

CITY COUNCIL AGENDA
15728 Main Street, Mill Creek, WA 98012
(425) 745-1891



- Brian Holtzclaw, Mayor • Stephanie Vignal, Mayor Pro Tem
• Mark Bond • Vince Cavaleri • John Steckler • Benjamin Briles • Adam Morgan

Regular meetings of the Mill Creek City Council shall be held on the first, second and fourth Tuesdays of each month commencing at 6:00 p.m. **Due to the COVID-19 pandemic City Council Meetings will be held virtually until further notice.**

Your participation and interest in these meetings are encouraged and very much appreciated. We are trying to make our public meetings accessible to all members of the public.

The City Council may consider and act on any matter called to its attention at such meetings, whether or not specified on the agenda for said meeting. Participation by members of the audience will be allowed as set forth on the meeting agenda or as determined by the Mayor or the City Council.

To comment on subjects listed on or not on the agenda, ask to be recognized during the Audience Communication portion of the agenda. Please stand at the podium and state your name and residency for the official record. Please limit your comments to the specific item under discussion. Time limitations shall be at the discretion of the Mayor or City Council.

Study sessions of the Mill Creek City Council may be held as part of any regular or special meeting. Study sessions are informal, and are typically used by the City Council to receive reports and presentations, review and evaluate complex matters, and/or engage in preliminary analysis of City issues or City Council business.

Next Ordinance No. 2021 - 871

Next Resolution No. 2021 - 602

March 2, 2021
City Council Meeting
6:00 PM

VIRTUAL MEETING INFO

- A. Join Zoom Meeting

<https://zoom.us/j/99918222243>

Meeting ID: 999 1822 2243

One tap mobile

[+12532158782](tel:+12532158782).,99918222243# US (Tacoma)

[+16699006833](tel:+16699006833).,99918222243# US (San Jose)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AUDIENCE COMMUNICATION

- B. Public comment on items on or not on the agenda

PRESENTATIONS

- C. Proclamation of Emergency Extension
(Michael Ciaravino, City Manager)
- D. Public Works Maintenance Team Update
(Matthew Combs, Public Works Supervisor)

STUDY SESSION

- E. Governance Manual Session 2 - Standards of Conduct and City Administration
(Michael Ciaravino, City Manager & Grant Degginger, City Attorney)

CONSENT AGENDA

- F. City Council Meeting Minutes of February 23, 2021

REPORTS

- G. Mayor/Council
- H. City Manager

- I. Staff
 - WA State Supreme Court Ruling Update
(Jeff Young, Chief of Police)

AUDIENCE COMMUNICATION

- J. Public comment on items on or not on the agenda

ADJOURNMENT

Proclamation

WHEREAS, on January 31, 2020, U.S. Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and,

WHEREAS, on February 28, 2020, a student at Henry M. Jackson High School in Mill Creek was diagnosed with the COVID-19 virus; and,

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05 proclaiming that a State of Emergency exists in all counties of the state of Washington due to the outbreak of the COVID-19 virus and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented; and,

WHEREAS, the Governor directed state agencies and departments to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak; and,

WHEREAS, subsequently, the Governor issued additional Proclamations directed at protecting public health and safety including Proclamation 20-28, prohibiting public gatherings and requiring all public meetings to be held remotely; and

WHEREAS, on January 18, 2021, the Washington Legislature adopted Senate Concurrent Resolution 8402, providing for the continuation of 26 proclamations issued by the Governor until the termination of the Coronavirus Disease 2019 State of Emergency or until rescinded by gubernatorial or legislative action including Proclamation 20-28 and its subsequent versions; and

WHEREAS, currently Proclamation 20-28.14 continues to require that all public meetings must be held remotely; and

WHEREAS, RCW 38.52.010(9)(a) defines emergencies and disasters to include events or circumstances which demand action to preserve public health; and,

WHEREAS, RCW 38.52.070 grants political subdivisions of the state that have approved emergency management plans to conduct emergency management of incidents involving emergencies or disasters; and,

WHEREAS, the City of Mill Creek has adopted an emergency management plan set forth in Mill Creek Municipal Code (“MCMC”) Section 8.08.080; and,

WHEREAS, MCMC Section 8.08.040 defines an “emergency or disaster” as an event or set of circumstances which among other things “demand immediate action to preserve public health, protect life...or reaches such a dimension or degree of destructiveness as to warrant the city manager proclaiming the existence of a disaster or the Governor declaring a state of emergency with appropriate local and state statutes”; and,

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WHEREAS, the City Manager is designated specific powers during an emergency, as set forth in MCMC 8.08.090; and

WHEREAS, MCMC 8.08.100 empowers the City Manager to proclaim the existence or threatened existence of a disaster and termination thereof, if the Mill Creek City Council is in session, or to issue such proclamation, if the Mill Creek City Council is not in session, subject to confirmation by the Mill Creek City Council at the earliest practicable time; and

WHEREAS, the City of Mill Creek's Comprehensive Management Plan specifically states that it is the responsibility of the City Manager to proclaim local emergencies; and,

WHEREAS, the City Manager for the City of Mill Creek proclaimed that effective February 29, 2020, consistent with Proclamation 20-05 issued by Governor Inslee, the outbreak of the COVID-19 virus constituted an emergency as defined by RCW 38.52.010(9)(a) and MCMC Section 8.08.040 and necessitated the utilization of emergency powers granted under RCW 38.52.070 and MCMC 8.08.100; and

FURTHER, in light of the Governor's and the Legislature's continuation of the emergency proclamations issued by the Governor limiting public gatherings and requiring all public meetings to be held remotely, and in light of the continued recommendations for social distancing issued by Centers for Disease Control, Washington Department of Health, and Snohomish Health District, the City of Mill Creek will continue to restrict access to City Hall to the general public in an effort to slow the spread of the COVID-19 virus. The closure is in effect through April 6, 2021.

The City of Mill Creek will continue essential municipal government operations during this health crisis while prioritizing the safety of residents and employees.

Signed this ____ day of March 2021.

Michael Ciaravino, City Manager



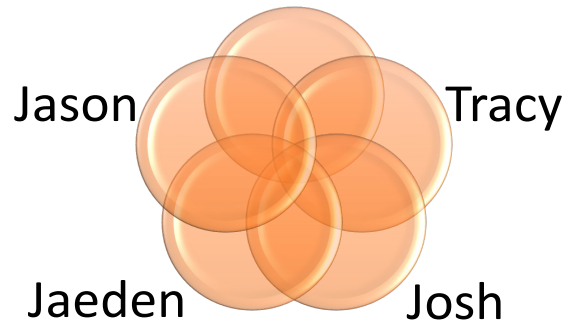
PUBLIC WORKS PROJECT AND TASK OVERVIEW

Presented by
Public Works Supervisor
Matthew Combs



MILL CREEK PUBLIC WORKS TEAM

Our Four
Crucial Team
Members



Tackling
Maintenance
Needs and
City Projects

- General Maintenance upkeep and repairs
- Provide Safe Play Structures and perform repairs when needed
- Maintain safe roadways and repair damaged road surfaces
- Provide service during “off hours”
 - Removing road hazards in the middle of the night
 - Spend days on end working through storms
 - Clearing snow on approximately 40 lane miles “Priority Routes” alone
 - Available at a moments notice to support the community
- Mitigate hazards to persons and property

THERE'S A NEED AROUND EVERY CORNER

Street Sign Restoration

Refresh



And Replace



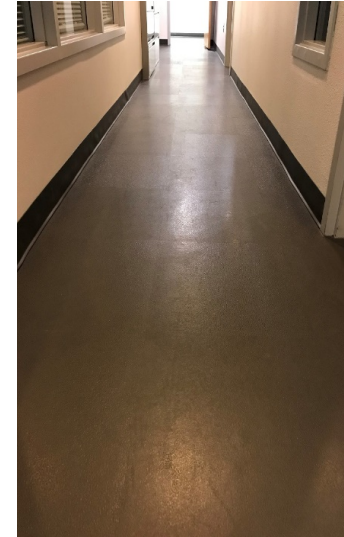


COVID 19

Creating a Safer Environment



- Improvements To Air quality Within City Hall
 - Installation of REME HALO Air Purifier
- Council Dais “Sneeze” Barrier
 - Designed layout for proposed shielding
 - PW team cut and assembled
 - Added “Breakaway Doors” for emergency egress



- Replaced Flooring in Police Department
 - Installed hard (Rubber) Flooring in patrol area





VETERAN RECOGNITION



We remembered those who have made the ultimate sacrifice on Memorial Day and honored those who served during Veterans Day



Public Works teamed up with the Mill Creek Recreation Department to build an “Eternal Flame” and uniform display. Uniforms were loaned to the city by veterans employed by the city.

