



## Legislation Passed May 4, 2010

The Tacoma City Council, at its regular City Council meeting of May 4, 2010, adopted the following resolutions and/or ordinances. The summary of the contents of said resolutions and/or ordinances are shown below. To view the full text of the document, click on the bookmark at the left of the page.

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### **Resolution No. 37870**

Authorizing the execution of a Hazardous Substances Indemnification Agreement with the Foss Waterway Development Authority, and Hollander Investments, LLC, for property located at 1543 Dock Street.

### **Resolution No. 38013**

Authorizing the execution of a loan agreement with the United States Department of Housing and Urban Development for a \$3,600,000 Community Development Block Grant Section 108 Guarantee loan to assist with the development of the Harold E. LeMay Museum.

### **Resolution No. 38020**

Approving the final plat of "Yakima Villas", a 20-lot single-family townhome subdivision located at 2347 Yakima Avenue. (Yakima Villas, LLC; File No. PLT2008 40000116874)

### **Resolution No. 38021**

Appointing and reappointing individuals to the Sustainable Tacoma Commission and Board of Building Appeals.

### **Purchase Resolution No. 38022**

Awarding contracts to:

1. S&W Utility Contractors, Inc., on its bid of \$744,080.86, plus sales tax, budgeted from the Streets Special Revenue Fund, for alley, sidewalk, and sewer work at various sites associated with Local Improvement District 8644 – Specification No. PW09-0101F;
2. Miles Resources, LLC, d.b.a. Woodworth & Company, on its bid of \$1,521,638.93, including sales tax, plus a ten percent contingency, for a cumulative total of \$1,673,802.82, budgeted from the Wastewater Fund, for sanitary sewer main replacement from South M Street to South J Street between South 48th Street and South 54th Street – Specification No. PW10 0176F; and
3. American Building Maintenance, d.b.a. ABM Janitorial Services, in the amount of \$350,000.00, sales tax not applicable, for a cumulative total of \$4,551,052.32, budgeted from various departmental funds, to increase and extend the contract for janitorial services for City facilities through October 29, 2010 – Specification No. GS03-0919F.

### **Resolution No. 38023**

Authorizing the execution of Amendment No. 258 to the Tacoma Community Redevelopment Authority (TCRA) Agreement, authorizing the TCRA to administer \$471,930 of Neighborhood Stabilization Program funds for eligible housing activities.

**Resolution No. 38024**

Authorizing the submittal of the 2010-2015 Five Year Consolidated Plan, which includes the 2010-2011 Annual Action Plan, to the United States Department of Housing and Urban Development.

**Ordinance No. 27885**

Amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to implement rates of pay and compensation for employees represented by Teamsters Local 117, Public Assembly Facilities Unit, which covers 32 budgeted, full-time positions.

**Ordinance No. 27886**

Amending Title 1 of the Municipal Code, relating to Retirement and Pensions, to remove requirements of separate specific year actuarial studies of active and retired members; adding language allowing future actuarial studies to be combined, and going forward to continue the existing practice of conducting actuarial studies at least as often as required by state law; and changing all instances of the outdated spelling of the word "employes" to "employees."

## **RESOLUTION NO. 37870**

A RESOLUTION relating to Thea Foss Waterway redevelopment; authorizing the execution of a Hazardous Substances Indemnification Agreement with the Foss Waterway Development Authority and Hollander Investments, LLC, for property located at 1543 Dock Street.

WHEREAS Hollander Investments, LLC ("Hollander"), is purchasing property located at 1543 Dock Street ("Property") from Site 4 Foss Waterway, LLC ("Site 4 Foss Waterway"), and

WHEREAS, to facilitate redevelopment of properties on the Thea Foss Waterway ("Waterway") for public and private uses, the City has sought to integrate environmental cleanup and protection into the redevelopment of Waterway properties, and

WHEREAS the City is providing a limited environmental indemnification as a condition of Hollander's acquisition and redevelopment of the Property, and

WHEREAS the City's indemnity applies to claims related to:

- (1) contamination present in soil and groundwater at or before the time the Property was conveyed to Site 4 Foss Waterway on November 16, 2007;
- (2) the City's acts or omissions related to its partial cleanup work on the Property;
- (3) the Metropolitan Park District of Tacoma's historic ownership of the Property; and
- (4) any liability arising from the Commencement Bay/Nearshore Tidelands Superfund site, and

WHEREAS Hollander will provide a limited indemnity to the City for environmental claims arising out of its acts, such as excavation work, release of hazardous substances it causes, or damage to the cap system, and

WHEREAS this topic was presented to the Economic Development Committee on August 25, 2009; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute a Hazardous Substances Indemnification Agreement with the Foss Waterway Development Authority and Hollander Investments, LLC, for property located at 1543 Dock Street, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## **RESOLUTION NO. 38013**

A RESOLUTION relating to the Harold E. LeMay Museum; authorizing the execution of a loan agreement with the U.S. Department of Housing and Urban Development for a \$3.6 million Community Development Block Grant Section 108 Guarantee Loan to assist with the development of the Harold E. LeMay Museum.

WHEREAS, in 2009, the City submitted an application to the U.S. Department of Housing and Urban Development (“HUD”) for authorization to use funds under Section 108 of Title I of the Housing and Community Development Act to finance economic development by assisting in the development of the Harold E. LeMay Museum (“LeMay Museum”), and

WHEREAS HUD reviewed the loan application and determined, in a letter dated June 18, 2009, that the loan, in the amount of \$3.6 million, meets the public benefit, the national objective, and the eligibility requirements of Section 108 loan guarantee programs, and

WHEREAS the City will lend the funds to the LeMay Museum to assist in its development, and

WHEREAS the loan will be secured by a first lien on real estate, the pledging of capital campaign receipts, and automobiles, and

WHEREAS this development will result in the creation of approximately 90 direct jobs, and

WHEREAS, on August 8, 2009, notice of this loan acceptance was published in the Tacoma News Tribune and a final public hearing on the topic was held on September 15, 2009; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute the loan agreement, and other related implementing documentation, with the U.S. Department of Housing and Urban Development for a \$3.6 million Community Development Block Grant Section 108 Guarantee Loan to assist with the development of the Harold E. LeMay Museum, said documents to be substantially in the form on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_

Attest:

Mayor

\_\_\_\_\_

City Clerk

Approved as to form:

\_\_\_\_\_

Deputy City Attorney

Req. #12571

## **RESOLUTION NO. 38020**

A RESOLUTION relating to platting and subdivision; approving the final plat of YAKIMA VILLAS, located at 2347 Yakima Avenue.

