound transmission class of STC-49; **(OR)**

1. With an attic or rafter space at least six inches (6") deep, and with a ceiling below, the roof shall consist of one-inch (1") composition board, plywood or gypsum board sheathing topped with an approved roofing material.

2. Open beam construction shall follow the energy insulation standard method for batt insulation, except use one-inch (1") plywood decking with concrete or clay tiles.
3. Composition board shall mean asphaltic impregnated board or an approved sound board.
4. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-38. Skylight assemblies that consist of 1/4" tempered glass, 1/2" air space and a laminated panel consisting of 1/8" tempered glass, .03" (three mills) laminate and 1/8" tempered glass will be accepted in lieu of the tested assembly.

### Ceilings in Area 1

1. Gypsum board or plaster ceilings at least five-eighths inch (5/8") thick shall be provided. Ceilings shall be substantially airtight with a minimum of penetrations.  
**The ceiling panels shall be mounted on resilient clips or channels.**

Insulation material of a type approved by the building official, (listed), and rated not less than R-38 shall be provided above the ceiling between joist.

### Floors in Area 1

The floor of the lowest occupied rooms shall be slab on fill or below grade, over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted.

### Ventilation in Area 1

The Washington State Code on Ventilation and Indoor Air Quality shall prevail. The following items shall be included. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty (20) gauge steel, which shall be lined with one inch (1") thick coated glass fiber, and shall be at least five feet (5') long with one (1) ninety degree bend.

Gravity vent openings in attics shall be as close to code minimum in number and size, as practical. The openings shall be fitted with transfer ducts at least six feet (6') in length containing internal one inch (1") thick coated fiber glass sound-absorbing duct lining. Each duct shall have a lined ninety degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

Bathroom, laundry and similar exhaust ducts connecting interior space to the outdoors shall be provided with a ninety degree bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room opening cross section. Duct lining shall be coated glass fiber duct liner at least one inch (1") thick.

Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination that allows for proper ventilation.

## SECTION 2

### Exterior Walls in Area 2

1. Exterior walls, other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-35; **(OR)**
2. Masonry walls having a weight of at least forty (40) pounds per square foot, do not require a furred (stud) interior wall. At least one surface of the concrete block walls shall be plastered.
3. Stud walls shall be at least four inches (4") in nominal depth and shall be finished on the outside with **solid sheathing under an approved exterior wall finish**. Due to energy code requirements, a 2" X 6" wall would be appropriate in order to obtain the R-21 minimum insulation requirements.
  - A. Continuous **composition board, plywood, O. S. B. board or gypsum board** sheathing at least three-quarter inch (3/4") thick shall cover the exterior side of the wall studs. **The thickness of the exterior sheathing includes the thickness of the sub-sheathing only. The thickness of the exterior wall finish (or siding) is not included.**
  - B. Sheathing panels shall be butted tightly and covered on the exterior with an approved building wrap. Building paper must be overlapping.
  - C. Insulation material of a type approved by the Building Official, (listed), and rated not less than R-21 shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs.
  - D. The interior surface of the exterior walls shall be of gypsum board or plaster at least one-half inch (1/2") thick, installed on the studs.
    - +The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco.
    - +If the exterior wall finish is siding on sheathing, the interior gypsum board or plaster shall be fastened using resilient channels to the studs or double thickness must be used.**

*(Please see attached Fire Stopping detail for requirements and options if using resilient channel in the exterior wall.)*

### Exterior Windows in Area 2

Windows other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-33; **(OR)**

1. Windows shall be double-glazed with panes at least one-eighth inch (1/8") thick. Panes of glass shall be separated by a minimum one-half inch (1/2") airspace.
2. Double glazed windows shall employ fixed sash or efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.
3. Glass shall be sealed in an airtight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.

4. The perimeter of the window frames shall be sealed air-tight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official, (listed).

### **Exterior Doors in Area 2**

Doors other than as described in this section shall have a **laboratory** sound transmission class rating of at least STC-33; **(OR)**

1. Double door construction is required for all hinged door openings to the exterior. Such doors shall be side hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch (1-3/4") thick separated by an airspace of at least three inches (3") from another door, storm door. Both doors shall be tightly fitted and weather-stripped.
2. The glass of double glazed sliding doors shall be separated by a minimum one-half inch (1/2") airspace. Each sliding frame shall be provided with an efficiently airtight weather-stripping material as specified in (d) above.
3. Glass, over two (2) square feet in area, of all doors, shall be at least three-sixteenths (3/16") thick. Glass of double sliding doors shall not be of equal thickness.
4. The perimeter of doorframes shall be sealed airtight to the exterior wall construction (framing) as described in section (d) above.
5. Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or gasket tape.

### **Roofs in Area 2**

Combined roof and ceiling construction on other than as described in this section and the section on ceilings shall have a **laboratory** sound transmission class of STC-44; **(OR)**

1. With an attic or rafter space at least six inches (6") deep, and with a ceiling below, the roof shall consist of three-quarter inch (3/4") composition board, plywood or gypsum board sheathing topped with an approved roofing material.
2. Open beam construction shall follow the energy insulation standard method for batt insulation, except use one inch (1") plywood decking with concrete or clay tiles.
3. Composition board shall mean asphaltic impregnated board or an approved sound board.

Window or dome skylights shall have a laboratory sound transmission class rating of at least STC-33. Skylight assemblies that consist of 1/4" tempered glass, 1/2" air space and a laminated panel consisting of 1/8" tempered glass, .03" (three mils) laminate and 1/8" tempered glass will be accepted in lieu of the tested assembly.

### **Ceilings in Area 2**

1. Gypsum board or plaster ceilings at least five-eighths inch (5/8") thick shall be provided. Ceilings shall be substantially airtight with a minimum of penetrations.

Insulation material of a type approved by the building official, (listed), and rated not less than R-38 shall be provided above the ceiling between joist.



## Floors in Area 2

The floor of the lowest occupied rooms shall be slab on fill or below grade, over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted.

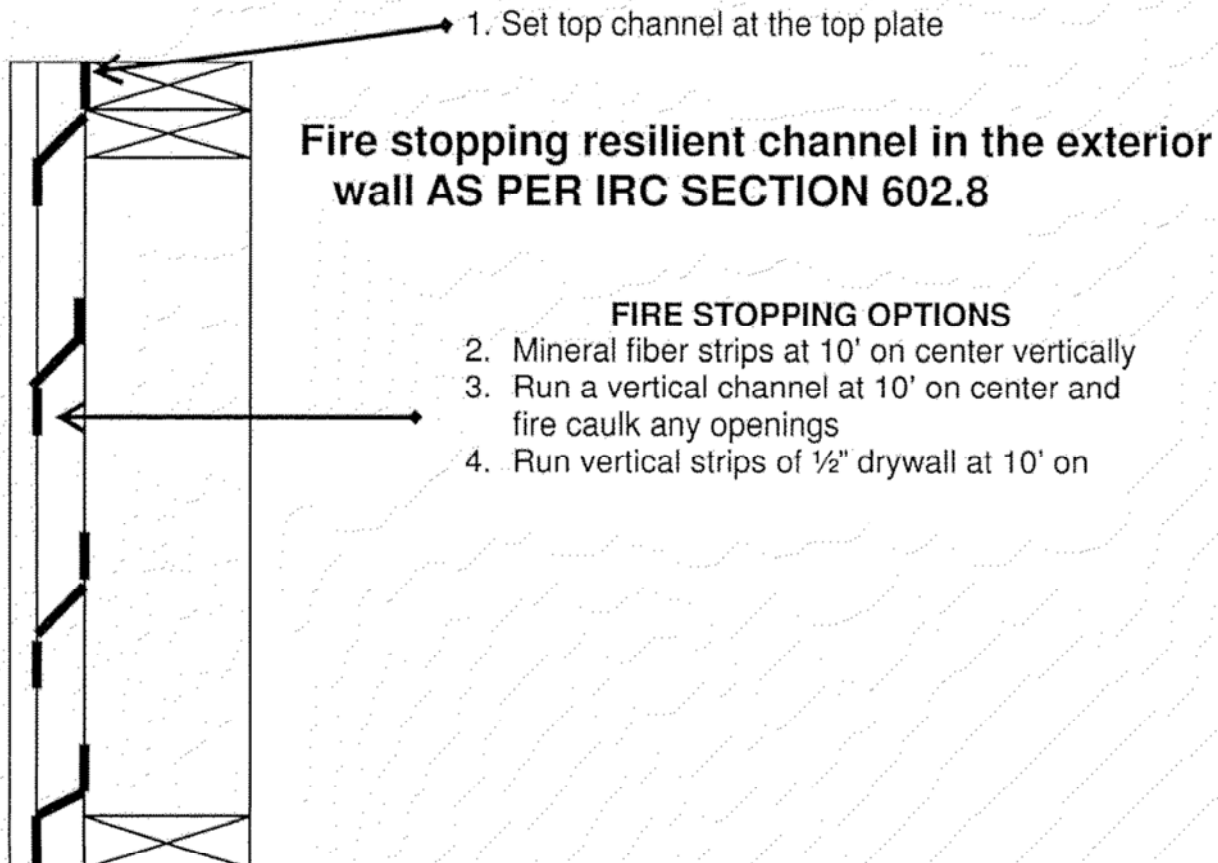
## Ventilation in Area 2

The Washington State Code on Ventilation and Indoor Air Quality shall prevail. The following items shall be included. The inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty (20) gauge steel, which shall be lined with one inch (1") thick coated glass fiber, and shall be at least five feet (5') long with one (1) ninety degree bend.

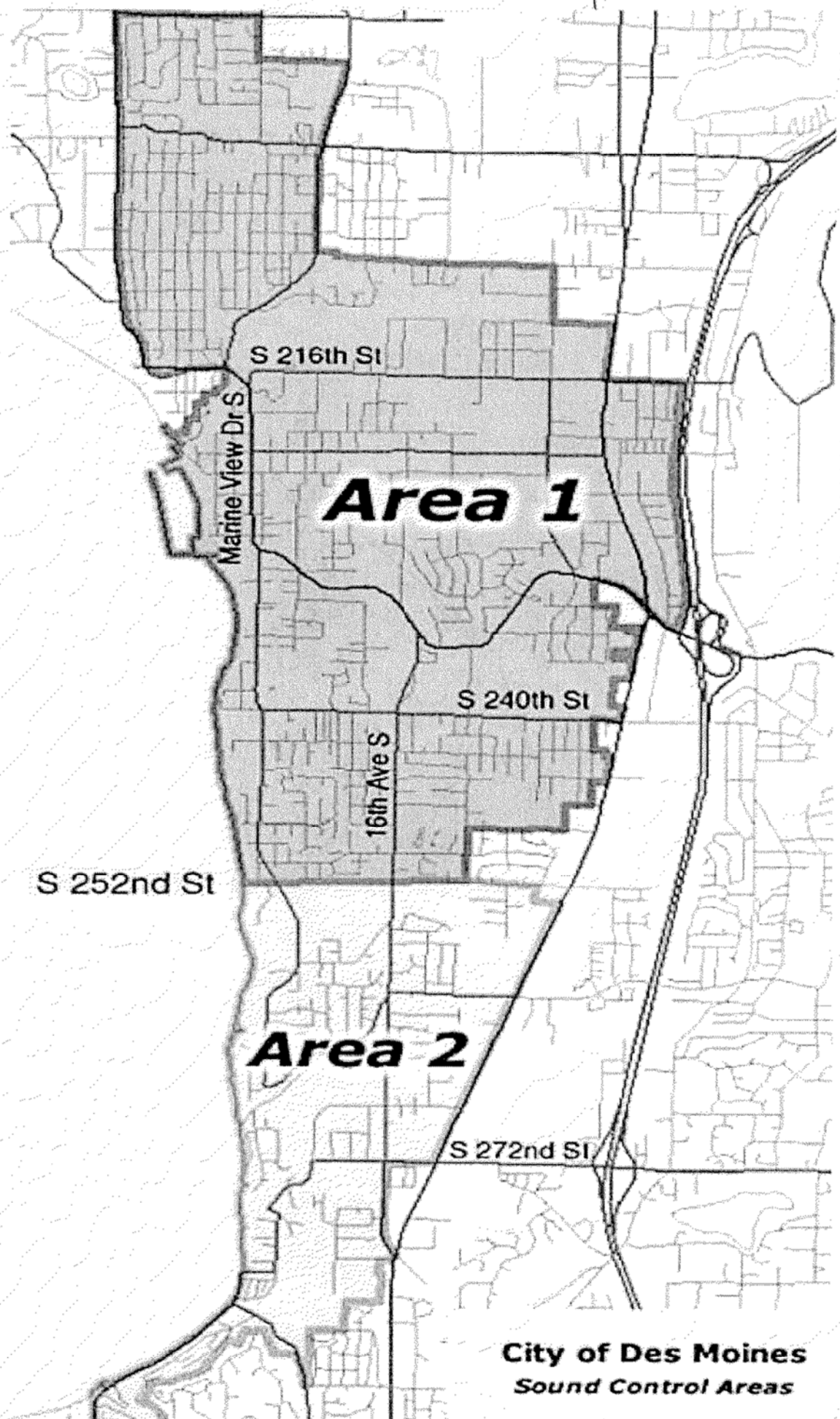
Gravity vent openings in attics shall be as close to code minimum in number and size, as practical. The openings shall be fitted with transfer ducts at least six feet (6') in length containing internal one inch (1") thick coated fiber glass sound-absorbing duct lining. Each duct shall have a lined ninety degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.

Bathroom, laundry and similar exhaust ducts connecting interior space to the outdoors shall be provided with a ninety (90) degree bend in the duct such that there is no direct line of sight through the duct from the venting cross section to the room opening cross section. Duct lining shall be coated glass fiber duct liner at least one inch (1") thick.

Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination that allows for proper ventilation.



YYIAP # 1 - CURRENT MAP  
+ REGS



**Area 1**

**Area 2**

**City of Des Moines**  
*Sound Control Areas*

**ATTACHMENT 2**



# Burien

Washington, USA

BH-008

## AIRCRAFT NOISE REDUCTION

400 SW 152<sup>nd</sup> Street - Suite 300 • Burien, WA 98166-3066 • (206) 241-4647 • www.burienwa.gov

This informational handout is a summary of the City of Burien Aircraft Noise Reduction Ordinance as described in the Burien Municipal Code (BMC) Chapter 15.12.

The City of Burien is divided into three aircraft noise reduction areas:

- Area 1: Those portions of the City, east of First Avenue South extending from the northern to the southern City limits and to the eastern city limits are a 35 dB Reduction Area. All living and working areas must comply with 15.12.90 BMC which is designed to achieve a noise reduction level of 35 dB.
- Area 2: Those portions of the City, between First Avenue South and 12<sup>th</sup> Avenue S.W. extending from the northern to the southern City limits are a 30 dB Reduction Area. All living and working areas must comply with 15.12.100 BMC which is designed to achieve a noise reduction level of 30 dB.
- Area 3: All remaining portions of the City are a 25 dB Reduction Area. All living and working areas must comply with 15.12.110 BMC which is designed to achieve a noise reduction level of 25 dB.

These provisions apply to all buildings or structures constructed or placed in use for human occupancy on sites within the City of Burien.

Exceptions:

- (a) Additions under 500 square feet that are not used for sleeping rooms; and
- (b) Remodels with a building department valuation less than \$16,800.

Note: New glazing in exempted additions and remodels must conform to the provisions of the Washington State Energy Code.

Additions may be made to existing buildings or structures without making the entire building or structure comply with all the requirements of this chapter for new construction. Additions on existing buildings shall be made to comply in the areas being added to the extent that it is deemed practical and effective by the building official..

A change in use or occupancy, or structures, or use of a building previously unapproved for human occupancy to human occupancy use, or of one previously unused for sleeping purposes to sleeping use shall not be permitted unless the building or structure complies with the Aircraft Noise Reduction requirements of 15.12 BMC.

