

TUMWATER PUBLIC HEALTH AND SAFETY COMMITTEE
MINUTES OF VIRTUAL MEETING
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CONVENE: 8:00 a.m.

PRESENT: Chair Leatta Dahlhoff and Councilmembers Peter Agabi and Angela Jefferson.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Police Commander Jay Mason, Police Lieutenant Jennifer Kolb, and Police Administrative Manager Laura Wohl.

Others: Frankie Peters, Administrator, Thurston County District Court; Carole Meyer, Interim Superintendent, Tumwater School District; Casey Taylor, President of the Tumwater School Board; Shawn Batstone, Assistant Superintendent, Tumwater School District; and Sarah Hock, Executive Director, Joint Animal Services.

CHANGES TO AGENDA: There were no changes to the agenda.

INTERLOCAL AGREEMENT ESTABLISHING DISTRICT COURT FILING AND JURY TRIAL FEES FOR TUMWATER: City Administrator Doan reported in 2013, the City discontinued providing municipal court services and contracted with Thurston County District Court to provide court services, case proceedings, and court operations. Separate contracts provide for prosecution and public defense services. The current contract is expiring and a new contract is proposed incorporating updated fees to reflect an updated County cost of services study. The proposed contract extends services to the end of 2026, which enables the City to provide sufficient notice should the City decide to terminate the partnership with the County and pursue another option. Staff believes the budget has the capacity to cover the increase in costs dependent upon the level of police and court activities. The two-year contract aligns the City with the judicial cycle.

Staff requests the committee recommend the City Council approve the contract.

Frankie Peters, Administrator, Thurston County District Court, reported Thurston County completed a rate study. The study is typically completed every six years; however, the county plans to complete the study every four years concurrent with judicial changes. With increased costs for services and inflation, it is important to ensure costs are in alignment. The proposal includes a 5% increase for inflation. He invited questions.

City Administrator Doan added that the City and the City of Lacey are the only jurisdictions contracting with Thurston County for court services. The only difference is that the City of Lacey does not contract for prosecution services.

Councilmember Agabi inquired as to how current inflation was factored in

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establishing the costs and the inflation factor that is used for years beyond 2023. Mr. Peters replied that the first contract year is based on the initial proposed costs with each year costs factored on a review of the Seattle Consumer Price Index (CPI) over the previous year. The proposed contract includes a provision that rate increases would not exceed 5% regardless of the rate of inflation.

City Administrator Doan identified the increases in specific services compared to the previous contract. The inflation rate would apply equally to all services; however, new contract rates are reflective of the service study.

Mr. Peters added the contract does not increase the fees to community members. The services provided by the court include opportunities to help community members comply while not imposing financial barriers. A recent pilot program initiated by the county addresses conditions of release financial barriers. For example, ankle monitoring devices or requirements for random urinalysis tests often create financial barriers. The county's pilot program pays for those services for those who do not have the ability to pay. The program has experienced success with the county experiencing an increase in compliance because the financial barrier has been lifted enabling individuals to concentrate on overcoming their obstacles while able to continue working and providing for their family.

MOTION:

Councilmember Jefferson moved, seconded by Councilmember Agabi, to recommend the City Council approve the Interlocal Agreement establishing District Court filing and jury trial fees for the City of Tumwater. A voice vote approved the motion.

**INTERAGENCY
REIMBURSEMENT
AGREEMENT
IAA23787 BETWEEN
WASHINGTON
STATE
ADMINISTRATIVE
OFFICE OF THE
COURT AND THE
CITY OF
TUMWATER:**

City Administrator Doan reported *State v. Blake* was a 2021 Washington State Supreme Court decision ruling the state's felony drug possession law as unconstitutional. Individuals convicted of simple possession of a controlled substance under RCW 69.50.4013 (and its predecessor statutes) could be eligible to have their conviction vacated and a refund of any legal financial obligations (LFOs) paid on those cases. The Legislature has provided limited reimbursement opportunities to cities both for the LFOs and for any extraordinary costs associated with identification and resentencing. The proposed agreement would provide for that reimbursement from the state. The agreement would provide up to \$28,795 in reimbursement for extraordinary judicial, prosecutorial, or defense related costs and up to \$24,868 for reimbursement of paid legal and financial obligations.

