



Legislation Passed February 14, 2017

The Tacoma City Council, at its regular City Council meeting of February 14, 2017, 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. 39648

A resolution setting Thursday, March 23, 2017, at 1:30 p.m., as the date for a hearing by the Hearing Examiner on the request to vacate a portion of the air rights of Court E, lying between South 15th and South 17th Streets, for balconies in an apartment development. (Napoleon Group, LLC; File No. 124.1376)
[Troy Stevens, Senior Real Estate Specialist; Kurtis D. Kingsolver, P.E., Director, Public Works]

Resolution No. 39649

A resolution appointing and reappointing individuals to the Citizen Police Advisory Committee.
[Doris Sorum, City Clerk; Bill Fosbre, Acting City Attorney]

Resolution No. 39650

A resolution authorizing an increase to the contract with Gartner, Inc., in the amount of \$88,858, sales tax not applicable, for a total of \$290,249, budgeted from the Information Systems Fund, for information technology research and advisory services through February 28, 2018 - State of Washington Contract No. 05712.
[Jack Kelanic, Director, Information Technology]

Resolution No. 39651

A resolution authorizing an increase to the contract with Software One, Inc., in the amount of \$68,199.13, plus sales tax, for a total of \$2,264,939.13, budgeted from the Information Systems Fund, for Microsoft licensing and software assurance services through December 31, 2017 - State of Washington Contract No. T11-MST-579.
[Jack Kelanic, Director, Information Technology]

Resolution No. 39652

A resolution authorizing an increase to the contract with The Stergion Group, Inc., in the amount of \$90,246, plus sales tax, for a total of \$264,810, budgeted from the Information Systems Fund, for organizational change management services through December 31, 2017 - Specification No. PS14-0295F.
[Michelle Lewis-Hodges, Program Management Manager; Jack Kelanic, Director, Information Technology]

Resolution No. 39653

A resolution allowing the City to reimburse itself for project costs related to the Tacoma Dome improvements, incurred prior to the issuance of Limited Tax General Obligation Bonds.

[Teresa Sedmak, City Treasurer; Andy Cherullo, Director, Finance]

Ordinance No. 28407

An ordinance vacating the east six feet of South Yakima Avenue, adjacent to St. Nicholas Greek Orthodox Church, for approximately 150 feet of the block between South 15th and South 16th Streets, to cure an existing encroachment.

(St. Nicholas Greek Orthodox Church; File No. 124.1370)

[Phyllis Macleod, Hearing Examiner]

Ordinance No. 28409

An ordinance amending Subtitles 16A and 16B, of the Municipal Code, relating to Cable, Open Video, Private Communications, and Telecommunication Systems, to update language to reflect current franchise insurance requirements.

[Jeff Lueders, Cable Communications and Franchise Manager; Gwen Schuler, Director, Media and Communications]



RESOLUTION NO. 39648

1 A RESOLUTION relating to the vacation of City right-of-way; setting Thursday,
2 March 23, 2017, at 1:30 p.m., as the date for a hearing before the City of
3 Tacoma Hearing Examiner on the petition of Napoleon Group, LLC, to
4 vacate a portion of the air rights of Court E, lying between South 15th and
5 South 17th Streets, for balconies in an apartment development.

5 WHEREAS Napoleon Group, LLC, having received the consent of the
6 owners of more than two-thirds of the properties abutting Court E, lying
7 between South 15th and South 17th Streets, has petitioned for the vacation of
8 the following legally described right-of-way area:

9
10 The Easterly 4.00 feet of the Westerly 14.00 feet of that
11 portion of Court E lying adjacent to Lots 10, 16, inclusive,
12 Block 1511, Map of New Tacoma, Washington Territory,
13 according to the plat thereof on file with the State
14 Department of Natural Resources, Olympia, Washington,
15 and lying between the elevations of 221.50 feet NGVD29
16 and 285.54 feet NGVD29;

