SELAH CITY COUNCIL

October 11, 2022

4:00pm: Study Session #1

(RE: Council Meeting Agenda Layout and Schedule)

4:30pm: Study Session #2

(RE: Yakima County Regional Crime Center with
Guest Speaker: Chris Wickenhagen from YVCOG)

5:30pm: Regular Scheduled Meeting

Each item on the Council Agenda is covered by an Agenda Item Sheet (AIS)

A yellow AIS indicates an action item.
A blue AIS indicates an information/non-action

Selah City Council
Meeting Date: 10/11/2022
4:00pm: Study Session #1
4:30pm: Study Session #2
5:30pm: Regular Meeting

Mayor:	Sherry Raymond
Mayor Pro Temp:	Russell Carlson
Council Members:	Kevin Wickenhagen
	Jared Iverson
	Elizabeth Marquis
	Clifford Peterson
	Roger Bell
	Michael Costello

City of Selah
115 W. Naches Ave
Selah, WA 98942

City Administrator:	Joe Henne
City Attorney:	Rob Case
Clerk/Treasurer:	Dale Novobielski

AGENDA

A. **Call to Order – Mayor Raymond**

B. **Roll Call**

C. **Councilmember Absence**

D. **Pledge of Allegiance**

E. **Invocation provided by Scott Ruark from Selah Covenant Church**

F. **Agenda Changes**

G. **Public Appearances/Introductions/Presentations**
Katrina Henkle, Selah Downtown Association – Update

H. **Getting To Know Our Businesses** **None**

I. **Communications**

The City of Selah is a non-charter code city and we are presently conducting a regular meeting between the Mayor and City Council. A maximum of thirty minutes will be allotted for public comments. Common-sense standards of decorum apply. Comments must be respectful; no profanity or insults are allowed. Comments pertaining to City business and official actions are the most valued, but comments pertaining to City officials' ability to fulfill their job duties due to events, actions, or activities that occurred outside the scope of their duties as a City official may also be offered. Constructive criticism of City officials is allowed including constructive criticism specifically mentioning City officials or employees by name as to official actions, but defamation, personal attacks and impertinent assertions are not allowed. Commenters are limited to one comment per meeting and a maximum of two minutes. City staff may disallow or modify any submitted written comment that is deemed inappropriate and the Mayor or presiding officer may turn off the podium microphone or otherwise silence any in-person comment that is deemed inappropriate. These standards are subject to revision and will be updated whenever necessary in order to comply with constitutional requirements.

1. Oral **None**

2. Written **None**

J. **Proclamations/Announcements**

1. Proclamation #2022-04 by the Mayor of Selah Declaring October 9-15th, 2022 as Fire Prevention Week

K. **Consent Agenda**

All items listed with an asterisk (*) are considered routine by the City Council and will be enacted by one motion, without discussion. Should any Council Member request that any item of the Consent Agenda be considered separately, that item will be removed from the Consent Agenda and become a part of the regular Agenda.

* Treesa Morales	1. Approval of Minutes: September 27, 2022 Study Session and Regular Council Meeting
* Dale Novobielski	2. Approval of Claims & Payroll

L. **Public Hearings** **None**

M. **General Business**

1. New Business **None**
2. Old Business **None**

N. **Resolutions** **None**

O. **Ordinances**

Rob Case	O-1	Ordinance Pertaining to Public Safety

P. **Public Appearances** **None**

Q. **Reports/Announcements**

1. Departments
2. Council Members
3. City Administrator
4. Boards
   Jennifer Leslie: Planning Commission Meeting Minutes from August 2, 2022 Meeting
5. Mayor

R. **Executive Session** **None**

S. **Adjournment**

Next Regular Meeting: October 25, 2022

Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 10/11/2022
Agenda Number: J-1

Informational Item

Title: Proclamation #2022-04 by the Mayor of Selah Declaring October 9-15th, 2022 as Fire Prevention Week

From: Mayor Sherry Raymond

Action Requested: Informational - No Action Needed

Staff Recommendation: N/A

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: See Proclamation

Recommended Motion:

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken: None**

Selah Fire Department
Yakima County Fire District # 2

206 West Fremont Avenue - Selah, Washington 98942
Business Phone (509) 698-7310 • Fax (509) 698-7317

Chief James Lange

Fire Prevention Week Proclamation

Whereas, 111 years ago on the 40th anniversary of the Great Chicago Fire, the Fire Marshals Association of North America determined that the anniversary should henceforth be observed in ways to keep the public informed about the importance of fire prevention; and

Whereas, Fire Prevention Week is the longest running public health and safety observance on record and is held annually the week in which October 9th falls; and

Whereas, the Selah Fire Department is dedicated to reducing the occurrence of home fires by providing fire prevention education and protection; and

Whereas, homes are the locations where people are at greatest risk from fire, and it is important to have a home fire escape plan that prepares your family to think fast and get out quickly, and

Whereas, if your first escape route is blocked by smoke and flames, having two ways out is a key part of your plan; and

Whereas, as according to the National Fire Protection Association, one third of American households surveyed thought they would have at least 6 minutes before a fire becomes life threatening, but in reality, your home could be engulfed in smoke and flames in just minutes; and

Whereas, only 8% of households surveyed said their first thought on hearing a smoke alarm would be to get out of the house; and

Whereas, although three-quarters of Americans do have an escape plan, less than half have actually practiced it; and

Whereas, the 2022 Fire Prevention Week Theme, "Fire Won't Wait, Plan Your Escape", serves to remind us to develop and practice a home fire escape plan:
Now, Therefore, Be It Resolved that I, Mayor Sherry Raymond, do hereby proclaim the week of October 9-15, 2022

Fire Prevention Week

in Selah and urge all citizens to plan and practice home fire escape plans with two ways out during Fire Prevention Week and to heed fire prevention and safety messages all year long.

IN WITNESS WHEROF I have hereunto set my hand this day of October, 2022

Sherry Raymond
Mayor Sherry Raymond

Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 10/11/2022
Agenda Number: K-1

Action Item

Title: Approval of Minutes, September 27, 2022 Regular Council Meeting

From: Treesa Morales, Public Records Officer

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken: None**

City of Selah
City Council Study Session
September 27, 2022
RE: Co-Responder Model from Comprehensive Healthcare

Call to Order: Mayor Raymond called the study session to order at 4:30 pm. Mayor Raymond called Chief Christman to the podium.

Chief Christman gave a brief background regarding a preliminary proposal and introduced Courtney Hesla, Chief Quality Officer from Comprehensive Mental Health.

Ms. Hesla, introduced herself as Chief Quality officer at Comprehensive Healthcare, gave professional background and presentation (see attached materials) regarding a Designated Crisis Responder (DCR)/Case Manager Team for the City of Selah.

After presentation, Councilmember Wickenhagen asked for an explanation regarding the dispatch process for a DCR. Ms. Hesla explained it is ultimately up to the departments but discussion with Selah Fire and Selah Police has included posting a DCR up at a department such as the Police Station to respond to calls with an officer, or providing them a car and work cell phone to respond to calls separate from either Police or Fire.

Councilmember Wickenhagen asked, beside suicide calls, when would the DCR go? Chief Lange said that there are many calls where a DCR would be better to respond than the fire fighters but ultimately, 911 dispatchers would need to be trained on which questions to ask to understand when to dispatch a DCR or Fire Response/Law Enforcement.

Councilmember Wickenhagen asked if any other fire departments in lower valley currently have a DCR on site. Chief Lange responded no, not within the departments, but that the Fire dispatch center already has a similar evaluation process with calls. Chief Christman provided response related to the Police Department, and stated one of the future plans is the option of allowing the DCR to follow up with clients, separate from riding with an officer.

Chief Christman also reminded council that the current proposal includes a DCR and a Crisis Responder. But that council can select one, and suggested the DCR is most important because they can detain when necessary and have the leverage to find necessary resources to help the client get healthy.

Councilmember Peterson recognized that the City's DCR wouldn't work 24 hours a day, 7 days a week, and asked if there was someone else who could cover when the City's DCR is not on shift. Ms. Hesla responded, the plan is to have someone available 24 hours a day, 7 days a week, and explained there is a number to call on the off hours, when needed. Ms. Hesla also explained the benefits if the City had their own team, instead of one staff member. And the effort is always to provide 7-day/week coverage.

Councilmember Peterson asked about those who are not in crisis, but might be approaching a crisis. Ms. Hesla stated the beauty of this program is that the City can tell her what they want and that will be the team she will recruit when looking for applicants.

Councilmember Peterson asked about the price estimates, and asked how much less is the mental health professional (MHP). Ms. Hesla estimated about $10,000 less, and stated a Mental Health Professional could evaluate a patient and then call a DCR if/when needed. Ms. Hesla said most agencies prefer to receive custody authorization from the DCR before transporting an individual; and if the MHP needs a custody authorization, a DCR can fax one over. Chief Christman said Selah PD gets called to those type of situations all the time, which is a great example of when a DCR is needed. Chief Christman referenced a recent case with a suicide in town, and referenced success stories around the state where a DCR has been able to verbally engage someone and de-escalate the situation and get them to a place where they are willing seek help, and those are what Selah PD is hoping to rack up.

Councilmember Wickenhagen asked how much time a DCR would save the departments in calls. Chief Lange gave recent examples of when they needed a DCR. Once the Fire dispatch center is trained, it would greatly reduce call volume, Chief Lange stated. Chief continued there are many calls where a DCR should go instead of Fire because there is nothing Fire can do, nor are his Firefighters properly trained to help them, and the guys could be much better used on an aid call that comes in at the same time. Chief Christman added that calls are not coded as a mental health call, but he estimates about 200 calls, but he's not sure how long they were at each call. Chief Christman stated, that the officers are spending a lot of time at the calls trying to help the situation, but even when the officer gets the individual calms down, then where do they go? Chief Christman stated that Chiefs around the state are working on the problem. Chief Lange added that often Police and Fire have to come to the same call, and often a DCR is not available to call in, but having a DCR on staff will impact both Police and Fire.

Mayor Raymond asked what Fire does about a suicidal call. Chief Lange said Police knocks on the door. Mayor Raymond asked what happens if the person refuses help. Chief Christman said all they can do is talk to them unless there are exigent circumstances, and reminded Council it's not against the law to be suicidal, and legislature has made it very clear to law enforcement that you have to have a legal authority to put officers in that position. Chief Christman gave examples of why it could be risk to the department, but stated that the DCR would be better trained to know what to do in a similar situation and have, potentially, a better outcome. Chief Lange gave another example of how a DCR could help both departments, and how a DCR could do follow up appointments with Clients.

Councilmember Costello asked if Union Gap uses the same model. Ms. Hesla said Union Gap only has a DCR and only a few days per week. She also stressed the importance of Officer buy-in and working with the DCR. Councilmember Costello asked how many calls for service the DCR received. Ms. Hesla referenced a page in the handout/power point, specifically the CTC – crisis triage center available in Yakima. Mayor Raymond asked if they used Yakima Valley School. Ms. Hesla stated yes, but it's currently closed due to the nursing shortage in the state.

