

**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 - 873

**Next Resolution No.** 2021 - 605

**July 6, 2021**  
**City Council Meeting**  
**6:00 PM**

**VIRTUAL MEETING INFO**

Join Zoom Meeting

<https://zoom.us/j/92359601916>

Meeting ID: 923 5960 1916

One tap mobile

[+12532158782](tel:+12532158782),92359601916# US (Tacoma)

+13462487799,,92359601916# US (Houston)

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AUDIENCE COMMUNICATION**

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

## **PUBLIC HEARING**

- B. Public Hearing to Amend the City of Mill Creek Public Records Rules 100-02 and to amend the fee schedule for Public Records Management as set forth in Mill Creek Municipal Code 3.42.047.

## **OLD BUSINESS**

- C. Update on Landlord Tenant communication about parking at Vintage Housing  
*(Mike Todd, Director of Public Works and Development Services)*
- D. American Rescue Plan Act (ARPA) Update  
*(Laurel Gimzo, Finance Director)*

## **NEW BUSINESS**

- E. Authorize City Manager to purchase a multi-use truck with Switch-N-Go capabilities under an exemption from competitive bidding requirement  
*(Matthew Combs, Public Works Supervisor)*

## **CONSENT AGENDA**

- F. City Council Meeting Minutes of June 22, 2021.

## **REPORTS**

- G. Mayor/Council  
  
Mayor Holtzclaw
- Proclamation List
- H. Michael Ciaravino, City Manager
- Staffing Updates
  - Northwest Washington Incident Management Team (NWIMT)
- I. A&B Board Minutes and Park and Recreation Board Minutes

## **AUDIENCE COMMUNICATION**

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

## **RECESS TO EXECUTIVE SESSION**

*(Confidential Session of the Council)*

- K.
- Discussion of the performance of a public employee per RCW 42.30.110 (1)(g)
  - Discuss potential litigation pursuant to RCW 42.30.110(1)(i)

## **ADJOURNMENT**

# Amendments to Public Records Rules

Mill Creek City Council Meeting

July 6, 2021



# Purposes of the Public Records Rules

1.

MCMC 1.24.010 and 2.04.040 authorizes City Manager to promulgate rules implementing state Public Records Act and MCMC provisions.

2.

Rules govern the procedures the City follows in responding to public records requests.



# Why a Public Hearing is Necessary

1.

Public Records Act RCW 42.56.070(7) requires cities to hold a public hearing prior to charging for records.

2.

The current public records rules adopted in 2018 include a fee schedule for records; however, no public hearing was held.

3.

When the failure to hold a public hearing was discovered (October 2019), the City stopped charging for records. Police Department continued a bit longer.

4.

Less than \$1,000.00 in charges had been collected.

# Highlights of the Amendments to the Rules

## 1. General Revisions

Minor word clarifications throughout the rules.

## 2. Section 6.2

Clarified when the City staff may seek additional information from a requestor to better understand the request and to provide responsive records and prevent release of records in violation of state law.

## 3. Sections 6.3 and 6.5

Eliminates ambiguity regarding when staff should evaluate requests and provide estimated time needed to respond to a request; adds references to the criteria used to estimate the amount of time needed to respond to a particular request.

# Highlights of the Amendments to the Rules

## 4. Section 7.3

Adds statement regarding allocation of staff resources to fulfill Public Records Act duties and other City functions and provides an estimate of the number of hours of staff time each week devoted to responding to public records requests based upon City staffing and use of resources.

## 5. Section 7.4

Provides additional criteria for estimating the amount of time needed to respond to requests based upon complexity and size; extends period for complex and/or large volume requests which mirrors timelines of comparable Council-Manager cities.

## 6. Section 12.3

Revises the current policy governing statutory costs for copies and scans of records to be consistent with the cost of charges permitted by statute, RCW 42.56.120.

# Fee Schedule

**Table 12.3.1  
Statutory Costs for Records**

Form of Record Reproduction and/or Transmission	Cost
Photocopies of public records, printed copies of electronic public records when requested by the requestor, or use of agency equipment to photocopy public records	\$0.15 per page
Public records scanned into electronic format, or use of agency equipment to scan the records	\$0.10 per page
For every four (4) electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery	\$0.05 per every four (4) electronic files
Transmission of public record in electronic format or for use of agency equipment to send the records electronically (the City will take reasonable means to provide records in most efficient manner available to City in its normal operations)	\$0.10 per gigabyte
Digital storage media or device provided by City (e.g. tapes, floppy disks, CDs, DVDs, flash storage devices); container or envelope used to mail copies to requestor; actual postage or delivery charge	Actual cost



Questions?





Agenda Item # \_\_\_\_\_

Meeting Date: July 6, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM: AMENDMENT OF PUBLIC RECORDS RULES POLICY 100-02 AND ADOPTION OF FEE SCHEDULE FOR PUBLIC RECORDS MANAGEMENT**

**PROPOSED MOTION:**

**Adopt Resolution No.2021- 605 amending the fee schedule for Public Records Management and accept the proposed amendments to the Public Records Rules Policy 100-02.**

**KEY FACTS AND INFORMATION SUMMARY:**

On March 27, 2018, the Mill Creek City Council passed Ordinance 2018-826 that amended MCMC Chapter 2.06 (Public Records Management) and MCMC Chapter 3.42 (Fee and Other Assessment), and established Mill Creek City Policy 100-02 (Public Records Rules).

The proposed amendments to the Public Records Rules Policy 100-02 includes general housekeeping matters and brings the Policy current City practices.

Policy 100-02 Section 12.0 requires the full collection of standard costs before records are inspected, sent, or delivered to, or claimed by, a requester. In accordance with RCW 42.56.120, the City Council previously declared that calculating the actual costs would be unduly burdensome. Table 12.3.1 in Section 12.3 of the Public Records Rules provides the standard costs for records.

RCW 42.56.070(7) requires notice and a public hearing for the collection of public record costs. The proposed Resolution amends the fee schedule in Section 12.3 for Public Records Management and authorizes the City to collect these costs as authorized by law.

In accordance with the fee schedule, standard costs for public records requests were collected by both the police department Public Records Officer and the city administration Public Records Officer until October 2019. Since then, only the police department public records officer continued to collect standard costs.

RCW 42.56.070(7) requires notice and a public hearing before any statement of costs may be adopted by an agency. Since there was no public hearing before Ordinance 2018-826 was adopted, the collection of standard costs for public records requests pursuant to Policy 100-02 was improper. Once the oversight was discovered, the police department stopped recovering public records request fees.

Finance records show the city collected \$421.95 in standard costs for public records requests  
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from 03/27/18-12/31/18, \$472.37 in 2019, and \$429.80 from 01/01/20-08/27/20 for a total of \$1,324.12.

	2019	2020
Standard Costs Eligible	\$ 518.62	\$ 926.80*
Standard Costs Received	\$ 472.37	\$ 439.80
Uncollected Standard Costs	\$ 46.25	\$ 487.00

\*Includes \$469.85 request from an appellant in a dangerous animal appeal where costs were waived.

**ATTACHMENTS:**

**CITY MANAGER RECOMMENDATION:**

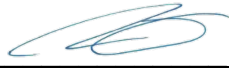
The City Manager recommends the City Council adopt Resolution No. 2021- XXX amending the fee schedule for Public Records Management and accept the proposed amendments to the Public Records Rules Policy 100-02.

**ATTACHMENTS:**

Resolution No. 2021-605 amending the fee schedule for Public Records Management

Revised Public Records Rules Policy 100-02

Respectfully Submitted:



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Michael Ciaravino  
City Manager

**100-02 PUBLIC RECORDS RULES**



Subject PUBLIC RECORDS RULES	Index: Administration Number: 100-02
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Effective Date: April 12, 2018	Supersedes: n/a	Staff Contact: City Clerk	Clerk ID Number: n/a	Approved By and Date: approved by Council 3/27/18
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**1.0 DEFINITIONS:**

**1.1 General**

The definitions in this Section shall have the meanings ascribed unless the context clearly requires otherwise. The definitions set forth in the state Public Records Act and the Mill Creek Public Record chapter. MCMC ch. 2.06, are incorporated herein by reference. Personnel labels used herein (e.g., Records Clerk) are for convenience of these Rules and do not reflect management functions under the City's pay and classification system.

**1.2 Definitions**

"City" means the City of Mill Creek, including its elected and appointed officials and employees.

"City Manager" means the City Manager as appointed by the City Council, and includes the City Manager's designee.

"Counter records" means records easily available at the City's customer service counters under Rule 5.4.

"Email" means a computer-based informational transfer system for sending and receiving messages. "Text messages" are less formal, phone-based equivalents to emails. Email and text messages are public records when they are prepared, owned, used, or retained by the City and relate to the conduct of government or performance of any governmental or proprietary function.

"Exemption Log" means an exemption log that identifies exempt records as described in Rule 9.1.

"MCMC" or "Code" means the Mill Creek Municipal Code.

"Mill Creek Public Records Chapter" or "MCMC ch. 2.06" means MCMC ch. 2.06 as now or hereafter amended.

"Public Disclosure Coordinating Team" or "PDCT" means the team charged with managing the City's responses to records requests. See Rule 7.

"Public Record" has the same meaning as in the Act. Without limiting the foregoing, a public record means 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 the City regardless of physical form or characteristics.

"Public Records Act" or "Act" means RCW Chapter 42.56, as now or hereafter amended.

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

132583.0007/8544278.1

**"Public Records Officer"** or **"PRO"** means the designated Public Records Officer. See Rule 3.

**"Public Records Rules"** or **"Rules"** or **"Rule"** means these Public Records Rules as initially approved and amended from time to time as provided herein.

**"Public Records Steering Committee"** or **"PRSC"** means the committee composed of the City Manager, City Clerk, Public Records Officer, Deputy Police Chief and City Attorney, or their designees. See Rule 2.

**"Record"** or **"Records"** generally means the City's public records.

**"Records Clerk"** means the staff person designated for each City department who is responsible for carrying out these Rules and processing records requests affecting that department under direction of the PRO.

**"Records Log"** means the log maintained by the PRO tracking records requests submitted to and processed by the City. See Rule 7.

**"Request"** or **"records request"** means a request made in accordance with these Rules for disclosure of public records under the Act.

**"Request Management System"** or **"RMS"** means the public records management system designated by the City Manager for use in connection with these Rules.

**"Requestor"** means a person who has made a public records request in accordance with these Rules.

**"Text messages"** [see "Email"]

**"Writing"** has the same meaning as in the Act. Without limiting the foregoing, a writing includes handwriting, typewriting, printing, photocopying, photographing, and every other means of recording any form of communication or representation, including 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.

## **2.0 AUTHORITY, SCOPE, PURPOSE AND ADOPTION OF RULES**

### **2.1 Authority**

These Rules are adopted pursuant to the Act, RCW ch. 42.56, and the MCMC Chapter 2.06. RCW 42.56.070(1) requires the City to make available for inspection and copying nonexempt public records in accordance with published rules. RCW 42.56.070(2) requires the City to set forth "for informational purposes" every law, in addition to the Act, that exempts or prohibits the production of public records held by that agency.

### **2.2 Scope and Purpose of Rules**

**2.2.1** These Rules govern all records in the City and the application of the Act to the City's records.

**2.2.2** The purpose of these Rules is to establish the procedures and requirements the City, through its departments, will employ and follow to comply with the Act. These Rules provide information to persons wishing to request access to public records of the City and establish procedures for requestors and City staff to meet the purpose of the Act and these Rules.

**2.2.3** These Rules are intended to protect the City's records from damage, alteration, and disorganization; prevent excessive interference with other essential functions of the City; and properly determine the status and disclosability of public records.

**2.2.4** Failure by the City to require compliance with any condition or provision of these Rules shall not be deemed a waiver of any other City provisions or conditions, including these Rules.

### **2.3 Adoption and Amendment of Rules**

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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The City Manager is authorized to adopt and amend these Rules pursuant to MCMC ch. 1.24 and MCMC ch. 2.06 as needed to remain in compliance with evolving law governing the handling of public records requests and to update related procedures. The Manager may consult with the Public Records Steering Committee as needed to perform that responsibility.

### **3.0 CITY OPERATIONS; ACCESS TO PUBLIC RECORDS AND INFORMATION**

#### **3.1 City Operations**

**3.1.1** The City is an "agency" under the Act and provides services as a noncharter code city and Washington municipal corporation organized under RCW Title 35A. The City's central office is located at City Hall South, 15728 Main Street, Mill Creek, WA 98012.

**3.1.2** The general course and method by which the City's operations are channeled and determined is through laws adopted and direction given by the City Council and other competent authority in conformity with all applicable city, state and federal law, which are implemented by the City Manager, Department Directors and their designees. The City's ordinances of general applicability are contained in the Mill Creek Municipal Code. The City's general policies and procedures are contained in the Mill Creek Policies and Procedures.

**3.1.3 Reporting.** Pursuant to RCW 40.14.026(5), agencies that incur actual staff and legal costs associated with fulfilling public records requests in excess of \$100,000 annually must report such activity to the State. Reporting is optional if the costs incurred fall under that threshold.

#### **3.2 Access to Records, Forms and General Information**

A requestor or any person wishing to request access to public records of the City, or seeking assistance in making such a request, should follow the procedures in these Rules. Requestors are encouraged to view and/or obtain documents available on the website prior to submitting a records request. The City may make information, forms, and methods for requesting records, along with other assistance, available through one or more of the following:

**3.2.1** The City's website: [www.cityofmillcreek.com](http://www.cityofmillcreek.com).

**3.2.2** The City's online RMS, which may be accessed through the City's website.

**3.2.3** The City's self-help online kiosk located in the lobbies of City Hall North and/or South.

**3.2.4** At the City's customer service counters located in the lobbies of City Hall North and/or South.

In addition, Requestors may seek assistance by submitting a letter or fax addressed to the PRO as specified in Rule 3.3.

#### **3.3 Public Records Officer**

**3.3.1 Authority.** The Mill Creek Public Records Officer shall be designated by the City Manager from time to time and shall perform the functions of the PRO set forth in these Rules, including chair of the PDCT and supervising Records Clerks. The PRO shall coordinate activities, records requests and responses with the City's Public Information Officer when such matters are made by credentialed press representatives or organizations, or concern issues of known public significance. The PRO or City Manager may designate an acting PRO as needed.

**3.3.2 Training.** The PRO shall obtain and maintain a current certification in public records management and PRA operations through the Washington Association of Public Records Officers (WAPRO) or other similarly qualified organizations. The PRO shall ensure Records Clerks receive timely and appropriate PRA training.

**3.3.3 Contact Information.** The PRO can be contacted at:

Public Records Officer

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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City of Mill Creek

15728 Main Street, Mill Creek, WA 98012

Phone : 425-745-1891

Fax: 425-745-9650

#### **4.0 RECORDS MANAGEMENT AND PROTECTION**

##### **4.1 General**

Public records are available for inspection and to obtain copies during normal business hours of the City, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Inspection of records shall occur at the central offices of the City unless another location is approved by the PRO. A variety of records are available on the City's website at [www.cityofmillcreek.com](http://www.cityofmillcreek.com) and may be downloaded at the viewer's convenience. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

##### **4.2 Records Index Not Maintained**

Pursuant to MCMC Chapter 2.06, the City Council issued a formal order finding that the maintenance of a records index was unduly burdensome. This finding was based in part on the fact that the City is comprised of several departments, divisions, subdivisions and boards, and serves approximately 20,000 citizens. The different departments and divisions currently maintain, and may continue to maintain, separate databases and/or record keeping and/or working systems containing records, each of which may have different systems or protocols for indexing records and information. Because these records and systems are diverse, complex and located in multiple places and/or in or on multiple computer systems and databases, it is unduly burdensome to maintain a central index of records.

##### **4.3 Organization of Records**

The City will maintain its records in a reasonably organized manner.

##### **4.4 Protection of Records and Records Security**

**4.4.1** While committed to compliance with the Act and these Rules, the City must also take reasonable and/or necessary actions to protect its records from damage, loss and disorganization, and to prevent interference with the essential functions of the City. See below and Rules 2, 8, 9, 10 and 11 for specific security requirements.

**4.4.2** A requestor shall not take City records from City offices and shall not mark, modify or alter any record. A requestor may be required to view records in the presence of a City representative and to account for all such records at the end of a viewing session. Photographing City records may only be allowed upon advance request, and may be prohibited by the PRO.

**4.4.3** Records that are or may be responsive to a pending records request may not be altered or destroyed.

**4.4.4** Judicial orders for the expungement of records shall be reviewed by the PRO for appropriate action. The PRO shall consult with the Police Department's Records Clerk and City Attorney as needed and consider the City's records retention requirements in taking action.