**The plans and specifications shall show in sufficient detail all pertinent data and features of the building and the equipment and systems, including, but not limited to: exterior envelope component materials; STC ratings of applicable component assemblies; R-values of applicable insulation materials; size and type of apparatus and equipment; equipment and system controls and other pertinent data to indicate conformance with the Aircraft Noise Reduction requirements.**

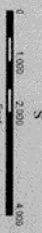
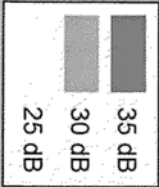
**ATTACHMENT 3**

<b>AIRPORT NOISE REDUCTION - Minimum design requirements</b>	<b>Zone 1 35 dB</b>	<b>Zone 2 30 dB</b>	<b>Zone 3 25 dB</b>
<b>EXTERIOR WALLS</b>			
<b>Exterior walls</b> , other than as described in this section shall have a laboratory sound transmission class rating of at least STC <input type="text"/> <b>OR</b> ; comply with following options:	<b>40</b>	<b>35</b>	<b>30</b>
1. Masonry walls having a weight of at least <input type="text"/> pounds per square foot, do not require a furred (stud) interior wall. At least one surface of the concrete block walls shall be plastered.	<b>75</b>	<b>40</b>	<b>25</b>
2. Stud walls shall be at least four inches (4") in nominal depth and shall be finished on the outside with solid sheathing under an approved exterior wall finish. (Due to energy code requirements, a 2" X 6" wall would be appropriate in order to install R-21 insulation as required by the Washington State Energy code.)	✓	✓	✓
2.1. Continuous composition board, plywood, O. S. B. board or gypsum board sheathing at least <input type="text"/> inch thick shall cover the exterior side of the wall studs. The thickness of the exterior sheathing includes the thickness of the subsheathing only. The thickness of the exterior wall finish (or siding) is not included.	<b>1</b>	<b>3/4</b>	<b>1/2</b>
2.2. Sheathing panels shall be butted tightly and covered on the exterior with an approved building wrap. Building paper must be overlapping.	✓	✓	✓
2.3. Insulation material of a type approved by the Building Official, (listed), and rated not less than R- 13 for non-residential structures and R-21 for Residential structures shall be installed continuously throughout the cavity space behind the exterior sheathing and between wall studs.	✓	✓	✓
2.4. The interior surface of the exterior walls shall be of gypsum board or plaster at least five-eighths (5/8") thick, installed on the studs. The gypsum board or plaster may be fastened rigidly to the studs if the exterior is brick veneer or stucco. If the exterior wall finish is siding on sheathing, the interior gypsum board or plaster shall be fastened resiliently to the studs or double thickness must be used.	✓	✓	✓
<b>ROOFS &amp; CEILINGS</b>			
Combined roof and ceiling construction on other than as described in this section and the section on ceilings shall have a laboratory sound transmission class of STC <input type="text"/> <b>OR</b> ; comply with following options:	<b>49</b>	<b>44</b>	<b>39</b>
1. With an attic or rafter space at least six inches (6") deep, and with a ceiling below, the roof shall consist of <input type="text"/> inch composition board, plywood or gypsum board sheathing topped with an approved roofing material.	<b>1</b>	<b>3/4</b>	<b>1/2</b>
1.1 Gypsum board or plaster ceilings at least <input type="text"/> inch thick shall be provided on the ceiling. Ceilings shall be substantially airtight with a minimum of penetrations.	<b>5/8</b>	<b>5/8</b>	<b>1/2</b>
1.2 Ceiling panels to be mounted on resilient clips or channels, or, panel layers doubled.	✓	n/a	n/a
1.3 Insulation material of a type approved by the building official, (listed), and rated not less than R-38 shall be provided above the ceiling between joist.	✓	✓	✓
2. Open beam construction shall follow the energy insulation standard method for batt insulation, and be provided with <input type="text"/> inch plywood roof decking under a suitable roofing material.	<b>1</b>	<b>1</b>	<b>1</b>
3. Composition board shall mean asphaltic impregnated board or an approved sound board.	✓	✓	✓
4. Window or dome skylights shall have a laboratory sound transmission class rating of at least STC <input type="text"/> . Skylight assemblies that consist of 1/4" tempered glass, 1/2" air space and a laminated panel consisting of 1/8" tempered glass, .03" (three mils) laminate and 1/8" tempered glass will be accepted in lieu of the tested assembly.	<b>38</b>	<b>33</b>	<b>33</b>

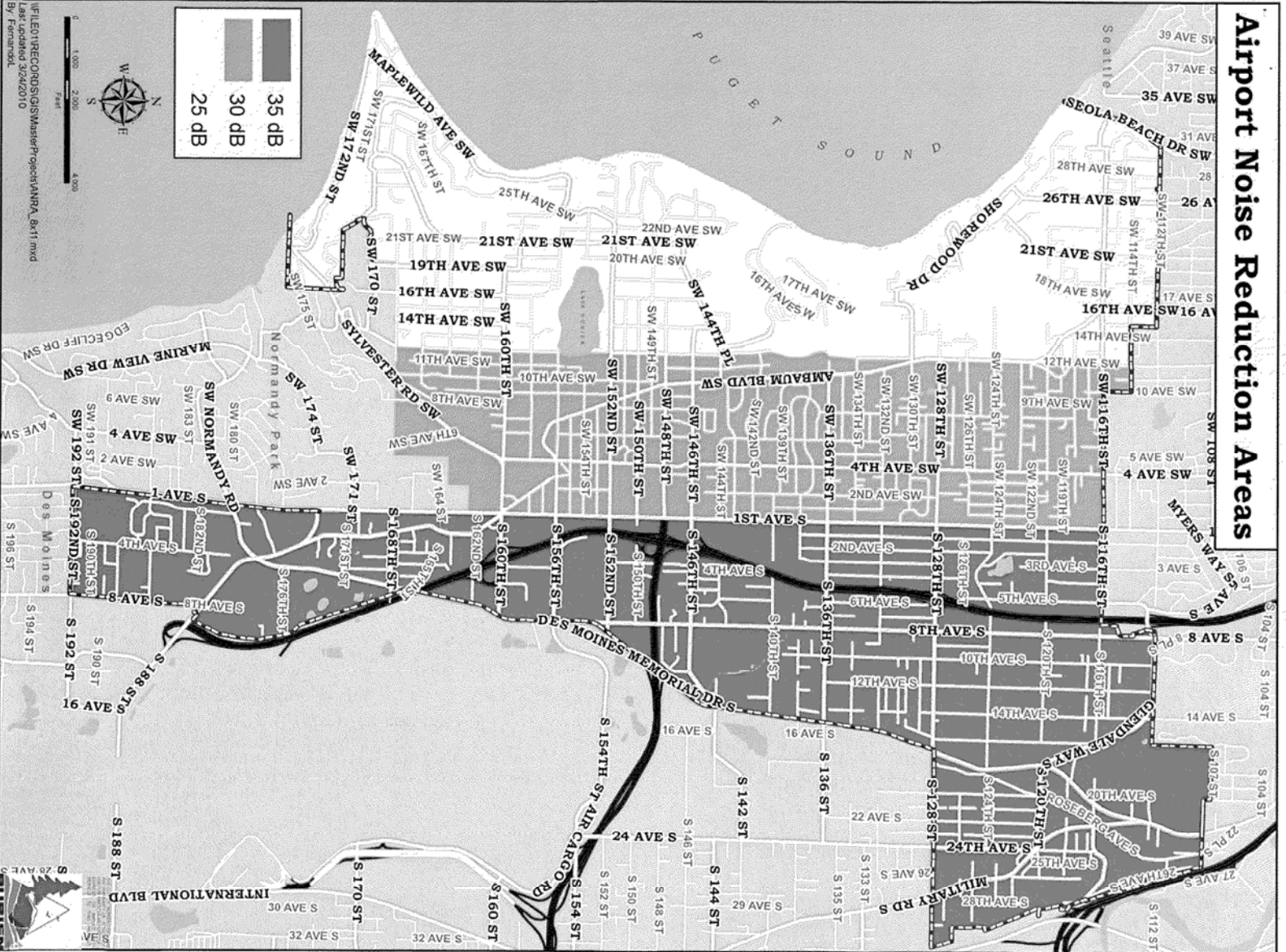
<b>AIRPORT NOISE REDUCTION - Minimum design requirements</b>	<b>Zone 1 35 dB</b>	<b>Zone 2 30 dB</b>	<b>Zone 3 25 dB</b>
<b>FLOORS</b>			
The floor of the lowest occupied rooms shall be slab on fill or below grade, over a fully enclosed basement or crawl space. All door and window openings in a fully enclosed basement shall be tightly fitted.	✓	✓	n/a
<b>EXTERIOR WINDOWS</b>			
Windows other than as described in this section shall have a laboratory sound transmission class rating of at least STC <input type="text"/> OR; comply with following options:	38	33	28
1. Windows shall be double-glazed with panes at least <input type="text"/> Inch thick. Panes of glass shall be separated by a minimum one-half inch (1/2") airspace,	3/16	1/8	1/8
1.1 and shall not be equal in thickness.	✓	✓	n/a
2. Double glazed windows shall employ fixed sash or efficiently weather-stripped, operable sash. The sash shall be rigid and weather-stripped with material that is compressed airtight when the window is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.	✓	✓	✓
3. Glass shall be sealed in an air-tight manner with a non-hardening sealant or a soft elastomer gasket or gasket tape.	✓	✓	✓
4. The perimeter of the window frames shall be sealed air-tight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.	✓	✓	✓
<b>EXTERIOR DOORS</b>			
Doors other than as described in this section shall have a laboratory sound transmission class rating of at least STC <input type="text"/> OR; comply with following options:	33	33	26
1. Double door construction is required for all hinged door openings to the exterior. Such doors shall be side hinged and shall be solid core wood or insulated hollow metal at least one and three-fourths inch (1-3/4") thick separated by an airspace of at least three inches (3") from another door, which can be a storm door. Both doors shall be tightly fitted and weather-stripped.	✓	✓	n/a
2. All exterior side hinged doors shall be solid core wood or insulated hollow metal at least 1- 3/4" thick, and shall be fully weatherstripped.	n/a	n/a	✓
3. The glass of double glazed sliding doors shall be separated by a minimum one-half inch (1/2") airspace. Each sliding frame shall be provided with an efficiently airtight weather-stripping that is compressed airtight when the door is closed so as to conform to an air infiltration test not to exceed one-half (1/2) cubic foot per minute per foot of crack length in accordance with ASTM E-283-65-T.	✓	✓	✓
4. Glass, over two (2) square feet in area, of all doors, shall be at least three-sixteenths (3/16") thick. Glass of double sliding doors shall not be of equal thickness.	✓	✓	✓
5. The perimeter of door frames shall be sealed airtight to the exterior wall construction with a sealant conforming to one of the following Federal Specifications: TT-S-00227, TT-S-00230, or TT-S-00153, or other materials approved by the Building Official.	✓	✓	✓
6. Glass in doors shall be sealed in an airtight non-hardening sealant or in a soft elastomer gasket or gasket tape.	✓	✓	✓

<b><u>AIRPORT NOISE REDUCTION - Minimum design requirements</u></b>	<b><u>Zone 1</u></b> 35 dB	<b><u>Zone 2</u></b> 30 dB	<b><u>Zone 3</u></b> 25 dB
<b>VENTILATION</b>			
A Ventilation system shall be installed that will provide the minimum air circulation and fresh air supply requirements for various uses in occupied rooms without the need to open any windows, doors or other openings to the exterior as required by the Washington State Ventilation and Indoor Air Quality Code. The following items shall be included:	✓	✓	✓
1. Inlet and discharge openings shall be fitted with sheet metal transfer ducts of at least twenty (20) gauge steel, which shall be lined with one inch (1") thick coated glass fiber, and shall be at least five feet (5') long with one (1) ninety degree bend.	✓	✓	✓
2. Gravity vent openings in attics shall be as close to code minimum in number and size, as practical.	✓	✓	✓
2.1 The openings shall be fitted with transfer ducts at least <input type="text"/> feet in length containing internal one inch (1") thick coated fiber glass sound-absorbing duct lining. Each duct shall have a lined ninety degree bend in the duct such that there is no direct line of sight from the exterior through the duct into the attic.	6	3	n/a
3. Bathroom, laundry and similar exhaust ducts connecting interior space to the outside, shall contain at least a 10 foot length of internal sound absorbing duct lining. Exhaust ducts less than 10 feet in length shall be fully lined and shall also meet the provisions of proper sealing of air leakage from the structure with approved weatherstripping and caulking compounds. Each duct shall be provided with a lined 90 degree bend in the duct such that there is no direct line-of-sight through the duct from the venting cross-section to the room opening cross-section. Duct lining shall be coated glass fiber duct liner at least 1" thick.	✓	✓	✓
4. Domestic range exhaust ducts connecting the interior space to the outdoors shall contain a self-closing damper across the exterior termination that allows for proper ventilation. The duct shall be provided with a 90 degree bend.	✓	✓	✓
<b>AIR LEAKAGE</b>			
The following locations shall be sealed, caulked, gasketed, or weatherstripped to limit or eliminate air leakage:			
1. Exterior joints around window and door frames, between the window or door frame and the framing members.			
2. Openings between walls and foundations. Between the wall sole plate and the rough flooring. Between the wall panels at corners. Openings at penetrations of utility services through walls, floor, and roofs. All other such openings in the building envelope.	✓	✓	✓
3. All other openings not specifically addressed shall be designed to limit sound transmission and shall have the same average STC as required for doors.			

# Airport Noise Reduction Areas



FILE:ENTRECORDS\GIS\Master\gaps\ANRA\_Bk11.mxd  
Last updated: 3/24/2010  
By: Fernand...



# Part 150 Presentation

## Technical Review Committee

April 15, 2010

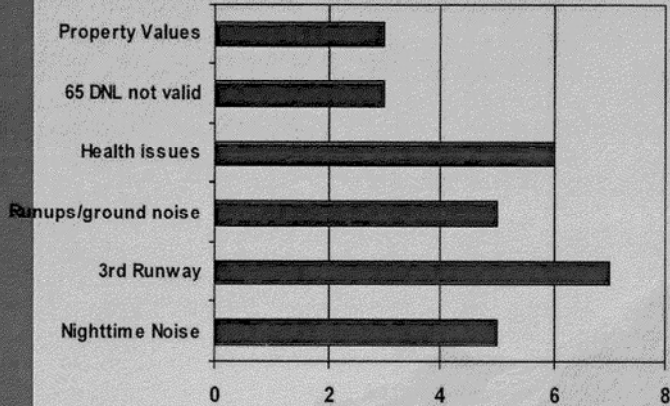
### Seattle Tacoma International Airport





# Breakout Session Summary

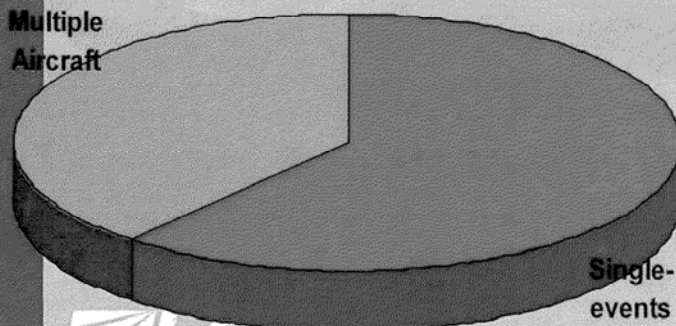
## Most people were concerned about...



## Ways to Reduce Noise

- Limits on Cargo
- Deal with Runups
- New ways to fund mitigation outside 65 DNL
- Better community planning effort
- Increase altitudes on arrival
- Curfews on flights
- Noise Berms/vegetation
- Buyout or sales assistance
- Sound insulation
- Move airport
- Implement noise abatement
- Insulation by homeowners
- Quieter aircraft at night
- Hush house
- Home improvements the Port can make
- Share more information about new technology
- New monitors for 3<sup>rd</sup> runway
- Transparency about 3<sup>rd</sup> runway
- Flight scheduling during nighttime
- Better advertising of outreach events
- Place tax on nighttime passengers
- Look at taxiway exits
- Allowing data collected to be shared with Port/airlines
- Insulating to 55 DNL

## Single event noise vs. multiple aircraft...



## Baseline Operations Data

### □ Existing Conditions:

- Scenario 1: Actual 2009 Conditions
  - Combination of 2 and 3 runway configurations
  - Represents what actually occurred during 2009
- Scenario 2: 2009 Extrapolated 3 Runway Configuration
  - Represents what would have happened in 2009 with a 3 runway configuration
  - Provides a better indication of what the 'typical' operating mode will be

### □ Future Baseline Conditions:

- 2016 Operating levels and aircraft types
- Other factors, such as location of flight tracks and how often each runway is used, will be the same as existing
- Provides a 3 runway baseline with future operating levels to begin developing ways to reduce noise.



## Baseline Data: Operations

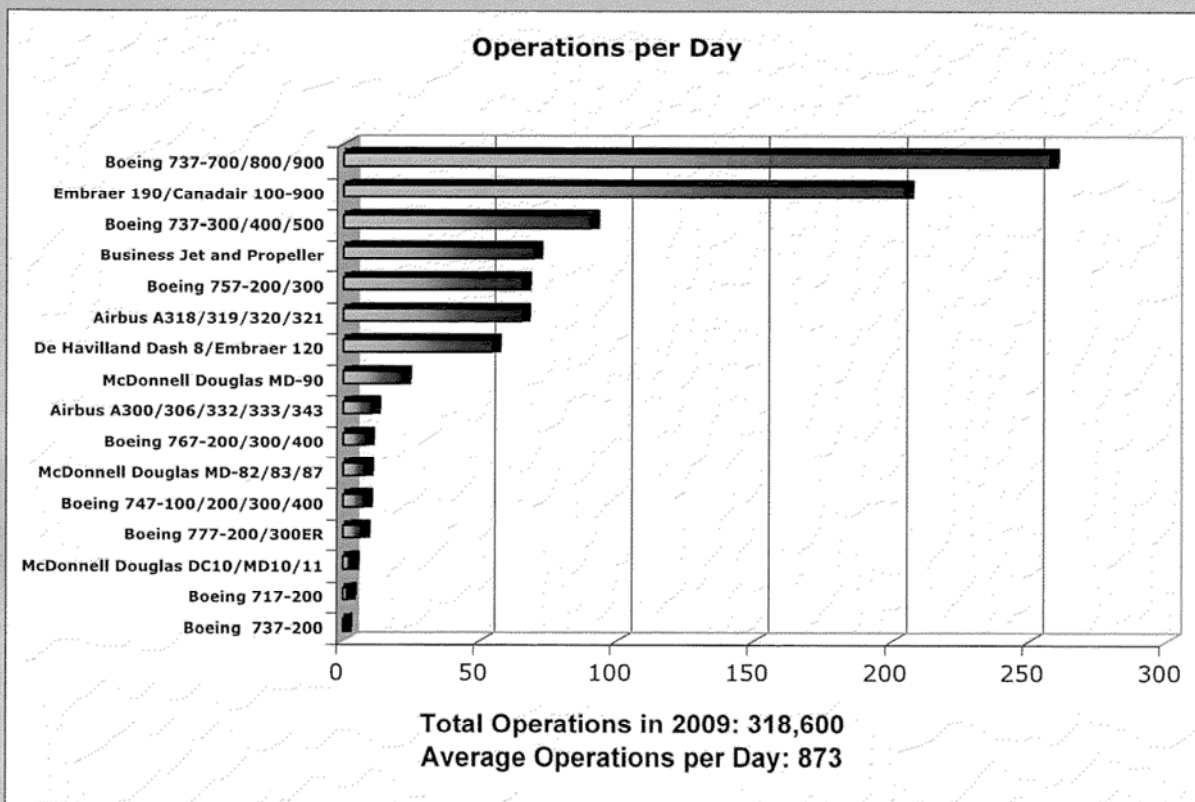
### Existing Conditions:

- **Source:** Calendar year 2009 data from Airport Noise and Operations Monitoring System (ANOMS) and FAA
- **Annual Operations:** 318,600 (873 average annual day)
- **Fleet Mix:**
  - Boeing 737 "Next Gen" are the most common aircraft
  - Boeing 747-400 is the largest aircraft

### Future Baseline Conditions:

- Forecast of Aviation Activity underway
- Will include changes in operating levels and fleet mix