Councilmember Peterson referenced the ride-a-long in a previous slide, and asked if the DCR is in the same vehicle with the patrol officer, and if the DCR is working with an individual, does the Officer have to wait at the call until the DCR is done? And how does the officer get back to the streets faster. Ms. Hesla explained how Union Gap has manages it by relieving the first officer with another officer if needed. Other places have provided a car to the DCR to drive and respond on their own. Councilmember Peterson referenced a presentation from the AWC conference regarding a DCR in Port Angeles, and stated that for the regular 911 users, having a DCR reduced call volume by 70%, and asked if that seemed reasonable or high. Chief Christman referenced another department where 50% of their calls were for the same 12 individuals, so the repeat callers make up a large caseload of a department, and said Selah PD would probably be similar.

Councilmember Wickenhagen asked Chief Lange if some of the cost for a DCR could be paid out of the EMS levy. Chief Lange said it's a renewal and not sure if it would work or not.

Councilmember Marquis referenced Ms. Hesla's statement regarding the nursing shortage in the state, and asked if there was the same issue with available DCR's in the state. Ms. Marquis asked, if the council chose to move forward with the program, would it be difficult to find qualified applicants? Ms. Hesla said yes, there is a shortage of all behavioral clinicians throughout the state, and yes, though not impossible, it might take longer than normal. Finding someone with a Bachelor's degree would be easier.

Discussion finished at 5:18pm.

City of Selah
City Council Meeting Minutes
September 27, 2022
Regular Meeting

A. Call to Order: Mayor Raymond called the meeting to order at 5:30 pm.

B. Roll Call

Members Present: Kevin Wickenhagen, Jared Iverson; Elizabeth Marquis; Clifford Peterson; Roger Bell; Michael Costello

Staff Present: Joe Henne, City Administrator; Rob Case, City Attorney; Dan Christman, Chief of Police; James Lange, Fire Chief; Zack Schab, Recreation Director; Rocky Wallace, Public Works Director; Dale Novobielski, City Clerk/Treasurer; Jeff Peters, Community Development Supervisor; Treesa Morales, Public Records Manager.

C. Councilmember Absence Russell Carlson
Councilmember Wickenhagen moved to excuse Councilmember Carlson from the meeting. Councilmember Peterson seconded. By voice vote, motion passes.

D. Pledge of Allegiance

E. Invocation: Scott Ruark from Selah Covenant Church gave prayer

F. Agenda Changes **None**

G. Public Appearances/Introductions/Presentations

1. Katrina Henkle from the Selah Downtown Association gave report and updated council on events happening around town.
Councilmember Peterson asked about the upcoming Business Trick or Treat. Ms. Henkle gave information.

2. Jeff Peters introduced the Planning Commission, stated all members were present. Introduced Commissioner Lisa Smith first. Ms. Smith addressed the Council. When finished, Mr. Peters told council that Amy Swayze was not able to make it tonight, and introduced Commissioner Scott Graf. Mr. Graf addressed the Council. When finished, Mr. Peters introduced Commissioner Mark Elliott. Mr. Elliott addressed the Council. When finished, Mr. Peters introduced Commissioner Brad Chandler, who just walked in the door. Mr. Chandler addressed the Council

Councilmember Bell thanked them all for their service to the community.

3. Kevin McKay, Superintendent from the Selah School District introduced himself to the Council.

H. Getting To Know Our Businesses **None**

I. Communications

1. Mike Carlon came to the podium to address the council regarding Knoll Wood's name being part of the field at Carlon Park. Mr. Carlon spoke for 2 minutes. And requested more time. Councilmember Wickenhagen granted 2 more minutes, and Mr. Carlon continued by providing history on the fields for Carlon Park. After the 2-minute extension, the timer beeped again. And again, Mr. Carlon asked for more time. Councilmember Wickenhagen said he would approve 2 more minutes, but that Mr. Carlon would need to finish up. Mr. Carlon continued. At the end of the third time extension, Mr. Carlon asked if there were any questions.

J. Proclamations/Announcements **None**

K. Consent Agenda (all items listed with an asterisk (*) are considered part of the consent agenda and are enacted in one motion).

Councilmember Bell moved to approve the consent agenda as written. Councilmember Costello seconded. By voice vote, motion passes to approve the consent agenda as presented.

Public Records Manager, Treesa Morales, read the Consent Agenda:

*Treesa Morales	1.	Approval of Minutes: September 13, 2022 Council Meeting
*Dale Novobielski	2.	Approval of Claims and Payroll: Payroll Checks No. 85107-85122 for a total of $232,930.01 Claim Checks No. 178813-178876 for a total of $549,745.01
*Rocky Wallace	N-1	Resolution Declaring the Fremont Avenue Resurfacing Project as Complete and Accepting the Work and Materials.

L. Public Hearings None

M. General Business

1. New Business

Zack Schab: Discussion on partnering with *Yakima Valley Tutoring and Explore Your Wild* after school program to offer an after-school program to the community.

Mr. Schab, addressed the council and introduced Jenny Rice to discuss the company and the youth program. Councilmember Wickenhagen commented on the materials which stated a 30-person maximum and asked if it would be in addition to the services provided by the Parks and

Recreation staff. Mr. Schab stated he was asked to find an outside service to provide the after-school program, but that a hybrid option is certainly possible.

Ms. Rice gave response to the 30-student max. Ms. Rice stated that 30-students are accepted for a 6-month cohort, and then the program is opened to another 30-students, which means 180 students for the school year. Councilmember Marquis clarified that the students in the current 6-weeks do not get to continue into the next 6-weeks even if needed? Ms. Rice said correct, it would be re-opened to a new set of students if the need is there.

Councilmember Iverson asked, according to the Parks and Recreation survey, how much interest is there is a program like this. Mr. Schab said he wasn't sure of numbers but knows the need is there. Mr. Iverson asked Mr. Schab if he thought the 30 spots would be filled. Mr. Schab said yes.

Councilmember Iverson asked about the benefit to a 6-week rotation. Clarified that this program isn't a child care option, just a temporary solution, correct? Ms. Rice said providing 6-weeks of services with limited kids has proven to increase grade level and academics by one school year. Ms. Rice continued to say the number is always up to negotiations and needs of the community. Mayor Raymond asked if this program is a focus on tutoring. Ms. Rice responded that a typical day includes 1 hour of training and 1 hour of social activities. Councilmember Bell requested clarification between child care services and just tutoring. Ms. Rice mentioned the different models available in the provided materials, the first being just tutoring which is funded by a grant and would free to participants, and the second included child care services which would require more responsibility from the City. Ms. Rice said typically the program is ran as a non-profit, after school programs which allows for grant funding and focuses on tutoring and homework help.

Councilmember Bell stated it seems directed to K-5th grade, but wondered about the need in the community for those who are older than 5th grade – is there an option for them. Ms. Rice replied yes, but typically attendance decrease with older kids.

Councilmember Marquis asked if the program could still be supplemented to host more kids and provide a place for those who need it, above the 30-student cap. Mr. Schab responded that it was an option with the proper staffing. Mayor Raymond asked who would be in charge of extra staffing. Mr. Schab said it depended on if the Council selected a hybrid program or not; if it's not a hybrid program, it would just be Ms. Rice's staff; if it's a hybrid program, then the City would be responsible for staffing too. The Mayor expressed concerns for charges for use of the civic center or Friday night events. Mr. Schab said he has not discussed charges with Ms. Rice and that Friday events can still be managed with the program.

After more discussion, Councilmember Wickenhagen said he would like to see numbers for a hybrid option. Mr. Schab stated he would work on it.

Councilmember Peterson asked what happens if the grants run out. Ms. Rice said parents can pay directly, or the program can be converted to child care if needed, but that they always find a way to continue. Mr. Schab said they would keep working on it.

Discussion ended.

2. Old Business **None**

N. Resolutions

***N-1 Resolution Declaring the Fremont Avenue Resurfacing Project as Complete and Accepting the Work and Materials.**

Resolution N-1 was passed in one vote during the approval of the consent agenda.

N-2 Resolution authorizing the City Attorney to Author and Send a Letter Notifying the Landlord that the City is Exercising its First Renewal Term on the Lease of the Police Station Building.

Introduced by Mayor Raymond and Presented by City Attorney Rob Case. After discussion,

Councilmember Wickenhagen moved, and Councilmember Peterson seconded, to approve the Resolution authorizing the City Attorney to Author and Send a Letter Notifying the Landlord that the City is Exercising its First Renewal Term on the Lease of the Police Station Building.

Roll was called: Councilmember Wickenhagen – yes; Councilmember Iverson – yes; Councilmember Marquis – yes; Councilmember Peterson – yes; Councilmember Bell – yes; Councilmember Costello – yes; Councilmember Carlson – absent. By voice vote, Resolution passes unanimously.

O. Ordinances **None**

P. Public Appearances

Q. Reports/Announcements

1. Departments
   - Chief Christman gave report.
   - Mr. Schab gave report.
   - Mr. Lange gave report.
   - Mr. Peters gave report.
   - Mr. Wallace gave report.
   - Mr. Novobielski gave report.

2. Councilmembers
   - Councilmember Wickenhagen – No report
   - Councilmember Iverson – No report
   - Councilmember Marquis – No report
   - Councilmember Peterson – No report
   - Councilmember Bell – No report

- Councilmember Costello – No report

3. City Attorney Report – gave report
4. City Administrator Report - gave report
5. Mayor – gave report, suggested a study session on the Council agenda packet, and a study session with YVCOG. Asked Council's opinion. Councilmember Iverson said yes, he would like to see YVCOG to come to a study session. Mayor clarified that the next meeting will have a study session at 4:00pm regarding the Agenda, and a second study session at 4:30pm with YVCOG regarding the Yakima County Regional Crime Center.

6. Boards **None**

R. Executive Session **None**

S. Adjournment
Councilmember Peterson moved to adjourn the meeting. Councilmember Wickenhagen seconded. By show of hands vote was unanimous. Meeting was adjourned.

The meeting adjourned at 6:47pm.

Sherry Raymond
Sherry Raymond, Mayor

Roger Bell, Councilmember

ABSENT
Russell Carlson, Councilmember

Jared Iverson, Councilmember

Kevin Wickenhagen, Councilmember

Clifford Peterson, Councilmember

Elizabeth Marquis, Councilmember

Michael Costello, Councilmember

ATTEST:
Dale E. Novobielski, Clerk/Treasurer

Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 10/11/2022
Agenda Number: K-2

Action Item

Title: Approval of Claims and Payroll

From: Dale Novobielski, City Clerk/Treasurer

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: See claims and payroll registers

Funding Source: See claims and payroll registers

Background/Findings/Facts: N/A

Recommended Motion: I move to approve the Consent Agenda in the form presented (This item is part of the consent agenda).

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date: **Action Taken: None**

Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 10/11/2022
Agenda Number: O-1

Action Item

Title: Ordinance Pertaining to Public Safety

[Which Repeals the Preexisting Selah Municipal Code Section 6.02.030, Replaces such Preexisting Code Section with a Newly-Enacted Municipal Code Section 6.02.030, Confirms that the Instant Ordinance Repeals and Replaces Previous Ordinance No. 1952, and Confirms that the Instant Ordinance is a Public Emergency Ordinance that is Effective Immediately Upon Its Adoption]

From: Rob Case, City Attorney, on behalf of Margita Dornay, City's Prosecuting Attorney

Action Requested: Approval

Staff Recommendation: Approval

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: Due to a change in state law, it is necessary for the City to update a portion of its municipal code. The City needs to replace its preexisting version of SMC 6.02.030, which is part of the City's criminal code and which specifically pertains to enforcement of certain types of court-issued orders when a violation occurs within the City.