SR-527 RIGHT OF WAY CLEARING



Public Works is clearing the thick vegetation along SR-527, developing a clear line of sight from the highway to the sidewalk which creates safer conditions for people walking along the sidewalk.



There was a bridge behind all those blackberries

CITY HALL FIRE SUPPRESSION UPGRADES

Years ago, construction of several offices and mezzanines took place. Though the construction is sound, fire suppression was not upgraded to fulfill the Fire Code requirements.

We selected a contractor that could cost effectively and efficiently upgrade our system by installing new plumbing and provide fire suppression to those areas that were deficient.

The new sprinklers and plumbing have been inspected by the Snohomish County Fire Inspector. We now meet the Fire Code Requirements

Image copyright Freepik.com

THE COMPLETION OF HERON PARK

The Heron Park “Restoration Project” was inspected and closed.



The Fire damage done to the restroom was also cleaned and repaired.



HISTORIC PANELS ON MAIN St.



Public Works partnered with the Art and Beatification Board to create and install a new display on the Main Street bridge.





SURFACE WATER

We have re-introduced our Storm Water Management Program

- Trained PW personnel on catch basin and pond inspection process
- Implemented ongoing Illicit Discharge Detection and Elimination (IDDE) training for City Employees
- Conducted Catch Basin, Vault and Pond inspections
- Elevated our spill response readiness by reviewing and upgrading spill kit supplies for Public Works to deploy
- Inspect and Maintain over 3000 Catch Basins and Vaults



THE FUTURE

WHERE WE ARE GOING PUBLIC WORKS IN 2021

Upcoming Projects and Operations

- Street Light Replacement on SR-527 (Beginning of May 2021)
- Railing Repair on 146th Street SE (Mid March)
- Equipment/Fleet updating
- Sidewalk shaving and path repair
 - Parks, North Creek Trail and other pathways
- Library Flooring repair
- Refurbish City Entrance sign locations
- Replace missing street light poles in Town Center
- Overall increase in aesthetics throughout the city
- Building updating
 - Resolve City Hall North building HVAC issues
 - Roof repair and upgrades for safety
- Improved roadway maintenance
 - Chip/Crack Sealing
 - Pothole and Sinkhole Repair





For a Public Works employee, the best compliment is when Public Works is taken for granted and the people trust us

- Upkeep of 11 City Parks
 - Including 5 parks with restrooms
- Maintain the North Creek Trail
- Repair and Maintain field at the Sports Park
- Remove Graffiti
- Roadway maintenance and repair
- Facility Maintenance
- Keep Street Lights on
- Respond to citizen concerns
- Change City Banners as seasons change
- Maintain beaver dams and eliminate hazards they create
- Keep beacons at crosswalks and school zones flashing
- Preparations for special events and parades
- Work with other departments to complete special projects
- Special Projects
- And more.....

Please report issues by using the “Requests and Feedback” tab on the City’s web site and create a request.

- For emergencies always call 911 FIRST.

Thank you,

Matthew Combs



Meeting Date: March 2, 2021

CITY COUNCIL AGENDA SUMMARY

City of Mill Creek, Washington

AGENDA ITEM: Study Session on Articles 3 and 6 of the Governance Manual

KEY FACTS AND INFORMATION SUMMARY:

During the March 2, 2021 study session, Council will continue its review of the Governance Manual. Articles 3 and 6 will be discussed. These two articles focus on standards of conduct and city administration.

Article 3 covers many of the state laws that direct standards of conduct over the manner in which Council performs its work. The applicable statutes include:

The Public Disclosure Act—RCW 42.17A;

The Ethics Act-RCW 42.23;

The Open Public Meetings Act-RCW 42.30;

The Appearance of Fairness Act-RCW 42.36; and

The Public Records Act-RCW 42.56

In a number of cases, either the statutes have been amended, key court decisions interpreting the statutes have been issued or advances in technology suggest that modifications in the provisions of the Governance Manual may be appropriate. By way of example:

- Currently the Manual does not mention that councilmembers must report travel, lodging and meals (over a certain dollar threshold) in their annual financial report to the Public Disclosure Commission.
- The discussion of the Ethics statute in Section 3.6 was limited.
- The discussion of the Open Public Meetings Act and executive sessions in Section 3.7 needed updating.
- The discussion of the Public Records Act in Section 3.8 did not contain any discussion of social media, so a proposed new section is included.

- The discussion of the Council's statement of values in Section 3.9 is updated. Council should review the current statement found in Exhibit C of the Manual.
- Including a reference to city interest statements in Section 3.10, should the Council elect to adopt legislative or other interest statements in the future.

Also, several organizational revisions have been proposed. They include:

- Moving the discussion of the City Attorney's role to Article 6 where all of the other City Administration staff discussions are found.
- Deleting policy statements such as the one addressing the separate accounting of the city's enterprise funds in Section 3.14. This appears to be a financial policy that might be better suited being located with other city financial policies.
- Deleting a redundant discussion about the City Manager's role in managing the staff in Section 3.15 since virtually the same subject matter is addressed in Section 6.4.

Copies of the current and revised versions of Articles 3 and 6 are attached, along with a power point that will be used during the meeting.

ATTACHMENTS:

Mill Creek Revised 044– Proposed Revision to Articles 3 and 6
Governance Manual Complete
Mill Creek GM Power Point

Respectfully Submitted:



City Manager



CITY OF
Mill Creek
WASHINGTON

*Proposed Revisions to
Articles 3 and 6*

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Article 3: Standards Of Conduct

3.1 Sources and References

In this Article, the following references are frequently cited as sources of law or explanations of applicable law and standards of conduct:

- “KIT”: Association of Washington Cities (AWC) and Municipal Research & Services Center of Washington (MRSC): “Knowing The Territory: Basic Legal Guidelines for Washington City, County and Special Purpose District Officials” (Nov. 2009)
- “RCW”: Revised Code of Washington
- “MCMC”: Mill Creek Municipal Code
- “OPMA”: Open Public Meetings Act

3.2 Standards of Conduct for Officials under Washington Law

A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city’s elected and non-elected officials is found in the publication *Knowing the Territory-Basic Legal Guidelines for Washington City, County and Special Purpose Districts. (MRSC 2019)*.

3.3 Oath of Office

A Councilmember, when sworn into office by the City’s City Clerk, swears that “I (fill in name)...having been duly appointed to the office of Councilmember of the City of Mill Creek, Washington, do solemnly swear [or affirm] that I will faithfully, impartially, and to the best of my ability perform the duties of my office as prescribed by law and that I will support and maintain the laws and ordinances of the City of Mill Creek and the laws and constitution of the State of Washington and the United States of America.”

The City Manager, and certain other City employees in key positions are likewise considered city officials and, when hired or promoted to officer status, are likewise sworn in with a similar oath that calls for compliance with those constitutions and laws.

3.4 Public Trust and Fiduciary Duty

“Courts have held public office to be synonymous with public trust and that a public officer’s relationship with the public is that of a fiduciary.” Public trust is a guiding concept in state statutes including the State Ethics Act (RCW 42.23), and in the OPMA (RCW 42.30).

The people themselves, in adopting Initiative 276, which enacted the state’s campaign and lobbying disclosure laws, declared trust to be the public policy of the State of Washington, stating in part: “That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings” and “That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.”

3.5 Stewardship of Public Funds

The state law imposes the highest of duties on public officials who are custodians of public funds, such as treasurers.. By analogy, there are provisions of law that impose other high standards for public funds on City officials generally, such as: (i) the State Constitution’s prohibition against making gifts to an individual or a for-profit or nonprofit corporation or association; (ii) the state law prohibitions against using public facilities or property for political campaign purposes (RCW 42.17A.555) (discussed below); and state law requirements for bidding of public works projects (RCW 35.23.352) (MRSC, “City Bidding Book”) and for the giving of notice when seeking suppliers for other major purchases (e.g. RCW 39.80).

3.6 Conflicts of Interest under State Law

The state Supreme Court has ruled that a Councilmember may not vote on a matter where he or she would be specially benefited, and, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not they vote on the matter.

