



## ORDINANCE NO. 28520

1 AN ORDINANCE relating to apprenticeship training programs; amending  
2 Chapter 1.90 of the Tacoma Municipal Code to improve the processes  
3 and outcomes of the City's Local Employment and Apprenticeship  
4 Training Program ("LEAP").

5 WHEREAS the Local Employment and Apprenticeship Training Program  
6 ("LEAP") has been a City program since 1997, and requires prime contractors to  
7 ensure a certain amount of labor hours on City-funded "public works" are  
8 performed by local residents, and

9 WHEREAS Community and Economic Development staff have consulted  
10 over the course of a year with internal and external stakeholders, including  
11 establishing a LEAP Advisory Committee comprised of City residents, Tacoma  
12 Public Utilities ("TPU") ratepayers, and contractors, to assess the effectiveness of  
13 the LEAP program, and

14 WHEREAS as a result of the extensive consultation process, staff have  
15 identified a number of proposed amendments to the LEAP code to improve its  
16 processes and effectiveness, and

17 WHEREAS the proposed amendment addresses program compliance with  
18 current federal law, amends threshold language that has resulted in lower  
19 utilization of the program, adopts clearly defined apprenticeship utilization goals,  
20 clarifies application of the program to Tacoma Public Utility projects, and  
21 updates geographic emphasis areas to the contemporary terminology of  
22 Economically Distressed Areas, and  
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WHEREAS the amendments are intended to improve utilization of the LEAP program and promote more successful outcomes, and

WHEREAS if approved, the effectiveness of the proposed changes to the LEAP code will be reviewed by staff and community stakeholders by November of 2019, and as a result of that review, any necessary or desirable further amendments will be provided to the Council for consideration, and

WHEREAS the proposed changes have been approved by the Tacoma Public Utilities Board, and now may be considered by the Council; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 1.90 of the Tacoma Municipal Code is hereby amended substantially as set forth in the attached Exhibit "A."

Passed \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to form:

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



EXHIBIT "A"

Chapter 1.90  
Local Employment and Apprenticeship Training Program

\*\*\*

1.90.030 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. "Apprentice" shall mean a person enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.

B. "Building Projects" shall mean all Public Works or Improvements having an Estimated Cost greater than \$750,000.00, and for which a building permit must be issued pursuant to Chapter 1 of the current edition of the state building code (Uniform Building Code).

C. "City" shall mean all divisions and departments of the City of Tacoma, and all affiliated agencies, provided, however, that the Tacoma Community Redevelopment Authority shall not be included within this definition.

D. "Civil Projects" shall mean all Public Works or Improvements that are not defined as a "Building Project," provided that those projects having an Estimated Cost of less than \$250,000.00 shall not be included in this definition.

~~E. "Community Empowerment Zone ("CEZ") shall mean that portion of those census tracts which are situated within the City of Tacoma and designated by the State of Washington as entitled to receive tax incentives because of high levels of poverty and unemployment.~~

F. "Contractor or Service Provider" means a person, corporation, partnership, or joint venture entering into a contract with the City to construct a Public Work or Improvement.

~~G.~~ "Director" shall mean the Director of Community and Economic Development, or the Director's Designee.

~~G.~~ "Economically Distressed ZIP Codes" shall mean ZIP codes in the Tacoma Public Utilities Service Area that meet two out of three (2/3) of the thresholds of:

1. ~~High concentrations of residents living under 200% of the federal poverty line in terms of persons per acre (69th percentile)~~
2. ~~High concentrations of unemployed people in terms of persons per acre (45th percentile)~~
3. ~~High concentrations of people 25 years or older without a college degree in terms of persons per acre (75th percentile)~~

~~Said thresholds shall be updated within 30 days following any Prevailing Wage updates issued by the Washington State Labor and Industry. All updates are to be published on the first business day in August and in February of each calendar year.~~

H. "Electrical Utility" and "Water Utility" shall mean, respectively, the Light Division of the Department of Public Utilities of the City of Tacoma, and shall include the electrical and telecommunications services of that Division, and the Water Division of the Department of Public Utilities of the City of Tacoma.

I. "Estimated Cost" shall mean the anticipated cost of a Public Work or Improvement, as determined by the City, based upon the expected costs of materials, supplies, equipment, and labor, but excluding taxes and contingency funds.

