



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE
JUNE 8, 2015
5:30 P.M.
COUNCIL CHAMBERS

1. **INTERLOCAL AGREEMENT – SPECIALIZED RECREATIONAL SERVICES**
LORI FLEMM, PARKS & RECREATION DIRECTOR
(ATTACHMENT)

2. **HOUSEKEEPING AMENDMENTS**
 - Massage Parlors (LMC 5.38)
 - Human Rights Commission (LMC 9.48.020(A))
 - Reflexology Regulation (RCW 18.080)
 - Minor in Possession (LMC 9.40)*DAVE SCHNEIDER, CITY ATTORNEY*
(ATTACHMENT)

3. **COUNCIL POLICIES-PROCEDURES MANUAL UPDATE**
SCOTT SPENCE, CITY MANAGER
(ATTACHMENT)

4. **HICKS LAKE MANAGEMENT DISTRICT UPDATE**
TOM PALMATEER, MANAGEMENT ANALYST
(VERBAL)



**GENERAL GOVERNMENT &
PUBLIC SAFETY COMMITTEE**
June 8, 2015

SUBJECT: Interlocal Agreement Regarding the Provision of
Specialized Recreation Services.

RECOMMENDATION: Approve Interlocal Agreement Regarding the Provision of
Specialized Recreation Services, and authorize the City
Manager to sign agreement.

STAFF CONTACT: Scott Spence, City Manager *SS*
Lori Flemm, Parks and Recreation Director *LF*

ORIGINATED BY: Parks and Recreation Department

ATTACHMENTS: 1. Interlocal Agreement Regarding the Provision of Specialized
Recreation Services

FISCAL NOTE: Funding in the amount of \$8,055.00 is included in the approved
2015 Budget for Professional Services – Sunshine Program,
account 001.7403.574.4137.

PRIOR REVIEW: The Board of Park Commissioners reviewed the Interlocal Agreement
at the regular monthly meeting on March 25, 2015.

BACKGROUND:

Thurston County is proposing an Interlocal Agreement, between the City of Lacey and Thurston County, for the purpose of documenting the services and payment of funds for the Specialized Recreation Program that has been offered to citizens under this model partnership since the early 1990's. Thurston County provides a countywide Specialized Recreation program for persons with developmental or physical disabilities, with contribution of funds from the cities of Lacey, Olympia, and Tumwater. The Cities of Olympia and Tumwater will each be parties to respective interlocal agreements with Thurston County.

As per the agreement, the City of Lacey would contribute \$8,055; City of Olympia would pay \$13,720 and City of Tumwater would pay \$2,125. The amount contributed by the cities has not changed since 2009. From 2000 – 2003, the City of Lacey contributed \$5,858; from 2004 – 2008, the City of Lacey contributed \$7,322. In addition, programs held at City of Lacey facilities pay a reduced hourly rental rate.

ADVANTAGES:

1. This collaboration has served our city residents very well in the past. It is to our collective benefit to continue this partnership to provide an efficient delivery of a much needed, valued and highly regarded service.
2. Specialized recreation programs offer social interaction opportunities, as well as fitness and fun.

DISADVANTAGES:

1. No disadvantages are foreseen.

AGREEMENT FOR SERVICES

THIS AGREEMENT is made and entered by and between THURSTON COUNTY, hereinafter called "COUNTY," and CITY OF LACEY, hereinafter called "LACEY".

WHEREAS, LACEY desires to provide specialized recreation services for residents within the city limits Lacey; and

WHEREAS, the parties hereto have determined that it would be to the benefit of citizens within their respective jurisdictions for Thurston County to be designated as the agency with authority and responsibility for providing any and all administrative services required; and

WHEREAS, the COUNTY has on staff employees with the training and expertise to provide specialized recreation services and is willing to provide such services to LACEY pursuant to the terms of this agreement, NOW, THEREFORE

IT IS HEREBY AGREED BETWEEN BY THE PARTIES AS FOLLOWS:

1. The COUNTY shall provide to LACEY specialized recreation programs, program marketing and registration, and program administration. The services shall be provided throughout the year on a quarterly basis
2. LACEY shall pay to the COUNTY for those services a sum of eight thousand fifty-five dollars (\$8,055.00). LACEY shall pay within 30 days of receiving a request for payment from the COUNTY.
3. LACEY shall schedule the use of LACEY facilities for specialized recreation programs subject to availability. COUNTY shall reimburse LACEY an hourly rate for use of said facilities. Hourly rate shall be agreed upon by COUNTY and LACEY. Hourly rate shall cover direct cost of facility use, including part-time staff.
4. The term of this agreement shall commence on January 1, 2015 and terminate on December 31, 2015.
5. In the performance of the services called for herein, the COUNTY shall be an independent contractor and all staff members of the COUNTY who actually perform the services shall remain as COUNTY employees. The COUNTY shall provide for all employee benefits, the same as though the contract were not executed.

The quality and results of the services to be performed shall meet the approval of LACEY; however, the staff members providing the services shall not become or be considered employees of LACEY.



GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE

June 8, 2015

SUBJECT: Housekeeping Amendments related to Lacey Municipal Code Chapters 5.38, 9.40, and 9.48.

RECOMMENDATION: Forward proposed housekeeping amendments to the full City Council for approval.