WHEREAS the owners of all of the property situate in Pierce County, Washington, described as follows:

**PARCEL A:**

LOTS 10 AND 11, BLOCK 2315, REEDS ADDITION TO NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 58, IN PIERCE COUNTY, WASHINGTON.

**PARCEL B:**

LOTS 12 AND 13, BLOCK 2315, REEDS ADDITION TO NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 58, IN PIERCE COUNTY, WASHINGTON.

**PARCEL C:**

LOT 14 AND THE NORTH 6.5 FEET OF LOT 15, BLOCK 2315, REEDS ADDITION TO NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 58, IN PIERCE COUNTY, WASHINGTON.

**PARCEL D:**

THE SOUTH 18.5 FEET OF LOT 15, BLOCK 2315, REEDS ADDITION TO NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 58, IN PIERCE COUNTY, WASHINGTON.

ALL SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

have joined in a plat of the property to be known and designated as YAKIMA VILLAS, and

WHEREAS the preliminary plat of a townhome subdivision known as YAKIMA VILLAS was tentatively approved by the Hearing Examiner, subject to the conditions contained in the Hearing Examiner's Report and Decision, dated January 22, 2007, and the conditions have now been fully complied with by the owners of the property, and

WHEREAS the plat, evidenced by the official drawing thereof, has been approved by the Director of Public Works, the City Engineer, the Land Use Administrator, and the City Attorney, and the requirements of Chapter 13.04 of the Tacoma Municipal Code have been fully complied with, and

WHEREAS the townhome subdivision known as YAKIMA VILLAS plat is hereby submitted to the City Council for acceptance and approval; Now, Therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:**

Section 1. That the final plat of a townhome subdivision to be known as YAKIMA VILLAS is hereby accepted and approved.

Section 2. That the Mayor and the proper City officers are hereby authorized to indicate upon the original tracing(s) of the plat the acceptance by the City Council of the same as provided in Chapter 13.04 of the Tacoma Municipal Code.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Location: 2347 Yakima Avenue  
Applicant: Yakima Villas, LLC  
File No.: PLT2008-40000116874

Approved as to form:

Legal description approved:

\_\_\_\_\_  
Deputy City Attorney

\_\_\_\_\_  
Chief Surveyor  
Public Works Department

**RESOLUTION NO. 38021**

BY REQUEST OF MAYOR STRICKLAND, DEPUTY MAYOR FEY, AND COUNCIL MEMBERS MANTHOU AND WALKER

A RESOLUTION relating to committees, boards, and commissions; appointing or reappointing individuals to the Sustainable Tacoma Commission and Board of Building Appeals.

WHEREAS there exists in the City of Tacoma a number of committees, boards, and commissions, and

WHEREAS vacancies presently exist on certain committees, boards, and commissions, and

WHEREAS, pursuant to the City Charter and the Rules, Regulations, and Procedures of the City Council, the persons named on Exhibit "A" have been nominated to serve on the committees, boards, and commissions listed; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That those nominees to the committees, boards, and commissions, listed on Exhibit "A" are hereby confirmed and appointed or reappointed as members of such committees, boards, and commissions, for such terms as are set forth on Exhibit "A."

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

## EXHIBIT "A"

### SUSTAINABLE TACOMA COMMISSION

Reappointing **Bill Anderson** for a term to expire May 1, 2013, and appointing **Julia Petersen** and **Steven Garrett** each for a term to expire May 1, 2013.

### BOARD OF BUILDING APPEALS

Reappointing **James Anderson** for a term to expire August 1, 2013; reappointing **Glen Garrett** for a term to expire April 2, 2014; and reappointing **Ron Kroll** for a term to expire May 5, 2015.



## RESOLUTION NO. 38022

1 A RESOLUTION related to the purchase of materials, supplies or equipment,  
2 and the furnishing of services; authorizing the appropriate City officials to  
3 enter into contracts and, where specified, waiving competitive bidding  
4 requirements, authorizing sales of surplus property, or increasing or  
5 extending existing agreements.

6 WHEREAS the City has complied with all applicable laws governing the  
7 acquisition of those supplies, and/or the procurement of those services,  
8 inclusive of public works, set forth in the attached Exhibit "A," which Exhibit is  
9 incorporated herein as though fully set forth, and

10 WHEREAS the Board of Contracts and Awards has reviewed the  
11 proposals and bids received by the City, and the Board has made its  
12 recommendation as set forth in Exhibit "A," and

13 WHEREAS the Board of Contracts and Awards has also made its  
14 recommendations as to entering into purchasing agreements with those  
15 governmental entities identified in Exhibit "A"; Now, Therefore,

16 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

17 That the Council of the City of Tacoma does hereby concur in the  
18 findings and recommendations of the Board of Contracts and Awards set forth  
19 in the attached Exhibit "A," and does hereby approve and authorize the:

20 (X) A. Procurement of those supplies, services, and public works  
21 recommended for acceptance in the attached Exhibit "A";

22 ( ) B. Rejection of those bids and/or proposals that are recommended  
23 for rejection in the attached Exhibit "A";  
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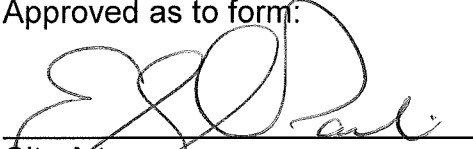
( ) C. Entry into the proposed purchasing agreement with those governmental entities identified in the attached Exhibit "A," which proposed agreement is on file in the office of the City Clerk;

( ) D. Waiver of competitive bidding procedures in those instances, as set forth in Exhibit "A," in which it is impracticable to obtain supplies or public works improvements by competitive bid, or in those instances in which supplies and/or public works are available from a single source.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

Approved as to form:  
  
\_\_\_\_\_  
City Attorney



**City of Tacoma**  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38022

ITEM NO.: 1

MEETING DATE: MAY 4, 2010

**DATE:** April 20, 2010  
**TO:** Board of Contracts and Awards  
**SUBJECT:** LID 8644 (Segments 1-5)  
Budgeted from 1060 Streets Special Revenue  
Request for Bids Specification No. PW09-0101F

**RECOMMENDATION:** Public Works Engineering Division recommends that a contract be awarded to low bidder **S&W Utility Contractors, Inc., Lakewood, WA**, for permanent alley, stormwater, and sanitary sewer improvements. The contract amount reflects a total award of \$744,080.86, plus sales tax.