**4.4.5** Any subpoena, subpoena duces tecum, or judicial discovery request sent to or served on the City that applies to or requests records from the City shall be reviewed by the PRO for appropriate action. The PRO shall consult with the City Manager and/or City Attorney as needed.

#### **5.0 MAKING A REQUEST FOR PUBLIC RECORDS**

##### **5.1 General**

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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**5.1.1** A request for public records should be in writing but may be made orally. A requestor must provide the PRO with reasonable notice that the request is for disclosure of public records under the Act and must provide the information in this Rule 5.

**5.1.2** Record requests may only encompass existing records. The ending search date for every request shall be the date the request is submitted to the City, unless an earlier date is stated in the request. A request cannot be used to inspect or obtain copies of records not yet in existence, and the PRO is authorized to refuse to accept or to reject such a request.

**5.2 Written and Oral Requests for Records**

**5.2.1** Written requests to obtain or inspect public records may be made using the methods listed in Rule 3.2.

**5.2.2** Oral requests to obtain or copy public records may be made to the PRO by direct telephone or in person. An oral request cannot be made via voice message or answering system. The PRO may accept oral requests if the requestor provides the required information set forth in this Rule. If the PRO accepts an oral request, the PRO will enter and confirm receipt of the information, the substance of the request, and the requestor's contact information in the RMS and by writing or emailing to the requestor if possible. The confirmation will be deemed the correct statement of the request unless the requestor responds in writing or orally as set forth herein with a different statement of the scope of the request.

**5.2.3** Each written or oral records request must contain the following information:

**5.2.3.1** Date and time of the request

**5.2.3.2** Name and full contact information provided by the requestor

**5.2.3.3** Description of the records sufficient for the PRO to reasonably identify and locate the requested records.

**5.2.3.4** Whether the requestor seeks to obtain or inspect records. If the requestor wishes to receive copies or digital scans of records, she/he should so indicate and make arrangements with the PRO to pay for such copies or scans as provided in these Rules. If the requestor seeks to inspect records, she/he should so indicate and make arrangements with the PRO.

**5.2.3.5** Whether the requestor seeks to obtain or inspect records for commercial purposes.

**5.3 Automated Records Requests**

The City has no duty to accept automated or robotic request for records ("bot request"). A bot request means a request for records that the City reasonably believes was automatically generated by a computer, telephone program, script or other means. The City may deny a bot request that is one of multiple requests from the requestor to the City within a twenty-four hour period, or over a period of days, if responding to such multiple requests would cause interference with other essential City functions.

**5.4 Counter Records**

Certain records may be provided quickly and easily at the City's customer service counters located at City facilities, such as City information sheets, schedules or handouts; certain commonly maintained or requested items like reports, agendas, and data compilations; and forms, booklets or other pre-printed materials. A request for such "counter records" does not comprise a records request subject to these Rules if it can be immediately fulfilled by City staff working at the customer service counter. In such situations, the requestor need not make a formal request as described in these Rules, and City staff need not treat the request as a records request subject to these Rules.

**6.0 PROCESSING RECORDS REQUESTS**

**6.1 Priority of Requests**

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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Mindful of the requirements of RCW 42.56.100, and as reasonably feasible, the PRO will process requests in the order allowing the most requests to be processed in the most efficient manner. See generally Rule 7.

## **6.2 Clarification of Requests**

Generally, the City shall not distinguish among persons requesting records. To that end, a requestor need not state the purpose of the request, except the PRO may ask the requestor to provide additional information to better understand a request and provide responsive records. The PRO may also seek information sufficient to determine whether inspection and copying would violate RCW 42.56.070(8) or another statute which exempts, limits, or prohibits production of specific information or records to certain persons..

## **6.3 Acknowledging Receipt of Requests**

**6.3.1 Timely Acknowledgement.** To meet the requirements of the Act, the PRO must take one or more of the actions described in this Rule within five business days of receiving a records request, excluding the day the request was received (RCW 1.12.040).

**6.3.2 5-Day Letter.** When a request cannot be immediately fulfilled within 5 business days, the PRO shall prepare and send a written response to each requestor and every such request using the 5-Day Response Form attached at Appendix 1. Every 5-Day Response will:

- 6.3.2.1** Acknowledge the date of receipt of the request.
- 6.3.2.2** Restate the request.
- 6.3.2.3** Enclose a portion of the requested records if feasible and available.
- 6.3.2.4** Seek clarification for any part of the request that is then unclear.
- 6.3.2.5** Provide a reasonable estimate of additional time needed to respond to the request per Rules 6.5 and 7.5 .
- 6.3.2.6** Note the applicability and status of inspection, copying and payment arrangements for the records, and state the deposit required therefor.

As records are searched and produced, and/or the search is refined, subsequent written communication with the requestor will occur using the RMS to keep the response moving, advise of changes in City workload, search impediments or anticipated production dates, and finalize the request. If the PRO does not respond to a requestor in writing within five business days of receipt of a records request, the requestor should consider contacting the PRO to determine the reason for the delay.

## **6.4 Response and Follow Up Options**

Typical options and follow up steps for responding to a records request are listed below. Any response can be combined with another response to better address and complete the records production.

- 6.4.1** Make the requested records available for inspection or provide copies as applicable.
- 6.4.2** Identify to the requestor online or internet locations where all or a portion of the records can be obtained or accessed. Requestors who cannot access the internet may be provided copies of the requested records and/or advised of the availability of the City's lobby kiosk(s).
- 6.4.3** Stay in touch with the requestor as appropriate following delivery of the 5-day letter. Acknowledge receipt of subsequent contacts, ask the requestor to provide clarification or refine the search as appropriate, consult with the PRO as needed, and provide a reasonable estimate of the time required to respond to the request per Rule 6.5.

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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**6.4.4** If a request changes significantly into a new request for different records, the PRO should consider requiring a new formal request to be filed for the new documents or purpose. This will keep each request focused and identifiable for purposes of completing requests, and enable City staff to go forward with other requests previously filed, on hold or in process and awaiting their turn to be processed.

**6.4.5** If the requestor fails to respond to at least two written requests for clarification and the entire request is thus unclear, the PRO should advise the requestor of that fact and the City's consequent determination that the request will be considered terminated or abandoned in accordance with Rule 7. However, even if the requestor fails to respond to requests for clarification, if portions of the request are sufficiently clear to provide responsive records, then such records will be provided.

**6.4.6** If full or partial payment or payment of a deposit is necessary and arranged as provided in the Rules, or if other terms of payment are agreed upon and made by the requestor, send the requested records to the requestor or make them available for pick up.

**6.4.7** Deny or reject the request, specifying the reasons therefor.

**6.5 Determination of Additional Time for Response**

The PRO must make a reasonable inquiry into the nature of the records requested and make a reasonable estimate of the time needed to respond to each request based on the categories in Rule 7.5. Factors used to estimate the additional time must be based upon criteria that can be articulated, and may be presented in the 5-day response letter. Allowable factors necessitating additional response time include the following:

**6.5.1** To request clarification from the requestor if the request is unclear or does not sufficiently identify the requested records. Such clarification may be requested and provided by telephone. If the clarification is made by telephone, the PRO will confirm the scope of the clarification in writing. The confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

**6.5.2** To locate and assemble the requested records based on the identified category in Rule 7.5.

**6.5.3** To determine whether information in the requested records is exempt from disclosure or production, and if so, the time needed to prepare redactions and a privilege log.

**6.5.4** To determine whether a denial should be made as to all or part of the request.

**6.5.5** To notify third persons or agencies pursuant to Rule 6.6 in the event the requested records contain or may contain information that may affect rights of others and may be exempt from disclosure.

**6.6 Notice of a Records Request to Third Parties**

If requested records contain or may contain information that may affect rights of third persons and/or agencies not affiliated with the City (Third Parties), the PRO shall consult with the City Manager or City Attorney to determine the need for issuance of a Third Party Notice. If the PRO and consulted persons determine a Third Party Notice is appropriate, the PRO shall prepare the Notice using the Third Party Notice Form attached at **Appendix 2**. The Third Party Notice shall advise Third Parties of the City's determination that their rights may be affected by the requested disclosure, shall include a copy of the request and the contact information of the requestor, and shall be copied to the requestor. The Third Party Notice shall be issued prior to providing the requested records to enable the Third Parties to contact the requestor to seek revision of the request, seek a court order to prevent or limit disclosure, or seek other remedies available to the Third Parties.

**6.7 Notice of a Records Request Affecting City Employees or Officials**

If requested records contain or may contain information that may directly affect or implicate rights of City employees or officials (City Personnel), the PRO shall consult with the City Manager to determine the appropriate course of action. Such action shall be taken prior to providing the requested records to enable the City Personnel to

contact the requestor to seek revision of the request, seek a court order to prevent or limit disclosure, or take or seek other actions or remedies available to them.

## **6.8 Participation by City in Judicial Action Related to Records Requests**

**6.8.1** Pursuant to the Act, the City may seek to enjoin the inspection or copying of any nonexempt public records by persons serving criminal sentences in state, local, or privately operated correctional facilities.

**6.8.2** Pursuant to the Act, and for the purpose of protecting the City's interests as they may apply, the City may initiate judicial action, and/or may join in any judicial action commenced by a third person, related to a records request submitted to the City.

## **7.0 MANAGING RECORDS REQUESTS**

### **7.1 Public Disclosure Coordinating Team; Record Coordinators**

The Public Disclosure Coordinating Team shall be comprised of the Public Records Officer and the designated record coordinators for each City department. The PRO shall be the chair of the PDCT. The PDCT is responsible for managing and processing records requests in accordance with these Rules. The PRO and PDCT will provide the fullest assistance to requestors, ensure that public records are protected from damage or disorganization, and prevent the fulfilling of public records requests from causing excessive interference with the essential functions of the City.

### **7.2 Records Log**

The PDCT shall maintain a current log of records requests submitted to and processed by the City using the RMS. RMS entries must be kept current and shall include the identity and contact information of the requestor; the date the City received the request; the text of the original request and any significant clarifications; the classification of request made under this Rule; the date and a general description of the records produced in response to the request, including whether records were redacted or withheld and the reasons therefor; the status of the request; and the date of final disposition of the request. The records log must be retained in accordance with the applicable City and state record retention schedule, and is itself a public record subject to disclosure under the Act.

### **7.3 Records Management**

The City receives a significant number of public records requests annually, and must allocate staff resources in a manner that is consistent with the Act's mandate to provide the "fullest assistance" and prevent "excessive interference with other essential functions" of the City. Accordingly, the PDCT will manage, classify, and process pending records requests based on the following criteria:

**7.3.1** The number of records responsive to a given request.

**7.3.2** The number and size of other pending requests.

**7.3.3** The amount of processing required for each pending request.

**7.3.4** The status of a particular request that is waiting for or undergoing internal processing, document review and/or analysis; follow up action by a requestor, and/or third party review, response or action.

**7.3.5** The current volume of other workload demands in the City as they may affect the amount of available staff time that can be devoted to compliance with the Act and records requests.

The PDCT should attempt to provide at least 25 hours of staff time per week to manage, classify, and process pending requests and may devote more time as workloads and other City obligations allow.

### **7.4 Categories of Records Requests**

The PRO will categorize each record request using the following criteria.. Record requests should be re-categorized as appropriate after initial categorization in response to new circumstances and/or additional information. If the City

is unable to meet an estimated time for response, the PRO will notify the requestor in writing and establish a new reasonable time for response.

**7.4.1 Category 1** requests require immediate response in the interest of public safety and/or imminent danger. These requests take priority over all other requests. Generally, the PRO will respond to Category 1 requests immediately or the next business day after the request is received.

**7.4.2 Category 2** requests are routine or readily filled requests for easily identified and immediately accessible records requiring little or no coordination between departments. Generally, the PRO will respond to Category 2 requests within five to 30 business days.

**7.4.3 Category 3** requests are routine requests that involve a large number of records; records not easily identified, located or accessible, and/or records that require some coordination between departments. Generally, the PRO will respond to Category 3 requests in installments within an average processing time of four to five weeks for the initial installment and may require several months to complete in total.

**7.4.4 Category 4** requests are complex requests meeting any of the following criteria: (i) broad or vague requests which involve a large number of records that are not easily identified, located or accessible; (ii) requests requiring significant coordination between multiple departments or research by City staff who are not primarily responsible for public disclosure; (iii) requests requiring detailed review to determine whether such records are exempt from disclosure or production in whole or in part; (iv) requests requiring legal review and/or creation of an exemption log; (v) requests that may require notification of third parties. The PRO will respond to Category 4 requests in installments with an average processing time of five to six weeks for the initial installment and may require several months to a year to complete in total.

**7.4.5 Category 5** requests are those requests that are on hold or pending further action for any of the following reasons: (i) waiting for records to be retrieved from storage, or from persons or entities that hold them on behalf of the City (e.g. employees, consultants); (ii) waiting for the requestor to respond to a request for clarification; (iii) waiting for a response after notifying a third party named in a record; (iv) waiting for expiration of the time allowed a third party to obtain an order from a court enjoining release of records; (v) waiting for resolution of a legal action affecting the records; (vi) waiting for consideration of a petition to review denial of access; (vii) waiting for the requestor to pay for the records or pay a deposit; (viii) waiting for external vendor reproduction of records and related invoicing; and/or (ix) waiting for the requestor to claim an installment or to physically inspect records. The estimated response time for Category 5 documents must be determined on a case-by-case basis.

## **7.5 Closing Records Requests**

The PRO will close a records request and so inform or confirm that action to the requestor in writing in the following circumstances:

**7.5.1 Completed.** The request is completed. This notice is typically sent or delivered with the final installment of the records provided to the requestor.

**7.5.2 Withdrawn.** The requestor withdraws the request.

**7.5.3 Abandoned.** The requestor fails to perform any of the following after receiving or sending written confirmation of such obligation: fails to inspect or pick up records; fails to fulfill an obligation to pay for the records, including any deposit, partial or final payment, or third-party vendor cost; fails to complete a task as previously agreed with the PRO; or fails to respond to a request for clarification by the PRO. See Rule 7.6.

**7.5.4 Rejected or Denied.** The request is rejected or denied by action of the PRO under these Rules. See, e.g., Rules 5.1.2; 5.3; 6.4.5; 6.4.7; 9.2; 9.3; and 9.4.

## **7.6 Abandoned Records Requests**

The PRO will deem a request abandoned in the following circumstances:

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**7.6.1** The requestor fails to respond to City requests for clarification issued pursuant to Rule 6.4.5 and 30 days has passed since the last such request.

**7.6.2** The requestor has elected to inspect records and (i) the requestor fails to contact the PRO to arrange for the review of the records or any installment thereof within 30 days of being notified that the records are available for inspection; or (ii) the requestor misses an appointment to inspect the records or any installment thereof and fails to contact the PRO to arrange another appointment to inspect within 30 days of the missed appointment.

**7.6.3** The requestor has elected to receive copies of records and (i) the requestor fails within 30 days to open and download copies of responsive records or any installment of records provided to the requestor electronically; or (ii) the requestor fails within 30 days to pick up records of being notified thereof.

**7.6.4** The requestor fails to pay within 30 days of receiving a notice of payment or invoice for copies of any records or any installment, any third party vendor costs, or any required deposit(s).

**7.6.5** If a requestor fails to respond to any PRO notice issued for the reasons set forth above within 10 days of the date of the notice, the PRO may suspend further action on the request so that other pending requests can be sooner addressed.

## **8.0 INSPECTION OF RECORDS**

### **8.1 Time and Location**

The PRO shall provide space and coordinate a time with the requestor to inspect records consistent with other City demands.

### **8.2 Security**

**8.2.1** The PRO shall ensure the security of records as provided in these Rules.

**8.2.2** To ensure the integrity of the City's records, no requestor may remove a record from the viewing area, disassemble any record, alter or mark on any record, or photograph any record. When necessary the PRO will assign the Records Clerk or another City staff person to monitor the inspection activity to ensure compliance with the foregoing.

**8.2.3** Following the viewing session and before leaving the premises, the requestor shall account to the PRO or monitor's satisfaction for each record viewed or inspected, and the PRO or monitor shall verify the status of each such record. See Rules 2, 4, 9, 10 and 11 for other security requirements.

**8.2.4** All records provided in response to an inspection are subject to Rule 10.

### **8.3 Copies and Payment**

The requestor may list or indicate which records or portions thereof she/he wishes to have copied or scanned, and provide the required payment therefor in accordance with these Rules.

### **8.4 Inspection of Voluminous Records**

When a request is made to inspect a large number of records, the PRO may provide access for inspection and copying in installments if the PRO reasonably determines that it would be practical or efficient to provide the records in that manner.