# Baseline Data: Operations

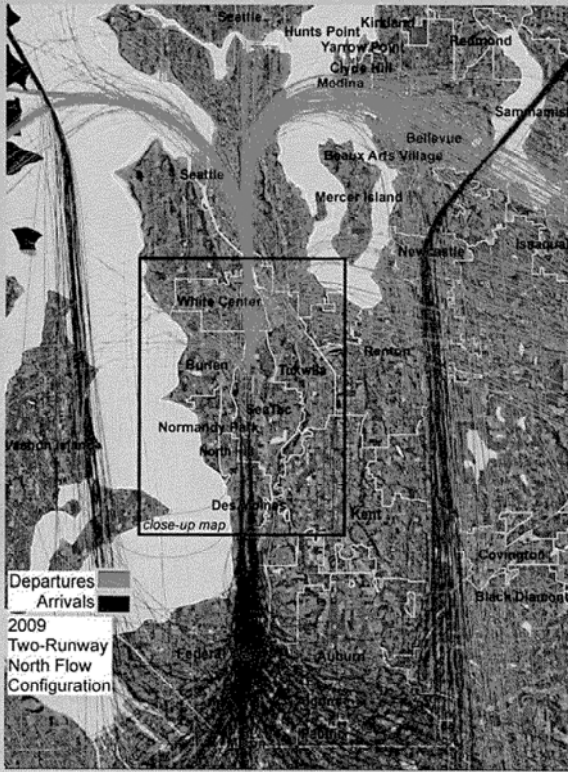


## Baseline Data: Flight Tracks

### □ Flight Tracks:

- **Source:** Flight track data of a typical day from ANOMS
  - North Flow
  - South Flow
  - Three-Runway
  - Two-Runway
- **Analysis:** 2009 flight tracks will be analyzed for location and flight density by various aircraft types
- **Initial Findings:**
  - The majority of aircraft are following the existing noise abatement procedures
  - Early turns on departure are being conducted by smaller turbo-propeller aircraft

# Baseline Data: Flight Tracks – 2 Runways in North Flow



*close-up map*



# Baseline Data: Flight Tracks – 3 Runways in North Flow

*close-up map*



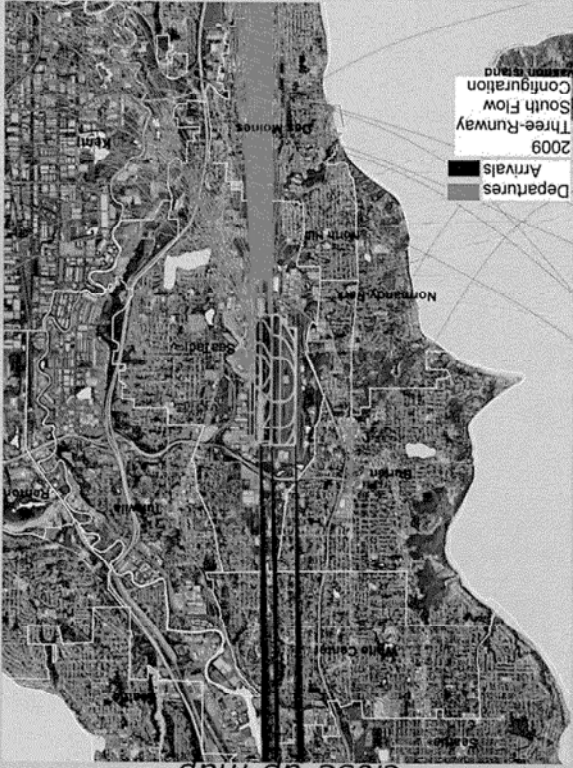


close-up map

# Baseline Data: Flight Tracks – 2 Runways in South Flow

SEA Part 150 Noise Compatibility Study





close-up map

# Baseline Data: Flight Tracks – 3 Runways in South Flow

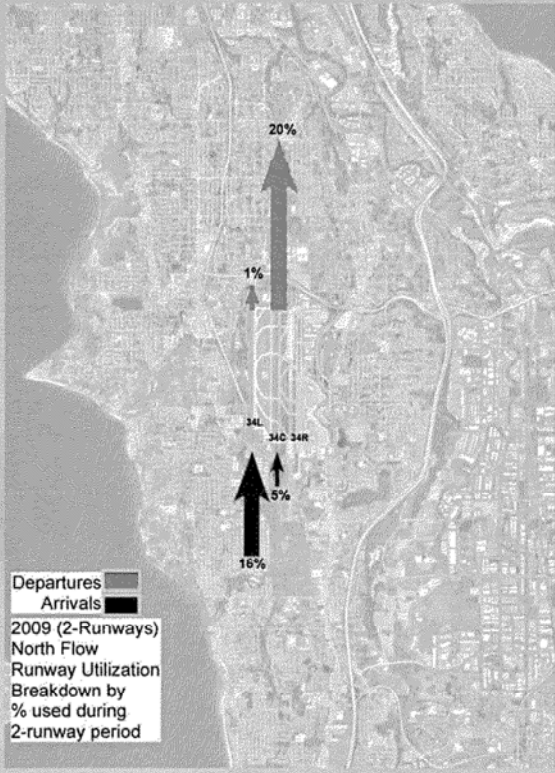
SEA Part 150 Noise Compatibility Study

## Baseline Data: Runway Use

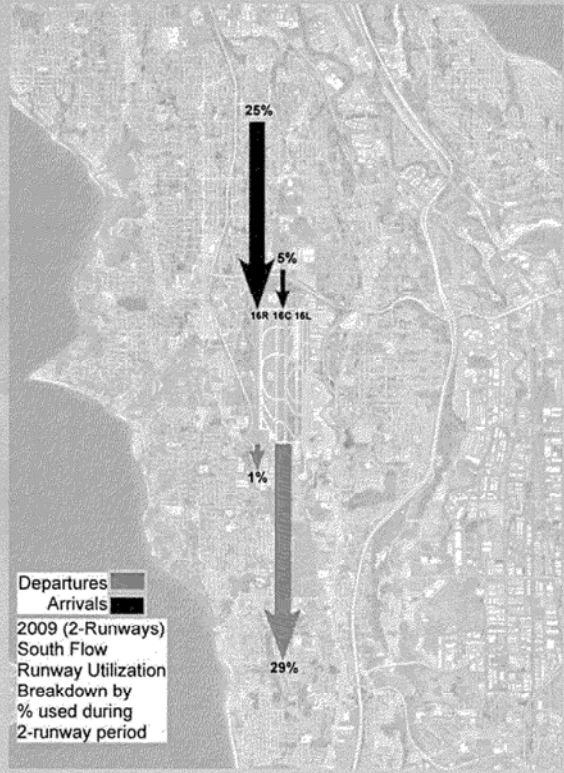
### □ Runway Use:

- **Source:** Runway use data in yearly percentage used from ANOMS
- **Analysis:** 2009 runway use will be analyzed for various conditions
  - Day versus night
  - By aircraft type
  - By north versus south flow
  - By 2 runway versus 3 runway conditions
- **Initial Findings:**
  - South flow (arrivals from the north and departures to the south) is the predominant flow at the airport (approx. 69% in 2009)
  - When 3 runways were available, the runway use was consistent with projections from the Third Runway EIS
  - When 2 runways were available, Runway 16R/34L was used approximately 40% of the time

# Baseline Data: Runway Use – 2 Runways



Departures  
Arrivals  
2009 (2-Runways)  
North Flow  
Runway Utilization  
Breakdown by  
% used during  
2-runway period

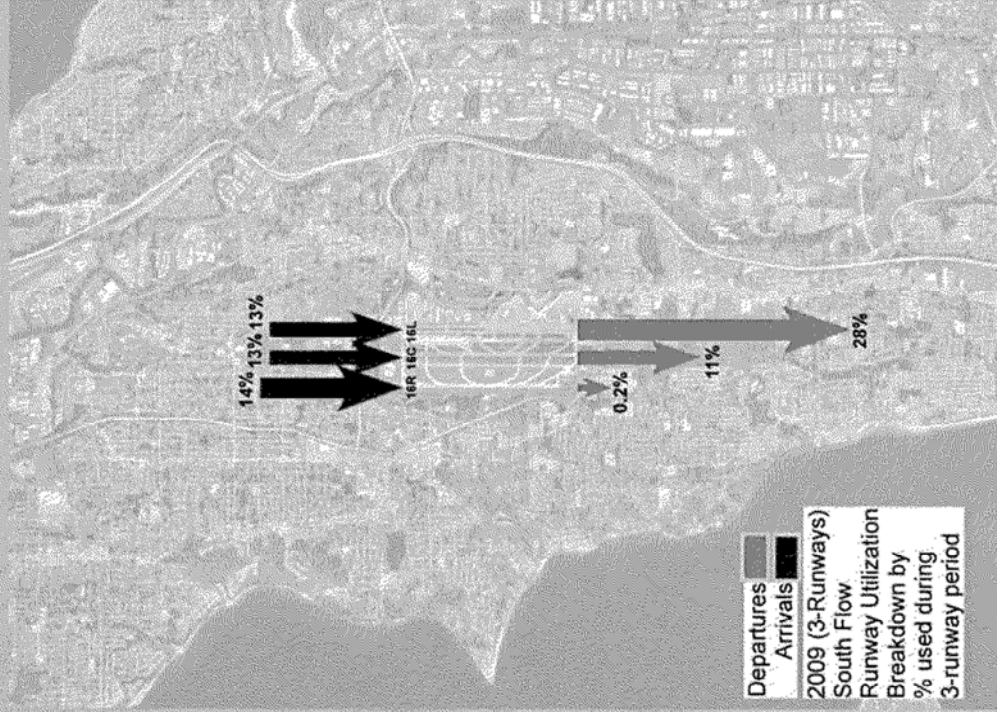


Departures  
Arrivals  
2009 (2-Runways)  
South Flow  
Runway Utilization  
Breakdown by  
% used during  
2-runway period



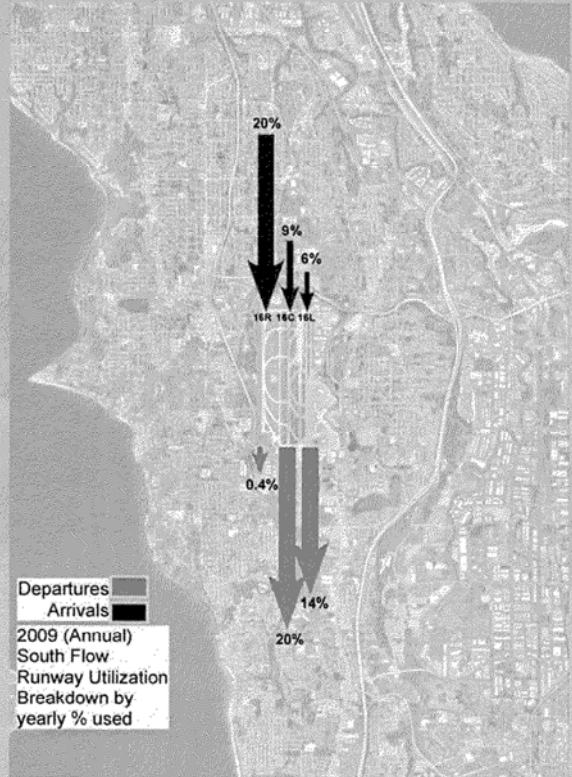
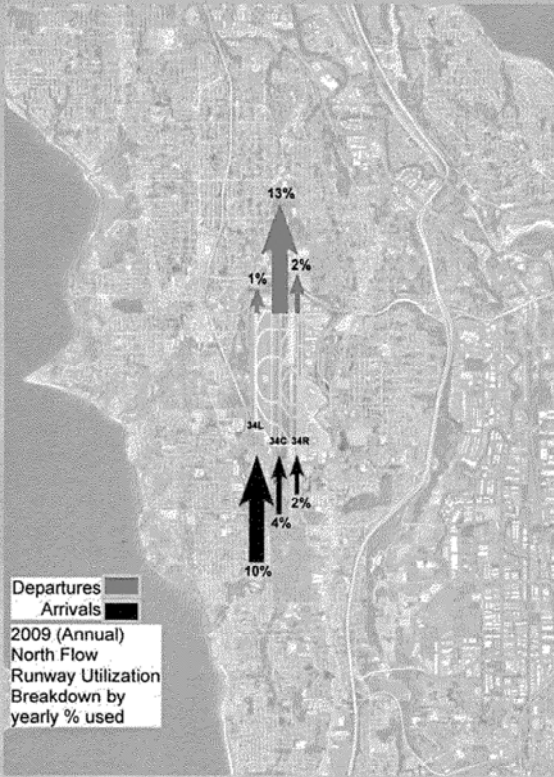
-Includes 2-runway use during Apr-Sep 2009

# Baseline Data: Runway Use – 3 Runways

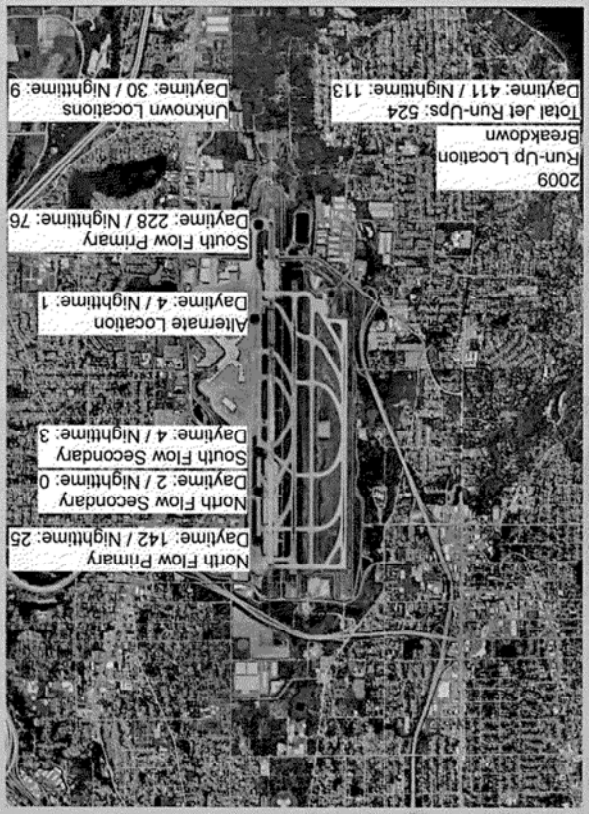


-Includes 3-runway use during Jan-Mar 2009 and Oct-Dec 2009

# Baseline Data: Runway Use – Annual 2009



-Includes 6 months of 2-runway use and 6 months of 3-runway use



# Baseline Data: Ground Run-Ups

SEA Part 150 Noise Compatibility Study

## Source:

- Noise Abatement Office Run-Up logs

## Findings:

- Most jet run-ups occur during day
- Day run-ups are most commented on
- Most run-ups occur at south airfield pad

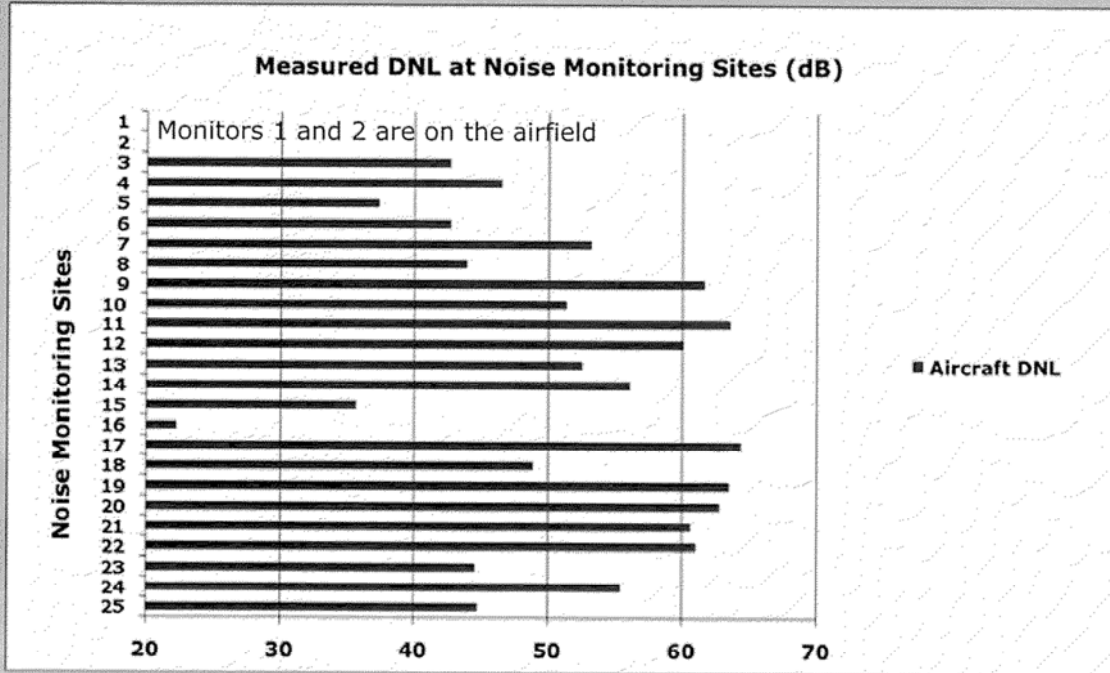
# Baseline Data: Noise Monitor Location

## □ Noise Monitors:

- Port has 25 permanent noise monitor sites
- Collect data 24/7
- Algorithms to identify aircraft versus community noise
- WebTrak - online website available to view flight tracks and real-time noise levels



# Baseline Data: Measured Noise Levels DNL



- Monitors 1 & 2 are used to capture noise from run-ups
- DNL is a yearly average