Furthermore, state laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public is able to assess any potential conflicts. RCW 42.17A.700. Currently serving councilmembers must electronically file the statement of financial affairs by April 15th. Persons appointed to fill a council vacancy must file the statement of financial affairs within two weeks of appointment.

The annual financial disclosure also must include a list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted, except for food and beverage consumed at hosted receptions where attendance is related to official duties. RCW 42.17A.710((1)(l) and (m).

These annual disclosures are in addition to those outlined in the Statement of Values/Rules of Conduct signed by the Council (Exhibit C).

State law (RCW 42.17A.555) also prohibits elected officials from using any facilities of a public office, directly or indirectly for the purpose of assisting a campaign for election. Facilities of a public office include the use of city stationery, equipment personnel, office space, vehicles or publications of the office.

3.6.1 State Code of Ethics

The Code of Ethics for Municipal Officers—Contract Interests codified in RCW 42.23, applies to all cities. Councilmembers fall within the definition of “municipal officers”. The standards contained in the State Ethics Code are considered to be minimum ones. The Act prohibits municipal officers from having beneficial interest in contracts under their supervision. Also, the act prohibits other conduct by municipal officers.

3.6.1.1 Private Interest in Public Contracts

- (a) The RCW 42.23 broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):
- (b) “No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept,

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directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ...”

- (c) This prohibition applies even if the official does not vote on or otherwise approve the contract that presents a conflict.
- (d) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests”.

3.6.1.2 Other Prohibited Acts

RCW 42.23.070 includes a: list of acts that municipal officers are prohibited from doing:

- (1) using one’s City official position to obtain special privileges for oneself or others;
- (2) giving or receiving a gift in connection with a City matter;
- (3) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and
- (4) disclosing confidential information gained as a City official or using such confidential information for personal gain. This provision includes the disclosure of information obtained in executive session.

Legal advice should be sought on such questions as:

- (a) Should a gift from an out of town dignitary be handed over from an official to the city as a whole?
- (b) Under what circumstances can an official accept expense-paid travel and lodging to a meeting or a fact-finding visit and what are the disclosure requirements?

3.6.1.3 Duty to Act in the Interests of the City

Based upon the provisions of the Ethics Act, Councilmembers shall comply with the following principles:

- No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Mill Creek and his or her personal interests, or the interests of other organizations.
- Each elected person has a duty to place the interests of the City of Mill Creek foremost in any dealings with the City and has a continuing responsibility to comply with the requirements of this policy.
- If an elected official has an interest in (1) a proposed transaction with the City ... in the form of a significant personal financial interest in the transaction; or (2) any organization or member of immediate family involved in such transaction; or (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, and shall abstain from any vote on such matter.

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3.6.2 Limitations on Holding Multiple Offices

There are state law prohibitions against an official appointing himself or herself to a second office or employment with the city (“dual office holding”), and there are certain combinations of public office that are considered to be incompatible and therefore not eligible to be held concurrently.

3.6.3 “Appearance of Fairness” Doctrine under State Law

- (a) The Appearance of Fairness doctrine applies only in those instances when a Councilmember is a decision-maker in a “quasi-judicial” matter defined as “actions of the legislative body, planning commission, hearing examiner...or boards which determine the legal rights, duties or privileges of specific parties in a hearing or other contested proceeding.” RCW 42.36.010 (e.g. a property specific rezone, or a plat development approval). It does not apply to a Councilmember’s various legislative and policy decision-making such as adopting, amending or revising comprehensive plans or the adoption of area-wide zoning ordinances.
- (b) The “appearance of fairness” requires that the Councilmember not engage in “ex parte” communications with a party interested in the outcome of the quasi-judicial matter.
- (c) See Section 8.12 for a further discussion Of the Appearance of Fairness Doctrine as applied to quasi-judicial hearings that are conducted by the Council.

3.7 Open Public Meetings under Washington Law

3.7.1 All Deliberations and Actions Must Be At Noticed Public Meetings

The OPMA requires that all meetings of city governing bodies (i.e., where a quorum or more Councilmembers, or members of some other “governing body” of the City, assemble to discuss or otherwise act on City business) must be open and public And that all “action” taken by such bodies be done at meetings that are open to the public.

“Action” means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.

“Final action” means a collective positive or negative decision, or an actual vote by a majority of the members of the governing body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.”

3.7.2 Applies to Sub-Agencies of the City

The OPMA applies to a “subagency” of the City, which may mean that a City board, commission, or similar entity created by or pursuant to state or local legislation is subject to elements of the OPMA, such as the Planning Commission. RCW 42.30.020(2) states that a “governing body” to which the OPMA applies includes a committee of the Council or other governing body “when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.” The OPMA does not apply to court proceedings, quasi-judicial proceedings (such as Civil Service Commission hearings), or collective bargaining and

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related labor relations meetings. It does not apply to purely social meetings where city business is not discussed.

3.7.3 Two Kinds of Meetings: “Regular” and “Special”

A “regular” meeting is one with regular dates, times and locations set by ordinance, resolution or rule. Any business may be conducted at a regular meeting, but RCW 35A.12.160 states that “every city shall establish a procedure for notifying the public of upcoming hearings and the agenda for the forthcoming Council meeting.”

A “special” meeting is a meeting other than a “regular” meeting, which may be called by the Chair (e.g. the Council’s Mayor) or a majority of Councilmembers. The notice of a special meeting must be posted at least 24 hours prior to the meeting, and must state the items of business on the agenda. The Council may not add to the agenda of a special meeting without giving 24 hours notice of the added item.

3.7.4 Open to the “Public”

Under RCW 42.30.050, all persons must be permitted to attend a public meeting except unruly persons. Attendance may not be conditioned upon registration or similar requirements. The OPMA does not prohibit a requirement that persons identify themselves prior to testifying at hearings. In cases of disorderly conduct, disorderly persons may be expelled, and if that is insufficient to restore order, the meeting place may be cleared and/or relocated. However, non-offending members of the news media may not be excluded.

In extraordinary circumstances, such as an emergency proclamation issued by the governor preventing meetings in public, the Council may be authorized to conduct public meeting electronically and be deemed in compliance with the open meeting requirements of the OPMA.

3.7.5 Executive Sessions

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the RCW 42.30.110 in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

RCW 42.30.140 authorizes executive sessions to plan or adopt strategy or positions to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings or reviewing the proposals made in the negotiations.

Councilmembers shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

3.7.6 Unintended Meetings; Electronic Meetings

An unintended meeting may occur in violation of the OPMA if, without the requisite public notice, a quorum or more of a public body or sub-agency meets for an in-person or telephonic discussion, or conducts an interactive email discussion of city business.

3.8 Open Government and Public Records

The Public Records Act codified in RCW Chapter 42.56 implements a portion of Initiative 276 that requires records prepared, prepared, owned or retained by government officials be made available for public inspection and copying. The Act is a strongly worded mandate for broad disclosure of public records. The Act states that its provisions are to be liberally construed and that its exemptions are to be narrowly construed.

Key Definitions and Provisions of the PRA:

A “public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. RCW 42.56.010(3)

A “writing” means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

Elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under RCW 42.56.010(2), a “public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Furthermore, and under RCW 42.56.010(3), a writing means Emails and Other Electronic Records

Under the state law definitions (above), an email, text messages (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.

Additional regulations have been adopted which further elaborate on the legal duty of a city to store and archive — not only public records of traditional hard-copy kinds — but also electronic public records. (See Chapter 434-662 of the Washington Administrative Code (WAC))

(a) Policies on Email Platforms

In recognition of the desire to maintain open and transparent government, and to support the City’s duty to accessibly store and archive electronic public records, it is hereby the

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policy of the City that in the case of each email that contains information relating to the conduct of the government or the performance of any governmental or other City function, Councilmembers will:

- i. take all reasonable steps to ensure that each such email sent or received by him or her is sent or received on the City-maintained email system utilizing the individual's email address at cityofmillcreek.com.,
- ii. cease utilizing any private, public or proprietary email service other than the City's, for the sending or receiving of any such emails that meet the definition of public records, and
- iii. establish an automatic reply message on any email service previously used for a Councilmember's public email correspondence, to automatically advise any email sender that any and all emails pertaining to City matters are to be sent to the Councilmember at the City-provided email address.