**EXPLANATION:** LID 8644 shall generally consist of alley excavation, grading, asphalt removal & paving, and the installation of concrete curb and gutters, cement concrete alley returns, sidewalk, stormwater, and sanitary sewer at the following locations.

1. Alley between North 28<sup>th</sup> & 29<sup>th</sup> Streets from Starr Street easterly about 256 feet, more or less
2. Alley between North 8<sup>th</sup> & North 9<sup>th</sup> Streets from Adams – Proctor Streets
3. Alley between 'L' & 'M' Streets from South 17<sup>th</sup> - South 19<sup>th</sup> Streets
4. Alley between Sheridan & Cushman Avenues from South 25<sup>th</sup> – South 28<sup>th</sup> Streets
5. Alley between ML King Jr. Way and 'L' Street from South 25<sup>th</sup> – South 28<sup>th</sup> Streets

**COMPETITIVE BIDDING:** Request for Bids Specification No. PW09-0101F was opened April 6, 2010. Ten companies were invited to bid in addition to normal advertising of the project. Ten submittals were received. The Historically Under-Utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for ranking purposes. S&W Utility Contractors, Inc. submitted a bid that resulted in the lowest evaluated submittal after consideration of HUB participation goals. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u>	<u>Submittal Amount</u> Plus sales tax	<u>Evaluated Submittal</u>
<b>S&amp;W Utility Contractors, Inc.</b>	<b>Lakewood, WA</b>	<b>\$ 744,080.86</b>	<b>\$ 687,876.82</b>
R.L. Alia Company	Renton, WA	\$ 786,946.00	\$ 730,741.96
Wm. Dickson Co.	Tacoma, WA	\$ 800,654.53	\$ 744,450.49
Johansen Excavating, Inc.	Buckley, WA	\$ 831,776.40	\$ 811,776.40
Northwest Cascade, Inc.	Puyallup, WA	\$ 834,741.00	\$ 778,536.96
Rodarte Construction, Inc.	Auburn, WA	\$ 904,951.50	\$ 848,747.46
NOVA Contracting, Inc.	Olympia, WA	\$ 920,045.10	\$ 879,932.75
SCI Infrastructure, LLC	Pacific, WA	\$ 947,633.35	\$ 921,429.33
Titan Earthwork, LLC	Sumner, WA	\$ 1,059,209.80	\$ 1,003,005.76
Westwater Construction Co.	Auburn, WA	\$ 1,109,132.00	\$ 1,063,819.58
	Pre-bid Estimate	\$ 976,607.74	

The recommended award is 24 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds are available in the 1060 Streets Special Revenue. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated April 16, 2010. The HUB goal for this project is 9.0 percent. The HUB participation level of the recommended contractor is 9.2 percent. S&W Utility Contractors, Inc. submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 465 hours.

**PROJECT ENGINEER/COORDINATOR:** Kurtis Kingsolver, Public Works Engineering Division, 253-591-5269.



Richard E. McKinley  
Public Works Director

cc: Jim Wilkerson, Purchasing  
Percy Jones, HUB  
Peter Guzman, LEAP  
Ralph Rodriguez, LID  
Jason Turner, Engineering Division



City of Tacoma  
Public Works Department

EXHIBIT "A"

RESOLUTION NO.: 38022

ITEM NO.: 2

MEETING DATE: MAY 4, 2010

DATE: April 19, 2010

TO: Board of Contracts and Awards

SUBJECT: Sanitary Sewer Replacement Project - South M Street to South J Street from South 48<sup>th</sup> Street to South 54<sup>th</sup> Street  
Budgeted from PW Wastewater Fund 4300  
Request for Bids Specification No. PW10-0176F

**RECOMMENDATION:** Public Works, Environmental Services/Science and Engineering Division recommends that a contract be awarded to low bidder **Miles Resources, LLC dba: Woodworth & Company, Tacoma, WA**, for the replacement of existing sanitary sewer mains. The contract amount reflects a base award of \$1,521,638.93 including sales tax, plus a 10% contingency, for an aggregate amount of \$1,673,802.82, including sales tax.

**EXPLANATION:** This contract will provide services to replace, by open-cut construction, approximately 6,500 linear feet of 8-inch diameter sanitary sewer main lines.

**COMPETITIVE BIDDING:** Request for Bids Specification No. PW10-0176F was opened April 6, 2010. Four companies were invited to bid in addition to normal advertising of the project. Eleven submittals were received. The Historically Under-Utilized Business (HUB) participation level proposed by the bidder(s) are reflected as a credit (maximum applies) against the submitted base bid to arrive at an "evaluated bid" for ranking purposes. Miles Resources, LLC dba: Woodworth & Company submitted a bid that resulted in the lowest evaluated submittal after consideration of HUB participation goals. The table below reflects the amount of the base award.

<u>Respondent</u>	<u>Location</u> <i>(city and state)</i>	<u>Submittal Amount</u> Including sales tax	<u>Evaluated Submittal</u>
<b>Miles Resources, LLC dba: Woodworth &amp; Company</b>	<b>Tacoma, WA</b>	<b>\$ 1,521,638.93</b>	<b>\$ 1,182,795.86</b>
Northwest Cascade, Inc.	Puyallup, WA	\$ 1,701,820.53	\$ 1,314,917.25
WM Dickson Co.	Tacoma, WA	\$ 1,727,005.87	\$ 1,336,618.41
Rodarte Construction, Inc.	Auburn, WA	\$ 1,887,447.18	\$ 1,484,038.35
Hoffman Construction, Inc.	Enumclaw, WA	\$ 1,920,701.70	\$ 1,513,833.26
Johansen Excavating, Inc.	Buckley, WA	\$ 2,075,443.18	\$ 1,715,867.50
SCI Infrastructure, LLC	Pacific, WA	\$ 2,136,821.96	\$ 1,711,564.51
Buno Construction, LLC	Snohomish, WA	\$ 2,210,448.62	\$ 1,778,926.51
Olson Brothers Excavating, Inc	Puyallup, WA	\$ 2,248,206.86	\$ 1,813,472.01
Titan Earthwork, LLC	Sumner, WA	\$ 2,443,057.33	\$ 1,997,289.55
NOVA Contracting, Inc.	Olympia, WA	\$ 2,600,397.42	\$ 2,165,566.57
	Pre-bid Estimate	\$ 2,119,870.90	

The recommended award is 28 percent below the pre-bid estimate.

