CITY COUNCIL WORKSHOP
March 5, 2024
6:00 P.M.

AGENDA

www.ci.bonney-lake.wa.us

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

The public is invited to attend Council Meetings and Workshops in person, via conference call or over the internet. The information for attending is provided below.

Council Workshop options:
In-Person: Bonney Lake Justice & Municipal Center at 9002 Main Street East in Bonney Lake
By phone: 323-792-6234 (Meeting ID: 384 308 606#)
By internet: Teams meeting link: TEAMS (Meeting ID: 222 580 150 033) **All public online cameras and microphones will be disabled. Only staff and presenters will be visible and unmuted.**

I. CALL TO ORDER*:* Mayor Michael McCullough

A. Pledge of Allegiance

II. ROLL CALL: Mayor Michael McCullough, Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Gwendolyn Fullerton, Councilmember Kerri Hubler, Councilmember J. Kelly McClimans, Councilmember Dan Roach, and Councilmember Dan Swatman.

III. AGENDA ITEMS:

A. **Presentation**: Lakeridge Water Reservoirs.

B. **Council Open Discussion:**

Page 3 C. **Review Of Council Minutes:** February 13, 2024, City Council Meeting, February 20, 2024, City Council Workshop, And February 27, 2024, City Council Meeting.

Page 17 D. **Discussion:** Ordinance 1714.

IV. EXECUTIVE/CLOSED SESSION: None.

V. ADJOURNMENT

For citizens with disabilities requesting translators or adaptive equipment for communication purposes, the City requests notification as early as possible prior to the meeting regarding the type of service or equipment needed.

The City Council may act on items listed on this agenda, or by consensus give direction for future action. The Council may also add and take action on other items not listed on this agenda.

CITY COUNCIL MEETING

February 13, 2024
6:00 P.M.
DRAFT MINUTES

www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

I. CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:00 p.m.

Audio starts at: 06:00:00

A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.

B. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Gwendolyn Fullerton Councilmember Kerri Hubler, Councilmember J. Kelly McClimans, Councilmember Dan Roach, and Councilmember Dan Swatman.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Mark Berry, Administrative Services Director Chuck McEwen, Judge Joanna Daniels, Interim Public Services Director Jason Sullivan, Assistant Superintendent to Public Works Jim Miracle, City Engineer Ken Gill, Human Resource Manager Brian Sandler, Interim Judicial Branch Manager Geri Resch, Community Court Case Manager Karls Lewis, City Clerk Sadie Schaneman, Records and Disclosure Coordinator Kandice Besaw and City Attorney Jennifer Robertson.

Staff members in virtual attendance using the City's Teams conference line were Chief Finance Officer Cherie Reierson and Finance and Payroll Accountant Patti McCann.

Audio starts at: 06:01:00

B. Agenda Modifications:

Mayor McCullough noted that AB24-10 was requested to be pulled from the Consent Agenda. He said the item would be moved to Full Council-Issues as Item A.

Councilmember Swatman moved to approve the agenda modification. Councilmember Roach seconded the motion.

Motion approved 7 – 0.

Audio starts at: 06:01:49

D. Announcements, Appointments and Presentations:

1. **Report:** Bonney Lake Resource Fair Report.

   Community Court Case Manager Karla Lewis gave a brief report on the upcoming Resource fair scheduled for March 17th at the Justice and Municipal Center.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

Audio starts at: 6:03:10

A. Public Hearing: None.

B. Citizen Comments: *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city's YouTube channel and an audio recording to the state digital archives for review of all the comments.*

Erin Musky - Bonney Lake Public Library: Shared that the library will be at the upcoming Resource and Sumner STEM fair. Gave an update on the foodbank locker ribbon cutting scheduled on February 14, 2024, and that 264 valentines were made for the "Valentine for a Vet" event.

Joel Johnson - Bonney Lake Sumner Little League: Thanked the council for the turf field and spoke about the leagues' limited resources and how it would be nice to partner with the city.

Dan Decker, 20401 70th St E, Bonney Lake: Said the drinking water coming from Tacoma has poison that causes autism, cancer and still born babies as stated by the U.S. Council of Environmental Quality.

Beverly Proby, 18819 68th Ave E. Bonney Lake: Thanked the Mayor, Administrative Services Director Chuck McEwen, Interim Public Services Director Jason Sullivan, and Assistant to City Administrator Leslie Harris for attending the swearing in of the Senior Advisory Board on February 6th and showing their support. She would like to hear and know when the changes to the senior center will be coming.

Troy Fullerton, 9611 183rd Ave E, Bonney Lake: Thanked the council and the city for standing out during the pandemic.

C. Correspondence: None.

Audio starts at: 6:21:00

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Carter reported the Finance Committee met in person and virtually today at 5:00 p.m. The Committee went thru personnel updates; discussed and forwarded AB24-15 to tonight's consent agenda

committee issues had open discussion on the recreation Program and approved their minutes.

B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met in person and virtually on February 6, 2024. The Committee discussed and forwarded AB24-02, AB24-12, and AB24-13 to tonight's committee issues and approved their minutes.

C. Public Safety Committee: Councilmember Baldwin reported the Public Safety Committee met in person and virtually today at 3:30 p.m. The Committee appointed herself as chair for Public Safety Committee, received an update from the Police Department and East Pierce Fire and Rescue; received a report from the Emergency Manager and the Prosecutor, forwarded AB24-14, AB24-16, AB24-17, and AB24-18 to a future meeting, and approved their minutes. The Committee was informed that Cascade will be starting to fill Lake Tapps.

D. Other Reports: None.

Audio starts at: 6:28:58

IV. CONSENT AGENDA:

A. **Approval of Corrected Minutes:** January 9, 2024, City Council Meeting, January 16, 2024, City Council Workshop, And January 23, 2024, City Council Meeting.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable check/vouchers #96189 to #96225 and wire transfers #2023121902, #2024010201, #2024010401, #2024011001, #2024011002, #2024011219 and #2024011901 in the amount of $368,489.93. Accounts payable wire transfer #2023123101 in the amount of $72,262.17. Accounts payable wire transfer #2023123103 in the amount of $3,234.15. Accounts Payable check/vouchers #96226 to #96254, and wire transfers #27982700, and #20231231002 in the amount of $708,423.69. Accounts payable check/vouchers #96255 to #96272 in the amount of $3,057.62. Accounts Payable check/vouchers #96273 to #96365, and wire transfers #38117685 and #2024013101 in the amount of $1,315,574.87 **Voids:** Check/Voucher #95916 – Check not received, Reissue.

C. **Approval of Payroll:** January 1 – 15, 2024 for checks #34912 - 34939 including police uniform allowance, Direct Deposits and Electronic Transfers totaling $854,632.96. **Voids:** None. January 16 – 31, 2024 for checks #34940 - 34945 including Direct Deposits and Electronic Transfers totaling $827,146.61. **Voids:** None.

D. ~~**AB24-10 – Resolution 3195** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving A Rate Increase Requested By Murry's Disposal.~~ (Moved to Full Council Issues Item A).

Deputy Mayor Carter moved to approve the Consent Agenda as amended. Council Member Swatman seconded the motion.

Consent Agenda approved 7 - 0.

V. FINANCE COMMITTEE ISSUES:

Audio starts at: 6:29:38

A. **AB24-11 – Ordinance D24-11** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County Washington, Amending Ordinance No. 1712 Relating To Salaries For Non-Represented Employees; Providing For Severability And Corrections; And Establishing An Effective Date.

Deputy Mayor Carter moved to approve Ordinance 24-11. Councilmember Swatman seconded the Motion.

Council discussed and shared their concerns, including:
- Represented vs. non-represented.
- Importance of equality.

Ordinance D24-11 approved 7 – 0.

Audio starts at: 6:31:33

B. **AB24-15 – Resolution 3198 -** A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Judge Of The Bonney Lake Community Court, Community Court Case Manager, And City Prosecutor To Attend The RISE24 Conference From May 21- 25, 2024, In Anaheim, California.

Deputy Mayor Carter moved to approve Resolution 3198. Councilmember McClimans seconded the motion.

Council discussed and shared their concerns, including:
- Expense vs. Reimbursement.
- Set limits for grant protection.

Resolution 3198 approved 7 – 0.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES:

Audio starts at: 6:34:12

A. **AB24-02 – Ordinance D24-02** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Making Routine Housekeeping Amendments To The Following Sections Of The Bonney Lake Municipal Code 10.36.015 Modifying The Prohibited Parking Zone; 10.36.020 Modifying The Restricted Parking Zone; 10.36.060 Related To The Appointment Of The Parking Enforcement Officer; 12.08.010 Related To Permits For Working Within The Public Right-Of-Way; 12.08.110 Related To The Enforcement Of City's Right-Of-Way Code; 12.12.051 Related To Boat Launch And Parking Fees And Enforcement; And 12.12.053 Related To The Disposition Of Collected Parking Fees; 13.12.105 Related To Financial Hardships;13.12.130 Related To Mandatory Sewer Connection And Exemptions; 14.130.120 Related To Code Enforcement Appeals; 14.130.140 Related To The Collection Of Civil Penalties; 14.130.160

Related To Unfit Dwelling Units; 14.140.040 Related To SEPA Review, Scheduling Hearings, And Providing Notice For Comprehensive Plan And Development Code Amendments; 15.28.020 Related To The Definitions For The Sign Code; 15.28.060 Related To The Regulation Of Temporary Signs; 16.02.110 Related To SEPA Fees; 16.06.020 Related To SEPA Environmental Document Availability And Cost; 16.60.030 Related To Definitions For The Urban Forestry Code; And BLMC 18.54.050 Related To Nonconforming Uses; And Repealing Chapter 9.14 Of The Bonney Lake Municipal Code Related To Police Enforcement Of The Development Code; And Repealing Section 13.04.040 Related To Sewer Connections And Exemptions; Providing For Severability And Corrections; And Establishing An Effective Date.

Councilmember Swatman moved to approve Ordinance D24-02. Deputy Mayor Carter seconded the Motion.

Council discussed and shared their concerns, including:
- 4-plex permitting.
- Sewer vs. Septic.
- Cost of changing over from septic to sewer.
- Hardship options.

Councilmember McClimans motioned to strike section C3 of the Ordinance. Councilmember Swatman seconded the motion.

Motion to strike section C3 of the Ordinance approved 7 – 0.

Ordinance D24-02 approved as amended 7 – 0.

Audio starts at: 6:51:32

B. **AB24-12 – Resolution 3196** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of The Construction Of The Grainger Springs Pump House Replacement Project To McClure And Sons, Inc.

Councilmember Swatman moved to approve Resolution 3196. Deputy Mayor Carter seconded the Motion.

Council discussed and shared their concerns, including:
- New estimates and bids.
- Process of accepting bids.

Resolution 3196 approved 7 – 0.

Audio starts at: 6:56:14

C. **AB24-13 – Resolution 3197** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Award Of A Professional Services Contract To RH2 For Construction Management Services To Support The Grainger Springs Pump Station Upgrade Project.

Councilmember Swatman moved to approve Resolution 3197. Deputy Mayor Carter seconded the Motion.

Council had no discussion on this matter.

Resolution 3197 approved 7 – 0.

VII. PUBLIC SAFETY COMMITTEE ISSUES: None.

VIII. FULL COUNCIL ISSUES: None.

A. (Moved from Consent Agenda, Item D) **AB24-10 – Resolution 3195** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Approving A Rate Increase Requested By Murry's Disposal.

Deputy Mayor Carter moved to approve Resolution 3195. Councilmember Swatman seconded the Motion.

Council discussed and shared their concerns, including:
- Line items on billing.
- The burden on residents.
- The Consumer Price Index point.

Resolution 3195 approved 6 – 1.
Councilmember Swatman voted no.

IX. CLOSED SESSION:

Pursuant to RCW 42.30.140(4)(a), Mayor McCullough announced a 20-minute closed session to discuss collective bargaining with legal counsel.

The closed session started at 7:06 p.m. and concluded at 7:26 p.m. No action was taken.

X. ADJOURNMENT:

At 7:06 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the February 13, 2024, Meeting for the record: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL WORKSHOP MEETING

February 20, 2024
6:00 P.M.

DRAFT MINUTES

www.ci.bonney-lake.wa.us

Location: Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington.

Audio starts at: 06:00

I. CALL TO ORDER: Deputy Mayor Terry Carter

A. Pledge of Allegiance

Audio starts at: 6:01

II. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Deputy Mayor Terry Carter, other elected officials attending were Councilmember Angela Baldwin, Councilmember Gwendolyn Fullerton, Councilmember Kerri Hubler, Councilmember J. Kelly McClimans, Councilmember Dan Roach, and Councilmember Dan Swatman. Mayor Michael McCullough (Arrived 6:25).

Staff members in attendance at the physical location were City Administrator John Vodopich, Administrative Services Director Chuck McEwen, Interim Public Services Director Jason Sullivan, Interim Recreation Supervisor Alexis Latham, City Clerk Sadie Schaneman, and City Attorney Jennifer Robertson.

Staff member in virtual attendance using the Teams conference line was, Chief Finance Officer Cherie Reierson, Chief of Police Mark Berry, Assistant to the City Administrator Leslie Harris, and Administrative Specialist II Debbie McDonald.

III. AGENDA ITEMS:

Audio starts at: 6:02

A. **Presentation:** Reed Property.

1. Reed Property – MRAC Park Development Process & Requirements.

Interim Public Services Director Sullivan gave a presentation on the timeline, past, current and future, of the Reed Property and Mt. Rainier Athletic Club (MRAC) Park Development Process and Requirements. He gave a background history, steps for project completion, and the annexation process.

Council discussed and shared their ideas and concerns, including:

- Understanding the Leasehold Tax.
- What the City requirements are for MRAC.
- When will the Boundary Review Board (BRB) notify the City if denying the Annexation.
- Defining what is a qualified professional.

Councilmember Roach stepped out of the meeting at 7:03 p.m.

Audio starts at: 7:13

B. **Review Of Council Minutes:** February 6, 2024, City Council Workshop**.**

The draft minutes were forwarded with no corrections to the February 27, 2024, meeting for approval.

Councilmember McClimans moved to modify the agenda moving agenda item D to item C. Deputy Mayor Carter seconded the Motion.

Motion approved 6-0.

Audio starts at: 7:14

C. **Discussion:** Risk Liability Policy.

City Administrator Vodopich explained the City's standard practice for insurance requirements and Washington Cities Insurance Association (WCIA) recommendations for property access agreements. He explained that what MRAC submitted was not adequate insurance coverage per WCIA. Mr. Vodopich stated that he did go over options with MRAC on how to get the additional coverage needed.

Councilmember Roach returned to the meeting at 7:18 p.m.

During discussions Councilmember Baldwin was communicating via text with MRAC and relaying questions and statements to Council.

Council discussed and shared their ideas and concerns, including:

- MRAC will need to have full liability coverage.
- Concerned with others on the Reed property without proper insurance coverage.
- Other options available to MRAC for coverage.
- Having a signed MOU with contractors.

Audio starts at: 7:23

D. **Open Discussion:**

Councilmember Fullerton:
AB24-02 – Ordinance D24-02: 2023 Code Maintenance Package: Councilmember Fullerton would like to bring back for discussion at a Workshop AB23-02. She feels it was too long to go through on such short notice and had to many different code sections being amended in on Ordinance. She would like links for codes that are referenced in an agenda bill, definitions provided, and corresponding page numbers be included in Ordinances.

Councilmember McClimans:
Systematic Politics Class: Councilmember McClimans will be attending a systematic politics class this class that focuses on both the U.S. and Washington State Constitution. He said he would send City Clerk Schaneman the link to send Councilmembers to join him. He stated he would like to see Council and Citizens get excited for the 150th, birthday of the constitution coming up.

Councilmember Hubler:
Documents in Advance: Councilmember Hubler said she would like to receive the information for items months or weeks in advance to a Council meeting.

