

Legislation Passed June 9, 2020

The Tacoma City Council, at its regular City Council meeting of June 9, 2020, 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.

Resolution No. 40611

A resolution declaring surplus and authorizing the execution of a Quitclaim Deed to convey a parcel of real property, located between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street, to Four Dogs and Pepper LLC, to retain a utility easement. [Teague Pasco, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 40612

A resolution authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Tac Build LLC, for the development of 25 multi-family market-rate and affordable rental housing units, located at 814 South 21st Street, in the Downtown Regional Growth Center. [Debbie Bingham, Project Manager; Jeff Robinson, Director, Community and Economic Development]

Ordinance No. 28661

An ordinance vacating all those portions of publicly dedicated right-of-way, lying between East 48th Street and the northerly margin of East 52nd Street, within the Swan Creek Park boundaries, to be incorporated into the park property for recreational enhancements and improvements, free of the City's right-of-way interests. (Metropolitan Park District of Tacoma; File No. 124.1406) [Jeff H. Capell, Hearing Examiner]

Ordinance No. 28672

An ordinance reclassifying the property located at 8632 "A" Street, approximately 34,245 square feet in area, from an R-2 Single-Family Dwelling District to a R-4-L Low-Density Multiple-Family Dwelling District, for the development of housing units.

(RPC Tacoma, LLC; File No. LU19-0208) [Jeff H. Capell, Hearing Examiner]

Ordinance No. 28673

An ordinance amending Chapter 1.12 of the Municipal Code, relating to the Compensation Plan, to authorize a temporary increase to the maximum accrual limits for Vacation Leave and Personal Time Off plans.

[Kari L. Louie, Senior Compensation and Benefits Manager; Gary Buchanan, Director, Human Resources]

Ordinance No. 28674

An ordinance amending Chapter 6B.10 of the Municipal Code, relating to General License Provisions, by adding a new Section 6B.10.077, entitled "Director authority to waive license requirements", to allow the Finance Director to extend or waive license requirements during an economic recession or declared emergency, to mitigate harm to the public health, safety, and welfare. [Danielle Larson, Tax and License Manager; Andy Cherullo, Director, Finance]



RESOLUTION NO. 40611

A RESOLUTION relating to surplus property, authorizing the Declaration of Surplus and execution of a Quitclaim Deed to convey a parcel of real property, to retain a utility easement, located between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street, to Four Dogs and Pepper LLC.

WHEREAS the property located between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street ("Property"), identified as Pierce County Tax Parcel No. 9260001022, as more particularly described in Exhibit "A," was acquired by the City in 1979 in fee simple, and

WHEREAS, Four Dogs and Pepper LLC ("FDP") requested the Property be declared surplus and vacated to facilitate contiguous commercial development of three adjacent parcels, and

WHEREAS the Environmental Services Department does not require fee simple ownership of real estate for operation and maintenance of the sewer main, and instead a utility easement is the standard property right obtained for sewer facilities, and

WHEREAS the Property was declared surplus to the City's needs on June 9, 2020, and

WHEREAS the City must dispose of City-owned surplus property pursuant to the City's Policy for the Sale/Disposition of City-owned General Government Real Property, and

WHEREAS, there being no foreseeable need for continued City ownership of the Property, the sale of said Property appears to be in the best interests of the City, pending final approval from the City Council; Now, Therefore,



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

Section 1. That continued ownership of the City real property located between South 67th and South 69th Streets, and South Adams Street and vacated Durango Street ("Property"), identified as Pierce County Tax Parcel No. 9260001022, as more particularly described in Exhibit "A," is not essential to the needs of the City and is hereby declared surplus pursuant to RCW 35.22.020 and Article I, Section 1.2, and Article IX of the Tacoma City Charter.

Section 2. That the proper officers of the City are hereby authorized to enter into a Quitclaim Deed and any other documents necessary to convey the subject property to Four Dogs and Pepper LLC, for an amount to be determined, said documents to be substantially in the form of those on file in the office of the City Clerk.

attest:	Mayor
City Clerk	
approved as to form:	Legal Description Approved:
Deputy City Attorney	Chief Surveyor Public Works Department

Adopted _____



EXHIBIT "A"

PARCEL NO. 9260001022

The East 20 feet of Lots 3 through 21, Block 24, Villa Park, according to the plat thereof recorded in Volume 5 of plats at page 60, records of Pierce County, Washington.