## **9.0 PROTECTED RECORDS; NON-RECORDS; REDACTIONS AND EXEMPTIONS**

### **9.1 Exemptions Under the Act and Other Statutes**

**9.1.1 Scope of Exemptions.** The Act and other state statutes provide that certain records are exempt in whole or in part from public inspection and copying. For information and convenience, a partial, non-exhaustive list of such records and authorizing statutes is attached at **Appendix 3**, along with identification of

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other, similar lists. Requestors should be aware of these and other exemptions which may restrict the disclosure of some records held by the City and/or can delay disclosure of the records for completion of a detailed review thereof and preparation of a privilege log. In performing this review, the PRO will be alert to potential legal risks and issues in determining the application of such exemptions and scope of redactions, including expungement.

**9.1.2 Consultation with City Manager and City Attorney.** The PRO will consult with the City Manager and City Attorney as necessary to confirm determinations of exempt records or redactions thereof, or to obtain advice regarding exemptions and redactions that may not be obvious. No record that is exempt, in whole or in part, under the Act or other applicable statutes or authority may be produced in response to a records request without prior approval of the PRO or City Manager, who will consult with the City Attorney as needed.

**9.1.3 Redaction and Withholding of Records.** Records that are exempt from disclosure in their entirety should be withheld. If only a portion of a record is exempt but the remainder is not exempt, the PRO must redact the exempt portions in consultation with the City Manager or City Attorney as may be necessary and disclose the nonexempt portions.

**9.1.4 Exemption/Redaction Log.** If a record is wholly exempt from disclosure and should be withheld, or is partially exempt and should be redacted, the PRO will create an exemption/redaction log that identifies each exempt or redacted record, states the specific exemption(s) that applies, and provides a brief explanation of how the exemption applies to the record being withheld or redacted. The explanation should be sufficient to enable the requestor or a third party (e.g., judge) to make a threshold determination of whether the claimed exemption is appropriate. A form Exemption/Redaction Log is attached at Appendix 4.

## **9.2 Lists Requested for Commercial Purposes**

The City is prohibited by the Act from producing lists of individuals or businesses for commercial purposes. If a records request is not clear about this, the PRO must inquire with the requestor to ascertain the requestor's intent. If the PRO determines the request includes a list that is to be used for commercial purposes, the list may not be produced and the request will be denied.

## **9.3 Identifiable Records Required**

A requestor must request an "identifiable record" or "class of records" before the City must comply with the request. Failure to do so may result in a request being denied. An identifiable record is one that the PRO can reasonably locate. The Act does not allow a requestor to search through the City's files for records which cannot be reasonably identified or described. A request for all or substantially all records prepared, owned, used, or retained by the City is not a valid request for identifiable records. A request for all records regarding a particular topic or containing a particular key word or name is not considered a request for all of the City's records.

## **9.4 Requests for Information or Nonexistent Records**

Requests for information do not constitute a records request under the Act and may be denied. The City is not required to conduct research for a requestor, nor to create records in response to a request. Notwithstanding that, if the PRO in his/her discretion determines in clarifying a request that the request can be more easily fulfilled in such a manner, the PRO may be authorized to do so upon approval of the City Manager, provided that no such response will be considered to create a course of action, course of dealing, or precedent for any reason.

## **10.0 PROVIDING RECORDS**

### **10.1 Payment for Records**

No records may be inspected, sent or delivered to, obtained by, or claimed by a requestor prior to full payment of the charges therefor in accordance with these Rules.

### **10.2 Delivery of Records**

Records delivered by email or other electronic form (e.g., drop box) are deemed received by the requestor upon transmittal of the records to the requestor's designated email or agreed drop box address. Records delivered by U.S.

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Mail or overnight delivery service will be deemed received upon placement of the records in the custody of the carrier or delivery service, postage or delivery prepaid, to the requestor's designated physical address.

**10.3 Secure Identification and Retention of Records Provided**

All records provided under these Rules, except Counter Records, regardless of the format in which provided, shall be numbered, Bates stamped, or identified in a manner, means and format that will enable accurate comparison of such records with the City's original records. The City shall make and retain an accurate electronic or digital copy of every record or set of records provided to a requestor under these Rules, and shall retain such copies in accordance with the state or City records retention schedule.

**10.4 Pickup or Review of Records**

The PRO will notify the requestor in writing when requested records are ready for retrieval or inspection at the City. The notification will inform the requestor that s/he should contact the PRO to make arrangements to claim or review the records. A requestor must claim or review assembled records within 30 days of the PRO's notification that the records are available. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the PRO may stop searching for any remaining records, close the request as abandoned, and dispose of the records.

**10.5 Installments**

When a request is made for a large number of records, the PRO may copy and provide access in installments (also known as a rolling disclosure) in accordance with the foregoing subsections. If, within 30 days of notice, the requestor fails to pay for and/or retrieve any installment, the PRO may stop searching for any remaining records, close the request and dispose of the records.

**10.6 Later Discovered Records**

If, after the PRO has informed a requestor that all responsive records have been provided, the PRO becomes aware of additional responsive documents existing at the time of the request that had not been provided previously, the PRO will inform the requestor of such additional documents and provide them as soon as reasonably feasible. The City has no obligation to provide records created or occurring after the end date of the records request, whether responsive or not. See Rule 5.1.2.

**11.0 ELECTRONIC AND DIGITAL RECORDS****11.1 General**

An electronic or digital record is any record that exists in any form or fashion other than as an original paper or other physical record, and includes computerized records, audio records, and visual/video/pictographic records. In addition to the other requirements of these Rules, electronic and digital records shall comply with the following.

**11.2 Providing Electronic and Digital Records**

If records are requested in an electronic format, the PRO will provide such records as are reasonably locatable in an electronic format that is used by the City and is generally commercially available, or in a format that is reasonably translatable from the format in which the City keeps the records.

**11.3 Customized Access to Databases**

With the consent of the requestor and if efficient for the City, the PRO may provide customized electronic access to records in accordance with the Act if the records are not reasonably locatable or not reasonably translatable into the format requested. The City may charge a fee consistent with the Act for such customized access. The PRO shall not allow direct access by any requestor to the City's computer or records systems.

**12.0 COSTS OF PROVIDING AND PAYMENT FOR RECORDS**

**12.1 Payment for Records**

No records may be inspected, sent or delivered to, or claimed by, a requestor prior to full payment of the charges therefor in accordance with these Rules.

**12.2 Cost Schedule**

Because the City finds that calculating the actual costs incurred for each record request submitted to the City would be unduly burdensome, the City has determined it is most time and cost efficient to utilize the standard costs authorized by RCW 42.56.120, as now or hereafter amended. Such standard costs shall apply to actions under these Rules even if the Rules or MCMC ch. 3.42 are not timely amended to conform with state law changes regarding such costs.

**12.3 Statutory Costs for Copies and Scans of Records**

A requestor may obtain copies or scans or records as provided by RCW 42.56.120(2)(b)<sup>1</sup> and WAC 44-14-07003. The City will charge for such copies or scans according to the fee schedule in Table 12.3.1 below. For records in other forms, the City will charge the actual cost it pays for the medium used to reproduce the records provided.

<b>Table 12.3.1 Statutory Costs for Records</b>	
<b>Form of Record Reproduction and/or Transmission</b>	<b>Cost</b>
Photocopies of public records, printed copies of electronic public records when requested by the requestor, or use of agency equipment to photocopy public records	\$0.15 per page
Public records scanned into electronic format, or use of agency equipment to scan the records	\$0.10 per page
For every four (4) electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery	\$0.05 per every four (4) electronic files
Transmission of public record in electronic format or for use of agency equipment to send the records electronically (the City will take reasonable means to provide records in most efficient manner available to City in its normal operations)	\$0.10 per gigabyte
Digital storage media or device provided by City (e.g. tapes, floppy disks, CDs, DVDs, flash storage devices); container or envelope used to mail copies to requestor; actual postage or delivery charge	Actual cost

**12.4 Combined Charges**

The charges in Table 12.3.1 may be combined to the extent more than one type of charge applies to copies produced in response to a particular request. The statements providing actual costs to the City for digital storage media, containers or envelopes, and postage or delivery are the invoices paid to obtain them and are available for public inspection and copying.

**12.5 Estimated Charges**

If requested by the requestor, the City will provide a summary of applicable charges before any copies or scans are made and the requestor may revise the request to reduce the number of copies and/or request production in alternative form to reduce applicable charges.

**12.6 Deposits and Installments**

Before starting to make copies, the PRO may require a deposit of up to ten percent of the estimated costs of copying, scanning, and/or reproduction of the records requested by the requestor, including a customized service charge if applicable. The PRO will require full payment of the remainder of the copying/scanning costs before providing all

<sup>1</sup>The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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of the records, or the payment of the costs of copying/scanning a future installment before providing that installment.

**12.7 Sales Tax; Outside Vendors**

The City will not charge sales tax for copies or scans of records in house. However, if records are sent to a third party or outside vendor for copying or scanning, that third party may charge sales tax and the requestor will be responsible for payment of the tax as well as the third party's actual charges for copies or scans.

**12.8 Mailing and Delivery Costs**

The City may charge actual costs of mailing or delivery, including the cost of the shipping container.

**12.9 Certification or Notary Costs**

The City shall impose the charge established under MCMC 3.42 per record for certification or notarization.

**12.10 Other Applicable Copying Charges**

The Act generally governs copying charges for public records, but several statutes govern charges for particular kinds of records. As to such records, the City will charge the amount authorized pursuant to such other statutes rather than as provided under the Act. The following non-exhaustive list provides some examples of those records: RCW 46.52.085 (charges for traffic accident reports); RCW 10.97.100 (copies of criminal histories).

**12.11 Use of Outside Vendor**

The City is not required to copy or scan records at its own facilities, and copies may be outsourced as appropriate. The City may send records requests to commercial copying and scanning businesses and bill the requestor for the amount charged by the outside vendor. At its discretion, the City may agree to allow the requestor to pay the vendor directly. The City cannot charge the default per page copying or scanning charge when its actual cost at an outside vendor is less.

**12.12 Customized Service Charge**

**12.12.1** In addition to charges imposed for providing copies and for the use of City equipment for copying, the City may include a customized service charge. A customized service charge may only be imposed if the City estimates that the request would require use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations require customized access services and are not generally used by the City for other City purposes.

**12.12.2** The City may require reimbursement by the requestor up to the actual cost of providing the customized service. The City may only assess a customized service charge after notifying the requestor of the customized service charge to be applied to the request, an explanation of why the charge applies, a description of the specific expertise, and a reasonable estimated cost of the charge.

**12.12.3** The requestor will be afforded the opportunity to amend the request to avoid or reduce the cost of a customized service charge.

**12.13 De Minimis Charges**

**12.13.1** The City will waive de minimis charges for providing public records when all of the following apply to a request: The total amount of the charge is \$5.00 or less; the total number of pages produced is 25 pages or less; no outside vendor costs are incurred by the City; no redaction or exemption determination is required; and the request comprises a Category 1 or Category 2 request under Rule 7.4.

**12.13.2** The City may enter into any contract or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in these Rules, or in response to a voluminous or frequently occurring request.

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**12.14 Copying Charges for Documents Routinely Posted on City Website**

The City will not impose charges for the requestor's access to or downloading of records that are routinely available on the City's website. However, if the requested records are routinely posted on the City's website prior to receipt of a request and the requestor specifically asks the City to provide the requestor with hard or electronic copies thereof, then the charges specified in this Rule will apply.

**12.15 Payment**

Payment shall be made by cash, debit card, or credit card. Payment by money order or check must be preapproved by the PRO, and if allowed shall be made payable to the City of Mill Creek. The City reserves the right to charge a convenience fee for credit card charges exceeding \$100.00.

**13.0 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS**

**13.1 Administrative Review of Denial of Records Request**

Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email, but not text message) to the PRO for an internal administrative review of that decision. The petition shall include a copy of the written statement by the PRO denying the request, shall be filed within ten (10) business days of the date of the denial, and shall contain a short and plain statement of the requestor's reasons for the petition and remedy desired.

**13.2 Consideration of Petition**

The PRO shall promptly provide the petition and any other relevant information to the Public Records Steering Committee for its review. The PRSC, without participation by the PRO, will consider and decide the petition within thirty days following the PRSC's receipt of the petition, or within such other time as the City and the requestor agree. The PRSC may consult with the requestor or other persons for that purpose as deemed appropriate. The PRSC shall either uphold, reverse or modify the PRO's decision in whole or in part, and state its decision in the form provided at Appendix 5. The PRSC decision shall be distributed to the requestor, PRO and other persons as appropriate. The PRO shall be responsible to implement the PRSC decision.

**13.3** The availability or use of this administrative review process is provided as a convenience to requestors, and it shall not in any manner alter or affect the requirements, provisions or time limits of judicial review applicable to any City action taken under these Rules.

**14.0 JUDICIAL REVIEW**

**14.1** Any requestor aggrieved by a qualifying action or decision of the City taken under these Rules may obtain judicial review thereof if, as, and to the extent allowed under RCW 42.56.550.

**15.0 APPENDICES AND FORMS**

**Appendix 1:** 5-Day Response Form [Rule 6.3.2]

**Appendix 2:** Third Party Notice Form [Rule 6.6]

**Appendix 3:** Partial Listing of Exemption Statutes [Rule 9.1.1]

**Appendix 4:** Exemption/Redaction Log Form [Rule 9.1.4]

**Appendix 5:** PRSC Administrative Review Decision Form [Rule 13.2]

**APPENDIX 1**

5-Day Response Form

[Rule 6.3.2]

[Date]

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[Requestor Name]

[Requestor Contact Information]

Re: *Public Records Request Number [insert applicable request number]*

Dear [Requestor Name]:

Per the Public Records Act, we are hereby responding to your [date request submitted] request for the following records:

*Insert* description of requested records

*Insert* one or more of the following as applicable:

The City has completed a review of its records in response to your request. The documents you requested may be reviewed at City Hall, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. We will hold these records for your review until [30 days from date of this letter], after which the City will deem your records request abandoned.

**OR**

The records your request are available online at the City's website. Please inform me if you have any difficulty accessing the records online and we can make alternative arrangements. The records may be found at the following link: *Insert*

**OR**

We need additional time to respond to your request in order to locate and assemble the information requested, notify third parties affected by the request if necessary, to determine whether any of the information contained in the requested records is exempt from disclosure, and to determine whether the request should be denied under applicable rules and law. We plan to respond to your request on or before [date] and apologize for any inconvenience this may cause.

**OR**

The City is unclear as to what records you are seeking pursuant to the following portion of the request: [quote portion of request that is unclear]. We believe you may be seeking records that [insert City's interpretation of what records Requestor may be seeking]. Please confirm that we understand your request correctly and we will then proceed processing the request. If this is not what you intended, please respond in writing and clarify the nature of records being sought.

**OR**

We have determined that your request should be denied for the following reasons. *List*

Please contact me if you have any questions.

Sincerely,

[name]

Public Records Officer

City of Mill Creek

15728 Main Street

Mill Creek, WA 98012

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Phone : 425-745-1891

Fax: 425-745-9650

**APPENDIX 2**

Third Party Notice Form

[Rule 6.6]

[Date]

[Name of Third Party]

[Third Party Contact Information]

Re: *Public Records Request Number [insert applicable request number]*

Dear [Third Party Name]:

On [date request received], the City of Mill Creek ("City") received a request from [name of requestor] for disclosure of public records pursuant to the Public Records Act. The request seeks disclosure of the following records:

*Insert description of requested records*

The City has determined that some records responsive to the foregoing request may pertain to you, and reasonably believes that some or all of such records may be exempt from disclosure. However, the City is not taking a position as to whether these records can legally be withheld from disclosure. This City is providing this notice to you so that you have the opportunity to consult with an attorney should you desire, and so you may seek to obtain an order from a court enjoining release of the records, if you so choose.

The City anticipates that it will release these records to the records requestor 10 days from date of this letter unless you obtain a court order enjoining release. The requestor has an interest in any legal action to prevent disclosure of the records he or she has requested. Accordingly, you should name the requestor as a party to any action to enjoin disclosure.

Please contact me if you have any questions.

Sincerely,

[name]

Public Records Officer

City of Mill Creek

15728 Main Street

Mill Creek, WA 98012

Phone : 425-745-1891

Fax: 425-745-9650

**APPENDIX 3**

Partial Listing of Exemption Statutes

[Rule 9.1.1]

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[To Be Updated in August of Each Year]

The following *partial, non-exclusive list* identifies public records disclosure exemptions and prohibitions contained in other statutes than the Public Records Act.