STAFF CONTACT: Scott Spence, City Manager 
David Schneider, City Attorney 

ORIGINATED BY: City Manager & City Attorney

ATTACHMENTS: 1. Draft Ordinance related to Title 9 of the LMC
2. Draft Ordinance related to Chapter 5.38 of the LMC

FISCAL NOTE: None anticipated.

PRIOR REVIEW: This is the first review of the proposed amendments.

BACKGROUND:

In an ongoing effort to keep the Lacey Municipal Code current, staff periodically reviews sections of the code that may need revisions due to clarification, additions, deletions, or compliance with state regulations. The following amendments are recommended.

- **LMC Chapter 9.40** (Minors purchasing and possessing liquor, Penalties): The penalties associated with the purchase and possession of liquor by minors are ambiguous. This amendment clarifies that the purchase (or attempted purchase) of liquor by a minor is a misdemeanor, while acquisition, possession, or consumption constitutes a gross misdemeanor. Further, it is appropriate to change some language to be gender-neutral. Finally, 9.40.080(C) is inoperative because all violations covered have specific penalties provided, and thus should be repealed.
- **LMC 9.48.020** (Unfair Housing Practices - Definitions): Ordinance 1463 was adopted on March 26, 2015. The ordinance repealed LMC 2.36 (Human Rights Commission). LMC 9.48.020 contains a reference to LMC 2.36. Accordingly, it is appropriate to amend LMC 9.48.020 to remove this inoperative reference.

- **LMC 5.38** (Massage Parlors and Employees): Washington State began regulating reflexology businesses along with massage businesses and employees in 2013. Chapter 5.38 of the LMC regulates local massage businesses only, and should now be updated to include reflexology businesses. Similarly, Chapter 18.108 of the RCW employs updated terminology relating to these businesses. The term “Massage Parlor” is now antiquated and offensive to modern massage practitioners. As such, it is time to update the nomenclature of Chapter 5.38 to parallel that found in the RCWs.
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ADVANTAGES:

1. The proposed revisions will keep the Lacey Municipal Code up to date with current state laws and the intentions of the City Council.

DISADVANTAGES:

1. No disadvantages are foreseen.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY MAKING CERTAIN HOUSEKEEPING CHANGES TO TITLE 9 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 9.40.020, 9.40.030, 9.40.040, 9.40.080, AND 9.48.020, AND APPROVING A SUMMARY FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 9.40.020 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.020 Minors frequenting off limits areas.

Except as otherwise provided in Revised Code of Washington 66.44, it ~~shall be a misdemeanor is~~ unlawful:

- A. To serve a minor or allow a minor to remain in any area classified by the Washington State Liquor Control Board pursuant to Revised Code of Washington 66.44 as off limits to any person under the age of twenty-one years;
- B. For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a class H club license;
- C. For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

Section 2. Section 9.40.030 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.030 Furnishing liquor to minors.

~~A person is guilty of a gross misdemeanor if he~~ It is unlawful for any person to:

- A. Sells, gives or otherwise supplies liquor to any minor; or
- B. Permits a minor to consume liquor on his or her premises or on any premises under his or her control; or
- C. Invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him, or holds out such minor to be over the age of twenty-one years of age or older to the owner or employee of the liquor establishment, a law enforcement officer, or liquor enforcement officer.
- D. For purposes of Section 9.40.030.A and 9.40.030.B, “premises” includes real property, houses, buildings and other structures, and motor vehicles and watercraft.

Provided, however, that Sections 9.40.030.A and 9.40.030.B, shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes and consumed in the presence of a parent or guardian; or administered to him by his physician or dentist for medicinal purposes; or used in connection with a religious service and the amount consumed is the minimal amount necessary for the religious service. This provision shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under Revised Code of Washington Chapter 66.24.

Section 3. Section 9.40.040 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.040 Minors purchasing and possessing liquor.

~~A person is guilty of a misdemeanor if he is a minor and he:~~ It is unlawful for a minor to:

- A. Purchases or attempts to purchase any liquor; or
- B. Acquires, possesses or consumes any liquor; or

~~1. liquor; or~~

~~2C.~~ is Bbe in a public place or in a motor vehicle in a public place, while exhibiting the effects of having consumed liquor. Exhibiting the effects of having consumed liquor means that a person has the odor of liquor on his or her breath and either:

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a1. is in possession of or close proximity to a container that has or recently had liquor in it; or

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b2. by speech, manner, appearance, behavior, lack of coordination, or otherwise, exhibits that he or she is under the influence of liquor.

~~ED.~~ Provided, however, that Section 9.40.040.B shall not apply to liquor given or permitted to be given to a minor by his parent or guardian for beverage or medicinal purposes and consumed in the presence of a parent or guardian; or administered to him by his physician or dentist for medicinal purposes; or used in connection with a religious service and the amount consumed is the minimal amount necessary for the religious service.

~~DE. Violation of Section 9.40.040.A is a misdemeanor. A fine not less than two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty five hours of such service.~~

Section 4. Section 9.40.080 of the Lacey Municipal Code is hereby amended to read as follows:

9.40.080 Penalties.

A. Every person guilty of a violation of Lacey Municipal Code 9.40.020 and 9.40.040 ~~(B)~~(A) is guilty of a misdemeanor.