Each Councilmember who has been advised by the City Clerk to assist the City in preserving a copy of his or her emails pertaining to the work of the governing body, shall send a copy of each such email, as and when each is sent or received, to the City email address designated by the City Clerk for that purpose.

(b) Policies on Email Practices

It is hereby the policy of the City that with respect to any email sent by a Councilmember that contains information relating to the conduct of the government or the performance of any governmental or other City function, the email will be distributed through the City Manager or City Clerk, and any Councilmember who receives such an email shall not forward the email to any other Councilmember.

(c) Use of Personal Social Media Accounts

Possession or use of any personal social media accounts such as Facebook, Instagram or Twitter is not a requirement for serving on the City. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment—whether the councilmember was furthering the City's interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

3.9 Statement of Values/Rules of Conduct

The City Council strives to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. In performing their duties on behalf of the City Councilmembers will endeavor to demonstrate the values of respect, honesty, and trust.

The Statement of Values/Rules of Conduct (Exhibit C) will be signed by the all members of the Council every two years or upon swearing in of new Councilmembers.

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3.10 Duties to Act Consistently with City Policy When Representing City Elsewhere

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, interest statements, budget, capital facilities plan or other action of Council or directive of the City Manager.

[3.11 Role of City Attorney [moved to 6.8]

3.11 Conduct of Officials with Regard to Litigation Against City

It is hereby the policy of the City that, once an individual or organization has filed a legal proceeding against the City, no City Councilmember shall engage in discussions or other communications with such individual (or the officers or directors of the organization) about the subject of the lawsuit without first disclosing the intent to do so to the Council, either in public or in executive session. It is also hereby the policy of the City that its conflict of interest rules shall apply to elected officials with regard to individuals or organizations threatening or pursuing a lawsuit against the City.

3.12 Duty to Bargain in Good Faith with Collective Bargaining Representatives

Unions have a significant presence in Washington cities. Most city employees have the right to organize under state law and have joined state-wide unions or formed local associations. The city must negotiate labor contracts with these unions over wages, hours and working conditions.

In particular, most police departments are unionized. Except for very small cities, police unions have access to interest arbitration when an impasse in bargaining occurs. This can create a unique dynamic in police negotiations, given the potential for an outside arbitrator to make decisions regarding wages, benefits and contract language.

Certain City employees are represented by the American Federation of State, County & Municipal Employees (AFSCME) and police officers are represented by the Police Guild.

It is the policy of the City that it shall be the responsibility of the Council to set policy for collective bargaining, and the responsibility of the City Manager to engage in such collective bargaining.

[3.13 Separate Accounting of City Funds [DELETED]

3.13 Immunity and Indemnification of Officials For Individual Actions in Good Faith

An appointed or elected official or member of the governing body of a public agency is typically immune from civil liability for damages for any discretionary decision or failure to make a discretionary decision within his or her official capacity. Liability may attach to the public agency for the tortious conduct of its officials or members of the governing body. (See RCW 4.24.470(1))

To the extent official is entitled to immunity, it is because the official's actions were taken in good faith in the course of performing within the scope of the official's duties.

The City is insured through the Washington Cities Insurance Authority (WCIA). WCIA provides coverage for damage claims and/or lawsuits brought against the City and its officials. If a damage claim

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involves a covered claim against a City official, then WCIA will retain legal counsel to defend the City official and will generally pay any resulting judgment or settlement amount. Please note WCIA coverage is only available if the situation is the result of a City official acting within the scope of her or his official duties and is the matter not otherwise excluded from coverage through WCIA's compact with the City (i.e., hazardous waste claims are generally excluded from WCIA coverage).

Additionally, in the event that a damage claim and/or lawsuit is brought against a City official that is related to the performance or failure to perform his or her official duties and the matter is not covered through WCIA, the City may provide legal representation to defend the City official and may indemnify the City official if warranted. The City will not indemnify and defend a City official acting outside the scope of his or her official duties, or if the claim and/or lawsuit is based upon a dishonest, fraudulent, criminal, malicious, or other improper act.

[3.14 Duty to Avoid Interfering with City Manager's Role with Staff [DELETE, REDUNDANT WITH SECTION 6.4]

Article 6: City Administration

6.1 City Manager

The City Manager is the chief administrative officer of the City. The City Manager is appointed by and directly accountable to the Council for the execution of the Council's legislative policy directives, and for the administration and management of City departments. The powers and duties of the City Manager are defined by State law and a variety of City ordinances. Such duties may be expanded or clarified by job description, resolution or Council directive (motion). Balanced with the City Manager's accountability to the Council for policy execution is the need for the Council to allow the City Manager freedom to perform those duties and responsibilities in his/her day-to-day management. The City Manager makes appointments and removals of employees and may delegate such powers to department heads, provided, that nothing herein shall be construed to prohibit the Council, while in open session, from fully and freely discussing with the City Manager, anything pertaining to appointments and removals of City officers and employees and City affairs. (See RCW 35A.13.)

6.2 Role of the City Manager

The City Manager shall attend all meetings of the City Council, unless excused by the Chair or Council. The City Manager may recommend for adoption by the Council such measures as he/she may deem necessary or expedient, prepare and submit to the Council such reports or proposals as may be required by the body or as the City Manager deems advisable to submit; keep the Council fully advised as to the business and finances of the City; and when appropriate, shall take part in the Council's discussion on all matters concerning the welfare of the City. In the event that the City Manager is unable to attend a Council meeting, the City Manager shall appoint a key staff member to attend the meeting as the representative of City Administration.

During Council meetings, the Chair should rely on the City Manager to introduce the administrative participation on agenda items and should offer opportunity for comment or recommendation of the City Manager before final vote on important matters.

6.3 Informal Communications Encouraged

Members of the Council are encouraged to interact informally and casually with City staff for the purpose of gathering information, obtaining progress reports on policies and programs or providing information to staff relevant to their Council office. Such informal contacts can serve to promote better understanding of specific City functions and problems. However, Councilmembers should be careful, in such interaction, to avoid giving direction or advice to members of City staff, which may conflict with the City Manager's directives. City staff should provide their supervisor with the same information shared with the Councilmember.

6.4 City Manager — Interference by Councilmembers

As provided by RCW 35A.13.120, neither the Council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the City Manager or any of his or her subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any committee or member thereof shall give orders to any subordinate of the City Manager, either publicly or privately. The provisions of this section do not prohibit the Council, while in open session, from fully and freely discussing with the City Manager anything pertaining to appointments and removals of city officers and employees and city affairs.

6.5 Complaints to Councilmembers

When performance complaints are made by citizens about staff actions or non-action directly to an individual Councilmember or in a Council or committee meeting, the Council or Councilmember should then refer the matter directly to the City Manager for review and/or action. The individual Councilmember or the Council may request to be informed by the Administration of the action or response made to the complainant.

6.6 Citizen Complaints or Service Requests - "Best Practice"

Although citizens' direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a "personal intervention" pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The preferred practice is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.

6.7 City Clerk - Minutes - Public Information Access

The City Clerk shall adhere to the requirements of State law. The City Clerk shall keep minutes as required by law and shall perform such other duties in the meeting as may be required by the Council, Chair or City Manager. In the absence of the City Clerk, the City Clerk shall appoint a replacement to act as Clerk-of-the-Council. The Clerk-of-the-Council shall keep minutes which identify the general discussion of the issue and complete detail of the official action or consensus reached, if any. The City Clerk shall make an audio recording of the proceedings of all public hearings, regular business meetings, study sessions and workshops, and quasi-judicial proceedings. The Clerk shall keep, and make available, an agenda and date for each audio recording, which will facilitate location of the recorded proceedings. The audio recordings shall be posted publicly on the City website.

6.8 Role of the City Attorney

The City Attorney's ultimate client is the City itself — a municipal corporation. The City Attorney's relationship to the local government is similar in a number of respects to that of an attorney who represents a corporation. In that capacity, the City Attorney provides legal advice to the City Council, the City Manager, the Department Directors, and City staff.

The City Attorney may represent the City in actions brought by or against the City or against City officials in their official capacity. However, other attorneys may be hired to handle specific cases because of the nature of the case, because the City Attorney has a conflict or other reason he or she cannot become involved, or due to limited resources of the City Attorney's office. In rare cases, the City Attorney may have a conflict and not be in a position to advise both the City Council and the City Manager

The City Manager cannot prohibit the Council from having access to the City Attorney's advice. For reasons of efficiency or cost effectiveness, the City Manager may decide that certain legal questions should be channeled to the City Attorney through the City Manager, to ensure that questions are clearly worded and communications back to Council are consistent.