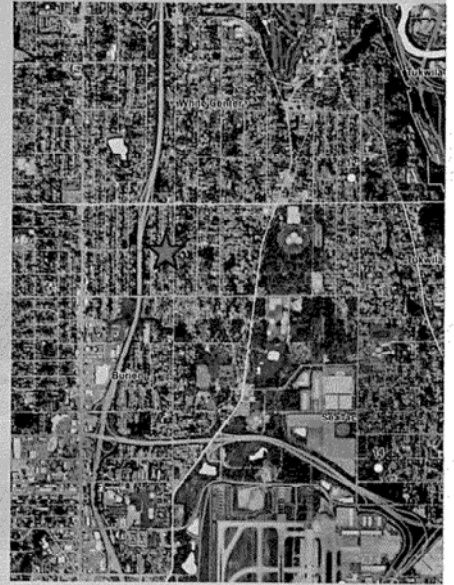
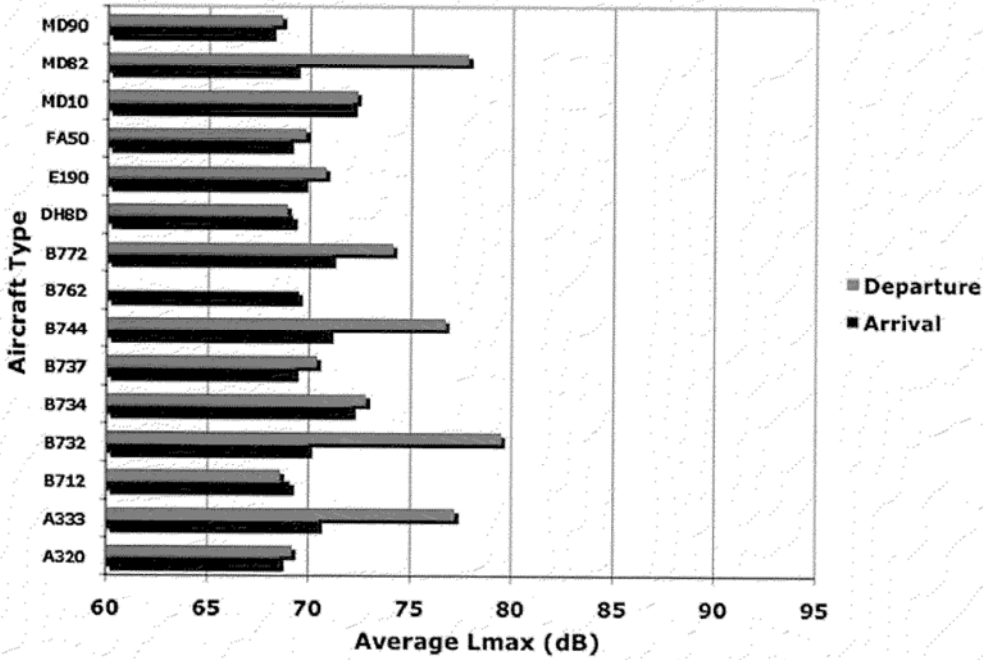
# Baseline Data: Measured Single Event Noise Levels

## Noise Levels:

- **Source:** ANOMS
- Lmax is the highest noise level measured during a flyover
- Scale is constant
- There are 25 total permanent sites
- The following shows a sample of the data collected at 4 sites
- **Findings:** Noise levels will depend on NMT location relative to flight pattern

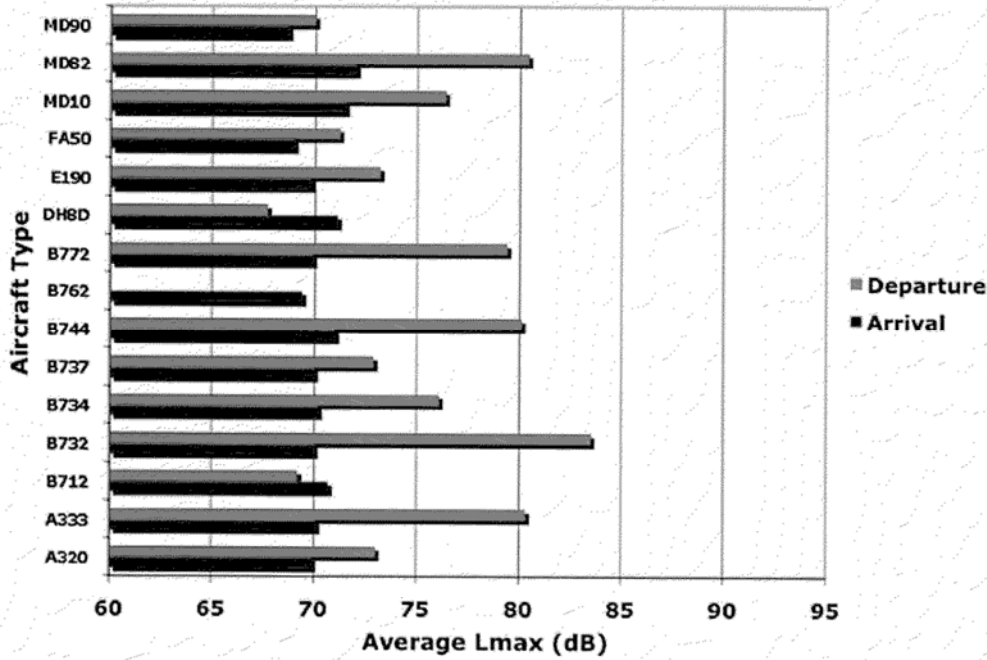
# Baseline Data: Measured Noise Levels Lmax

Burien, NMT 13 Average Lmax



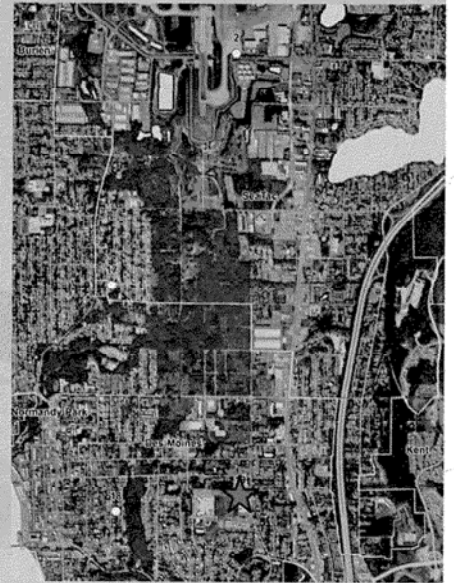
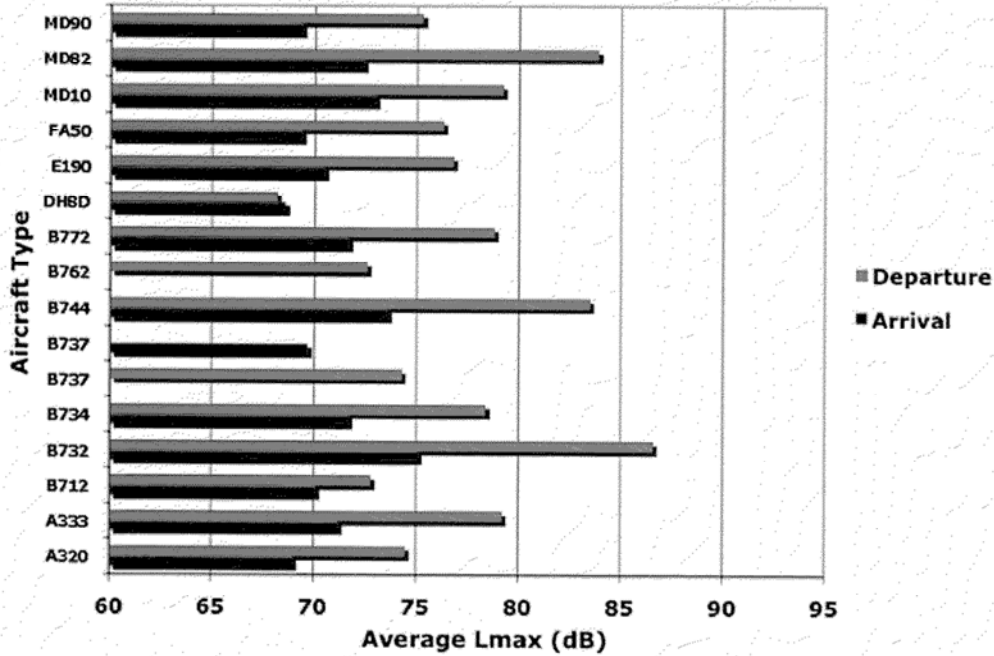
# Baseline Data: Measured Noise Levels Lmax

SEA-TAC / Tukwila, NMT 14 Average Lmax



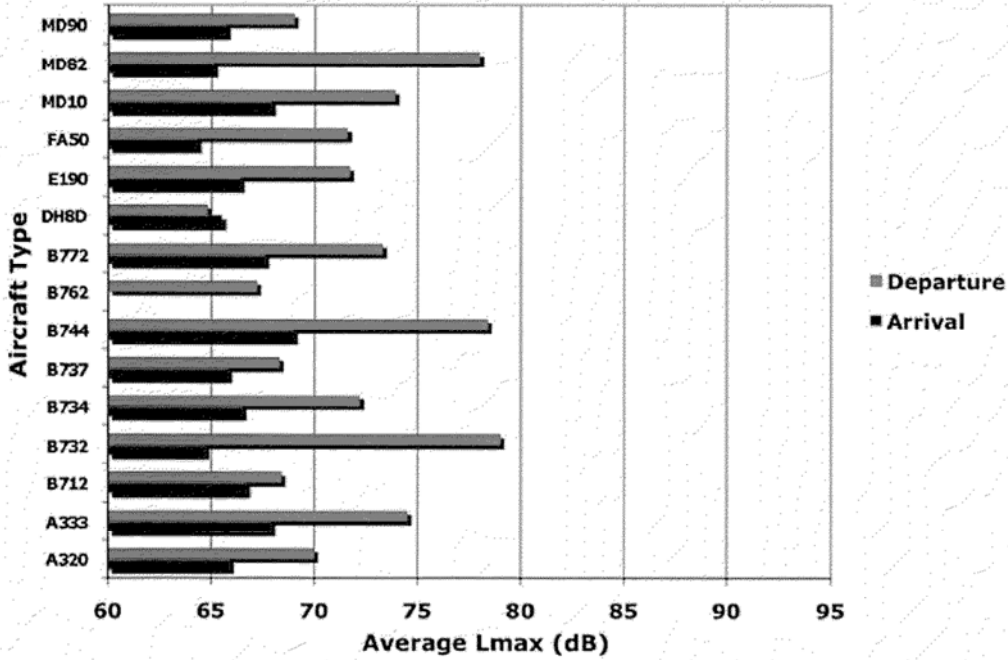
# Baseline Data: Measured Noise Levels Lmax

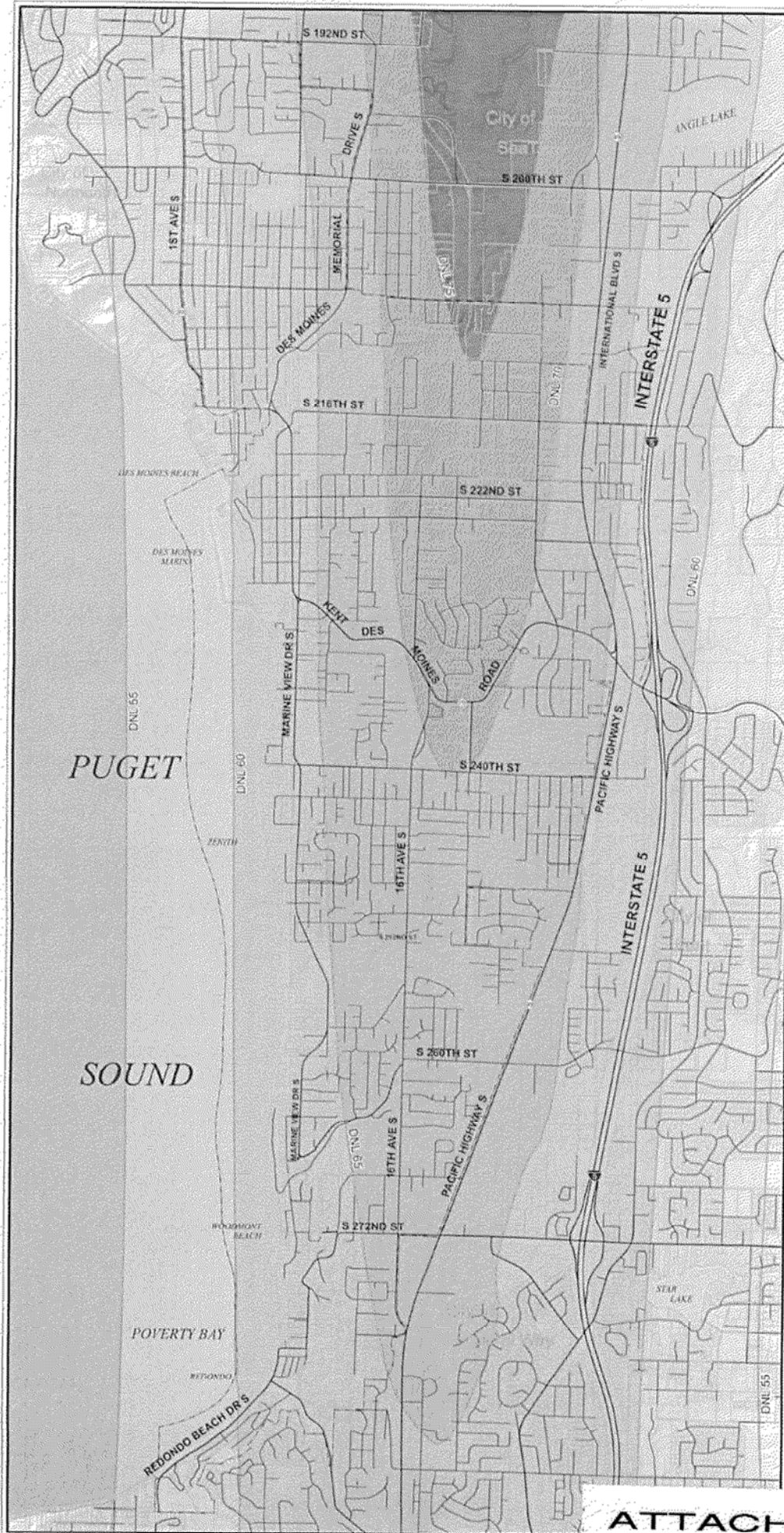
Des Moines, NMT 19 Average Lmax



# Baseline Data: Measured Noise Levels Lmax

Federal Way, NMT 21 Average Lmax





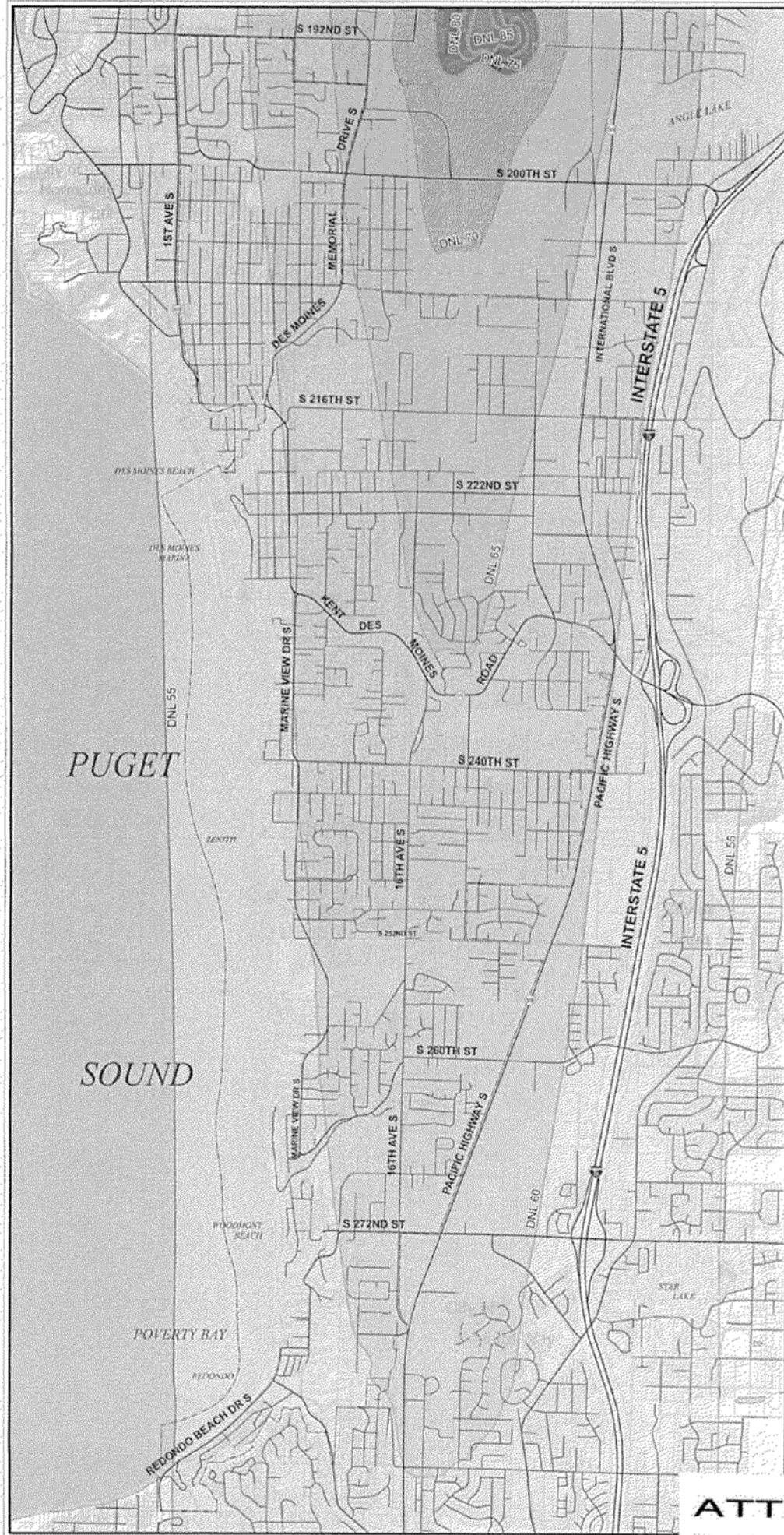
**City of Des Moines**  
Geographic Information System

- 1998 Noise Contours  
DNL
- 75
  - 70
  - 65
  - 60
  - 55

Des Moines City Limits



Finance & Information Technology  
21650 11th Ave S  
Des Moines, WA 98198-6398  
PHONE: (206) 890-4822 \* FAX: (206) 895-4896



**City of Des Moines**  
Geographic Information System

2016 Noise Contours

DNL "DRAFT"

- 85
- 80
- 75
- 70
- 65
- 60
- 55

Des Moines City Limits



Finance & Information Technology  
21650 11th Ave S  
Des Moines, WA 98198-6398

**ATTACHMENT 6**

**A G E N D A I T E M**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: Suburban Cities Association (SCA)  
Support of Governors Gregoire and Chafee's  
Petition to the Federal Government to Reclassify  
Marijuana as a Schedule II Drug

FOR AGENDA OF: March 1, 2012

DEPT. OF ORIGIN: Administration


DATE SUBMITTED: February 23, 2012

ATTACHMENTS:

1. SCA Cover Memo
2. Letter from Governors Gregoire and Chafee
3. Letter from Washington State Legislators
4. Letter from various Mayors
5. Senate Joint Memorial 8017
6. Draft SCA Resolution
7. Draft SCA Letter

CLEARANCES:

- Legal N/A
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works N/A
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

**Purpose and Recommendation**

The purpose of this agenda item is to give the City Council an opportunity to provide direction to Mayor Pro Tem Matt Pina, its Suburban Cities Association (SCA) Public Issues Committee (PIC) representative, regarding whether or not SCA should support the petition of Governors Gregoire and Chafee (Rhode Island) asking the Federal Government to reclassify marijuana from a Schedule I to a Schedule II drug.