B. Every person guilty of a violation of Lacey Municipal Code 9.40.030, ~~and~~ 9.40.040 (B), and 9.40.040 (C) is guilty of a gross misdemeanor.

~~C. Every person guilty of violation of Lacey Municipal Code 9.40.020 through 9.40.040 for which no penalty has been specifically provided shall be liable, on conviction, for a first offense to a penalty of not more than \$500, or to imprisonment for not more than two months, or both; for a second offense to imprisonment for not more than six months; and for a third or subsequent offense to imprisonment for not more than one year. If the offender convicted of an offense referred to in this section is a corporation, it shall for a first offense be liable to a penalty of not more than \$5,000, and for a second or subsequent offense to the penalty of not more than \$10,000, or to forfeiture of its corporate license, or both.~~

Section 5. Section 9.48.020 of the Lacey Municipal Code is hereby amended to read as follows:

9.48.020 Definitions.

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- A. "Council" means the Thurston Council on Cultural Diversity and Human Rights, ~~which body is the successor to the Thurston County human rights commission established by Chapter 2.36 LMC;~~
- B. "Dwelling" includes any building containing one or more dwelling units;
- C. "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities;
- D. "Housing accommodations" include any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings;
- E. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for financing or acquisition, construction, repair, or maintenance of a housing accommodation;

- F. “Occupant” includes any person who has established resident or has the right to occupancy in a housing accommodation;
- G. “Owners” include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their own behalf or on behalf of another;
- H. “Person” includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers;
- I. “Person aggrieved” means any person against whom any alleged unfair housing practice has been committed;
- J. “Prospective borrower” includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation;
- K. “Prospective occupant” includes any person who seeks to purchase, lease, sublease or rent a housing accommodation;
- L. “Real estate agent, salesman, or employee” includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker;
- M. “Real estate broker” includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself out as engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another;
- N. “Respondent” means any person who is alleged to have committed an unfair housing practice;
- O. “Rooming unit” includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping;
- P. “Unfair housing practice” means any act prohibited by this chapter.

Section 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 7. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 8. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this ____ day of _____, 2015.

CITY COUNCIL

By: _____

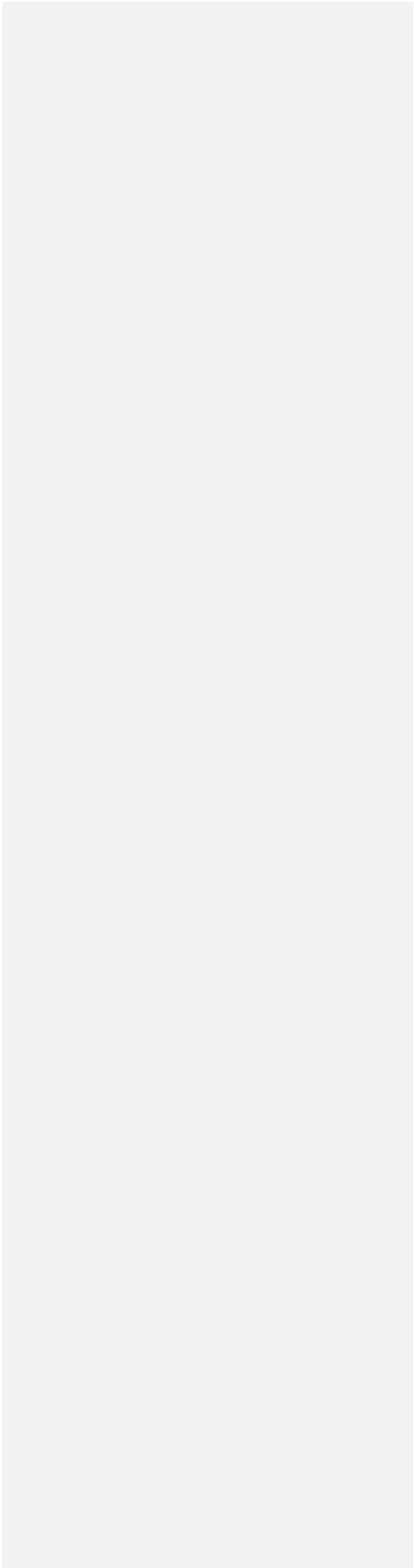
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk



SUMMARY FOR PUBLICATION

ORDINANCE ____

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. _____, entitled “AN ORDINANCE OF THE CITY OF LACEY MAKING CERTAIN HOUSEKEEPING CHANGES TO TITLE 9 OF THE LACEY MUNICIPAL CODE, AMENDING SECTIONS 9.40.020, 9.40.030, 9.40.040, 9.40.080, AND 9.48.020, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance clarifies the penalty classifications for criminal purchase and possession of liquor by minors under the Lacey Municipal Code.
2. The Ordinance removes an unneeded reference in Section 9.48.020 of the Lacey Municipal Code.
3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.