14 Now, Therefore,

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

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17 Section 1. That Thursday, March 23, 2017, at 1:30 p.m., is hereby fixed as
18 the date and time, and the Council Chambers on the first floor of the Tacoma
19 Municipal Building, 747 Market Street, in the City of Tacoma, as the place when
20 and where said request by Napoleon Group, LLC, to vacate a portion of the air
21 rights of Court E, lying between South 15th and South 17th Streets, for balconies
22 in an apartment development, will be heard by the Hearing Examiner and her
23 recommendations thereafter transmitted to the Council of the City of Tacoma.
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Section 2. That the Clerk of the City of Tacoma shall give proper notice of the time and place of said hearing.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form:

Property description approved:

Deputy City Attorney

Chief Surveyor
Public Works Department

Location: A portion of the air rights of Court E, lying between South 15th and South 17th Streets
Petitioner: Napoleon Group, LLC
File No.: 124.1376



RESOLUTION NO. 39649

1 BY REQUEST OF COUNCIL MEMBERS BLOCKER, CAMPBELL, AND LONERGAN
 2 A RESOLUTION relating to committees, boards, and commissions; appointing and
 3 reappointing individuals to the Citizen Police Advisory Committee.

4 WHEREAS vacancies exist on the Citizen Police Advisory Committee, and
 5 WHEREAS, at its meeting of January 26, 2017, the Community Vitality and
 6 Safety Committee recommended the appointment and reappointment of
 7 individuals to said committee, and

8 WHEREAS, pursuant to the City Charter Section 2.4 and the Rules,
 9 Regulations, and Procedures of the City Council, the persons named on Exhibit "A"
 10 have been nominated to serve on the Citizen Police Advisory Committee; Now,
 11 Therefore,
 12

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

14 That those nominees to the Citizen Police Advisory Committee, listed on
 15 Exhibit "A," are hereby confirmed and appointed or reappointed as members of
 16 such committee for such terms as are set forth on the attached Exhibit "A."
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18 Adopted _____

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 Mayor

21 Attest:
 22 _____
 23 City Clerk

24 Approved as to form:
 25 _____
 26 Acting City Attorney



EXHIBIT "A"

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CITIZEN POLICE ADVISORY COMMITTEE

Appointing **Christian Issac** to the At-Large No. 4 position to fill an unexpired term to expire December 31, 2018.

Reappointing **Ryan Webster** to the Council District No. 1 position for a three-year term to expire December 31, 2019.



RESOLUTION NO. 39650

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600010447 with Gartner, Inc., in the amount of \$88,858, sales tax
4 not applicable, for a cumulative total of \$290,249, budgeted from the
5 Information Systems Fund, for information technology research and
6 advisory services through February 28, 2018, pursuant to State of
7 Washington Contract No. 05712.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now,

14 Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the
17 Board of Contracts and Awards to adopt the recommendation for award as set
18 forth in the attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600010447 with Gartner, Inc., in the amount of \$88,858,
21 sales tax not applicable, for a cumulative total of \$290,249, budgeted from the
22 Information Systems Fund, for information technology research and advisory
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1 services through February 28, 2018, pursuant to State of Washington Contract
2 No. 05712, consistent with Exhibit "A."

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4 Adopted _____

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Mayor

7 Attest:

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City Clerk

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10 Approved as to form:

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Acting City Attorney

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RESOLUTION NO. 39651

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600011191 with Software One, Inc., in the amount of \$68,199.13,
4 plus sales tax, for a cumulative total of \$2,264,939.13, budgeted from the
5 Information Systems Fund, for Microsoft licensing and software
6 assurance services through December 31, 2017, pursuant to State of
7 Washington Contract No. T11-MST-579.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now,

14 Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the
17 Board of Contracts and Awards to adopt the recommendation for award as set
18 forth in the attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600011191 with Software One, Inc., in the amount of
21 \$68,199.13, plus sales tax, for a cumulative total of \$2,264,939.13, budgeted from
22 the Information Systems Fund, for Microsoft licensing and software assurance
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1 services through December 31, 2017, pursuant to State of Washington Contract
2 No. T11-MST-579, consistent with Exhibit "A."