**Suggested Motions**

**"I move to direct Mayor Pro Tem Pina to vote in support of the Suburban Cities Association supporting the petition of Governors Gregoire and Chafee asking the Federal Government to reclassify marijuana from a Schedule I to a Schedule II drug."**

**Alternative motion: "I move to direct Mayor Pro Tem Pina to vote in opposition to the Suburban Cities Association supporting the petition of Governors Gregoire and Chafee asking the Federal Government to reclassify marijuana from a Schedule I to a Schedule II drug."**



**Background and Discussion**

The attachments to this agenda item provide the background and discussion for this item as provided to the SCA's Public Issues Committee.

**Alternatives**

If Council does not take a vote on either motion, the City will not have a position on this issue and Mayor Pro Tem Pina would have to abstain from voting at the PIC meeting on March 8<sup>th</sup>.

**Financial Impact**

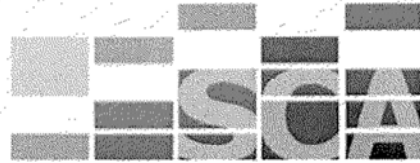
None.

**Recommendation or Conclusion**

None.

**Concurrence**

None.



**MEMO**

**TO:** Suburban Cities Association Public Issues Committee (PIC) Members  
SCA Board of Directors

**FROM:** Deanna Dawson  
Executive Director, Suburban Cities Association (SCA)

**RE:** Proposal to Reclassify Marijuana/Cannabis as a Schedule II Drug

**DATE:** February 9, 2012

At the February 8, 2012 Public Issues Committee (PIC) Meeting, the PIC heard a brief presentation on a petition that Governor Gregoire had filed with the U.S. Drug Enforcement Administration (DEA) seeking to have marijuana reclassified as a Schedule II drug under the Controlled Substances ACT (CSA). The PIC asked to have a full presentation on the proposal at the March 2012 PIC meeting, and voted unanimously to consider taking a position in support of the proposal. The purpose of this memo is to give PIC members additional background on the proposal, so that they can get feedback from their councils and staff prior to the March 7, 2012 PIC meeting.

**Background:**

As Regional Law Safety and Justice (RLSJ) Vice Chair John Partridge of Auburn pointed out at the February PIC meeting, possession of marijuana/cannabis is illegal.

Marijuana/cannabis is currently classified as a Schedule I drug, which means that, according to the U.S. Drug Enforcement Administration (DEA), it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use.

In 1998, the voters in Washington State approved Initiative 692. The stated purpose of the Initiative was to permit the use of marijuana for patients who had debilitating or terminal illnesses. Initiative 692 was subsequently codified as RCW 69.51A. The Initiative did not strictly speaking “legalize” marijuana/cannabis, but rather created an affirmative defense, and protection from arrest and prosecution, for qualified patients and designated caregivers under Washington State law.

In 2011, the Legislature passed E2SSB 5073. The intent of the bill was to establish a regulatory system for producing, processing, and dispensing marijuana/cannabis for

medical use. The bill required the State to authorize and license commercial businesses that produce, process or dispense marijuana/cannabis, and to develop a registration system for said producers, processors, and dispensers.

In 2011, Governor Gregoire sought guidance from our state's United States Attorneys, Mike Ormsby and Jenny Durkan. In a letter in response to the Governor, they have indicated that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law."

Citing concerns that state workers could be prosecuted under federal law, Governor Gregoire vetoed these portions of E2SSB 5073. The Governor did not veto portions of the bill relating to "collective gardens." However, she did veto the "definitions" section of the bill.

The resulting regulatory scheme has led to much confusion for cities. The legality of marijuana dispensaries is in doubt under Washington State law. A handful of cities adopted zoning regulations relating to medical marijuana collective gardens, while many cities have passed zoning moratoria on dispensaries and/or collective gardens. The result is a patchwork of ordinances and regulations across the state, and King County.

SB 6265, currently pending before the legislature, seeks to clarify some of the ambiguity and to put in place a statewide regulatory scheme. But possession of marijuana/cannabis is still unlawful under federal law. Federal law effectively "trumps" state law, and no action by the Washington State Legislature would (or could) make marijuana use lawful under federal law.

### **The Governor's Petition**

On November 30, 2011, Governor Gregoire and Governor Lincoln Chafee (I-RI) filed a petition with the DEA seeking to have marijuana/cannabis reclassified as a Schedule II drug, which would allow it to be prescribed by doctors and filled by pharmacists. A copy of the petition is attached to this memo.

As noted above, marijuana/cannabis is currently classified as a Schedule I controlled substance under the CSA, which means that, according to the DEA, it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use. In contrast, drugs listed in Schedules II-V have some accepted medical use and may be prescribed, administered, or dispensed for medical use, with controls. No prescriptions may be written for Schedule I substances.

A comparison of the controlled substances classified as Schedule I versus Schedule II is revealing. While marijuana/cannabis is classified as a Schedule I, many other drugs with a high potential for abuse are designated as Schedule II, including opium, methadone, methamphetamine, oxycodone, and cocaine.

The Federal Drug Administration (FDA) has not reviewed marijuana's classification since 2006. In the meantime, there has been much new research and analysis of marijuana/cannabis. The petition filed by Governors Gregoire and Chafee is backed by a substantive science-based report that has been peer reviewed and cites more than 700 independent references, many of which are new science since 2006. Both the Washington State Medical Association and the Washington State Pharmacy support reclassification of marijuana/cannabis. And the American Medical Association (AMA) recently reversed its earlier position, and now supports investigation and clinical research of marijuana/cannabis for medicinal use.

If marijuana/cannabis were reclassified as a Schedule II drug, it could be prescribed and dispensed like any other drug. The documents supporting the Governor's petition note that with modern DNA analysis, it is relatively simple to determine the beneficial compounds contained in marijuana/cannabis. A compounding pharmacist could quantify the appropriate level of cannabinoids, and use an appropriate cannabis blend to create a customized medication for a patient. This is known as the "pharmacy model."

The appeal of this model is that the pharmacy system in the United States is already heavily regulated, and is well suited for providing controlled access to drugs for legitimate medical use. In addition, pharmacies provide safe, reliable access to medication to patients in need. This model would provide reasonable access to medication, while providing a relatively high level of government oversight.

More details on this proposal to reclassify cannabis/marijuana are contained in attachments to the Governor's petition, and we will provide an in-depth presentation on the proposal at the PIC meeting on March 7, 2012.

### **Support for the Proposal to Reclassify Cannabis**

On January 26, 2012, a bipartisan coalition of 42 Washington legislators signed a letter to the DEA supporting the Governor's petition. A copy of that letter is attached to this memo. Both Republican and Democrat lawmakers from King County signed on to the letter.

Senator Jeanne Kohl-Welles has also introduced Senate Joint Memorial 8017 making the same request to reclassify medical marijuana. A copy of Senate Joint Memorial 8017 is attached to this memo.

At the Association of Washington Cities (AWC) Legislative Action Conference on January 25, 2012, Governor Gregoire asked cities to sign on in support of her proposal to reclassify marijuana/cannabis. In a letter dated January 26, 2012, several mayors (including the mayors of four King County cities) urged the DEA to immediately initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug. A copy of that letter is attached to this memo.

At the March 7, 2012, the PIC may consider recommending that SCA take a similar position in support of reclassification. Attached to this memo is a draft resolution in support of reclassification for the PIC's consideration. Also attached is a draft letter on behalf of Suburban Cities Association to DEA Administrator Michele Leonhart in support of reclassification.

### **Conclusion**

The current law in Washington State with regards to medical marijuana has created public safety and land use challenges for cities. Even if new legislation is passed in this legislative session, the fact remains that marijuana possession is illegal under federal law. At the same time, the voters of the State of Washington have expressed a clear intent to provide for access to marijuana for medicinal purposes for patients with terminal or debilitating conditions. Until and unless the conflict between state and federal law is resolved, cities will continue to face these challenges.

If you have any questions or would like additional information, please do not hesitate to contact SCA Executive Director Deanna Dawson at (206) 433-7170 or [Deanna@suburbancities.org](mailto:Deanna@suburbancities.org).

### **Attachments:**

- November 30, 2011 Petition from Governors Gregoire and Chaffee in support of reclassifying cannabis for medical use from a Schedule I controlled substance to a Schedule II (with attachments)
- January 26, 2012 letter from legislators in support of reclassification of Senate Joint Memorial 8017
- January 26, 2012 letter from mayors in support of reclassification
- Draft SCA resolution in support of reclassification
- Draft SCA letter to DEA Administrator Leonhart in support of reclassification



## OFFICES OF THE GOVERNORS

LINCOLN D. CHAFEE  
RHODE ISLAND

CHRISTINE O. GREGOIRE  
WASHINGTON

November 30, 2011

Michele Leonhart, Administrator  
Drug Enforcement Administration  
Attn: Administrator  
8701 Morrisette Drive  
Springfield, VA 22152

**Subject: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

Pursuant to Section 1308.43 of Title 21 of the Code of Federal Regulations (CFR), we hereby petition to initiate proceedings for the issuance of an amendment of a rule or regulation pursuant to Section 201 of the Controlled Substances Act (CSA). Specifically, we petition for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

Attached hereto and constituting a part of this petition are the following as required by the CSA and the CFR:

Exhibit A – The proposed rule. We seek the amendment of an existing rule, so pursuant to 21 C.F.R. §1308.43(6), we have included the existing rule together with a reference to the section in the CFR where it appears, along with our proposed amendment for your consideration.

Exhibit B – A statement of the grounds upon which we rely for the issuance of an amendment of the rule. As required, the grounds we rely on include a reasonably concise statement of the facts, including a summary of relevant medical or scientific evidence in the form of an eight factor analysis that the CSA specifies a petitioner must address (21 U.S.C. §811(c)). The Secretary of the United States Department of Health and Human Services (HHS) through the Food and Drug Administration (FDA) will consider these factors in a report to you for purposes of informing your final decision. The factors include: (1) actual and potential for abuse; (2) pharmacology; (3) other current scientific knowledge; (4) history and current pattern of abuse; (5) scope, duration and significance of abuse; (6) public health risk; (7) psychic or physiological dependence liability; and (8) whether it is an immediate precursor of a controlled substance.

**Attachment 2**

Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 2

The attached statement of grounds about the scientific and medical record, considering these eight factors, supports recognition of the accepted medical use of cannabis in the United States. Accordingly, we request you to open rulemaking to reschedule cannabis for medical purposes under the CSA from a Schedule I to a Schedule II controlled substance.

***Background:***

We are concerned that patients with serious medical conditions who could benefit from medical use of cannabis do not have a safe and consistent source of the drug. As you know, sixteen states and the District of Columbia have decriminalized cannabis for limited medical purposes. Each of these jurisdictions is struggling with managing safe access to medical cannabis for patients with serious medical conditions. Our work with the federal agencies has not resolved the matter. Federal enforcement policies acknowledge the "compassionate use" for seriously ill patients, but the policies do not provide means for safe access of medical cannabis for patients in need.

The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. State and local governments cannot adopt a regulatory framework to ensure a safe supply is available for – and limited to – legitimate medical use without putting their employees at risk of violating federal law. As some states seek to increase regulation, United States Attorneys have warned that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law." Yet in the absence of state or local regulatory systems, there exists wide spread confusion and proliferation of unregulated activities.

More to the point, it is clear that the long-standing classification of medical use of cannabis in the United States as an illegal Schedule I substance is fundamentally wrong and should be changed. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug. Most recently the DEA, as noted in your letter dated June 21, 2011 (published July 8, 2011 in the Federal Register), denied a 2002 petition to initiate proceedings to reschedule marijuana based on an outdated 2006 HHS/FDA scientific review. With respect to marijuana, the 2006 HHS/FDA review found: (1) the medical substance has a high potential for abuse; (2) has no currently accepted medical use in treatment in the United States; and (3) lacks accepted safety for use under medical supervision.

Upon review of the enclosed petition, we believe you will find that the mounting evidence refutes the 2006 review and shows that: (1) cannabis for medical purposes has a relatively low potential for abuse, especially in comparison with other Schedule II drugs; (2) the medical community has concluded that cannabis has accepted medical use in treatment in the United States; and (3) cannabis has accepted safety for use under medical supervision and pharmacy based access. It is now the DEA's responsibility to make appropriate decisions and update the scheduling of drugs based on the changing scientific evidence and the opinion of the medical community. We submit that evidence herein.

***The American medical community supports rescheduling, and there are safe pharmacy-based methods to dispense medical cannabis:***

The medical community supports rescheduling medical cannabis. In 2009, the American Medical Association (AMA) reversed its earlier position that supported Schedule I classification of cannabis. The AMA now supports investigation and clinical research of cannabis for medicinal use, and urged the federal government to reassess the Schedule I classification. The American College of Physicians recently expressed similar support. A great many other groups also support rescheduling.

The National Academy of Sciences, Institute of Medicine perhaps states it best: "Marijuana is not, to be sure, a completely benign substance. It is a powerful drug that affects the body and mind in a variety of ways. However, except for the damage caused by smoking [*which this petition clearly describes non-smoking methods for medical use*], its adverse effects resemble those of many approved medications." [Italics added]

Categorizing medical cannabis as a Schedule II drug would also allow pharmacy dispensing. It requires federal changes to allow pharmacy dispensing and regulated manufacturing and distribution, otherwise pharmacies and pharmacists put their DEA license numbers at risk. There are acceptable methods to safely prescribe and dispense medical cannabis. A pharmacy based method is an existing and effective model that could provide safe and reliable access for patients in need, just like it provides for other controlled substances. The well regulated pharmacy system is perfectly suited to providing controlled access to drugs for legitimate medical use.

Recent scientific development like affordable DNA analysis also supports the pharmacy model. With modern DNA analysis, it is easy to obtain an accurate characterization of the plant's beneficial compound. At the pharmacy level, with current technology readily available today, a compounding pharmacist could easily and inexpensively quantify the levels of cannabinoids, and then use the appropriate cannabis blend to create a customized medication for an individual patient. Compounding is now increasingly offered by community pharmacies. Moreover, studies have shown that pharmacists providing compounding reported increased quality of pharmaceuticals and improved collaboration between the patient, physician, and pharmacist. This paradigm would allow safe access to a medicine with proven efficacy and acceptable safety, in a manner that does not endanger the patient and allows for reasonable governmental oversight. It is important to note that medical cannabis can be vaporized, not smoked. Additionally cannabis can be ingested orally, or applied topically in a liniment. These issues are fully addressed in Exhibit B.

***Conclusion:***

A public rulemaking process would allow all interested parties to contribute their comments and expertise, and provide a full record for decision. These interested parties include patients and medical professionals and the sixteen states and the District of Columbia, or nearly one-third of the nation's population, that have decriminalized limited possession and use of cannabis for serious medical conditions, and at least ten other states are considering similar measures.



Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 4

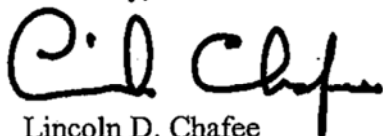
While not required by the law, we urge you to hold public hearings on these issues even before making your decision on whether to initiate formal rulemaking proceedings. You will find that physicians and scientists, mayors and county executives, sheriffs and prosecutors, and the majority of Americans based on reliable national polling, believe rescheduling medical cannabis for serious illnesses is appropriate.

Medical cannabis does have a potential for abuse, but far less so than other Schedule II substances like opiates. There are well researched accepted medical uses; there are ways to safely administer the drug; and, there are effective non-smoking methods like vaporization, oral ingestion or topical application. The exhaustive medical and scientific report attached as Exhibit B, incorporating the necessary eight factors, shows rescheduling cannabis for medical purposes is appropriate.

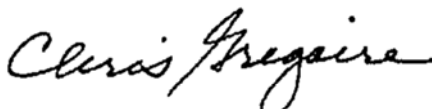
Current federal rules preclude the adoption of reasonable and workable frameworks for providing access to patients while maintaining the ability of law enforcement agencies to address non-medical/illegal distribution and use of cannabis. The situation has become untenable for our states and others. The solution lies with the federal government. We urge the DEA to initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

Thank you for your consideration.

Sincerely,



Lincoln D. Chafee  
Governor of Rhode Island



Christine O. Gregoire  
Governor of Washington

Enclosures:

Exhibit A – Proposed Rule  
Exhibit B – Statement of Grounds

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner

Michele Leonhart, Administrator  
Drug Enforcement Administration  
November 30, 2011  
Page 5

Please send all notices regarding this petition to:

Jason T. McGill, Executive Policy Advisor, Health Care  
Governor's Executive Policy Office  
PO Box 43113  
Olympia, WA 98504-3113

[Jason.McGill@gov.wa.gov](mailto:Jason.McGill@gov.wa.gov)  
Phone: (360) 902-0448  
Fax: (360) 586-8380

Submitted in quintuplicate pursuant to 21 C.F.R. §1308.43



## Washington State Legislature

January 26, 2012

Michele Leonhart, Administrator  
Drug Enforcement Administration  
Attn: Administrator  
8701 Morrisette Drive  
Springfield, VA 22152

**Subject: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

We write in support of the petition that Governor Chafee and Governor Gregoire recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.

We are also concerned that qualifying patients with serious medical conditions who could benefit from medical use of cannabis do not have a safe and consistent source of their medicine that has been recommended by a licensed health care professional in our state. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. More to the point, it is clear that the long-standing classification of medical use of cannabis in the United States as an illegal Schedule I substance is fundamentally flawed and should be changed. The federal government could quickly solve the issue if it were to reclassify cannabis for medical use from a Schedule I drug to a Schedule II drug so that it can be prescribed, which we believe the petition provides substantiated peer-reviewed scientific evidence to support.

The solution lies ultimately with the federal government. We urge the DEA to initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Kohl-Welles".

Senator Jeanne Kohl-Welles  
Washington State Senate – 36<sup>th</sup> District

**Attachment 3**



## Washington State Legislature

Handwritten signature of Karen Keiser in cursive.

Senator Karen Keiser  
Washington State Senate – 33<sup>rd</sup> District

Handwritten signature of Roger Goodman in cursive.

Representative Roger Goodman  
Washington State House of Representatives – 45<sup>th</sup> District

Handwritten signature of Rodney Tom in cursive.