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RESOLUTION NO. 40612

A RESOLUTION relating to the multi-family property tax exemption program; authorizing the execution of a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Tac Build LLC, for the development of 25 multi-family market-rate and affordable rental housing units to be located at 814 South 21st Street in the Downtown Regional Growth Center.

WHEREAS the City has, pursuant to chapter 84.14 of the Revised Code of Washington, designated several Residential Target Areas for the allowance of a limited property tax exemption for new multi-family residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners in Residential Target Areas may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County

Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS Tac Build LLC, is proposing to develop 25 new market-rate and affordable rate rental housing units to consist of:

Number of Units	Type of Unit	Average Size	Expected Rental Rate
Market Rate			
16	Studio	450 Square Feet	\$1,265
4	Two bedroom, one bath	900 Square Feet	\$2,250
Affordable Rate			
4	Studio	450 Square Feet	\$1,124 *including utilities
1	Two bedroom, one bath	900 Square Feet	\$1,444 *including utilities

as well as four on-site residential parking stalls, and

WHEREAS the Director of Community and Economic Development has reviewed the proposed property tax exemption and recommends that a conditional property tax exemption be awarded for the property located at 814 South 21st



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Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A"; Now, Therefore,

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

Section 1. That the City Council does hereby approve and authorize a conditional property tax exemption, for a period of 12 years, to Tac Build LLC, for the property located at 814 South 21st Street in the Downtown Regional Growth Center, as more particularly described in the attached Exhibit "A."

Section 2. That the proper officers of the City are authorized to execute a Multi-Family Housing 12-Year Limited Property Tax Exemption Agreement with Tac Build LLC, said document to be substantially in the form of the proposed agreement on file in the office of the City Clerk.

15	/ dopted	•
16		Mayor
17	Attest:	
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19	City Clerk	
20	Approved as to form:	Legal description approved:
21	Approved do to form.	Logal docomplion approvod.
22		
23	City Attorney	Chief Surveyor Public Works Department
24		T dollo Works Department



EXHIBIT "A"

LEGAL DESCRIPTION

Tax Parcel: 2021170010

Legal Description:

A portion of the Northeast Quarter of the Northeast Quarter of Section 08, Township 20 North, Range 03 East, Willamette Meridian, Pierce County, Washington, more particularly described as follows:

Lots 1 and north 10 feet of Lot 2, Block 2117, Barlow's Addition to New Tacoma, according to plat recorded in Volume 1 of Plats, Page 54, records of Pierce County, Washington.

Situate in the City of Tacoma, County of Pierce, State of Washington.



ORDINANCE NO. 28661

AN ORDINANCE related to the vacation of City right-of-way; vacating all those portions of publicly dedicated right-of-way, lying between East 48th Street and the northerly margin of East 52nd Street, within the Swan Creek Park boundaries, to be incorporated into the park property for recreational enhancements and improvements, free of the City's right-of-way interests; and adopting the Hearing Examiner's Findings, Conclusions, and Recommendations related thereto.

WHEREAS all steps and proceedings required by law and by resolution of the City Council to vacate the portion of the right-of-way hereinafter described have been duly taken and performed; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations as contained in the Hearing Examiner's Report and Recommendation to the City Council bearing File No. 124.1406 and dated February 5, 2020, which Report is on file in the office of the City Clerk.

Reg. #20-0122



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Section 2. That all those portions of publicly dedicated right-of-way (ROW"), lying between East 48th Street and the northerly margin of East 52nd Street, within the Swan Creek Park boundaries, legally described as follows:

All those portions of East 48th Street, East 50th Street, East "R" Street (also known as East "T" Street per City of Tacoma Ordinance No. 10398, passed February 13, 1930), East "S" Street (also known as Homestead Avenue per City of Tacoma Ordinance No. 10398, passed February 13, 1930), East "T" Street (also known as Roosevelt Avenue per City of Tacoma Ordinance No. 10398, passed February 13, 1930) and all alleys therein lying between the northerly margin of East 48th Street and the northerly margin of East 52nd Street, all as dedicated by Plat filing of Homestead Park, Pierce County, Washington according to the Plat thereof recorded in Book 6, Page 112, records of Pierce County, Washington, all lying east and south of Tract "M", as shown on Plat filing of Salishan Division 2, according to the Plat recorded under Auditor's File number 200806245003, records of Pierce County, Washington, and lying east of Tract "K", as shown on Plat filing of Salishan Division 4, according to the Plat recorded under Auditor's File number 201007155004, records of Pierce County, Washington Together with that portion of unrecorded East "T" Street lying south of the North margin of East 48th Street and North of East 52nd Street depicted outside of the plat of Portland Avenue First Addition, according to the Plat thereof recorded in Book 17, Page 82, records of Pierce County, Washington, more particularly described as follows:

Commencing at the Southeast corner of Tract "J" as per said plat, thence South 88°03'57" East along the easterly projection of the south line of said Tract "J", 86.91 feet to a line 73 feet East and parallel with the East line of said Tract "J"; Thence North 30°56'07" West along said parallel line a distance of 159.46 feet to a point of tangency with a 633.30 foot radius curve to the right; Thence parallel Northwesterly along said curve through a central



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25 26 angle 12°57'53" an arc distance of 143.30 feet to an angle point; Thence North 89°40'58" West a distance of 76.45 feet more or less to a point on a non-tangent curve to the right having a radius of 706.30 feet, from which point the center bears North 73°58'33" East, said point being on the East line of said Tract "J"; Thence Northwesterly along said curved East line through a central angle of 1°13 '59" an arc distance of 15.20 feet; Thence continuing along said East line North 14°47'27" West a distance of 57.35 feet to an angle point; Thence departing said East line South 89°40'58" East a distance of 75.61 feet to a line that is 73 feet East and parallel with said East line of Tract "J"; Thence North 14°47'27" West along said parallel line a distance of 243.75 feet to a point of tangency with a 464.40 foot radius curve to the right; Thence Northeasterly along said parallel curve through a central angle of 21°04'31" an arc distance of 170.82 feet to an angle point; Thence North 69°36'40" West a distance of 74.95 feet more or less to a point on the East line of said Tract "J", said point being on a non-tangent curve to the right having a radius of 537.40 feet, from which the center bears South 81°46'04" East; Thence Northeasterly along said curve and said East line through a central angle of 5°24'22" an arc distance of 50.71 feet to an angle point; Thence departing said East line South 69°36'40" East a distance of 73.59 feet to a point on a line that is 73 feet East and parallel with the East line of said Tract "J", said point being a non-tangent curve to the right having a radius of 464.40 feet, from which point the center bears South 77°25'44" East; Thence Northeasterly along said parallel curve through a central angle of 22°03'07" an arc distance of 178.74 feet; Thence North 34°37'23" East along said parallel line a distance of 22.24 feet more or less to the North line of the Northeast Quarter of the Northeast Quarter of Section 22. Township 20 North, Range 3 East of Willamette Meridian, said North line being the North margin of East 48th Street; Thence along said North line South 89°16'31" East a distance of 65.06 feet; Thence departing said North line South 34°37'23" West a distance of 58.52 feet to a point of tangency with a 410.40 foot

Reg. #20-0122



 radius curve to the left; Thence Southwesterly and Southeasterly along said curve through a central angle 49°24'50" an arc distance of 353.94 feet; Thence South 14°47'27" East a distance of 281.39 feet to a point of tangency with a 579.30 foot radius curve to the left; Thence Southeasterly along said curve through a central angle 16°08'40" an arc distance of 163.23 feet; Thence South 30°56'07" East a distance of 194.36 feet more or less to intersect said easterly projection of the south line of Tract "J"; Thence North 88°03'57" West along said projection a distance of 64.29 feet to the Point of Beginning.

All situate in the City of Tacoma, County of Pierce, State of Washington; within the Northeast Quarter of the Northeast Quarter of Section 22, Township 20 North, Range 03 East of the Willamette Meridian;

Req. #20-0122



Attest:

attached to the property bordering thereon, as a part thereof, and all right or title of the City in and to the portion of the right-of-way so vacated does hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed ______

Mayor

City Clerk

Approved as to form: Property description approved:

Deputy City Attorney Chief Surveyor

Public Works Department

Location: Portions of publicly dedicated right-of-way, lying between East 48th

Street and the northerly margin of East 52nd Street, within the

Swan Creek Park boundaries.

Petitioner: Metropolitan Park District of Tacoma

Vacation Req. No. 124.1406



ORDINANCE NO. 28672

AN ORDINANCE relating to zoning; changing the zoning classification of approximately 34,245 square feet in area, at the newly assigned address of 8632 "A" Street from an R-2 Single-Family Dwelling District to a R-4-L Low-Density Multiple-Family Dwelling District.