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4 Adopted _____

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6 _____
Mayor

7 Attest:

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City Clerk

10 Approved as to form:

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Acting City Attorney

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RESOLUTION NO. 39652

1 A RESOLUTION related to the purchase of materials, supplies or equipment,
2 and the furnishing of services; authorizing the increase of Contract
3 No. 4600011743 with The Stergion Group, Inc., in the amount of
4 \$90,246, plus sales tax, for a cumulative total of \$264,810, budgeted
5 from the Information Systems Fund, for organizational change
6 management services through December 31, 2017, pursuant to
7 Specification No. PS14-0295F.

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

12 WHEREAS the Board of Contracts and Awards has concurred with the
13 recommendation for award as set forth in the attached Exhibit "A"; Now,

14 Therefore,

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

16 Section 1. That the Council of the City of Tacoma concurs with the
17 Board of Contracts and Awards to adopt the recommendation for award as set
18 forth in the attached Exhibit "A."

19 Section 2. That the proper officers of the City are hereby authorized to
20 increase Contract No. 4600011743 with The Stergion Group, Inc., in the amount of
21 \$90,246, plus sales tax, for a cumulative total of \$264,810, budgeted from the
22 Information Systems Fund, for organizational change management services
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1 through December 31, 2017, pursuant to Specification No. PS14-0295F, consistent
2 with Exhibit "A."

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4 Adopted _____

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6 _____
Mayor

7 Attest:

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9 _____
City Clerk

10 Approved as to form:

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Acting City Attorney

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RESOLUTION NO. 39653

1 A RESOLUTION relating to finance and bonds; designating certain expenditures
2 for improvements to the Tacoma Dome for reimbursement from bonds
3 that may be authorized and approved by the City for issuance in the
future.

4 WHEREAS the City of Tacoma, Washington (the "City") issues tax-exempt
5 obligations, including bonds, notes, leases and other instruments of indebtedness
6 from time to time for the purpose of financing its governmental activities, and
7

8 WHEREAS the City intends to issue tax-exempt obligations to finance
9 improvements to the Tacoma Dome and

10 WHEREAS the United States Department of the Treasury has promulgated
11 Regulations limiting the ability of the City to use the proceeds of tax-exempt
12 obligations for reimbursement of prior expenditures, and
13

14 WHEREAS any such declaration of official intent to reimburse must not be
15 made as a matter of course or in an amount substantially in excess of the amount
16 expected to be necessary for the proposed project, and

17 WHEREAS the City expects to finance the project described herein through
18 the issuance of tax-exempt obligations; Now, Therefore,

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

21 Section 1. That the City reasonably expects to reimburse the expenditures
22 described herein with the proceeds of tax-exempt obligations to be incurred by the
23 City (the "Reimbursement Bonds").

24 Section 2. That the maximum principal amount of Reimbursement
25 Bonds expected to be issued is approximately \$30 million. The actual principal
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amount of the Reimbursement Bonds will be dependent upon, among other things, actual project costs, and market interest rates at the time the borrowing is executed.

Section 3. That the expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of Reimbursement Bonds will be made from the Tacoma Dome Fund for project costs related to improvements to the Tacoma Dome.

Section 4. That this resolution will take effect on March 1, 2017.

Adopted _____

Mayor

Attest:

City Clerk

Approved as to form and legality:

Pacifica Law Group LLP
Bond Counsel to the City of Tacoma

By _____



ORDINANCE NO. 28407

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3 AN ORDINANCE related to the vacation of City right-of-way; vacating the
4 easterly six feet of South Yakima Avenue, adjacent to St. Nicholas
5 Greek Orthodox Church, for approximately 150 feet of the block
6 between South 15th and South 16th Streets, to cure an existing
7 encroachment; and adopting the Hearing Examiner's Findings,
8 Conclusions, and Recommendations related thereto.