**CONTRACT HISTORY:** New contract.

**FUNDING:** Funds for this are available in the PW Wastewater Fund 4300. Funding beyond the current biennium is subject to future availability of funds.

**HUB/LEAP COMPLIANCE:** The recommended contractor is in compliance with the Historically Under-utilized Business (HUB) Regulation requirements per memorandum dated April 16, 2010. The HUB goal for this project is 18 percent. The HUB participation level of the recommended contractor is 7.86 percent. Miles Resources, LLC dba: Woodworth & Company submitted the lowest evaluated bid per the HUB Regulation requirements. The Local Employment and Apprenticeship Training Program (LEAP) goal is 1,566 hours.

**PROJECT ENGINEER/COORDINATOR:** Geoffrey M. Smyth, P.E., PW Science & Engineering Division, 253-502-2111.



Richard E. McKinley  
Public Works Director

cc: Jim Wilkerson, Purchasing Analyst  
Percy Jones, HUB  
Peter Guzman, LEAP  
Eric Johnson, P.E., ES/SE  
Kari Prussen, P.E., ES/SE  
Teresa Dressler, ES/SE



City of Tacoma  
Finance Department

EXHIBIT "A"

RESOLUTION NO.: 38022

ITEM NO.: 3

MEETING DATE: MAY 4, 2010

**DATE:** April 19, 2010

**TO:** Board of Contracts and Awards

**SUBJECT:** Janitorial Services for City Facilities  
Contract No.4600001887, Specification No. GS03-0919F

**RECOMMENDATION:** The Finance Department, Purchasing Division, requests Public Utility Board and City Council approval to extend and increase the citywide SAP Contract No.4600001887 to **American Building Maintenance, d.b.a. ABM Janitorial Services, Tacoma, WA**, by \$350,000, sales tax not applicable, for janitorial services while new competitive Request for Proposal processes are coordinated with the facilities using the janitorial services. The extension period will be from May 20, 2010, through October 29, 2010. The increase will bring the contract to a cumulative total of \$4,551,052.32.

**EXPLANATION:** The extension of the contract with ABM Janitorial Services will provide continued janitorial services for various City facilities while a new RFP approach is being taken in light of the recent HUB Regulations and the City's commitment to improving economic development for small local businesses. This approach requires additional time to coordinate with departments to unbundle this large City Wide contract, and will ensure opportunities for small businesses to participate in the upcoming competitive bid process. The contract increase is requested for services at the following locations: Tacoma Fire Training Center, Tacoma Municipal Building/Municipal Building North, Municipal Services Center, Harrison Police Range, Police Operations Center, Police Sector 4 Substation, Police S.I.D., Police Sector 2, Police Substations Central, N. 26<sup>th</sup>, Wapato Point, NE Tacoma, Solid Waste Utility Administration, Hylebos Bridge Project trailer, Fleet Operations, Radio Shop, Tacoma Rail Administration (TPU), and the South Sound Service Center (TPU). The \$350,000 increase represents an estimated allocation of \$50,000 for Tacoma Public Utilities and \$300,000 for General Government use. The estimates are based on the monthly usage invoiced over the prior contract years, plus possible extra services as needed.


**COMPETITIVE BIDDING:** This contract was originally awarded to ABM Janitorial Services, Tacoma, WA, as a result of formal RFP Specification No. GS03-0919F in April 2004. The contractor currently uses one HUB subcontractor for services at the Police Range and the Solid Waste Administration facility. ABM Janitorial Services has agreed to extend the contract at the current contract terms and conditions.

**CONTRACT HISTORY:** This contract was initially approved in April 2004 by City Council Resolution No. 36143 for \$471,634.32 for the period of May 20, 2004, through May 19, 2005. The initial TPU estimated usage was minimal and did not require Utility Board approval. May 13, 2005, the contract was administratively increased by \$50,000. This contract was increased by \$512,616 in June 2005 by City Council Resolution No.36531. On March 28, 2006, this contract was administratively increased by \$50,000. This contract was increased by \$740,000 per Resolution No. 36843, dated May 2, 2006. This contract was increased by \$776,802 per Resolution No.U-10131 dated April 25, 2007, and 37180 dated May 8, 2007. The contract was

renewed using the fourth and final one-year option and increased by \$800,000 per Council Resolution # 37481 dated May 20, 2008, and U-Board Resolution # U-10205 dated May 14, 2008. The contract was extended from May 20, 2009, through September 1, 2009, and increased by \$250,000 per U-Board Resolution No.U-10285 dated April 22, 2009, and Council Resolution No.37783 dated April 28, 2009. This contract was extended from September 1, 2009, through May 19, 2010, and increased by \$550,500 per Board Resolution No.U-10322 dated September 23, 2009, and Council Resolution No.37877 dated September 29, 2009. The increase will bring the contract to a cumulative total of \$4,544,052.32, sales tax not applicable, for the contract period of May 20, 2004, through October 29, 2010.

**FUNDING:** Various- Funds for this are provided by the individual departments using the contract.

**PROJECT ENGINEER/COORDINATOR:** Jayne McCartney, Purchasing Analyst,  
253-502-8249

  
Kathy Katterhagen  
Purchasing and Payables Manager

cc: Percy Jones, HUB  
Justin Davis, Facilities Management

## **RESOLUTION NO. 38023**

A RESOLUTION relating to community and economic development; authorizing the execution of Amendment No. 258 to the Tacoma Community Redevelopment Authority ("TCRA") Agreement, authorizing the TCRA to administer \$471,930 of Neighborhood Stabilization Program funds to be used for eligible housing activities.