J. "Estimated Labor Hours" shall mean the anticipated number of Labor Hours determined by the City to be necessary to construct a Public Work or Improvement and set forth in the specifications for the project,



or as may be subsequently revised due to contract or project adjustment, or pursuant to an agreed upon change order.

1 K. "Existing Employee" shall mean an employee whom the Contractor or Service Provider can  
2 demonstrate was actively employed by the Contractor or Service Provider for at least 1000 hours in the  
3 calendar year prior to bid opening plus one month following bid opening, and who was performing work  
in the construction trades.

4 L. "Labor Hours" shall mean the actual number of hours worked by workers receiving an hourly wage  
5 who are employed on the site of a Public Work or Improvement, and who are subject to state or federal  
6 prevailing wage requirements. The term "Labor Hours" shall include hours performed by workers  
7 employed by the Contractor or Service Provider and all Subcontractors, and shall include additional hours  
8 worked as a result of a contract or project adjustment or pursuant to an agreed upon change order. The  
9 term "Labor Hours" shall not include hours worked by workers who are not subject to the prevailing  
10 wage requirements set forth in either RCW 39.12 or the Davis-Bacon Act - 40 U.S.C. 276 (a).

11 M. "LEAP Coordinator" shall mean the City of Tacoma staff member who administers LEAP.

12 ~~M~~N. "LEAP Program" or "Program" shall mean the City of Tacoma's Local Employment and  
13 Apprenticeship Training Program, as described in this chapter.

14 ~~N. "Pierce County Apprentice" shall mean any person, not defined as a Resident of the Community  
15 Empowerment Zone or Resident of Tacoma, who continues to occupy a dwelling within the boundaries  
16 of Pierce County, has a present intent to continue residency within the boundaries of Pierce County, who  
17 demonstrates the genuineness of that intent by producing evidence that the person's presence is more than  
18 merely transitory in nature, and who is enrolled in a course of training specific to a particular construction  
19 trade or craft, which training shall be approved by the Washington State Apprenticeship and Training  
20 Council established pursuant to RCW 49.04.010.~~

21 ~~O. "Pierce County Veteran" shall mean any person, not defined as a Resident of the Community  
22 Empowerment Zone, Tacoma Youth, or Pierce County Youth, who served for any length of time in any  
23 military service branch and who continues to occupy a dwelling within the boundaries of Pierce County,  
24 has a present intent to continue residency within the boundaries of Pierce County, and who demonstrates  
25 the genuineness of that intent by producing evidence that the person's presence is more than merely  
26 transitory in nature.~~

27 "LEAP Regulations" or "Regulations" shall mean the rules and practices established in this document.

28 ~~P. "Pierce County Youth" shall mean any person, not defined as a Resident of the Community  
29 Empowerment Zone or Tacoma Youth, between the ages of 18-24 who continues to occupy a dwelling  
30 within the boundaries of Pierce County, has a present intent to continue residency within the boundaries  
31 of Pierce County, and who demonstrates the genuineness of that intent by producing evidence that the  
32 person's presence is more than merely transitory in nature.~~

33 "LEAP Utilization Plan" shall mean the document submitted by the Contractor to the LEAP Coordinator  
34 which outlines how the associated goals will be met on the project.

35 Q. "Priority Hire Resident" shall mean any resident within the Economically Distressed ZIP Codes.

36 R. "Project Engineer" shall mean the City employee who directly supervises the engineering or  
administration of a particular construction project subject to this chapter.

S. "Public Work or Improvement" shall have the same meaning as provided in Section 39.04.010 RCW,  
as that Section may now exist or hereafter be amended.

~~S. "Resident of the Community Empowerment Zone" ("CEZ Resident") shall mean any person who  
continues to occupy a dwelling within the boundaries of the Community Empowerment Zone, has a  
present intent to continue residency within the boundaries of the Community Empowerment Zone, and  
who demonstrates the genuineness of that intent by producing evidence that the person's presence is more  
than merely transitory in nature; provided, however, that an individual initially certified as a CEZ~~



Resident shall retain such certification status for a period of up to 2 years or 1,000 Labor Hours worked from the date of initial certification, whichever is less, and such certification shall be recognized for any Civil Project, Building Project, or Service Contract covered by this chapter for said certification period. For example, if an individual initially certified as a CEZ Resident on January 1 of calendar year 1 on project A works 900 hours in that calendar year on project A, and is thereafter hired to work 700 hours in year 2 on project B, the individual will retain his or her CEZ status for all hours worked on project B; provided, if the individual commences work on project C after he or she has worked 100 or more hours on project B in year 2, and is no longer a CEZ Resident, the Contractor for project C will not be eligible to count the hours worked by said individual as hours worked by a CEZ resident.

