



# MONROE CITY COUNCIL

## Public Safety Committee Meeting

Tuesday, March 2, 2021, 6:00 PM  
Zoom Online Meeting Platform

**Councilmembers**  
Patsy Cudaback  
Ed Davis  
Heather Rousey

Page

### 1. CALL TO ORDER

#### 1.1. Virtual Participation Information:

The City Council meeting will be held virtually via Zoom Meeting. Due to the COVID-19 pandemic, and [Proclamation 20-28.14](#) issued by Governor Jay Inslee, in-person attendance is not permitted at this time.

Join Zoom Meeting:

- [Click link](#)
- Dial in: (253) 215-8782
- Meeting ID: 837 5337 6752

### 2. ROLL CALL

### 3. APPROVAL OF MINUTES

- 3.1. Meeting Minutes of February 2, 2021  
[PS Minutes 02-02-21](#)

3

### 4. NEW BUSINESS

- 4.1. Adoption of 2020 Snohomish County Hazard Mitigation Plan - Brad Feilberg  
[Agenda Bill - 2020 Hazard Mitigation Plan - Pdf](#)
- 4.2. Prosecuting Attorney Update - Chief Jeff Jolley  
[Agenda Bill - Prosecuting Attorney Update - Pdf](#)
- 4.3. Police Department Staff - Chief Jeff Jolley  
[Agenda Bill - Monroe Police Department Staffing - Pdf](#)

4 - 5

6 - 10

11 - 13

## **5. NEXT COMMITTEE MEETING**

5.1. March 6, 2021 at 6:00 p.m.

## **6. ADJOURNMENT**



**MONROE CITY COUNCIL**  
**Public Safety Committee**  
Tuesday, February 2, 6:00 P.M.  
Zoom Online Meeting Platform

**2021 Committee**  
Councilmembers  
Patsy Cudaback  
Ed Davis  
Heather Rousey

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**MINUTES**

**CALL TO ORDER**

A regular meeting of the Monroe City Council Public Safety Committee was held on Tuesday, February 2, 2021. The meeting was called to order by Councilmember Davis at 6:00 p.m. The Public Safety Committee meeting was held virtually via Zoom. Due to the COVID-19 pandemic, and Proclamation 20-28 issued by Governor Jay Inslee, in-person attendance is not permitted at this time.

Council Present: Councilmembers Davis, Rousey, and Cudaback  
Mayor: Present  
Staff Present: Knight, Hasart, Feilberg, Jolly, Haley, Huebner

**APPROVAL OF THE MINUTES**

1. Meeting minutes of December 1, 2020

**Motion:** Move to approve the minutes. Councilmember Rousey moved. Councilmember Cudaback seconded. Motion passed 3-0.

**NEW BUSINESS**

- 4.1. Select Chair. **Motion:** Councilmember Rousey nominated Councilmember Davis as chair for 2021. Councilmember Cudaback seconded. Motion passed 3-0.
- 4.2. Confirm meeting dates and time. Consensus was to keep the same time and dates, being 6:00 p.m. on the first Tuesday of each month.
- 4.3. 2021 Public Safety Committee work plan. Mr. Feilberg presented the committee's 2021 work plan. Councilmember Cudaback asked if COVID related items should come to committee first. Staff responded that timing may not work to come to committee first due to the immediacy of COVID related issues. **Motion:** Move to approve the work plan. Councilmember Cudaback moved. Councilmember Rousey seconded. Motion passed 3-0.

**NEXT COMMITTEE MEETING** is scheduled for March 2, 2021 at 6:00 p.m.

**ADJOURNMENT**

**Motion:** Councilmember Cudaback moved to adjourn. Councilmember Rousey seconded. The motion passed 3-0. The meeting was adjourned at 6:09 p.m.

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Councilmember Davis, Chair

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Rabecca R. Hasart, Interim City Clerk



# AGENDA BILL

**Meeting Date:** March 02, 2021

**Staff Contact:** Brad Feilberg, Public Works Director

**Department:** Public Works

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**SUBJECT: Adoption of 2020 Snohomish County Hazard Mitigation Plan**

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## REQUESTED ACTION:

Move to recommend approval of the 2020 Snohomish County Hazard Mitigation Plan by the Monroe City Council

## POLICY CONSIDERATIONS:

The plan must be approved by the legislative authority of the City of Monroe by October 6, 2021.

## DESCRIPTION/BACKGROUND:

### History

The Disaster Mitigation Act (DMA; Public Law 106-390) is federal legislation enacted to encourage and promote proactive, pre-disaster planning as a condition of receiving financial assistance under the Robert T. Stafford Act. The DMA emphasizes planning for disasters before they occur. It established a pre-disaster hazard mitigation program and new requirements for the national post-disaster hazard mitigation grant program (HMGP).

