



CITY COUNCIL WORKSTUDY*
September 27, 2022 – AGENDA

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

1. 7:00 P.M., Call to Order, Roll Call
2. Needle Exchange Ordinance Councilmember Koellen (15 min.)
3. Legislative Agenda for State Legislature Mr. Miller (30 min.)
4. Community Survey Ms. Deming & Mr. Morado (60 min.)
5. Adjournment

*Members of the public may choose to attend in person or by teleconference. Those wishing to attend by teleconference may view this meeting online using Zoom Meetings. However, in keeping with past Workstudy practices, the public **will not** be allowed to provide public comment. You will be required to have a registered Zoom account and display your full name to be admitted to the online meeting.

Zoom Meeting Information:

To Sign Up for a Zoom Account: <https://zoom.us/join>

Meeting ID: 893 4736 1038

Password: 253533

Call In Phone Number: 1-253-215-8782

If you would like a copy of the September 27, 2022 Council Workstudy packet please email the City Clerk by no later than 5 p.m. on Tuesday, September 27, 2022 at soppedal@northbendwa.gov **OR** visit the following link: [September 27, 2022 City Council Workstudy Packet](#)

1.
Needle Exchange
Ordinance

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING A NEW CHAPTER 8.44 TO THE NORTH BEND MUNICIPAL CODE ENTITLED “NEEDLE EXCHANGE PROGRAMS”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, a needle exchange program, also commonly known as a “syringe exchange program,” is a social service that allows injecting drug users to obtain hypodermic needles and associated paraphernalia at little or no cost to the users; and

WHEREAS, needle exchange programs are proven and effective community-based prevention programs that can provide a range of services, including access to, and disposal of, sterile syringes and injection equipment, vaccination, testing, and linkage to infectious disease care and substance use treatment; and

WHEREAS, nearly 30 years of research has shown that comprehensive needle exchange programs are safe, effective, cost-saving, do not increase illegal drug use or crime, and play an important role in reducing the transmission of viral hepatitis, HIV, and other infections, and that that new users of needle exchange programs are five times more likely to enter drug treatment and about three times more likely to stop using drugs than those who do not use the programs; and

WHEREAS, needle exchange programs protect the public and first responders by facilitating the safe disposal of used needles and syringes; and

WHEREAS, a needle exchange program in the City of North Bend (“City”) would provide a necessary public health service to ensure the safety and well-being of its residents; and

WHEREAS, the City recognizes that Eastside Fire & Rescue, any public health agency, or any service acting under the authority of the King County Public Health Department are the appropriate agencies to administer needle exchange programs, not the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. New NBMC Chapter 8.44, Needle Exchange Programs, Adopted: A new North Bend Municipal Code Chapter 8.44, entitled “Needle Exchange Programs,” is hereby adopted to read as set forth in Exhibit A attached hereto and by this reference fully incorporated herein.

Section 2. Severability: Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS __ DAY OF ____, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Lisa M. Marshall, City Attorney

ATTEST/AUTHENTICATED:

Published:
Effective:

Susie Oppedal, City Clerk

EXHIBIT A

Chapter 8.44 NEEDLE EXCHANGE PROGRAMS

Sections:

- 8.44.010 Needle exchange program authorization.
- 8.44.020 Penalty.

8.44.010 Needle exchange program authorization.

A. A person is authorized to establish a needle exchange program (“NEP”), which may provide clean hypodermic needles and syringes to injecting drug users. The objectives of a NEP shall include reducing the spread of the human immunodeficiency virus (“HIV”), viral hepatitis, and other blood-borne diseases in the City of North Bend; and reducing needle stick injuries to law enforcement officers, health officers, and other emergency personnel. A NEP established pursuant to this section may offer the following:

1. Disposal of used needles and hypodermic syringes;
2. Needles, hypodermic syringes, and other drug use supplies in quantities sufficient to ensure that needles, hypodermic syringes, and other drug use supplies are not shared or reused;
3. Counseling on substance abuse addiction and information on appropriate referrals to drug treatment programs; and
4. Educational materials on the following:
 - a. Overdose prevention;
 - b. The prevention of HIV, viral hepatitis, and other blood-borne disease transmission;
 - c. Drug abuse prevention;
 - d. Rehabilitation and other social and health services associated with rehabilitation;
 - e. Treatment for mental illness, including treatment referrals; and
 - f. Treatment for substance abuse, including referrals for medication-assisted treatment.

B. A NEP authorized by subsection A of this section shall be administered by Eastside Fire & Rescue, any public health agency, or any service acting under the authority of the King County Public Health Department.

C. Only qualified medical officers, registered nurses, counselors, community-based organizations, or other qualified individuals specifically designated by Eastside Fire & Rescue, any public health agency, or any service acting under the authority of the King County Public Health Department shall be authorized to exchange hypodermic needles and syringes under this section.

D. The City of North Bend must approve any location for a NEP.

E. For the purposes of this chapter, a “needle exchange program” means a program that involves the exchange of clean hypodermic needles or syringes as part of a network of comprehensive services, including treatment services, to combat the spread of HIV, viral hepatitis, and other blood-borne diseases among injection drug users.

8.44.020 Penalty.

A. A violation of this chapter shall be a civil infraction and may be enforced by the issuance of a citation in accordance with chapter 1.20 of the NBMC.

B. It shall not be unlawful for any person who is participating in a NEP authorized by NBMC 8.44.010(A) to possess, or for any person authorized by NBMC 8.44.010(B) to deliver, any hypodermic syringe or needle distributed as part of the NEP.