A printed copy of the preexisting (and to-be-replaced) version of SMC 6.02.030 is appended hereto. As you will see, such preexisting version of SMC 6.02.030 adopted by reference three specific RCW sections, specifically the then-existing RCW 26.50.010, RCW 26.50.110 and RCW 26.50.140. Also appended hereto is a printed copy of Ordinance No. 1952, which was the Ordinance whereby the City adopted the preexisting version of SMC 6.02.030 and which will be repealed as part of this process.

In 2021, the state – via the Legislature's passage of Engrossed Second Substitute House Bill 1320 and the Governor's signature on the corresponding Chapter 215 of the Session Laws of 2021 – acted to, among other things, repeal RCW Chapter 26.50 and replace it with a new a "Civil Protection Orders" statutory chapter codified under RCW Chapter 7.105. I have not appended a printed copy of E2SHB 1320 nor a printed copy of Chapter 215, Session Laws of 2021, because those items are voluminous and address many topics beyond the scope of the instant AIS. However, copies of those items are available via the state Legislature's website. But I have appended additional printout excerpts from the City's online version of its currently-existing

municipal code as of October 3, 2022, which confirm that each of the three sections the City had previously adopted were in fact repealed by the state via E2SHB 1320 and Chapter 215, Session Laws of 2021.

The City needs to update its municipal code so as to conform to the state's recent update of state law on this topic, in order to enable the City to charge and prosecute as a gross misdemeanor crime at the City's municipal court any violation that occurs within the City of a court order that was issued under RCW Chapter 7.105.

The new three statutory sections that the City needs to adopt by reference are RCW 7.105.010, RCW 7.105.450 and RCW 7.105.465. I have appended full printed copies of each statutory section.

If the City did not so update its municipal code, the City would not be able to charge or prosecute such violations at its municipal court, and such matters would have to be handled by the Yakima County Prosecuting Attorney's Office at either the Yakima County District Court or the Yakima County Superior Court depending on the circumstances.

However, the Yakima County Prosecuting Attorney's Office has a large caseload comprised of other types of cases and likely would not have the time and resources to charge and prosecute all violations that occur within the City, which would mean – if the City did not so update its municipal code – that some or all violations occurring within the City would go uncharged and unprosecuted.

The Selah Police Department is familiar with these types of court orders, has experience working with them, has access to information confirming whether any specific court order is still binding and applicable, and is competent to make referrals to the City's prosecuting attorney for consideration of filing of charges and pursuing prosecution thereon at the City's municipal court when a violation occurs within the City.

The City's prosecuting attorney is also familiar with these types of court orders, has experience working with them, has access to information confirming whether any specific court order is still binding and applicable, and is competent to receive referrals from the Selah Police Department and other law enforcement agencies for consideration of filing charges and pursuing prosecution thereon when a violation has occurred within the City, and has previously charged and prosecuted many violations of that type in prior years under the preexisting SMC 6.02.030.

Violations of these types of court orders can inflict great distress on members of the public, can put persons in danger, can disrupt persons' lawful activities, and can lead to violence, harassment and other ills.

Charging and prosecuting violations of these types of court orders is vital for purposes protecting vulnerable persons, upholding the integrity of the courts, and ensuring that persons restrained and bound by these types of court orders are held accountable when they violate the terms of any such court order.

The instant, proposed Ordinance will promote the public good and is necessary for the protection of public health, safety, property and welfare of the residents of the City. I have designated the instant, proposed Ordinance as a public emergency ordinance, so that it will become effective upon adoption consistent with the third paragraph of RCW 35A.12.120 rather than becoming

effective according to the ordinary, non-emergency timeline of no sooner than five days after publication in the City's official newspaper. A public emergency presently exists, because this update has not yet been made to the City's municipal code and thus, as noted above, it is likely that some violations occurring within the City are not being charged and prosecuted. The preexisting SMC 6.02.030 became a "dead letter" effective on July 1, 2022, so the public emergency has existed since that date.

For the comparison's sake and pertaining to this same issue, I have also appended printed copies of the City of Yakima's recent Ordinance No. 2022-017, the City of Yakima's Agenda Statement that accompanied that proposed ordinance, and a printout from the City of Yakima's online version of its municipal code (whereby it likewise adopted by reference two of the three statutory sections that I am hereby asking the Selah City Council to now adopt by reference).

Recommended Motion: I move to approve the Ordinance in the form presented.

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Date:	**Action Taken:**
11/25/2014	Ordinance No. 1952 – Ordinance Amending Selah Municipal Code Chapter 6.02, Criminal Code, by Adding a New Section 6.02.030 Entitled, "Additional RCW Provisions Adopted by Reference"; and Establishing an Effective Date.

ORDINANCE NO. 2171

ORDINANCE RELATING TO PUBLIC SAFETY

[WHICH REPEALS THE PREEXISTING SELAH MUNICIPAL CODE SECTION 6.02.030, REPLACES SUCH PREEXISTING CODE SECTION WITH A NEWLY-ENACTED MUNICIPAL CODE SECTION 6.02.030, CONFIRMS THAT THE INSTANT ORDINANCE REPEALS AND REPLACES PREVIOUS ORDINANCE NO. 1952, AND CONFIRMS THAT THE INSTANT ORDINANCE IS A PUBLIC EMERGENCY ORDINANCE THAT IS EFFECTIVE IMMEDIATELY UPON ITS ADOPTION]

WHEREAS, in 2014 the City – via passage of Ordinance No. 1952 – adopted by reference three sections from the then-existing state "Domestic Violence Prevention Act", RCW Chapter 26.50, as part of the City's municipal code; and

WHEREAS, such three specific sections were RCW 26.50.010, RCW 26.50.110 and RCW 26.50.140, and such Ordinance created a new subsection of the Selah Municipal Code specifically numbered as SMC 6.02.030; and

WHEREAS, in 2021 the state – via the Legislature's passage of Engrossed Second Substitute House Bill 1320 and the Governor's signature on the corresponding Chapter 215 of the Session Laws of 2021 – acted to, among other things, repeal RCW Chapter 26.50 and replace it with a new a "Civil Protection Orders" statutory chapter codified under RCW Chapter 7.105;

WHEREAS, the City desires to update its municipal code so as to conform to the state's recent update of state law on this topic, which update will enable the City to charge and prosecute as a gross misdemeanor crime at the City's municipal court any violation that occurs within the City of a court order that was issued under RCW Chapter 7.105; and

WHEREAS, if the City did not so update its municipal code, the City would not be able to charge or prosecute such violations at its municipal court, and such matters would have to be handled by the Yakima County Prosecuting Attorney's Office at either the Yakima County District Court or the Yakima County Superior Court depending on the circumstances; and

WHEREAS, the Yakima County Prosecuting Attorney's Office has a large caseload comprised of other types of cases and likely would not have the time and resources to charge and prosecute all violations that occur within the City, which would mean – if the City did not so update its municipal code – that some or all violations occurring within the City would go uncharged and unprosecuted; and

WHEREAS, the Selah Police Department is familiar with these types of court orders, has experience working with them, has access to information confirming whether any specific court order is still binding and applicable, and is competent to make referrals to the City's prosecuting attorney for consideration of filing of charges and pursuing prosecution thereon at the City's municipal court when a violation occurs within the City; and

WHEREAS, the City's prosecuting attorney is also familiar with these types of court orders, has experience working with them, has access to information confirming whether any specific court order is still binding and applicable, and is competent to receive referrals from the Selah Police Department and other law enforcement agencies for consideration of filing charges and pursuing prosecution thereon when a violation has occurred within the City, and has previously charged and prosecuted many violations of that type in prior years under the preexisting SMC 6.02.030; and

WHEREAS, violations of these types of court orders can inflict great distress on members of the public, can put persons in danger, can disrupt persons' lawful activities, and can lead to violence, harassment and other ills; and

WHEREAS, charging and prosecuting violations of these types of court orders is vital for purposes protecting vulnerable persons, upholding the integrity of the courts, and ensuring that persons restrained and bound by these types of court orders are held accountable when they violate the terms of any such court order; and

WHEREAS, this Ordinance promotes the public good and is necessary for the protection of public health, safety, property and welfare of the residents of the City; and

WHEREAS, a public emergency exists, this Ordinance is designated as a public emergency ordinance, and thus this Ordinance shall and does become effective upon adoption consistent with the third paragraph of RCW 35A.12.120 rather than becoming effective according to the ordinary, non-emergency timeline of no sooner than five days after publication in the City's official newspaper;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Findings of Fact. The recitals (*i.e.*, "WHEREAS" paragraphs) set forth above are hereby adopted by reference as the City Council's findings of fact that support this Ordinance.

Section 2. Repeal of Preexisting SMC 6.02.030. The preexisting version of SMC 6.02.030 is hereby repealed in its entirety effective immediately.

Section 3. Enactment of New SMC 6.02.030. A new version of SMC 6.02.030 is hereby enacted immediately as part of the City's criminal code, which newly-enacted SMC 6.02.030 in full reads as follows:

> 6.02.030 Additional RCW sections adopted by reference.
>
> The following sections of the Revised Code of Washington are adopted by reference as part of the Selah Criminal Code:
>
> RCW 7.105.010 – Definitions

RCW 7.105.450 – Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

RCW 7.105.465 – Enforcement and penalties—Knowledge of order.

Section 4. Repeal of Previous Ordinance No. 1952. The instant Ordinance immediately repeals in its entirety previous Ordinance No. 1952.

Section 5. Declaration of Emergency; Effective Date. This Ordinance – as a public emergency ordinance that is necessary for the protection of public health, public safety, public property and public peace, and which has been passed by a majority plus one of the whole membership of the City Council and also signed by the Mayor – shall take effect and be in full force immediately upon its adoption. Pursuant to RCW 35A.12.130, the non-exhaustive underlying facts necessary to support a declaration of emergency are included in the recitals (*i.e.*, "WHEREAS" paragraphs) set forth above, all of which are adopted by reference as findings of fact pursuant to Section 1 of above and likewise all of which shall by this additional reference be deemed fully repeated within this Section 5. This Ordinance shall take effect immediately. This Ordinance or a summary thereof shall be published in the City's official newspaper.

PASSED by the City Council of the City of Selah this 11th day of October, 2022.

Sherry Raymond

Sherry Raymond, Mayor

ATTEST:

Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

Rob Case, City Attorney

6.02.030 Additional RCW sections adopted by reference.

The following sections of the Revised Code of Washington are adopted by reference as part of the Selah Criminal Code:

RCW 26.50.010 Definitions.

RCW 26.50.110 Violation of order—Penalties.

RCW 26.50.140 Peace officers—Immunity. (Ord. 1952 § 1, 2014.)

The Selah Municipal Code is current through Ordinance 2167, passed July 12, 2022.

Disclaimer: The finance department has the official version of the Selah Municipal Code. Users should contact the finance department for ordinances passed subsequent to the ordinance cited above.

City Website: selahwa.gov
City Telephone: (509) 698-7334
Code Publishing Company

ORDINANCE NO. 1952

ORDINANCE AMENDING SELAH MUNICIPAL CODE CHAPTER 6.02, CRIMINAL CODE, BY ADDING A NEW SECTION 6.02.030 ENTITLED, "ADDITIONAL RCW PROVISIONS ADOPTED BY REFERENCE"; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City should adopt certain provisions of RCW Title 26, Chapter 50, Domestic Violence Prevent, by reference for the purpose of ensuring that the Municipal Court has jurisdiction over any criminal activity associated with those provisions;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON does ordain:

Section 1. Selah Municipal Code, Chapter 6.02 Criminal Code amended.