Deputy Mayor Carter:
Ribbon Cutting of Food Bank Lockers: Deputy Mayor Carter and staff attended the ribbon cutting for the new Food Bank lockers located at the Library. The lockers have been getting restocked four times a day.

Mayor McCullough:
Community Resource Fair: Mayor McCullough said he received a lot of positive response from the Community Resource Fair on Saturday February 17, 2024. He said that there was a huge turn out for it and there were some great resources.

Councilmember Hubler:
Allan Yorke Parking: Councilmember Hubler asked what the Restricted Zone B Permit Parking was at Allan Yorke Park. She would like to know how the City will handle the parking during the summer, how much it will cost citizens, who will enforce the parking and how much the parking equipment cost.

City staff are working together to create a solution for parking and will present it at a Public Safety Committee meeting.

Councilmember Baldwin:
Allan Yorke Park Boat Parking: Councilmember Baldwin asked what happen to using Ballfield 4 for parking.

Interim Public Services Director Jason Sullivan explained that previous Council wanted to maintain Ballfield 4 as a ballfield and staff are following those decisions.

Audio starts at: 8:12

E. **Discussion:** Committees vs. Council of the Whole.

Deputy Mayor Carter presented the pros and cons with having committees or a Council of the Whole. He asked Councilmembers if this was something they would be interested in.

Council discussed and shared their ideas and concerns, including:

- Committees spend plenty of time hashing out the details of agenda items.
- Anything can be pulled from consent agenda.
- Quality of meeting videos are poor and hard to understand at times.

There was Council consensus to continue with having Committees.

Audio starts at: 8:26

EXECUTIVE/CLOSED SESSION: None.

Audio starts at: 8:26

IV. ADJOURNMENT

At 8:26 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the February 20, 2024, Workshop: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

CITY COUNCIL MEETING

February 27, 2024
6:00 P.M.
DRAFT MINUTES

www.ci.bonney-lake.wa.us

Location: The physical location of the Council Meeting was at the Bonney Lake Justice & Municipal Center, 9002 Main Street East, Bonney Lake, Washington. The public was also given the option to call in or attend virtually the Council Meeting.

Audio starts at: 06:00:00

I. CALL TO ORDER – Mayor Michael McCullough, called the meeting to order at 6:00 p.m.

A. Pledge of Allegiance: Mayor McCullough led the audience in the Pledge of Allegiance.

B. Roll Call: City Clerk Sadie Schaneman called the roll. In addition to Mayor McCullough, elected officials attending were Deputy Mayor Terry Carter, Councilmember Angela Baldwin, Councilmember Gwendolyn Fullerton Councilmember Kerri Hubler, Councilmember J. Kelly McClimans, and Councilmember Dan Swatman. Councilmember Dan Roach was in virtual attendance.

Staff members in attendance at the physical location were City Administrator John Vodopich, Chief of Police Mark Berry, Interim Public Services Director Jason Sullivan, Deputy City Attorney-Prosecutor Dena Burke, Human Resource Manager Brian Sandler, City Clerk Sadie Schaneman, Records and Disclosure Coordinator Kandice Besaw and City Attorney Jennifer Robertson.

Staff members in virtual attendance using the City's Teams conference line were Chief Finance Officer Cherie Reierson and Assistant to City Administrator Leslie Harris.

Audio starts at: 06:01:19

B. Agenda Modifications:

Mayor McCullough noted that a proclamation and a second executive session had been added to the agenda.

Deputy Mayor Carter moved to approve the agenda modification. Councilmember Baldwin seconded the motion.

Motion approved 7 – 0.

Audio starts at: 06:01:49

D. Announcements, Appointments and Presentations:

1. **Proclamation:** Bonney Lake 75th Anniversary.

Mayor McCullough read the proclamation proclaiming February 28, 2024, as the Bonney Lake 75th Anniversary of Incorporation.

II. PUBLIC HEARINGS, CITIZEN COMMENTS & CORRESPONDENCE:

Audio starts at: 6:04:57

A. Public Hearing: None.

B. Citizen Comments: *For efficient use of city resources, comments will be a short summary and not verbatim. Video recordings will be uploaded to the city's YouTube channel and an audio recording to the state digital archives for review of all the comments.*

Dan Decker, 20401 70th St E, Bonney Lake: Spoke on violations of office and the Federal Constitution.

C. Correspondence: None.

Audio starts at: 6:09:35

III. COUNCIL COMMITTEE REPORTS:

A. Finance Committee: Deputy Mayor Carter reported the Finance Committee met in person and virtually today at 5:00 p.m. The Committee went thru personnel updates; discussed the recreation program, had open discussion on Council cell phones and code enforcement and approved their minutes.

B. Community Development Committee: Councilmember Swatman reported the Community Development Committee met in person and virtually on February 20, 2024. The Committee had open discussion on the City's WSU storm pond and tree canopy options and approved their minutes.

C. Public Safety Committee: Councilmember Baldwin reported the Public Safety Committee did not meet and is expected to have their next meeting in person and virtually at 3:30 p.m. on March 12, 2024.

D. Other Reports: None.

Audio starts at: 6:12:53

IV. CONSENT AGENDA:

A. **Approval of Corrected Minutes:** February 6, 2024, City Council Workshop.

B. **Approval of Accounts Payable and Utility Refund Checks/Vouchers:** Accounts Payable check/vouchers #96366 to #96400, and wire transfers #2024020201, and #2024020683 in the amount of $78.925.80. Accounts payable wire transfer #2024021701 in the amount of $37,848.92. **Voids:** Check/Voucher #95916 – Check not received, Reissue.

C. **Approval of Payroll:** February 1 – 15, 2024 for checks #34946 - 34949 including Direct Deposits and Electronic Transfers totaling $741,126.22. **Voids:** None.

Deputy Mayor Carter moved to approve the Consent Agenda as amended. Councilmember Swatman seconded the motion.

Consent Agenda approved 7 - 0.

V. FINANCE COMMITTEE ISSUES: None.

VI. COMMUNITY DEVELOPMENT COMMITTEE ISSUES: None.

Audio starts at: 6:13:27

VII. PUBLIC SAFETY COMMITTEE ISSUES:

A. **AB24-14 – Ordinance D24-14** – An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending The Following Animals At Large Sections Of The Bonney Lake Municipal Code 6.04.190 Allowing Animal Services To Enforce The Code On Public As Well As Private Property; 6.04.230 Setting Guidelines For The Options Of Lowering Violation Fees; Providing For Severability And Corrections; And Establishing An Effective Date.

Deputy Mayor Carter moved to approve Ordinance D24-14. Councilmember Baldwin seconded the Motion.

Councilmember Baldwin thanked the Prosecutor's office for all their assistance.

Ordinance D24-14 approved 7 – 0.

Audio starts at: 6:15:17

B. **AB24-16 – Ordinance D24-16** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 10.33.010 Of The Bonney Lake Municipal Code To Include Illegal Racing Conduct And Vehicle Impoundment And Forfeiture; Providing For Severability And Corrections; And Establishing An Effective Date.

Deputy Mayor Carter moved to approve Ordinance D24-16. Councilmember Hubler seconded the Motion.

Council had no discussion on this topic.

Ordinance D24-16 approved 7 – 0.

Audio starts at: 6:16:13

C. **AB24-17 – Ordinance D24-17** - An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Amending Section 14.130.040 Of The Bonney Lake Municipal Code To Increasing The Severity Of Criminal Interference With Code Enforcement; Providing For Severability And Corrections; And Establishing An Effective Date.

Deputy Mayor Carter moved to approve Ordinance D24-17. Councilmember Baldwin seconded the Motion.

Council discussed and shared their concerns, including:
- Vague Ordinance language.

- What will be considered obstruct, impede, and interfere.
- How will proof be determined.

Councilmember McClimans moved to table Ordinance D24-17 to a future workshop. Deputy Mayor Carter seconded the Motion.

Motion to table approved 7 – 0.

VIII. FULL COUNCIL ISSUES:

Audio starts at: 6:37:01

A. **AB24-18 – Resolution 3199** - A Resolution Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, To Authorize A $25,000 Hiring Bonus For Lateral Police Officers In 2024.

Deputy Mayor Carter moved to approve Resolution 3199. Councilmember Swatman seconded the Resolution.

Councilmembers McClimans, Baldwin and Swatman all acknowledged the value of this strategy and remarked on what a fantastic idea it is.

Council discussed and shared their concerns, including:
- Incentives of hiring Lateral Police Officers.
- Training and Time.
- Phasing the bonus to ensure retention of employee.

Resolution 3199 approved 7 – 0.

Audio starts at: 6:41:13

B. **AB24-19 – Motion M24-19** - A Motion Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Authorizing The Mayor To Sign A Labor Agreement With The Police Guild Representing The Non-Commissioned Employees From January 1, 2024, Through December 31, 2026.

Deputy Mayor Carter moved to approve Motion M24-19. Councilmember Baldwin seconded the Motion.

Council had no discussion on this topic.

Motion M24-19 approved 7 – 0.

IX. EXECUTIVE SESSION:

Pursuant to 42.30.110 (c), Mayor McCullough announced a 20-minute ~~closed~~ Executive Session to discuss the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. The Executive Session started at 6:44 p.m. and concluded at 7:04 p.m. No action was taken.

Council went directly into the second Executive Session pursuant to 42.30.110 (i), for a 10-minute session to discuss potential litigation with legal counsel. The Executive Session started at 7:04 p.m. and concluded at 7:14 p.m. No action was taken.

X. ADJOURNMENT:

At 6:43 p.m. the Meeting was adjourned by Mayor McCullough with the common consent of the City Council.

Sadie A. Schaneman, CMC, City Clerk

Michael McCullough, Mayor

Items presented to Council at the February 27, 2024, Meeting for the record: None.

Note: Unless otherwise indicated, all documents submitted at City Council meetings and workshops are on file with the City Clerk. For detailed information on agenda items, please view the corresponding Agenda Packets, which are posted on the city website and on file with the City Clerk.

Public Services Department
Briefing Memorandum

Meeting Date: March 5, 2024

Memo Date: February 29, 2024

Staff Contact: Jason Sullivan – Interim Public Services Director

Topic: Ordinance 1714 (Housekeeping Ordinance)

PURPOSE:

On February 13, 2024, the City Council adopted Ordinance 1714 which was the annual housekeeping, code cleanup ordinance. Following the adoption of the Ordinance, the City Council has indicated that they have some lingering questions. The purpose of this briefing memo to provided additional information related to some of the questions that City staff believe have been raised by the City Council.

ATTACHMENTS:

1. July 18, 2023 – City Council Briefing Memorandum
2. Waterfront Parks Paid Parking Rates
3. RCW 35A.11.020
4. RCW 35A.12.190
5. RCW 35A.47.020
6. RCW 10.93.020
7. RCW 10.93.070
8. RCW 10.93.080
9. Engrossed Second Substitute Senate Bill 5051
10. 2018 Engineering Standards Excerpt (Right-of-way Definition)

DISCUSSION:

Question #1: How were the parking fees for Allan Yorke Park established?

At the July 18, 2023, the City Council received a briefing memo that contained a history of the discussion of paid parking at Allan Yorke Park and the City's current efforts to implement the infrastructure for paid parking at Allan Yorke Park. A copy of the July 18th memo is included as Attachment 1. On November 14, 2023, City staff presented the proposed paid parking rates to the Finance Committee. The fee amounts recommended by City staff were based on an analysis of the current parking rates for other waterfront parks. The specific list of waterfront parks and the parking

rates and boat launch rates for these other parks is attached to the memo as Attachment 2. After reviewing this information, the Finance Committee recommend approval of the proposed parking fees and moved the item to the November 28, 2023 Consent Agenda. On November 28, 2023 the City Council adopted Resolution 3187 establishing the current parking fees for Allan Yorke Park. The fees that were established are $4 for 0 – 4 hours and $10 for more than four hours.

As the Council may recall, the City has been in the process of moving all fees into a master fee resolution to create more transparency in fees by having one document where all the various fees are located. The amendments contained in Section 7 of Ordinance 1714 were, in part, intended to reflect the current practice of having fees set by resolution of the City Council, including these parking fees. It is important to note that the Ordinance did not alter or changes the fees previously adopted by the City Council.

Question #2: How does the City have authority to regulate on street parking to establish restrictive and prohibited parking zones?

The City has broad general authority under state law to manage and regulate its streets and other public property. RCW 35A.11.020; 35A.12.190; 35A.47.020. Copies of these RCWs are included as Attachments 3 – 5. This power includes the right to allow or disallow parking on city streets, including requiring paid parking and restrictive parking zones.

Question #3: Can the Code Enforcement Officers issue parking tickets?

In order issue parking tickets, the individual issuing the ticket is required to either have a full or limited commission per state law. (See RCW 10.93.020; 10.93.070; 10.93.080.) Copies of these RCWs are included as Attachments 6 – 8. The original version of BLMC 10.36.060.A was adopted in 2016. Under the original provisions, the Mayor was empowered to identify a parking enforcement officer and grant them a limited commission to issue parking infractions. However, Ordinance 1714 amended these provisions as required by Engrossed Second Substitute Senate Bill 5051 which was enacted in 2021. A copy of these legislation is included as Attachment 9. This 2021 state law required that a person with a limited commission receive the same training as a police officer and be employed by the Police Department. Therefore, under state law the code enforcement officers cannot issue parking tickets.

Question #4: What is the definition of right-of-way?

The definition of right-of-way adopted *City of Bonney Lake 2018 Development Policies and Public Works Design Standards* (Engineering Design Standards), defines right-of-way as an "… area of land dedicated for public use or secured by the public for purposes of public traffic, drainage and/or franchised utilities." The City adopts the Engineering Standards by reference in BLMC 12.04.010. A copy of the page from the Engineering Design Standards that contains the definition of right-of-way is included as Attachment 10.

Question #5: Can political signs be regulated differently than other temporary signs?

The City cannot regulate political signs and other temporary signs differently. Signs can be regulated in some way by classification (i.e., off-premises sign versus on-premises sign) and can be regulated on a time, place and manner basis. However, basing the regulation standards on the *type* or *message* of temporary sign (i.e. political, business, events, etc.), or on who is installing the sign (i.e. political candidates, citizens, companies) would be a violation of First Amendment of the *Constitution of the United States*. The reason for the limitation is that these types of regulations (message or messenger) are based what is being discussed (i.e. political campaigns, events, business) or on who is speaking (i.e. the political candidate, business owner, non-profit agency).

This limitation is based on Justice Clarence Thomas's June 18, 2015, opinion issued in the case of *Reed v. Town of Gilbert*. Under this case, the Town of Gilbert's (Gilbert) sign code was challenged based on the differing regulations applicable to three categories of temporary signs: temporary directional, political, and ideological signs. Gilbert's sign code did not prohibit these signs, but had different restrictions such as on size, number of signs, and the permissible duration of display for each of the temporary signs. Justice Thomas's opinion in the Gilbert case found that these type of regulation on temporary signs are based on the *content* of the speech and thus violated the First Amendment's free speech protections. The basic premise is that if you have to read to sign to know how to regulate it, the regulation is a violation of the 1st Amendment, and thus would not be Constitutional.

Thomas's opinion did discuss that regulations that were content natural and applied evenhandedly can be adopted by local governments. In Justice Samuel Alito's concurrence in the Gilbert case, he identified several examples of regulations that could be placed on signs following the decision in Gilbert case. These examples include the size, the location of signs, the number of signs allowed; provide that the regulations are applied to all temporary signs.

The City's current temporary sign regulations are consistent with Thomas's opinion and Alito's concurrence as the regulations are content neutral, applied equally to all types of temporary signs, and establish the location where temporary signs can be installed, and the mandates the maximum size of temporary signs. To establish new regulations that apply different standards for political signs would be in violation of these principles and subject to challenge under the U.S. Constitution.