The Council can determine as a policy matter whether the City shall obtain legal advice from an on-staff City Attorney or by reliance on a law firm, but the Council may not direct the appointment of an individual to the position of City Attorney — that being the role of the City Manager. Process for Officials to Question the Legality of City Actions

City officials, including elected officials, may be indemnified by the City (or by insurance purchased by the City) for actions taken by an official within the scope of his or her duties. An official should therefore take care to act within the scope of his or her duties, and not cause City or personal liability by virtue of individual actions taken in the absence of legal advice.

An unfounded assertion by a City official that the City is acting in violation of law can cause undue risk and liability to the city and may therefore constitute a breach of that official's duty to the City. Therefore, the recommended practice is that the following steps shall be followed if a City official questions the lawfulness of the conduct (or proposed conduct) of the City, or of any of its officials or staff.

1. Consult the City Attorney and fully describe the facts and issues which raise a question of illegality.
2. If the advice of the City Attorney does not resolve the concern, consult the City Manager.
3. If steps "1" and "2" do not resolve the concern, the official may request an executive session of the full Council, if the matter rises to the level of presenting a risk of litigation.
4. Prior to completing steps "1" through "3", it is a violation of the Official's duty to the City to assert in public the opinion that the City is in violation of law.

6.9 City Staff — Attendance at Meetings

Attendance at meetings by City staff shall be at the discretion of the City Manager. It is the intent of the Council that the City Manager schedule adequate administrative support for the business at hand but also

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to protect the productive capability of department heads. When sound system or other monitoring capabilities exist, the City Manager may allow personnel to utilize time in their offices or other areas while waiting for the item of business for which appearance before the Council is required.

6.10 Administrative Presentations and Briefings

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- PowerPoint presentations;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- video clips or the internet to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/displays to assist the public understanding the issues.

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GOVERNANCE MANUAL

POTENTIAL REVISIONS

March 2, 2021



Governance Manual: Where We Are in the Process



GOVERNANCE MANUAL

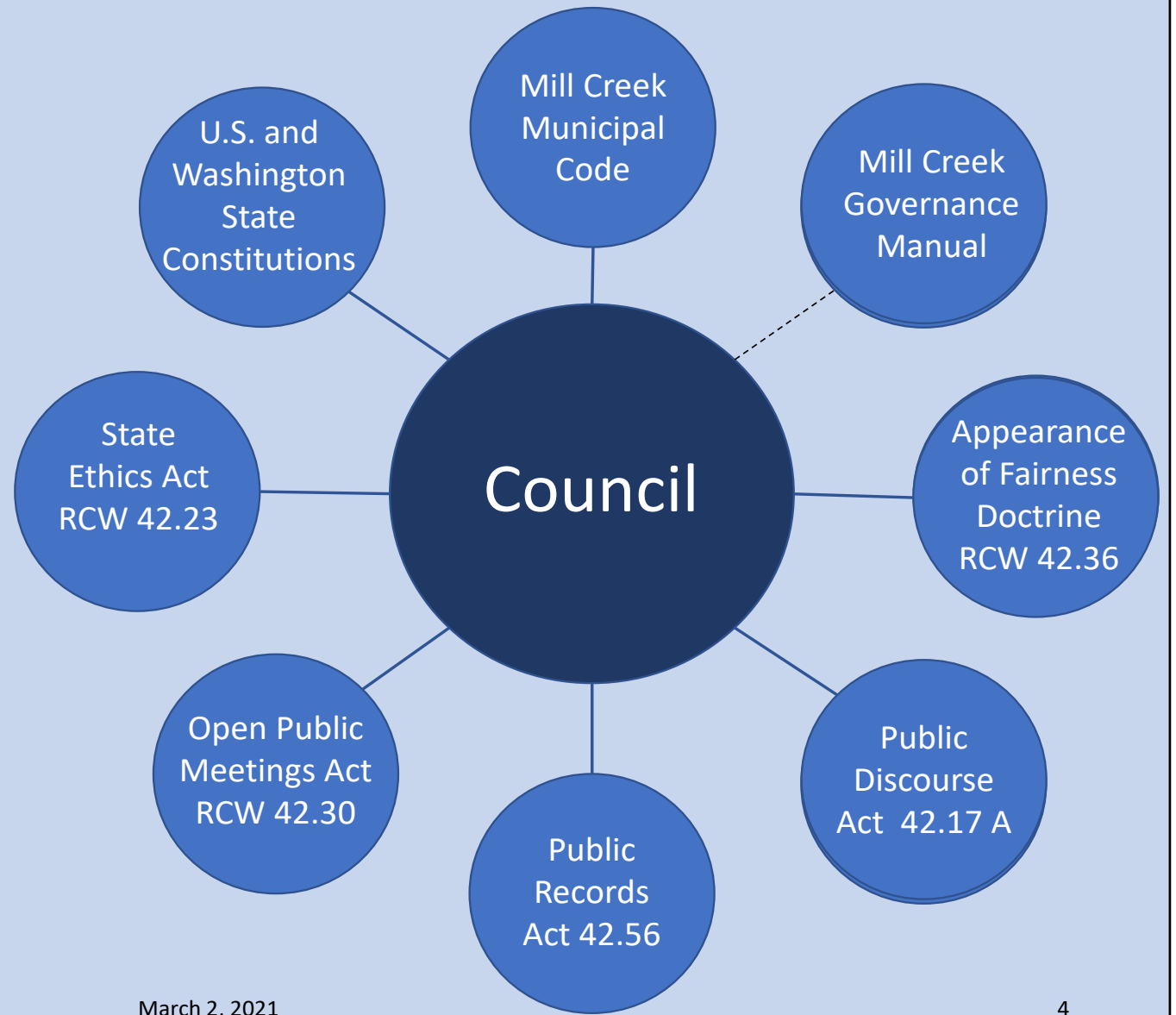
ARTICLES 3 and 6 POTENTIAL REVISIONS



March 2, 2021

3

Sources of Conduct Governing the Council's Work



3.2 Standards of Conduct for Officials under Washington Law

Current	Proposed
<p>A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city's elected and non-elected officials is found in the AWC/MRSC handbook KTT.</p>	<p>A summary of various Washington state statutes and case law that impose duties and standards of conduct on a city's elected and non-elected officials is found in the publication <i>Knowing the Territory-Basic Legal Guidelines for Washington City, County and Special Purpose Districts (MRSC 2019)</i></p>

3.6 Conflicts of Interest Under State Law

Current

As the state Supreme Court has ruled, a Councilmember may not vote on a matter where he or she would be specially benefited. And, with some exceptions noted below, Washington law forbids a city official from having a financial interest in a City contract, regardless of whether or not they vote on the matter. KTT, p. 9.

Furthermore, the public campaign laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public can be informed about potential conflicts. These annual disclosures are in addition to those outlined in the Statement of Values/Rules of Conduct signed by the Council (Exhibit C).

Proposed

Furthermore, state laws require public elected officials (in addition to candidates) to make financial disclosures at least annually (through the Washington Public Disclosure Commission (PDC)) so that the public is able to assess any potential **conflicts**. **RCW 42.17A.700. Currently serving councilmembers must electronically file the statement of financial affairs by April 15th. Persons appointed to fill a council vacancy must file the statement of financial affairs within two weeks of appointment.**

The annual financial disclosure also must include a list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted, except for food and beverage consumed at hosted receptions where attendance is related to official duties. RCW 42.17A.710((1)(l) and (m).

These annual disclosures are in addition to those outlined in the Statement of Values/Rules of Conduct signed by the Council (Exhibit C).

State law (RCW 42.17A.555) also prohibits elected officials from using any facilities of a public office, directly or indirectly for the purpose of assisting a campaign for election. Facilities of a public office include the use of city stationery, equipment personnel, office space, vehicles or publications of the office.