Chapter 6.02 to the Selah Municipal Code is amended to include a new section 6.02.030 which reads as follows:

6.02.030 – Additional RCW sections adopted by reference.

The following sections of the Revised Code of Washington are adopted by reference as part of the Selah Criminal Code:

RCW 26.50.010 Definitions

RCW 26.50.110 Violation of order -- Penalties.

RCW 26.50.140 Peace officers -- Immunity

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON this 25th day of November, 2014.

John Gawlik, Mayor

ATTEST:

Dale Novobielski, Clerk Treasurer

APPROVED AS TO FORM:

Robert Noe, City Attorney

ORDNANCE NO. 1952

[Printout of excerpts from City of Selah's online copy of its currently-existing municipal code as of October 3, 2022. The City's previous adoptions of portions of RCW Chapter 26.50 are what will be replaced via the current AIS and Ordinance.]

Chapter 26.50.110 RCW Dispositions
DOMESTIC VIOLENCE PREVENTION

Sections

26.50.010 Definitions.

[2019 c 263 § 204. Prior: 2015 c 287 § 8; 2008 c 6 § 406; 1999 c 184 § 13; 1995 c 246 § 1; prior: 1992 c 111 § 7; 1992 c 86 § 3; 1991 c 301 § 8; 1984 c 263 § 2.]
Repealed by 2021 c 215 § 170, effective July 1, 2022.

. . .

26.50.110 Violation of order-Penalties.

[2019 c 263 § 913; 2019 c 46 § 5039; 2017 c 230 § 9. Prior: 2015 c 275 § 15; 2015 c 248 § 1; 2013 c 84 § 31; prior: 2009 c 439 § 3; 2009 c 288 § 3; 2007 c 173 § 2; 2006 c 138 § 25; 2000 c 119 § 24; 1996 c 248 § 16; 1995 c 246 § 14; 1992 c 86 § 5; 1991 c 301 § 6; 1984 c 263 § 12.]
Repealed by 2021 c 215 § 170, effective July 1, 2022.

. . .

26.50.140 Peace officers-Immunity.

[1984 c 263 § 17.]
Repealed by 2021 c 215 § 170, effective July 1, 2022.

PDF **RCW 7.105.010**

Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse," for the purposes of a vulnerable adult protection order, means intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. "Abuse" includes sexual abuse, mental abuse, physical abuse, personal exploitation, and improper use of restraint against a vulnerable adult, which have the following meanings:

(a) "Improper use of restraint" means the inappropriate use of chemical, physical, or mechanical restraints for convenience or discipline, or in a manner that: (i) Is inconsistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter **71A.12** RCW; (ii) is not medically authorized; or (iii) otherwise constitutes abuse under this section.

(b) "Mental abuse" means an intentional, willful, or reckless verbal or nonverbal action that threatens, humiliates, harasses, coerces, intimidates, isolates, unreasonably confines, or punishes a vulnerable adult. "Mental abuse" may include ridiculing, yelling, swearing, or withholding or tampering with prescribed medications or their dosage.

(c) "Personal exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(d) "Physical abuse" means the intentional, willful, or reckless action of inflicting bodily injury or physical mistreatment. "Physical abuse" includes, but is not limited to, striking with or without an object, slapping, pinching, strangulation, suffocation, kicking, shoving, or prodding.

(e) "Sexual abuse" means any form of nonconsensual sexual conduct including, but not limited to, unwanted or inappropriate touching, rape, molestation, indecent liberties, sexual coercion, sexually explicit photographing or recording, voyeurism, indecent exposure, and sexual harassment. "Sexual abuse" also includes any sexual conduct between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter **71A.12** RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter **71A.12** RCW, whether or not the sexual conduct is consensual.

(3) "Chemical restraint" means the administration of any drug to manage a vulnerable adult's behavior in a way that reduces the safety risk to the vulnerable adult or others, has the temporary effect of restricting the vulnerable adult's freedom of movement, and is not standard treatment for the vulnerable adult's medical or psychiatric condition.

(4)(a) "Coercive control" means a pattern of behavior that is used to cause another to suffer physical, emotional, or psychological harm, and in purpose or effect unreasonably interferes with a person's free will and personal liberty. In determining whether the interference is unreasonable, the court shall consider the context and impact of the pattern of behavior from the perspective of a similarly situated person. Examples of coercive control include, but are not limited to, engaging in any of the following:

(i) Intimidation or controlling or compelling conduct by:

(A) Damaging, destroying, or threatening to damage or destroy, or forcing the other party to relinquish, goods, property, or items of special value;

(B) Using technology to threaten, humiliate, harass, stalk, intimidate, exert undue influence over, or abuse the other party, including by engaging in cyberstalking, monitoring, surveillance, impersonation, manipulation of electronic media, or distribution of or threats to distribute actual or fabricated intimate images;

(C) Carrying, exhibiting, displaying, drawing, or threatening to use, any firearm or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate the other party or that warrants alarm by the other party for their safety or the safety of other persons;

(D) Driving recklessly with the other party or minor children in the vehicle;

(E) Communicating, directly or indirectly, the intent to:

(I) Harm the other party's children, family members, friends, or pets, including by use of physical forms of violence;

(II) Harm the other party's career;

(III) Attempt suicide or other acts of self-harm; or

(IV) Contact local or federal agencies based on actual or suspected immigration status;

(F) Exerting control over the other party's identity documents;

(G) Making, or threatening to make, private information public, including the other party's sexual orientation or gender identity, medical or behavioral health information, or other confidential information that jeopardizes safety; or

(H) Engaging in sexual or reproductive coercion;

(ii) Causing dependence, confinement, or isolation of the other party from friends, relatives, or other sources of support, including schooling and employment, or subjecting the other party to physical confinement or restraint;

(iii) Depriving the other party of basic necessities or committing other forms of financial exploitation;

(iv) Controlling, exerting undue influence over, interfering with, regulating, or monitoring the other party's movements, communications, daily behavior, finances, economic resources, or employment, including but not limited to interference with or attempting to limit access to services for children of the other party, such as health care, medication, child care, or school-based extracurricular activities;

(v) Engaging in vexatious litigation or abusive litigation as defined in RCW **26.51.020** against the other party to harass, coerce, or control the other party, to diminish or exhaust the other party's financial resources, or to compromise the other party's employment or housing; or

(vi) Engaging in psychological aggression, including inflicting fear, humiliating, degrading, or punishing the other party.

(b) "Coercive control" does not include protective actions taken by a party in good faith for the legitimate and lawful purpose of protecting themselves or children from the risk of harm posed by the other party.

(5) "Consent" in the context of sexual acts means that at the time of sexual contact, there are actual words or conduct indicating freely given agreement to that sexual contact. Consent must be ongoing and may be revoked at any time. Conduct short of voluntary agreement does not constitute consent as a matter of law. Consent cannot be freely given when a person does not have capacity due to disability, intoxication, or age. Consent cannot be freely given when the other party has authority or control over the care or custody of a person incarcerated or detained.

(6)(a) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. "Course of conduct" includes any form of communication, contact, or conduct, including the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of "course of conduct."

(b) In determining whether the course of conduct serves any legitimate or lawful purpose, a court should consider whether:

(i) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(ii) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(iii) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(iv) The respondent is acting pursuant to any statutory authority including, but not limited to, acts which are reasonably necessary to:

(A) Protect property or liberty interests;

(B) Enforce the law; or

(C) Meet specific statutory duties or requirements;

(v) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner; or

(vi) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

(7) "Court clerk" means court administrators in courts of limited jurisdiction and elected court clerks.

(8) "Dating relationship" means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

(9) "Domestic violence" means:

(a) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one intimate partner by another intimate partner; or

(b) Physical harm, bodily injury, assault, or the infliction of fear of physical harm, bodily injury, or assault; nonconsensual sexual conduct or nonconsensual sexual penetration; coercive control; unlawful harassment; or stalking of one family or household member by another family or household member.

(10) "Electronic monitoring" has the same meaning as in RCW **9.94A.030**.

(11) "Essential personal effects" means those items necessary for a person's immediate health, welfare, and livelihood. "Essential personal effects" includes, but is not limited to, clothing, cribs, bedding, medications, personal hygiene items, cellular phones and other electronic devices, and documents, including immigration, health care, financial, travel, and identity documents.

(12) "Facility" means a residence licensed or required to be licensed under chapter **18.20** RCW, assisted living facilities; chapter **18.51** RCW, nursing homes; chapter **70.128** RCW, adult family homes; chapter **72.36** RCW, soldiers' homes; chapter **71A.20** RCW, residential habilitation centers; or any other facility licensed or certified by the department of social and health services.

(13) "Family or household members" means: (a) Persons related by blood, marriage, domestic partnership, or adoption; (b) persons who currently or formerly resided together; (c) persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren, or a parent's intimate partner and children; and (d) a person who is acting or has acted as a legal guardian.

(14) "Financial exploitation" means the illegal or improper use of, control over, or withholding of, the property, income, resources, or trust funds of the vulnerable adult by any person or entity for any person's or entity's profit or advantage other than for the vulnerable adult's profit or advantage. "Financial exploitation" includes, but is not limited to:

(a) The use of deception, intimidation, or undue influence by a person or entity in a position of trust and confidence with a vulnerable adult to obtain or use the property, income, resources, government benefits, health insurance benefits, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult;

(b) The breach of a fiduciary duty, including, but not limited to, the misuse of a power of attorney, trust, or a guardianship or conservatorship appointment, that results in the unauthorized appropriation, sale, or transfer of the property, income, resources, or trust funds of the vulnerable adult for the benefit of a person or entity other than the vulnerable adult; or

(c) Obtaining or using a vulnerable adult's property, income, resources, or trust funds without lawful authority, by a person or entity who knows or clearly should know that the vulnerable adult lacks the capacity to consent to the release or use of the vulnerable adult's property, income, resources, or trust funds.

(15) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder. "Firearm" does not include a flare gun or other pyrotechnic visual distress signaling device, or a powder-actuated tool or other device designed solely to be used for construction purposes. "Firearm" also includes parts that can be assembled to make a firearm.

(16) "Full hearing" means a hearing where the court determines whether to issue a full protection order.

(17) "Full protection order" means a protection order that is issued by the court after notice to the respondent and where the parties had the opportunity for a full hearing by the court. "Full protection order" includes a protection order entered by the court by agreement of the parties to resolve the petition for a protection order without a full hearing.

(18) "Hospital" means a facility licensed under chapter **70.41** or **71.12** RCW or a state hospital defined in chapter **72.23** RCW and any employee, agent, officer, director, or independent contractor thereof.

(19) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of a vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

(20) "Intimate partner" means: (a) Spouses or domestic partners; (b) former spouses or former domestic partners; (c) persons who have a child in common regardless of whether they have been married or have lived together at any time, unless the child is conceived through sexual assault; or (d) persons who have or have had a dating relationship where both persons are at least 13 years of age or older.

(21)(a) "Isolate" or "isolation" means to restrict a person's ability to communicate, visit, interact, or otherwise associate with persons of his or her choosing. Isolation may be evidenced by acts including, but not limited to:

(i) Acts that prevent a person from sending, making, or receiving his or her personal mail, electronic communications, or telephone calls; or

(ii) Acts that prevent or obstruct a person from meeting with others, such as telling a prospective visitor or caller that the person is not present or does not wish contact, where the statement is contrary to the express wishes of the person.