Question #6: Who picks up temporary signs?

Typically, the City Code Enforcement officers will collect temporary signs that were placed in violation of the provisions of BLMC 15.28.060. This is not a daily, or even weekly, occurrence. The Code Enforcement Officers typically conduct a visual assessment of the temporary signs one day on either a monthly or bi-monthly basis. The frequency is based on whether or not the team has time based on the code enforcement case load at that time as well as the level of sign complaints received. The team will make specific visits when a request for action is submitted to the City.

Question #7 Can the City provide better guidance to individuals, to include political candidates, as to where temporary signs can be placed?

Yes. City staff is currently developing a flyer or pamphlet that would include visual images of where and how signs can be installed within the public right-of-way. The goal is to have these materials ready for public distribution by the end of the second quarter of 2024.

ATTACHMENT 1

Public Services Department Briefing Memorandum

Meeting Date: July 18, 2023

Memo Date: July 12, 2023

Staff Contact: **Ryan Johnstone, Public Services Director**

Action Type: Discussion

Agenda Title: **Allan Yorke Park - Pay to Park**

PURPOSE:

The purpose of this memorandum is to present background information regarding the proposed implementation of pay to park infrastructure at Allan Yorke Park and a summary of where this effort is currently.

BACKGROUND:

Parking at Allan Yorke Park has been free since the parks creation. However, in recent years mainly due to hotter summers, attendance at Allan Yorke Park has increased. Because of limited resources for enforcement in a free parking environment, visitors to the park are able to park their car for as long as desired and if parking lots are full, vehicles are then parking in areas that are not legal for vehicle parking. This prevents others from being able to visit the park and enjoy the amenities provided there and impacts the residents living in areas adjacent to the park. Further, as the only "free" park on Lake Tapps, Allan Yorke Park receives an influx of users that at times has been hard to control creating an unsafe environment for park users.

The 21/22 Biennial Budget included $60,000 for the procurement and installation of pay to park kiosks in Allan Yorke Park. The proposed location of those kiosks is shown on the map below and was discussed at previous Community Development and Finance Committee meetings.

PROPOSED PAY TO PARK KIOSK LOCATIONS AT ALLAN YORKE PARK

However, because of the uncertainty of how and where to provide watercraft trailer parking and impacts to parking due to the construction of the new ballfield, a decision was made to delay procurement and installation of the kiosks until these other issues were resolved.

At the March 14, 2023 Finance Committee meeting, staff received permission to spend up to $60,000 to complete the implementation of paid parking at Allan Yorke Park in the 23/24 Biennium. Because quotes for the kiosk systems exceeded available budget, alternative methods for providing pay to park were evaluated and a new system was selected to provide paid parking at Allan Yorke Park. This system is provided by a company called Wayleadr and was presented as a discussion item to the Community Development Committee on May 16, 2023. At that meeting, support was expressed by the committee to move this forward.

DISCUSSION:

With free parking, visitors to the park tend to park as close as possible to the beach area and other amenities. During times of peak usage at the park, visitors arrive early and then leave their vehicles parked for extended periods of time, preventing others from being able to enjoy the park. Paid parking, at the right price, encourages turnover with a consistent ebb and flow of visitors. Should someone desire to park for free, the Council could consider leaving parking lots that are further from park amentiies available for free parking. Further, rates can be adjusted to account for seasonal changes, holidays, and special events.

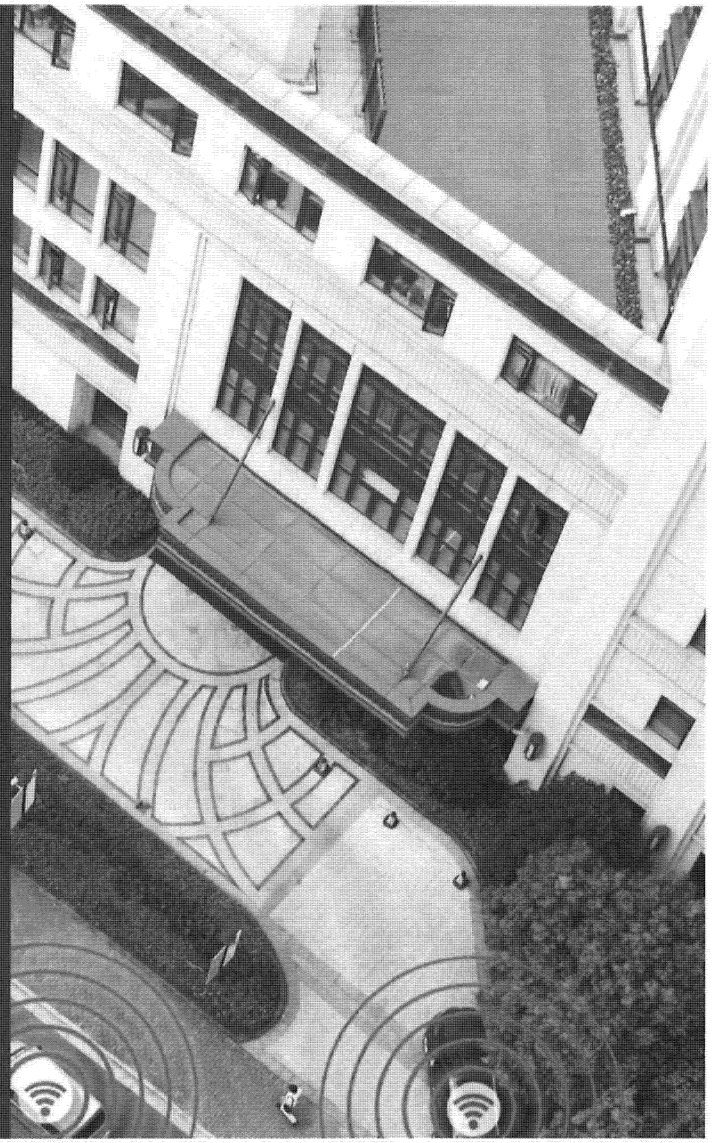
The Wayleadr system includes a reservation system for watercraft trailer parking at the Field 4 parking lot and paid parking throughout the remainder of the park. In short, this system is completely online with parking being paid

for through an application downloaded to a phone. There will not be any pay kiosks installed at the park. Instead, there will be signs installed in the parking lots that include a QR code. This code is scanned by the users phone and payment is made electronically. Additional information is contained on the slides attached to this memorandum.

The contract total is $8,950 to implement and pay first year costs for software. There will be a recurring yearly cost of $3,450 for software licensing. In addition, all pay to park transactions processed through Wayleadr incur a 30% fee. Given that the value of the contract is $8,950, staff is able to pursue administrative approval of the contract. This administrative approval was obtained and the acquisition of a purchase order has been initiated so that work can begin. Since the request was made to return to Council for discussion, we are currently suspending any additional effort on pay to park until after the Council discussion.

WAYLEADR

Parking Software Driving Ancillary Revenue and organization



The Problem

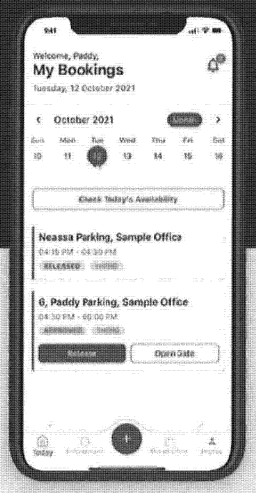
Underutilized Space leaves Revenue & Opportunity on the table

The problem isn't space....it is lack of organisation.

Old systems simply can't keep up.

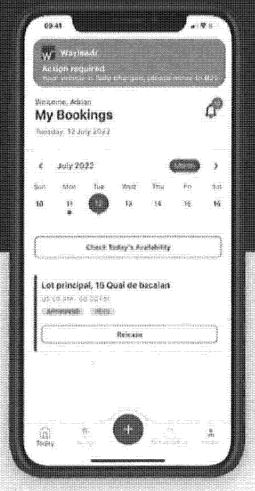
WAYLEADR

Wayleadr solves these problems



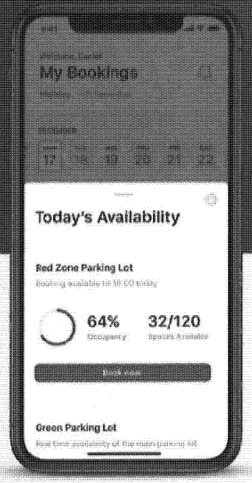
Visitor booking

Enables visitors in multi-use areas to book ahead of time.



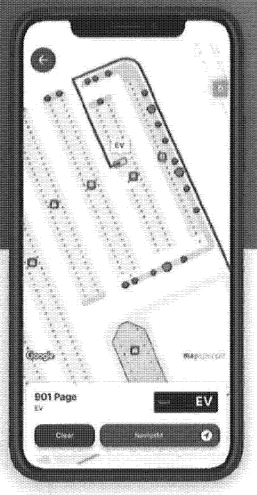
EV Charging Management

Realtime updates of charge status and time remaining to full capacity



Visitor Parking Management

World first carbon commuter wallet to calculate, analyze and predict carbon impact.



Wayfinding

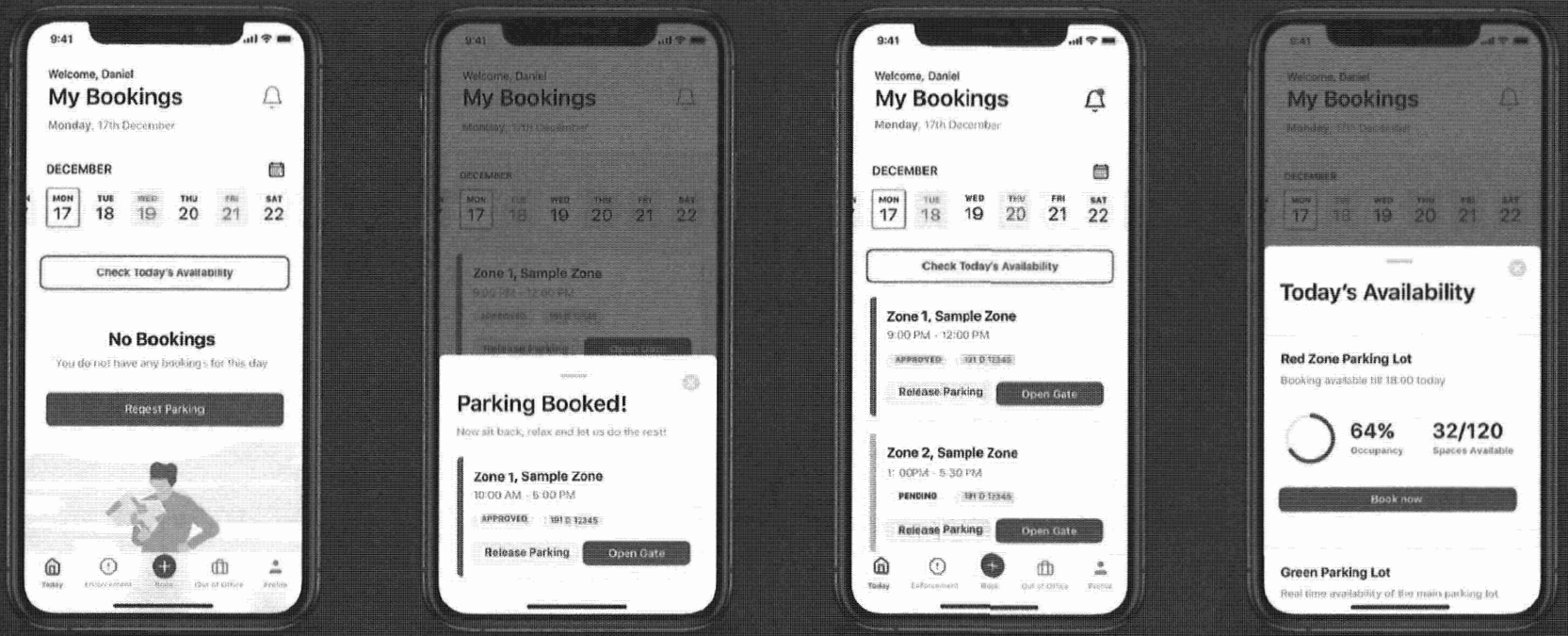
Integrated map user experience upon arrival for direction of spaces

★★★★★

WAYLEADR

User friendly

Use the app to book any spare spaces in advance or see what's available in real-time.

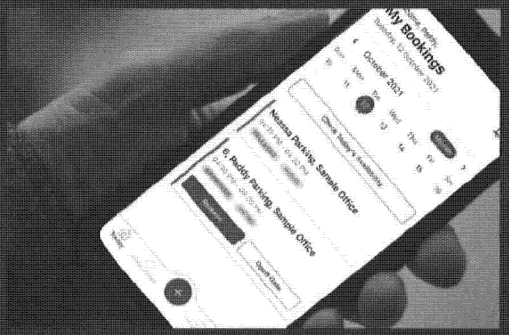


How It Works

01 — 02 — 03

Instant booking

Visitor/Resident reserves a spot through a web portal or app, and provides information about the visitor



Automated car spot allocation

Wayleadr allocates an underutilized car spot to the guest

Payment

Visitors and residents choose who pays for the car spot

How It Works

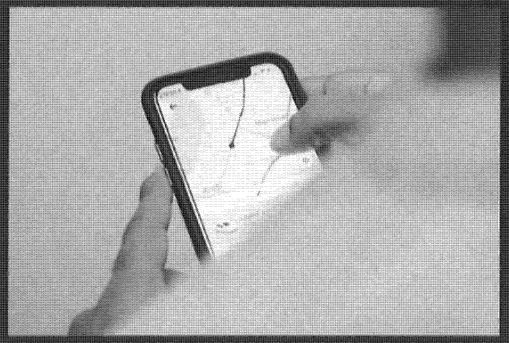
04 — 05 — 06

Notification

Visitor notified about reservation and sent a digital button (if needs be)