Senator Rodney Tom  
Washington State Senate – 48<sup>th</sup> District

Handwritten signature of Dave Upthegrove in cursive.

Representative Dave Upthegrove  
Washington State House of Representatives – 33<sup>rd</sup> District

Handwritten signature of Joe Fitzgibbon in cursive.

Representative Joe Fitzgibbon  
Washington State House of Representatives – 34<sup>th</sup> District

Handwritten signature of Maralyn Chase in cursive.

Senator Maralyn Chase  
Washington State Senate – 32<sup>nd</sup> District



## Washington State Legislature

Representative Jim Moeller  
Washington State House of Representatives – 49<sup>th</sup> District

Senator David Frockt  
Washington State Senate – 46<sup>th</sup> District

Representative Paul Harris  
Washington State House of Representatives – 17<sup>th</sup> District

Senator Margarita Prentice  
Washington State Senate – 11<sup>th</sup> District

Senator Nick Harper  
Washington State Senate – 38<sup>th</sup> District

Representative Timm Ormsby  
Washington State House of Representatives – 3<sup>rd</sup> District



## Washington State Legislature

Handwritten signature of Representative John McCoy.

Representative John McCoy  
Washington State House of Representatives – 38<sup>th</sup> District

Handwritten signature of Representative Andy Billig.

Representative Andy Billig  
Washington State House of Representatives – 3<sup>rd</sup> District

Handwritten signature of Representative Sherry Appleton.

Representative Sherry Appleton  
Washington State House of Representatives – 23<sup>rd</sup> District

Handwritten signature of Senator Sharon Nelson.

Senator Sharon Nelson  
Washington State Senate – 34<sup>th</sup> District

Handwritten signature of Senator Ed Murray.

Senator Ed Murray  
Washington State Senate – 43<sup>rd</sup> District

Handwritten signature of Representative Marcie Maxwell.

Representative Marcie Maxwell  
Washington State House of Representatives – 41<sup>st</sup> District



## Washington State Legislature

*Jeannie Darneille*

Representative Jeannie Darneille  
Washington State House of Representatives – 27<sup>th</sup> District

*Debbie Regala*

Senator Debbie Regala  
Washington State Senate – 27<sup>th</sup> District

*Jamie Pedersen*

Representative Jamie Pedersen  
Washington State House of Representatives – 43<sup>rd</sup> District

*Chris P.S. Reykdal*

Representative Chris Reykdal  
Washington State House of Representatives – 22<sup>nd</sup> District

*Steve Conway*

Senator Steve Conway  
Washington State Senate – 29<sup>th</sup> District

*Andy Hill*

Senator Andy Hill  
Washington State Senate – 45<sup>th</sup> District



## Washington State Legislature

Representative Sam Hunt  
Washington State House of Representatives – 22<sup>nd</sup> District

Representative Steve Tharinger  
Washington State House of Representatives – 24<sup>th</sup> District

Senator Steve Litzow  
Washington State Senate – 41<sup>st</sup> District

Representative Gerry Pollet  
Washington State House of Representatives – 46<sup>th</sup> District

Representative Mary Lou Dickerson  
Washington State House of Representatives – 36<sup>th</sup> District

Representative Laurie Jinkins  
Washington State House of Representatives – 27<sup>th</sup> District





*Deborah Eddy* Washington State Legislature

Representative Deborah Eddy  
Washington State House of Representatives – 48<sup>th</sup> District

*Adam Kline*

Senator Adam Kline  
Washington State Senate – 37<sup>th</sup> District

*Cindy Ryu*

Representative Cindy Ryu  
Washington State House of Representatives – 32<sup>nd</sup> District

*Eileen Cody*

Representative Eileen Cody  
Washington State House of Representatives – 34<sup>th</sup> District

*Judy Clibborn*

Representative Judy Clibborn  
Washington State House of Representatives – 41<sup>st</sup> District

*Cary Condotta*

Representative Cary Condotta  
Washington State House of Representatives – 12<sup>th</sup> District



## Washington State Legislature

Representative Luis Moscoso  
Washington State House of Representatives – 1<sup>st</sup> District

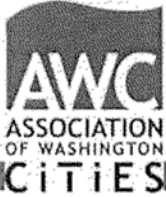
Senator Karen Fraser  
Washington State Senate – 22<sup>nd</sup> District

Senator Joe Fain  
Washington State Senate – 47<sup>th</sup> District

Senator Cheryl Pflug  
Washington State Senate – 5<sup>th</sup> District

Senator Jerome Delvin  
Washington State Senate – 8<sup>th</sup> District

cc: The Honorable Barack Obama, President of the United States  
The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health & Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner  
The Honorable Chris Gregoire, Governor, State of Washington



January 26, 2012

Michele Leonhart, Administrator  
Attn: Administrator  
8701 Morrissette Drive  
Springfield, VA 22152

**Subject: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

We write in support of the petition that Governor Gregoire and Governor Chafee recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the CSA.


As Mayors responsible for upholding the laws of our community, state and federal government, we need resolution regarding the legality of medical cannabis. We are caught in the middle of the desire expressed by the residents of our state to see cannabis available for medical use and the federal government's absolute inflexibility in regards to the medical benefits of cannabis. It is an untenable situation for our communities and has cost our cities significant time and resources to address.

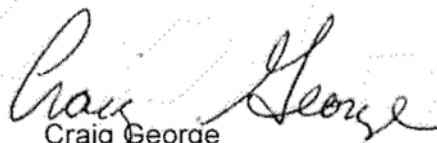
We sympathize with patients suffering from serious medical conditions who could benefit from medical use of cannabis and do not have a safe and consistent source of the drug. The divergence in state and federal law creates a situation where there is no regulated and safe system to supply legitimate patients who may need medical cannabis. The federal government could quickly solve the issue if it reclassified cannabis for medical use from a Schedule I drug to a Schedule II drug, which we believe the petition provides substantiated peer-reviewed scientific evidence to support.


The solution lies with the federal government. We urge the DEA to immediately initiate rulemaking proceedings to reclassify medical cannabis as a Schedule II drug so qualifying patients who follow state law may obtain the medication they need through the traditional and safe method of physician prescribing and pharmacy dispensing.

This letter reflects the support of those cities who have signed and not all cities within the State of Washington. Thank you for your consideration.

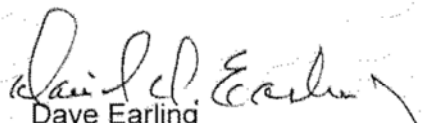
Sincerely,

  
Lisa Walters  
Mayor, City of Battle Ground

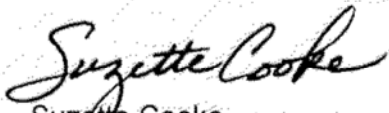
  
Craig George  
Mayor, City of Dayton

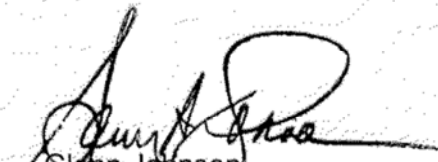
  
Carrie Lacher  
Mayor, Town of Friday Harbor

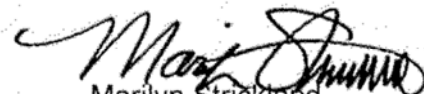
  
Margaret Harto  
Mayor, City of Covington

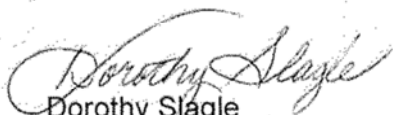
  
Dave Earling  
Mayor, City of Edmonds

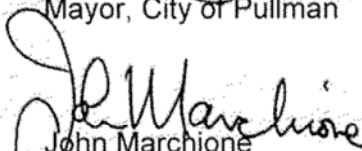
  
Ava Frisinger  
Mayor, City of Issaquah

  
Suzette Cooke  
Mayor, City of Kent

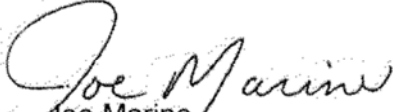
  
Glenn Johnson  
Mayor, City of Pullman


  
Marilyn Strickland  
Mayor, City of Tacoma

  
Dorothy Slagle  
Mayor, City of Kettle Falls

  
John Marchione  
Mayor, City of Redmond

  
Pete Kmet  
Mayor, City of Tumwater

  
Joe Marine  
Mayor, City of Mukilteo

  
Mike Anderson  
Mayor, City of Sedro-Woolley

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner

SENATE JOINT MEMORIAL 8017

State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Kohl-Welles, Keiser, Murray, Delvin, Conway, Pflug, Tom, Regala, Fain, Fraser, and Kline

Read first time 01/26/12. Referred to Committee on Health & Long-Term Care.

1            TO THE HONORABLE BARACK OBAMA, PRESIDENT OF THE UNITED STATES, AND  
2 TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF  
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
4 UNITED STATES, IN CONGRESS ASSEMBLED, AND TO MICHELE LEONHART,  
5 ADMINISTRATOR, UNITED STATES DRUG ENFORCEMENT ADMINISTRATION:

6            We, your Memorialists, the Senate and House of Representatives of  
7 the State of Washington, in legislative session assembled, respectfully  
8 represent and petition as follows:

9            WHEREAS, Sixteen states and the District of Columbia have enacted  
10 laws permitting the medical use of marijuana. However, federal law  
11 continues to classify marijuana as a drug for which there is no medical  
12 use; and

13            WHEREAS, The divergence in state and federal law creates a  
14 situation where there is no regulated and safe system to supply  
15 legitimate patients who may need medical cannabis. It is clear that  
16 the long-standing classification of medical use of cannabis in the  
17 United States as an illegal Schedule I substance is fundamentally  
18 flawed and should be changed; and

19            WHEREAS, Governor Chafee and Governor Gregoire recently submitted

1 a petition to initiate rule-making proceedings for the reclassification  
2 of medical cannabis (also known as marijuana) from Schedule I to  
3 Schedule II of the Controlled Substances Act;

4 NOW, THEREFORE, Your Memorialists write in support of Governor  
5 Chafee and Governor Gregoire's petition and respectfully pray that the  
6 Drug Enforcement Administration initiate rule-making proceedings to  
7 reclassify medical marijuana as a Schedule II drug so qualifying  
8 patients who follow state law may obtain the medication they need  
9 through the traditional and safe method of physician prescribing and  
10 pharmacy dispensing.

11 BE IT RESOLVED, That copies of this Memorial be immediately  
12 transmitted to the Honorable Barack Obama, President of the United  
13 States, Michele Leonhart, Administrator of the United States Drug  
14 Enforcement Administration, the President of the United States Senate,  
15 the Speaker of the House of Representatives, and each member of  
16 Congress from the State of Washington.

--- END ---



**A RESOLUTION OF THE SUBURBAN CITIES ASSOCIATION  
IN SUPPORT OF RECLASSIFYING CANNABIS FOR MEDICAL USE FROM  
A SCHEDULE I CONTROLLED SUBSTANCE TO A SCHEDULE II**

*WHEREAS* the voters of the State of Washington approved Initiative 692 in 1998, the stated purpose of which was to permit the use of marijuana for patients who had debilitating or terminal illnesses; and

*WHEREAS* possession of marijuana/cannabis remains unlawful under federal law, and marijuana/cannabis is currently classified as a Schedule I controlled substance, meaning that according to the U.S. Drug Enforcement Administration (DEA), it has no currently accepted medical use in treatment in the United States and therefore may not be prescribed, administered, or dispensed for medical use; and

*WHEREAS* this conflict between state and federal law has placed the cities of King County in an untenable situation, and has created both public safety and land use regulation challenges for cities; and

*WHEREAS* the Washington State Medical Association and the Washington State Pharmacy and other institutions support reclassification of marijuana/cannabis; and

*WHEREAS* Governor Gregoire has filed a petition with the DEA seeking to initiate rulemaking proceedings to reclassify medical marijuana/cannabis as a Schedule II controlled substance, backed by substantiated peer-reviewed scientific evidence; and

*WHEREAS* reclassification of medical marijuana/cannabis would allow qualified patients to obtain medication through the traditional and safe method of physician prescribing and pharmacy dispensing; and

*WHEREAS* such a system would remove legal ambiguities, and remove substantial law enforcement and regulatory burdens from cities;

***NOW THEREFORE BE IT RESOLVED*** the Suburban Cities Association supports reclassification of marijuana/cannabis as a Schedule II drug under the Controlled Substances Act, and urges the DEA to initiate rulemaking proceedings to reclassify marijuana/cannabis.

Dated this \_\_\_ Day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
On behalf of Suburban Cities Association

**Attachment 6**



Suburban Cities Association  
6300 Southcenter Blvd, Suite 206  
Tukwila, WA 98188  
(206) 433-7168

March 7, 2012

Michele Leonhart, Administrator  
Drug Enforcement Administration  
Attn: Administrator  
8701 Morrisette Drive  
Springfield, VA 22152

**RE: *Rulemaking petition to reclassify cannabis for medical use from a Schedule I controlled substance to a Schedule II***

Dear Administrator Leonhart:

On behalf of the Suburban Cities Association, we write in support of the petition that Governor Christine Gregoire and Governor Lincoln Chaffee recently submitted to initiate rulemaking proceedings for the reclassification of medical cannabis (also known as marijuana) from Schedule I to Schedule II of the Controlled Substances Act (CSA).

The Suburban Cities Association (SCA) is a nonprofit association representing the suburban cities of King County, Washington. Its members collectively represent nearly one million constituents. SCA was founded in the 1970s to help cities with populations of under 150,000 act locally and partner regionally to create vital, livable communities through networking, advocacy, education, and leadership.

As Mayors and Councilmembers, we need resolution regarding the legality of medical cannabis. While the voters of our state have passed an initiative allowing for the use of cannabis for medical purposes, our state's United States Attorneys Mike Ormsby and Jenny Durkan have indicated that the federal government would prosecute "vigorously against individuals and organizations that participate in unlawful manufacturing and distribution activity involving marijuana, even if such activities are permitted under state law."

As a result, cities are caught in the middle. The conflict between state and federal law has created confusion for local law enforcement, and addressing the land use challenges created by the conflict has cost our cities considerable time and resources. In an effort to help resolve this conflict and ease the public safety and regulatory burdens on cities, SCA has adopted a resolution in support of reclassification of medical marijuana/cannabis.

Ultimately, the solution lies with the federal government. If cannabis were reclassified as a Schedule II drug under the CSA, qualified patients who follow the law could obtain medical cannabis just like they receive other medications – through a prescription written by a physician, dispensed by a pharmacist. The medical community supports reclassification, and the petition filed by Governors Gergoire and Chaffee provides substantiated peer-reviewed scientific evidence in support of the reclassification. We therefore urge the DEA to initiate rulemaking proceedings to reclassify cannabis for medical use from a Schedule I to a Schedule II drug.

Thank you for your consideration.



Sincerely,

cc: The Honorable Eric Holder, U.S. Attorney General  
The Honorable Kathleen Sebelius, Secretary, U.S. Department of Health and Human Services  
The Honorable Margaret Hamburg, M.D., FDA Commissioner

**Des Moines City Council**  
**Process & Procedures Issues to Consider**  
**March 1, 2012**

*134 on State video*

- **Meetings**

- Days and times
- Committee Meetings & Public Access
- Study Sessions vs. Regular Council meetings

- **Meeting Agendas**

- How an agenda is decided upon
- Structure of the agenda & order of agenda items *OK*
- Reading or Not Reading the consent agenda - *NOT!*
- When agenda & Council packet is made available to Council *close of business Friday*
- What should be included in agenda item materials  
*public hearing - specify start time & stop meeting to do p.h.*

- **Council Policy Review Structure**

- Policy Committees or Committee of the Whole
- Subject Matter of Policy Committees
- Referral or Genesis of issues to and from Policy Committees

- **Leadership Determination & Responsibilities**

- Process for selecting Mayor and Mayor Pro Tem
- Process for determining Committee Chairs
- Process for determining Liaison responsibilities

- **Council Compensation**

- By the meeting or by the month or something else
- Which meetings should be compensated and which should not
- If changed in 2012, when would it take effect

- **Council Rules of Procedure**

- Suspension of the rules on Rule 26(a)
- Suspension of any other rules
- Typos or other grammatical changes

- **Next Steps**

- Code Changes?
- Rule Changes?
- Administrative Changes?

# AGENDA ITEM

## BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: City Council Process

FOR AGENDA OF: March 1, 2012

ATTACHMENTS:


1. Des Moines City Council Rules of Procedure

DEPT. OF ORIGIN: Administration

DATE SUBMITTED: February 23, 2012

CLEARANCES:

- Legal N/A
- Finance N/A
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works N/A
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER  
FOR SUBMITTAL: 

### Purpose and Recommendation

The purpose of this agenda item is to offer the City Council an opportunity to discuss how it conducts business and considers/adopts legislation

### Background

At its retreat on January 14, 2012, the City Council identified three processes as priorities for review, discussion, and possible revision: Council process, budget process, and permitting process. This agenda item outlines several potential areas within the topic of "City Council Process" as a starting point for discussions and is not intended to be a complete analysis of all possible changes Council may want to entertain. Pages 1-21 of the "Des Moines City Council Rules of Procedure" are attached for your convenience. The references contained in pages 22-33 are not included.

### Discussion

Meeting days and times: By Code, the City Council meets on Thursdays at 7:30 p.m., except on holidays or when there is no business for the Council to transact or discuss. Council may want to consider moving the day to Monday or Tuesday so our meeting dates are similar to most other cities. This would allow Councilmembers and staff to attend meetings with other cities that are held on

Thursday late afternoons or evenings. Also, since many conferences (such as those conducted by AWC or professional organizations) are often held in the latter half of the week, Des Moines Councilmembers and staff often have to miss Council meetings or parts of conferences because of our Thursday meeting date. Council may also want to consider changing the time the Council meeting starts to an earlier time (such as 6:00 or 6:30 p.m.) but keep the ending time of 10:30 p.m. to allow more time to conduct business.

Meeting agendas: Agendas and all supporting materials for both regular meetings and study sessions must be completed by close of business the Friday before the meeting on Thursday of the following week except in case of an emergency. The term “emergency” is not defined in the Council Rules and is therefore open to interpretation and abuse. Council may want to consider defining “emergency”.

Order of Business: The Councils Rules of Procedure lay out the order of business for regular Council meetings. Council may want to consider rearranging the order of business to allow for maximum time to conduct business, such as putting board and committee reports, Councilmember comments, and comments from the public at the end of the meeting, as some (but not all) other City Councils do.