T. "Resident of Tacoma" shall mean any person, not defined as a Resident of the Economically Distressed ZIP Codes within the Tacoma Public Utilities Service Area, who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City, and who demonstrates the genuineness of that intent by producing evidence that the person's presence is more than merely transitory in nature.

U. "Resident of Tacoma Power Hydro Project Areas" shall mean any person who continues to occupy a dwelling within the boundaries of the Cowlitz, Cushman, Wynoochee, and Nisqually Hydroelectric projects which are located in Lewis, Mason, Grays Harbor, Pierce, and Thurston counties; has a present intent to continue residency within the boundaries of the Tacoma Power Hydro Project Areas; and who demonstrates the genuineness of that intent by producing evidence that the person's presence is more than merely transitory in nature.

~~V. "Seattle's (City of) Duwamish and White Center Community Empowerment Zone" ("CEZ") shall mean that portion of those census tracts which are situated within the City of Seattle and designated by the state of Washington as entitled to receive tax incentives because of the high levels of poverty and unemployment. See Figure 1.~~

~~W. "Service Area - Electrical" or "Electrical Service Area" shall mean that area served with retail sales by the Electrical Utility of the City of Tacoma at the time a bid is published by the Electrical Utility for a Public Work or Improvement to be performed primarily for the Electrical Utility.~~

~~XV. "Service Area - Water" or "Water Service Area" shall mean that area served with retail sales by the water utility of the City of Tacoma at the time a bid is published by the water utility for a Public Work or Improvement to be performed primarily for the water utility.~~

~~YW. "Service Contract" shall mean all City contracts relating to a Public Work or Improvement which utilize labor at a City site and which are not within the exceptions to nor defined as "Building Projects" or "Civil Projects."~~

~~ZX. "Subcontractor" means a person, corporation, partnership, or joint venture that has contracted with the Contractor or Service Provider to perform all or part of the work to construct a Public Work or Improvement by a Contractor.~~

~~AA.Y. "Tacoma Public Utilities" means the City of Tacoma, Department of Public Utilities.~~

~~YZ. "Tacoma Public Utilities Service Area" shall mean every ZIP code listed by Tacoma Public Utilities as an area that either receives services or maintains infrastructure to provide services.~~

~~AA. "Tacoma Apprentice" shall mean any person who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the City of Tacoma, who demonstrates the genuineness of that intent by producing evidence that the person's presence is more than merely transitory in nature, and who is enrolled in a course of training specific to a particular construction trade or craft, which training shall be approved by the Washington State Apprenticeship and Training Council established pursuant to RCW 49.04.010.~~

~~BB. "Tacoma Power Hydro Project Areas" shall mean those areas within the boundaries of the Cowlitz, Cushman, Wynoochee, and Nisqually Hydroelectric projects, which are located in Lewis, Mason, Grays Harbor, Pierce, and Thurston counties.~~



1 CC. "Tacoma Veteran" shall mean any person, not defined as a Resident of the Community  
 2 Empowerment Zone or Tacoma Youth, who served for any length of time in any military service branch  
 and who continues to occupy a dwelling within the boundaries of the City of Tacoma, has a present intent  
 to continue residency within the boundaries of the City, and who demonstrates the genuineness of that  
 intent by producing evidence that the person's presence is more than merely transitory in nature.

3 DD. "Tacoma Water's Green River Headworks and Watershed Area" shall mean that area in King County  
 4 that is served with retail sales by the water utility of the City of Tacoma at the time a bid is published by  
 the water utility for a public work or improvement to be performed primarily for the water utility." See  
 Figure 2.

5 EE. "Tacoma Youth Resident" shall mean any person, not defined as a Resident of the Community  
 6 Empowerment Zone, between the ages of 18-24 who continues to occupy a dwelling within the  
 boundaries of the City of Tacoma, has a present intent to continue residency within the boundaries of the  
 City, and who demonstrates the genuineness of that intent by producing evidence that the person's  
 7 presence is more than merely transitory in nature.