Another list of statutes and regulations providing exemptions or prohibitions from disclosure under the PRA can be found in the Appendix C to the Municipal Research Service Center's publication entitled *Public Records Act for Washington Cities, Counties, and Special Purpose Districts*, which can be found at the following link: <http://mrsc.org/getmedia/796a2402-9ad4-4bde-a221-0d6814ef6edc/publicrecord.pdf.aspx>.

A third list of such exemptions may be found on the State of Washington, Office of the Attorney General's Sunshine Committee website: <http://www.atg.wa.gov/sunshine-committee>.

Washington State Confidentiality Statutes and Rules	
Statute	Disclosure Exemption And / Or Prohibition
RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and 4.24.611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070; RCW 7.07.070	Mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school or institution of higher education re an employee or student
RCW 9A.82.170	Financial institution records re criminal profiteering act
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.52.100	Records identifying child victims of sexual assault
RCW 10.77.205	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of criminal insanity and the notice itself

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<b>Washington State Confidentiality Statutes and Rules</b>	
<b>Statute</b>	<b>Disclosure Exemption And / Or Prohibition</b>
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition, with some exceptions
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offender records
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.380	Adoption – identity of birth parents confidential

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<b>Washington State Confidentiality Statutes and Rules</b>	
<b>Statute</b>	<b>Disclosure Exemption And / Or Prohibition</b>
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker’s compensation records confidential – limited disclosure
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (information from HC providers)
RCW 70.05.170	Child mortality reviews by local health departments

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

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Washington State Confidentiality Statutes and Rules	
Statute	Disclosure Exemption And / Or Prohibition
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data.
RCW 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of community sexual assault program and underserved populations provider in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile’s status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

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Selected Federal Confidentiality Statutes and Rules	
Statute	Disclosure Exemption And / Or Prohibition
18 USC § 2721 - 2725	Driver and License Plate Information
20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii)(I)	Limits on Use and Disclosure of Social Security Numbers
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality

**APPENDIX 4**

Exemption/Redaction Log Form

[Rule 9.1.4]

PRIVILEGE/EXEMPTION LOG					
City of Mill Creek					
Public Records Request Number _____, Dated _____, _____					
Document Type / Description	Date	Author	Recipient (including CC's)	Exemption/Explanation	Pages
Memo re Alice Adams	4/28/17	Bob Thompson, Finance Director	Joe Smith	Work Product 42.56.290; RCW 42.56.280 Prepared in anticipation of legal claims to be filed by Alice Adams	2
Email	4/26/17	Jane Jones	Patty Johnson, City Attorney	Attorney/Client RCW 5.60.060; RCW 42.56.280	1

The Mill Creek Policies and Procedures Manual is current through May 7, 2019.

132583.0007/8544278.1

PRIVILEGE/EXEMPTION LOG					
City of Mill Creek					
Public Records Request Number _____, Dated _____					
Document Type / Description	Date	Author	Recipient (including CC's)	Exemption/Explanation	Pages
Email, "Employee Harassment"	4/27/17	Jane Jones	Patty Johnson, City Attorney	Attorney/Client RCW 5.60.060; RCW 42.56.280	1

**APPENDIX 5**

PRSC Administrative Review Decision Form (PDF)

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<sup>1</sup> See RCW 42.56.120, as amended, EHB 1595, 2017 Regular Session, ch. 304, at § 3 (2017).

**RESOLUTION NO. 2021 - 605**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL CREEK,  
WASHINGTON AMENDING THE CITY OF MILL CREEK PUBLIC RECORDS  
RULES 100-02 AND AUTHORIZING THE FEE SCHEDULE FOR PUBLIC RECORDS  
MANAGEMENT**

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WHEREAS, the Public Records Act, RCW Chapter 42.56 (**Act**), requires all cities and public agencies to maintain and make publicly available access to public records pertaining to the conduct of government, respect individuals' privacy rights, protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the government agency holding the records; and

WHEREAS, the City Council previously adopted Ordinance No. 2018-826, on March 27, 2018, establishing regulations and policies implementing the Public Records Act by adopting Mill Creek Municipal Code (**MCMC**) Chapter 2.06, entitled Public Records Management and approving a City policy entitled, Public Records Rules (**PRA Policy**) in order to implement MCMC Ch. 2.06; and

WHEREAS, PRA Policy Section 2.3, entitled Adoption and Amendment, authorizes the City Manager to: "... adopt and amend these Rules pursuant to MCMC 1.24 and MCMC 2.06..."; and

WHEREAS, the City Council previously adopted Ordinance No. 2018-827, on March 27, 2018, amending MCMC 3.42, Fees and Other Assessments, for the purpose of adding and adopting fees, costs, charges and other assessments applicable to actions taken in conformance with the State Public Records Act, and the Mill Creek Public Records Management Regulations; and

WHEREAS, MCMC Chapter 2.06 was adopted by the City Council to implement new regulations, policies and procedures for the City relating to the state Public Records Act, RCW Chapter 42.56, including fees and charges applicable thereto; and

WHEREAS, MCMC section 2.06.110 provides as follows:

**2.06.110 Fees and Costs**

The Rules shall provide for the recovery of charges, fees and costs as permitted under the Act, including statutory charges, customized charges when appropriate, waiver of de minimis charges, and efficient payment methods. To the extent necessary, such charges, fees and costs shall be included in and/or coordinated with the city's fee schedule at MCMC Ch. 3.42; and

WHEREAS, while the Act generally precludes the City from charging a fee for inspecting or locating public records, it does allow the City to charge a reasonable fee for copying and sending public records; and

WHEREAS, since the Act's adoption in 1972, the use of technology has resulted in many public records stored in an electronic format for which a copying fee was not previously expressly authorized; and

WHEREAS, with the passage of Engrossed House Bill 1595 during the 2017 regular session, the Washington State Legislature authorized the imposition of a fee for the provision of records in an electronic format and a customized service charge when expertise is required to compile data or when customized access is necessary to provide requested records; and

WHEREAS, EHB 1595, Section 3, codified at RCW 42.56.120, permits the City to impose actual costs, or statutory costs for providing records when actual costs of copying public records has not been determined, and the reason for not determining the actual costs would be unduly burdensome; and

WHEREAS, the City desires to charge statutory costs for records, other than charges for the actual cost for digital storage media or devices provided by the City; container or envelopes used to mail copies to a requestor and actual postage or delivery charges; or reimbursement for customized service charges; and

WHEREAS, EHB 1595, Section 1, codified at RCW 42.56.070, states that a city seeking to impose actual costs must provide notice and a public hearing; and

WHEREAS, a duly noticed public hearing was held on July 6, 2021 before the Mill Creek City Council; and

WHEREAS, the City Council desires to amend the PRA Policy governing the process for requesting public records, responding to public records requests, and imposing such charges as allowed by law for the cost of providing requested public records;

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, as follows:

Section 1. Public Records Rules Amended. The Public Records Rules 100-02 attached hereto as Exhibit A (PRA Policy) is hereby amended.

Section 2. Unduly Burdensome Declaration. The City declares that while it may calculate the actual charges for providing some public records, to determine the actual charges for other public records would be unduly burdensome, and to the extent actual charges are not determined, the City will charge costs as authorized by statute, as hereafter amended.

Section 3. Fee Schedule Authorized. The Fee Schedule for Public Records Management incorporated in Exhibit A (PRA Policy) and set forth in Section 12.3 entitled Statutory Costs for Copies and Scans of Records is hereby authorized for the City of Mill Creek.

Section 4. Severability. If any portion of this Resolution or the Rules adopted herein are found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other section of this Resolution or the Rules adopted herein.

Section 5. Corrections by the City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to these amended Public Records Rules, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations, or resolution numbering and section/subsection numbering.

This Resolution shall be effective immediately upon passage, approval and signatures hereon as required by law.

PASSED IN OPEN MEETING this \_\_\_\_\_ day of July, 2021 by a vote of \_\_\_\_\_ for, \_\_\_\_\_ against, and \_\_\_\_\_ abstaining.

APPROVED:

\_\_\_\_\_  
BRIAN HOLTZCLAW, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
NAOMI FAY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
GRANT DEGGINGER, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_



**Meeting Date:** July 6, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:**    **UPDATE ON LANDLORD TENANT COMMUNICATION ABOUT PARKING AT VINTAGE HOUSING**

**PROPOSED MOTION:**

Information only

**KEY FACTS AND INFORMATION SUMMARY:**

Several parties have raised concerns to Council and City staff about notices delivered to Vintage Housing residents about parking restrictions at the Vintage mixed use development on 132nd Street.

Staff worked with the owner/manager of the property to convey the concerns the City was hearing, and encouraged them to reconsider the notices being sent out. After discussions both internally and with City staff, Vintage management sent a letter June 25 to all residents informing them that the restrictions on resident use of commercial parking were being postponed until more spaces become available at the Farm development next door later this year.

**CITY MANAGER RECOMMENDATION:**

Information only.

Respectfully Submitted:

*Michael Ciaravino*

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City Manager



**Meeting Date:** July 6, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:** AMERICAN RESCUE PLAN ACT (ARPA) UPDATE

**PROPOSED MOTION:**

N/A

**KEY FACTS AND INFORMATION SUMMARY:**

The City of Mill Creek will receive a total of \$5,833,355 in ARPA funding over a two (2) year period. The City has received \$2,916,678 for 2021 and is expecting to receive an additional \$2,916,678 in late June, 2022. Local governments have until December 31, 2024 to use ARPA funding.

Staff recommends a framework that separates the distribution into two distinct time frames and categories. The first would be action in FY 2021 focusing on community stabilization, investment, and recovery. The second would be actions for fiscal years 2022-2024.

There is limited federal guidance on the uses and restrictions of ARPA funding. Guidance released states that eligible uses will be similar to the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act funding.

While current guidance does not provide an extensive list of eligible ARPA fund uses, analysis from the Government Finance Officers Association (GFOA) and Municipal Research Services Center (MRSC) has identified the following eligible uses:

- Revenue replacement for the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency, relative to revenues collected in the most recent fiscal year prior to the emergency
- COVID-19 expenditures or negative economic impacts of COVID-19, including assistance to small businesses, households, and hard-hit industries, and economic recovery
- Investments in water, sewer, and broadband infrastructure
- To respond to the public health emergency caused by COVID-19
- To aid impacted industries such as tourism, travel, and hospitality
- For premium pay (hazard pay) up to \$13/hour, not to exceed \$25,000 to any individual employee, to eligible local government essential workers
- For grants to eligible private employers to provide hazard pay to essential workers

There are currently only two known prohibited uses of funds:

- Funds allocated to states cannot be used to directly or indirectly to offset tax reductions or delay a tax or tax increase
- Funds cannot be deposited into any pension fund

We will present eligible uses for ARPA funding followed by council discussion.

**CITY MANAGER RECOMMENDATION:**

We recommended Council follow a 4 phase approach to guide ARPA discussions.

1. Concept Phase:  
Collection of ideas and broad level planning
2. Scope:  
Eligibility assessment review, approval of funding criteria and set funding amount intention
3. Allocation:  
Assignment of resources based on criteria set in Scope
4. Distribution:  
Fund disbursement

**ATTACHMENTS:**

[GFOA ARPA Presentation](#)

Respectfully Submitted:

*Michael Ciaravino*

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City Manager



# AMERICAN RESCUE PLAN CSLFRF Guidance



Government Finance Officers Association



*The American Rescue Plan Act of 2021*

## American Rescue Plan Act of 2021

- [American Rescue Plan Act](#)
  - Subtitle M
  - Coronavirus State and Local Fiscal Recovery Funds (CSLFRF)
    - Section 602: Coronavirus State Fiscal Recovery Fund
    - Section 603: Local Fiscal Recovery Fund

**Subtitle M—Coronavirus State And Local Fiscal Recovery Funds**

SEC. 9901. CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS.  
(a) IN GENERAL.—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

“(1) \$219,800,000,000, to remain available through December 31, 2024, for making payments under this section to States, territories, and Tribal governments to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

“(2) \$50,000,000, to remain available until expended, for the costs of the Secretary for administration of the funds established under this title.

“(b) AUTHORITY TO MAKE PAYMENTS.—

“(1) PAYMENTS TO TERRITORIES.—

“(A) IN GENERAL.—The Secretary shall reserve \$4,500,000,000 of the amount appropriated under subsection (a)(1) to make payments to the territories.

“(B) ALLOCATION.—Of the amount reserved under subparagraph (A)—

“(i) 50 percent of such amount shall be allocated by the Secretary equally to each territory; and

“(ii) 50 percent of such amount shall be allocated by the Secretary as an additional amount to each territory in an amount which bears the same proportion to 1/2 of the total amount reserved under subparagraph (A) as the population of the territory bears to the total population of the United States.

## American Rescue Plan Act of 2021

- **\$1.9 Trillion TOTAL**
- **\$350B to states and local governments**
- **The state portion of the funding is \$195 billion:**
  - \$1.25 billion minimum will be distributed equally among the 50 States and the District of Columbia.
  - Remaining amount will be distributed according to a formula that takes into account each state's share of unemployed individuals.



## American Rescue Plan Act of 2021

- **The local portion of the funding is \$130 billion**
  - Equally divided between cities and counties.
  - For cities, \$45.5 billion of the \$65 billion will be allocated to metro cities (pop. over 50,000) utilizing a modified formula,
  - and the remaining amount for smaller jurisdictions (pop. under 50,000) will be allocated according to pop. share but will not exceed 75 percent of their most recent budget.
  - For counties, the \$65 billion will be allocated based on the county share of population. Counties that are CDBG recipients would receive the larger share between the population based on CDBG formula.
- Payments to local governments will be made in two tranches - first half 60 days after enactment, second half one year later.



## American Rescue Plan Act of 2021

- **Eligible uses include ([section 602 and 603](#))**
  - “(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
  - “(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal / local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
  - “(C) for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal / local government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or
  - “(D) to make necessary investments in water, sewer, or broadband infrastructure.

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## **GUIDANCE UPDATE**

### **Guidance and Next Steps**

- Law enacted **March 10**
- Preview of Interim Final Rule (IFR) dropped on **May 10**
- “[Interim Final Rule](#)” because of expedited rulemaking
  - Feedback is solicited, **due July 16**
  - Questions sprinkled throughout, 130+ pages
  - GFOA will comment!
- US Treasury: [FAQs](#)
- US Treasury: [Fact Sheet](#)

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## **Non-Entitlement Units (NEUs)**

- Funds flow through the State – final values to be calculated by the State
- Distributed 30 days after State certification
  - 75% of their most recent budget Relationship between States and NEU
  - No additional restrictions on the funds from the states
  - NEU are **Prime Recipients** NOT subrecipients of the states
  - Still unsure about significance of judgement by the state
- NEUs that decline *and do not transfer* their allocation are then redistributed to NEUs up to 75% qualifier
  
- California: Total NEU: \$1.218B, first tranche \$609B

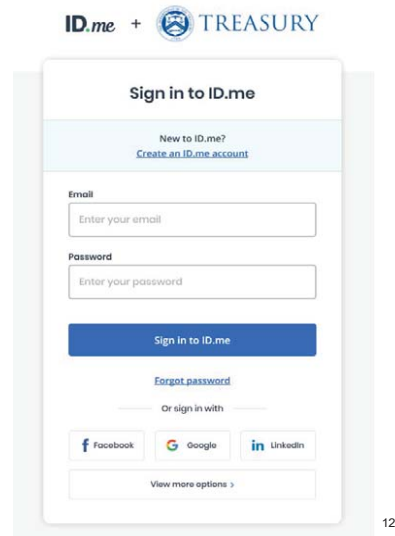
10



## **Process and Certifications**

## Process and Certifications

- Certification for Metro and Counties:
  - Where/how to certify and who needs to certify
  - Funds can be invested and interest earnings are not ARPA restricted (FAQ 10.3)
  - Is ID.me the only choice?
- Process:
  - No set timeline for jurisdictions to complete certification
  - Second tranche released 1 year after first



## Guidance Central Statements

## Eligible Expenditures: Central Statements

- Unless otherwise noted, covered period is March 3, 2021-December 31, 2024
  - Costs can be incurred by Dec 31, 2024 but must be expended by Dec 31, 2026
  - *(c) Return of funds. A recipient must return any funds not obligated by December 31, 2024, and any funds not expended to cover such obligations by December 31, 2026*
- Cannot spend funds on pension deposits
- States and territories cannot spend the funds to reduce taxes or delay a tax increase
  - In this sub-section, “recipient governments” refers only to States and territories. In other sections, “recipient governments” refers more broadly to eligible governments receiving funding from the Fiscal Recovery Funds
- May not be used as non-Federal Match for other Federal Programs