ORDINANCE NO. _____

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATING TO MASSAGE AND REFLEXOLOGY BUSINESSES, AMENDING SECTIONS 5.38.010 – 5.38.50, 5.38.070, AND 5.38.100 – 5.38.130, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, portions of the Revised Code of Washington which regulate massage businesses have been updated to adopt currently accepted nomenclature, and

WHEREAS, the State of Washington began explicitly requiring licensing of businesses performing reflexology services, and

WHEREAS, it would serve the interests of the City of Lacey to update antiquated language and to incorporate language regulating reflexology businesses into provisions of the Lacey Municipal Code that regulate massage businesses and employees,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. Section 5.38.010 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.010 Definitions.

Wherever the following words and terms appear in this chapter, they shall have the following meanings:

- A. “Massage ~~parlor~~ business” means a place in the incorporated area of the city where massages or like treatments are performed upon the body of one person by another person, or where sauna baths, Turkish baths, Swedish baths or the like are made available to members of the public.

B. “Massage ~~parlor-business~~ employee” means any person who gives massages to, or attends in any other way upon, patrons of a massage ~~parlor-business~~, or who supervises the work of such a person.

C. “Reflexology” means a health care service that is limited to applying alternating pressure with thumb and finger techniques to reflexive areas of the lower one-third of the extremities, feet, hands, and outer ears based on reflex maps. Reflexology does not include the diagnosis of or treatment for specific diseases, or joint manipulations.

D. “Reflexology business” means the operation of a business in the incorporated area of the city where reflexology services are provided.

E. “Reflexology business employee” means any person who performs reflexology services for, or attends in any other way upon, patrons of a reflexology business, or who supervises the work of such a person.

Section 2. Section 5.38.020 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.020 Massage ~~parlor-business~~ business and reflexology business license required.

Any person who owns or operates a massage ~~parlor-business~~ business or reflexology business for which a current, unrevoked massage ~~parlor-business~~ business or reflexology business license has not been issued pursuant to this chapter shall be guilty of a misdemeanor.

Section 3. Section 5.38.030 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.030 Massage ~~parlor-business~~ business or reflexology business employee license required.

Any person whose conduct is that of a massage ~~parlor-business~~ business or reflexology business employee and who is not the holder of a current, unrevoked massage ~~parlor-business~~ business or reflexology business employee’s license issued pursuant to this chapter shall be guilty of a misdemeanor.

Section 4. Section 5.38.040 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.040 Exemptions to chapter applicability.

The provisions of this chapter shall not apply to massages or reflexology services performed or baths provided in any hospital or at the athletic department of any public or private secondary school or college, or by any person who has been certified or licensed by the state of Washington to practice medicine, surgery, drugless therapy, physical therapy, massage, osteopathy, osteopathy and surgery, chiropractic, podiatry, or nursing.

Section 5. Section 5.38.050 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.050 Licenses--Application and issuance conditions--Protests and appeals from denial.

A. Applications for massage ~~parlor and~~ business, reflexology business, massage ~~parlor business~~ employee, and reflexology business employee licenses shall be made to the city's finance department on forms provided by the police department. Each application for a massage ~~parlor-business or reflexology business~~ license shall be accompanied by a nonrefundable fee of \$50.00.

B. Each application for a massage ~~parlor-business~~ employee or reflexology business employee license shall be accompanied by a nonrefundable fee of \$20.00. Each application for a massage ~~parlor-business employee or reflexology business employee~~ license shall fully describe the applicant's name, business address, location of premises upon which the massage ~~parlor-business~~ or reflexology business will be operated, and the name, address and previous occupation of the person or persons who shall manage the massage ~~parlor-business~~ or reflexology business. If the applicant is a corporation, the application shall contain names, addresses and occupations of the applicant's officers and principal shareholders. Each application for a massage ~~parlor-business~~ employee or reflexology business employee license shall fully describe the applicant's name,

home address, previous occupation, and previous employer. Every person whose name appears on an application shall provide all assumed names or aliases which have been or are used by such person.

C. Upon the filing of any application for a massage ~~parlor~~ business or reflexology business license, the finance department shall promptly provide copies thereof to the chief of police and the community development director. Within ten days after receiving the same, the chief of police shall notify the finance department of whether or not the applicant, the massage ~~parlor~~ business or reflexology business manager, and (if the applicant be a corporation) the corporation's officers and the principal shareholders, or any of the foregoing, have been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that any such person has been so convicted, the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days after receiving a copy of the application, the community development director shall notify the finance department that the premises upon which the massage ~~parlor~~ business or reflexology business operation shall be conducted are or are not located on property which, under provisions of the city zoning code, can be put to such a use. If the premises are not so located, the finance department shall notify the applicant, by registered letter, that the application has been denied.

D. Any citizen or public officer may, while an application for a massage ~~parlor~~ business or reflexology business license is pending, petition the city council to deny the license. If the petition fails to set forth in detail alleged facts tending to show that issuance of the license will harm the public health, safety or morals, the petition shall be summarily stricken by the council. If the petition does set forth such allegations, the mayor shall transmit copies of the petition to the finance department and to the applicant, and the council shall set a date for a public hearing, of which all interested parties shall be notified, at which the council shall receive evidence bearing on the question of whether issuance of the license will tend to harm the public health, safety or morals. At the conclusion of the hearing, or any continued hearing, the council shall decide whether or not the health, safety or morals of residents of the community may be harmed by issuance of the license. The council shall notify the finance department of its decision, and he shall issue or deny the license in accordance with the decision.