WHEREAS the Tacoma Community Redevelopment Authority ("TCRA") is a public corporation organized and existing pursuant to its charter, Chapter 1.60 of the Tacoma Municipal Code, and the laws of the state of Washington, and

WHEREAS, on May 28, 1976, the City and the TCRA executed an agreement (which agreement, together with all amendments thereto, is hereinafter referred to as the "TCRA Agreement") by which the TCRA has undertaken various housing and business improvement programs utilizing federal funds in support of such programs, and

WHEREAS, on August 18, 2009, the City Council adopted Resolution No. 37853, authorizing TCRA to administer \$3,083,548 of Neighborhood Stabilization Program ("NSP") funds to reduce the negative impact of foreclosures on Tacoma neighborhoods by providing financing assistance and down payment assistance to very low- and moderate-income households to purchase a home of their own and/or acquisition, rehabilitation, and resale assistance by TCRA to assist eligible homebuyers to purchase a foreclosed, vacant home, and

WHEREAS the Washington State Department of Commerce has awarded the City additional NSP funds, in the amount of \$471,930, for a total of \$3,555,478, to supplement its current NSP activities; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to execute Amendment No. 258 to the Tacoma Community Redevelopment Authority Agreement ("TCRA"), authorizing the TCRA to administer \$471,930 of Neighborhood Stabilization Program funds to be used for eligible housing activities, said document to be substantially in the form of the proposed Amendment No. 258 on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## **RESOLUTION NO. 38024**

A RESOLUTION relating to the City's 2009-2010 Annual Action Plan; authorizing the submittal of the 2010-2015 Five Year Consolidated Plan that includes the 2010-2011 Annual Action Plan to the U.S. Department of Housing and Urban Development by the deadline of May 14, 2010.

WHEREAS the Consolidated Plan is a five-year Housing and Community Development Strategic Plan, comprised of three sections that include (1) community needs, (2) a five-year strategy, and (3) an Annual Action Plan, and combines the submission of applications for the Community Development Block Grant ("CDBG"), and

WHEREAS, because the City of Lakewood ("Lakewood") does not meet the U.S. Department of Housing and Urban Development ("HUD") formula requirements for it to apply for HOME Investment Partnership ("HOME") funds independently, the City and Lakewood have formed a consortium for the HOME Program, and

WHEREAS the City is entitled to apply to HUD for the following grants: (1) CDBG, \$3,172,935; (2) HOME, \$2,033,029, of which \$1,581,696 is the City's share and \$451,333 is Lakewood's share; and (3) Emergency Shelter Grant, \$127,800; and

WHEREAS, during February and March 2010, the Tacoma Community Redevelopment Authority and the Human Services Commission reviewed applications for funding, heard presentations by agencies applying for funding, and considered the historic performance of those agencies and the needs of the community, and

WHEREAS, from this, they prepared funding recommendations, which were presented at the City Council Study Session on March 23, 2010, and

WHEREAS a public hearing on the recommendations was held on April 20, 2010, and

WHEREAS the City Council is now requested to make its final funding decisions for submittal to HUD; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the proper officers of the City are hereby authorized to submit, by May 14, 2010, the 2010-2015 Five Year Consolidated Plan that includes the 2010-2011 Annual Action Plan to the U.S. Department of Housing and Urban Development for funding for various agencies, said document to be substantially in the form of the proposed 2010-2015 Five Year Consolidated Plan on file in the office of the City Clerk.

Adopted \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## ORDINANCE NO. 27885

AN ORDINANCE relating to the Compensation Plan; amending Sections 1.12.355 and 1.12.640 of the Tacoma Municipal Code; and declaring the effective dates thereof to implement rates of pay and compensation for employees represented by the Teamsters Local Union No. 117, PAF Unit.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2008, to read as follows:

Code	A	Title	1	2	3	4	5	6	7
6225		PAF Custodian	13.64	14.33	15.04	15.79	16.59		
5051		PAF Electrician	25.38	26.70	28.14				
5050		PAF HVAC Mechanic	24.16	25.45	26.80				
5048		PAF Maintenance Chief	28.09	29.37	30.77				
6015		PAF Maintenance Worker	19.83	20.78	21.79	22.74	24.68	25.91	26.80

Code	A	Title	1	2	3	4	5	6	7
6225		PAF Custodian	<u>15.18</u>	<u>15.93</u>	<u>16.73</u>	<u>17.57</u>	<u>18.45</u>		
5051		PAF Electrician	<u>25.32</u>	<u>26.58</u>	<u>27.91</u>	<u>29.31</u>	<u>30.77</u>		
5050		PAF HVAC Mechanic	<u>24.79</u>	<u>26.03</u>	<u>27.33</u>	<u>28.70</u>	<u>30.13</u>		
5048		PAF Maintenance Chief	<u>28.51</u>	<u>29.93</u>	<u>31.43</u>	<u>33.00</u>	<u>34.65</u>		
6015		PAF Maintenance Worker <u>II</u>	19.83	20.78	21.79	22.74	24.68	25.91	26.80

Section 2. That Section 1.12.355 of the Tacoma Municipal Code is hereby amended, with retroactive application to January 1, 2010, to read as follows:

Code	A	Title	1	2	3	4	5	6	7
<u>6014</u>		<u>PAF Maintenance Worker I</u>	<u>15.94</u>	<u>16.73</u>	<u>17.57</u>	<u>18.45</u>	<u>19.37</u>		

Section 3. That Section 1.12.640 of the Tacoma Municipal Code is hereby amended, retroactive to January 1, 2008, to read as follows:

\* \* \*

\* \* \*

6015 A PAF Maintenance Worker II (CSC 6015) assigned as a lead worker shall be compensated at non-automatic step 6 rate of pay. A PAF Maintenance Worker II designated as specialist welder, rigger, or carpenter

**Deleted:** 5048 A PAF Maintenance Chief (CSC 5048) holding a Class II Operator's license and assigned as supervisor of the HVAC section at the Tacoma Dome shall be compensated an additional five percent per hour. Effective January 1, 2005, this application of rate is scheduled to sunset following the separation of the current incumbent in that position.¶

will be compensated at non-automatic step 6 rate of pay. A PAF Maintenance Worker II designated as Grounds Coordinator will be compensated at non-automatic step 7 rate of pay.

**Deleted:** A PAF Maintenance Worker II specialist rigger, welder, or carpenter, also assigned as lead, shall be compensated an additional 5 percent per hour.