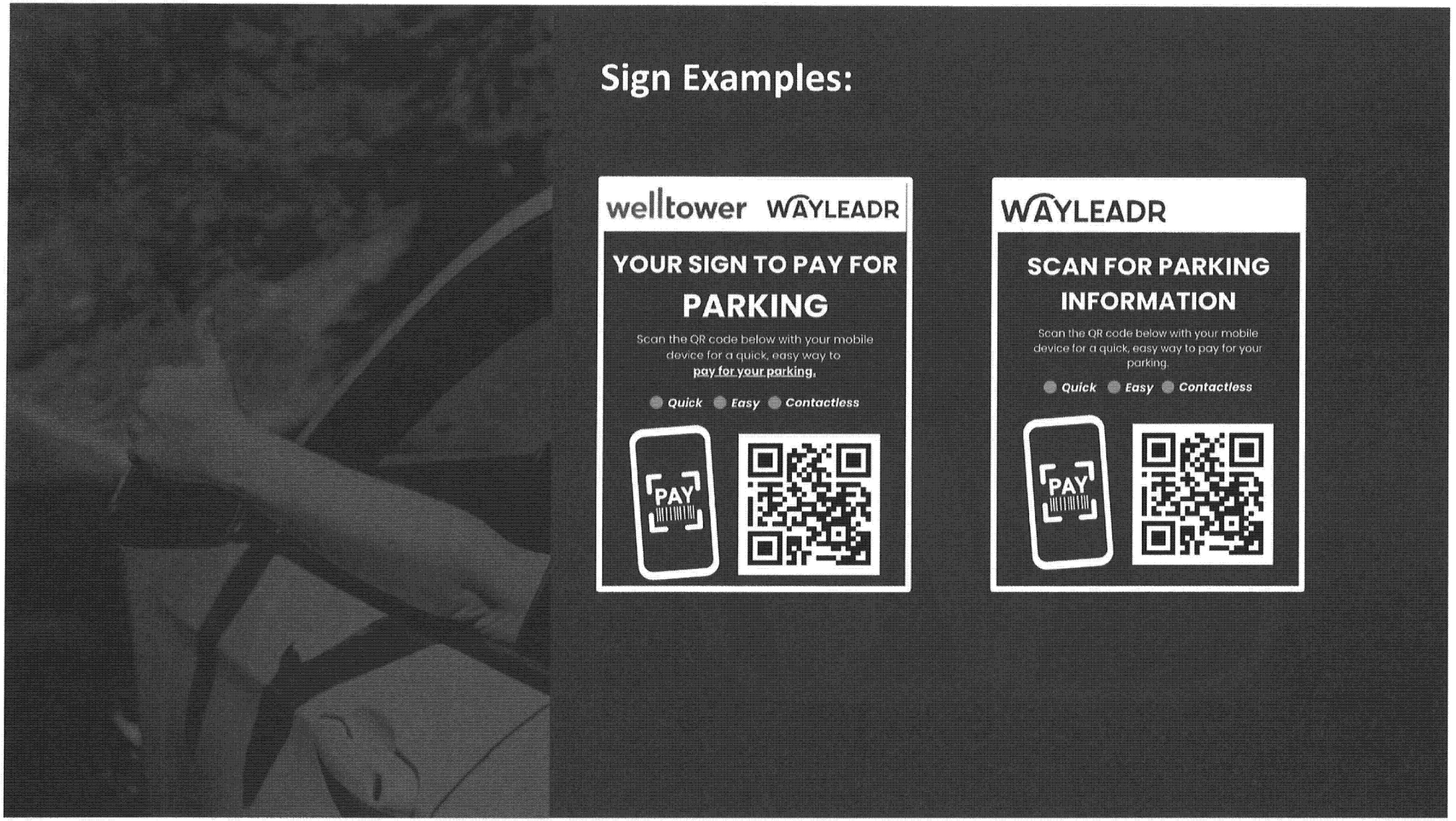
Smart access

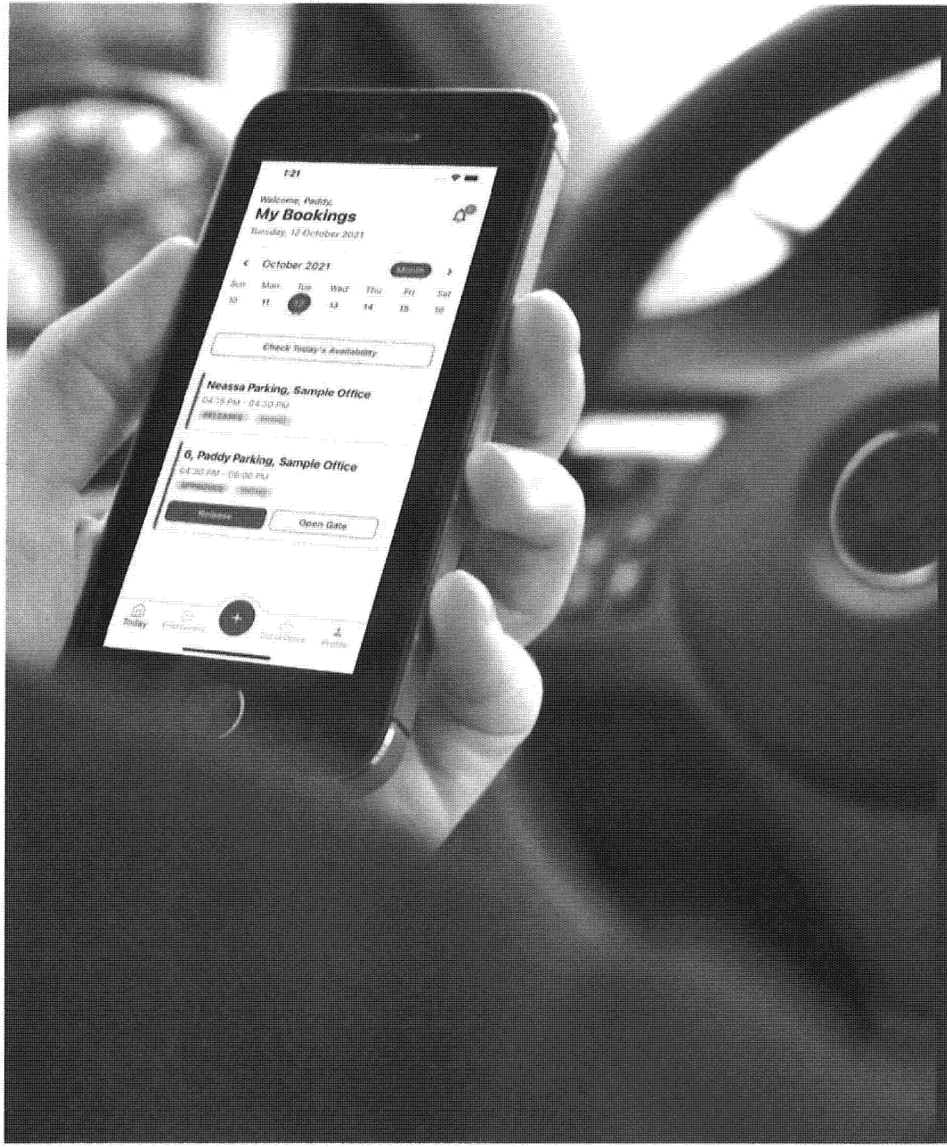
Visitor presses the digital button when they arrive to the residence to gain access to the building



Visitor guidance

Wayleadr navigates the visitor directly to the car spot, through an interactive map of the parkade


Sign Examples:
welltower WAYLEADR
YOUR SIGN TO PAY FOR
PARKING
Scan the QR code below with your mobile device for a quick, easy way to pay for your parking.
Quick Easy Contactless
PAY
WAYLEADR
SCAN FOR PARKING
INFORMATION
Scan the QR code below with your mobile device for a quick, easy way to pay for your parking.
Quick Easy Contactless
PAY



welltower WAYLEADR

YOUR SIGN TO PAY FOR PARKING

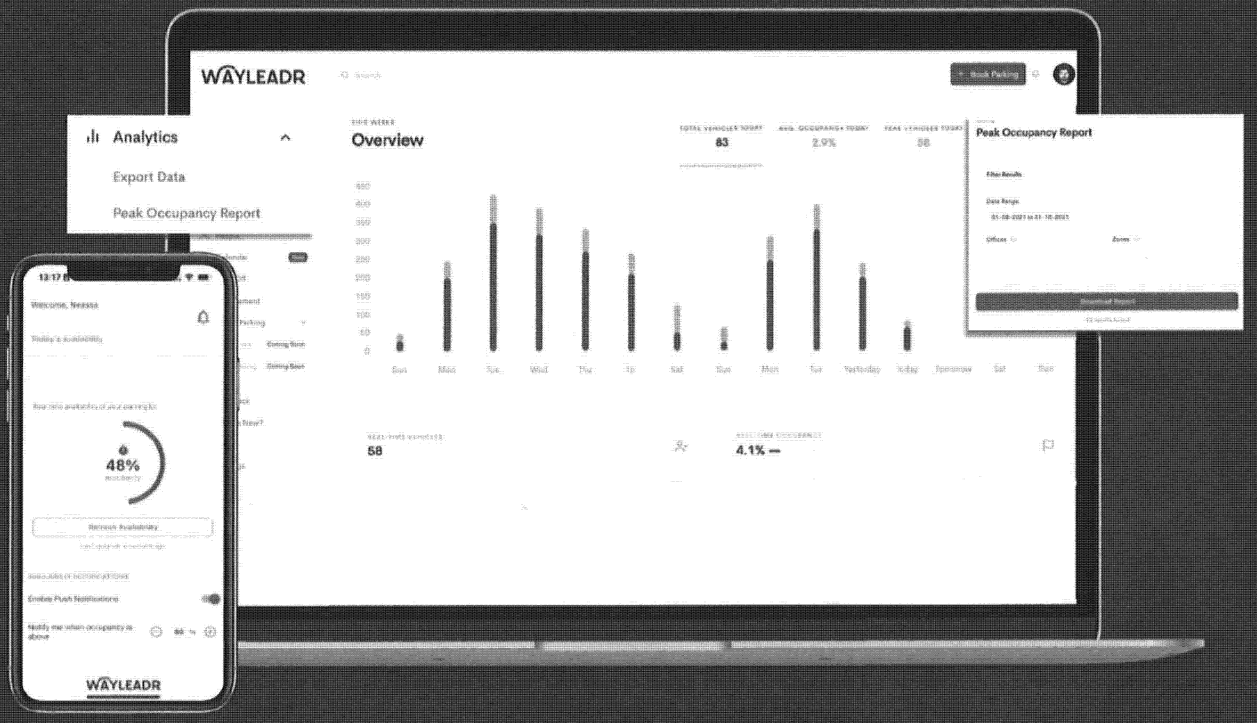
Scan the QR code below with your mobile device for a quick, easy way to **pay for your parking.**

Quick *Easy* *Contactless*

PAY

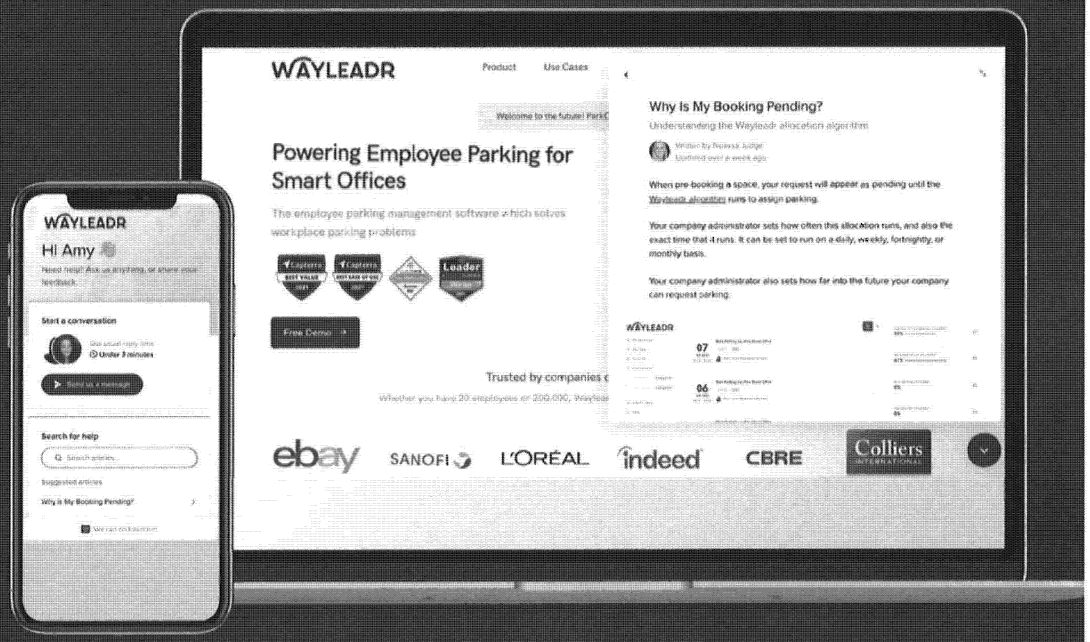
Custom live reporting

Installation of integrated tracking hardware or an API integration with existing access control systems captures real-time and historic occupancy trends. These trends are used by Wayleadr customers to unlock data insights to facilitate better informed real-estate decision making.



Employee experience & customer success

- Dedicated Customer Success Manager
- 24/7 Live Chat available through "Live Chat" on desktop and in-app, upon going live
- NPS System: 2 Touch points on app and desktop
- Median response time is <5 minutes
- Team of 8 in-house developers to solve technical issues on the Wayleadr system
- **97%** customer retention rate.



Your onboarding journey

Planning

1. Kickoff

Align on goals and customize onboarding plan.

2. Configure

Finalise the required configuration.

Implementation

3. Test

Test all features with a small internal group.

4. Onboard

Announce and onboard all staff using our management tools. Providing training and self-service training materials to all staff.

Adoption

5. Go live

Go live, monitor impact and amend as required.

6. Ongoing support

Continued access to our dedicated support team for any queries.

ATTACHMENT 2

Current Parking Fees for Area Park and Boat Launch Facilities

Pierce County - North Lake Tapps County Park

Vehicles and Motorcycles

$7.00

$3.00 (Seniors and Persons with Disabilities)

Boat Launch

$15.00 Per Launch

$5.00 Per Launch (Seniors and Persons with Disabilities)

City of Des Moines - Marina and Beach Park

Vehicle Parking

$2.00 0-2 hours

$4.00 2-4 hours

$6.00 all day

City of Des Moines - Redondo Waterfront Park and Boat Launch

Vehicle Parking

$1.00 1 hour

$2.50 2 hours

$3.50 3 hours

$5.00 4 hours

$6.50 5 hours

$8.00 all day

Vehicle Trailer Combinations

$10.00 per day

City of Renton - Gene Coulon Park Boat Launch

$15.00 Residents - Per Launch - Day Use

$25.00 Non-Residents - Per Launch - Day Use

$25.00 Residents - Per Launch - 24 hour use

$45.00 Non-Residents - Per Launch - 24 hour use

City of Kent - Lake Meridian Boat Launch

$5.00 Per Launch

City of Lakewood - American Lake Park Boat Launch

$15.00 Per Launch

City of Bonney Lake - Allan Yorke Park Boat Launch (Current)

$17.50 At Kiosk (When in Service)
$32.85 Resident Boat Launch Parking Pass

City of Bonney Lake - Allan Yorke Park (Recommended)

Vehicle Parking (paid parking areas incl. boat trailer parking)

$4.00 0-4 hours
$10.00 all day
Rates effective May 1 - October 1 each year

Boat Launch (Launch fee only)

$17.50 At Kiosk (When in Service)
$50.00 Resident Boat Launch Parking Pass
Rates effective May 1 - October 1

ATTACHMENT 3

RCW 35A.11.020 Powers vested in legislative bodies of noncharter and charter code cities. The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firefighters and police officers which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firefighters and chapter 41.12 RCW for police officers now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firefighters or police officers which provides different pensions or retirement benefits than are provided by general law for such classes.

Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty, but no act which is a state crime may be made a civil violation.

The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns.

In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, *82.36.440, 48.14.020, and 48.14.080. [2007 c 218 § 66; 1993 c 83 § 8; 1986 c 278

§ 7; 1984 c 258 § 807; 1969 ex.s. c 29 § 1; 1967 ex.s. c 119 § 35A.11.020.]

***Reviser's note:** Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 § 501, effective July 1, 2016.

Intent—Finding—2007 c 218: See note following RCW 41.08.020.

Effective date—1993 c 83: See note following RCW 35.21.163.

Severability—1986 c 278: See note following RCW 36.01.010.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Effective date—1969 ex.s. c 29: "The effective date of this act is July 1, 1969." [1969 ex.s. c 29 § 2.]

ATTACHMENT 4

RCW 35A.12.190 Powers of council. The council of any code city organized under the mayor-council plan of government provided in this chapter shall have the powers and authority granted to the legislative bodies of cities governed by this title, as more particularly described in chapter 35A.11 RCW. [1967 ex.s. c 119 § 35A.12.190.]

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ATTACHMENT 5

RCW 35A.47.020 Streets—Acquisition, standards of design, use, vacation and abandonment—Funds. The designation of code city streets as a part of the state highway system, the jurisdiction and control of such streets, the procedure for acquisition or abandonment of rights-of-way for city streets and state highways, and the sale or lease of state highway land or toll facility to a code city, the requirements for accounting and expenditure of street funds, and the authority for contracting for the construction, repair and maintenance of streets by the state or county shall be the same as is provided in RCW 36.75.090, chapters 47.08, 47.12, 47.24 and 47.56 RCW, and the regulation of signs thereon as provided in chapter 47.42 RCW. Code cities shall be regulated in the acquisition, construction, maintenance, use and vacation of alleys, city streets, parkways, boulevards and sidewalks and in the design standards therefor as provided in chapters 35.68 through 35.79, 35.85, and 35.86 RCW and *RCW 79.93.010 relating to dedication of tidelands and shorelands to public use and in the use of state shared funds as provided by general law. [1983 c 3 § 68; 1967 ex.s. c 119 § 35A.47.020.]