E. Any applicant whose application has been denied on information supplied to the finance department by the chief of police or community development director may, within ten days following notification of the denial, file a petition for a hearing before the city council. The council shall set a date of hearing of which all interested parties shall be notified, and shall receive evidence bearing on the accuracy of the information supplied to the finance department. If the council determines that the information was substantially inaccurate, and that the public health, safety or morals will apparently not be harmed by issuance of the license, the council shall so notify the finance department, who shall thereupon issue the license.

F. Upon the filing of any application for a massage ~~parlor business~~ or reflexology business employee license, the finance department shall promptly provide copies thereof to the chief of police and the Thurston County health director. Within ten days after receiving the same the chief of police shall notify the finance department that the applicant has or has not been convicted of violating federal, state or local laws relating to sexual offenses, or to possession, use or sale of narcotics or alcoholic beverages. If records available to the chief of police indicate that the applicant has been so convicted the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days after filing the application, the applicant shall submit to a physical examination to determine whether the applicant is free from contagious or infectious disease. The health director shall report the results of the examination to the finance department, and if the examination indicates the applicant has a contagious or infectious disease, the finance department shall notify the applicant, by registered letter, that the application has been denied. Within ten days following notification of denial, the applicant may petition the city council for a hearing to determine the accuracy of the information upon which the denial was based, and the petition shall be processed in the manner prescribed for processing similar petitions of applicants for massage ~~parlor business~~ and reflexology business licenses.

Section 6. Section 5.38.070 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.070 Licenses--Period of validity--Renewal--Transferability.

Licenses issued pursuant to this chapter shall be valid for one year following the date of issuance (unless revoked earlier), and may be renewed annually by filing an application for renewal with, and paying a nonrefundable renewal fee equal to the initial application fee to, the finance department. Licenses issued pursuant to this chapter shall not be assigned or transferred from one holder to another. Premises of a massage ~~parlor~~ business or reflexology business may be relocated, provided that the finance department is notified of the relocation and the relocation does not violate provisions of the Lacey zoning code.

Section 7. Section 5.38.100 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.100 Premises--Safe and sanitary operation.

The premises of all massage ~~parlors~~ businesses and reflexology businesses shall be maintained in a safe and sanitary manner.

Section 8. Section 5.38.110 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.110 Premises--Hours of operation.

All massage ~~parlors~~ businesses and reflexology businesses shall be closed, and all services performed therein discontinued, between the hours of 12:00 a.m. (midnight) and 8:00 a.m.

Section 9. Section 5.38.120 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.120 Premises--Inspection authorized.

All massage ~~parlors~~ businesses and reflexology businesses shall be open for inspection at all times by agents of the Lacey police department, license department and health department.

A. Said inspections shall be performed during normal business hours and be limited to the areas of the premises where massage occurs.

B. Such inspections shall be limited to the following purposes:

1. To ascertain whether or not the ~~parlor~~ massage business or reflexology business has obtained a license from the City of Lacey
2. To ascertain whether or not the ~~parlor~~ massage business or reflexology business employees, working on the ~~parlor's~~ massage business' or reflexology business' premises, possess the proper license from the City of Lacey.
3. To ascertain whether or not the premises are safe and sanitary.
4. To ascertain whether the business is operating during the restricted hours, between 12:00 a.m. (midnight) and 8:00 a.m.
5. To ascertain whether or not any acts of prostitution or related acts are being performed on the premises.
6. To ascertain whether or not any liquor or controlled substances are being used, sold, or held on the premises.

Section 10. Section 5.38.130 of the Lacey Municipal Code is hereby amended to read as follows:

5.38.130 Premises – Liquor prohibited.

Liquor (as that term is defined in the Washington State Alcoholic Beverage Control Act) shall not be distributed or consumed on the premises of any massage ~~parlor~~ business or reflexology business.

Section 11. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 12. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make corrections to this ordinance including, but not limited to, the corrections of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 13. The Summary attached is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this ____ day of _____, 2015.

CITY COUNCIL

By: _____

Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE _____

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. _____, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATING TO MASSAGE AND REFLEXOLOGY BUSINESSES, AMENDING SECTIONS 5.38.010 – 5.38.50, 5.38.070, AND 5.38.100 – 5.38.130, ALL OF THE LACEY MUNICIPAL CODE, AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance updates language in the Lacey Municipal Code relating to massage businesses to employ current nomenclature.
2. The Ordinance amends the Lacey Municipal Code to require that the licensing provisions related to massage businesses and employees also apply to reflexology businesses and employees.
3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2015.



**GENERAL GOVERNMENT & PUBLIC
SAFETY COMMITTEE**
June 8, 2015

SUBJECT: Council Policies-Procedures Manual

RECOMMENDATION: Review Amendments to Council Policies-Procedures Manual

STAFF CONTACT: Scott Spence, City Manager 

ORIGINATED BY: City Manager Department

ATTACHMENTS:

1. Section 2.13 - Advisory Boards & Commissions
2. Section 10.01 - Appointments to Advisory Boards & Commissions

FISCAL NOTE: None

PRIOR REVIEW: Refer to Background

BACKGROUND:

The General Government & Public Safety Committee reviewed revisions to the policies at its May 12, 2014, and December 8, 2014, meetings, and approved the changes. Since that time, amendments to the Lacey Municipal Code (LMC) relating to Boards & Commissions were adopted by Council at the February 12, 2015, and May 14, 2015, Council meetings.