Committees: Some cities do not have Council committees, preferring to have “committee of the whole” study sessions prior to their regular meetings. This enables all Councilmembers to take part in the informal discussions that currently occur in our committee meetings and eliminates committee meetings being held on days other than Thursdays.

Suspending the Rules: The only rule that Council may suspend is 26(a), (requiring ordinances to have two separate readings). Council may want to consider if it wants to allow any other rule to be suspended either by a majority of those present or by a super-majority (either 2/3 or 3/4).

**Alternatives**

N/A

**Financial Impact**

N/A

**Recommendation**

None.

# DES MOINES CITY COUNCIL

## RULES OF PROCEDURE



**Adopted Pursuant to DMMC 4.12.010**

Updated 7/89  
Updated 7/90  
Updated 10/90  
Updated 11/90  
Updated 8/91  
Updated 10/91  
Updated 12/91

Updated 4/92  
Updated 2/94  
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Updated 6/95  
Updated 9/00  
Updated 5/03

Updated 9/03  
Updated 8/04  
Updated 4/05  
Updated 5/06  
Updated 1/11, Res. 1140

**DES MOINES CITY COUNCIL RULES OF PROCEDURE**

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## **SECTION I COUNCIL MEETING - LOCATION**

**RULE 1.** All meetings of the City Council shall be held at the location specified in DMMC 4.04.010. (Ord. 329 §1, 1973).

## **COUNCIL MEETING - TIME**

**RULE 2.** The regular meetings of the City Council shall be held at the times specified in DMMC 4.04.020. (Ord. 1039 §1, 1993).

## **COUNCIL MEETINGS - OPEN TO THE PUBLIC**

**RULE 3.** All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. (Res. 525 §1, 1988).

## **ELECTION OF OFFICERS**

**RULE 4.** Procedures for electing officers are as follows:

(a) Biennially, at the first meeting of the new Council, the members thereof shall choose a presiding officer from their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a permanent vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from their number for the unexpired term. Following the election of the Mayor, there shall be an election for Mayor Pro Tempore. The term of the Mayor Pro Tempore shall run concurrently with that of the Mayor.

(b) The election for Mayor shall be conducted by the City Clerk. The City Clerk shall call for nominations. Each member of the City Council shall be permitted to nominate one (1) person who has previously served on the Council for a minimum of two years, and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed. The election for Mayor Pro Tempore shall be conducted by the Mayor-elect, and nominations shall be made in the manner previously described for the election of the Mayor. Candidates for Mayor Pro Tempore shall have previously served on the Council for a minimum of one year. The minimum experience condition for candidacy for Mayor or Mayor Pro Tempore may be waived by the vote of five councilmembers.

(c) Except when there is only one nominee, election shall be by written ballot. Each ballot shall contain the name of the Councilmember who cast it. Each succeeding ballot shall include the name of all Councilmembers nominated (unless they have withdrawn). Voting shall continue until a nominee receives a majority of the votes. The City Clerk shall publicly announce the results of the election by reading each ballot into the record, stating the name of each voting Councilmember and the manner in which the Councilmember voted. Thereafter, the City Clerk shall record in the minutes of the meeting the manner in which each voting member of the Council cast his or her ballot.

(d) In the event the Council is unable to agree on a Mayor by majority vote of members present, the Office of Mayor shall be temporarily filled by an Acting Mayor. The Acting Mayor shall be the Councilmember who just previously served as Mayor; or if such person is not a member of the Council, the Councilmember who just previously served as Mayor Pro Tempore; or if such person is not a member of the Council, the Councilmember with the highest seniority as determined by the City Attorney. Ties shall be resolved in a contest by chance. The office of Acting Mayor Pro Tempore shall be filled by the Councilmember who just previously served as Mayor Pro Tempore; or if such person is not a member of the Council, by the Councilmember with the next highest seniority. The Acting Mayor and Acting Mayor Pro Tempore shall continue in office and exercise such authority as is described in Chapter 35A.13 RCW until the members of the Council agree on a Mayor, at which time the Office of Acting Mayor and Acting Mayor Pro Tempore shall cease and terminate. (Res. 525 §1, 1988, amended by Res. 594 §1, 1989, amended by Res. 672, 1991, amended by Res. 754 §1, 1994, amended by Res. 1140, 2011.)

### **PRESIDING OFFICER**

**RULE 5.** The Mayor shall preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor shall have no regular administrative or executive duties. In case of the Mayor's absence or temporary disability the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. When the Mayor Pro Tempore acts as Mayor by participating in preparation of a Council meeting agenda or study session worksheet, or by presiding at a meeting of the Council, the Mayor Pro Tempore shall have authority only to approve the Council meeting agenda or study session worksheet as to form without introducing or deleting items of business, and to preside at the meeting by following the approved agenda or study session worksheet as written. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, a Mayor Pro Tempore selected by members of the Council shall act as Mayor during the continuance of the absences or disabilities. The Mayor or Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure.

(a) The Mayor and the Council have authority to introduce proclamations for a variety of purposes, as approved by the Council. No proclamation shall constitute official City actions unless approved or authorized by a majority of the City Council.

(b) To promote a favorable image of the City and pursue resources that will benefit the community, the Mayor, or another Councilmember designated by the City Council, may take the lead in representing the Des Moines City Council to those from outside the community who are interested in joint ventures and efforts to bring economic development and investments to the City, including other local governments, regional organizations, and federal, state, and international government representatives. Neither the Mayor, nor a Councilmember, can commit the City without authorization of a majority of the City Council.

(c) The Mayor, or another Councilmember designated by the City Council, is the spokesperson on actions taken by the Council. On behalf of the City Council, the Mayor or designated Councilmember may inform the public, media, and staff about issues affecting the community.

(Res. 525 §1, 1988, amended by Res. 961 §1, 2003, Res. 1140, 2011).

## QUORUM

**RULE 6.** At all meetings of the Council four Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior Council Chamber doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered a regular meeting for all purposes. (Res. 525 §1, 1988).

## ATTENDANCE, EXCUSED ABSENCES

**RULE 7.** RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or City Clerk, who shall convey the message to the Presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes. (Res. 525 §1, 1988).

## SPECIAL COUNCIL MEETINGS

**RULE 8.** It is the intent of the Des Moines City Council that the procedures of this Council Rule 8 are enforceable to the same extent as RCW 42.30.080, as the City's implementation of the Open Public Meetings Act special meeting requirements set forth at RCW 42.30.080. Procedures for setting a special meeting are as follows:

(a) A special meeting may be called by the Mayor or any four members of the Council.

(b) Notice of the special meeting shall be prepared in writing. The notice shall contain the following information about the meeting: time, place, and business to be transacted. The notice shall be reviewed by the City Attorney for proper legal form. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Special Council Meeting, except in case of an emergency.

(c) (1) The notice shall be delivered by mail, by electronic mail to an address designated by the receiver of the email, or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

(2) When email notice is given to Councilmembers, the City Clerk shall provide confirming follow up of such email notice by making a personal telephone call directly to each Councilmember who has made a standing written advance request to the City Clerk for such follow up telephone call. The City Clerk shall document the date and time of such follow up telephone call.

(d) The notices provided in this section may be dispensed with in the circumstances provided by RCW 42.30.080; that is:

(1) As to any member who at or prior to the time the meeting convenes files with the Clerk a written waiver of notice,

(2) As to any member who was actually present at the meeting at the time it convenes, and

(3) In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. (Res. 525 §1, 1988, amended by Res. 788, 1995, amended by Res. 1011, 2006, amended by Res. 1140, 2011).

### COUNCIL MEETING AGENDA

**RULE 9.** This rule specifies the method of preparation of a Council meeting agenda for meetings other than study sessions. The Presiding Officer, three (3) Councilmembers, or the City Manager may introduce a new item to the preliminary agenda. The Presiding Officer shall have the option of deleting any item, other than those items introduced by three (3) Councilmembers, from the preliminary agenda until the next regular Council meeting when the full Council shall vote on whether to introduce the item on the agenda for a subsequent Council meeting. The City Clerk, under the direction of the City Manager, shall arrange a list of such matters according to the order of business and prepare a preliminary agenda for the Council. After the preliminary agenda has been approved by the Presiding Officer, a copy of the agenda and supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Regular Council Meeting, except in case of an emergency. (Res. 525 §1, 1988, amended by Res. 961 §2, 2003, amended by Res. 1140, 2011).

### STUDY SESSIONS

**RULE 10.** Regular Council meetings that are held during the first and third week of each month in accordance with Rule 2, may be designated as Study Sessions by the Presiding Officer. Study Sessions need have no formal agenda and may be conducted informally so long as such informality is not in conflict with these rules. Comments from the public, limited to the items of business on the Study Session agenda, may, at the discretion of the Presiding Officer, be allowed so long as the comments are in accordance with Council Rule 20(f). The purpose of Study Session discussions is to allow Councilmembers to be made aware of impending business and allow informal discussion of issues that might be acted on at a future meeting. These conditions will allow the Councilmembers to communicate informally about these impending issues. No final Council action shall be taken on ordinances and resolutions at Study Sessions. The City Clerk, under the direction of the City Manager, shall arrange a Council Study Session worksheet for the Study Session. The Council Study Session worksheet shall, for each item, contain the Discussion Item, the Discussion Item Moderator, and the Discussion Goal. After the proposed Council Study Session worksheet has been approved by the Presiding Officer, a copy of it along with any supporting materials shall be prepared for Councilmembers, the City Manager, and the press by close of business Friday prior to the Council Study Session, except in an emergency.

During the Council Study Session the Discussion Item Moderator may: 1) introduce the subject and give background information; 2) identify the discussion goal; 3) act as facilitator to keep the discussion focused to the eventual discussion goal; 4) alert the Presiding Officer when it is appropriate to call for a motion or other official direction of the Council. The Presiding Officer

retains the option of assuming the function of the Discussion Item Moderator in order to keep the discussion properly focused. (Res. 525 §1, 1988, amended by Res. 659, 1991, amended by Res. 754 §2, 1994, amended by Res. 961 §3, 2003, amended by Res. 1140, 2011).

### **CITY MANAGER**

**RULE 11.** The City Manager, as the chief executive officer and head of the administrative branch of City government or his/her designee, shall attend all meetings of the City Council, unless excused by the Presiding Officer or Council. The City Manager shall be responsible to the Council for the proper administration of all affairs of the City. The City Manager shall recommend for adoption by the Council such measures as he/she may deem necessary or expedient; prepare and submit to the Council such reports as may be required by that body or as the City Manager deem it advisable to submit; keep the Council fully advised as to the business of the City; and shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that both the City Manager and Assistant City Manager are unable to attend a Council meeting, the City Manager or Assistant City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration. (Res. 525 §1, 1988).

### **CLERK**

**RULE 12.** The City Clerk shall be ex-officio Clerk of the Council and shall keep minutes as required by the Revised Code of Washington and Robert's Rules of Order, including a specific action item section, and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint a replacement to act as Clerk of the Council. (Res. 525 §1, 1988, Amended by Res. 949, 2003, amended by Res. 1140, 2011).

## SECTION II DUTIES AND PRIVILEGES OF MEMBERS

### FORMS OF ADDRESS

**RULE 13.** The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". The Mayor Pro Tempore shall be address as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)". (Res. 525 S1, 1988).

### SEATING ARRANGEMENT

**RULE 14.** Councilmembers shall occupy the respective seats in the Council Chamber assigned to them by the Mayor. (Res. 525 S1, 1988).

### APPEARANCE OF FAIRNESS DOCTRINE

**RULE 15.** Appearance of Fairness Doctrine and its Application. (Res. 571 S1, 1989).

(a) Appearance of Fairness Doctrine Defined. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must *appear* to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a boardmember's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." Zehring v. Bellevue, 99 Wn.2d 488 (1983).

(b) Types of Hearings to Which Doctrine Applies. The appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents of the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010. Some examples of quasi-judicial actions which may come before the Council are: rezones or reclassifications of specific parcels of property, appeals from decisions of the Hearing Examiner, substantive appeals of threshold decisions under the State Environmental Protection Act, subdivisions, street vacations, and special land use permits.

(c) Obligations of Councilmembers, Procedure.

(1) Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Manager who will seek the opinion of the City Attorney as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.

(2) Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.

(3) The presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.

(4) Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

(d) Specific Statutory Provisions.

(1) Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. RCW 42.36.040.

(2) A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

(3) During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (a) places on the record the substance of such oral or written communications; and (b) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060. (Amended Res. 1140, 2011).

## **DISSENTS AND PROTESTS**

**RULE 16.** Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes. (Res. 525 S1, 1988).

## **ADMINISTRATIVE INTERFERENCE BY COUNCILMEMBERS**

**RULE 17.** Neither the Council, nor any of its committees or members shall direct or request the appointment of any person to, or his/her removal from, any office by the City Manager or any of his/her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative branch solely through the City Manager and neither the Council nor any committee or member thereof shall give any orders to any subordinate of the City Manager, either publicly or privately: provided, however, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of City officers and employees and City affairs. (RCW 35A,13.120) (Res. 525 S1, 1988, Amended by Res. 1140, 2011).



## SECTION III COUNCIL PROCEDURES

### RULES OF ORDER

**RULE 18.** Rules of order not specified by statute, ordinance, or resolution shall be governed by the most recent edition of Robert's Rules of Order.

(a) **Courtesy.** Members of the Council, in the discussion, comments, or debate of any matter or issue, shall be courteous in their language and demeanor and shall not engage in derogatory remarks or insinuations in respect to any other member of the Council, or any member of the staff or the public, but shall at all times confine their remarks to those facts which are germane and relevant, as determined by the presiding officer, to the question or matter under discussion.

(b) **Interruption.** No member of the Council shall interrupt or argue with any other member while such member has the floor.

(Res. 525 S1, 1988, Amended by Res. 618 1990, amended by Res. 1140, 2011).

### MOTIONS

**RULE 19.** All items of business placed before the Council that require the expenditure of Council and/or administration resources, shall be in the form of an affirmative motion.

(a) **Rule 19(a) – Speaking to Motion.** No member of the Council shall speak more than twice on the same motion except by consent of the majority of the Council Members present at the time the motion is before the Council. After the motion is put and before the next item is read, a member shall be able to speak briefly to the previous motion. Questions and answers by members of the Council are not considered as speaking to the motion.

(b) **Rule 19(b) – Time Limit.** Each member of the Council shall speak for no more than ten (10) minutes unless granted an exemption by the majority of the Council.

(c) **Rule 19(c) – Donation of Time.** No member of Council may give his allotted time to another member unless there is approval of the majority of the Council.

(Res. 525 S1, 1988, amended by Res. 1140, 2011).

### ORDER OF BUSINESS

**RULE 20.** The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Any ruling by the Presiding Officer relative to rearrangement of items on the agenda may be overruled by a vote of a majority of members present.

(a) Call to order by the Presiding Officer.

- (b) Pledge of Allegiance.
- (c) Invocation (Presiding Officer's discretion).
- (d) Roll call (See Rule 7 for procedure to excuse an absence).
- (e) Correspondence not previously received by the Council.
- (f) Comments from the public (non-public hearing topics). Public comments are encouraged and appreciated. The information and advice received from citizens helps the City Council make the best possible decisions.

(1) Procedure.

(A) Citizens are encouraged to supplement verbal comments through written submittals.

(B) All citizens desiring to address Council during the Public Comment period shall first fill out a sign-in sheet and submit the form to the City Clerk prior to the start of Public Comments.

(2) Scope of Comments.

(A) Subjects not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to administration or a Council committee for investigation and report.

(B) Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (.e.) proponents, opponents, adjacent owners, vested interests, etc.).

(C) Subjects of a Public Hearing. Comments made during the Public Comment period on a topic set for a public hearing by the City Council shall be out of order. To ensure a fair hearing to applicants or matters that are subject to a public hearing before the City Council, the presiding officer may rule public comments made outside the scope of a public hearing record to be out of order.

(D) Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

(3) Rules of Conduct. A minimum number of basic rules are established to ensure that all individuals wishing to address the City Council are fairly heard.

(A) Each person addressing the Council shall step up to the indicated speakers table, give his or her name and address for the record, and shall limit comments to three (3) minutes. Groups may be allotted five (5) minutes by the presiding officer.

(B) Except where permission is granted by the Presiding Officer, all remarks shall be made only from the designated speaking table and addressed to the Council as a body and not to individual members, the audience or the television cameras.

(C) The presiding officer or designee shall notify the individual when the allotted time has expired and the speaker shall promptly conclude his or her remarks. All speakers are encouraged to submit supplemental or detailed written remarks for Council consideration.

(D) Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be ordered to leave the meeting. The presiding officer has the authority and duty to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct and to enforce these rules.

(E) The presiding officer may rule "out of order" any comment made with respect to a quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter. If a hearing has been set, persons whose comments are ruled out of order will be notified of the time and place when they can appear at the public hearing on the matter and present their comments.

(F) Any person whose comments have been ruled out of order by the presiding officer shall immediately cease and refrain from further improper comments. The refusal of an individual to desist from personal, inappropriate, slanderous or otherwise disruptive remarks after being ruled out of order by the presiding officer may subject the individual to removal from the Council Chambers.

(g) Committee and board reports.

(1) Procedure. Councilmembers and the presiding officer may give reports regarding boards or committees to which they have been appointed.

(2) Scope and Time Limits.

(A) The presiding officer may rule "out of order" any comments made during this portion of the meeting that do not pertain to the activities of the Councilmembers' boards or committees.

(B) Board and committee reports shall also be limited to three (3) minutes unless extended time is granted by the presiding officer for matters of significant

importance. The presiding officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his or her report.

(h) Presiding Officer's report. In addition to any special board or committee reports, the presiding officer may give a report on any activity participated in as part of the official duties of the Mayor.

(i) Councilmember comments (non-agenda topics).

(1) Procedure. Councilmembers may comment on other subjects of importance and/or respond to citizen comments.

(2) Scope and Time Limits.

(A) Councilmember comments during this portion of the meeting shall be limited to subjects not on the current agenda. The presiding officer may rule "out of order" any comment made during this portion of the meeting with respect to any agenda item or quasi-judicial matter pending before the Council or its Boards or Commissions. Such comments should be made only at the hearing on a specific matter and/or during that portion of the meeting for which the agenda item is scheduled.

(B) Councilmember comments during this portion of the meeting shall also be limited to three (3) minutes. The presiding officer or designee shall notify the Councilmember when the allotted time has expired and the Councilmember shall promptly conclude his or her remarks.