6225 A PAF Custodian, when assigned as a Lead Worker, shall be compensated an additional 5 percent per hour. This additional rate will sunset upon the placement of the current incumbents into the (CSC 6014) PAF Maintenance Worker I classification.

**Deleted:** A PAF Maintenance Worker II (CSC 6015) assigned by management to perform backflow testing, will be eligible for a reimbursement of up to \$100 once every three years for the cost of the Backflow Assembly Tester certification, up to \$100 once every three years for the cost of the pretest education, and an annual reimbursement of the cost of the annual license fee.

\* \* \*

Section 3. That Section 1 of this ordinance shall become effective retroactive to January 1, 2008. That Section 2 of this ordinance shall become effective retroactive to January 1, 2010. That Section 3 of this ordinance shall become effective retroactive to January 1, 2008.

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Deputy City Attorney

## **ORDINANCE NO. 27886**

AN ORDINANCE relating to retirement and pensions; amending Title 1 of the Tacoma Municipal Code by amending Section 1.30.410 thereof to remove requirements of separate specific year actuarial studies of active and retired members, adding language allowing future actuarial studies to be combined, and going forward to continue the existing practice of conducting actuarial studies at least as often as required by state law; and amending Chapters 1.06, 1.30, and 1.34 TMC to change all instances of the outdated spelling of the word "Employes" to "Employees."

WHEREAS the Board of Administration of the City of Tacoma Employees' Retirement System ("Board") has determined that it is reasonable and appropriate to amend provisions of the Retirement Code to combine the actuarial studies of active members and retired members and to remove the specific year requirements for conducting actuarial studies, but to continue the existing practice of conducting actuarial studies at least as often as required by state law, and

WHEREAS the Board also recommends amending the Retirement Code to change all instances of the word "Employes" to "Employees"; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.30.410 of the Tacoma Municipal Code is hereby amended, as set forth in the attached Exhibit "A."

Section 2. That Chapters 1.06, 1.30, and 1.34 of the Tacoma Municipal Code are hereby amended, as set forth in the attached Exhibit "B."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney

## EXHIBIT "A"

### 1.30.410 Duty to keep actuarial valuation of Fund.

The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the Retirement Fund created by this chapter and shall annually fix the amount of interest to be credited in the current year at a rate which shall be based upon the net annual earning of the Fund for the current year. At least as often as is required by state law, the Board shall cause to be made an actuarial valuation of the assets and liabilities of the Retirement Fund, and shall further cause to be made an actuarial investigation (experience study) into the mortality, service, and compensation experience of the members and beneficiaries. Upon the basis of such investigation and valuation, and subject to the approval of the City Council, the Board shall:

- A. Make any necessary changes in the rate of interest subject to subsequent annual changes as hereinbefore provided;
- B. Adopt for the Retirement System such mortality, service and other tables as shall be necessary;
- C. Revise or change the rate of contributions by the City and by the member employee on the basis of the actuarial investigation and valuation.

**Deleted:** T

**Deleted:** every other year

**Deleted:** as defined by this chapter in the off years, once every four years for retired members, and once every four years for active members

**Deleted:** and u

## EXHIBIT "B"

### **1.06.080 Boards and commissions.**

There are hereby continued or created and established the following boards and commissions: Public Library Board, City Planning Commission, Civil Service Board, Police Relief and Pension Fund Board, Firemen's Pension Fund Board, Board of Administration of Employees' Retirement System, and Board of Contracts and Awards. Each board or commission shall be so organized and have such powers and duties as are required by State law, Charter and ordinances.

\* \* \*

### **1.30.030 Retirement System defined.**

"Retirement System" means "Tacoma Employees' Retirement System," provided for in Section 1.30.280 of this chapter.

\* \* \*

### **1.30.290 Membership in Retirement System.**

\* \* \*

D. Pursuant to Chapter 52, Laws of 1945, every employee or officer, elective or appointive, with at least five years of continuous service and acting in capacities in which they would not otherwise be entitled to participate in the system, and who elect in writing addressed to the Board of Administration, shall become members as of the date of such election; provided, that a Council member elected in 1997, or thereafter shall become a member in the Tacoma Employees' Retirement System unless, within 30 days of assuming office, he or she shall submit to the Board, in writing, an irrevocable election to not become a member.

\* \* \*

### **1.30.296 City employees – Joint City-County Law Enforcement Support Agency.**

Any regular employee of the City who is a member of the Tacoma Employees' Retirement System who hereafter, under proper grant of leave of absence by the City, will serve as an employee of the Joint City-County Law Enforcement Support Agency, be to all intents and purposes considered as and retained as a member of the City Retirement System, with all rights reserved and accruing to the employee the same as if such employee had been or was regularly employed by the City; provided, that there be paid into the Retirement Fund at the end of each pay period by or for and on behalf of the employee the total amount that would have been paid into such fund by both the employee and the City had such employee been regularly employed by the City, and provided further, that all moneys paid into said fund as and for the City's contribution shall be permanently deposited in the said fund and remain, notwithstanding the fact that such employee may leave the City Service or the service of the Joint Law Enforcement Support Agency and withdraw his or her own contributions.

\* \* \*

### **1.30.300 Exclusion from membership.**

The following employees shall not become members of the Retirement System:

\* \* \*

C. Any employee now or hereafter working for the Belt Line Division, who has been or who may hereafter be found to be entitled to the benefits of the Federal Railroad Retirement Act; provided, that the

membership of any such employee in the Tacoma Employees' Retirement System shall be terminated upon the effective date of the ordinance codified in this section or upon the finding that such employee is entitled to the benefits of the Federal Railroad Retirement Act, whichever date is earlier.

\* \* \*

M. Any employee of a Member Public Agency that is a member of the Public Employees' Retirement System or any employee excluded pursuant to contracts existing as of the effective date of the ordinance codified in this section.