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

12 BE IT ORDAINED BY THE CITY OF TACOMA:

13 Section 1. That the City Council hereby adopts the Hearing
14 Examiner's Findings, Conclusions, and Recommendations as contained in
15 the Hearing Examiner's Report and Recommendation to the City Council
16 bearing File No. 124.1370 and dated November 22, 2016, which Report is on
17 file in the office of the City Clerk.
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Section 2. That the easterly six feet of South Yakima Avenue, adjacent to St. Nicholas Greek Orthodox Church, for approximately 150 feet of the block between South 15th and South 16th Streets, legally described as follows:

The easterly 6 feet of South Yakima Avenue abutting Lots 7 through 12, inclusive, Block 1515, Map of New Tacoma, Washington Territory, according to the plat thereof recorded February 3, 1875, Book A of Plats, Records of Pierce County, Washington;

is hereby vacated, and the land so vacated is hereby surrendered and 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



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hereby vest in the owners of the property abutting thereon, all in the manner provided by law.

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Property description approved:

Chief Surveyor
Public Works Department

Location: Easterly six feet of South Yakima Avenue, adjacent to St. Nicholas Greek Orthodox Church, for approximately 150 feet of the block between South 15th and South 16th Streets
Petitioner: St. Nicholas Greek Orthodox Church
Vacation Req. No. 124.1370



ORDINANCE NO. 28409

1 AN ORDINANCE relating to franchise insurance requirements; amending
2 Tacoma Municipal Code (“TMC”) Subtitle 16A, Cable Systems, Open
3 Video Systems, and Private Communications Systems, by amending
4 Subsection 16A.01.070.B thereof; and amending TMC Subtitle 16B,
5 Telecommunications Systems, by amending Subsection 16B.05.090.B
6 thereof, to update language to reflect current insurance requirements
7 necessary to adequately protect the City.

8 WHEREAS Title 16 of the Tacoma Municipal Code (“TMC”) addresses
9 cable systems, open video systems, telecommunications systems, and private
10 communications systems, and

11 WHEREAS TMC 16A.01.070.B and 16B.05.090.B define and address
12 minimum insurance requirements for cable television and telecommunications
13 providers installing infrastructure in the City Public Right-of-Way, and

14 WHEREAS staff desires to update the language in these sections to reflect
15 the current insurance requirements necessary to adequately protect the City, and

16 WHEREAS the proposed changes are the result of a routine review of the
17 insurance sections of TMC Subtitles 16A and 16B by the Risk Manager, Legal
18 staff, and Franchise Services staff, and

19 WHEREAS the proposed changes will update and define current insurance
20 requirements, which will protect the City and allow for a more efficient negotiating
21 process for all franchises under TMC Title 16; Now, Therefore,

22 BE IT ORDAINED BY THE CITY OF TACOMA:

23 Section 1. That Tacoma Municipal Code (“TMC”) Subtitle 16A, Cable
24 Systems, Open Video Systems, and Private Communications Systems, is hereby
25 amended by amending Subsection 16A.01.070.B thereof, as set forth in the
26 attached Exhibit “A.”



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Section 2. That TMC Subtitle 16B, Telecommunications Systems, is hereby amended by amending Subsection 16B.05.090.B thereof, as set forth in the attached Exhibit "B."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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**Subtitle 16A
Cable Systems, Open Video Systems, and Private Communications Systems**

16A.01.070 Protection of the City and residents.