***Reviser's note:** RCW 79.93.010 was recodified as RCW 79.120.010 pursuant to 2005 c 155 § 1007.

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ATTACHMENT 6

RCW 10.93.020 Definitions. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(2) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(3) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(4) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(5) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor and cannabis board, the office of the insurance commissioner, the state department of corrections, and the office of independent investigations.

(6) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(7) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, a tribal peace officer from a federally recognized tribe, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Specially commissioned Washington peace officer," for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state. [2021 c 318 § 307; 2006 c 284 § 16; 2002 c 128 § 1; 1994 c 264 § 3; 1988 c 36 § 5; 1985 c 89 § 2.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Finding—Intent—2021 c 318: See note following RCW 43.102.020.

Effective date—2006 c 284: See RCW 48.135.901.

ATTACHMENT 7

RCW 10.93.070 General authority peace officer—Powers of, circumstances. In addition to any other powers vested by law, a general authority Washington peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency or has been exempted from the requirement therefor by the Washington state criminal justice training commission may enforce the traffic or criminal laws of this state throughout the territorial bounds of this state, under the following enumerated circumstances:

(1) Upon the prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs;

(2) In response to an emergency involving an immediate threat to human life or property;

(3) In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of primary territorial jurisdiction or in response to the request of a peace officer with enforcement authority;

(4) When the officer is transporting a prisoner;

(5) When the officer is executing an arrest warrant or search warrant; or

(6) When the officer is in fresh pursuit, as defined in RCW 10.93.120. [1985 c 89 § 7.]

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ATTACHMENT 8

RCW 10.93.080 Limited authority peace officer—No additional powers. A limited authority Washington peace officer shall have no additional powers by virtue of this chapter but shall be limited to those powers already vested by law or hereafter created by separate enactment. [1985 c 89 § 8.]

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11. **"Council"** means the City of Bonney Lake Council of elected representatives or their authorized representatives.

12. **"Engineer"** means the City's Engineer, whether a staff engineer or consultant.

13. **"Public Services Director"** means the City's duly appointed City Public Services Director.

14. **"Operations and Maintenance Supervisor"** means the City's Utility/Public Works superintendent, and/or operations and maintenance supervisor, and/or the public services director.

15. **"Approach"** means any area, construction, or facility between a public road and private property which provides access for ingress and/or egress of vehicles from the public roadway to or from private property. Approaches shall include residential driveway approaches, major driveway approaches, minor approaches and temporary approaches.

16. **"Change of Use"** means any change of purpose or use for which any land, building, or structure is occupied, maintained, designed, arranged or intended.

17. **"Curb Return/Return"** means the curved portion of the road approach where the approach widens out and connects into the edge of existing pavement of the public road.

18. **"Entering Sight Distance"** means the distance of roadway ahead, left or right, which is visible to the driver of a vehicle approaching a City road before entering the City road.

19. **"Major Road Approach"** means a road approach which will serve an area with the potential to contain or which does contain in excess of nineteen (19) single-family residences or which is used to provide access to business and nonresidential enterprises including, but not limited to, sales, services, industry, churches, or other quasi-public buildings.

20. **"Minor Road Approach"** means a road approach which provides or has the potential to provide access to a residential development ranging in size from two (2) lots or single-family structures to nineteen (19) lots or single-family structures.

21. **"Residential Road Approach"** means a road approach which is used to provide access to a single-family residence.

22. **"Right-of-Way"** means that area of land dedicated for public use or secured by the public for purposes of public traffic, drainage and/or franchised utilities.

23. **"Road, Public"** means any deeded, established, or legally acquired road, street, avenue, alley, highway, lane, boulevard, court, place, or way open as a matter of right to public vehicular traffic.

24. **"Standard Specifications"** are the current edition of the Washington State Department of Transportation *Standard Specifications for Road, Bridge, and Municipal Construction*, and current amendments thereto.

25. **"Temporary Approach"** means an approach that will not be in place longer than 90 consecutive calendar days.

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ATTACHMENT 10

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5051

Chapter 323, Laws of 2021

67th Legislature
2021 Regular Session

PEACE OFFICERS AND CORRECTIONS OFFICERS—STATE OVERSIGHT AND ACCOUNTABILITY

EFFECTIVE DATE: July 25, 2021

Passed by the Senate April 21, 2021
Yeas 27 Nays 22

DENNY HECK

President of the Senate

Passed by the House April 7, 2021
Yeas 54 Nays 43

LAURIE JINKINS

Speaker of the House of Representatives

Approved May 18, 2021 11:48 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5051** as passed by the Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

May 18, 2021

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5051

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Senate Ways & Means (originally sponsored by Senators Pedersen, Dhingra, Darneille, Hunt, Kuderer, Liias, Lovelett, Mullet, Nguyen, Salomon, Stanford, Wellman, and Wilson, C.)

READ FIRST TIME 02/17/21.

AN ACT Relating to state oversight and accountability of peace officers and corrections officers; amending RCW 43.101.010, 43.101.020, 43.101.030, 43.101.040, 43.101.060, 43.101.080, 43.101.085, 43.101.095, 43.101.105, 43.101.115, 43.101.135, 43.101.145, 43.101.155, 43.101.157, 43.101.230, 43.101.390, 43.101.420, 34.12.035, 40.14.070, 43.101.380, 43.101.400, 41.56.905, 49.44.200, 41.06.040, and 43.101.200; adding a new section to chapter 43.101 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 10.93 RCW; creating new sections; repealing RCW 43.101.096, 43.101.106, 43.101.116, 43.101.136, 43.101.146, 43.101.156, and 43.101.180; and prescribing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 43.101.010 and 2020 c 119 s 2 are each amended to read as follows:

When used in this chapter:

(1) ((~~The term "commission"~~)) "Applicant" means an individual who has received a conditional offer of employment with a law enforcement or corrections agency.

(2) "Commission" means the Washington state criminal justice training commission.

((~~(2) The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.~~))

(3) ((~~The term "criminal~~)) "Criminal justice personnel" means any person who serves ((~~in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law~~)) as a peace officer, reserve officer, or corrections officer.

(4) ((~~The term "law~~)) "Law enforcement personnel" means any ((~~public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection "primary function" means that function to which the greater allocation of resources is made~~)) person elected, appointed, or employed as a general authority Washington peace officer as defined in RCW 10.93.020.

(5) ((~~The term "correctional~~)) "Correctional personnel" means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

(6) "Chief for a day program" means a program in which commissioners and staff partner with local, state, and federal law enforcement agencies, hospitals, and the community to provide a day of special attention to chronically ill children. Each child is selected and sponsored by a law enforcement agency. The event, "chief for a day," occurs on one day, annually or every other year and may occur on the grounds and in the facilities of the commission. The program may include any appropriate honoring of the child as a "chief," such as a certificate swearing them in as a chief, a badge, a uniform, and donated gifts such as games, puzzles, and art supplies.

(7) ((~~A peace officer or corrections officer is "convicted"~~)) "Convicted" means at the time a plea of guilty , nolo contendere, or deferred sentence has been accepted, or a verdict of guilty or

finding of guilt has been filed, notwithstanding the pendency of any future proceedings, including but not limited to sentencing, posttrial or postfact-finding motions and appeals. "Conviction" includes ((~~a deferral of sentence~~)) all instances in which a plea of guilty or nolo contendere is the basis for conviction, all proceedings in which there is a case disposition agreement, and ((~~also includes the~~)) any equivalent disposition by a court in a jurisdiction other than the state of Washington.

(8)((~~(a) "Discharged for disqualifying misconduct" has the following meanings:~~

~~(i) A peace officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a peace officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), (III) the unlawful use or possession of a controlled substance, or (IV) any other crime the conviction of which disqualifies a Washington citizen from the legal right to possess a firearm under state or federal law; (B) conduct that would constitute any of the crimes addressed in (a)(i)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination; or~~

~~(ii) A corrections officer terminated from employment for: (A) Conviction of (I) any crime committed under color of authority as a corrections officer, (II) any crime involving dishonesty or false statement within the meaning of Evidence Rule 609(a), or (III) the unlawful use or possession of a controlled substance; (B) conduct that would constitute any of the crimes addressed in (a)(ii)(A) of this subsection; or (C) knowingly making materially false statements during disciplinary investigations, where the false statements are the sole basis for the termination.~~

~~(b) A peace officer or corrections officer is "discharged for disqualifying misconduct" within the meaning of this subsection (8) under the ordinary meaning of the term and when the totality of the circumstances support a finding that the officer resigned in anticipation of discipline, whether or not the misconduct was discovered at the time of resignation, and when such discipline, if carried forward, would more likely than not have led to discharge for disqualifying misconduct within the meaning of this subsection (8).~~

~~(9) When used in context of proceedings referred to in this chapter, "final" means that the peace officer or corrections officer~~

~~has exhausted all available civil service appeals, collective bargaining remedies, and all other such direct administrative appeals, and the officer has not been reinstated as the result of the action. Finality is not affected by the pendency or availability of state or federal administrative or court actions for discrimination, or by the pendency or availability of any remedies other than direct civil service and collective bargaining remedies.~~

~~(10)~~)) "Peace officer" ((~~means any law enforcement personnel subject to the basic law enforcement training requirement of RCW 43.101.200 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.200~~)) has the same meaning as a general authority Washington peace officer as defined in RCW 10.93.020. Commissioned officers of the Washington state patrol, whether they have been or may be exempted by rule of the commission from the basic training requirement of RCW 43.101.200, are included as peace officers for purposes of this chapter. Fish and wildlife officers with enforcement powers for all criminal laws under RCW 77.15.075 are peace officers for purposes of this chapter.

((~~(11)~~)) (9) "Corrections officer" means any corrections agency employee whose primary job function is to provide for the custody, safety, and security of adult ((~~prisoners~~)) persons in jails and detention facilities ((~~and who is subject to the basic corrections training requirement of RCW 43.101.220 and any other requirements of that section, notwithstanding any waiver or exemption granted by the commission, and notwithstanding the statutory exemption based on date of initial hire under RCW 43.101.220. For the purpose of RCW 43.101.080, 43.101.096, 43.101.106, 43.101.116, 43.101.121, 43.101.126, 43.101.136, 43.101.146, 43.101.156, 43.101.380, and 43.101.400, "corrections~~)) in the state. "Corrections officer" does not include individuals employed by state agencies.

(10) "Finding" means a determination based on a preponderance of the evidence whether alleged misconduct occurred; did not occur; occurred, but was consistent with law and policy; or could neither be proven or disproven.

(11) "Reserve officer" means any person who does not serve as a peace officer of this state on a full-time basis, but who, when called by an agency into active service, is fully commissioned on the

same basis as full-time officers to enforce the criminal laws of this state and includes:

(a) Specially commissioned Washington peace officers as defined in RCW 10.93.020;

(b) Limited authority Washington peace officers as defined in RCW 10.93.020;

(c) Persons employed as security by public institutions of higher education as defined in RCW 28B.10.016; and

(d) Persons employed for the purpose of providing security in the K-12 Washington state public school system as defined in RCW 28A.150.010 and who are authorized to use force in fulfilling their responsibilities.

(12) "Tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.

Sec. 2. RCW 43.101.020 and 1974 ex.s. c 94 s 2 are each amended to read as follows:

(1) There is hereby created and established a state commission to be known and designated as the Washington state criminal justice training commission.

(2) The purpose of ((~~such~~)) the commission shall be to ((~~provide programs and standards for the training of criminal justice personnel~~)) establish and administer standards and processes for certification, suspension, and decertification of peace officers and corrections officers. The commission shall provide programs and training that enhance the integrity, effectiveness, and professionalism of peace officers and corrections officers while helping to ensure that law enforcement and correctional services are delivered to the people of Washington in a manner that fully complies with the Constitutions and laws of this state and United States. In carrying out its duties, the commission shall strive to promote public trust and confidence in every aspect of the criminal justice system.

Sec. 3. RCW 43.101.030 and 2020 c 44 s 1 are each amended to read as follows:

The commission shall consist of ((~~sixteen~~)) 21 members((~~, who shall be selected~~)) as follows:

(1) The governor shall appoint ((~~two~~)):

(a) One incumbent sheriff((~~s~~)) and ((~~two~~)) one incumbent chief((~~s~~)) of police.

((~~(2) The governor shall appoint one officer~~)) The governor shall additionally appoint an alternate incumbent chief of police who may perform commission duties in place of the appointed incumbent chief if that person is unavailable;

(b) Two officers at or below the level of first line supervisor who:

(i) Have at least ten years' experience as law enforcement officers;

(ii) Are from ((~~a county~~)) two different law enforcement ((~~agency and one officer at or below the level of first line supervisor from a municipal law enforcement agency. Each appointee under this subsection (2) shall have at least ten years experience as a law enforcement officer.~~

~~(3) The governor shall appoint one~~)) agencies that each have at least 15 officers and are different than the agencies with which the members in (a) of this subsection are affiliated; and

(iii) Are affiliated with different labor organizations;

(c) One tribal police officer at or below the level of first line supervisor who has at least 10 years' experience as a law enforcement officer;

(d) One person employed ((~~in a county correctional system and one person employed in the state correctional system.~~

~~(4) The governor shall appoint one~~)) in a state or county corrections agency;

(e) One incumbent county prosecuting attorney or municipal attorney((~~.~~

~~(5) The governor shall appoint one~~)) and one public defender;

(f) One licensed attorney with background in investigating, advocating, teaching, training, or presiding over matters related to enhancing law enforcement practices and accountability, who has not been employed in law enforcement;

(g) One elected official of a local government((~~.~~

~~(6) The governor shall appoint two private citizens~~)) who is not a sheriff or police chief and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(h) One person with civilian oversight or auditing experience over law enforcement agencies;

(i) Seven community members who are not employed in law enforcement, ((~~one from~~)) including at least two who reside east of the crest of the Cascade mountains and ((~~one from west of the crest of the Cascade mountains. At~~)) at least ((~~one of the private citizens must be~~)) three who are from a historically underrepresented community or communities((~~.~~

~~(7) The governor shall appoint one~~)); and

(j) One tribal chair, board member, councilmember, or ((~~designee~~)) enrolled member from a federally recognized tribe with an active certification agreement under RCW 43.101.157((~~.~~

~~(8) The three remaining members shall be:~~

~~(a)~~)) who is not a sheriff and has not been employed in the last 10 years as a peace officer or prosecutor in any jurisdiction;

(2) The attorney general or the attorney general's designee;

((~~(b) The special agent in charge of the Seattle office of the federal bureau of investigation; and~~

~~(c)~~)) (3) The chief of the state patrol or the chief's designee.

Sec. 4. RCW 43.101.040 and 2009 c 549 s 5167 are each amended to read as follows:

All members appointed to the commission by the governor shall be appointed for terms of six years, such terms to commence on July first, and expire on June thirtieth((~~: PROVIDED, That of the~~)). However, for members first appointed ((~~three shall be appointed for two year terms, three shall be appointed for four year terms, and three shall be appointed for six year terms: PROVIDED, FURTHER, That the terms of the two members appointed as incumbent police chiefs shall not expire in the same year nor shall the terms of the two members appointed as representing correctional systems expire in the same year nor shall the terms of the two members appointed as incumbent sheriffs expire in the same year~~)) as a result of chapter . . ., Laws of 2021 (this act), the governor shall appoint members to terms ranging from two years to six years in order to stagger future appointments. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member ((~~he or she~~)) the appointee is to succeed. Any member may be reappointed for additional terms.