\* \* \*

**1.30.330 Withdrawal of contributions.**

The accumulated contributions made or accruing subsequent to January 1, 1952, of any member who shall be permanently separated from City Service and who shall not be retired or who has not elected a deferred retirement under any of the provisions of this chapter or who has not retained his or her service credits on account of transfer to another retirement system in accordance with the provisions hereof, shall be subject to withdrawal by such member at any time within five years from the date of such separation and, upon the neglect or failure of any such member to withdraw said contributions within said period, the same shall become the absolute property of the Tacoma Employees' Retirement System and be included in the funds held by the System to meet the service credit obligations of the City; provided, that nothing herein contained shall be construed to authorize the forfeiture of the accumulated contributions made by or accrued to any member prior to January 1, 1952. Upon a member's retirement or permanent separation from City Service, such member may withdraw his or her contributions made on his or her overtime earnings, together with regular interest thereon.

\* \* \*

**1.30.460 Creation of Fund.**

A fund is hereby created and established to be known as the "Employees' Retirement Fund" and shall consist of all the moneys paid into it in accordance with the provisions of this chapter whether such moneys shall take the form of cash, securities or other assets.

\* \* \*

**1.30.470 Creation of Board of Administration.**

A. Composition and Powers. There is hereby created and established a Board of Administration which shall, under the provisions of this chapter and the direction of the City Council, administer the Retirement System and Retirement Fund created by this chapter. Under and pursuant to the direction of the City Council, the Board shall provide for the proper investment of the moneys in the Retirement Fund. The Board of Administration shall not require City Council action to enter into contracts within the scope of its functions to provide for the proper investment of moneys in the Retirement Fund. The Board's authority shall include, but not be limited to, the authority to negotiate such contracts, select investment managers, add investment categories, or change investment allocations, all without action on the part of City Council. All delegations of authority under this section shall be subject to the limitations for the City Manager in Chapter 1.06 TMC, to the extent that such delegated acts regard funds outside of the Retirement Fund. However, the Board shall provide the City Council with quarterly status reports justifying the overall investment strategy for the Tacoma Employees' Retirement System.

The Board of Administration shall consist of nine regular members and one alternate member as follows: The Mayor, a designee of the Tacoma Public Utilities Director, a designee of the City Manager, the Director of Finance, three City employees who are eligible for membership in the Retirement System heretofore or hereafter elected by the employee members, and one member of the Retirement System who need not be a City resident but who has heretofore retired under this Retirement System, elected by the

retired members of this Retirement System or surviving beneficiaries. The above eight members shall appoint the ninth member, who shall be a City resident not employed by the City.

The Board of Administration shall appoint a member of the Retirement System, either active or retired, to serve as an alternate. The alternate shall serve a three-year term. The alternate may participate at meetings of the Board of Administration as a non-voting member of the Board. The alternate shall participate as a voting member of the Board of Administration when the alternate's presence is necessary to constitute a quorum under the Board's rules or By-Laws, or when necessary to fill a temporary vacancy among the elected members of the Board. When filling a temporary vacancy, the Board shall, by motion, set forth the duration of the temporary vacancy.

The Board shall solicit applications of individuals interested in appointment as the alternate by providing notice for not less than 28 days to eligible members by posting, in the case of active members, and mailing, in the case of retired members.

\* \* \*

### **1.30.550 Refund of contributions/Service credit buybacks.**

\* \* \*

C. Repayment window. Any member who has heretofore withdrawn his or her contributions from the Retirement System and who has further failed to redeposit them in the Retirement Fund upon the resumption of membership in the Retirement System may, for a one-time only repayment period of one year commencing December 1, 1986, redeposit the total amount withdrawn, together with interest compounded annually at a rate established by the Board of Administration of the Tacoma Employees' Retirement System. Any member who has heretofore withdrawn his or her contributions from the Retirement System and who has further failed to redeposit them in the Retirement Fund upon the resumption of membership in the Retirement System may, for a one-time only repayment period of 3.5 years, commencing January 1, 1997, redeposit the total amount withdrawn, or effective October 1, 1999, a portion thereof, together with interest compounded annually at a rate established by the Board of Administration of the Tacoma Employees' Retirement System; provided, that effective May 1, 2000, a member may elect to accomplish the redepositing of contributions, or any part thereof, by irrevocably electing to transfer all of his or her account balance representing his or her accumulated contributions on overtime earnings to his or her unrestricted Accumulated Normal Contributions account, except that if the member's account balance representing contributions on overtime earnings exceeds the amount needed to redeposit contributions, then only the amount needed for redeposit of contributions shall be transferred. Upon transfer, the amount shall be for all purposes treated as Accumulated Normal Contributions attributable to Compensation other than overtime.

Any member who has heretofore withdrawn his or her contributions from the Retirement System and who has further failed to redeposit them in the Retirement Fund upon the resumption of membership in the Retirement System may, for a one-time only repayment period of one year, commencing January 1, 2004, redeposit the total amount withdrawn or, consistent with the provisions of this section, a portion thereof, together with interest compounded annually at a rate established by the Board of Administration. Any redeposit made under the provisions of this subsection may be accomplished by any of the repayment methods authorized by this section.

\* \* \*

### **1.30.560 Retention of service credits.**

To comply with the mandate of the 1951 Washington Legislature, as set forth in Chapter 98 of the Laws of 1951 of the State of Washington, the Board of Administration, subject to the approval of the City Council by resolution, is hereby authorized to enter into agreements with regards to the transfer of retirement credit and related funds with other public retirement systems within the State of Washington to permit the exchange of retirement credit and the transfer of funds, in accordance with rules and regulations now or

hereafter adopted by the Board of Administration. Notwithstanding anything to the contrary in this chapter contained, such agreements may provide:

- A. That service credits earned in the Tacoma Employees' Retirement System may be preserved for a member who transfers employment to another public body within the state and becomes a member of its retirement system.
- B. That service credits previously lost or lapsed in the Tacoma Employees' Retirement System because of previous lack of authority to proceed may be regained.
- C. That, when authorized by the Board, retirement benefits may be paid when a member becomes eligible for retirement under this system or under another system with which an agreement is in effect, whether such member becomes eligible under the rules of the latter system, under the rules of this system, or under laws of the State of Washington, that such agreement may provide for the combining of service credits and number of years of service in various retirement systems to establish eligibility for retirement, but notwithstanding anything elsewhere in this chapter to the contrary, such monthly retirement payments from this system will be for such amounts only as are actuarial equivalents of the member's accumulated contributions and from the City's funds an amount equal to the actuarial equivalent of the member's accumulated normal contributions in the Tacoma Employees' Retirement System on the date of the member's retirement, reduced only in those cases where the combined retirement allowance exceeds the maximum permissible by State law and the agreements entered into between the systems in accordance therewith. Additional pension payments required to bring the member's monthly retirement allowance to any guaranteed minimums, elsewhere provided for in this chapter, shall not be paid unless the members have earned such minimum benefits solely within this system in accordance with requirements established elsewhere in this chapter.