B. Insurance. Unless otherwise approved by the City’s Risk Manager, no Franchise or other authorization to use the Public Rights-of-Way issued to a Cable Operator shall be valid or effective until and unless the City obtains assurance that such Operator (and those acting on its behalf) has adequate insurance. At a minimum, the following requirements must be satisfied:

1. A Cable Operator shall not commence construction or operation of the facility without obtaining all insurance required under this paragraph and approval of such insurance by the Risk Manager of the City, nor shall a Cable Operator allow any contractor or subcontractor to commence work on its contract or subcontract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the Cable Operator has facilities in the Public Rights-of-Way, and for a period thereafter as specified in the minimum coverages described below. If the Operator, its contractors, or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.

2. Certificates of insurance, reflecting evidence of the required insurance and naming the City as an additional insured for both ongoing and completed operations, as provided below, shall be filed with the City’s Risk Manager. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and, as provided below, in the event of a lapse in coverage. For entities that have facilities in the Public Rights-of-Way as of the effective date of this subtitle, the certificate shall be filed within 60 days of the effective date of this subtitle, annually thereafter, and as provided below in the event of a lapse in coverage, unless a pre-existing Franchise provides for filing of certificates in a different manner.

These certificates shall contain a provision that coverages afforded under these policies will not be canceled until at least 30 days’ prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the state of Washington (or issued as a surplus line by a Washington Surplus lines broker). Financial Ratings must be no less than “(A-)VII” in the latest edition of “Bests Key Rating Guide,” published by A.M. Best Guide.

In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse during the period of the Franchise, then, in that event, the Cable Operator shall furnish, at least 30 days prior to the expiration of the date of such insurance, a renewed certificate of insurance as proof that equal and like coverage has been or will be obtained prior to any such lapse or termination during the balance of the period of the Franchise under which the Cable System operates.

3. A Cable System owner or Operator, and its contractors or subcontractors engaged in work on the Operator’s behalf in, on, under, or over Public Rights-of-Way, shall maintain the following



minimum insurance. The City shall be named as an additional insured for both ongoing and completed operations on the general liability and additional insured on the automotive policies.

1 Comprehensive general liability insurance to cover ~~liability~~ bodily injury, personal injury, and
2 property damage. Exposures to be covered are: premises, operations, products/completed
3 operations, and ~~certain~~ contractuals liability. Coverage must be written on an occurrence basis,
with the following limits of liability:

4 (a) Bodily Injury and Property Damage

5 (1) Each occurrence \$1,000,000.00

6 (2) Annual aggregate \$~~32~~,000,000.00

7 ~~(b) Property Damage~~

8 ~~(1) Each occurrence \$1,000,000.00~~

9 ~~(2) Annual aggregate \$3,000,000.00~~

10 ~~(b) Personal Injury and Advertising Injury~~

11 ~~(1) \$1,000,000 any one person or organization~~

12 ~~(2) Annual aggregate \$32,000,000.00~~

13 ~~(c) Completed operations and products liability shall be maintained for ~~two~~three years after the~~
14 termination of the Franchise (in the case of the Cable Operator) or completion of the work for
15 the Cable Operator (in the case of a contractor or subcontractor).

16 ~~(d) Property damage liability insurance shall include coverage for the following hazards:~~
17 X - explosion, C - collapse, U - underground.

18 ~~(e) The foregoing limits may be met through any combination of primary and umbrella and/or~~
19 ~~excess policies.~~

20 4. Workers' compensation insurance shall be maintained during the life of ~~this contract~~any
21 franchise to comply with statutory limits for all employees, and, in the case any work is sublet,
22 each Cable Operator shall require the subcontractors similarly to provide workers'
23 compensation insurance for all the latter's employees unless such employees are covered by the
24 protection afforded by each Cable Operator. Each Cable Operator and its contractors and
25 subcontractors shall maintain employer's liability insurance and commercial auto liability
26 insurance for the duration of the Franchise and for three years after the termination of the
Franchise (in the case of the Cable Operator) or completion of the work for the Cable Operator
(in the case of a contractor or subcontractor) during the life of this policy ~~employers liability~~
~~insurance~~. The following minimum limits must be maintained:

(a) Workers' Compensation Statutory

(b) Employer's Liability \$51,000,000.00 per occurrence

(c) Comprehensive Auto Liability

~~(d) Bodily Injury and Property Damage~~

~~(1) Each ~~occurrence~~accident \$1,000,000.00~~

~~(2) Annual aggregate \$32,000,000.00~~



Property Damage

1 ~~(1) Each occurrence \$1,000,000.00~~

2 ~~(2) Annual aggregate \$3,000,000.00~~

3 Coverage shall include owned (if any), hired, and non-owned vehicles.

4 5. Excess or umbrella liability providing coverage in excess of the above required commercial
5 general liability, commercial auto liability, and employer's liability with limits not less than
6 \$5,000,000 each occurrence and \$5,000,000 aggregate.

7 56. Each Cable Operator shall hold the City, its agents, and employees, harmless on account of
8 claims for damages to persons, property or premises arising out of its construction, operation or
9 repair of its Cable System and name the City as an additional insured, for both ongoing and
10 completed operations on the General Liability and additional insured on the automobile
11 liability, as provided above.

12 67. In every Franchise agreement, the City shall reserve the right to require any other insurance
13 coverage it deems necessary depending upon the exposures.

14 8. The insurance shall include a waiver of subrogation rights to the extent that any liability for
15 costs, losses, and damages resulting from any personal injury, death, and/or property damage
16 may be covered by the proceeds of such insurance policies, and include an endorsement that
17 such policy is primary and noncontributing.

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EXHIBIT "B"

**Subtitle 16B
Telecommunications Systems**

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16B.05.090 Protection of the City and residents.

B. Insurance. Unless otherwise approved by the City’s Risk Manager, no Franchise, Special Street Use Permit, License, or other authorization to use the Public Rights-of-Way issued to a Telecommunications System Operator shall be valid or effective until and unless the City obtains assurance that such Operator (and those acting on its behalf) has adequate insurance. At a minimum, the following requirements must be satisfied:

1. A Telecommunications System Operator shall not commence construction of the facility without obtaining all insurance required under this paragraph and approval of such insurance by the Risk Manager of the City, nor shall a Telecommunications System Operator allow any contractor or subcontractor to commence work on its contract or subcontract until all similar such insurance required of the same has been obtained and approved. The required insurance must be obtained and maintained for the entire period the Telecommunications System Operator has facilities in the Public Rights-of-Way, and for a period thereafter as specified in the minimum coverages described below. If the Operator, its contractors, or subcontractors do not have the required insurance, the City may order such entities to stop operations until the insurance is obtained and approved.

2. Certificates of insurance, reflecting evidence of the required insurance and naming the City as an additional insured [for both ongoing and completed operations](#), as provided below, shall be filed with the City’s Risk Manager. For entities that are entering the market, the certificates shall be filed prior to the commencement of construction and once a year thereafter, and as provided below in the event of a lapse in coverage. For entities that have facilities in the Public Rights-of-Way as of the effective date of this Subtitle, annually thereafter, and as provided below in the event of a lapse in coverage, unless a pre-existing Franchise or License provides for filing of certificates in a different manner.

These certificates shall contain a provision that the insurers providing coverages afforded under these policies will ~~endeavor to~~ not cancel same until at least 30 days’ prior written notice has been given to the City. Policies shall be issued by companies authorized to do business under the laws of the state of Washington [\(or issued as a surplus line by a Washington Surplus lines broker\)](#). Financial Ratings must be no less than “(A-)VII” in the latest edition of “Bests Key Rating Guide,” published by A.M. Best Guide.

In the event that the insurance certificate provided indicates that the insurance shall terminate or lapse prior to the expiration of the Franchise, Special Street Use Permit, or License, then, in that event, the Telecommunications System Operator shall furnish, promptly following renewal or replacement of such insurance, a renewed certificate of insurance as proof that equal and like coverage has been or will be obtained prior to any such lapse or termination of insurance during the balance of the period of the Franchise, Special Street Use Permit, or License under which the Telecommunications System operates.