(j) Administration reports.

(k) Consent Calendar.

(1) The City Manager, in consultation with the Presiding Officer, shall place matters on the Consent Calendar which have been: (a) previously discussed by the Council, or (b) based on the information delivered to members of the Council by administration that can be reviewed by a Councilmember without further explanation, or (c) are so routine or technical in nature that passage is likely, or (d) as directed by the City Council.

(2) The Clerk shall read the Consent Calendar, including the titles of any ordinances or resolutions contained therein.

(3) The proper Council motion on the Consent Calendar is as follows: "I move adoption of the Consent Calendar". This motion shall be non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the item withdrawn from

the consent calendar shall be the next business in order following the conclusion of the consent calendar.

- (l) Public Hearings (see Rule 21 for procedural details).
- (m) Old Business.
- (n) New Business.
- (o) Executive Session (as required)
- (p) Next meeting date announced by Presiding Officer.

(q) Adjournment. No meeting shall be permitted to continue beyond 10:30 PM without approval of three fourths of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:30 PM, the items not acted on shall be deferred to the next regular Council meeting as old business, unless the Council, by a majority vote of members present, determines otherwise. (Res. 525 §1, 1988, amended by Res. 894 §1, 2000, amended by Res. 961 §4, 2003, amended by Res. 977, 2004.

### ACTIONS FOR A PUBLIC HEARING

**RULE 21.** The procedures for a public hearing are as follows:

(a) Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).

(b) The Presiding Officer introduces the agenda item, opens the public hearing, and provides a summary of the following Rules of Order and/or advises the public that they may have a copy of such rules, which shall be available with other agenda materials regularly made available to the public at each Council meeting.

(1) "All comments by proponents, opponents, or the public shall be made from the speaker's rostrum and any individual making comments shall first give their name and address. This is required because an official recorded transcript of the public hearing is being made. If there is any appeal to King County Superior Court, the court must make its decision on the basis of what was said here."

(2) "It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent."

(3) "No comments shall be made from any other location, and anyone making "out of order" comments shall be subject to removal from the meeting."

(4) "There will be no demonstrations during or at the conclusion of anyone's presentation."

(5) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."

(c) (1) When Council conducts a hearing to which the Appearance of Fairness Doctrine, (Rule 15) applies, the Presiding Officer, or in the case of a potential Rule 15 violation by that individual, the Mayor Pro Tem, will ask if any Councilmember knows of any reason which would require such member to excuse themselves pursuant to Rule 15. The suggested form of the announcement is as follows:

"All Councilmembers should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time so that the Chair may inquire of Administration as to whether a violation of the Appearance of Fairness Doctrine exists."

(2) When Council conducts a "quasi-judicial" hearing, the Presiding Officer may require that all persons wishing to provide testimony during the course of such hearing provide an oath, on the record, affirming the truth of their testimony. The suggested form and process for such oath is as follows:

The Presiding Officer asks all possible speakers to raise their right hand, asks such individuals to consider the following question and respond "I do", and inquires:

"Do you affirm under penalty of perjury under the laws of the State of Washington that the testimony you are about to provide is true and accurate to the best of your knowledge?"

(d) At the outset of each public hearing or meeting to consider a zoning amendment or zoning reclassification the Presiding Officer will call upon City Administration to describe the

matter under consideration, including legal standards for approval of the item before the Council, and ask the parties to limit their presentations to information within the scope of the standards.

(e) The Presiding Officer calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings.

(f) The proponents or speakers now speak. (Note: If the City of Des Moines is the proponent, a member or members of the administration shall be designated to give proponent and rebuttal testimony).

(g) The Presiding Officer calls for additional proponents or speakers three times.

(h) In non-quasi-judicial proceedings refer to Rules 21(l), otherwise the Presiding Officer calls for opponents by announcing the following:

"At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation. The proponents shall note the question asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order."

(i) Opponents speak.

(j) The Presiding Officer calls for additional opponents three times.

(k) The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.

(l) The Presiding Officer announces the following:

"At this time I will inquire of the administration as to whether there have been any mis-statements of fact or whether the administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations."

(m) The Presiding Officer inquires as to whether any Councilmembers have any questions to ask the proponents, opponents, speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.

(n) The Presiding Officer closes the public hearing.

(o) The Presiding Officer inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its second, discussion occurs among Councilmembers. The Presiding Officer may call on individual Councilmembers in the discussion.

(p) The Presiding Officer inquires if there is any further discussion by the Councilmembers.

(q) The Presiding Officer inquires if there are any final comments or recommendations from administration.

(r) The Presiding Officer inquires of the Councilmembers as to whether they are ready for the question.

(s) The Clerk shall conduct a roll call vote.

(t) The Presiding Officer directs administration to prepare findings consistent with the action.

(Res. 571 §2, 1989, amended by Res. 894, §2, 2000, amended by Res. 1140, 2011).

## VOTING

**RULE 22.** The votes during all meetings of the Council shall be transacted as follows:

(a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call vote shall be taken by the Clerk. The order of the roll call vote shall be determined by the Presiding Officer.

(b) In case of a tie in votes on any proposal, the proposal shall be considered lost.

(c) Every member who was in the Council chambers when the question was put, shall give their vote unless the Councilmember excuses himself or herself in accordance with Rule 15. If any unexcused Councilmember refuses to vote "aye" or "nay", their vote shall be counted as a "nay" vote.

(d) The passage of any ordinance, grant or revocation of franchise or license, any resolution for the payment of money, any approval of warrants, and any resolution for the removal of the City Manager shall require the affirmative vote of at least a majority of the whole membership of the Council.

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency such as a budget amendment shall require the affirmative vote of at least a majority plus one of the whole membership of the Council.

(f) The passage of any motion or resolution not subject to the provisions of RCW, DMMC, or this Resolution as amended, shall require the affirmative vote of at least a majority of the membership of the Council who are present and eligible to vote.

(Amended by Res. 1140, 2011).



## COMMITTEES

**RULE 23.** The procedures governing all committees of the Council shall be as follows:

(a) The following standing committees shall consist of three members of the Council appointed by the Mayor in January of each year or at such time as new standing committees are authorized: Environment, Municipal Facilities, Public Safety & Transportation, and Finance and Economic Development.

(b) Council Committees for a particular purpose may be formed by motion of Council and members shall be appointed by the Mayor.

(c) Committees shall make a recommendation on proposed ordinances, resolutions and motions, within their area of responsibility before action is taken by the Council. Minutes shall be kept of each City Council standing and special committee meeting, and shall list discussion topics, comments made, and any final recommendations.

The Committee Chair shall present the recommendations of the committee to the City Council at a regular City Council meeting during the discussion of the item of business. (Res. 575 §1, 1989, Amended by Res. 602 1990, Amended by Res. 633 1990, Amended by Res. 664 1991 Amended by Res. 685 1992, Amended by Res. 754 §3, 1994, Amended by Res. 931, §1, 2002, Amended by Res. 940, §1 2002, Amended by Res. 1140, 2011).

## ENACTED ORDINANCES, RESOLUTION AND MOTIONS

**RULE 24.** An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by the Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law. (Res. 525 §1, 1988).

## RESOLUTIONS

**RULE 25.** A resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall in all cases be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting. (Res. 525 §1, 1988).

## ORDINANCES

**RULE 26.** The procedure for ordinances is as follows:

(a) All ordinances shall have two separate readings. At each reading the title of an ordinance shall in all cases be read prior to its passage; provided that should a Councilmember request that the entire ordinance or certain of its sections be read, such requests shall be granted. Printed copies shall be made available upon request to any person attending a Council meeting.

(b) The provision requiring two separate readings of an ordinance may be temporarily suspended at any meeting of the Council by a majority vote of all members present.

(c) If a Motion to pass an ordinance to a second reading fails, the ordinance shall be considered lost.

(Res. 525 S1, 1988, Amended by Res. 1140, 2011.)

## PERMISSION REQUIRED TO ADDRESS THE COUNCIL

**RULE 27.** Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Presiding Officer. (Res. 525 S1, 1988, Amended by Res. 1140, 2011).

## RECONSIDERATION

**RULE 28.** Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. (Res. 525 S1, 1988).

## LEGISLATIVE PROCESS, PREPARATION, INTRODUCTION AND FLOW OF ORDINANCES AND RESOLUTIONS AND MOTIONS

**RULE 29.** Ordinances and resolutions shall be prepared, introduced, and proceed in the manner described on the flow chart attached hereto as Exhibit "A", and by this reference incorporated herein. Prior to final passage of all ordinances, resolutions or motions, such documents or proposals shall be designated as DRAFTS as follows:

(a) PROPOSED DRAFTS shall contain the name of the group, organization, committee or individual originating, initiating or sponsoring the proposal prior to the first presentation to the City Council where a vote is taken directing some official action or further consideration.

(b) COUNCIL DRAFTS shall be documents or proposals which have been presented in open session and voted on by the City Council when the resultant Council action was other than passage or a vote to cease further consideration. (Res. 525 S1, 1988).

## **COUNCIL RELATIONS WITH BOARDS, COMMISSIONS AND COUNCIL CITIZEN ADVISORY BODIES**

**RULE 30.** All statutory boards and commissions and Council citizen advisory bodies shall provide the Council with copies of minutes of all meetings. Communications from such boards, commissions and bodies to the City Council shall be made in the form of a motion and recorded in the minutes. Any such communication shall be officially acknowledged by the Council and receipt noted in the minutes. The procedure for acknowledging such receipt shall be as follows. Any member of the Council may bring such communication to the Presiding Officer's attention under the agenda item "Committee and Board Reports." The presiding Officer shall state: "So noted for the record", and thereafter the Clerk shall make an appropriate notation in the minutes. Should any member of the Council determine that any such communication be officially answered by the Council, the Presiding Officer shall place the matter on the agenda under New Business for the current meeting or any subsequent meeting. (Res. 525 S1, 1988).

## **COMPLAINTS AND SUGGESTIONS TO COUNCIL**

**RULE 31.** When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

(a) If legislative, and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Council of the whole for study and recommendation.

(b) If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the Council when his/her response is made. (Res. 525 S1, 1988).

## **ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL COUNCILMEMBERS**

**RULE 32.** When administrative policy or administrative performance complaints are made directly to individual Councilmembers, the Councilmember may then refer the matter directly to the City Manager for his/her view and/or action. The individual Councilmember may request to be informed of the action or response made to the complaint. (Res. 525 S1, 1988).

## **FILLING COUNCIL VACANCIES**

**RULE 33.** If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 35A.13.020. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure and any application form for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Councilmember. (Res. 525 S1, 1988).

**PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE --  
PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION**

**RULE 34.** No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Presiding Officer or a majority of the Council. (Res. 525 S1, 1988).

**AUDIO RECORDINGS OF MEETINGS**

**RULE 35.** All meetings of the City Council should be recorded by the City Clerk on an audio recording device. (Res. 657, 1991, amended by Res. 1140, 2011).

**VIDEO RECORDING AND BROADCAST**

**RULE 36.** All meetings of the City Council held in the Des Moines City Service Center at 21630 11th Avenue South should be video recorded and cablecast within the City. (Res. 772, 1994, amended by Res. 1140, 2011).

**SPIRIT OF DES MOINES AWARD PROGRAM**

**RULE 37.** It is the intent of the Des Moines City Council that a Spirit of Des Moines Awards Program be enacted by the Council to honor the commitment and dedication of its named recipients. Awards will be of two kinds; an annual award or lifetime achievement award. The awards shall be made in accordance with the Spirit of Des Moines Awards Policy and attached to these City Council Rules as Appendix A. (Res. 1140, 2011).

## Sandy Paul-Lyle

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**From:** Tony Piasecki  
**Sent:** Thursday, March 01, 2012 1:27 PM  
**To:** Pat Bosmans; Lorri Ericson; Sandy Paul-Lyle  
**Subject:** FW: Comments on agenda items.

FYI

Tony Piasecki  
Des Moines City Manager

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**From:** Jeanette [<mailto:jburrage01@aol.com>]  
**Sent:** Wednesday, February 29, 2012 12:00 PM  
**To:** Kaplan Home; Tony Piasecki  
**Subject:** Comments on agenda items.

Discussion item #2. I would like to suggest to SCA that their resolution not give the other side in their 2nd Whereas, so the emphasis will be on how we want things changed.

Discussion item- City Council Process. I am hoping Dave has some suggestions. I would like our information packets to have a summary and fiscal impact clearly near the top of the item information.

Some individual word changes or questions:

Rule 4(b)-Wouldn't the newly elected mayor be just that and not "mayor-elect" as used in the middle of the paragraph?

Rule 4(c) Why does the first ballot not have the names of all council members nominated?

Rule 5. It provides that the Mayor has no administrative or executive duties. What do you call participating in preparation of council meeting agendas, study session worksheets, and consent agenda consultation? Appointing people to boards is not an executive duty?

Rule 5(c). Is this saying each councilmember cannot tell the press or public what we think about actions taken by the council?

Rule 9. There is a typo in the second sentence in the word "Presiding". Is the preliminary agenda talked about here the "futures"?

Rule 11. What does "take part" in the Councils' discussion mean for the City Manager?

Rule 17. Councilmembers shall not request removal of persons from "office". Does this mean employment?

Rule 20. Should the title of that rule be changed to "Order of Business and Public Comment Rules" or maybe make these two rules?

Procedure (B) Since the individual citizen does not take the sign in sheet to the clerk, perhaps the wording should be changed to . . ."which will be submitted" to the City Clerk. . .

2(A) states the presiding officer sets time limitations, but they are also controlled by Sec. 3(A), which should probably be referenced here for the non-expert ordinance reader.

Rule 22(e). Should we require 5 votes for any money spent that is not in the budget or is this not considered a "budget amendment"?

Rule 36. Should this say, " All public meetings. . ."?

Picky picky, picky. Thank you for your review.

*Jeanette*



# City of Des Moines

Geographic Information System

## 2016 Noise Contours

### DNL \*DRAFT\*

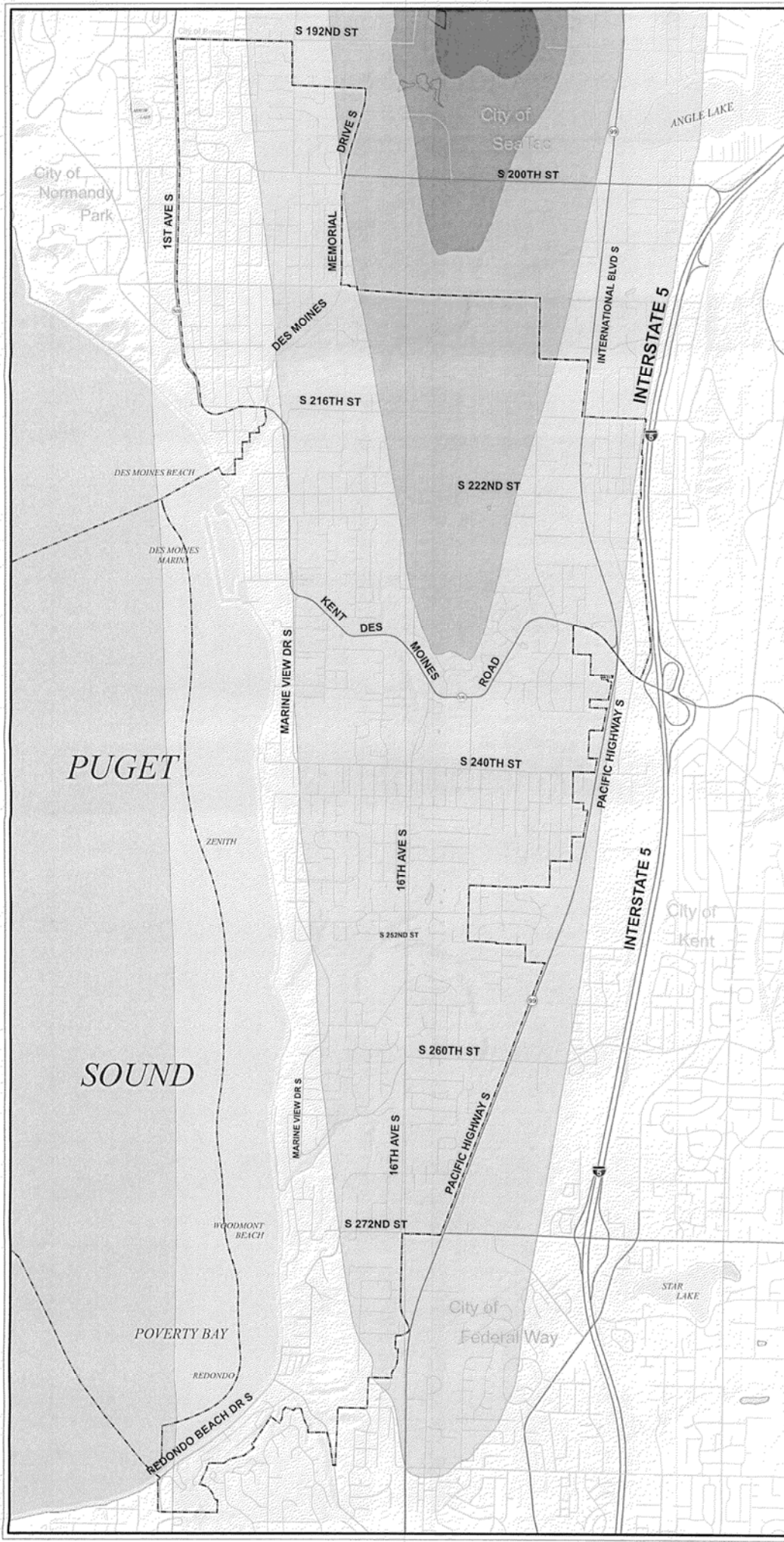
- 85
- 80
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- 70
- 65
- 60
- 55

Des Moines City Limits



### Finance & Information Technology

21650 11th Ave S  
Des Moines, WA 98198-6398  
PHONE: (206) 870-6522 \* FAX: (206) 870-6506  
<http://www.desmoineswa.gov>







**City of Des Moines**  
Geographic Information System

**1998 Noise Contours**

- DNL
- 75
  - 70
  - 65
  - 60
  - 55

**Des Moines City Limits**



**Finance & Information Technology**

21650 11th Ave S  
Des Moines, WA 98198-6398  
PHONE: (206) 870-6522 • FAX: (206) 870-6596  
<http://www.desmoineswa.gov>