Sec. 5. RCW 43.101.060 and 1999 c 97 s 2 are each amended to read as follows:

The commission shall elect a chair and a vice chair from among its members. ((~~Seven~~)) Nine members of the commission shall constitute a quorum. ((~~The governor shall summon the commission to its first meeting.~~

~~Meetings~~)) The commission shall meet at least quarterly. Additional meetings may be called by the chair and shall be called by ((~~him or her~~)) the chair upon the written request of six members.

Sec. 6. RCW 43.101.080 and 2020 c 119 s 13 are each amended to read as follows:

The commission shall have all of the following powers:

(1) ((~~To meet at such times and places as it may deem proper;~~

~~(2) To adopt any rules and regulations as it may deem necessary;~~

~~(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;~~

~~(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;~~

~~(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;~~

~~(6) To select and employ an executive director, and to empower him or her to perform such duties and responsibilities as it may deem necessary;~~

~~(7) To~~)) Conduct training, including the basic law enforcement academy and in-service training, and assume legal, fiscal, and program responsibility for all training conducted by the commission;

((~~(8) To establish~~)) (2) Grant, deny, suspend, or revoke certification of, or require remedial training for, peace officers and corrections officers under the provisions of this chapter;

(3) Grant, deny, suspend, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process;

(4) Related to its duties under subsections (2) and (3) of this section, provide for the comprehensive and timely investigation of complaints where necessary to ensure adherence to law and agency policy, strengthen the integrity and accountability of peace officers and corrections officers, and maintain public trust and confidence in the criminal justice system in this state;

(5) Establish, by rule and regulation, curricula and standards for the training of criminal justice personnel where such curricula and standards are not prescribed by statute;

((~~(9) To own~~)) (6) Own, establish, and operate, or ((~~to~~)) contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel ((~~and to purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities necessary to the conducting of such programs;~~

~~(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;~~

~~(11) To review~~));

(7) Review and approve or reject standards for instructors of training programs for criminal justice personnel, and ((~~to~~)) employ personnel from law enforcement agencies on a temporary basis as instructors without any loss of employee benefits to those instructors from those agencies;

((~~(12) To direct~~)) (8) Direct the development of alternative, innovative, and interdisciplinary training techniques;

((~~(13) To review~~)) (9) Review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ((~~recommended by the training standards and education boards~~)), including continuing education;

((~~(14) To allocate~~)) (10) Allocate financial resources among training and education programs conducted by the commission;

((~~(15) To~~)) (11) Purchase, lease, or otherwise acquire, subject to the approval of the department of enterprise services, a training facility or facilities and allocate training facility space among training and education programs conducted by the commission;

((~~(16) To issue~~)) (12) Issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

((~~(17) To provide~~)) (13) Provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

((~~(18) To establish~~)) (14) Establish rules and regulations ((~~recommended by the training standards and education boards~~))

prescribing minimum standards relating to physical, mental, and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

((~~(19) To require~~)) (15) Require county, city, port, or state law enforcement and corrections agencies that make a conditional offer of employment to an applicant as a fully commissioned peace officer, a reserve officer, or a corrections officer to administer a background investigation ((~~including a check of criminal history, verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident, a psychological examination, and a polygraph test or similar assessment to each applicant, the results of which shall be used by the employer to determine the applicant's suitability for employment as a fully commissioned peace officer, a reserve officer, or a corrections officer. The background investigation, psychological examination, and the polygraph examination shall be administered in accordance with the requirements of RCW 43.101.095(2) for peace officers, and RCW 43.101.096 for corrections officers. The employing county, city, or state law enforcement agency may require that each peace officer, reserve officer, or corrections officer who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or four hundred dollars, whichever is less. County, city, and state law enforcement agencies may establish a payment plan if they determine that the peace officer, reserve officer, or corrections officer does not readily have the means to pay for his or her portion of the testing fee. This subsection does not apply to corrections officers employed by state agencies;~~

~~(20) To promote~~)) in accordance with the requirements of RCW 43.101.095 to determine the applicant's suitability for employment as a fully commissioned peace officer, reserve officer, or corrections officer;

(16) Appoint members of a hearings panel as provided under RCW 43.101.380;

(17) Issue public recommendations to the governing body of a law enforcement agency regarding the agency's command decisions, inadequacy of policy or training, investigations or disciplinary decisions regarding misconduct, potential systemic violations of law or policy, unconstitutional policing, or other matters;

(18) Promote positive relationships between law enforcement and the ((~~citizens~~)) residents of the state of Washington ((~~by allowing~~)) through commissioners and staff ((~~to participate~~)) participation in the "chief for a day program." The executive director shall designate staff who may participate. In furtherance of this purpose, the commission may accept grants of funds and gifts and may use its public facilities for such purpose. At all times, the participation of commissioners and staff shall comply with chapter 42.52 RCW and chapter 292-110 WAC((~~.~~

~~All~~));

(19) Adopt, amend, repeal, and administer rules and regulations ((~~adopted by the commission shall be adopted and administered~~)) pursuant to the administrative procedure act, chapter 34.05 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 7. RCW 43.101.085 and 2020 c 119 s 1 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) ((~~Adopt, amend, or repeal rules as necessary to carry out this chapter;~~

~~(2)~~)) Contract for services as it deems necessary in order to carry out its duties and responsibilities;

(2) Cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(3) Select and employ an executive director, and empower the director to perform such duties and responsibilities as the commission may deem necessary;

(4) Issue subpoenas and statements of charges, and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter, or designate individuals to do so;

((~~(3)~~)) (5) Employ such staff as necessary for the implementation and enforcement of this chapter;

(6) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

((~~(4) Appoint members of a hearings board as provided under RCW 43.101.380;~~

~~(5)~~)) (7) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

((~~(6) Grant, deny, or revoke certification of peace officers and corrections officers under the provisions of this chapter;~~

~~(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter;~~

~~(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter; and~~

~~(9) Grant, deny, or revoke certification of tribal police officers whose tribal governments have agreed to participate in the tribal police officer certification process~~)) and

(8) Exercise lawful actions necessary to enable the commission to fully and adequately perform its duties and to exercise the lawful powers granted to the commission.

Sec. 8. RCW 43.101.095 and 2018 c 32 s 5 are each amended to read as follows:

(1) As a condition of ((~~continuing~~)) employment ((~~as peace officers~~)), all Washington peace officers((~~: (a) Shall timely obtain certification as peace officers, or timely obtain certification or exemption therefrom, by meeting all requirements of RCW 43.101.200, as that section is administered under the rules of the commission, as well by meeting any additional requirements under this chapter; and (b) shall maintain the basic certification as peace officers under this chapter~~)) and corrections officers are required to obtain certification as a peace officer or corrections officer or exemption therefrom and maintain certification as required by this chapter and the rules of the commission.

(2)(a) ((~~As a condition of continuing employment for any~~)) Any applicant who has been offered a conditional offer of employment as a ((~~fully commissioned~~)) peace officer or ((~~a~~)) reserve officer ((~~after July 24, 2005~~)) or offered a conditional offer of employment as a corrections officer after July 1, 2021, including any person whose certification has lapsed as a result of a break of more than ((~~twenty-four~~)) 24 consecutive months in the officer's service ((~~as a fully commissioned peace officer or reserve officer, the applicant shall~~)) for a reason other than being recalled to military service,

must submit to a background investigation ((~~including a~~)) to determine the applicant's suitability for employment. Employing agencies may only make a conditional offer of employment pending completion of the background check and shall verify in writing to the commission that they have complied with all background check requirements prior to making any nonconditional offer of employment.

(b) The background check must include:

(i) A check of criminal history, ((~~verification~~)) any national decertification index, commission records, and all disciplinary records by any previous law enforcement or correctional employer, including complaints or investigations of misconduct and the reason for separation from employment. Law enforcement or correctional agencies that previously employed the applicant shall disclose employment information within 30 days of receiving a written request from the employing agency conducting the background investigation, including the reason for the officer's separation from the agency. Complaints or investigations of misconduct must be disclosed regardless of the result of the investigation or whether the complaint was unfounded;

(ii) Inquiry to the local prosecuting authority in any jurisdiction in which the applicant has served as to whether the applicant is on any potential impeachment disclosure list;

(iii) Inquiry into whether the applicant has any past or present affiliations with extremist organizations, as defined by the commission;

(iv) A review of the applicant's social media accounts;

(v) Verification of immigrant or citizenship status as either a citizen of the United States of America or a lawful permanent resident((~~, a~~));

(vi) A psychological examination((~~, and a~~)) administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission;

(vii) A polygraph or similar assessment ((~~as~~)) administered by ((~~the county, city, or state law enforcement agency, the results of which shall be used to determine the applicant's suitability for employment as a fully commissioned peace officer or a reserve officer.~~

~~(i) The background investigation including a check of criminal history shall be administered by the county, city, or state law enforcement agency that made the conditional offer of employment in compliance with standards established in the rules of the commission.~~

~~(ii) The psychological examination shall be administered by a psychiatrist licensed in the state of Washington pursuant to chapter 18.71 RCW or a psychologist licensed in the state of Washington pursuant to chapter 18.83 RCW, in compliance with standards established in rules of the commission.~~

~~(iii) The polygraph test shall be administered by an experienced polygrapher who is a graduate of a polygraph school accredited by the American polygraph association and in compliance with standards established in rules of the commission.~~

~~(iv)~~)) an experienced professional with appropriate training and in compliance with standards established in rules of the commission; and

(viii) ((~~Any other~~)) Except as otherwise provided in this section, any test or assessment to be administered as part of the background investigation shall be administered in compliance with standards established in rules of the commission.

((~~(b)~~)) (c) The commission may establish standards for the background check requirements in this section and any other preemployment background check requirement that may be imposed by an employing agency or the commission.

(d) The employing ((~~county, city, or state~~)) law enforcement agency may require that each ((~~peace officer or reserve officer~~)) person who is required to take a psychological examination and a polygraph or similar test pay a portion of the testing fee based on the actual cost of the test or ((~~four hundred dollars~~)) $400, whichever is less. ((~~County, city, and state law enforcement~~)) Employing agencies may establish a payment plan if they determine that the ((~~peace officer or reserve officer~~)) person does not readily have the means to pay ((~~for his or her portion of~~)) the testing fee.

(3) ((~~The commission shall certify peace officers who have satisfied, or have been exempted by statute or by rule from, the basic training requirements of RCW 43.101.200 on or before January 1, 2002. Thereafter, the commission may revoke certification pursuant to this chapter.~~

~~(4)~~)) The commission shall allow a peace officer or corrections officer to retain status as a certified peace officer or corrections

officer as long as the officer: (a) Timely meets the basic ((~~law enforcement~~)) training requirements, or is exempted therefrom, in whole or in part, under RCW 43.101.200 or under rule of the commission; (b) timely meets or is exempted from any other requirements under this chapter as administered under the rules adopted by the commission; (c) is not denied certification by the commission under this chapter; and (d) has not had certification suspended or revoked by the commission.

((~~(5)~~)) (4) As a ((~~prerequisite to~~)) condition of certification, ((~~as well as a prerequisite to pursuit of a hearing under RCW 43.101.155,~~)) a peace officer or corrections officer must, on a form devised or adopted by the commission, authorize the release to the employing agency and commission of ((~~his or her~~)) the officer's personnel files, including disciplinary, termination ((~~papers~~)), civil or criminal investigation ((~~files~~)), or other ((~~files, papers,~~)) records or information that are directly related to a certification matter or decertification matter before the commission. The peace officer or corrections officer must also consent to and facilitate a review of the officer's social media accounts, however, consistent with RCW 49.44.200, the officer is not required to provide login information. The release of information may not be delayed, limited, or precluded by any agreement or contract between the officer, or the officer's union, and the entity responsible for the records or information.

((~~(6)~~)) (5) The employing agency and commission ((~~is~~)) are authorized to receive criminal history record information that includes nonconviction data for any purpose associated with employment ((~~by the commission~~)) or ((~~peace officer~~)) certification under this chapter. Dissemination or use of nonconviction data for purposes other than that authorized in this section is prohibited.

((~~(7)~~)) (6) For a national criminal history records check, the commission shall require fingerprints be submitted and searched through the Washington state patrol identification and criminal history section. The Washington state patrol shall forward the fingerprints to the federal bureau of investigation.

(7) Prior to certification, the employing agency shall certify to the commission that the agency has completed the background check, no information has been found that would disqualify the applicant from certification, and the applicant is suitable for employment as a peace officer or corrections officer.

Sec. 9. RCW 43.101.105 and 2011 c 234 s 3 are each amended to read as follows:

(1) ((~~Upon~~)) To help prevent misconduct, enhance peace officer and corrections officer accountability through the imposition of sanctions commensurate to the wrongdoing when misconduct occurs, and enhance public trust and confidence in the criminal justice system, upon request by ((~~a peace~~)) an officer's employer or on its own initiative, the commission may deny, suspend, or revoke certification of ((~~any peace~~)), or require remedial training for, an officer((~~, after~~)) as provided in this section. The commission shall provide the officer with written notice and a hearing, if a hearing is timely requested by the ((~~peace~~)) officer under RCW 43.101.155((~~, based upon a finding of one or more of the following conditions:~~

~~(a) The peace officer has failed to timely meet all requirements for obtaining a certificate of basic law enforcement training, a certificate of basic law enforcement training equivalency, or a certificate of exemption from the training;~~

~~(b) The peace officer has knowingly falsified or omitted material information on an application for training or certification to the commission;~~

~~(c) The peace officer has been convicted at any time of a felony offense under the laws of this state or has been convicted of a federal or out-of-state offense comparable to a felony under the laws of this state; except that if a certified peace officer was convicted of a felony before being employed as a peace officer, and the circumstances of the prior felony conviction were fully disclosed to his or her employer before being hired, the commission may revoke certification only with the agreement of the employing law enforcement agency;~~

~~(d) The peace officer has been discharged for disqualifying misconduct, the discharge is final, and some or all of the acts or omissions forming the basis for the discharge proceedings occurred on or after January 1, 2002;~~

~~(e) The peace officer's certificate was previously issued by administrative error on the part of the commission; or~~

~~(f) The peace officer has interfered with an investigation or action for denial or revocation of certificate by: (i) Knowingly making a materially false statement to the commission; or (ii) in any matter under investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any~~

~~witness~~)). Notice and hearing are not required when a peace officer voluntarily surrenders certification.

(2) ((~~After July 24, 2005, the~~)) The commission must deny or revoke the certification of an applicant or officer if the applicant or officer:

(a)(i) Has been convicted of:

(A) A felony offense;

(B) A gross misdemeanor domestic violence offense;

(C) An offense with sexual motivation as defined in RCW 9.94A.030;

(D) An offense under chapter 9A.44 RCW; or

(E) A federal or out-of-state offense comparable to an offense listed in (a)(i)(A) through (D) of this subsection (2); and

(ii)(A) The offense was not disclosed at the time of application for initial certification; or

(B) The officer was a certified peace officer or corrections officer at the time of the offense; and

(iii) The offense is not one for which the officer was granted a full and unconditional pardon; and

(iv) The offense was not adjudicated as a juvenile and the record sealed;

(b) Has been terminated by the employing agency or otherwise separated from the employing agency after engaging in, or was found by a court to have engaged in, the use of force which resulted in death or serious injury and the use of force violated the law;

(c) Has been terminated by the employing agency or otherwise separated from the employing agency after witnessing, or found by a court to have witnessed, another officer's use of excessive force and:

(i) Was in a position to intervene to end the excessive use of force and failed to do so; or

(ii) Failed to report the use of excessive force in accordance with agency policy or law;

(d) Has been terminated by the employing agency or otherwise separated from the employing agency after knowingly making, or found by a court to have knowingly made, misleading, deceptive, untrue, or fraudulent representations in the practice of being a peace officer or corrections officer including, but not limited to, committing perjury, filing false reports, hiding evidence, or failing to report exonerating information. This subsection (2)(d) does not apply to

representations made in the course and for the purposes of an undercover investigation or other lawful law enforcement purpose; or

(e) Is prohibited from possessing weapons by state or federal law or by a permanent court order entered after a hearing.