MOTION:

Councilmember Jefferson moved, seconded by Councilmember Agabi, to recommend the City Council approve the Interagency Reimbursement Agreement IAA23787 Between Washington State Administrative Office of the Courts and the City of Tumwater related

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to implementation of the State v. Blake decision at their next Council meeting. A voice vote approved the motion unanimously.

**INTERLOCAL
AGREEMENT
BETWEEN THE
CITY OF
TUMWATER AND
THE TUMWATER
SCHOOL DISTRICT
FOR THE SCHOOL
RESOURCE
OFFICER
PROGRAM:**

Police Commander Mason reported the committee deferred a recommendation on the proposed interlocal agreement with the Tumwater School District to consider additional changes to the agreement. Following meetings with staff from the Tumwater School District, additional language was included in the agreement. The request is to review the interlocal agreement for consideration of a recommendation of approval to the City Council.

Chair Dahlhoff reported that following the committee's last meeting, she received some questions and well as concerns about the committee's process for consideration of the interlocal agreement. She explained how Council committees serve as working committees to consider and discuss proposals to ensure any agreements or proposals are alignment with City policies. The committee's goal is to strengthen the trust between the City of Tumwater and the Tumwater School District and the School Board. The opportunity to engage in discussions is appreciated. She emphasized the committee's process of considering actions and moving forward.

Councilmember Agabi shared that he received several emails regarding the last meeting referring to adherence to the meeting agenda. His questions at the last meeting pertained to provisions within an interlocal agreement between two parties. He was able to review the proposed changes in a redlined document provided to members and has no issues.

Councilmember Jefferson explained that she voted against forwarding a recommendation for approving the interlocal agreement because of the current litigious society and a current court ruling allowing a former school resource officer to be sued for excessive force resulting in the officer's job loss. Her concerns surrounded questions on whether school staff and the SRO know when it is appropriate to contact the SRO when discipline is involved. She also reviewed the revised interlocal agreement and supports moving it forward to the City Council.

Carole Meyer, Interim Superintendent, Tumwater School District, acknowledged the attendance of Casey Taylor, President of the Tumwater School Board.

Mr. Taylor indicated that there was a severe lack of communication and no effort by the City Council to ask questions prior to the October meeting. The interlocal agreement was reviewed by legal counsel of both the City and the Tumwater School District. The community overwhelmingly supports the SRO program.

Shawn Batstone, Assistant Superintendent, Tumwater School District,

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expressed appreciation for the mutual work and collaboration to develop the agreement. The SRO program has a positive impact on the community. He appreciates the support and the clarity from the committee for understanding what the interlocal agreement entails because it is important to ensure schools are in a safe place within the district.

Councilmember Agabi commented that his concerns surrounded changes to a document without the benefit of comparison to the former agreement.

Chair Dahlhoff commented on the Council's committee processes and the normalcy of reviewing several versions of an interlocal agreement, seeking input, and asking questions prior to taking action. She appreciates the comments surrounding the concerns because many in the community are not aware of the work completed by Council committees.

MOTION:

Councilmember Jefferson moved, seconded by Councilmember Agabi, to forward the Interlocal Agreement between the City of Tumwater and the Tumwater School District for the School Resource Officer program (2023-2025) to the City Council for approval. A voice vote approved the motion unanimously.

Discussion ensued on a prior commitment by school representatives to share SRO data on disciplinary actions with the committee. Chair Dahlhoff noted the committee's focus is limited to the SRO program and engagement with youths as discipline issues are the responsibility of the school district. Mr. Batstone said he would meet with Police Commander Mason and Police Lieutenant Kolb to coordinate a presentation on September SRO program data at a future committee meeting.