Prior to forwarding the 2014 revisions to Council for approval, staff recommends including the recent LMC changes, as listed below, into the Council Policies-Procedures Manual.

Section 2.13 Advisory Boards and Commissions

- *Revise language regarding youth board members (Ord. 1457 02.12.15 Council Meeting)*
- *Revise Library Boards' role in long-range planning (Ord. 1457 02.12.15 Council Meeting)*
- *Clarify appointment process by Mayor and Council (Ord. 1468 05.14.15 Council Meeting)*

Section 10.01 Appointments to Advisory Boards and Commissions

- *Clarify appointment process by Mayor and Council (Ord. 1468 05.14.15 Council Meeting)*
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ADVANTAGES:

1. The proposed revisions will ensure consistent language and process for Boards and Commissions in the Council Policies-Procedures Manual.

DISADVANTAGES:

1. None.

2.13 Advisory Boards and Commissions

~~Prior to serving on one of Lacey's Advisory Boards and Commissions, the full City Council shall confirm all citizen representative appointments forwarded by the Mayor. Cs citizen representatives to a variety of Boards and Commissions to serve in an advisory capacity to the Council. Citizen members, serving on Lacey's Boards and Commissions, serve in an advisory role and review and~~ make recommendations on issues related to land use, zoning, social services, parks, library services, and historical matters. Citizen involvement is a key element in the City Council's decision-making process. The duties and responsibilities of advisory boards and commission members are defined in the Lacey Municipal Code (LMC), the Revised Code of Washington and through intergovernmental agreements.

If a member resigns prior to his/her term expiration, a letter of resignation will be submitted to the Mayor, or City Manager for the Civil Service Commission. If a member serves a complete term and does not seek reappointment, they will be recognized by the Mayor at a regular Council meeting.

The City Clerk's office coordinates the recruitment process to fill vacancies on Council Boards and Commissions. Positions are advertised on the City's website, through local media, and by word of mouth. Prior to interviews, copies of applications, letters of interest, and resumes are forwarded to Council to provide an opportunity to comment to the Mayor. Potential candidates are interviewed by the Mayor and staff liaison to the Board/Commission. The Mayor appoints, ~~subject to confirmation by Council with the approval of Council~~ at the next regular Council meeting, with the exception of the Civil Service Commission.

Codified Boards and Commissions are defined in the Lacey Municipal Code as City law, or in the Revised Code of Washington as state law:

- **Planning Commission:** The 9-member commission develops recommendations for long range comprehensive planning goals and policies in the City of Lacey and areas outside the City which may seek annexation. Meeting times and location will be determined by the Commission. (LMC 2.32)

Length of Term: 3 Years

Term Limit: 2

Number of Members: 9

Residency Requirements: Seven of the nine commissioners must be a Lacey City resident and two can be either a Lacey resident or reside in Lacey's Urban Growth Area.

Who Appoints: Mayor appoints, ~~subject to confirmation by Council with approval of Council~~

- **Historical Commission:** The 8-member commission provides leadership in raising awareness of Lacey's history and preservation of local historic resources. The commission guides creation of public education and interpretive programs, encourages conservation of items and properties that are of historic significance, and reviews nominations to the Lacey Register of Historic Places. Meeting times and location will be determined by the Commission. (LMC 2.42)

Length of Term: 3 Years

Term Limit: 2

Number of Members: 7, plus one youth representative

Residency Requirements: Five of the seven commissioners must be a Lacey City resident; two of the seven must be professionals with a background in history, architecture, planning, or American studies. The youth member shall be at least sixteen years of age (when appointed), enrolled as a junior or senior in the North Thurston Public Schools, or enrolled in private school or homeschooled, and be a resident of the city of Lacey or reside in Lacey's urban growth management area. The youth member shall be appointed to serve for a term of one year, and may be reappointed to an additional one-year term.~~The youth representative must reside within Lacey or its Urban Growth Area and must be a junior or senior at a public, private, or home school within the boundaries of the North Thurston Public School District.~~

Who Appoints: Mayor appoints, subject to confirmation by Council~~with approval of Council~~

- **Board of Parks Commissioners:** The 6-member commission makes recommendations to the City Council regarding planning, promotion, acquisition, construction, and development of parks and open spaces, recreation facilities and recreation programs. Meeting times and location will be determined by the Commission. (LMC 2.44)

Length of Term: 3 Years

Term Limit: 2

Number of Members: 5, plus one youth representative

Residency Requirements: Four of the five commissioners must be a Lacey City resident; one of the five can be either a Lacey City resident or reside within Lacey's Urban Growth Area. The youth commissioner shall be at least sixteen years of age (when appointed), enrolled as a junior or senior in the North Thurston Public Schools, or enrolled in a private school or homeschooled, and be a resident of the city of Lacey or reside in Lacey's urban growth management area. The youth commissioner shall be appointed to serve for a term of one year, and may be reappointed to additional one-year term.~~The youth representative must reside within Lacey or its Urban Growth Area and must be a junior or senior at a public, private, or home school within the boundaries of the North Thurston Public School District.~~