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## Eligible Expenditures

## **Eligible Expenditures: Four Main Categories**

- A.** COVID-19 or a negative economic impact
- B.** Premium pay for eligible workers
- C.** For government services to the extent of the loss of revenue
- D.** Investments in water, sewer and broadband infrastructure

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## **A. COVID-19 or a Negative Economic Impact**



## COVID-19 Eligible Expenditures

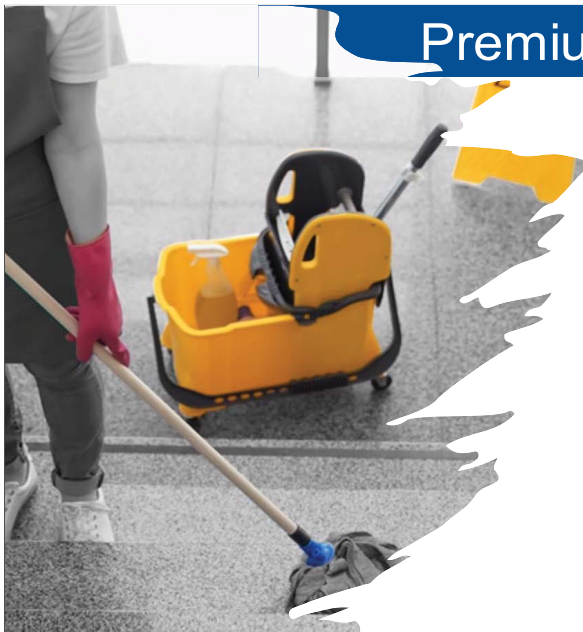
Eligible Uses	Details
<b>Containing/Mitigating Covid-19</b> (IFR p. 16)	<ul style="list-style-type: none"> <li>Vaccine programs, PPE, medical expenses</li> <li>Enhancing public health data systems</li> <li><b>Capital investments in public facilities to meet pandemic operational needs etc.</b></li> </ul>
<b>Behavioral Healthcare Needs</b> (IFR p. 17)	<ul style="list-style-type: none"> <li>Mental health/substance abuse treatment</li> <li>Crisis intervention/hotlines</li> <li>Services to promote access to social services</li> </ul>
<b>Payroll/Benefits for:</b> Public health/safety Human services Similar employees (IFR p. 18)	<ul style="list-style-type: none"> <li>Eligible to the extent that the work completed was for COVID-19 response/mitigation.</li> <li>For administrative convenience, <b>public health/safety workers</b>, recipients can use funds to cover the <b>full payroll and covered benefits costs</b> for employees or operating units or divisions <b>primarily dedicated to the COVID-19 response</b>.</li> <li>Payroll and covered benefits can also be used for an employee's pension benefits as part of their payroll contribution to their pensions (FAQs).</li> </ul>

## Negative Economic Impact

Eligible Uses	Details (p. 21-38)
<b>Impacted Industries</b> (Tourism/Travel/Hospitality etc.) (IFR p. 32)	<ul style="list-style-type: none"> <li>Implement COVID-19 mitigation/prevention measures to enable <b>safe resumption</b> of tourism, travel, and hospitality services                         <ul style="list-style-type: none"> <li>E.g. improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans</li> </ul> </li> </ul>
<b>Rebuilding Public Sector Capacity to Pre-Pandemic Levels</b> (IFR p. 32)	<ul style="list-style-type: none"> <li>Payroll Benefits</li> <li>Rehiring public-sector staff</li> <li>Replenishing UI trust funds</li> </ul>
<b>Small Business support</b> (IFR p. 30)	<ul style="list-style-type: none"> <li>Loans, grants, in-kind assistance for operation continuity, mitigation/prevention, and counseling programs to rebound from the downturn</li> </ul>
<b>Hardest-hit Communities</b> (IFR p. 34)	<ul style="list-style-type: none"> <li>Investing in socioeconomic disparities, housing/communities</li> <li>Addressing disparities in education</li> </ul>



## **B. Premium Pay for Eligible Workers**



### **Premium Pay (IFR p. 40)**

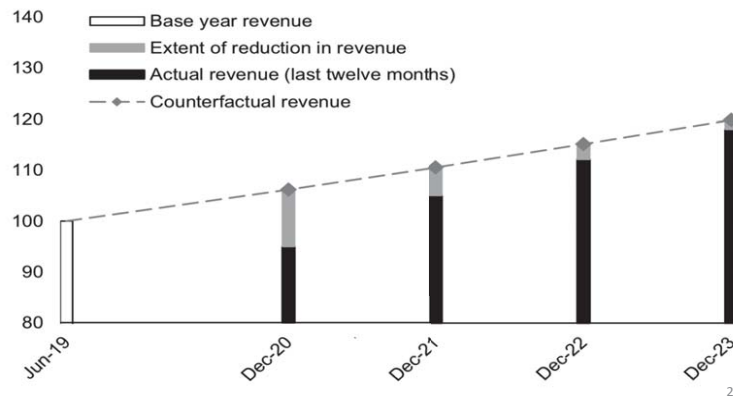
- Can be used **retroactively**
- Employees of the jurisdiction designated by executive as essential
- Can be provided directly, or through grants to private employers to public health/safety staff and essential workers outside the public sector:
- Workers at food production facilities, grocery stores, and restaurants, janitors/sanitation workers, truck drivers, and warehouse workers etc.
  - Contact workers performing essential work also eligible.
    - *E.g. If a municipality contracts with a third party to perform sanitation work, the third-party contractor could be eligible to receive a grant to provide premium pay for these eligible workers.*



## C. For Government Services to the Extent of the Loss of Revenue

### Types of Data Needed (IFR p. 53)

The overall methodology for calculating the reduction in revenue is illustrated in the figure below:



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## Revenue Calculation

- What is OUT of the revenue calculation:
  - Federal transfers (even those flowing through the State) (IFR)
  - Intergovernmental transfers from your entity to your entity ([Census p. 45](#))
  - Revenues from utilities (water supply, electric power, gas supply, and public mass transit systems) [Census p. 65](#)
  - Refunds and other correcting transactions (IFR)
  - Proceeds from the issuance of debt (IFR)
  - Liquor store revenues [Census p. 62](#)
  
- What is IN?
  - Everything not listed above
    - taxes, fees and other revenues to support public services
  - Including Fees generated by the underlying economy
    - Component units and enterprise funds
    - civic center, zoo, parking, ports, sports stadiums etc. etc. etc.

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## GFOA Revenue calculator

**GFOA Revenue Loss Calculator**

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**Background Information**

1) Fiscal Year End  Notes:

FY used for base year calculation

2) Calculation Date

Months between Base Year and Calculation Date

---

**Estimate Revenue**

3) Base Year Revenue  Use Worksheet to Calculate

4) Growth Rate  Use Worksheet to Calculate

Estimated Revenue Without Pandemic

5) Actual Revenue  Use Worksheet to Calculate

---

**Reduction in Revenue** Fiscal Year Ended 12/31/2020

Revenue Reduction

Revenue Reduction %

25

- Base year calculation includes:
  - Taxes
  - Intergovernmental revenue
  - Other revenues
- Growth rate:
  - Compares years 2016-2019 in eligible revenue categories
- Actual revenues calculated on December 31 each year

**Base Year Revenue Worksheet**

Fiscal Year Ended **6/30/2019**

Revenue Source	Base Revenue (Y/N)	Amount
<b>Taxes</b>		
<small>Amount of tax collections for all taxes imposed by the government.</small>		
<b>Property Tax</b>		
Property Tax	Y	\$ 1
<b>Sales and Gross Receipts Tax</b>		
General Sales and Use Tax	Y	\$ -
Selective Sales Tax		
Alcoholic Beverage	Y	\$ -
Amusements Sales Tax	Y	\$ -
Motor Fuels Sales Tax	Y	\$ -
Parimutuels Tax	Y	\$ -
Public Utilities Sales Tax	Y	\$ -
Tobacco Products Tax	Y	\$ -
Other Sales Tax	Y	\$ -
<b>Licensing and Permit Taxes</b>		
Alcoholic Beverage Licensing and Permits	Y	\$ -
Building/Construction Permits	Y	\$ -
Amusements Licensing and Permits	Y	\$ -
Motor Vehicles Licensing and Permits	Y	\$ -
Public Utilities Licensing and Permits	Y	\$ -
Occupation and Business Licensing and Permits	Y	\$ -
Other Licensing and Permits	Y	\$ -
<b>Income Tax</b>		
Individual Income Tax	Y	\$ -
Corporate Income Tax	Y	\$ -
<b>License and Permit Tax</b>		
Alcoholic Beverage	Y	\$ -
Amusements	Y	\$ -
Motor Vehicles	Y	\$ -
Public Utilities	Y	\$ -
Occupational and Business Licenses	Y	\$ -
Other Selective Sales	Y	\$ -
<b>Other Taxes</b>		
Death and Gift Tax	Y	\$ -
Documentary and Stock Transfer Tax	Y	\$ -
Severance Tax	Y	\$ -
Other	Y	\$ -

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## Process for Revenue Replacement

- Look at the past 2019 base year revenue
  - Recipients average annual growth of the past three fiscal years
    - Apply 4.1% growth rate or greater to annual revenues collected
  - Multiplier applies to the revenue collected in each calendar year
    - Checkpoint each December 31 for actual revenues
    - Not the fiscal year!
  - Compare projected growth revenue to actuals collected
    - If actual exceeds projected, collection is zero for that year
- 27

## Government Services

- What can I spend it on?
  - “Government services”
    - Directly provide services or aid to citizens
    - Maintenance pay go of building
      - Can use it on a capital project together with bond financed portion
      - You can start a project and you finish it with future revenues / bonds
    - Cybersecurity, Healthcare service, School or education services, Police, fire or public safety
  - NOT ALLOWED:
    - NOT ON principal or interest of debt service (or settlement agreement)
    - NOT ON reserves or rainy day funds

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## D. Investments in Water, Sewer and Broadband Infrastructure



## Water/Sewer Infrastructure

- **Necessary investments** are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.
- Uses aligned with Environmental Protection Agency's **Clean Water Revolving Fund** and **Drinking Water State Revolving Fund** to expedite project identification.
  - Building/upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.
  - Invest in wastewater infrastructure projects
    - E.g. constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works
- **Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities**

## Broadband Infrastructure (IFR p. 61)

- Build broadband infrastructure with modern technologies in mind, specifically projects that deliver services offering:
  - reliable 100 Mbps download and 100 Mbps upload speeds, unless impracticable due to topography, geography, or financial cost.
- Assisting households to support internet access or digital literacy is an eligible use.





## Audit and Reporting Requirements

### Audit/Reporting

- Audit/Reconciliation:
  - Single Audit Act applicability and definitions
  - Yellowbook Guidance and instruction (if any) from the [GAO](#)
  - Audit periods and reporting instructions
  - Audit relationships between direct recipients and nonprofits, etc.
  
  - Local governments are authorized to transfer Fiscal Recovery Funds to other constituent units of government (e.g., a county is able to transfer Fiscal Recovery Funds to a city, town, or school district within it) or to private entities. (IFR p 28)
  
- ARPA CFDA: [21.027](#)

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## Audit/Reporting

Report Type	Due Date	Who Submits
<b>Interim Report</b> - recipient's expenditures by category at summary level from date of award to July 31, 2021; additionally states and territories to provide info on distribution to NEUs	Aug. 31, 2021	States, territories, metro cities, counties, Tribal governments
<b>Quarterly Report</b> –financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds; first quarterly report will cover the two quarters from date of award to Sept. 30, 2021, subsequent reports will only cover one calendar quarter	First quarterly report due Oct. 31, 2021 Subsequent quarterly reports due within 30 days after calendar quarter end	States, territories, Tribal governments, Metro cities, counties <b>receiving greater than \$5M</b>
<b>Annual Project and Expenditure Reports</b> - First annual report will cover activity from the date of award to Sept. 30, 2021	First annual report due Oct. 31, 2021 Subsequent reports due Oct. 31 each year	NEUs and Metro Cities and Counties <b>receiving less than \$5M</b>
<b>Annual Recovery Plan Performance Report</b> – First report will cover period from the date of award to July 31, 2021, subsequent reports will cover 12-mo period with the second report covering from July 1, 2021 – June 30, 2022	First performance report due Aug. 31, 2021. Subsequent reports due within 30 days after the end of 12-mo. period, e.g. by July 31, 2022	States, territories, metro cities, and counties <b>with population over 250,000</b>



## GFOA Guiding Principles

## **GFOA ARPA Guiding Principles**

- Temporary Nature of ARPA Funds
  - Care should be taken to avoid creating new programs or add-ons to existing programs that require an ongoing financial commitment.
  - Use of ARPA funds to cover operating deficits caused by COVID-19 should be considered temporary and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
  - Investment in critical infrastructure is particularly well suited use of ARPA funds because it is a non-recurring expenditure that can be targeted to strategically important long- term assets that provide benefits over many years. However, care should be taken to assess any on-going operating costs that may be associated with the project.

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## **GFOA ARPA Guiding Principles**

- ARPA Scanning and Partnering Efforts
  - Local jurisdictions should be cognizant of state-level ARPA efforts, especially regarding infrastructure, potential enhancements of state funding resources, and existing or new state law requirements.
  - Consider regional initiatives, including partnering with other ARPA recipients. It is possible there are many beneficiaries of ARPA funding within your community, such as schools, transportation agencies and local economic development authorities. Be sure to understand what they are planning and augment their efforts or create cooperative spending plans to enhance the structural financial condition of your community.

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## GFOA ARPA Guiding Principles

- Take Time and Careful Consideration
  - Use other dedicated grants and programs first whenever possible and save ARPA funds for priorities not eligible for other federal and state assistance programs.
  - Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
  - Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.

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## Links

- [US Treasury State and Local Fiscal Relief Fund](#)
- [The Interim Final Rule \(IFR\)](#)
- [FAQs](#)
- [Fact Sheet](#)
- [NonEntitlement Unit \(NEU\) Information](#)
- [Recipient Compliance and Reporting Responsibilities](#)
- [GFOA Guiding Principles](#)
- [GFOA Analysis of Guidance](#)
- [GFOA American Rescue Plan Analysis](#)

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Thank you!



**Meeting Date:** July 6, 2021

## **CITY COUNCIL AGENDA SUMMARY**

City of Mill Creek, Washington

**AGENDA ITEM:** **AUTHORIZE CITY MANAGER TO PURCHASE A MULTI-USE TRUCK WITH SWITCH-N-GO CAPABILITIES UNDER AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENT**

### **PROPOSED MOTION:**

Adopt a resolution authorizing the City Manager to purchase a heavy-duty four-wheel drive truck with an interchangeable truck body system for up to \$100,000 and authorizing an exemption from competitive bidding requirements due to unusual market conditions.

### **KEY FACTS AND INFORMATION SUMMARY:**

**Objective:** The Department of Public Works is seeking to upgrade and replace vehicles and equipment that are vital to perform a wide variety of maintenance and operations responsibilities. The proposed new equipment would be used for everyday parks maintenance, tree maintenance and removal, hauling wood chips while working in unison with the City's brush chipper, hauling asphalt, gravel and equipment for path or road repairs. The Public Works Team needs to be able to safely load and remove a multitude of different sized debris and garbage left along the roadway or in a park, as well as transport equipment and materials for a variety of maintenance tasks and repairs. The City also has a need for reliable snow removal equipment that is able to plow and maintain both highways as well as residential size streets, and a way to transport a sufficient amount of salt and sand before and during snow accumulation or ice conditions.

**Present conditions:** Currently the City's heavy duty truck fleet includes two medium duty, two-wheel drive, cab over chassis Isuzu 2002 model trucks; a three yard dump truck and a fourteen foot flatbed truck with wood stake sides. These vehicles are at or near end of their mechanical life, and present operating and safety challenges as presently deployed. A makeshift arborist box made out of a section of ribbed culvert pipe is dangerously manually loaded into the dump truck for chipping operations, and dumping/unloading of chips requires climbing into the bed of the truck to shovel out the wood chips negating the abilities of a dumping bed. Brush clearing and invasive species are removed by hand and loaded into a trailer for disposal. Material and equipment hauling is done with a trailer, limiting drop off locations and dumping abilities. For winter weather responsibilities, Public Works presently uses the dump truck to haul a twenty-year-old two-yard sander unit for snow and ice events along with a three hundred fifty gallon deicer tank mounted on the flatbed; both trucks are unable to reliably perform these functions any longer due to mechanical failures and capacity limitations. Plowing is performed with a seven-foot plow mounted on a Ford F-350, the city's only four-wheel drive truck

with the capacity for plowing snow. The City has rented a loader in years past when available to load sand and salt into the spreader unit and move piles of plowed snow. A rented loader is also used occasionally when maintenance tasks that require such equipment cannot be avoided

**Proposed Approach:** Due to their inability to perform the required tasks and a growing need to upgrade the city's response regarding snow and storm conditions, a four-wheel drive truck and a minimum ten-foot plow is needed to clear more than 41 lane miles of roadways that are designated as priority routes, including two segments of state highway. That four-wheel drive truck also needs to haul at least twelve thousand pounds of sand/salt and equipment to effectively and safely mitigate conditions on hills and other high slide risk areas when snow and ice are present. A proper arborist truck body with a smooth bottom and sides would benefit the city by substantially reducing unload time, it would aid in producing a cleaner worksite with far less risk to vehicles and pedestrians passing by with a lesser strain on the Public Works crew during chipping operations. An enclosed style truck body is needed to provide covered transportation of equipment, signage, and materials with possibly a potential to help with special events. A flat bed body is used for general hauling, but is also particularly useful for transporting other rolling stock.