3.6.1 State Code of Ethics

Current	Proposed
<p>(a) The RCW 42.23 also broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):</p> <p>“No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ...”</p> <p>(b) This prohibition applies even if the official doesn’t vote on or otherwise approve the contract that presents a conflict. (KTT. p. 11-13)</p> <p>(c) There are exceptions to the prohibition, and there is a qualified set of exceptions for certain “remote interests” (KTT.p. 11-13).</p>	<p>The Code of Ethics for Municipal Officers—Contract Interests codified in RCW 42.23, applies to all cities. <i>Councilmembers fall within the definition of “municipal officers”. The standards contained in the State Ethics Code are considered to be minimum ones. The Act prohibits municipal officers from having beneficial interest in contracts under their supervision. Also, the act prohibits other conduct by municipal officers.</i></p> <p>3.6.1.1 Private Interest in Public Contracts</p> <p>(a) <i>The RCW 42.23 broadly prohibits the following conflicts of interest regarding a city contract (including, among other things, employment contracts):</i></p> <p>(b) “No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein ...”</p>

3.6.1.2 Other Prohibited Acts

Current	Proposed
<p>The RCW 42.23 includes a Code of Ethics for state and local officials that generally prohibits (with some specified exceptions) four types of conduct by a City official:</p> <ul style="list-style-type: none"> (a) using one’s City official position to obtain special privileges for oneself or others; (b) giving or receiving a gift in connection with a City matter; (c) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and (d) disclosing confidential information gained as a City official or using such confidential information for personal gain. <p>Legal advice should be sought on such questions as:</p> <ul style="list-style-type: none"> (a) Is a very small gift, such as a coffee, small enough as to be ‘de minimis’ and therefore not intended to be prohibited? (b) Should a gift from an out-of-town dignitary be handed over from an official to the city as a whole? (c) Under what circumstances can an official accept expense-paid travel to a meeting or a fact-finding visit? 	<ul style="list-style-type: none"> (1) using one’s City official position to obtain special privileges for oneself or others; (2) giving or receiving a gift in connection with a City matter; (3) accepting employment or engaging in a business that would require disclosing confidential information gained as a City official; and (4) disclosing confidential information gained as a City official or using such confidential information for personal gain. <i>This provision includes the disclosure of information obtained in executive session.</i> <p>Legal advice should be sought on such questions as:</p> <ul style="list-style-type: none"> (a) Should a gift from an out-of-town dignitary be handed over from an official to the city as a whole? (b) Under what circumstances can an official accept expense-paid travel and lodging to a meeting or a fact-finding visit and what are the disclosure requirements?



3.6.1.3 Duty to Act in the Interests of the City

Current	Proposed
<p>The Current provisions is found is found at Section 3.9.1 and is moved here with a new introductory sentence.</p>	<p><i>Based upon the provisions of the Ethics Act, Councilmembers shall comply with the following principles:</i></p> <p>No elected person shall use his or her position, or the knowledge gained therefrom, in such a manner that a conflict arises between the interests of the City of Mill Creek and his or her personal interests, or the interests of other organizations.</p> <p>Each elected person has a duty to place the interests of the City of Mill Creek foremost in any dealings with the City and has a continuing responsibility to comply with the requirements of this policy.</p> <p>If an elected official has an interest in (1) a proposed transaction with the City ... in the form of a significant personal financial interest in the transaction; or (2) any organization or member of immediate family involved in such transaction; or (3) holds a position of trustee, director, officer or employee of such organization; then he or she must make full disclosure of such an interest before any discussion or negotiation of such transaction, and shall abstain from any vote on such matter.</p>

3.7.5 Executive Sessions

Current

An “executive session” is a portion of a public meeting that is conducted on a topic that is permitted by law to be discussed by a governing body or sub-agency in a non-public setting. As further provided by the RCW 42.30.110 in greater detail, an executive session may, in general, be conducted to discuss matters such as the following:

- (a) Real estate acquisition, lease or site selection; or deliberations on the price at which to offer real estate for sale or lease;
- (b) Negotiations on publicly bid contracts;
- (c) Evaluation of complaints or charges brought against a public officer or employee;
- (d) Evaluation of qualifications of an applicant for public employment or to review the performance of a public employee;
- (e) Evaluation of the qualifications of a candidate for appointment to elective office; or
- (f) To discuss with the City’s legal counsel City enforcement actions or litigation or potential litigation.

Councilmembers shall not disclose confidential information learned or confidential documents provided during an executive session unless waived by the full Council.

Proposed

A new paragraph is added at the end of the section:

RCW 42.30.140 authorizes executive sessions to plan or adopt strategy or positions to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings or reviewing the proposals made in the negotiations.



3.8 Open Government and Public Records

Current

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. [The law] ... shall be liberally construed . . . to promote this public policy.” (See. RCW 42.56.030)

It is hereby the policy of the City that elected and other city officials shall do nothing to hinder the City’s obligation to possess, retain and store public records. Under RCW 42.56.010(2). a “public record ... includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Furthermore, and under RCW 42.56.010(3), a writing means “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs. drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.”

Proposed

The Public Records Act codified in RCW Chapter 42.56 implements a portion of Initiative 276 that requires records prepared, prepared, owned or retained by government officials be made available for public inspection and copying. The Act is a strongly worded mandate for broad disclosure of public records. The Act states that its provisions are to be liberally construed and that its exemptions are to be narrowly construed.

Under the state law definitions **text messages** (above), an email, (or an entry on a website, blog, twitter or a social media internet site) is a “writing”, and it is likewise a “public record” if it meets the definition above.



3.8 (c) Use of Personal Social Media Accounts

Possession or use of any personal social media accounts such as Facebook, Instagram or Twitter is not a requirement for serving on the City. The City does not maintain or support such accounts. If a councilmember chooses to have personal social media accounts, posts related to the conduct of city government may constitute a public record subject to a public records request and require the Councilmember to search for and provide the record or a declaration stating that no such records exist. Determination of whether a record was prepared by the City will involve reviewing whether the Councilmember was preparing the post within the scope of his or her employment—whether the councilmember was furthering the City’s interests. Relevant factors include whether the Councilmember was acting in his/her official capacity and whether the post could be considered as conducting City business.

Social Media Posts

Test for Whether a Post is a Public Record

1. Is it a writing?
2. Does it contain information related to the conduct of government or the performance of a governmental or proprietary function?
3. Was it prepared by a government agency?

Was the communication within the Councilmember's "scope of employment"

Did the job require it?

Did the employer direct it?

Did it further the employer's interests?

Test-Does it Further the City's Interest?

1. Does it indicate that you are acting in your official capacity?

Identified as a councilmember or an individual

2. Are you conducting city business?

Discussing topics coming before the council or non-city matters

3. This is a fact-intensive inquiry

The case law has few bright lines

4. The PRA favors a broad interpretation of public records

3.9 Statement of Values

Current

The City Council strives to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. To improve the Council’s effectiveness and performance, Councilmembers will focus on the areas (designated in the Statement of Values/Rules of Conduct — attached as Exhibit C) which incorporate the values of respect, honesty, and trust.

The Statement of Values/Rules of Conduct will be signed by the all of the members of the Council every two years or upon swearing in of new Councilmembers.

Proposed

The City Council strives to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. ***In performing their duties on behalf of the City Councilmembers will endeavor to demonstrate the values of respect, honesty, and trust.***

The Statement of Values/Rules of Conduct (Exhibit C) will be signed by the all members of the Council every two years or upon swearing in of new Councilmembers.



Statement of Values

The Mill Creek City Council is dedicated to providing quality leadership that will protect, preserve, and enhance the quality of life for its citizens.

The City Council hopes to provide excellence in public service by respecting and protecting individual rights, acting with integrity, and fostering public trust. To improve the Council's effectiveness and performance, Councilmembers will focus on the following areas which incorporate the values of respect, honesty, and trust.

- **Image:** Recognize that the City Council represents the image of the community **in** its actions; strive to maintain a professional image, high standards of conduct, and respect for others.
- **Accountability:** Be accountable to others and to yourself; be effective stewards of the public trust and resources; and follow-through on commitments.
- **Communication:** Communicate with our citizens, City staff and fellow Councilmembers in an open, clear, honest and constructive manner; be a good listener; clarify when needed; be receptive to feedback; and expect and demonstrate courtesy and respect in all interactions.
- **Planning:** See the big picture; think and plan for the long-term; consider all needs in the jurisdiction; and help define a vision for the future.
- **Decision-Making:** Become well informed on issues by reading background materials and seeking additional information if necessary; consider competing needs; consider alternative decisions; seek solutions that honor a variety of community values; and be willing to make difficult decisions.
- **Teamwork:** Encourage a spirit of cooperation in dealing with the challenges facing our community; recognize the need to work together and support each other to achieve success; recognize different personalities and work styles; and remain flexible with each other to accomplish goals.
- **Personal Development:** Take responsibility seriously and work hard; devote time and effort to personal and professional excellence.
- **Ethics:** Uphold the public trust; be committed to the premise of good government and service to the public; and be dedicated to the highest ideals of honor and integrity in order to merit the respect and confidence of the public.