(3) The commission may deny, suspend, or revoke certification or require remedial training of an applicant or officer if the applicant or officer:

(a) Failed to timely meet all requirements for obtaining a certificate of basic law enforcement or corrections training, a certificate of basic law enforcement or corrections training equivalency, or a certificate of exemption from the training;

(b) Was previously issued a certificate through administrative error on the part of the commission;

(c) Knowingly falsified or omitted material information on an application to the employer or for training or certification to the commission;

(d) Interfered with an investigation or action for denial or revocation of certification by:

(i) Knowingly making a materially false statement to the commission;

(ii) Failing to timely and accurately report information to the commission as required by law or policy; or

(iii) In any matter under review or investigation by or otherwise before the commission, tampering with evidence or tampering with or intimidating any witness;

(e) Engaged in a use of force that could reasonably be expected to cause physical injury, and the use of force violated the law or policy of the officer's employer;

(f) Committed sexual harassment as defined by state law;

(g) Through fraud or misrepresentation, has used the position of peace officer or corrections officer for personal gain;

(h) Engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religion, creed, color, national origin, immigration status, disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;

(i) Has affiliation with one or more extremist organizations;

(j) Whether occurring on or off duty, has:

(i) Been found to have committed a felony, without regard to conviction;

(ii) Engaged in a pattern of acts showing an intentional or reckless disregard for the rights of others, including but not limited to violation of an individual's constitutional rights under the state or federal constitution or a violation of RCW 10.93.160;

(iii) Engaged in unsafe practices involving firearms, weapons, or vehicles which indicate either a willful or wanton disregard for the safety of persons or property; or

(iv) Engaged in any conduct or pattern of conduct that: Fails to meet the ethical and professional standards required of a peace officer or corrections officer; disrupts, diminishes, or otherwise jeopardizes public trust or confidence in the law enforcement profession and correctional system; or demonstrates an inability or unwillingness to uphold the officer's sworn oath to enforce the constitution and laws of the United States and the state of Washington;

(k) Has been suspended or discharged, has resigned or retired in lieu of discharge, or has separated from the agency after the alleged misconduct occurred, for any conduct listed in this section; or

(l) Has voluntarily surrendered the person's certification as a peace officer or corrections officer.

(4) In addition to the penalties set forth in subsection (3) of this section, the commission may require mandatory retraining or placement on probation for up to two years, or both. In determining the appropriate penalty or sanction, the commission shall consider: The findings and conclusions, and the basis for the findings and conclusions, of any due process hearing or disciplinary appeals hearing following an investigation by a law enforcement agency regarding the alleged misconduct, if such hearing has occurred prior to the commission's action; any sanctions or training ordered by the employing agency regarding the alleged misconduct; and whether the employing agency bears any responsibility for the situation.

(5) The commission shall deny certification to any applicant who ((~~has~~)) lost ((~~his or her~~)) certification as a result of a break in service of more than ((~~twenty-four~~)) 24 consecutive months if that applicant failed to comply with the requirements set forth in RCW 43.101.080((~~(19)~~)) (15) and 43.101.095(2).

(6) The fact that the commission has suspended an officer's certification is not, in and of itself, a bar to the employing agency's maintenance of the officer's health and retirement benefits.

(7) Any suspension or period of probation imposed by the commission shall run concurrently to any leave or discipline imposed by the employing agency for the same incident.

(8) A law enforcement agency may not terminate a peace officer based solely on imposition of suspension or probation by the commission. This subsection does not prohibit a law enforcement agency from terminating a peace officer based on the underlying acts or omissions for which the commission took such action.

(9) Any of the misconduct listed in subsections (2) and (3) of this section is grounds for denial, suspension, or revocation of certification of a reserve officer to the same extent as applied to a peace officer, if the reserve officer is certified pursuant to RCW 43.101.095.

Sec. 10. RCW 43.101.115 and 2001 c 167 s 4 are each amended to read as follows:

(1) A person denied a certification based upon dismissal or withdrawal from a basic law enforcement academy ((~~for any reason not also involving discharge for disqualifying misconduct~~)) or basic corrections academy under RCW 43.101.105(3)(a) is eligible for readmission and certification upon meeting standards established in rules of the commission, which rules may provide for probationary terms on readmission.

(2) A person whose certification is denied or revoked based upon prior administrative error of issuance, failure to cooperate, or interference with an investigation is eligible for certification upon meeting standards established in rules of the commission, ((~~rules which may~~)) which rules shall provide for a probationary period of certification in the event of reinstatement of eligibility.

(3) A person whose certification is mandatorily denied or revoked ((~~based upon a felony criminal conviction~~)) pursuant to RCW 43.101.105(2) is not eligible for certification at any time.

(4) A ((~~peace officer~~)) person whose certification is denied or revoked ((~~based upon discharge for disqualifying misconduct, but not also based upon a felony criminal conviction,~~)) for reasons other than provided in subsections (1) through (3) of this section may, five years after the revocation or denial, petition the commission

for reinstatement of the certificate or for eligibility for reinstatement. The commission ((~~shall~~)) may hold a hearing on the petition to consider reinstatement, and the commission may allow reinstatement based upon standards established in rules of the commission. If the certificate is reinstated or eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(5) A ((~~peace officer~~)) person whose certification is revoked based solely upon a criminal conviction may petition the commission for reinstatement immediately upon a final judicial reversal of the conviction. The commission shall hold a hearing on request to consider reinstatement, and the commission may allow reinstatement based on standards established in rules of the commission. If the certificate is reinstated or if eligibility for certification is determined, the commission ((~~may~~)) shall establish a probationary period of certification.

(6) The commission's rules and decisions regarding reinstatement shall align with its responsibilities to enhance public trust and confidence in the law enforcement profession and correctional system.

Sec. 11. RCW 43.101.135 and 2001 c 167 s 6 are each amended to read as follows:

(1)(a) Upon ((~~termination~~)) separation of a peace officer or corrections officer from an employing agency for any reason, including termination, resignation, or retirement, the agency ((~~of termination~~)) shall((~~, within fifteen days of the termination,~~)) notify the commission within 15 days of the separation date on a personnel action report form provided by the commission. ((~~The agency of termination shall, upon~~))

(b) If the employer accepts an officer's resignation or retirement in lieu of termination, the employing agency shall report the reasons and rationale in the information provided to the commission, including the findings from any internal or external investigations into alleged misconduct.

(2) In addition to those circumstances under subsection (1) of this section and whether or not disciplinary proceedings have been concluded, the employing agency shall:

(a) Notify the commission within 15 days of learning of the occurrence of any death or serious injury caused by the use of force by an officer or any time an officer has been charged with a crime.

Employing agencies must have a policy requiring officers to report any pending criminal charges and any conviction, plea, or other case disposition immediately to their agency; and

(b) Notify the commission within 15 days of an initial disciplinary decision by an employing agency for alleged behavior or conduct by an officer that is noncriminal and may result in revocation of certification pursuant to RCW 43.101.105.

(3) To better enable the commission to act swiftly and comprehensively when misconduct has occurred that may undermine public trust and confidence in law enforcement or the correctional system, if the totality of the circumstances support a conclusion that the officer resigned or retired in anticipation of discipline, whether or not the misconduct was discovered at the time, and when such discipline, if carried forward, would more likely than not have led to discharge, or if the officer was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer's suspension or discharge, the employing agency shall conduct and complete the investigation and provide all relevant information to the commission as if the officer were still employed by the agency.

(4) Upon request of the commission, the employing agency shall provide such additional documentation or information as the commission deems necessary to determine whether the ((~~termination~~)) separation or event provides grounds for suspension or revocation ((~~under RCW 43.101.105~~)).

(5) At its discretion, the commission may:

(a) Initiate decertification proceedings upon conclusion of any investigation or disciplinary proceedings initiated by the employing agency;

(b) Separately pursue action against the officer's certification under RCW 43.101.105; or

(c) Wait to proceed until any investigation, disciplinary proceedings, or appeals through the employing agency are final before taking action. Where a decertification decision requires a finding that the officer's conduct violated policy and the employing agency has begun its investigation into the underlying event, the commission shall await notification of a finding by the employing agency before beginning the decertification process.

(6) No action or failure to act by an employing agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certification.

(7) An employing agency may not enter into any agreement or contract with an officer, or union:

(a) Not to report conduct, delay reporting, or preclude disclosure of any relevant information, including a promise not to check the box on a commission notice that indicates the officer may have committed misconduct, in exchange for allowing an officer to resign or retire or for any other reason; or

(b) That allows the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. Such records must include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, and other disciplinary appeals and litigation records.

(8) The commission shall maintain ((~~these notices~~)) all information provided pursuant to this section in a permanent file((~~, subject to RCW 43.101.400~~)).

(9) In addition to disciplinary action authorized in RCW 43.101.105, the commission may impose a civil penalty not to exceed $10,000 for the failure by an officer or an employing agency to timely and accurately report information pursuant to this section.

Sec. 12. RCW 43.101.145 and 2001 c 167 s 8 are each amended to read as follows:

((~~A law enforcement officer or duly authorized representative of a law enforcement agency~~)) (1) Any individual may submit a written complaint to the commission ((~~charging~~)) stating that ((~~a peace~~)) an officer's certificate should be denied, suspended, or revoked, and specifying the grounds for the ((~~charge~~)) complaint. Filing a complaint does not make a complainant a party to the commission's action.

(2) The commission has sole discretion whether to investigate a complaint, and the commission has sole discretion whether to investigate matters relating to certification, denial of certification, or revocation of certification on any other basis, without restriction as to the source or the existence of a complaint.

All complaints must be resolved with a written determination, regardless of the decision to investigate.

(3) The commission may initiate an investigation in any instance where there is a pattern of complaints or other actions that may not have resulted in a formal adjudication of wrongdoing, but when considered together demonstrate conduct that would constitute a violation of RCW 43.101.105 (2) or (3). The commission must consider the agency's policies and procedures and the officer's job duties and assignment in determining what constitutes a pattern.

(4) A person who files a complaint in good faith under this section is immune from suit or any civil action related to the filing or the contents of the complaint.

Sec. 13. RCW 43.101.155 and 2001 c 167 s 9 are each amended to read as follows:

(1) If the commission determines, upon investigation, that there is ((~~probable~~)) cause to believe that a peace officer's or corrections officer's certification should be denied, suspended, or revoked under RCW 43.101.105, the commission must prepare and serve upon the officer a statement of charges. Service on the officer must be by mail or by personal service on the officer unless the officer has consented to service in some other manner, including electronic notification. Notice of the charges must also be mailed to or otherwise served upon the officer's agency of ((~~termination~~)) separation and any current ((~~law enforcement~~)) agency employer. The statement of charges must be accompanied by a notice that to receive a hearing on the denial or revocation, the officer must, within ((~~sixty~~)) 60 days of ((~~communication of~~)) the statement of charges, request a hearing before the hearings ((~~board~~)) panel appointed under RCW 43.101.380. Failure of the officer to request a hearing within the ((~~sixty-day~~)) 60-day period constitutes a default, whereupon the commission may enter an order under RCW 34.05.440.

(2) If a hearing is requested, the officer is required to provide an email address that constitutes the officer's legal address for purposes of any subsequent communication from the commission. Unless otherwise agreed to by the mutual agreement of the parties or for good cause, within two weeks of receipt of the officer's request for a hearing, the commission shall set a date ((~~of~~)) for the hearing, which must be ((~~scheduled not earlier than ninety days nor later than one hundred eighty days after communication of the statement of~~

~~charges to the officer; the one hundred eighty-day period may be extended on mutual agreement of the parties or for good cause~~)) held within 90 days thereafter. ((~~The~~)) On the date the hearing is set, the commission shall ((~~give~~)) transmit electronic and written notice of the hearing ((~~at least twenty days prior to the hearing~~)) to the officer, and provide public notice on the commission website, specifying the time, date, and place of hearing.

Sec. 14. RCW 43.101.157 and 2006 c 22 s 2 are each amended to read as follows:

(1) Tribal governments may voluntarily request certification for their police officers. Tribal governments requesting certification for their police officers must enter into a written agreement with the commission. The agreement must require the tribal law enforcement agency and its officers to comply with all of the requirements for granting, denying, and revoking certification as those requirements are applied to peace officers certified under this chapter and the rules of the commission. To ensure clarity regarding the requirements with which the tribal government and its police officers must comply should the tribal government request certification, a tribal government may first request consultation with the commission.

(2) Officers making application for certification as tribal police officers shall meet the requirements of this chapter and the rules of the commission as those requirements are applied to certification of peace officers. Application for certification as a tribal police officer shall be accepted and processed in the same manner as those for certification of peace officers.

((~~(3) For purposes of certification, "tribal police officer" means any person employed and commissioned by a tribal government to enforce the criminal laws of that government.~~))

Sec. 15. RCW 43.101.230 and 1981 c 134 s 1 are each amended to read as follows:

((~~Indian tribe~~)) Tribal police officers and employees who are engaged in law enforcement activities and who do not qualify as "criminal justice personnel" or "law enforcement personnel" under RCW 43.101.010((~~, as now law or hereafter amended, may~~)) shall be provided training under this chapter if: (a) The tribe is recognized by the federal government, and (b) the tribe pays to the commission the full cost of providing such training. The commission shall place

all money received under this section into the criminal justice training account.

Sec. 16. RCW 43.101.390 and 2001 c 167 s 11 are each amended to read as follows:

(1) The commission((~~, its boards,~~)) and individuals acting on behalf of the commission ((~~and its boards~~)) are immune from suit in any civil or criminal action contesting or based upon proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter.

(2) Without limiting the generality of the foregoing, the commission and individuals acting on behalf of the commission are immune from suit in any civil action based on the certification, denial of certification, suspension, or other action regarding decertification of peace officers, reserve officers, or corrections officers.

Sec. 17. RCW 43.101.420 and 2009 c 19 s 1 are each amended to read as follows:

(1) The commission shall offer a training session on personal crisis recognition and crisis intervention services to criminal justice, ((~~correctional personnel~~)) corrections, and other public safety employees. The training shall be implemented by the commission in consultation with appropriate public and private organizations that have expertise in crisis referral services and in the underlying conditions leading to the need for crisis referral.

(2) The training shall consist of a minimum of one hour of classroom or internet instruction, and shall include instruction on the following subjects:

(a) The description and underlying causes of problems that may have an impact on the personal and professional lives of public safety employees, including mental health issues, chemical dependency, domestic violence, financial problems, and other personal crises;

(b) Techniques by which public safety employees may recognize the conditions listed in (a) of this subsection and understand the need to seek assistance and obtain a referral for consultation and possible treatment; and

(c) A listing of examples of public and private crisis referral agencies available to public safety employees.

(3) The training developed by the commission shall be made available by the commission to all employees of state and local agencies that perform public safety duties. The commission may charge a reasonable fee to defer the cost of making the training available.

Sec. 18. RCW 34.12.035 and 1984 c 141 s 6 are each amended to read as follows:

The chief administrative law judge shall designate an administrative law judge with subject matter expertise to serve, as the need arises, as presiding officer in ((~~state~~)):

(1) State patrol disciplinary hearings conducted under RCW 43.43.090; and

(2) Decertification hearings conducted under RCW 43.101.380.

Sec. 19. RCW 40.14.070 and 2011 c 60 s 18 are each amended to read as follows:

(1)(a) ((~~County~~)) Other than those records detailed in subsection (4) of this section, county, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, and other than the law enforcement records detailed in subsection (4) of this section,

no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b)(i) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon

electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(ii) Any sealed record transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval, including records sealed after transfer, shall be electronically retained in such a way that the record is clearly marked as sealed.