The Public Works Department has determined that a heavy-duty chassis with interchangeable roll off bodies is a more cost-effective approach than conventional single style truck bodies configured to fulfill these needs. In this system, interchangeable beds (aka "Switch-N-Go" beds) available for the roll off truck chassis provide a one-man approach to easily and safely transform the truck to adapt to different tasks and scenarios.

**Funding:** The December 3, 2019 mid-biennium budget amendment allocated \$230,000 from the Equipment Replacement Fund to purchase two heavy duty multi-use trucks with interchangeable bodies. A specific configuration was never finalized and brought forward for purchase. Public Works Department staff has carefully reviewed the proposed equipment purchase; staff has revised that approach to better suit present functional needs and staffing levels. Staff recommends changes to the original concept, specifically to reduce the request from two trucks to one "Switch-N-Go" truck with the interchangeable truck body system, and retaining budget capacity for a possible future purchase of a loader for both snow removal and regular road work operations.

Normal procurement procedures for items over \$50,000 would entail specifying the equipment configuration, obtaining a quotation from a pre-approved vendor, review and authorization by City Management, and review and approval by Council for items. Under COVID, the supply chain for heavy duty vehicles is severely capacity limited. City staff has been in frequent contact with the multiple vendors needed to build one of the proposed trucks, however, the vendors that hold the state's contract for purchasing have suffered in line with the majority of companies across the country meaning the chassis required for these trucks are facing a substantial backorder. The State's preferred vendor is just recently able to provide quotes for these items; leads times now indicate 8-10 months before delivery of purchased items. Staff has located alternative sources for out of state dealers with pre-configured truck in their inventory offered for sale off their lots. There are trucks available for purchase that would fulfill the City's needs, although they are typically not available for long at any particular dealership in today's hot market for vehicles. Dealer inventory vehicles typically come configured with one body; additional bodies can be obtained through normal local delivery channels after a bare chassis with one body is acquired from dealer inventory.

The City of Mill Creek’s purchasing regulations requires staff to adhere to City Policy 300-02, “Purchases greater than \$50,000 but less than \$200,000 require competitive bids from an adequate number of sources to ensure competition”. The Public Works Department is asking for an exemption from this policy due to the unusual vehicle market and short time frame to make the purchase and prepare the equipment for City use. RCW 39.04.280(1)(b) authorizes the Council to authorize a waiver of public bidding requirements when the purchase involves special facilities or market conditions. The absence of available local bidders and the long lead time for filling orders are direct results of the supply chain disruptions caused by the COVID-19 pandemic, along with the pressing need to have a replacement vehicle in time for the winter snow and ice season, constitute an unusual market condition justifying an exemption from the City’s procurement policies and the public bidding statute.

Staff is committed to getting the best deal possible for any equipment that is needed. If the City Council approves the proposal, staff will still do everything possible to meet the standards set forth in the City’s purchasing policy. Since time is of the essence, staff is seeking pre-authorization to move forward with a purchase rather than miss an opportunity while waiting for City Council approval. The trucks used in comparison to the chosen purchase will still be documented and available in support of staff decisions. 2021-2022 winter operations is the critical path for purchasing a truck that fits the City’s functional needs and time constraints is the need for this creative approach to procurement.

**CITY MANAGER RECOMMENDATION:**

Adopt a resolution authorizing the City Manager to purchase a heavy-duty four-wheel drive truck with an interchangeable truck body system for up to \$100,000 and authorizing an exemption from competitive bidding requirements due to unusual market conditions.

**ATTACHMENTS:**

[Public Bidding Waiver Resolution - Public Works Truck Switch-n-Go truck examples](#)

Respectfully Submitted:

*Michael Ciaravino*

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City Manager

**RESOLUTION NO. 2021-xxx**

**AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO PURCHASE A HEAVY DUTY FOUR WHEEL DRIVE TRUCK WITH AN INTERCHANGEABLE TRUCK BODY SYSTEM FOR UP TO \$100,000 AND AUTHORIZING AN EXEMPTION FROM COMPETITIVE BIDDING REQUIREMENTS DUE TO UNUSUAL MARKET CONDITIONS**

WHEREAS, the Public Works Department needs to acquire a heavy duty four wheel drive truck with an interchangeable truck body system to perform multiple tasks including but not limited to hauling materials for park projects and plowing and spreading sand and salt for snow removal in the winter; and

WHEREAS, the Public Works Department has endeavored to find local and regional commercial vehicle suppliers who normally are willing to submit bids for vehicles required by the Department but have learned that due to supply chain disruptions resulting from the COVID-19 pandemic, no traditional suppliers are likely to submit bids which would permit delivery of the required vehicle until the early months of 2022; and

WHEREAS, the age and condition of the existing equipment renders it highly unreliable and unlikely to be available for use in the event that the City experiences snow or ice later this year or in the early months of 2022, making it essential that the Public Works Department to obtains a replacement vehicle as soon as possible. In order to do so, the Department will need to look beyond the local area and region for an available piece of equipment; and

WHEREAS, Council finds that the lack of available inventory and bidders present an unusual market circumstance justifying an exemption from competitive bidding under the City's Purchasing Policy 300-2-6.1.3 and RCW 39.04.280(1)(b); and

WHEREAS, the anticipated cost of securing a vehicle responsive to the Public Works Department's needs will require authorizing an expenditure in excess of the City Manager's existing authority under the City's procurement and financial policies;

NOW, THEREFORE, THE CITY OF MILL CREEK, WASHINGTON DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute an agreement to purchase a heavy duty four wheel drive truck with an interchangeable truck body system for up to \$100,000.00, inclusive of applicable taxes, fees and delivery charges.

Section 2. The low inventory of available vehicles due to supply chain disruptions from the pandemic resulting in a lack of available bidders and uncertainty over securing a vehicle before the winter snow and ice season constitute an unusual market condition, permitting a waiver of city and state competitive bidding requirements pursuant to RCW 39.04.280(1)(b).

444444.1636/8541907.1



Adopted this \_\_ day of July 2021, by a vote of \_\_ for, \_\_ against and \_\_ abstaining.

APPROVED:

\_\_\_\_\_  
BRIAN HOLTZCLAW, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
NAOMI FAY, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
GRANT DEGGINGER, CITY ATTORNEY

FILED WITH THE CITY CLERK: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

444444.1636/8541907.1



# **CITY OF MILL CREEK PUBLIC WORKS EQUIPMENT ACQUISITION**

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Presented by: Matthew Combs  
Public Works Supervisor



## What we do with what we have

- Tree felling, pruning, removal
- Brush chipping
- Street maintenance and repair
- Mulch, bark, gravel, asphalt,
- Sinkhole repair
- Sidewalk maintenance and repair
- Tree root removal
- Street sign repair and replacement
- Mowing
- Vegetation management
- Ditch/ Swale maintenance
- Path repair and maintenance
- Emergency response
- Irrigation repair and maintenance
- Parks maintenance
- Fence and railing repair
- Special events
- Plowing
- Sand and salt application
- Deicer application



## Where we fall short

- Two wheel drive – cab over chassis platform
- Operator safety
- Equipment abilities
- Availability



Renting Equipment



7 Foot Plow





## End of useful life

- Operator safety
- Injury Risk
- Mechanical failure and needed repairs
- Fully Depreciated



## Proposed equipment to facilitate the accomplishment of the cities objectives

- Switch-N-Go sander body
- Dump body
- Arborist box
- Four wheel drive
- Gross Vehicle Weight Rating (GVWR)
- Different bodies for different needs







Greater capacity for meeting the City's needs during hazardous situations

Ease and efficiency with multi-use interchanges



## Elevating the response and effectiveness of the Public Works Department

- Safety during chipping operations
- Loading, hauling, unloading of equipment and materials
- Easily change truck body for multiple uses
- Sanding and plowing simultaneously
- Hard to Reach areas

Paired with other equipment





## **RCW 39.04.280 (1)(B)**

- Competitive bidding requirements-Exemptions

Exemptions to competitive bidding requirements utilized by municipalities when awarding contracts for public works and contracts for purchases. The statutes governing a specific type of municipality may also include other exemptions from competitive bidding requirements. The purpose of this section is to supplement and not to limit the current powers of any municipality to provide exemptions from competitive bidding requirements.

- (1) Competitive bidding requirements may be waived by the governing body of the municipality for:
  - (a) Purchases that are clearly and legitimately limited to a single source of supply
  - (b) Purchases involving special facilities or market conditions.


# Acquisition

- Pre-built trucks
- Likely find out of state
- Limited inventory
- Purchase additional Truck bodies independently

commercialtrucktrader.com/listing/2021-FORD-F550-5016978416?utm\_medium=link-gen&utm\_source=referral

New 2021 FORD Dump Truck - View Dealer's Website  
F550 - \$78,725

Email



New 2021 FORD Dump Truck  
F550  
# Quirk\_F204889  
\$78,725

Switch-N-Go  
View Dealer's Website

1-877-266-9934

Your Email Address

Hello, I am interested in your **2021 FORD F550 Dump Truck**.

Please contact me .

You can reach me at .


Additional Comments

commercialtrucktrader.com/listing/2020-RAM-5500-5016787776?utm\_medium=link-gen&utm\_source=referral

New 2020 RAM Dump Truck - View Dealer's Website  
5500 - \$83,995

Make An Offer

Email



New 2020 RAM Dump Truck  
5500  
# Route1\_102571  
\$83,995

Make An Offer

Switch-N-Go  
View Dealer's Website

1-877-266-9934

Your Email Address

Hello, I am interested in your **2020 RAM 5500 Dump Truck**.

# Questions

or  
Comments

Matthew Combs, Public Works Supervisor  
matthewc@cityofmillcreek.com

**AGENDA ITEM #E.**

Conclusion

**PROPOSED MOTION**

Adopt a resolution authorizing the city manager or his designee to purchase a heavy duty four wheel drive truck with an interchangeable truck body system for up to \$100,000 and authorizing an exemption from competitive bidding requirements due to unusual market conditions



**MINUTES**  
**City Council Regular Meeting**

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**6:00 PM - Tuesday, June 22, 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**

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- A.** Join Zoom Meeting  
<https://zoom.us/j/99486132857>
- Meeting ID: 994 8613 2857  
One tap mobile  
[+12532158782](tel:+12532158782),[,99486132857#](tel:+12532158782)US (Tacoma)  
[+16699006833](tel:+16699006833),[,99486132857#](tel:+16699006833) US (San Jose)

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

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The Pledge of Allegiance was led by Councilmember Cavaleri

**ROLL CALL**

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

*Councilmembers Absent:*  
*Brian Holtzclaw, Mayor*

***Councilmember Cavaleri made a motion to excuse Mayor Holtzclaw from the meeting due to his scheduled vacation. Councilmember Briles seconded the motion. The motion passed unanimously.***

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES

**AUDIENCE COMMUNICATION**

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

Michaele Turbak, a Mill Creek resident, encouraged Council to consider dedicated pickleball courts within the Dobson Remillard Church Cook (DRCC) property development.

Barb Heidel, a Mill Creek resident, thanked everyone involved for their efforts with the graduation car parade, especially the Mill Creek Police Department. She said it was well organized and executed.

Melissa Duque, a Mill Creek resident, spoke about the following:

- The Parks and Recreation Board recommendations for updated signage in parks on the agenda and extended her thanks to Community Engagement Coordinator Kristen Rasmussen, Public Works and Development Services Director Mike Todd, Public Works Supervisor Matthew Combs and Councilmember Cavaleri for their efforts to bring the proposal forward to Council.
- Gratitude for all the efforts regarding the senior car parade with a special thanks to Councilmember Morgan, Community Engagement Coordinator Kristen Rasmussen and Volunteer Tannis Golebiewski.

Tannis Golebiewski thanked the City Council for their authorizing the graduation car parade this year, and also thanked staff and volunteers who worked to make the parade a success. She recommended that would become an annual event.

Mary Zhang, a Mill Creek resident, requested a proclamation in support of Falun Dafa, a spiritual practice of self-improvement, gentle exercises and meditation.

Tom Young, a Mill Creek resident, spoke in favor of pickleball as a multi-generational sport that provides an opportunity for exercise and socialization. He added that there is currently no access to courts in Mill Creek and he supports the idea of establishing dedicated pickleball areas.

**PRESENTATIONS**

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**C. Graduating Class Proclamations**  
*(Mayor Pro Tem Vignal)*

Mayor Pro Tem Vignal read a [proclamation](#) into the record recognizing the Graduating Class of 2021 for their diligent efforts, countless hours of study, triumphant wins, and tearful disappointments due to the pandemic that have been experienced during their high school careers.

[Proclamation Class of 2021](#)

**D. Financial Monthly Report**  
*(Laurel Gimzo, Finance Director)*

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES

Finance Director Laurel Gimzo provided Council with a monthly update of the City's budget status as of May 31, 2021, which represents 20.8% of the 2020-2021 biennium. Director Gimzo expounded upon the following financial statements ending as of May 31, 2021:

- Combined balance sheet and income statement
- Budget to actual comparison by fund
- General fund revenue and expenditures
- Revenue analysis by source
- Expenditure analysis by source
- Capital project summary.

Council engaged in Q and A and asked Director Gimzo to report back on the variance between budget and actuals on the Surface Water Utility and Road Improvement Fund line items as well as a forecast of projects on the 2021 Capital Improvement Project (CIP) list.

[June 22, 2021, Finance Report - Pdf](#)

- E. Police Department Monthly Statistics Report  
(*Jeff Young, Police Chief*)

Police Chief Jeff Young provided monthly statistics for the Mill Creek Police Department. Chief Young noted that calls for service have continued to rise consistently throughout the year and that response times have gone down due to the current staffing levels of the department.

Council engaged in Q and A.

[Police Department Monthly Stats R1- Pdf](#)

#### **OLD BUSINESS**

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- F. Art and Beautification Board Modification  
(*Michael Ciaravino, City Manager and Kristen Rasmussen, Community Engagement Coordinator*)

City Manager Michael Ciaravino provided background information on the funds regarding the 2019 Historic Preservation Grant which were allocated for the production and installation of historic panels designed to preserve Mill Creek's history.

The Art and Beautification Board is requesting a modification to the original project to allow the purchase and placement of a plaque next to the panels to provide context to the project and recognize the organizations that helped fund it. The cost of the plaque is \$695.

Council engaged in Q & A and discussion.

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES

**Councilmember Bond made a motion to approve the purchase of the requested plaque not to exceed \$700. Councilmember Cavaleri seconded the motion. The motion passed unanimously.**

[Approval of Plaque for the Historical Preservation Project - Pdf](#)

- G.** Request a motion to ratify that the adoption of Resolution No. 2021 - 603 to be Resolution No. 2021 - 604 (Adoption of the Governance Manual) and Resolution No. 2021 - 602 to Resolution No. 2021 - 603 (Addendum No. 3 to Contract No 2019-1504 with Otak) due to a scrivener's error and authorize the City Clerk to amend the record to reflect the correct resolution numbers.  
*(Naomi Fay, City Clerk)*

**Councilmember Cavaleri made a motion to ratify that the adoption of Resolution No. 2021 - 603 to be Resolution No. 2021 - 604 (Adoption of the Governance Manual) and Resolution No. 2021 - 602 to Resolution No. 2021 - 603 (Addendum No. 3 to Contract No 2019-1504 with Otak) due to a scrivener's error and authorize the City Clerk to amend the record to reflect the correct resolution numbers. Councilmember Bond seconded the motion. The motion passed unanimously.**

#### **PROPOSED NEW INITIATIVES**

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- H.** Proposal from the Art & Beautification Board for Lending Libraries in City Parks  
*(Michael Ciaravino, City Manager)*

City Manager Michael Ciaravino introduced a proposal from the Art & Beautification Board to install three lending libraries in City parks to be supervised and maintained by a library steward or stewards. The Board reached out to local non-profits to help with the maintenance and upkeep of the libraries. The Kiwanis Club has volunteered to accept responsibility for maintaining, restocking, replacing and storing donated books. The Friends of the Mill Creek Library will donate books for the Kiwanis Club to use in the libraries.