Rules of Conduct

- To implement these values, the City Council shall adopt the following rules of conduct to be practiced when representing the City:
- Be prepared for meetings by familiarity with the materials and having notified City staff and/or the Mayor of concerns or problems in advance of the meeting, when possible.
- The Mayor will open a matter for discussion. Councilmembers may debate the merits of the issues with the intent to inform fellow members of opinions and concerns in a concise manner. All Councilmembers shall listen to all points of view, be respectful and professional, and vote based on the objective information presented, including public input.
- The study session will be utilized as a forum for studying complex issues, reviewing plans and priorities, and for informal communications between the Council and City staff.
- The City Council represents the diversity of opinions and personalities within the
- community. Councilmembers should recognize and respect the principles of the majority rule.
- The City Council shall manage through the City Manager; however, Councilmembers may communicate with City staff members with inquiries related to their respective departments.
- During the time of Council discussion and public input, Councilmembers shall refrain from non-recognized conversation

3.10 Duties to Act Consistently with City Policy When Representing City

Current

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, budget, capital facilities plan or other action of Council or directive of the City Manager.

Proposed

Both elected City officials and non-elected City officials are frequently called upon to participate in policy bodies and decision-making forums at the county and regional level. It is hereby the policy of the City that, whenever any City official (whether elected or staff) is directly or indirectly representing the City on a policy making or decision-making body at the county or regional level, it shall be the duty of that individual to act in a manner consistent with the interests of the City, as embodied in City policy, **interest statements**, budget, capital facilities plan or other action of Council or directive of the City Manage



6.6 Administrative Complaints-“Best Practice”

Current

Although citizens’ direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a “personal intervention” pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. The best policy is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.

Proposed

Citizen Complaints or Service Requests - “Best Practice”

Although citizens’ direct access to elected officials is to be encouraged to help develop public policy, City Councilmembers should not develop a “personal intervention” pattern in minor calls for service or administrative appeals which may actually delay a timely customer service response. ***The preferred practice*** is to get the citizen into direct contact with the appropriate department or the City Manager, unless an unsatisfactory result has occurred.



6.10 Administrative Presentation and Briefings

Current

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- Overhead projection summaries or PowerPoint bullet points;
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- Slide projector or video-cam clips to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- Configuring the room/display so as to allow the public to follow and understand issues.

Proposed

In order to enhance public understanding of complex issues being presented, City Administration is encouraged to include the use of visual communication tools whenever possible, such as:

- **PowerPoint presentations;**
- Flow charts or box diagrams to illustrate complex organizations, sequences or systems;
- Bullet point or summary handouts for the public and the press, when appropriate;
- **video clips or the internet** to show actual situations or settings;
- Large maps to help pinpoint specific locations or parcels;
- Use of color to highlight important elements;
- White board for illustration; and/or
- **Configuring the room/displays to assist the public understanding the issues.**





MINUTES
City Council Regular Meeting

6:00 PM - Tuesday, February 23, 2021
Virtual and Audio Meeting Format during COVID-19 Pandemic

Minutes are the official record of Mill Creek City Council meetings. Minutes summarize the council meeting and documents any actions taken by City Council.

A recording of this City Council meeting can be found [here](#):
The agenda packet for this City Council meeting can be found [here](#).

VIRTUAL MEETING INFO

- A.** Join Zoom Meeting
<https://zoom.us/j/97924918284>

Meeting ID: 979 2491 8284
One tap mobile
[+12532158782](tel:+12532158782) US (Tacoma)
[+13462487799](tel:+13462487799) US (Houston)

CALL TO ORDER

Mayor Holtzclaw called the meeting of the Mill Creek City Council to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilmember Briles.

ROLL CALL

Councilmembers Present:
Brian Holtzclaw, Mayor
Stephanie Vignal, Mayor Pro Tem
Vince Cavaleri, Councilmember
Mark Bond, Councilmember
John Steckler, Councilmember
Benjamin Briles, Councilmember
Adam Morgan, Councilmember

Councilmembers Absent:

AUDIENCE COMMUNICATION

- B.** Public comment on items on or not on the agenda

There were no public comments on items on or not on the agenda.

February 23, 2021 CITY COUNCIL REGULAR MEETING MINUTES

PRESENTATIONS

- C. Black History Month Proclamation
(Mayor Holtzclaw)

Mayor Holtzclaw proclaimed February 2021 as Black History Month in the City of Mill Creek.

[Black History Month 02.2021 R1](#)

- D. Update from Snohomish Health District on COVID-19 - 19 Pandemic Response, the Vaccine, and other happenings in Public Health.
(Regina Gray, Environmental Health Director for Snohomish Health District)

Snohomish Health District (SHD) Environmental Health Director Regina Gray provided Members of Council with an update on the COVID-19 efforts in 2020 and the District's plans for 2021 in the a [presentation](#) that included the following:

- A review of SHD accomplishments in 2020 both pre and post COVID-19 pandemic.
- A look at Mill Creek specific events including number of citizens tested for COVID-19, vaccine, preparedness, the Child Care Health Outreach program initiatives and food establishment permitting and inspections.
- SHD web resources including a heat map showing locations of largest density of COVID-19 positive cases as well as rates by zip code.
- 2021 Primary Goals include:
 - Continuing to work with healthcare systems including long-term care facilities, hospitals and DSHS.
 - Disease prevention and containment.
 - Vaccine rollout.
- Implementation of 2020 adopted [strategic plan](#) including projected revenues for 2021.
- Community outreach efforts.

Council engaged in discussion and Q&A. Regina Gray sent the following answers to Council's questions during discussion:

Question: What is the closest mass vaccination site to Mill Creek?

The Boeing site is currently open, and it is technically the closest mass vaccination site to the city of Mill Creek. There may also be other providers or clinics in the city that are distributing the vaccine. Mass vaccination sites are one available method, but your individual doctor may have additional information on other opportunities.

Question: Are family members currently able to visit loved ones residing in long term care facilities?

These facilities must follow the Safe Start for Long-Term Care plan established by the Washington State Department of Social and Health Services. Outdoor visitation is permitted on a limited basis. More information on the specifics can be found in our recent media release found here: <https://www.snohd.org/CivicAlerts.aspx?AID=499>

Question: Are we looking into web crawlers to help people find available vaccines?

The District just became aware of this early this week, and we appreciate the efforts of these developers to improve the difficult and frustrating process of finding a COVID-19 vaccination. The Washington State Department of Health has reached out to COVIDWA.com developers, a team of about 80 tech professionals in the area, and they are now actively collaborating. Together, they will be releasing new solutions to help people quickly and easily find vaccines. DOH has said that more announcements and a launch are coming this week, and SHD plans to promote that information once it is released.

Question: What is the timeline to getting to 70% vaccinated?

Initially, the estimate was 6-9 months to reach 70%, and we're currently 2 months into that. Available doses have not exceeded those expectations, so that initial estimate remains accurate at this time.

Question: When will pharmacies be authorized distributors of the vaccine?

There are a few pharmacies in Snohomish county currently authorized to distribute the vaccine. QFC / Fred Meyer receives doses, as do CVS / Walgreens stores. Unfortunately, they are still receiving fairly small shipments that are not yet truly predictable. This is something we are working on.

[MillCreek SHD Update](#)

PROPOSED NEW INITIATIVES

- E. Developing and Managing an Intergovernmental Relations Strategy
(Mayor Pro Tem Vignal)

Mayor Pro Tem Vignal encouraged Council to engage in discussion regarding developing a legislative agenda for long term planning. She also recommended that Council consider engaging in a process to connect with Legislators to advocate for Mill Creek projects.

Mayor Holtzclaw expressed his support for developing a formal process to create a legislative agenda and suggested that Council consider having a lobbying presence in Olympia.

Council engaged in discussion.

Council leadership will work with the City Manager and bring options back to Council at an upcoming meeting.