Who Appoints: Mayor appoints, subject to confirmation by Council~~with approval of Council~~

- **Library Board:** The 6-member Lacey Library Board, comprised of five general members and one youth representative, assists in facilitating long-range planning for library capital facility needs and recommends building improvements for the Lacey Library~~developing long-range plans for library services in the City of Lacey~~. The Board selects its own chairperson and officers from its membership. Lacey's Library has one of the highest circulations of the 27

libraries in the Timberland Regional Library system. Meeting times and location will be determined by the Board. (LMC 2.46)

Length of Term: 5 Years
Term Limit: 2
Number of Members: 5, plus one youth representative
Residency Requirements: Four of the five commissioners must be a Lacey City resident; one of the five can be either a Lacey City resident or reside within Lacey's Urban Growth Area. [The youth board member shall be at least sixteen years of age \(when appointed\), enrolled as a junior or senior in the North Thurston Public Schools, or enrolled in a private school or homeschooled, and be a resident of the city of Lacey or reside in Lacey's urban growth management area. The youth board member shall be appointed to serve for a term of one year, and may be reappointed to an additional one-year term.](#)~~The youth representative must reside within Lacey or its Urban Growth Area and must be a junior or senior at a public, private, or home school within the boundaries of the North Thurston Public School District.~~

Who Appoints: Mayor appoints, [subject to confirmation by Council](#)~~with approval of Council~~

- LEOFF Disability Board (Law Enforcement Officers-Fire Fighters): The 5-member Law Enforcement Officers & Fire Fighters (LEOFF) Disability Board administers LEOFF I benefits and entitlements. Meeting times and location will be determined by the Board. (RCW 41.26.110)

Length of Term: 2 Years
Term Limit: No term limit
Number of Members: 5
Residency Requirements: Two members must currently serve on the Lacey City Council; two members must be active or retired City of Lacey law enforcement officers; and one member from the public at large who resides within the City.

Who Appoints: Two City Councilmembers appointed by the Mayor, [subject to confirmation by Council](#)~~with approval of Council~~

Two law enforcement members appointed by the law enforcement officers employed by or retired from the city who are subject to the jurisdictions of the board.

One at-large member appointed by the other remaining Board members.

- Civil Service Commission: By statute, the City Manager appoints members to the Civil Service Commission (LMC 2.52.040). The 3-member Civil Service Commission adopts rules for the regulation of personnel matters and competitive examinations for classified employees of the Lacey Police Department. It also hears appeals arising from the

administration of the Civil Service rules and regulations. Meeting times and location will be determined by the Commission. . (RCW 41.12)

Length of Term: 6 Years

Term Limit: 2

Number of Members: 3

Residency Requirements: May be a Lacey City resident or reside within Lacey's Urban Growth Area.

Who Appoints: City Manager

Non-codified Boards and Commissions are *not* enacted as law in the LMC:

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- Public Facilities District (PFD): The 7-member Public Facilities District Board has fiduciary responsibility for the appropriate use of sales tax revenue it collects and distributes. The Board meets annually to review financial statements and to issue an annual report to the public on the use of those funds. Meeting times and location will be determined by the Board. RCW 82.14.390

Length of Term: 4 Years

Term Limit: No term limit

Number of Members: 7

Residency Requirements: One member from each jurisdiction, and three regional members.

Who Appoints: Four members are representatives from each jurisdiction (Lacey, Olympia, Tumwater, and Thurston County). Lacey's representative is appointed by the Mayor, subject to confirmation by Council ~~with approval of Council~~. The others are appointed by the elected bodies of each jurisdiction.

Three members are regional representatives, subject to recommendations from local business and community organizations, and appointed by the elected bodies of all four jurisdictions.

- Lodging Tax Advisory Committee (LTAC): The 5-member Lodging Tax Advisory Committee recommends to the Council how best to use lodging tax revenues. Lodging tax revenues are generated through a 4% hotel-motel tax imposed by the city on each room rental night. Meeting times and location are determined by the Board. RCW 67.28.1817

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Length of Term: 3 Years

Term Limit: No term limit

Number of Members: 5

Residency Requirements: One member must be an elected official of the City, and will serve as chair. At least two representatives of businesses that collect the lodging tax, and two representatives involved in activities authorized to be funded by lodging tax revenues.

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Who Appoints: Mayor appoints, subject to confirmation by Council ~~with approval of Council~~

- TCTV Board (Thurston County Television): Lacey citizens fill 1 position and 1 alternate position on the 15-member Thurston Community Television (TCTV) Board. The Board sets policy for TCTV to assist residents and organizations to communicate information and exchange ideas through the medium of community access television. Meeting times and location will be determined by the Board.

Length of Term: 3 Years

Term Limit: No term limit

Number of Members: 15

Residency Requirements: None

Who Appoints: Mayor appoints, subject to confirmation by Council ~~with approval of Council~~

Removal of a Board/Commission Member:

General or youth members who serve on one of the four LMC codified Boards and Commissions (Historical Commission, Library Board, Board of Parks Commission, or Planning Commission) may be removed from the Board or Commission prior to the expiration of their term of office by the Mayor with the approval of the City Council for inefficiency, neglect of duty, an unlawful act, or by violation of the protocols of the Lacey Boards and Commissions Standards, Protocols, and Ground Rules Handbook. The Mayor, with approval of the City Council, may also remove a general or youth member who has three or more unexcused absences at regular meetings in a calendar year. Removal should not occur for disagreement with an official recommendation of the Board or its members.