ORDINANCE NO.
O2022-024, TMC 6.04
DOGS, CATS AND
OTHER PETS:

Police Commander Mason reported the City of Tumwater is party to an interlocal agreement with the cities of Lacey and Olympia, as well as Thurston County, for animal services operations. The entity providing the service, Joint Animal Services or JASCOM, is operated by a Board of Commissioners of elected officials from each entity. Councilmember Agabi serves as Tumwater's representative. The Joint Animal Services Director and JASCOM have recommended an update to definitions and language in TMC 6.04 to support a new, lifesaving cat program. The proposed ordinance reflects the requested changes.

Sarah Hock, Executive Director, Joint Animal Services, advised that it is likely the committee will receive more requests in the future as JASCOM reviews and proposes updates to municipal codes in all jurisdictions.

The proposal pertains to a new community cat program. Free-roaming stray feral and at-large cats live in and typically are cared for by the community. Two approaches for managing the population of community cats was a former catch and kill method relying on an ineffective and

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expensive model where animal control officers capture cats in response to nuisance complaints and attempt to place cats in homes (small number) and euthanize remaining cats at a local shelter. The catch and kill method is not effective in controlling cat population as cats reproduce faster than the ability to capture them. More municipalities across the country have adopted alternative options. The second approach is tracking, neutering, vaccinating, and returning cats to the same community, which has proven effective in managing community cat populations. It is a non-lethal and decentralized technique using community members to assist animal control officers manage cat populations. Cats are humanly captured, spayed or neutered, vaccinated, ear-tipped, and released back to the community. Another option is shelter, neuter/spay, vaccinate, and return. The difference in the program is that the cats are from the shelter and have been assessed and deemed not candidates for placement. Community cat programs result in the decrease of nuisance complaints and foster better relationships between local governments and residents. The model is based on community members collaborating with government agencies to achieve a shared goal.

The request is to add two definitions to Tumwater Municipal Code 06.04.030 defining a community cat, which is any free-roaming cat, cared for by one or more residents in the area known or unknown. Community cats with ears tipped were sterilized and vaccinated against rabies at least one time. Community cats are not considered pet animals. A community cat giver is a person who provides care to a community cat in the form of food, water, shelter, and veterinary care while not being considered the owner, custodian, harbinger, possessor, or keeper of a community cat. Another language change pertains to licensing and registration requirements changing the language from “dog” or “cat” to “pet animal.”

Councilmember Agabi reported on an email from a community member expressing concerns about the proposed program as an increase in the community cat population results in more birds killed by cats. Ms. Hock explained that the program does not reintroduce additional cats to any specific area. The cats are typical feral cats already existing in the community reproducing and creating a nuisance. The program places spayed and neutered cats in the same environment eliminating the possibility of the cats continuing to reproduce and increasing the cat population. Over time, the program has been scientifically proven to reduce the number of cats in a community. JASCOM recommends all pet cats be kept indoors, licensed, micro chipped, and vaccinated.

Councilmember Jefferson inquired about the process of capturing the cats. Ms. Hock explained that the program involves different methods of capture. JASCOM data from complaints in the field identify specific areas that are targeted first through community efforts and education about the program. In many instances, some neighborhoods have attempted to

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control the cat population and have run out of options. The program is a combined effort between citizens and JASCOM targeting specific cats dependent on the number of complaints in different areas.

Chair Dahlhoff encouraged Ms. Hock and JASCOM to connect with Whitney Bowerman with OLY CAMP KITTIES, a local non-profit organization transporting kittens to and from spay and neuter clinics and covering all costs. Ms. Hock conveyed support for a potential collaboration as JASCOM has new services planned for next year to include a full operational medical suite to perform spay/neuters, as well as working with other partner rescues in the area.

MOTION: Councilmember Agabi moved, seconded by Councilmember Jefferson, to forward Ordinance No. O2022-024 forward to the City Council for approval. A voice vote approved the motion unanimously.

ADJOURNMENT: With there being no further business, Chair Dahlhoff adjourned the meeting at 8:59 a.m.

Prepared by Valerie L. Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net