(b) The term "isolate" or "isolation" may not be construed in a manner that prevents a guardian or limited guardian from performing his or her fiduciary obligations under *chapter **11.92** RCW or prevents a hospital or facility from providing treatment consistent with the standard of care for delivery of health services.

(22) "Judicial day" means days of the week other than Saturdays, Sundays, or legal holidays.

(23) "Mechanical restraint" means any device attached or adjacent to a vulnerable adult's body that the vulnerable adult cannot easily remove that restricts freedom of movement or normal access to the vulnerable adult's body. "Mechanical restraint" does not include the use of devices, materials, or equipment that are (a) medically authorized, as required, and (b) used in a manner that is consistent with federal or state licensing or certification requirements for facilities, hospitals, or programs authorized under chapter **71A.12** RCW.

(24) "Minor" means a person who is under 18 years of age.

(25) "Neglect" means: (a) A pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain the physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission by a person or entity with a duty of care that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety including, but not limited to, conduct prohibited under RCW **9A.42.100**.

(26) "Nonconsensual" means a lack of freely given consent.

(27) "Nonphysical contact" includes, but is not limited to, written notes, mail, telephone calls, email, text messages, contact through social media applications, contact through other technologies, or contact through third parties.

(28) "Petitioner" means any named petitioner or any other person identified in the petition on whose behalf the petition is brought.

(29) "Physical restraint" means the application of physical force without the use of any device, for the purpose of restraining the free movement of a vulnerable adult's body. "Physical restraint" does not include (a) briefly holding, without undue force, a vulnerable adult in order to calm or comfort him or her, or (b) holding a vulnerable adult's hand to safely escort him or her from one area to another.

(30) "Possession" means having an item in one's custody or control. Possession may be either actual or constructive. Actual possession occurs when the item is in the actual physical custody of the person charged with possession. Constructive possession occurs when there is no actual physical possession, but there is dominion and control over the item.

(31) "Respondent" means the person who is identified as the respondent in a petition filed under this chapter.

(32) "Sexual conduct" means any of the following:

(a) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing;

(b) Any intentional or knowing display of the genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent;

(c) Any intentional or knowing touching or fondling of the genitals, anus, or breasts, directly or indirectly, including through clothing, that the petitioner is forced to perform by another person or the respondent;

(d) Any forced display of the petitioner's genitals, anus, or breasts for the purposes of arousal or sexual gratification of the respondent or others;

(e) Any intentional or knowing touching of the clothed or unclothed body of a child under the age of 16, if done for the purpose of sexual gratification or arousal of the respondent or others; or

(f) Any coerced or forced touching or fondling by a child under the age of 16, directly or indirectly, including through clothing, of the genitals, anus, or breasts of the respondent or others.

(33) "Sexual penetration" means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.

(34) "Stalking" means any of the following:

(a) Any act of stalking as defined under RCW **9A.46.110**;

(b) Any act of cyber harassment as defined under RCW **9A.90.120**; or

(c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, surveillance, keeping under observation, disrupting activities in a harassing manner, or following of another person that:

(i) Would cause a reasonable person to feel intimidated, frightened, under duress, significantly disrupted, or threatened and that actually causes such a feeling;

(ii) Serves no lawful purpose; and

(iii) The respondent knows, or reasonably should know, threatens, frightens, or intimidates the person, even if the respondent did not intend to intimidate, frighten, or threaten the person.

(35) "Temporary protection order" means a protection order that is issued before the court has decided whether to issue a full protection order. "Temporary protection order" includes ex parte temporary protection orders, as well as temporary protection orders that are reissued by the court pending the completion of a full hearing to decide whether to issue a full protection order. An "ex parte temporary protection order" means a temporary protection order that is issued without prior notice to the respondent.

(36) "Unlawful harassment" means:

(a) A knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner; or

(b) A single act of violence or threat of violence directed at a specific person that seriously alarms, annoys, harasses, or is detrimental to such person, and that serves no legitimate or lawful purpose, which would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner. A single threat of violence must include: (i) A malicious and intentional threat as described in RCW **9A.36.080**(1)(c); or (ii) the presence of a firearm or other weapon.

(37) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Subject to a guardianship under RCW **11.130.265** or adult subject to conservatorship under RCW **11.130.360**; or

(c) Who has a developmental disability as defined under RCW **71A.10.020**; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter **70.127** RCW; or

(f) Receiving services from a person under contract with the department of social and health services to provide services in the home under chapter **74.09** or **74.39A** RCW; or

(g) Who self-directs his or her own care and receives services from a personal aide under chapter **74.39** RCW.

[**2022 c 268 § 1**; **2022 c 231 § 8**; **2021 c 215 § 2**.]

NOTES:

Reviser's note: *(1) Chapter **11.92** RCW was repealed in its entirety by **2020 c 312 § 904**.

(2) This section was amended by 2022 c 231 § 8 and by 2022 c 268 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW **1.12.025**(2). For rule of construction, see RCW **1.12.025**(1).

(3) The definitions in this section have been alphabetized pursuant to RCW **1.08.015**(2)(k).

Effective dates—2022 c 268: "(1) Except for sections 9 through 14, 37, and 47 of this act, this act takes effect July 1, 2022.

(2) Section 37 of this act takes effect July 1, 2023.

(3) Sections 9 through 14 and 47 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 31, 2022]." [**2022 c 268 § 49**.]

Effective date—2022 c 231 §§ 8, 9, 11, 13, and 15: "Sections 8, 9, 11, 13, and 15 of this act take effect July 1, 2022." [**2022 c 231 § 19**.]

Effective date—2022 c 268; 2021 c 215: See note following RCW **7.105.900**.

PDF **RCW 7.105.450**

Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

(1)(a) Whenever a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order is granted under this chapter, or an order is granted under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or there is a valid foreign protection order as defined in RCW **26.52.020**, or there is a Canadian domestic violence protection order as defined in RCW **26.55.010**, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or the restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, the respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order or a Canadian domestic violence protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court:

(i) May require that the respondent submit to electronic monitoring. The court shall specify who must provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring; and

(ii) Shall impose a fine of $15, in addition to any penalty or fine imposed, for a violation of a domestic violence protection order issued under this chapter. Revenue from the $15 fine must be remitted monthly to the state treasury for deposit in the domestic violence prevention account.

(2) A law enforcement officer shall arrest without a warrant and take into custody a person whom the law enforcement officer has probable cause to believe has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid

foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, and that does not amount to assault in the first or second degree under RCW **9A.36.011** or **9A.36.021** is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or a court order issued under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, is a class C felony if the offender has at least two previous convictions for violating the provisions of a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order issued under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6)(a) A defendant arrested for violating a domestic violence protection order, sexual assault protection order, stalking protection order, or vulnerable adult protection order, or an order granted under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release.

(b) A defendant who is charged by citation, complaint, or information with violating any protection order identified in (a) of this subsection and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than 14 days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(7) Upon the filing of an affidavit by the petitioner or any law enforcement officer alleging that the respondent has violated a domestic violence protection order, a sexual assault protection order, a stalking protection order, or a vulnerable adult protection order, or an order granted under chapter **9A.40**, 9A.44, 9A.46, 9A.88, 9.94A, 10.99, 26.09, 26.26A, or **26.26B** RCW, or a valid foreign protection order as defined in RCW **26.52.020**, or a Canadian domestic violence protection order as defined in RCW **26.55.010**, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days as to why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

(8) Appearances required under this section are mandatory and cannot be waived.

[2022 c 268 § 21; 2021 c 215 § 56.]

NOTES:

Effective dates—2022 c 268: See note following RCW **7.105.010**.

Effective date—2022 c 268; 2021 c 215: See note following RCW **7.105.900**.

PDF **RCW 7.105.465**

Enforcement and penalties—Knowledge of order.

(1) When the court issues a protection order under this chapter, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in this chapter for a violation of the order unless the respondent knows of the order.

(2) When a law enforcement officer investigates a report of an alleged violation of a protection order issued under this chapter, the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not, or probably did not, know about the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give the petitioner a receipt indicating that the petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system.

[**2021 c 215 § 59**.]

NOTES:

Effective date—2022 c 268; 2021 c 215: See note following RCW **7.105.900**.

ORDINANCE NO. 2022-017

AN ORDINANCE relating to Public Safety; removing statutes repealed by the State and adopting the newly codified equivalent RCW's 7.105.450, 7.105.455 and 7.105.465 as an Emergency Ordinance to authorize the continued prosecution of Violation of Protective Orders and Antiharassment Orders in the City of Yakima Municipal Court.

WHEREAS, the State Legislature consolidated all protective orders and antiharassment orders in a new chapter RCW 7.105 entitled Civil Protection Orders and repealed RCW 26.50.110, RCW 10.14.120, and RCW 10.14.170, statutes dealing with penalties for violations of protective and antiharassment orders; and

WHEREAS, the penalties for domestic violence protective orders and antiharassment orders, amongst other types of orders, are now included in RCW 7.105; and

WHEREAS, the City of Yakima Police Department enforces protective orders and anti-harassment orders within the City of Yakima and forwards referrals to the City of Yakima Prosecution Division for filing in the Municipal Court; and

WHEREAS, the City of Yakima Prosecution Division prosecuted 539 violations of protective orders in 2021; and

WHEREAS, violations of protective orders cause great distress for victims of crime and can put victims in danger of further violence, perpetrator manipulation, and further harassment; and

WHEREAS, prosecution of protection order violations is vital for the purposes of holding perpetrators of domestic violence accountable and protecting the community against those individuals that are violating court orders; and

WHEREAS, without adoption of this Emergency Ordinance the City of Yakima will no longer be able to prosecute these offenses in Yakima Municipal Court and all referrals will be sent to the Yakima County Prosecuting Attorney's Office, who has a large caseload and does not need the additional burden of cases which the City of Yakima has jurisdiction, and moreover the City will have no control over the filing and resolution of said violations; and

WHEREAS, this Emergency Ordinance promotes the public good and is necessary for the protection of public health, property, safety, and welfare of citizens of the City of Yakima. A public emergency exists requiring that this ordinance becomes effective immediately; Now, Therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as the City Council's initial finding of fact in support of this ordinance.

Section 2. The following section, 6.05.090, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.05.090 Statutes adopted—Violation of orders—Enforcement and penalties.
The following Revised Code of Washington (RCW) sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

7.105.450 Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.
7.105.465 Enforcement and penalties—Knowledge of order.

Section 3. The following section of Chapter 6.45 of the City of Yakima Municipal Code is hereby repealed:

6.45.040 Willful violation of antiharassment or protection order.

Section 4. The following section, 6.45.015, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.45.015 Statues adopted—Harassment crimes.
The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

7.105.455 Enforcement and penalties—Antiharassment protection orders.
9A.46.020 Definition—Penalties.
9A.46.030 Place where committed.
9A.46.040 Court-ordered requirements upon person charged with crime—Violation.
9A.46.050 Arraignment—No contact order.
9A.46.060 Crimes included in harassment.
9A.46.070 Enforcement of orders restricting contact.
9A.46.080 Order restricting contact—Violation.
9A.46.090 Nonliability of peace officer.
9A.46.100 "Convicted," time when.
9A.46.110 Stalking.
9A.46.910 Severability—1985 c 288.
9.61.230 Telephone harassment.
9.61.250 Telephone harassment—Offense, where deemed committed.
9.61.260 Cyberstalking.
9A.86.010 Disclosing intimate images.