(iii) The Washington association of sheriffs and police chiefs shall be permitted to destroy both the paper copy and electronic record of any offender verified as deceased.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.56.010 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW and the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420.

Electronic records marked as sealed shall only be accessible by criminal justice agencies as defined in RCW 10.97.030 who would otherwise have access to a sealed paper copy of the document, the end-of-sentence review committee as defined by RCW 72.09.345 for the purpose of fulfilling its duties under RCW 71.09.025 and 9.95.420, and the system administrator for the purposes of system administration and maintenance.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest.

(4) Personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a minimum of 10 years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135.

Sec. 20. RCW 43.101.380 and 2020 c 119 s 10 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is ((~~clear, cogent, and convincing~~)) a preponderance of the evidence.

(2) In all hearings requested under RCW 43.101.155 ((~~or 43.101.156~~)), an administrative law judge appointed under chapter 34.12 RCW shall be the presiding officer, shall make all necessary rulings in the course of the hearing, and shall issue a proposed recommendation, but is not entitled to vote. In addition, a five-member hearings panel shall ((~~both~~)) hear the case and make the commission's final administrative decision. ((~~Members of the commission may, but need not, be appointed to the hearings panels.~~))

(3) The commission shall appoint ((~~as follows two or more panels~~)) a panel to hear certification actions as follows:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer ((~~who is not a peace officer of the Washington state patrol~~)), the commission shall appoint to the panel: (i) One police chief((~~; (ii) one~~)) or sheriff from an agency not a current or past employer of the peace officer; ((~~(iii) two~~)) (ii) one certified Washington peace officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, one of whom is from a city or county law enforcement agency,~~)) and who ((~~have~~)) has at least ten years' experience as a peace officer((~~s~~)); ((~~and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public

who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

(b) ((~~When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.~~

~~(c)~~)) When a hearing is requested in relation to a certification action of a Washington corrections officer, the commission shall appoint to the panel: (i) ((~~Two heads of~~)) A person who heads either a city or county corrections agency or facility or of a Washington state department of corrections facility; (ii) ((~~two~~)) one corrections officer((~~s~~)) who ((~~are~~)) is at or below the level of first line supervisor((~~, who are from city, county, or state corrections agencies,~~)) and who ((~~have~~)) has at least ten years' experience as a corrections officer((~~s~~)); (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and ((~~(iii)~~)) (v) one person with expertise and background in police accountability who is not ((~~currently~~)) a current or former peace officer or corrections officer ((~~and who represents a community college or four-year college or university~~)).

((~~(d)~~)) (c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) ((~~either one police chief or one sheriff; (ii)~~)) one tribal police chief; ((~~(iii) one certified Washington peace officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv)~~)) (ii) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; ((~~and (v) one person who is not currently a peace~~

~~officer and who represents a community college or four-year college or university~~)) (iii) one civilian member of the commission as appointed under RCW 43.101.030(1) (f) and (h) through (j); (iv) one member of the public who is not a prosecutor, defense attorney, judge, or law enforcement officer; and (v) one person with expertise and background in police accountability who is not a current or former peace officer or corrections officer.

((~~(c)~~)) (d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

((~~(3) Where the charge upon which revocation or denial is based is that a peace officer or corrections officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d) or 43.101.106(4), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct;~~)) (4) In decertification matters where there was a due process hearing or a disciplinary appeals hearing following an investigation by a law enforcement agency, or a criminal hearing regarding the alleged misconduct, the hearings panel need not redetermine the underlying facts but may make ((~~this~~)) its determination based solely on review of the records and decision relating to ((~~the employment separation~~)) those proceedings and any investigative or summary materials from the administrative law judge, legal counsel, and commission staff. However, the hearings panel may, in its discretion, consider additional evidence to determine whether ((~~such a discharge~~)) misconduct occurred ((~~and was based on such disqualifying misconduct~~)). The hearings panel shall, upon written request by the subject peace officer or corrections officer, allow the peace officer or corrections officer to present additional evidence of extenuating circumstances.

((~~Where the charge upon which revocation or denial of certification is based is that a peace officer or corrections officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c) or 43.101.106(3), the hearings panel shall revoke or deny certification if it determines that the peace~~

~~officer or corrections officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer or corrections officer was convicted of a felony.~~

~~Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (c), or (f) or 43.101.106 (1), (2), (5), or (6), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.~~

~~(4)~~)) (5) The commission is authorized to proceed regardless of whether an arbitrator or other appellate decision maker overturns the discipline imposed by the officer's employing agency or whether the agency settles an appeal. No action or failure to act by a law enforcement agency or corrections agency or decision resulting from an appeal of that action precludes action by the commission to suspend or revoke an officer's certificate, to place on probation, or to require remedial training for the officer.

(6) The hearings, but not the deliberations of the hearings panel, are open to the public. The transcripts, admitted evidence, and written decisions of the hearings panel on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.

(7) Summary records of hearing dispositions must be made available on an annual basis on a public website.

(8) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Sec. 21. RCW 43.101.400 and 2020 c 119 s 12 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, ((~~the following records of the commission are confidential and exempt from public disclosure: (a) The contents of personnel action reports filed under RCW 43.101.135 or 43.101.136; (b)~~)) all files, papers, and other information obtained by the commission as part of an initial background investigation pursuant to RCW 43.101.095((~~(5) or 43.101.096; and (c) all investigative files of the commission compiled in carrying out the responsibilities of the commission under~~

~~this chapter~~)) (2) and (4) are confidential and exempt from public disclosure. Such records are not subject to public disclosure, subpoena, or discovery proceedings in any civil action, except as provided in ((~~subsection (5) of this section~~)) RCW 43.101.380(6) or which become part of the record in a suspension or decertification matter.

(2) Records which are otherwise confidential and exempt under subsection (1) of this section may be reviewed and copied: (a) By the officer involved or the officer's counsel or authorized representative, who may review the officer's file and may submit any additional exculpatory or explanatory evidence, statements, or other information, any of which must be included in the file; (b) by a duly authorized representative of (i) the agency of termination, or (ii) a current employing law enforcement or corrections agency, which may review and copy its employee-officer's file; or (c) by a representative of or investigator for the commission.

(3) Records which are otherwise confidential and exempt under subsection (1) of this section may also be inspected at the offices of the commission by a duly authorized representative of a law enforcement or corrections agency considering an application for employment by a person who is the subject of a record. A copy of records which are otherwise confidential and exempt under subsection (1) of this section may later be obtained by an agency after it hires the applicant. In all other cases under this subsection, the agency may not obtain a copy of the record.

(4) ((~~Upon a determination that a complaint is without merit, that a personnel action report filed under RCW 43.101.135 does not merit action by the commission, or that a matter otherwise investigated by the commission does not merit action, the commission shall purge records addressed in subsection (1) of this section.~~

~~(5) The hearings, but not the deliberations, of the hearings board are open to the public. The transcripts, admitted evidence, and written decisions of the hearings board on behalf of the commission are not confidential or exempt from public disclosure, and are subject to subpoena and discovery proceedings in civil actions.~~

~~(6)~~)) The commission shall maintain a database that is publicly searchable, machine readable, and exportable, and accompanied by a complete, plain-language data dictionary describing the names of officers and employing agencies, all conduct investigated, certifications denied, notices and accompanying information provided

by law enforcement or correctional agencies, including the reasons for separation from the agency, decertification or suspension actions pursued, and final disposition and the reasons therefor for at least 30 years after final disposition of each incident. The dates for each material step of the process must be included. Any decertification must be reported to the national decertification index.

(5) Every individual, legal entity, and agency of federal, state, or local government is immune from civil liability, whether direct or derivative, for providing information to the commission in good faith.

NEW SECTION. **Sec. 22.** A new section is added to chapter 43.101 RCW to read as follows:

The commission must develop policies, procedures, and rules to ensure that the goals of this act are fully implemented as intended and in a timely manner, and to provide appropriate clarity to affected persons and entities as to how the commission will process complaints, investigations, and hearings, and impose sanctions, related to officer decertification. The commission must work in collaboration with interested parties and entities in developing the policies, procedures, and rules, and must take into account issues regarding when and how the commission may appropriately exercise authority in relation to simultaneous investigations and disciplinary processes, and how the commission may exercise available remedies in a manner that is appropriate to case circumstances and consistent with the goals of this act. The policies, procedures, and rules must be completed by June 30, 2022.

Sec. 23. RCW 41.56.905 and 1983 c 287 s 5 are each amended to read as follows:

The provisions of this chapter are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. Except as provided in RCW 53.18.015, 43.101.095, and 43.101.135, if any provision of this chapter conflicts with any other statute, ordinance, rule or regulation of any public employer, the provisions of this chapter shall control.

Sec. 24. RCW 49.44.200 and 2013 c 330 s 1 are each amended to read as follows:

(1) An employer may not:

(a) Request, require, or otherwise coerce an employee or applicant to disclose login information for the employee's or applicant's personal social networking account;

(b) Request, require, or otherwise coerce an employee or applicant to access his or her personal social networking account in the employer's presence in a manner that enables the employer to observe the contents of the account;

(c) Compel or coerce an employee or applicant to add a person, including the employer, to the list of contacts associated with the employee's or applicant's personal social networking account;

(d) Request, require, or cause an employee or applicant to alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account; or

(e) Take adverse action against an employee or applicant because the employee or applicant refuses to disclose his or her login information, access his or her personal social networking account in the employer's presence, add a person to the list of contacts associated with his or her personal social networking account, or alter the settings on his or her personal social networking account that affect a third party's ability to view the contents of the account.

(2) This section does not apply to an employer's request or requirement that an employee share content from his or her personal social networking account if the following conditions are met:

(a) The employer requests or requires the content to make a factual determination in the course of conducting an investigation;

(b) The employer undertakes the investigation in response to receipt of information about the employee's activity on his or her personal social networking account;

(c) The purpose of the investigation is to: (i) Ensure compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct; or (ii) investigate an allegation of unauthorized transfer of an employer's proprietary information, confidential information, or financial data to the employee's personal social networking account; and

(d) The employer does not request or require the employee to provide his or her login information.

(3) This section does not:

(a) Apply to a social network, intranet, or other technology platform that is intended primarily to facilitate work-related information exchange, collaboration, or communication by employees or other workers;

(b) Prohibit an employer from requesting or requiring an employee to disclose login information for access to: (i) An account or service provided by virtue of the employee's employment relationship with the employer; or (ii) an electronic communications device or online account paid for or supplied by the employer;

(c) Prohibit an employer from enforcing existing personnel policies that do not conflict with this section; ((~~or~~))

(d) Prevent an employer from complying with the requirements of state or federal statutes, rules or regulations, case law, or rules of self-regulatory organizations; or

(e) Apply to a background investigation in accordance with RCW 43.101.095. However, the officer must not be required to provide login information.

(4) If, through the use of an employer-provided electronic communications device or an electronic device or program that monitors an employer's network, an employer inadvertently receives an employee's login information, the employer is not liable for possessing the information but may not use the login information to access the employee's personal social networking account.

(5) For the purposes of this section and RCW 49.44.205:

(a) "Adverse action" means: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

(b) "Applicant" means an applicant for employment.

(c) "Electronic communications device" means a device that uses electronic signals to create, transmit, and receive information, including computers, telephones, personal digital assistants, and other similar devices.

(d) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or other activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

"Employer" includes an agent, a representative, or a designee of the employer.

(e) "Login information" means a user name and password, a password, or other means of authentication that protects access to a personal social networking account.

Sec. 25. RCW 41.06.040 and 1969 ex.s. c 36 s 22 are each amended to read as follows:

The provisions of this chapter apply to:

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of RCW 41.06.070 or otherwise excluded or exempted in this chapter.

NEW SECTION. **Sec. 26.** A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter do not apply in the Washington state criminal justice training commission to two confidential secretaries involved in managing the confidential records under RCW 43.101.135 and 43.101.400.

NEW SECTION. **Sec. 27.** No later than December 1, 2022, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing progress of implementation of this act.

NEW SECTION. **Sec. 28.** No later than December 1, 2021, the criminal justice training commission shall submit a written report to the governor and the appropriate committees of the legislature detailing the following:

(1) The average total number of peace officers each year who must complete the basic law enforcement academy training and the certification process without delay in order to begin work as full-time officers;

(2) The other categories of officers, and the average total number of such officers, who must complete the basic law enforcement academy training, the certification process, or both, prior to being

authorized to enforce the criminal laws of this state on a part-time, as called-upon, or volunteer basis;

(3) Recommendations for amendments to update and align definitions and categorization of types officers as set forth in statute and administrative rule, to eliminate ambiguity or inconsistencies and provide better clarity for law enforcement agencies, the criminal justice training commission, and the public as to the different types of officers, their authority, and their obligations to fulfill the requirements of chapter 43.101 RCW and other chapters;

(4) The current backlog for admission to the basic law enforcement academy and the approach taken by the criminal justice training commission to prioritize admission to training when there is insufficient capacity to meet the demand;

(5) The current and projected need for the number of basic law enforcement academy classes in order to meet the requirements of chapter 43.101 RCW and other chapters, and recommended funding to meet the projected need; and

(6) Any other related recommendations.

NEW SECTION. **Sec. 29.** The following acts or parts of acts are each repealed:

(1) RCW 43.101.096 (Corrections officer certification) and 2020 c 119 s 3;

(2) RCW 43.101.106 (Denial or revocation of corrections officer certification) and 2020 c 119 s 4;

(3) RCW 43.101.116 (Denial or revocation of corrections officer certification—Readmission to academy—Reinstatement) and 2020 c 119 s 5;

(4) RCW 43.101.136 (Termination of corrections officer—Notification to commission) and 2020 c 119 s 7;

(5) RCW 43.101.146 (Written complaint by corrections officer or corrections agency to deny or revoke corrections officer certification—Immunity of complainant) and 2020 c 119 s 8;

(6) RCW 43.101.156 (Denial or revocation of corrections officer certification—Statement of charges—Notice—Hearing) and 2020 c 119 s 9; and

(7) RCW 43.101.180 (Priorities) and 1981 c 136 s 27 & 1974 ex.s. c 94 s 18.

NEW SECTION. **Sec. 30.** A new section is added to chapter 10.93 RCW to read as follows:

A general authority Washington law enforcement agency or limited authority Washington law enforcement agency is prohibited from considering the application for any office, place, position, or employment within the agency if the applicant has not provided the agency a document, voluntarily and knowingly signed by the applicant, that authorizes each prior employer to release any and all information relating to the applicant's employment, and further releasing and holding harmless the agency and each prior employer from any and all liability that may potentially result from the release and use of such information provided.

Sec. 31. RCW 43.101.200 and 2019 c 415 s 969 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080. For personnel initially employed before January 1, 1990, such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment. Personnel initially employed on or after January 1, 1990, shall commence basic training during the first six months of employment unless the basic training requirement is otherwise waived or extended by the commission. Successful completion of basic training is requisite to the continuation of employment of such personnel initially employed on or after January 1, 1990.

(2) Except as ((~~otherwise~~)) provided in ((~~this chapter~~)) RCW 43.101.170, the commission shall provide the aforementioned training ((~~together with~~)) and shall have the sole authority to do so. The commission shall provide necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week, except during the 2017-2019 and 2019-2021 fiscal biennia when the employing, county, city, or state law enforcement agency shall reimburse the commission for twenty-five percent of the cost of training its personnel. Additionally, to the extent funds are provided for this purpose, the commission shall reimburse to participating law enforcement agencies with ten or less full-time

commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his or her training period.

Passed by the Senate April 21, 2021.
Passed by the House April 7, 2021.
Approved by the Governor May 18, 2021.
Filed in Office of Secretary of State May 18, 2021.

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