\* \* \*

- F. That granting of such rights or payments as these agreements may provide for shall be done only in accordance with rules and regulations to be established by the Board of Administration.
- If an employee of the City of Tacoma, who is also a member of the Tacoma Employees' Retirement System, should transfer to employment with the Municipal Belt Line while same is operated by the City, said employee member, so long as he or she shall remain an employee of the Belt Line or the City of Tacoma, shall be entitled, in accordance with rules and regulations now or hereafter established by the Board of Administration, to the rights of preservation, retention and regaining of service credits and ultimate retirement allowances similar to those affected by agreements, as in this section provided, between the Tacoma Employees' Retirement System and other public retirement systems within the state, even though no agreement may be effected between the Railroad Retirement System and the Tacoma Employees' Retirement System.

\* \* \*

**1.30.730 Federal O.A.S.I. – No reduction in contributions.**

There shall be no reduction in the contributions by members and the City to the Tacoma Employees' Retirement System hereinabove and hereafter provided for, and the City and the members shall be responsible for the payment of any additional cost to them by reason of having taken advantage of the benefits of the Federal Old Age and Survivors Insurance embodied in the Federal Social Security Act.

**1.30.740 Federal O.A.S.I. – Minimum allowance.**

If any member of the Tacoma Employees' Retirement System, whether or not entitled to any benefits under the Federal Old Age and Survivors Insurance embodied in the Federal Social Security Act upon retirement for any reason provided for in said Tacoma Employees' Retirement System, shall receive a less amount, including all benefits received from the Federal Old Age and Survivors Insurance, if any, but excluding any amounts received from such member's additional contributions, than such member would have been entitled to receive under the provisions of the Tacoma Employees' Retirement System in effect immediately prior to the effective date of the agreement providing for benefits under the Federal Old Age and Survivors

Insurance embodied in the Federal Social Security Act, then and in that event such member or his beneficiary shall receive the difference between the total amount actually received as above computed and the minimum amount provided for in said Tacoma Employees' Retirement System in effect at the time of the effective date of the agreement above mentioned.

**1.30.760 Federal O.A.S.I. – Benefits computed on funds actually received.**

All benefits which are due because of the accumulated contributions of a member shall be computed only on the actual accumulated funds received and retained by the Tacoma Employees' Retirement System which are standing to the credit of the member at the time of his retirement, notwithstanding any other provision herein contained.

**1.30.770 Federal O.A.S.I. – Agreement – Referendum.**

The Governor of the State of Washington is hereby requested to approve this plan and to enter into an agreement with the Secretary of Health, Education and Welfare of the United States for the purpose of extending to officers and employees of the City of Tacoma the benefits of Federal Old Age and Survivors Insurance embodied in the Federal Social Security Act on this plan providing for such insurance, in addition to adjusted Retirement System benefits under the Tacoma Employees' Retirement System; and said Governor is requested to authorize a referendum thereon at the earliest possible date in accordance with Section 3 (4), Chapter 4, Laws of Washington, 1955, Ex. Sess., and Section 218 (d), (3), of the Federal Social Security Act, to the eligible officers and employees of the City of Tacoma upon the question whether they desire to be included under, or excluded from, the provisions of Federal Old Age and Survivors Insurance embodied in the Federal Social Security Act on such plan

**1.30.830 Contributions to Tacoma Employees' Retirement System – Adjustment for federal income tax purposes.**

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The City of Tacoma hereby elects to extend to members of the Tacoma Employees' Retirement System the tax deferral benefits allowed by 26 U.S.C. Section 414(h) and Chapter 227, Laws of 1984 effective January 1, 1985, or as soon thereafter as is permissible by the Internal Revenue Service (the effective date). For such purpose, the City will pay the member's contribution to the Tacoma Employees' Retirement System contemplated by Sections 1.30.295, 1.30.296, 1.30.340, 1.30.350, and 1.30.550, and the salary reduction option under Section 1.30.380, for pay periods commencing on or after the effective date and will reduce the member's paid compensation by the amount of the City's contribution so paid. The City contribution made under this section, plus accumulated interest, shall be subject to withdrawal pursuant to Section 1.30.550 and forfeiture pursuant to Section 1.30.330.

A member's paid compensation for purposes of the Federal Insurance Contributions Act (Social Security tax), for purposes of workers' compensation and for all purposes other than federal income taxation shall be computed as if the foregoing contribution and corresponding reduction in a member's paid compensation had not been made.

The City reserves the right to discontinue this arrangement for a City contribution and corresponding paid compensation reduction at any time as to compensation earned afterwards. No affected member shall have any contract rights to compel the City to continue the arrangement should the City decide to pay the member his or her full paid compensation and then require that the member pay to the Tacoma Employees' Retirement System the member's contributions contemplated by Sections 1.30.295, 1.30.296, 1.30.340, 1.30.350, 1.30.380, and 1.30.550.

**1.30.840 Trust fund.**

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A. The retirement fund created pursuant to Section 1.30.460 shall be a trust fund held for the exclusive benefit of the members of the Tacoma Employees' Retirement System and their beneficiaries. No part of the corpus or income of the retirement fund shall be used for, or diverted to, purposes other than for the exclusive benefit of the members or their beneficiaries and the payment of fees and expenses of maintaining and administering the Retirement System.

\* \* \*

**1.30.880 Agreement for portability of retirement benefits – Terms.**

A. The Board of Administration of the Tacoma Employees' Retirement System is authorized to contract with the Board of Administration of the Seattle City Employees' Retirement System and/or Board of Administration of the Spokane Employees' Retirement System (each called a "participating system") for the portability of retirement benefits of employees who are also members of the retirement systems of the cities of Seattle and Spokane, respectively.

\* \* \*

**1.34.310 Tacoma Employees' Retirement System – Manager.**

A working fund advance for the purposes set forth in Section 1.34.010 is hereby created in the office of the Tacoma Employees' Retirement System Manager in the sum of \$300.00.