Section 5. Declaration of Emergency; effective date. This ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to RCW 35A.12.130, non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as finding of fact as if fully set forth herein. This ordinance shall take effect immediately. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED UNANIMOUSLY BY THE CITY COUNCIL, signed and approved this 5th day of July, 2021.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk

SEAL WASHINGTON

Publication Date: July 8, 2022

Effective Date: July 5, 2022

Distributed at the Meeting 7-5-22 #13

BUSINESS OF THE CITY COUNCIL

YAKIMA, WASHINGTON

AGENDA STATEMENT

Item No._____

For Meeting of July 5, 2002

ITEM TITLE:

AN ORDINANCE relating to Public Safety; removing statutes repealed by the State and adopting the newly codified equivalent RCW's 7.105.450, 7.105.455 and 7.105.465 as an Emergency Ordinance to authorize the continued prosecution of Violation of Protective Orders and Antiharassment Orders in the City of Yakima Municipal Court.

SUBMITTED BY: Cynthia Martinez, Senior Assistant City Attorney

SUMMARY EXPLANATION: The attached ordinance is presented as an Emergency effective immediately upon adoption. An emergency ordinance requires a unanimous vote for passage.

The State Legislature has recodified the statutes controlling protective orders and antiharassment orders, including penalties for these crimes, in a new chapter RCW 7.105. The chapter is labeled, "Civil Protection Orders," which has caused confusion among the criminal justice community. The new chapter does include protective orders issued in connection with criminal matters including domestic violence orders. As part of this recodification, the legislature repealed the statutes enumerating the penalties for violations of protective orders and anti-harassment orders. The new statute went into effect on July 1st, 2022, and was discovered when officers tried to issue a citation under a repealed statute. We had hoped the savings clause would cover the changes, however upon closer examination of the language, the event of a repealed statute is not anticipated in language.

The City of Yakima Prosecution Division will not be able to prosecute violations of protective orders and antiharassment orders in Municipal Court until Council adopts the specific provisions of the new RCW 7.105. Officers can still enforce violations but charges will need to be forwarded to the County Prosecutor and defendants booked into the county jail. Forwarding violations of protective order and anti-harassment order matters cedes discretion of City of Yakima cases to the County Prosecutor, who has a heavy caseload that includes serious felony matters. Forwarding matters in which the city could have jurisdiction to the County Prosecutor is done at a cost to the city.

The number of these types of cases is not inconsequential, with the City of Yakima handling over 500 cases a year. Violations of protective orders and antiharassment orders are of great concern to victims of crime and may expose the victim to further violence, manipulation by the perpetrator, and further harassment. These types of acts are a crime of focus for the City of Yakima Coordinated Community response team for

Domestic Violence. Prosecution of protection order violations is vital for the purposes of holding perpetrators of domestic violence accountable and protecting the community against those individuals that are violating court orders.

FINANCIAL IMPACT
ITEM BUDGETED (choose one):
_X__YES ___NO ___NA

STRATEGIC PRIORITY (choose only one):
___ Economic Development
_X__ Public Safety
___ Neighborhood and Community Building
___ Public Trust and Accountability
___ Partnership Development
___ NA

RECOMMENDATION (choose only one):
____Adopt resolution.
_X___Pass ordinance.
____Approve report.

[Printout from City of Yakima's online copy of its municipal code]

6.05.090 Statutes adopted—Violation of orders—Enforcement and penalties.

SHARE

The following Revised Code of Washington (RCW) sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

7.105.450 Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

7.105.465 Enforcement and penalties—Knowledge of order.

(Ord. 2022-017 § 2, 2022; Ord. 2000-25 § 1, 2000).

Selah City Council
Regular Meeting
AGENDA ITEM SUMMARY

Meeting Date: 10/11/2022 Agenda Number: Q-4

Informational Item

Title: Minutes from August 02, 2022 Planning Commission Meeting

From: Jennifer Leslie, Building Permit Specialist

Action Requested: Informational - No Action Needed

Staff Recommendation: N/A

Board/Commission Recommendation: N/A

Fiscal Impact: N/A

Funding Source: N/A

Background/Findings/Facts: N/A

Recommended Motion: N/A

Record of all prior actions taken by the City Council and/or City Board, City Committee, Planning Commission, or the Hearing Examiner (if not applicable, please state none).

Action Taken: None

City of Selah
Planning Commission Minutes
Of
August 02, 2022

A. Call to Order

Acting Chairman Commissioner Goodall calls the meeting to order at 5:30 pm.

1. Staff announcement for the absence of Chairman Smith, new Planning Commission member Scott Graf, and resignation of Vice Chairman Torkleson.

B. Roll Call

Members Present:	Commissioners: Graf, Swayze, and Goodall.
Members Absent:	Chairman Smith, excused; Vice Chairman Torkleson, resigned.
Staff Present:	Jeff Peters, City Planner; Jennifer Leslie, Minutes Secretary.
Guest:	None

Commission Goodall motions to excuse Chairman Smith.

Commissioner Swayze seconds.

Chairman Smith excused with a vote of 3-0.

C. Agenda Changes

1. Review of Development Regulation Changes.

2. Review of Comprehensive Plan processing and hearing procedures will be revisited at a later meeting when the Planning Commission is fully staffed.

3. Introduce new staff member Jennifer Leslie.

D. Communications

1. Oral - None

2. Written - None

E. Approval of Minutes

1. Approval of minutes from January 18, 2022.

Commissioner Swayze motions to approve the minutes from the January 18, 2022 meeting.

Commissioner Graf seconds.

Minutes are approved with a vote of 3-0.

F. Public Hearings None

G. General Business

1. Old Business - None

2. New Business -

Docket and Review Comprehensive Plan Amendment Applications.

Mr. Peters explains the Comprehensive Plan Amendment Application process.

Mr. Peters states the Comprehensive Plan Map Amendment was submitted for BBS Selah, LLC, owned by Bill Harris, which purchased the former Selah Trailer Camper Sales. The application is to rezone from R-2 to B-2 a small piece of property referred to on the map.

Mr. Peters continues to explain the application process and ask if there are any questions.

Commissioner Graf asked for clarification on the rezone change.

Mr. Peters clarified and confirmed that Commissioner Graf was correct.

Commissioner Goodall motions to Docket the Comprehensive Plan Map Amendment.

Commissioner Swayze seconds.

Comprehensive Plan Map Amendment is docketed with a vote of 3-0.

Review of Development Regulation Changes.

Mr. Peters gives background on the development changes.

Mr. Peters speaks on proposed changes of the material provided for Chapter 1.24 Planning Commission, Chapter 1.60 Office of the Hearing Examiner, Chapter 10.06 Applications, Chapter 10.30.030 Variances, Chapter 10.36.010 Generally, Chapter 10.38.220 Variances, and Title 21 Administrative Procedures.

Mr. Peters states that codes for subdivision will need to be updated to reflect RCW.

Mr. Peters asks if there is any questions.

Open positions on Planning Commission.

Mr. Peters announced that Rich Goodall is resigning. There are two Planning Commission positions open.

Mr. Peters asked the Planning Commission members to take the OPMA training and provide the certificate at the next meeting.

H. Reports/Announcements

1. Chairman - None
2. Commissioners - None
3. Staff - Planning/Building Department Updates

Mr. Peters states that a quorum is necessary for a Public Hearing.

Mr. Peters speaks on public records regarding text and conversation about business outside of a meeting.

Mr. Peters provides an update on the new permitting software with the Portal going live in next couple months.

I. Adjournment

Commissioner Swayze motions to adjourn.

Commissioner Graf seconds.

Commissioner Goodall adjourns the meeting at 6:27 p.m. with a vote of 3-0.

9.20.22

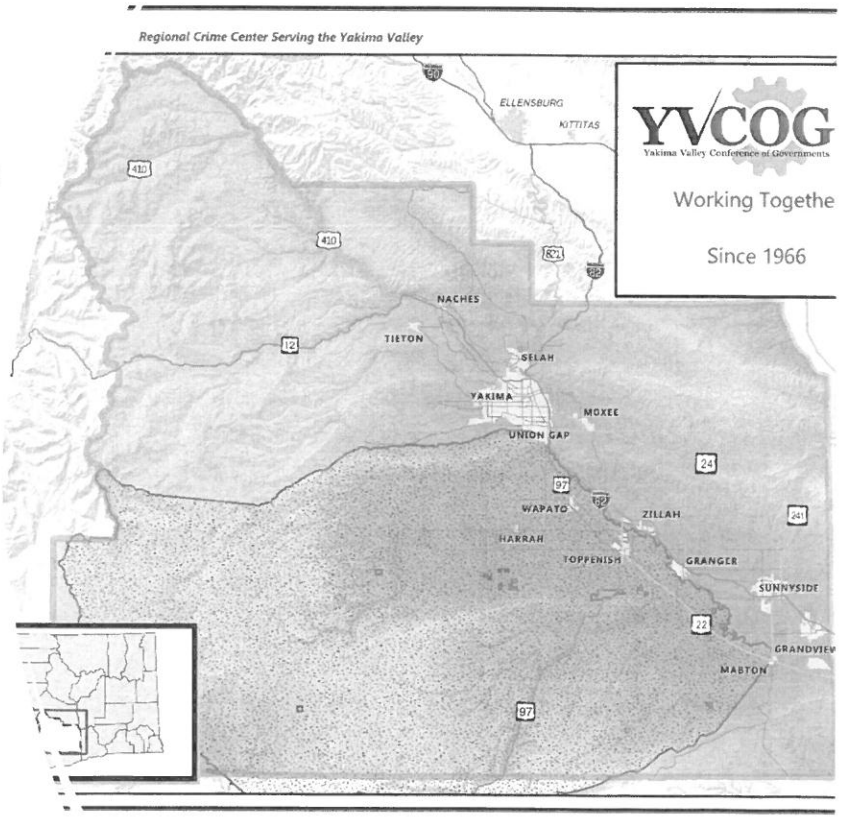
Chairman Lisa Smith

Study Material From YVCOG
For Study Session #2, Selah City Council
Meeting Date: October 11, 2022
Time: 4:30pm
Location: Selah Council Chambers

Yakima Valley
Conference of Governments

COG was established for the purpose of administering programs and services of mutual concern to cities, towns, and Yakima County within the Yakima Valley boundaries.