8 ZAA. Washington State Labor and Industry Prevailing Wage shall mean the hourly wage, usual benefits  
 and overtime, paid in the largest city in each county, to the majority of workers, laborers, and mechanics.  
 9 Prevailing wages are established, by the Department of Labor & Industries, for each trade and occupation  
 employed in the performance of public work. They are established separately for each county, and are  
 10 reflective of local wage conditions.

11 (Ord. 28147 Ex. B; passed May 7, 2013; Ord. 28110 Ex. C; passed Dec. 4, 2012; Ord. 27815 Ex. A;  
 12 passed Jun. 30, 2009; Ord. 27368 § 1; passed Jun. 21, 2005; Ord. 26698 § 1; passed Sept. 12, 2000;  
 Ord. 26301 § 1; passed Oct. 6, 1998)

13 **1.90.040 LEAP goals.**

14 A. Utilization Goals.

15 1. All Contractors constructing Civil Projects or Building Projects, and all Service Providers involved  
 with the construction of a Public Work or Improvement, shall ensure that ~~the lesser of~~ at least 15 percent  
 16 of the total Labor Hours actually worked on the Project, ~~or 15 percent of the Estimated Labor Hours,~~ are  
 performed by persons having their residence within the boundaries of the City of Tacoma or  
~~Economically Distressed ZIP Codes, whether or not any such person is an Apprentice, or by Apprentices  
 who are residents of Pierce County, unless as adjusted per subsection B below.~~

17 a. The thresholds for this section shall be \$250,000.00 for Civil Projects and \$750,000.00 for Building  
 18 Projects.

19 2. ~~Twenty five percent (25%) of the Labor Hours or Estimated Labor Hours identified as the LEAP  
 Utilization Goal above shall have work performed by a CEZ Resident; provided, however, that the  
 Utilization Goal Estimated Labor Hours are subject to adjustment as provided in subsection B below.~~

20 Fifteen percent (15%) of the Total Labor Hours on contracts above one-million dollars (\$1,000,000.00)  
 21 shall have work performed by Apprentices who are residents of the Tacoma Public Utilities Service Area  
 consistent with RCW 39.04.320(1)(a), subject to waiver based on exceptions as specified in RCW  
 22 39.04.320(2)(a), (b), and (c).

23 3. ~~If the Project is located within the Tacoma Power Hydro Project Areas, then 25 percent of the Labor  
 Hours or Estimated Labor Hours identified as the LEAP Utilization Goal above in subsection A.1 or A.2  
 may be work performed by a Resident of the Tacoma Power Hydro Project Areas in which the Building  
 24 Project, Civil Project, or Service Contract is located; provided however, that the Utilization Goal  
 Estimated Labor Hours are subject to adjustment as provided in this section.~~

25 Labor Hours performed by non-residents of the State of Washington will be deducted from a project's  
 26 total Labor Hours for purposes of determining compliance with the requirements of this chapter.



1 4. If the Project is within the Tacoma Water Green River Headworks and Watershed Area, then the  
 2 25 percent requirement of the Labor Hours or Estimated Labor Hours identified in subsection A.1 or A.2  
 3 above as the LEAP Utilization Goal may be work performed by Apprentices who reside in King County  
 4 or by a Resident of the Duwamish and White Center CEZ or of Tacoma Water Green River Headworks  
 5 and Watershed Area in which the Building Project, Civil Project, or Service Contract is located; provided  
 6 however, that the Utilization Goal Estimated Labor Hours are subject to adjustment as provided in this  
 7 section.

8 5. All Contractors and Service Providers shall submit a LEAP Utilization Plan as provided for in the  
 9 regulations adopted under this chapter, and shall meet with the LEAP Coordinator to review said Plan  
 10 prior to being issued a Notice to Proceed. Failure to submit a LEAP Utilization Plan may be grounds for  
 11 the City to withhold remittance of a progress payment until such Plan is received from the responsible  
 12 Contractor or Provider. A meeting with the LEAP Coordinator prior to issuance of a Notice to Proceed  
 13 shall be excused only when the LEAP Coordinator is unavailable to meet prior to the scheduled date for  
 14 issuance of the Notice to Proceed and the Contractor and the LEAP Coordinator have otherwise  
 15 scheduled a meeting for the coordinator to review the Contractor's or Provider's plan.

16 The Contractor or Service Provider shall be responsible for meeting the LEAP utilization goal  
 17 requirements of the contract, including all amendments and change orders thereto, and shall be  
 18 responsible for overall compliance for all hours worked by Subcontractors. To the extent possible, the  
 19 Contractor or Service Provider shall recruit Apprentices from multiple trades or crafts.