2.
Legislative Agenda
for
State Legislature

WA State Legislative Priorities

City of North Bend

1. **Water:** Two issues

- a. ***Foster vs. City of Yelm.*** Foster decision Task Force. Complications caused by forced mitigation in all reaches of the Snoqualmie River, not just at one site.
- b. ***City/water system assumption statute:*** Current law allows for assumption of water districts (public Title 57 water districts), but not private water systems like Sallal. Legislation could expand this statute to include private water system or be done more narrowly for situations like North Bend where a City has a mitigated groundwater right and adjacent private system has a moratorium. Conflicts between the GMA and private water systems with no responsibility for land use or economic development. GMA needs to take precedent.

2. **Housing Legislative Priorities:**

- a. Grant Funds for purchasing and holding property for Affordable Housing (required Deed Restrictions)
- b. Funding for implementation of Affordable Housing Mandates.
- c. Impact Fee reimbursements fund, so Cities can waive impact fees for affordable housing units but Cities are made whole.
- d. Condo Liability Laws (See Mayor Millman comments below)

3. **Housing density mandates.** Where and how? (Mayor Pauly comments) I have asked PSRC for the following data on KC cities – sq. miles, sq. miles zoned for ANY residential (SF, MF, missing middle, etc.), % of SF vs all others. I know for Issy that 50% of our developable land is zoned residential and of that, 53% of that land is zoned SF, and 47% other residential densities including for multifamily medium density, missing middle, etc. For a city our size, at the edge of the growth boundary that might be fine. I don't know. All cities should not be asked to take the same percentage. You need to overlay transit improvements and service on top of zoning. Where it exists, the percentage is higher, where it minimally exists, the percentage is lower, and where it doesn't exist – that's a complicated conversation. It is not in line with the GMA to grow everywhere at once and assume the areas are serviced with schools, transit, etc. Those that are serviced need to grow now. We need to be compact and dense at the center of the GMA and move outwards as services move outwards. Land at the edge of the urban growth boundary is cheaper than land at the center (especially in the center and near transit). Builders will build where the cheapest land is available. We cannot grow from the outside in, successfully. What works for Seattle will not work for Issaquah, and what works for Issaquah will not work for Snoqualmie. I am excited that so much discussion is happening in between session, but we need to be data based and know where we are starting from, where we want to end up, and how to measure if we are making progress. I am not a fan of one size fits all.

4. Mayor Millman, Woodinville – had a good meeting today with two of our state representatives and a developer friend to discuss further improvements to our **condo liability laws**. They are hoping to craft legislation to encourage more developers to build more for the missing middle. We also had a great discussion on different ways to encourage affordable housing as well.
5. **Funding for infrastructure**. Throughout the State this is a significant issue for cities. The Growth Management Act (GMA) requires all of us to take our fair share of State growth but we can't meet the mandate without infrastructure funding. Over the years both federal and state funding has become either unreliable from year to year or just non-existent. Sewer, water, traffic and storm water continue to be funded almost exclusively by local government. Revenue bonding, ULIDs, development impact fees and general fund revenues are not enough cumulatively to meet the challenge. Many small cities have entire neighborhoods on septic systems rather than sewer, which impacts groundwater. Existing neighborhoods resist self-taxation for infrastructure so ULIDs are ineffective. Growth brings impacts and, like affordable housing, local government needs the state to step up and assist.
6. Chief Phipps –**Pursuits**. The extreme restriction on when pursuits can be conducted has resulted in a new data point for police to start tracking. Though we have just started to track this type of data, we are experiencing an average of 1-2 incidents each day in which the vehicle does not stop. This “flee rate” has on occasion resulted in 4 separate incidents in one day. And to add to this disturbing trend, we have had the same driver and vehicle “flee” more than once in the same day. This resulted in the officers leaving the area when the same vehicle was once again observed additional times as if it was a “game” being played. The only drivers who stop for a police officer are essentially, the law abiding driver.

To help solve this issue, I would hope there could be “factors” that are identified that we could base a decision on whether or not a pursuit should be continued. These factors would be based on associated risk that is balanced on the cause for the stop. These risk factors are environmental, equipment and resources, driver (officer and suspect) capabilities, officer/supervisor responsibility on decision to pursue, and the manner in which the driver is failing to stop. Environmental examples could be weather, road conditions, amount of traffic, pedestrians, etc. Equipment would include the condition of car, type of vehicle, as well as spike strips, etc. Driver capabilities would include the officer's training and experience and if known the fleeing driver's impairment. Also, balance the responsibility by placing responsibility on the pursuing officer and not only the supervisor to continually evaluate the risk factors on whether to continue. The manner in which the fleeing driver is driving is also a factor in the decision. This would include speed, erratic driving behavior, failing to stop for traffic lights, driving on the right side of the roadway, and passengers (children). These are just some of the basic factors that should be part of the process in making a decision to pursue or not.

These factors are all balanced with the type of crime committed and the necessity of immediately apprehending the driver and/or occupants.

This area of concern is very complex and requires much discussion to fully understand the issue.

7. Chief Phipps - **Judicial enforcement of law violators.** This is basic to the foundation of law and order. If there is no consequence to one's actions, then the foundation of the law is mute. As we are currently experiencing, this has resulted in an increase in crime and non-compliance to the laws that are in place. Ultimately, there are more victims of crime then the quality of life is reduced... there is no doubt that the members of our community are more fearful and aware of the current crime issues than they were before the legislation was passed.

There needs to be a focus on helping those who need and want help while holding those accountable who are committing crimes without concern and with malice.