Chris Wickenhagen, Executive Director



Local Crime Lab Supporters

YAKIMA COUNTY SHERIFF
Robert Udell, Sheriff

Commissioner LaDon Linde

Comprehensive HEALTHCARE

YVCOG
Yakima Valley Conference of Governments

ESD105
EDUCATIONAL SERVICE DISTRICT 105

eliminating racism empowering women
ywca
Yakima

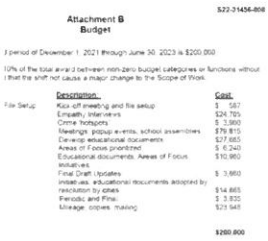
YAKIMA COUNTY PROSECUTING ATTORNEY

Commissioner Ron Anderson

Coroner Jim Curtice

GREATER YAKIMA
Chamber of Commerce

Community – Law Enforcement Grant

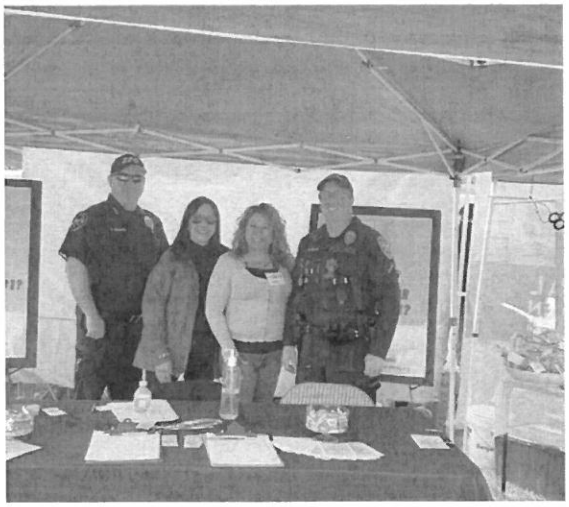


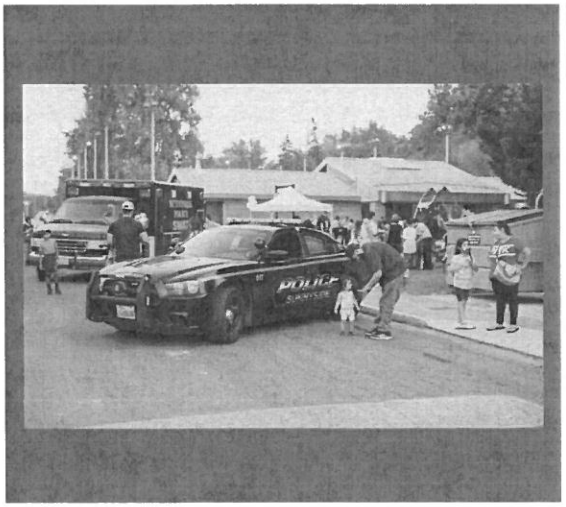
Attachment B
Budget

I period of December 1, 2021 through June 30, 2023 is $200,000

10% of the total award between non-zero budget categories or functions without I that the shift not cause a major change to the Scope of Work.

	Description	Cost
File Setup	Kick-off meeting and file setup	$ 587
	Empathy Interviews	$24,705
	Crime hotspots	$ 3,960
	Meetings, popup events, school assemblies	$79,815
	Develop educational documents	$27,665
	Areas of Focus prioritized	$ 6,240
	Educational documents, Areas of Focus Initiatives	$10,960
	Final Draft Updates	$ 3,660
	Initiatives, educational documents adopted by resolution by cities	$14,665
	Periodic and Final	$ 3,835
	Mileage, copies, mailing	$23,948
		$200,000





National Institute for Criminal Justice Reform, Portland OR

Members	% Population	OFM Population	Year 1 2022
GRANDVIEW	4.25%	10,960	$ 63,928
GRANGER	1.43%	3,690	$ 21,523
HARRAH	0.22%	580	$ 3,383
MABTON	0.77%	1,975	$ 11,520
MOXEE	1.71%	4,405	$ 25,694
NACHES	0.43%	1,110	$ 6,474
SELAH	3.19%	8,235	$ 48,034
SUNNYSIDE	6.35%	16,400	$ 95,659
TIETON	0.55%	1,430	$ 8,341
TOPPENISH	3.44%	8,870	$ 51,737
UNION GAP	2.56%	6,595	$ 38,468
WAPATO	1.79%	4,610	$ 26,889
YAKIMA	37.90%	97,810	$ 570,512
YAKIMA CO.	34.19%	88,240	$ 514,691
ZILLAH	1.24%	3,190	$ 18,607
TOTALS			$ 1,505,460

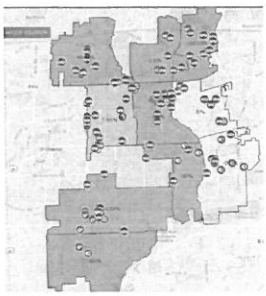
YVCOG will employ full-time employees *to* ***serve law enforcement*** *with evidence-based data.*

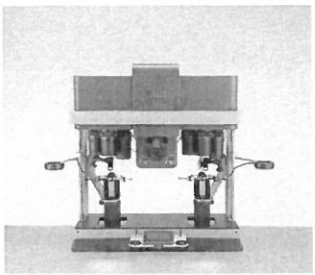
A Local Crime Lab (LCL) will enhance the efforts of law enforcement.

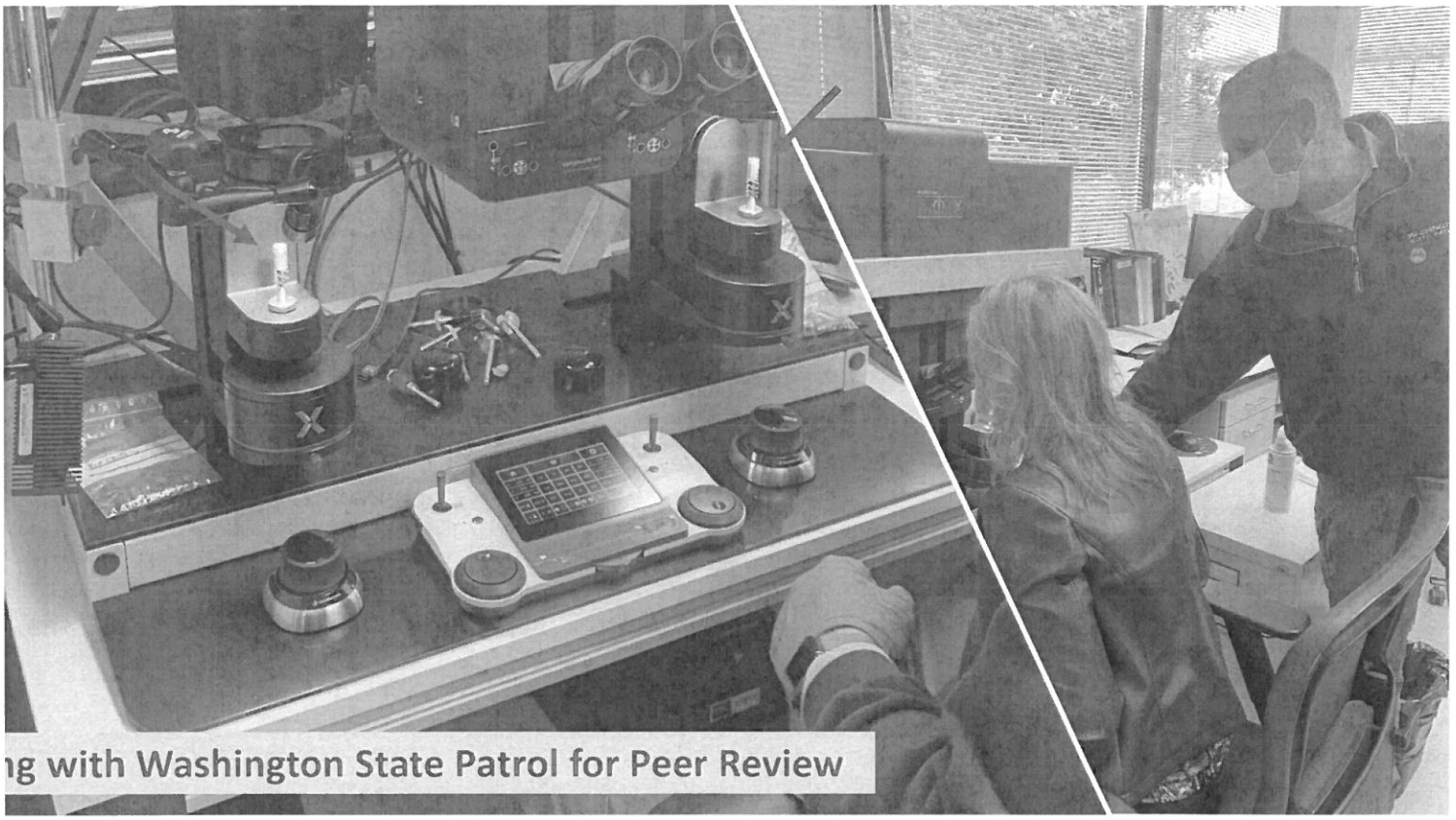
The LCL will:

- Collect data and provide statistics to perform integrated region-wide reporting and tracing of criminal activity
- Offer region-wide forensic experts *in addition to* analytics
- Process DNA, bullet cartridge casings, and access cell phone/computer criminal evidence

Region-wide forensic experts focused on processing data allows for collaboration between federal, state, county, and city agencies for crimes committed in their respective jurisdictions.







Equipment Costs:
National Integrated Ballistic Information Network (NIBIN)

Description	Total Price (USD)
NIBIN Cartridge Cases Acquisition & Triage Package, comprising: - One (1) BRASSTRAX Acquisition Station - One (1) PAG800 Stereo Zoom Microscope - One (1) color printer - One-year SafeGuard Warranty - Shipping and handling charges DDP Customer Premises (Incoterms® 2020), unloaded - Installation and commissioning, and on-site training	$144,853
Sub-Total	**$144,853**
Sales Tax (8.30%)	**$12,022.80**
TOTAL PRICE (US Dollars)	**$156,875.80**

Description	Total Price (USD)
NIBIN Cartridge Cases Acquisition, Analysis & Triage Package, comprising: - One (1) BRASSTRAX Acquisition Station - One (1) MATCHPOINT Analysis Station for Cartridge Cases - One (1) PAG800 Stereo Zoom Microscope - One (1) color printer - One-year SafeGuard Warranty - Shipping and handling charges DDP Customer Premises (Incoterms® 2020), unloaded - Installation and commissioning, and on-site training	$207,494
Sub-Total	**$207,494**
Sales Tax (8.3%)	**$17,222.00**
TOTAL PRICE (US Dollars)	**$224,716.00**

YVCOG
Yakima Valley Conference of Governments

Description	Total Price (USD)
VisionX Comparison Microscope Standard Model, consisting of: - Magnification range 6x – 104x - High resolution digital camera - Ergonomic binocular tube with 10x/22 mm eyepieces - Fully motorized stages and user setup - LED ringlight, spotlight and warm fluorescent-style illumination - Firearm and toolmark examination evidence holders - Computer and monitor - VisionX application software package - Remote Collaboration functionality and connectivity package - Motorized, height adjustable working bench - Installation, on-site training, and **two-year Standard Warranty** - Shipping and handling charges **DDP Customer Premises (Incoterms® 2020), unloaded**	$110,702
Sub-Total (US Dollars)	**$110,702**
Sales Tax (8.3%)	$9,188.27
GRAND TOTAL (US Dollars)	**$119,890.27**

YVCOG
Yakima Valley Conference of Governments

- YVCOG offers administrative services to our members.
- Staff cost of living adjustment each year is an AVERAGE of what our members give to their staff.
- YVCOG does not have a 'general fund' in the sense that our members do. Funds at YVCOG are specific to programs and services offered to members.