The Art & Beautification Board proposed the placement of the lending libraries in Exploration, Hillside and Buffalo Parks due to the proximity to families living in the nearby neighborhood, low vandalism in the area, decent foot traffic and visibility, and the potential for a variety of community members to enjoy the library.

Manager Ciaravino delineated the costs for purchasing Free Little Library kits and requested input from Council.

Council engaged in discussion.

**Councilmember Steckler made a motion to approve a test of the Mill Creek lending libraries program with three initial libraries in the three proposed park locations installed by the City per the proposal from the Art and Beautification Board. Councilmember Briles seconded the motion.**

Council engaged in discussion.

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES



**The motion failed 2-4-0 with Mayor Pro Tem Vignal and Councilmembers Cavaleri, Bond and Morgan in opposition.**

[Lending Libraries in City Parks - Pdf](#)

- I. Proposal from Park & Recreation Board to Purchase Signage for City Parks for Updating and Replacement Purposes.  
(*Michael Ciaravino, City Manager*)

City Manager Michael Ciaravino introduced a proposal from the Parks and Recreation Board to purchase and update signage for City parks. On their annual parks tour, Board members identified inconsistencies and/or absent signs from City parks. The new signage would guide residents and visitors to the City of Mill Creek's local city parks. The estimate for labor and materials for the project less than \$5,000.

Council engaged in Q & A.

**Councilmember Cavaleri made a motion to support the Parks and Recreation Board's proposal to purchase signage for City parks. Councilmember Bond seconded the motion. The motion passed unanimously.**

[Sign Replacements and Updates to City Parks](#)

#### **STUDY SESSION**

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- J. Dobson Remillard Church Cook (DRCC) Concept Development - Facilities Survey Report  
(*Karen Reed, Consultant*)

Consultant Karen Reed and Consultant Heather Logan began the discussion by recapping the progress to date on the DRCC property development project. They informed Members of Council by providing a [presentation](#) on the facilities survey report.

The facilities study consisted of high-level information collected on fifteen (15) facilities selected by the Mill Creek City Council. The purpose of the study was to provide an overview of the identified facilities: ownership and operation structure, costs, lessons learned, etc. The following properties were included in the [report](#):

- Mukilteo Community Center (Rosehill)
- Tukwila Community Center
- Lake Stevens Civic Center
- Mukilteo Boys and Girls Club
- Arlington Boys and Girls Club
- Bellevue Boys and Girls Club / Hidden Valley Park
- IKEA Renton Performing Arts Center
- Kirkland Performing Arts Center
- Lynnwood High School Theater
- City of Monroe Performance Space / Wagner Performing Arts Center

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- Glacier Peak Performing Arts Center
- Kasch Memorial Park
- Mill Creek Sports Park
- Lynnwood Convention Center
- Federal Way Rhododendron Garden

Following the facilities study report presentation, Consultant Karen Reed proposed the next steps in the process. Her recommendation was to possibly schedule two (2) owner/operator panel presentations to consist of discussion and Q and A with Council in July:

- Panel 1 - Community Center and Performing Arts Center
- Panel 2 - Boys and Girls Clubs and Ballfields

Each panel will consist of 3-4 speakers to provide a 7-9-minute presentation of their facility followed by Q&A.

A retreat on the topic is for July 28, 2021.

Council engaged in discussion and Q & A.

**At 8:16 p.m. Councilmember Cavaleri made a motion to extend the regular meeting until 9:00 p.m. Councilmember Briles seconded the motion. The motion passed unanimously.**

[Agenda Summary DRCC 06.22.21](#)  
[Facilities Survey Report FINAL v. 6.17.21](#)  
[June 22 Council Presentation--facilities study](#)

#### **CONSENT AGENDA**

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- K.** Approval of Checks #63447 through #63505 and ACH Wire Transfers in the Amount of \$1,181,283.83.  
*(Audit Committee: Mayor Pro Tem Vignal and Councilmember Briles)*  
[06-22-21 AP Voucher](#)
- L.** Payroll and Benefit ACH Payments in the Amount of \$286,687.51  
*(Audit Committee: Mayor Pro Tem Vignal and Councilmember Briles)*  
[06-22-21 Payroll Voucher](#)
- M.** City Council Meeting Minutes of June 8, 2021  
[City Council Regular Meeting - 08 Jun 2021 - Minutes](#)

**Councilmember Briles made a motion to approve the consent agenda. Mayor Pro Tem Vignal seconded the motion. The motion passed unanimously.**

#### **REPORTS**

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- N.** Mayor/Council

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**Mayor Pro Tem Vignal** reported on the following:

- Attendance at the graduation parade and expressed her gratitude to staff and volunteers for their efforts to make the parade a success.
- She will be attending the Alliance Housing Authority (AHA) and the Snohomish County Tomorrow (SCT) meetings on June 23,2021 and will report back at the next meeting.
- Speeding issues in the Webster's Pond area to Seattle Hill Road and her request to look into the situation further as per citizen's concerns.

**Councilmember Steckler** reported on highlights from the CARES/ARPA webinar including strict limitations on how funds can be used. Councilmember Steckler would like the City to establish a committee to examine and make recommendations on usage of Mill Creek's allocation of these funds.

**Councilmember Cavaleri** reported on the following:

- A meeting regarding fire and emergency services to Mill Creek residents. Discussion centered on increased costs of services in the future.
- His appreciation for all board and commission members and the work they do for the City.

**Councilmember Briles** reported on the following:

- His positive experience at the City's passport office.
- Attendance at the graduation car parade and his gratitude towards the volunteers and staff for their efforts.

**Councilmember Morgan** reported that he enjoyed being a part of the graduation car parade team of volunteers. He felt that it was well organized and executed and expressed a special thank you to Volunteer Tannis Golebiewski and Community Engagement Coordinator Kristen Rasmussen for their contributions to the event.

**O. City Manager**

City Manager Michael Ciaravino reported on the following:

- Announcement to Council that Director of Public Works and Development Services Mike Todd would be providing an update on the parking issues at Vintage of Mill Creek apartment complex.
- A preface on the upcoming ARPA report from Finance Director Laurel Gimzo. He noted that the City is still in the process of formulating suggestions regarding the use of the funds which will be brought to Council at an upcoming meeting.

**P. Laurel Gimzo, Finance Director**

- American Rescue Plan Act (ARPA) Update

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES

Finance Director Laurel Gimzo informed Council and members of the community that the City is scheduled to receive \$5.8 million in funds in two disbursements from the American Rescue Plan Act (ARPA).

Eligible expenditures are the following:

- Containing / Mitigating Covid-19 or its negative economic impacts
- Premium Pay for eligible workers
- Revenue Loss
- Investments in water, sewer, broadband or storm water

Eligible expenditures may be used for the time period March 3, 2021 - December 31, 2024. Funds must be obligated by December 31, 2024 and be spent by 2026. Final direction on fund utilization is expected in mid-July.

Council engaged in discussion and Q and A.

**At 8:52 p.m. Councilmember Cavaleri made a motion to extend the regular meeting to 9:30 p.m. Councilmember Morgan seconded the motion. The motion passed unanimously.**

Public Works and Development Services Director Mike Todd provided an update on a situation brought to Council's attention at a previous meeting regarding the parking issues at the Vintage of Mill Creek apartment complex. City staff have been in contact with citizens expressing their concern that the management of Vintage recently told residents that they could not park in parking spaces dedicated to commercial use. In the attempt to work towards a resolution, discussions with the management and the owner of Vintage have resulted in Vintage enforcement efforts to be put on hold until the end of July when more parking becomes available at the Farm development across the street. Director Todd noted that this issue is ultimately between the residents of Vintage and the management of this private property.

[ARPA Report Summary 6.22.2021](#)

- Q.** A&B Board Minutes and Park and Recreation Board Minutes  
[ABB Minutes April 14-2021 - submitted](#)  
[Park Board Minutes 4-7-2021 - submitted](#)

#### **AUDIENCE COMMUNICATION**

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

Wil Nelson, a Mill Creek resident, commented on Councilmember Cavaleri's comments on the meeting regarding fire service and the cost of services increase to its' residents.

#### **RECESS TO EXECUTIVE SESSION**

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- S.** At 8:58 p.m. Council recessed into Executive Session to discuss the status of collective bargaining negotiations pursuant to RCW 42.30.140(4) and to discuss one item of potential litigation pursuant to RCW 42.30.110(i)(iii) and one item of current

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litigation pursuant to RCW 42.30.110(1)(i). The executive session is expected to last 30 minutes. No action will be taken following the end of the executive session.

At 9:19 Council reconvened the regular meeting. No action was taken.

**ADJOURNMENT**

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With no objection, Mayor Holtzclaw adjourned the meeting at 9:19 p.m.

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Brian Holtzclaw, Mayor

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Naomi Fay, City Clerk

June 22, 2021, CITY COUNCIL REGULAR MEETING MINUTES

**City of Mill Creek  
City Council Proclamations  
Years: 2018-2021 MAR**

<b>Month/Proclamations</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b><u>January</u></b>				
Martin Luther King Jr Day		1/8/2019	1/7/2020	1/12/2021
<b><u>February</u></b>				
Declaration of Emergency		2/11/2019		
Black History Month		2/19/2019		2/23/2021
<b><u>March</u></b>				
USS Ralph Johnson		3/12/2019		
Public Health Emergency - Covid 19			3/24/2021	
<b><u>April</u></b>				
Earth Day	4/10/2018			
National Volunteer Week		4/9/2019		

**Month/Proclamations**

**2018      2019      2020      2021**

**May**

Music4Life	5/1/2018	5/7/2019		
National Police Officer Week	5/8/2018	5/14/2019		
Public Works Week		5/7/2019		

**June**

LGBTQ Pride Month		6/11/2019		
Graduating Class of 2020			6/2/2021	

**July**

**August**

**September**

Mary Ann Heine	9/25/2018			
Kiwanis Children’s Cancer Awareness Month	9/4/2018	9/24/2019	9/22/2020	

**October**

Friends of the Library		10/22/2019		
Financial Literacy Week		10/22/2019		
DECA Month		10/22/2019		

**Month/Proclamations**

**2018      2019      2020      2021**

**November**

Veterans Day

11/5/2019

Small Business Saturday

11/5/2019

**December**

Kenneth Long - Thank and Honor

12/6/18?





May 26, 2021

**BOARD OF DIRECTORS**

Jason Biermann  
*Director, Snohomish County Department  
of Emergency Management*  
[jason.biermann@co.snohomish.wa.us](mailto:jason.biermann@co.snohomish.wa.us)

Eric Brooks  
*Director, Island County Department of  
Emergency Management*  
[e.brooks@islandcountywa.gov](mailto:e.brooks@islandcountywa.gov)

Brendan Cowan  
*Director, San Juan County Department of  
Emergency Management*  
[brendanc@sanjuandem.net](mailto:brendanc@sanjuandem.net)

John DeRousse  
*Deputy Chief, City of Everett Police  
Department*  
[jderousse@everettwa.gov](mailto:jderousse@everettwa.gov)

Bob Dolhanyk  
*Chief of Emergency Management, Skagit  
County Sheriff's Office*  
[bobd@co.skagit.wa.us](mailto:bobd@co.skagit.wa.us)

William A. Franz, Chair  
*Director, City of Lynnwood Public Works  
Department*  
[wfranz@lynnwoodwa.gov](mailto:wfranz@lynnwoodwa.gov)

Brad Reading  
*Incident Commander, Northwest  
Washington Incident Management Team*  
[breading@darringtonfire.org](mailto:breading@darringtonfire.org)

Dr. Greg Stern, MD  
*Health Officer, Whatcom County Health  
Department*  
[gstern@co.whatcom.wa.us](mailto:gstern@co.whatcom.wa.us)

Paul Wagner  
*Chief, Skagit County Fire District #6*  
[pwagner@skagitfire6.com](mailto:pwagner@skagitfire6.com)

To: All Member Agencies of the Northwest Washington Incident Management Team (NWIMT)

Subject: Ballot for Dissolution of the Northwest Washington Incident Management Team

City of Mill Creek  
To our Member Agencies:

The NWIMT Board of Directors met on May 7, 2021 and passed a motion to send the attached ballot to each of our 19 member agencies. The ballot will be your vote as a member agency on whether the NWIMT should be dissolved. In consideration of the timing of this vote, the Board also approved the suspension of the collection of dues for 2021 until such time that the vote can be tabulated and passed a motion that no new member agencies be allowed into the team until this issue is resolved.

This decision by the Board was not taken lightly and came after several years of working unsuccessfully to come up with a sustainable team structure. The ability to cooperatively form, fund, and operate a Type 3 Incident Management Team in the region was a goal that was met for a time and then, unfortunately, found to be too much to sustain. For some time, the Board has been concerned that fluctuations in membership and deployments, combined with the increasing costs to equip and run the team, would inhibit our ability to have a sustainable budget. In addition, the daily work of the team has always depended heavily on time volunteered by team members from member agencies. With the demands on employees ever increasing, especially during the past year's response to the coronavirus pandemic, it has proven all but impossible to adequately maintain all of the work that allows the team to stay trained, educated, qualified, and at the ready to deploy.

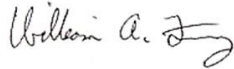
The interlocal agreement, to which your agency is a signatory, stipulates that upon dissolution of the team, each member will receive a pro-rata share of the assets of the team based on the percent of funds that the member agency contributed to the previous year's budget. Based on an estimated total value of \$200,000, your agency's share would be approximately \$3,583.

The NWIMT has had many successes over the years contributing valuable services from wildfires to the monumental work done following the Oso landslide. The Board still very much believes in the mission of the NWIMT and its importance to our region. Assuming a positive vote on dissolving the team,

we remain hopeful that other more successful models can be explored that will allow this important function to be available in the region. If the vote should fail, then additional work will have to be undertaken to figure out sweeping changes necessary to make the team successful. Snohomish County's Department of Emergency Management recently notified the Board of their intent to terminate their contract for lead coordinating agency services, further threatening the team's ability to function. If your jurisdiction would be interested in providing lead agency services, please contact me as soon as possible. This will require, I believe, additional resources and time dedicated to the efforts from more team agencies than who currently participate.

Thank you in advance for your prompt attention to this important ballot and thank you for your past and continued support of the NWIMT. If you have any comments or concerns, please contact me at (425) 754-5951 or any of the other Board members listed above.

Sincerely,



William A. Franz, P.E.  
Public Works Director, City of Lynnwood  
Board Chair of NWIMT

ENCL: Dissolution Ballot



## **Official Ballot**

Northwest Washington Incident Management Team (NWIMT)

City of Mill Creek  
Attn: Michael Ciaravino, City Manager  
15728 Main St.  
Mill Creek, WA 98012

Pursuant to Section 11 of the Interlocal Agreement which created the Northwest Washington Incident Management Team (NWIMT), please vote the following on the dissolution of the Northwest Washington Incident Management Team.

\_\_\_\_\_ Yes. The NWIMT should be dissolved.

\_\_\_\_\_ No. The NWIMT should not be dissolved.

Please return as soon as possible but **no later than July 31, 2021** to the following address:

Snohomish County DEM  
ATTN: NWIMT Dissolution Vote  
720 80<sup>th</sup> Street SW, Bldg. A  
Everett, WA 98203

**INTERLOCAL AGREEMENT**

**Northwest Washington Incident Management Team**

**THIS INTERLOCAL AGREEMENT** (the "Agreement") is made and entered into this \_\_\_\_ day of June, 2006, by and between those Washington cities, counties, fire districts and other governments identified on the attached Exhibit "A" as may be amended from time to time. Hereinafter, all of the member governments may be referred to individually as "Member" or "party" and collectively referred to as the "Members" or the "parties."

**WHEREAS**, the Members believe that it is in their best interests to reach an agreement to participate as a group for the mutual advantage of all Members in the provision of efficient and effective incident management support. The group will be called the Northwest Washington Incident Management Team ("NWIMT").

**WHEREAS**, pursuant to Chapter 39.34 of the Revised Code of Washington, the Members desire to create a joint board to govern this joint undertaking.

**WHEREAS**, the Members desire to set forth the organizational structure, the legislative control, the funding guidelines, and the overall operation of NWIMT.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows.