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the City Council hereby adopts the Hearing Examiner's Findings, Conclusions, and Recommendations contained in the Hearing Examiner's Report dated April 16, 2020, bearing File No. HEX2020-006 (LU19-0208), which Report is on file in the office of the City Clerk.

Section 2. That the newly assigned address of 8632 "A" Street shall be hereafter included in the R-4-L Low-Density Multiple-Family Dwelling District governed by Tacoma Municipal Code 13.06.020 C. 7:

A PORTION OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING 330 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST

Req. #20-0317



QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE SOUTH 132 FEET; THENCE EAST 660 FEET; THENCE NORTH 132 FEET; THENCE WEST 660 FEET TO THE POINT OF BEGINNING: EXCEPT STREETS; ALSO EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING 330 FEET SOUTH OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE SOUTH 132 FEET; THENCE EAST 660 FEET, MORE OR LESS TO THE WEST LINE OF "A" STREET, BEING THE TRUE POINT OF BEGINNING; THENCE NORTH ALONG THE WEST LINE OF "A" STREET 50 FEET; THENCE WEST 100 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF "A" STREET 50 FEET; THENCE EAST 100 FEET TO THE TRUE POINT OF BEGINNING; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PROPERTY: THENCE NORTH 89°31'29" WEST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 297.29 FEET TO A LINE ESTABLISHED BY CITY OF TACOMA ORDINANCE NO. 27130, BEING THE DIVISION LINE OF ZONING DISTRICTS "R-2" AND "C-2"; THENCE SOUTH 00°02'10" EAST, ALONG SAID DIVISION LINE, A DISTANCE OF 132.01 FEET TO THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE SOUTH 89°31'29" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 197.33 FEET; THENCE NORTH 00°03'11" WEST, A

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DISTANCE OF 50.00 FEET; THENCE SOUTH 89°31'29" EAST, A DISTANCE OF 100.00 FEET TO THE EAST LINE OF THE ABOVE DESCRIBED PROPERTY AND WEST RIGHT-OF-WAY LINE OF "A" STREET; THENCE NORTH 00°03'11" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 82.00 FEET TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

(ALSO KNOWN AS PARCEL 'A' OF CITY OF TACOMA BOUNDARY LINE ADJUSTMENT LU18-0283, RECORDED UNDER RECORDING NO. 202001315011, RECORDS OF PIERCE COUNTY, WASHINGTON.)

Req. #20-0317

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Section 3. That the above-described property shall hereafter no longer be governed by Tacoma Municipal Code 13.06.020 C. 3, R-2 Single-Family Dwelling District.

Section 4. That the City Council finds that this Ordinance is necessary, routine, and consistent with Governor Inslee's emergency proclamation issued March 24, 2020, and recently extended, suspending portions of the Open Public Meetings Act through May 31, 2020.

Passed	
Attest:	Mayor
City Clerk	
Approved as to form:	Property description approved:
Deputy City Attorney	Chief Surveyor Public Works Department

Location: Approximately 34,245 square feet in area, at the newly

assigned address of 8632 "A" Street.

Petitioner: RPC Tacoma, LLC

Request No.: HEX2020-006 (LU19-0208)

Req. #20-0317



ORDINANCE NO. 28673

AN ORDINANCE relating to compensation; amending Chapter 1.12 of the Tacoma Municipal Code to authorize a temporary increase to the maximum accrual limits for Vacation Leave and Personal Time Off plans; and declaring the effective dates thereof.

WHEREAS as part of the City's response to the COVID-19 situation, some employees have been asked to cancel or delay time off plans due to limited staffing levels, and time off balances for employees have reached or exceed maximum accrual balances, and

WHEREAS this ordinance will allow the City Manager for General Government employees, and the Director of Utilities for Tacoma Public Utilities employees, to temporarily increase the maximum accrual limits for Vacation and Personal Time Off balances, and

WHEREAS at the end of the designated temporary increase, employees will have to use all excess leave accruals or they will be forfeited, and excess hours above the published Vacation and Personal Time Off maximums will not be paid out at a time of separation, including retirement; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Section 1.12.220 of the Tacoma Municipal Code, is hereby amended, effective retroactive to March 30, 2020.