3. A Telecommunications System owner or Operator, and its contractors or subcontractors engaged in work on the Operator’s behalf in, on, under, or over Public Rights-of-Way, shall maintain the



1 following minimum insurance. The City shall be named as an additional insured for both ongoing
2 and completed operations -on the general liability and additional insured on the -automobile
3 policies.

4 Commercial general liability insurance to cover ~~liability~~ bodily injury, personal injury and property
5 damage. Exposures to be covered are: premises, operations, products/completed operations, and
6 contractual liability. Coverage must be written on an occurrence basis, with the following limits of
7 liability:

8 (a) Bodily Injury and Property Damage

9 (1) Each occurrence \$1,000,000.00

10 (2) Annual aggregate ~~\$32,000,000.00~~

11 (b) Property Damage

12 ~~(1) Each occurrence \$1,000,000.00~~

13 ~~(2) Annual aggregate \$3,000,000.00~~

14 (c) Personal Injury and Advertising Injury

15 (1) \$1,000,000 any one person or organization

16 (2) Annual aggregate ~~\$32,000,000.00~~

17 (c) Completed operations and products liability shall be maintained for ~~two~~ three years after the
18 termination of the Franchise (in the case of the Telecommunications System Operator) or
19 completion of the work for the Telecommunications System Operator (in the case of a contractor or
20 subcontractor).

21 (d) Property damage liability insurance shall include coverage for the following hazards:

22 X - explosion, C - collapse, U-underground

23 ~~U-underground.~~

24 (e) The foregoing limits may be met through any combination of primary and umbrella and/or
25 excess policies.

26 4. Workers' compensation insurance shall be maintained during the life of ~~this contract~~ any
franchise to comply with statutory limits for all employees, and, in the case any work is sublet, each
Telecommunications System Operator shall require the subcontractors similarly to provide workers'
compensation insurance for all the latter's employees unless such employees are covered by the
protection afforded by each Telecommunications System Operator. Each Telecommunications
System Operator and its contractors and subcontractors shall maintain employer's liability
insurance and commercial auto liability insurance for the duration of the Franchise and for three
~~two~~ years after the termination of the Franchise (in the case of the Telecommunications System
Operator) or completion of the work for the Telecommunications System Operator (in the case of a
contractor or subcontractor). The following minimum limits must be maintained, which limits may
be met through any combination of primary and umbrella and/or excess policies:

(a) Workers' Compensation Statutory

(b) Employer's Liability ~~\$1,000,000~~ 500,000.00 per occurrence

(c) Commercial Auto Liability



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(d) Bodily Injury and Property Damage

- (1) Each ~~accident occurrence~~ \$1,000,000.00
- (2) Annual aggregate ~~\$32,000,000.00~~

Property Damage

- ~~(1) Each occurrence \$1,000,000.00~~
- ~~(2) Annual aggregate \$3,000,000.00~~

Coverage shall include owned (if any), hired, and non-owned vehicles.

5. Excess or umbrella liability providing coverage in excess of the above required commercial general liability, commercial auto liability, and employer's liability with limits not less than \$5,000,000 each occurrence and \$5,000,000 aggregate.

56. Each Telecommunications System Operator shall hold the City, its agents, and employees, harmless on account of claims for damages to persons, property or premises arising out of its construction, operation or repair of its Telecommunications System and name the City as an additional insured for both ongoing and completed operations on the General Liability and additional insured on the automobile liability, as provided above.

67. In every Franchise agreement, Special Street Use Permit or License, the City shall reserve the right to require any other insurance coverage it deems necessary depending upon the exposures.

78. The insurance shall include a waiver of subrogation rights to the extent that any liability for costs, losses, and damages resulting from any personal injury, death, and/or property damage may be covered by the proceeds of such insurance policies, and include an endorsement that such policy is primary and noncontributing.

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