20 B. ~~Adjustments.~~

21 ~~Contractors and Service Providers may achieve compliance with their LEAP Utilization Goal obligation  
 22 through any combination of the following:~~

- 23 1. ~~The number of hours worked by a Resident of the CEZ or Seattle's Duwamish and White Center CEZ  
 24 shall be multiplied by two;~~
- 25 2. ~~The number of hours worked by a Tacoma Youth, Tacoma Veteran or Tacoma Apprentice shall be  
 26 multiplied by 1.5;~~
- 27 3. ~~The number of hours worked by a Resident of Tacoma, Pierce County Youth, Pierce County Veteran  
 28 or a Pierce or King County Apprentice shall be multiplied by 1;~~
- 29 4. ~~The number of hours worked by a Tacoma Power Hydro Project Areas Resident shall be multiplied by  
 30 1.~~
- 31 5. ~~Should the Contractor or Service Provider be unable to satisfy the sub-utilization goal requirement that  
 32 25 percent of the utilization goal hours be worked by CEZ Residents, the Contractor or Service Provider  
 33 shall cure such deficiency by achieving a 2 for 1 ratio of hours worked by a Pierce County Apprentice,  
 34 Pierce County Youth, Pierce County Veteran, Tacoma Power Hydro Project Areas Resident, or Resident  
 35 of Tacoma for every unmet CEZ Resident labor hour until the CEZ deficiency is met. For example, if a  
 36 Contractor has a total LEAP utilization goal of 20 hours, but is only able to achieve 4 of the 5 sub-goal  
 labor hours, then the Contractor must achieve a total of 17 non-CEZ Resident labor hours to satisfy the  
 deficiency (15 non-sub-goal hours plus 2 labor hours for the 1 missed sub-goal hour).~~
- 37 6. ~~For projects in the Tacoma Water Green River Headworks and Watershed Area, should the Contractor  
 38 or Service Provider be unable to satisfy the subutilization goal requirement that 25 percent of the  
 39 utilization goal hours be worked by CEZ Residents, the Contractor or Service Provider shall cure such  
 40 deficiency by achieving a 2 for 1 ratio of hours worked by a King County Apprentice or Duwamish and  
 41 White Center CEZ resident for every unmet CEZ Resident labor hour until the deficiency is met.~~

42 ~~C. Failure to Meet Utilization Goal.~~

43 1. Contracts for the construction of Building projects or Civil projects and Service Contracts shall provide  
 44 that Contractors or Service Providers failing to meet the LEAP utilization goals shall be assessed an  
 45 amount for each hour that is not achieved. The amount per hour shall be based on the extent the  
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Contractor or Service Provider met its goal. The amount per hour that shall be assessed shall be as follows:

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Percent of Goal Met	Assessment per unmet hour
100%	\$ 0.00
90% - 99%	\$ 2.00
75% to 89%	\$ 3.50
50% to 74%	\$ 5.00
1% to 49%	\$ 7.50
0%	\$10.00

When determining the percent of goal that is met, all rounding shall be down to the nearest whole percent. No penalty shall be waived by the City unless it is determined by the Director to be in the best interests of the City, which determination shall be made after consultation with the LEAP Coordinator.

2. Deposit of Assessments. All assessments imposed pursuant to this section shall be deposited into a separate account and utilized to support the City’s pre-apprenticeship and training program. The policies and regulations adopted by the City Manager and Director of Utilities pursuant to this chapter shall address issues pertaining to a Contractor’s existing workforce. Contributions need not be made for Labor Hours that have been adjusted in accordance with Section 1.90.040(E).

DC. LEAP Reports. Notwithstanding the provisions of TMC 1.90.100, the Director shall, not less than annually, publish a LEAP report setting forth Contractor compliance with this chapter. Said report shall include information on all contracts and all Contractors to which this chapter applies, and shall detail the level and nature of LEAP participation by contract and by Contractor, The Director’s LEAP report may include such other information as may be helpful to assuring fair and accurate representation of the contracts, Contractors or projects covered in the report. The Director’s LEAP reports may be considered by the Board of Contracts and Awards in its determinations as to bidder responsibility.

ED. LEAP Goal Adjustments.