ThermoFisher SCIENTIFIC

FY 2023 COMMUNITY PROJECT FUNDING COST ANALYSIS

RapidHIT ID INSTRUMENT AND SOFTWARE*

Customer: Yakima County Sheriffs Office 4/6/22

Item	Part Number	Description	Quantity	List Price	Total List Price
1	A41810	Applied Biosystems™ RapidHIT™ ID System*	1	$162,600.00	$162,600.00
2	A41813	Applied Biosystems™ RapidLINK™ Software v1.3.2 License*	1	$10,610.00	$10,610.00
3	A48503	RapidLINK™ Laptop System*	1	$2,610.00	$2,610.00
4	A41816	RapidLINK™ SED Staff Elimination Database	2	$5,180.00	$10,360.00
5	A41817	RapidLINK™ Kinship App	2	$5,180.00	$10,360.00
6	A41818	RapidLINK™ Match App	2	$5,180.00	$10,360.00
7	A41819	RapidLINK™ Familial App	2	$5,180.00	$10,360.00
8	ZG11SCRHID	Applied Biosystems™ Assurance for RHID	1	$15,300.00	$15,300.00
9	ZGLPSCRHID	Applied Biosystems™ 24/7/365 Rapid Priority Support	2	$3,000.00	$6,000.00
10	A53084	Applied Biosystems™ RapidHIT™ ID Primary Cartridge GlobalFiler™ Express 150 Kit	5	$8,700.00	$43,500.00
11	A41831	Applied Biosystems™ RapidHIT™ ID ACE GlobalFiler™ Express 50 Sample Kit	5	$6,240.00	$31,200.00
12	A43942	Applied Biosystems™ RapidINTEL™ Cartridge Kit, 50 Sample Kit	10	$6,420.00	$64,200.00
				Subtotal	**$377,460.00**
Opt.		BodeHITS (Quoted Separately)	2	$39,500	$79,000.00
				Project Total	**$456,460.00**

Crime Mapping

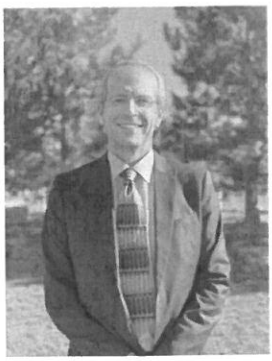
Material	Qty	Unit Price	Total
160463	1	$20,000.00	$20,000.00
ArcGIS Enterprise Standard Up to Four Cores Perpetual License			
155744	1	$1,640.00	$1,640.00
ArcGIS Analysis Workflows for Public Safety at Esri Site 2 Days per Seat Instructor Led Training			
153636	1	$16,000.00	$16,000.00

The ArcGIS Enterprise Jumpstart – Basic Service Package provides up to 3 days of on-site and/or remote installation and configuration support for a single base deployment ArcGIS Enterprise implementation on up to 4 customer-provided physical, virtual, or cloud servers by 1 Esri consultant. The Esri Consultant will work with the Customer to develop an implementation and configuration plan prior to the implementation. After the installation and configuration are complete, remaining time will be allocated to knowledge transfer of standard ArcGIS Enterprise technology topics such as: ArcGIS Enterprise administration, creating and connecting to enterprise geodatabases, creating and working with services, backing up ArcGIS Enterprise, configuring and using your ArcGIS organization. Topics outside the scope of the ArcGIS Enterprise Jumpstart include but are not limited to: migration of databases and applications, geodatabase administration, integration, installation/configuration with any third-party systems, system architecture design, network administration, security review, high availability, performance tuning, and application development. On-site support will be provided at a mutually agreed upon Customer location during one trip within the United States on consecutive business days during a single work week. Scheduling will be based on resource availability. Customers will need to prepare in advance for Esri's visit. The Esri Professional Service Packages terms and conditions shall apply. If not attached, or already incorporated into an existing and current Esri master contract, these terms and conditions and preparation requirements can be viewed on the web at https://www.esri.com/en-us/legal/terms/services/. All travel specified in this quote is subject to Esri's business continuity measures regarding COVID-19, including the most current Federal, State, and Local Government restrictions and Centers for Disease Control and Prevention (CDC) travel advisory recommendations. All proposed project schedules are tentative and will be adjusted based on the most current COVID-19 information available, and mutual agreement of the parties.

How might these services help:

Missing and Murdered Indigenous Women & People

- ✓ Rapid DNA
- ✓ NIBIN
- ✓ Regional collaboration & data
- ✓ Tribal partnership



Commissioner Linde moved to approve 2.8M funding to YVCOG to stand up the first 3-years of the Regional Crime Intelligence Center.

Commissioner Anderson 2nd's

Motion Passes 2-1 !

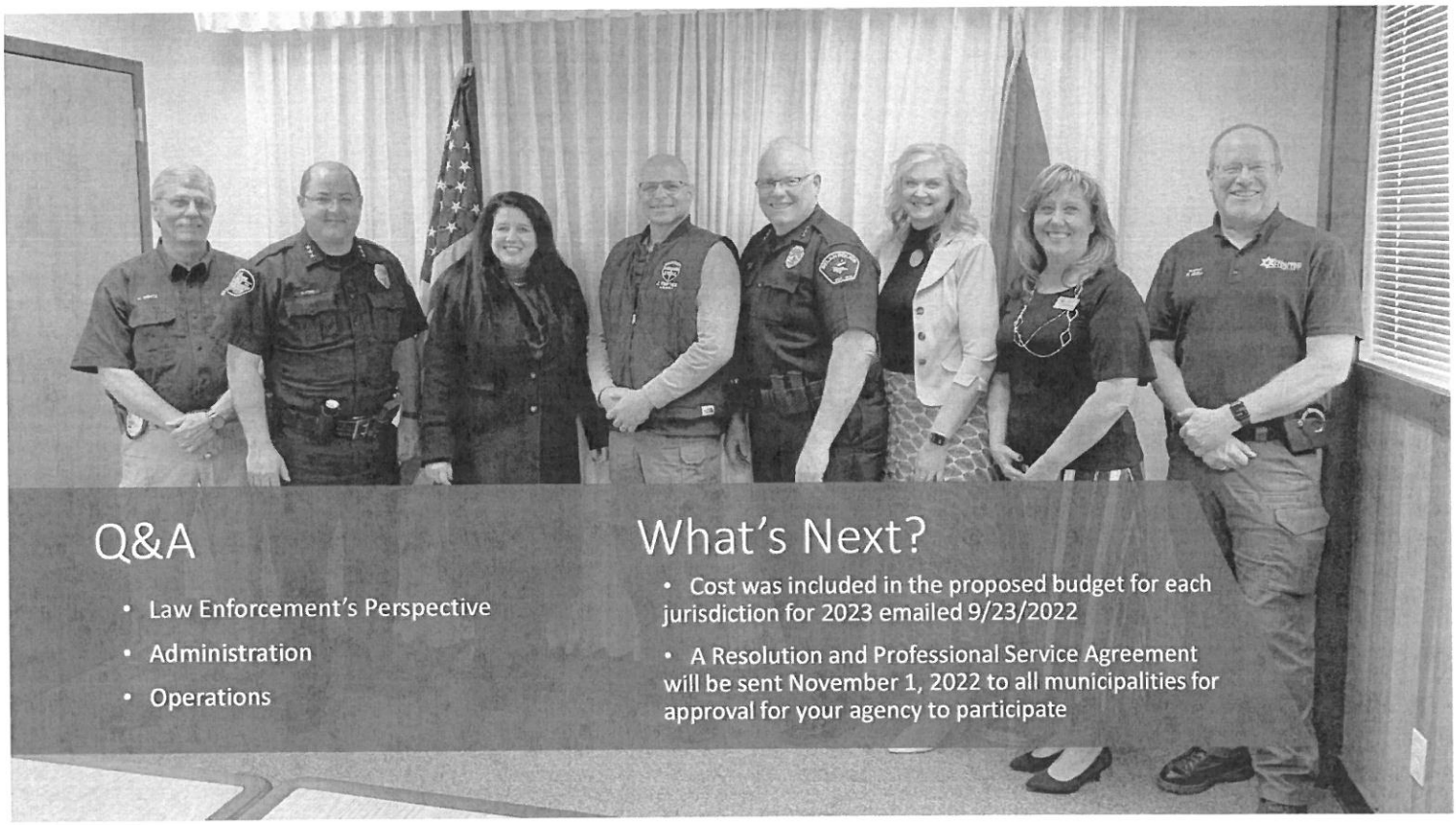
Local Control at a fraction of the cost.

Offering Services to members at the lowest cost possible is my goal

~ Chris Wickenhagen, Executive Director

Members	% Population	OFM Population	2023	2024	2025
GRANDVIEW	4.25%	10,960	$ 10,208	$ 16,183	$ 16,183
GRANGER	1.43%	3,690	$ 3,437	$ 5,448	$ 5,448
HARRAH	0.22%	580	$ 540	$ 856	$ 856
MABTON	0.77%	1,975	$ 1,839	$ 2,916	$ 2,916
MOXEE	1.71%	4,405	$ 4,103	$ 6,504	$ 6,504
NACHES	0.43%	1,110	$ 1,034	$ 1,639	$ 1,639
SELAH	3.19%	8,235	$ 7,670	$ 12,159	$ 12,159
SUNNYSIDE	6.35%	16,400	$ 15,275	$ 24,215	$ 24,215
TIETON	0.55%	1,430	$ 1,332	$ 2,111	$ 2,111
TOPPENISH	3.44%	8,870	$ 8,261	$ 13,097	$ 13,097
UNION GAP	2.56%	6,595	$ 6,142	$ 9,738	$ 9,738
WAPATO	1.79%	4,610	$ 4,294	$ 6,807	$ 6,807
YAKIMA	37.90%	97,810	$ 91,099	$ 144,418	$ 144,418
YAKIMA CO.	34.19%	88,240	$ 82,185	$ 130,288	$ 130,288
ZILLAH	1.24%	3,190	$ 2,971	$ 4,710	$ 4,710
TOTALS			$ 240,390	$ 381,090	$ 381,090

"Right now, we have no control over whether our case evidence will be accepted for forensic study at the state, or how long it will take to process," said Sheriff Bob Udell. "The state labs are buried with cases, so they set priorities—some cases will wait in line for months or even over a year, and some might be rejected and not processed at all."



Q&A

- Law Enforcement's Perspective
- Administration
- Operations

What's Next?

- Cost was included in the proposed budget for each jurisdiction for 2023 emailed 9/23/2022
- A Resolution and Professional Service Agreement will be sent November 1, 2022 to all municipalities for approval for your agency to participate

COUNCIL ROLL CALL LIST

Meeting Date: OCTOBER 11, 2022

YES	**ATTENDANCE**	NO
✓	Kevin Wickenhagen	
✓	Jared Iverson	
✓	Elizabeth Marquis	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
✓	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jared Iverson	
	Elizabeth Marquis	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

YES	AIS: 0-1	NO
✓	Kevin Wickenhagen	
✓	Jared Iverson	
✓	Elizabeth Marquis	
✓	Clifford Peterson	
✓	Roger Bell	
✓	Michael Costello	
✓	Russell Carlson	

UNAN.

YES	AIS:	NO
	Kevin Wickenhagen	
	Jared Iverson	
	Elizabeth Marquis	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

YES	AIS:	NO
	Kevin Wickenhagen	
	Jared Iverson	
	Elizabeth Marquis	
	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

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	Elizabeth Marquis	
	Clifford Peterson	
	Roger Bell	
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	Russell Carlson	

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	Jared Iverson	
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	Clifford Peterson	
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	Clifford Peterson	
	Roger Bell	
	Michael Costello	
	Russell Carlson	

CITY OF SELAH
COUNCIL MEETING SIGN-IN SHEET
DATE: OCTOBER 11-2022

Name	Address
Norma J Smith	906 A Speyers Rd - Selah
Chris Wickenhag	
Tony Conway	
[illegible]	918 Crestview Dr. Selah