Prior to the decision to remove or not remove a Board or Commission member, the Mayor or his/her designee will conduct a fact finding process to fully assess and determine whether the Board or Commission member's actions meet the criteria for removal.

(Refer to Chapter 10, Paragraph 10.01, and Attachments 10.01A and 10.01, Appointments to City Council Advisory Boards/Commissions.)

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10.01 Appointments to Council Advisory Boards and Commissions

~~Prior to serving on one of Lacey's Advisory Boards and Commissions, the full City Council shall confirm all citizen representative appointments forwarded by the Mayor. Citizen members, serving on Lacey's Boards and Commissions, serve in an advisory role and make recommendations on issues related to land use, zoning, social services, parks, library services, and historical matters. The City Council appoints citizen representatives to a variety of Boards and Commissions to serve in an advisory capacity to the Council. Citizen members review and make recommendations on issues related to land use, zoning, social services, parks, library services, and historical matters.~~ Citizen involvement is a key element in the City Council's decision-making process. The duties and responsibilities of advisory boards and commission members are defined in the Lacey Municipal Code (LMC), the Revised Code of Washington and through intergovernmental agreements. (Refer to Chapter 2, Paragraph 2.13.)

Procedure for appointments to Council Advisory Boards and Commissions:

1. All Boards/Commissions are identified as *codified* and *non-codified*.
2. *Codified* Boards/Commissions are defined in the Lacey Municipal Code (LMC) as City law, or in the Revised Code of Washington (RCW) as State law. Terms of office, length of service, and meeting times/days are described in the code.
 - A. Planning Commission (LMC 2.32) 3 year term/2 term limit
 - B. Historical Commission (LMC 2.42) 3 year term/2 term limit
 - C. Library Board (LMC 2.46) 5 year term/2 term limit
 - D. Board of Park Commissioners (LMC 2.44) 3 year term/2 term limit
 - E. Civil Service Commission (RCW 41.12; LMC 2.52) 6 year term/2 term limit
 - F. Law Enforcement Officers, Fire Fighters (LEOFF) I Disability Board (RCW 41.26) 2 year term/no term limit
3. *Non-codified* Boards/Commissions are *not* enacted as law in the LMC. A description of these Boards/Commissions, their terms of office, length of service, and meeting times/days can be found in an informational brochure, *Serving on a City of Lacey Advisory Board or Commission*.
 - A. Thurston Community Television Board (TCTV) no term limits
 - B. Lodging Tax Advisory Committee 3 year term/no term limit
 - C. Public Facilities District (PDF) 4 year term/no term limit
4. A candidate must be a resident of Lacey or the urban growth area. Specific residency requirements are outlined in the LMC or RCW for the Planning Commission, Historical Commission, Library Board, Board of Park Commissioners, Civil Service Commission, and LEOFF Board. There are no other requirements for eligibility.
5. Citizens cannot serve on multiple Boards/Commissions at the same time.

Recruitment Process

All vacancies will be publicly advertised, unless a current list of qualified candidates exist.

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1. Announcements will be placed in the local paper, the City's newsletter, Lacey Life, posted on the Lacey website, and made at televised Lacey City Council meetings.
2. The Mayor and City Clerk will determine if applications will be accepted until the vacancy is filled, or if an ending date will be set.
3. Applications and informational brochures, *Serving on a City of Lacey Advisory Board or Commission*, will be printed and mailed by the City Manager's Department year-round.

Application Process

1. Applications are accepted year-round.
2. Applicants are asked to complete an application form and submit a letter of interest and resume.
3. The original application is routed to the City Clerk. Copies of the application are distributed to the Mayor and appropriate staff.
4. A letter of acknowledgement is mailed by the Deputy City Clerk.
5. The Mayor determines the appropriate interview and selection process depending upon the number of applicants, the urgency to fill the vacancy, and the skills, knowledge and abilities required.
6. The Deputy City Clerk sends a notification letter to those who applied, but were not selected. Their applications are kept on file for one year.

Appointment Process

1. Citizens are appointed by the Mayor, subject to confirmation by Council and approved by the City Council at a regular Council meeting, or by the City Manager for the Civil Service Commission.
2. Prior to the Council meeting, the Deputy City Clerk forwards copies of applications, letters of interest, and resumes to the City Council for review and comment.
3. Following the appointment of a citizen to a Board or Commission, the City Clerk prepares a letter of appointment for the Mayor's signature.

Recognition Process

1. All members who serve at least one full-term on a Lacey Board or Commission, receive the *Distinguished Public Service Award* at the end of their service. The award is presented at a regular Council meeting. The plaque is ordered by the City Manager's Department and charged to the *Council Special Events* account.
2. On even-numbered years, the Lacey City Council hosts an *Appreciation Dinner* for members of the Council Boards/Commissions. The event is coordinated by the City Manager's Department, and charged to the *Council Special Events* account.

(Refer to Attachment 10.01A – Application for Appointment to Lacey City Council Boards and Commissions, and Attachment 10.01B – Serving on a City of Lacey Advisory Board or Commission.)