1.12.220 Vacation allowance with pay.

3. Vacation accrual balances shall not exceed an amount equal to two years' accrual.

In the event an employee is unable to use his or her vacation prior to exceeding the two-year limitation because of continued illness, with a written request submitted to the Human Resources Department, such unused days may be allowed to accumulate until



the employee returns to work or is separated. Vacation in excess of two years' accrual, if not taken within 90 calendar days after an employee returns to work, shall be 2 forfeited. 3 In the best interests of the City, the City Manager, for general government employees, and the Director of Utilities, for department of public utilities employees, may 4 temporarily increase the maximum vacation accrual requirements set forth in this 5 section. 6 7 Section 2. That Section 1.12.248 of the Tacoma Municipal Code, is 8 hereby amended, effective retroactive to March 30, 2020. 9 1.12.248 Personal Time Off plan. 10 11 C. Maximum accrual of PTO. 12 13 1. Each employee may accrue a maximum of 960 hours of PTO. 14 2. If the appointing authority, or his or her designee, denies an employee's request for PTO and the denial would result in the employee's accrual exceeding the maximum 15 allowed, the employee shall not lose the accrual at that time. The employee shall have up to 90 days to use the excess accrual. 16 17 In the best interests of the City, the City Manager, for general government employees, and the Director of Utilities, for department of public utilities employees, may 18 temporarily increase the maximum PTO accrual requirements set forth in this section. 19 20 Section 3. That Sections 1 and 2 are effective retroactive to March 30, 21 2020. 22 23 24 25 26



Section 4. That the City Council finds that this Ordinance is necessary, routine, and consistent with Governor Inslee's emergency proclamation issued March 24, 2020, and recently extended, suspending portions of the Open Public Passed _____ Mayor



ORDINANCE NO. 28674

AN ORDINANCE relating to the License Code; amending Chapter 6B.10 of the Tacoma Municipal Code, General License Provisions, by enacting a new Section 6B.10.077, entitled "Director authority to waive license requirements," to allow the Finance Director to extend or waive license requirements during an economic recession or declared emergency to mitigate harm to the public health, safety, and welfare.

WHEREAS the City's Licensing Code, Subtitle 6B of the Tacoma Municipal Code ("TMC"), includes regulatory license requirements for specific business industries to ensure the business operates safely and to protect the public health, safety, and welfare, and

WHEREAS the COVID-19 pandemic and "Stay Home, Stay Healthy" order issued by the Governor have greatly affected the local economy, and have created a disproportionate impact to small businesses during an economically difficult period, and

WHEREAS some local for-hire companies which have seen a large decrease in service requests have contacted the City's Tax & License Division to inquire whether some of the upcoming for-hire licensing requirements can be waived, and

WHEREAS, in an effort to support local businesses, staff is proposing to amend TMC Chapter 6B.10, General License Provisions, by enacting a new Section 6B.10.077, entitled "Director authority to waive license requirements," to allow the Finance Director to waive or extend license requirements during an economic recession or declared emergency, which would provide some relief to



local businesses which fall under the City's licensing requirements; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That Chapter 6B.10 of the Tacoma Municipal Code, General License Provisions, is hereby amended by the addition of a new Section 6B.10.077, entitled "Director authority to waive license requirements," to read as set forth in the attached Exhibit "A."

Section 2. That the City Clerk, in consultation with the City Attorney, is authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 3. That the City Council finds that this Ordinance is necessary, routine, and consistent with Governor Inslee's emergency proclamation issued March 24, 2020, and recently extended, suspending portions of the Open Public Meetings Act.

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Passed	
Attest:	Mayor
City Clerk	
Approved as to form:	

City Attorney



EXHIBIT "A" 1 Chapter 6B.10 2 **GENERAL LICENSE PROVISIONS** 3 4 Sections: 6B.10.010 Subtitle designated as License Code. 5 6B.10.020 Application of chapter. 6B.10.030 License definitions. 6 6B.10.040 License required. 6B.10.045 Exemptions for preapproval. 7 6B.10.050 Separate licenses – When required. 6B.10.060 Application for license. 8 6B.10.070 Term of license. 6B.10.075 Director to make rules. 9 6B.10.077 Director authority to waive license requirements. 6B.10.080 Due date. 10 * * * 11 12 6B.10.077 Director authority to waive license requirements. 13 When there exists a recognized economic recession or a state of emergency or disaster is declared under Tacoma Municipal Code 1.10 or RCW 43.06.010(12), the Director may waive or extend a 14 license requirement, as the Director deems necessary to mitigate the harm to the public health, 15 safety, and welfare. * * * 16 17 18 19 20 21 22 23 24 25 26