On December 12, 2005, City Council adopted the Snohomish County Natural Hazard and Mitigation Plan (SCNHMP) by Resolution No. 2005/021. As required by the Disaster Mitigation Act the plan must be reviewed and updated every five years. The City adopted the 2010 update in 2010 (Resolution No. 2010/012). In 2016 the City of Monroe adopted the 2015 Hazard Mitigation Plan by Resolution 001/2016. The 2020 Snohomish County Hazard Mitigation Plan was adopted in 2016 by Resolution 001/2016.

### Plan Update

Starting on 2017, City Staff and the associated Planning Partners began working on developing the 2020 Snohomish County Hazard Mitigation Plan. The Federal Emergency Management Agency specifies the required elements for the five-year updates, these included:

- Reengaging the public;
- Review\revise risk assessment;
- Review\revise goals and objectives; and
- Review\revise action plan.

This work has been completed and the 2020 Snohomish County Hazard Mitigation Plan has been approved by FEMA. The 2020 update must now be adopted by the City in order to maintain our eligibility for mitigation grants.

The plan contains two volumes:

Volume I

([https://www.snohomishcountywa.gov/DocumentCenter/View/78298/SnoCo\\_HMP\\_Volume-1\\_09302020\\_Final?bidId=](https://www.snohomishcountywa.gov/DocumentCenter/View/78298/SnoCo_HMP_Volume-1_09302020_Final?bidId=)) contains information about the planning process, information applicable to the county as a whole, and information regarding "Hazards of Concern" and the risks associated with these hazards.

Volume II

([https://www.snohomishcountywa.gov/DocumentCenter/View/78297/SnoCo\\_HMP\\_Volume-2\\_09302020\\_Final?bidId=](https://www.snohomishcountywa.gov/DocumentCenter/View/78297/SnoCo_HMP_Volume-2_09302020_Final?bidId=)) contains information specific to each participating jurisdiction. Monroe's section begins on page 204.

Monroe's highest probability hazards are earthquake, cyber security, epidemic, hazardous materials, flooding, and weather events.

Proposed hazard mitigation initiatives include replace fragile asbestos cement watermains, acquiring the Cadman property for preservation as open space, and maintaining compliance with the National Flood Insurance Program.

**FISCAL IMPACTS:**

No direct fiscal impacts. Provides eligibility for future federal hazard mitigation funds.

**TIME CONSTRAINTS:**

The City of Monroe has a one year grace period from October 6, 2021 to adopt the 2020 plan or we lose eligibility for federal mitigation funds.

**ALTERNATIVES TO REQUESTED ACTION:**

Do not recommend approval and lose eligibility for federal mitigation funds.



# AGENDA BILL

**Meeting Date:** March 02, 2021

**Staff Contact:** Jeff Jolley, Police Chief

**Department:** Police

**SUBJECT:** Discussion Only

**PREVIOUS DISCUSSION:**

October 6, 2020

**REQUESTED ACTION:**

Discussion Only

**POLICY CONSIDERATIONS:**

N/A

**DESCRIPTION/BACKGROUND:**

January 1, 2020, the City entered into a new three year contract with the firm of Zachor & Thomas, Inc. PS for prosecution services. The prosecutor assigned to the City is Chad Krepps and Carolyn Miller was assigned to represent the City in municipal court effective July 2020.

Beginning in late June, the Municipal Court began to reopen to out-of-custody matters and started processing the backlog of cases needing to be arraigned. The prosecution continues to work with the Municipal Court during these times to expediently adjudicate cases. The chart below gives a five year look at the Monroe Municipal Court filings:

Monroe Municipal Court	INFRACTIONS		MISDEMEANORS				Totals
	Traffic	Non-Traffic	DUI/Phy Control	Other Traffic	Non Traffic	Parking	
2020	1,413	19	27	150	477	70	2,156
2019	2,256	19	43	115	503	78	3,014
2018	2,002	31	71	112	451	74	2,741
2017	2,872	11	19	91	392	111	3,496
2016	2,702	19	32	86	383	56	3,278

City Prosecutor Chad Krepps will present for discussion a recent Washington State Supreme Court ruling that came down on February 25, 2021 in which the simple possession statute was

ruled unconstitutional as it lacks the intent to possess prong. (Zachor & Thomas memo attached)

**FISCAL IMPACTS:**

N/A

**TIME CONSTRAINTS:**

N/A

**ALTERNATIVES TO REQUESTED ACTION:**

N/A

**ATTACHMENTS:**

[State v Blake](#)

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Attorneys at Law

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Chad Krepps, Attorney  
Yelena Stock, Attorney  
Jeffrey D. Leeper, Attorney  
Hana Lee, Attorney  
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Monroe  
Mukilteo  
Sultan  
Woodway

Legal Assistants

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February 25, 2021

**MEMORANDUM OF LAW: STATE V. BLAKE**  
**IMPACTING SIMPLE POSSESSION OF A CONTROLLED SUBSTANCE**

The Supreme Court today held that RCW 69.50.4013, as written, violates the state and federal constitutions due process clause by criminalizing simple possession and not requiring an intent element. The ruling did not go so far as to decriminalize drug possession, just to say that the current law on the books cannot be used to investigate and prosecute.