1. LEAP utilization goals may be adjusted prior to bid opening and/or as a result of a contract amendment or change order on a Building Project, Civil Project, or Service Contract.

a. If LEAP utilization goals are adjusted prior to bid opening, they shall be set forth in the bid or Request For Proposal advertisement and specification documents or in an addendum timely provided to prospective bidders, provided that such adjustment shall be based upon a finding by the Project Engineer that the reasonable and necessary requirements of the contract render LEAP utilization unfeasible at the required levels. The Director shall concur with the Project Engineer’s finding, provided that should the Project Engineer and the Director fail to reach agreement on the Project Engineer’s finding, then in that circumstance the matter shall be referred to the City Manager or the Director of Utilities, as appropriate, for ultimate resolution. Notwithstanding any other provision of this chapter to the contrary, the decision of the City Manager or the Director of Utilities with regard to LEAP goal adjustment may not be appealed.

b. If LEAP utilization goals are adjusted due to contract amendment or change order, the amount of adjustment shall be consistent with the utilization goals set forth in this chapter and shall be determined pursuant to regulations adopted pursuant to this chapter for administration of LEAP utilization goal adjustments.

2. The methodology of determining the appropriate adjustments to LEAP utilization goals shall be determined in consultation with the LEAP Advisory Committee, established pursuant to this ordinance for so long as the LEAP Advisory Committee remains in existence.





1 3. LEAP utilization goals shall not apply to those portions of a project that are funded by sources other  
 2 than (a) City funds, or (b) funds which the City expends or administers in accordance with the terms of a  
 3 grant to the City, provided that the Project Engineer shall notify the Director of such non-application prior  
 4 to bid advertisement. For the purposes of this paragraph, credits extended by another entity for the  
 5 purpose of providing project funding shall not be considered to be City funds.

6 FE. Utilization - Electrical Projects Outside Electrical Service Area. Civil Projects or Building Projects  
 7 that are constructed primarily for the benefit or use by the City’s Electrical Utility, which are wholly  
 8 situated outside the Electrical Service Area, and for which the estimated cost is less than \$1,000,000.00,  
 9 are exempt from the requirements of this chapter.

10 GF. Utilization - Water Projects Outside Water Service Area. Civil Projects or Building Projects that are  
 11 constructed primarily for the benefit or use by the City’s water utility, which are wholly situated outside  
 12 the Water Service Area, and for which the estimated cost is less than \$1,000,000.00 are exempt from the  
 13 requirements of this chapter.

14 G. Utilization –Projects Outside Tacoma Public Utilities Service Area. Civil Projects or Building Projects  
 15 that are constructed primarily for the benefit or use by Tacoma Public Utilities, which are wholly situated  
 16 outside the retail service area of the Tacoma Public Utilities Service Area, and for which the estimated  
 17 cost is less than \$1,000,000.00 are exempt from the requirements of this chapter. Projects wholly situated  
 18 outside the Tacoma Public Utilities Service Area, and for which the estimated cost is more than  
 19 \$1,000,000.00, shall be exempt from 15% utilization goal specified in subsection A1. of this section. The  
 20 15% utilization goal specified in subsection A2. of this section may be met if project work is performed  
 21 by Apprentices who are enrolled in a course of training specific to a particular construction trade or craft,  
 22 provided such training has been approved by the Washington State Apprenticeship and Training Council  
 23 in accordance with Chapter 49.04, RCW.

24 H. Emergency. This chapter shall not apply in the event of an Emergency. For the purposes of this  
 25 section, an “Emergency” means unforeseen circumstances beyond the control of the City that either:  
 26 (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely  
 result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

I. Conflict with State or Federal Requirements. If any part of this chapter is found to be in conflict with  
 federal or state requirements which are a prescribed condition to the allocation of federal or state funds to  
 the City, then the conflicting part of this chapter is inoperative solely to the extent of the conflict and with  
 respect to the City departments directly affected. This provision does not affect the operation of the  
 remainder of this chapter. Administrative rules or regulations adopted under this chapter shall meet  
 federal and state requirements which are a necessary condition to the receipt of federal or state funds by  
 the City.

(Ord. 28147 Ex. B; passed May 7, 2013; Ord. 27815 Ex. A; passed Jun. 30, 2009; Ord. 27368 § 2; passed  
 Jun. 21, 2005; Ord. 26992 § 1; passed Oct. 15, 2002; Ord. 26698 § 2; passed Sept. 12, 2000; Ord. 26301  
 § 1; passed Oct. 6, 1998)

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