NEW BUSINESS

- F. Arts & Beautification Board Appointment
(Mayor Pro Tem Vignal, Councilmember Steckler and Councilmember Briles)

Councilmember Steckler announced that he, Mayor Pro Tem Vignal, Councilmember Briles and City staff interviewed three (3) candidates for the vacancy on the Arts and Beautification Board for the term to expire on 10/31/2022.

February 23, 2021 CITY COUNCIL REGULAR MEETING MINUTES

Councilmember Steckler made a motion to appoint Carmen Fisher to the Arts and Beautification Board. Councilmember Briles seconded the motion. The motion passed unanimously.

[2-23-21 Agenda Summary-Final
Schedule and A&B Board Applications 02-23-20_Redacted](#)

- G. Building Code Update
(Mike Todd, Director of Public Works and Development Services)

Planning Manager Tom Rogers provided Members of Council with an overview of the new changes in the Mill Creek Municipal Code Chapter 15.04 to 2018 International Building Code (IBC) standards.

Councilmember Steckler made a motion to adopt ordinance 2021-870 an ORDINANCE TO AMEND CHAPTER 15.04 OF THE MILL CREEK MUNICIPAL CODE PROVIDING FOR THE ADOPTION OF THE 2018 INTERNATIONAL AND UNIFORM CODES. Mayor Pro Tem Vignal seconded the motion. The motion passed unanimously.

Council engaged in discussion about the mandate to adopt these standards despite the hardship to builders and the cost to home buyers.

[Code Update AS and Attachments](#)

CONSENT AGENDA

- H. Approval of Checks #63059 through #63123 and ACH Wire Transfers in the Amount of \$143,943.38
(Audit Committee: Councilmember Cavaleri and Mayor Holtzclaw)

[02-23-21 AP Voucher](#)

- I. Payroll and Benefit ACH Payments in the Amount of \$260,453.62
(Audit Committee: Councilmember Cavaleri and Mayor Holtzclaw)

[ACH Payment Vouchers 02.23.21](#)

- J. City Council Meeting Minutes of February 9, 2021

[City Council Regular Meeting - 09 Feb 2021 - Minutes](#)

Councilmember Cavaleri made a motion to approve the consent agenda. Councilmember Morgan seconded the motion. The motion passed unanimously.

REPORTS

- K. Mayor/Council

Mayor Holtzclaw announced that he and Mayor Pro Tem Vignal will be holding a

February 23, 2021 CITY COUNCIL REGULAR MEETING MINUTES

second Coffee Chat virtual town hall meeting on March 16, 2021 at 6:00 p.m.

Mayor Pro Tem Vignal reported:

- Attendance at the Association of Washington Cities (AWC) Action Days two-day event.
- Attendance at the monthly Chamber of Commerce meeting where former Snohomish Councilmember Terry Ryan spoke as a guest speaker.

Mayor Pro Tem Vignal expressed her appreciation for the Public Works Department for their hard work during the recent snow event.

Councilmember Briles reported:

- Attendance at the Association of Washington Cities (AWC) Action Days two-day event and provided an update on the most recent trends in housing.
- Interest in supporting a resolution to support House Bill (HB) 1156.
- Increasing representation and voter participation in local elections.
- Recommended a postmortem from Public Works on the recent snow event in terms of overtime for employees and equipment purchases.

Councilmember Morgan reported that Mill Creek Little League Baseball is accepting all ages of children for the upcoming season.

L. Financial Update
(Laurel Gimzo, Finance Director)

Finance Director Laurel Gimzo provided Members of Council with a financial update including:

- 2019-2020 budget vs. actual in terms of revenues and expenses.
- Year-end close out of 2020 budget
- Expectation of a more extensive audit from the State Auditor's Office (SAO) this year due to the large amounts of federal funding due to COVID-19.

Council engaged in discussion and Q&A.

Councilmember Steckler requested a breakdown of the Municipal Arts Fund.
Mayor Pro Tem Vignal requested spreadsheets of the slides presented be sent to Council.

[2020 Financial Update](#)

M. City Manager

[Council Planning Schedule 02.19.21](#)

N. Staff

- Coronavirus Emergency Supplemental Fund (CESF) Grants
(Laurel Gimzo, Finance Director)

- Update on Council Chambers Retro-Fit Hybrid Meetings Report, etc.
(*Joe Socoloski, IT Manager*)

City Manager Michael Ciaravino:

- Finance Director Laurel Gimzo provided an overview of potential grant funding through the Coronavirus Emergency Supplemental Fund (CESF). There is a very short deadline to apply for these grants and asked for Council consensus and approval.

Councilmember Cavaleri made a motion to approve the City Manager's application for grant funds through the Coronavirus Emergency Supplemental Fund (CESF). Councilmember Steckler seconded the motion. The motion passed unanimously.

City Manager Ciaravino thanked Members of Council for a productive conversation on February 9, 2021 regarding the Dobson-Remillard-Church-Cook property (DRCC) consensus points and discussed plans for soliciting response from the community through an online survey mid-March.

- Brought to Council's attention the efforts made by Public Works and Development Services Director Mike Todd to create relationships with the Association of Washington Cities (AWC) GIS Consortium. A report will be provided to Council at the March 2, 2021 Council meeting.
- Planned community service event on April 24, 2021 from 10:00 AM to noon. The City is working with local service organizations to plan the event.
- Provided an update on the retrofit of Council Chambers to allow for in person council meetings for one to two councilmembers and efforts to ensure safety and quality sound equipment.

[1-6-2021 Park Board Minutes- Submitted](#)
[ABB Minutes Jan 13- submitted](#)

AUDIENCE COMMUNICATION

- O. Public comment on items on or not on the agenda

Barb Heidel, a Mill Creek resident, thanked the Public Works staff in their efforts during the recent snow event and provided her suggestions for snow removal going forward.

RECESS TO EXECUTIVE SESSION

- P. • To discuss potential litigation as per RCW 42.30.110(i)(iii).

At 7:33 PM Council recessed into Executive Session for 20 minutes plus a 2-minute break, returning by 7:55 PM. No action will be taken.

At 7:55 PM Council reconvened the regular meeting.

ADJOURNMENT

With no objection, Mayor Holtzclaw adjourned the meeting at 7:55 PM.

February 23, 2021 CITY COUNCIL REGULAR MEETING MINUTES

Brian Holtzclaw, Mayor

Naomi Fay, City Clerk

February 23, 2021 CITY COUNCIL REGULAR MEETING MINUTES

MARCH 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 Council	3	4	5	6
7	8	9 Council	10	11	12	13
14	15	16	17	18	19	20
21	22	23 Council	24	25	26	27
28	29	30	31			

APRIL 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6 Council	7	8	9	10
11	12	13 Council	14	15	16	17
18	19	20	21	22	23	24
25	26	27 Council	28	29	30	

MAY 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4 Council	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Tentative Council Meeting Agendas
Subject to change without notice

Last updated: February 25, 2021

City Council Meetings are the first, second and four Tuesdays of every month at 6 p.m.,

March 9, 2021

- Audit Committee: Mayor Holtzclaw & Councilmember Morgan
- AWC GIS Consortium
(Mike Todd, Public Works and Development Services Director)
- Snow Removal Update
(Mike Todd, Public Works and Development Services Director)
- Waste Management Contract Extension (Tentative)

March 23, 2021

- Tentative - Presentation: Legislative Guests
- **New Business:** Appointment for Park and Recreation Board (Interview Committee: CM Cavaleri, MPT Vignal and one other Councilmember)
- Audit Committee: Mayor Holtzclaw & Councilmember Morgan

April 6, 2021

- Audit Committee: Councilmember Morgan & Councilmember Bond
- Study Session - Governance Manual Session 3 - Rules Governing the Conduct of Council Meetings
- Proclamation: Earth Day

April 13th or 27, 2021

- Study Session: DRCC Properties
- Audit Committee: Councilmember Morgan & Councilmember Bond

May 4, 2021

- Review of draft Revision to the Manual based upon input received from Council.
- Proclamation: Music4Life
- Audit Committee: Councilmember Bond & Mayor Pro Tem Vignal

Future Agenda Items

- Update from Snohomish County Health Board
- New Business - Snohomish County 911 Lease Agreement
- New Business Amendment to Public Records Policy Ordinance
- Presentation - Council Chambers Virtual Meeting Format

- Proposed New Initiatives: Potential Farmer's Market.
- Update on Development projects and permit activity.
- Update on Public Works projects and program activity.
- Update on Surface Water Utility
- Body Worn Camera Update
- Victim Coordination Services Agreement