I have taken some time to review some of the things that have come to mind or I have received questions on. I hope you find this helpful. Keep in mind this review covers mostly what would become a felony matter. If the County Prosecutor gives you different advice or directives, please defer to those as their office will be the ones making charging decisions and ultimately prosecuting the cases.

**RCW 69.50.4013 Simple Possession**

It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

- Consistent with the WASPC memo, I concur that officers can no longer conduct a criminal investigation, effect an arrest, seek a search warrant, or take any other law enforcement action for simple possession of controlled substances

**RCW 69.50.401 Possession with Intent**

it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

- Law enforcement may conduct a criminal investigation, effect an arrest, seek a search warrant, when it is based on the totality of the circumstances and facts known to the officers at the time and an officer can articulate that an individual did indeed have the intent to deliver the controlled substances.

**RCW 69.41.030 Possession of Legend Drug**

It shall be unlawful for any person to sell, deliver, or possess any legend drug...

2(a) A violation of this section involving the sale, delivery, or *possession with intent* to sell or deliver is a class B felony

2(b) A violation of this section involving *possession* is a misdemeanor

- Law enforcement may conduct a criminal investigation, effect an arrest, seek a search warrant, when it is based on the totality of the circumstances and facts known to the officers at the time the officer believes that an individual did indeed have the intent to deliver or sell a legend drug.
- Based on the logic and reasonable conclusion drawn from the opinion, I recommend that officers no longer conduct a criminal investigation, effect an arrest, seek a search warrant, or take any other law enforcement action for simple possession of legend drug case.

**RCW 69.50.412 Possession of Drug Paraphernalia**

It is unlawful for any person to use drug paraphernalia to ... or otherwise introduce into the human body a controlled substance

- Based on the logic and reasonable conclusion drawn from the opinion, I recommend that officers no longer conduct a criminal investigation, effect an arrest, seek a search warrant, or take any other law enforcement action for simple possession of drug paraphernalia case.
- The argument here is that if it is not currently a prosecutable offense to possess and use a controlled substance than why should it be illegal to possess the item used to store, transport, or ingest the controlled substance.

- The opinion does not mandate this action and law enforcement agencies are presently free to continue to investigate and charge PDP cases based on policies determined by their individual command staffs.

### **K-9 Sniffs and Possible Drug Investigations**

- Departments continuing to deploy K-9 handlers to drug investigations should take great care
- A K-9 is trained to detect controlled substances and quantity is not a part of that equation.
- Since simple possession is not currently a valid reason to investigate or prosecute you need other crimes.
- Any decision to use K-9 resources for drug cases should come after consultation with, at a minimum, the duty sergeant.
- Possession of drug paraphernalia, possession of a controlled substance with intent to deliver, and possession of a legend drug with intent to deliver or sell are still enforceable laws. Probable cause for one or more of these offenses and an articulable suspicion that a search of the vehicle or premises would yield evidence of one of these crimes should be enough to get you a search warrant. Based on the executed search you can decide if you have enough for an arrest or felony referral.
- Rarely does a possession with intent case begin with a plain view or open view controlled substances, baggies, scales, ledgers of transactions, and a large amount of small bills.
  - Possession with intent cases will require traditional methods of investigation and case development.

Very Truly Yours,



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Chad W. Krepps  
Zachor & Thomas, Inc., P.S.  
WSBA 45279



# AGENDA BILL

**Meeting Date:** March 02, 2021

**Staff Contact:** Jeff Jolley, Police Chief

**Department:** Police

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**SUBJECT:** Discussion Only

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**PREVIOUS DISCUSSION:**

N/A

**PUBLIC HEARING(S):**

N/A

**REQUESTED ACTION:**

Discussion Only

**POLICY CONSIDERATIONS:**

N/A

**DESCRIPTION/BACKGROUND:**

The 2021 budget includes ten administrative positions; two commissioned command staff members; seven sergeants and twenty-five officer positions. See organizational chart attached.

There are currently two vacant officer positions and the following anticipated vacancies:

1. Administrative Manager resigning - currently in hiring process to replace
2. Administrative Bureau Director retirement, June 30, 2021
3. One sergeant retirement in the next few months
4. One sergeant resigning as early as August 2021
5. Two officers retiring in July and August

The department is actively recruiting lateral and entry-level applicants for the position of police officer.

A process will be put into place soon to replace the Administrative Bureau Director. It is the intent of the department to fill this position with a Commissioned command staff member.

**FISCAL IMPACTS:**

N/A

**TIME CONSTRAINTS:**

N/A

**ALTERNATIVES TO REQUESTED ACTION:**

N/A

**ATTACHMENTS:**

[Visio-2021 Organizational Chart No Names](#)

# Organizational Chart 2021

## Monroe Police Department

34 Commissioned