**1. Joint Undertaking.** The undersigned parties hereby agree to participate in NWIMT, which shall be organized and structured by the terms of this Agreement, and governed and administered in accordance with this Agreement.

**2. Purpose.** The purpose of the NWIMT is to establish a coordinated multi-discipline interagency Type Three Incident Management Team in Northwest Washington, to include the geographic areas of Snohomish, Whatcom, Skagit, Island and San Juan Counties.

**3. Joint Board.** An Interim Board has been established to oversee the development of the Incident Management Team. The Interim Board shall continue oversight of the IMT development process until January 1, 2007. After which, the Members agree to establish a Joint Board of nine members which shall be the governing body for NWIMT. The Joint Board shall oversee implementation of this Agreement and shall form an Operational Committee as set forth below.

**3.1 Directors.** A Joint Board shall be elected from among the Members. The Joint Board shall consist of a representative from Law Enforcement, Fire Service, Emergency Management, Healthcare, Public Health, Public Works, Admin/Finance, Information Technology and the Lead Coordinating Agency. Such representatives shall be called "Directors." A majority of Directors shall constitute a quorum.

**3.2 Officers.** The Joint Board shall elect a Chair who shall preside at meetings of the Joint Board and shall perform such other duties as are incident to the office or are properly required by the Chair of the Joint Board. If necessary, the Joint Board may provide for the election of additional officers.

**3.3 Working Group.** The Joint Board shall form a Working Group comprised of ten individuals from among the Members. The Operating Committee shall oversee the day to day operations of NWIMT. The Working Group may establish standards, guidelines, policies, and procedures as necessary to the management and operation of NWIMT and consistent with this Agreement. All such standards, guidelines, policies, and procedures may be reviewed, modified, or eliminated at the discretion of the Joint Board.

**3.4 Regular Meetings.** There shall be regular meetings of the Joint Board not less frequently than once each calendar year. Special meetings of the Joint Board may be called at any time by the Chair or upon written request of any two Directors.

**3.5 Compliance with Law.** In all respects, the Joint Board, and each Director, shall comply with all applicable laws and regulations, including Chapter 42.30 RCW, the Open Public Meetings Act and all other applicable laws.

**4. New Members.** New Members may be admitted under such terms and conditions as established in the documents adopted under Section 3.3 above. Prior to being admitted as a new member each such entity shall sign and be bound by this Agreement and shall tender its proportionate share of the budget for any partial year or full financial participation if the party joins at the commencement of a new budget year.

**5. Written Report.** Each year, at a time set by the Joint Board, the Joint Board shall provide a written report to the governing body of each Member concerning the status of NWIMT.

**6. Lead Coordinating Agency.** The Joint Board shall select a Lead Coordinating Agency from among the Members. The Lead Coordinating Agency shall carry out the day to day financial and administrative functions of NWIMT consistent with this Agreement and all standards, guidelines, policies, and procedures adopted as set forth above. In doing so, the Lead Coordinating Agency shall comply with all applicable law.

**7. Withdrawal.** Any Member may withdraw from the NWIMT by providing written notice of withdrawal to the Chairperson of the Joint Board and to the Lead Coordinating Agency by June 1 of the year prior to the year of withdrawal. Withdrawal shall be effective on December 31 of the year written notice was provided. The provisions in this Agreement regarding defense and indemnification shall survive the withdrawal of any Member such that the withdrawing Member shall remain bound by such provisions for any incident or occurrence happening prior to 11:59 p.m. on December 31, the effective date of withdrawal even if the claim is brought subsequent to withdrawal. Any Member that



withdraws prior to termination of this Agreement waives and surrenders any interest, if any, which it may have in assets owned or obtained by NWIMT.

**8. Budget and Finance.** The Operating Committee, in consultation with the Lead Coordinating Agency, shall annually prepare a budget and submit it to the Joint Board by May 1st. The Joint Board shall adopt a budget no later than July 30<sup>th</sup>. Nothing herein shall be interpreted to waive or supersede the final budgetary authority of each entity subject to the provisions relating to withdrawal in Section 7. Each Member shall pay its budgeted share into a special fund to be administered by the Lead Coordinating Agency which shall act as the fiscal agent of the Joint Board. The special fund shall be designated the "operating fund of NWIMT." For audit purposes, all operating revenues of the NWIMT must be deposited into and paid from this special fund. The amount that each Member shall contribute to the fund shall be established by the Joint Board. Members shall make the required payment to the fund no later than February 28 of each year. At the discretion of the Joint Board, non-monetary resources contributed to the NWIMT may be credited toward a Member's obligation to make payment under this section. In addition to payments by members, NWIMT is authorized to collect and/or accept gifts from members of the public, grants, and funds from cost recovery efforts related to specific incidents.

**9. Property.** The Lead Coordinating Agency shall act as the procuring agent for the purpose of acquiring any property to be held by NWIMT and shall comply with the laws applicable to the agency. Property acquired with NWIMT funds shall be owned by NWIMT and dedicated to NWIMT activities. In the event registration or formal proof of ownership is required for any such property, the property shall be held in the name of NWIMT. All items of property acquired with NWIMT funds that are not disposable shall be marked as property of NWIMT. Upon dissolution, property shall be disposed as set forth in Section 11.

**10. Duration.** The term of this Agreement shall commence upon execution by a majority of the Members listed in Exhibit A and shall continue in effect until December 31, 2008. This Agreement shall automatically renew each year thereafter; provided, however, that a Member may withdraw providing written notice as set forth in Section 7. This Agreement shall terminate in the event of Dissolution as provided in Section 11. The provisions in this agreement regarding defense and indemnification shall survive termination and dissolution to the extent necessary to resolve any specific claim, loss, or liability as set forth in Section 7 and Section 11.

**11. Dissolution.** The NWIMT may be dissolved by the action of 75% of the Members. Upon dissolution, all assets owned by NWIMT, if any, shall be first applied to any financial liability with respect to the winding up of its operations. The value of the remaining assets shall be then apportioned among the Members on the same percentage basis as their financial contribution under Section 8 made in the budget year of dissolution.

**12. Insurance.** The Agency through its budget, shall maintain liability and casualty insurance policies as the Board of Directors shall determine appropriate or shall participate in an insurance pool established in accordance with the laws of the State of Washington. As used herein, the term "excess liability" shall refer to liability for its

operations incurred with respect to the actions and operations of the Agency which are in excess of the applicable insurance coverage as determined by judgment or approved settlement agreement.

**13. Defense and Indemnification.** For any negligent or tortuous action arising out of NWIMT operations which are not covered by or are in excess of insurance purchased by the NWIMT, the Members agree to pay for defense costs and share responsibility for any settlement and/or liability on the same percentage basis as their contribution to NWIMT under Section 8. For any specific claim, the Members responsible for such defense costs and liability shall be those entities that were Members at the time of the occurrence giving rise to the claim, loss, or liability. Each Member agrees to provide indemnification and reimbursement for defense costs to other members to the extent necessary to ensure that each Member is responsible only for its share of the expenses based on the percentage basis of contribution to the annual budget.

Nothing herein shall require or be interpreted to:

- 13.1 Waive any defense arising out of RCW Title 51.
- 13.2 Limit or restrict the ability of any Member or employee to exercise any right, defense or remedy which a party to a lawsuit may have with respect to claims of third parties, including, but not limited to, any good faith attempts to seek dismissal of legal claims against a party by any proper means allowed under the civil rules in either state or federal court.
- 13.3 Cover or apportion or require proportionate payment of any judgment against any individual or Member for intentionally wrongful conduct outside the scope of employment of any individual or for any judgment for punitive damages, fines or sanctions against any individual or municipal corporation. payment of punitive damage awards shall be the sole responsibility of the individual against whom said judgment is rendered and/or his or her municipal employer, should that employer elect to make said payment voluntarily. This agreement does not require equal sharing of any punitive damage awards, fines or sanctions.

**14. Amendment by Representative Action.** This Agreement may be amended only by the affirmative vote of 75% of the Directors, with each Member's vote being duly authorized by the legislative body of each Member, provided that prior to such amendment, the president of the Joint Board must provide to each Director 90 day's written notice of the proposed amendment and the date the amendment will be considered by the Joint Board.

**15. Notices.** All notices, demands, requests, consents and approvals that may or are required to be given hereunder, shall be in writing and shall be deemed to have been duly given if delivered personally; sent by facsimile; sent by a nationally recognized overnight delivery service; or if mailed or deposited in the United States mail and sent by registered

or certified mail, return receipt requested, postage prepaid to the Member at its main office. All notices shall be deemed complete upon actual receipt or refusal to accept delivery. Facsimile transmission of any signed original document and retransmission of any signed facsimile transmission shall be the same as delivery of an original document.

**16. Captions.** The captions of this Agreement are for convenience and reference only and in no way define, limit, or describe the scope or intent of this Agreement.

**17. Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**18. Counterparts.** This Agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement. The Lead Coordinating Agency shall act as administrator of the Agreement for the purpose of maintaining the document and insuring its availability to all Members. The Lead Coordinating Agency shall provide notice to all parties in the event of the addition or withdrawal of a Member.

**19. Additional Acts.** Except as otherwise provided herein, in addition to the acts and deeds recited herein and contemplated to be performed, executed and/or delivered by any Member hereto, the Member hereto agree to perform, execute and/or deliver, or cause to be performed, executed and/or delivered, any and all such further acts, deeds and assurances, which may reasonably be required to effect the purposes of this Agreement.

**20. Neutral Authorship.** Each provision of this Agreement has been reviewed and negotiated, and represents the combined work product of all Member hereto. No presumption or other rules of construction that would interpret the provisions of this Agreement in favor of or against the Member preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement.

**21. Governing Law.** This Agreement, and the rights of the parties hereto, shall be governed by and construed in accordance with the laws of the State of Washington.

**22. Entire Agreement.** The entire agreement between the Members hereto is contained in this Agreement, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to the subject matter of this Agreement.

**23. Approval of Membership.** The undersigned public entity hereby attests that its participation in NWIMT has been approved by this public entity's legislative body.



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

JULY 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 Retreat	29	30	31

AUGUST 2021						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	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 Agenda**  
**Subject to change without notice**

*Last updated: June 29, 2021*

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

**July 13, 2021**

- **New Business** - 2021 C Failure Pipe Rehabilitation
- **Executive Session** - City Manager Evaluation

**July 27, 2021**

- **Study Session** - Panel Speakers for DRCC - 90 minutes
- Formal Action for CM Evaluation
- **Reports** - Update RE: Mill Creek Festival & Street Fair August 13, 14 & 15 Chamber of Commerce Event

**Retreat July 28, 2021 - Wednesday**

- DRCC Retreat - 5 p.m. dinner

**Future Agenda Items**

- Proposed New Initiatives: Potential Farmer's Market.
- Update on Public Works projects and program activity.
- Update on Surface Water Utility
- Body Worn Camera Update
- Public Works Winter Preparedness
- Fire Contract Update



15728 Main Street, Mill Creek, WA 98012  
Administration 425-745-1891  
Police 425-745-6175  
All Other Departments 425-551-7254

**Art & Beautification BOARD MINUTES**

15728 Main Street, Mill Creek, Washington 98012 – 425-745-1891

**May 12, 2021  
4 p.m.**

**I. CALL TO ORDER**

Chair Armfield called the meeting to order at 4:04 p.m. via Zoom Virtual Meeting.

**II. ROLL CALL:**

Carmen Fisher  
Guy Armfield, Chair  
Jamie Barrett  
Michelle Edwards  
Ravi Ubriani  
John Steckler, Council Representative

Staff

Kristen Rasmussen, Community Engagement Coordinator

Absent

Shoshauna Mohlman, Vice Chair  
Jeanne Smart

**III. ANNOUNCEMENTS**

**IV. APPROVAL OF MINUTES**

Member Fisher moved to approve the April 14, 2021 minutes second by member Vice Chair Mohlman. The motion passes unanimously.

**V. OLD BUSINESS**

**a. Historical Preservation Project Updates**

Community Engagement Coordinator Rasmussen presented the three quotes for the plaques: Studio 3 Signs, FastSigns, and Signs by Tomorrow. The board members discussed all options and decided to use the Studio 3 Signs vendor. The City used this vendor for the City Hall North dedication plaques and the board feels confident they will provide the most consistent plaque for brand standards.

**b. Great Garden Awards**

Chair Armfield provided updated an updated map of the Great Garden zones to the board. The zones have been redrawn from seven to six zones in order to eliminate an extra zone that needs to be covered by the City Council liaison.

The Great Garden selection guidelines are out lined in the Award Selection Procedures including how many homes to nominate, criteria for selecting a great garden, and how to document the winner by including the address and photos of the garden. Members were provided the Great Garden Nominee Form to list this information. Apartments and condos above the first floor will not qualify for a nomination. Members were reminded to reference the Great Garden Past Winners document for recent winners so they are not nominated consecutively in order to distribute the acknowledgement of other gardens in the community.

The 2021 Zone Assignment for each Member:

Zone 1- Member Carmen Fisher  
Zone 2- Member Michelle Edwards  
Zone 3- Chair Guy Armfield  
Zone 4- Member Ravi Ubriani  
Zone 5- Member Jamie Barrett  
Zone 6- Member Jeanne Smart  
Zone 7- Vice Chair Shoshauna Mohlman

Members will begin to identify the neighborhoods in their assigned zone and may begin to work on this project now through June. Members will bring their submissions to the July meeting.

### **c. Lending Library Presentation**

Member Edwards presented a proposal for the Lending Library to the board members. The free book sharing library is available for anyone to take a book or share a book. This would function on an honor system, but be supervised by a local steward or stewards to maintain the smooth functioning and tidy appearance of the library. Free Libraries are valuable cornerstones of a healthy community. They give people the opportunity to meet others, build literacy, and share valuable information and provide a family friendly activity for all.

The board may purchase a Free Little Library Box, Library Post with Topper Kit, and Customizable Charter Sign through the Little Free Library website/organization at <https://littlefreelibrary.org/>. Each Little Library book sharing box comes with an official carter sign and number. With the purchase of the library sharing box it will be automatically registered with the Little Free Library Organization and included on their world map of libraries so anyone can look up the location.

The areas that could be considered for possible installation are:

1. Exploration Park
2. Hillside Park
3. Heron Park

Member Edward's talked with a local resident to identify possible locations for the library. The first proposed location for a park installation is Exploration Park because of the proximity to families living in the nearby neighborhood, low vandalism in the area, decent

foot traffic and visibility, and the potential for a variety of community members to enjoy the library. The board members also discussed adding Silver Crest to the list since the park is planned to be renovated in the CIP this year. Councilmember Steckler recommended the board reach out to the Parks & Recreation Board regarding this topic.

The members also discussed reaching out to local non-profits to help with the maintenance and upkeep of the Library. Councilmember Steckler proposed talking with the Mill Creek Rotary and Kiwanis Club to develop a service plan. The idea of reaching out to the Friends of the Mill Creek Library to supply the books was also discussed.

Ms. Rasmussen informed the board she presented this idea to Public Works Supervisor Matthew Combs and he has approved of this concept with the intent that the board will be responsible for the upkeep of the Lending Library.

**VI. ROUNDTABLE**

Councilmember Steckler updated the board members about the fiber glass buffalo project. He informed them after talking with city staff, a better idea for this project would to expand the scope of the project to incorporate all of Mill Creek to participate in designing a fiber glass animal. The idea was discussed to look at promoting a fiber glass ducks instead of a buffalo.

**VII. REPORTS**

Member Barrett informed the board that the Mill Creek Boulevard Project Advisory Committee will be presenting their recommendations for the project to City Council.

**VIII. ADJOURNMENT**

Member Armfield moved to adjourn the meeting at 5:09pm. The next meeting is scheduled for June 9, 2021, at 4 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

Kristen Rasmussen, Community Engagement Coordinator



15728 Main Street, Mill Creek, WA 98012  
Administration 425-745-1891  
Police 425-745-6175  
All Other Departments 425-551-7254

**Park & Recreation Board Meeting Minutes  
May 5, 2021**

**Members:**

Melissa Duque, Chair  
Michael Bauer  
Tyler Hogan  
Jim Erlewine  
Peter Lalic  
Bridget Casey  
Tannis Golebiewski  
Stephanie Vignal, Council Alternate Representative

**Not Present:**

Vince Cavaleri, Council Representative

**Also Present:**

Kristen Rasmussen, Community Engagement Coordinator

**CALL TO ORDER**

Chair Duque called the meeting to order at 5:01pm. Members and staff were present as noted above.

**YOUTH ADVISORY BOARD UPDATES**

Youth Advisory Board Member Laura Anderegg that members continue to volunteer at the Mill Creek Food Bank and Neighbors in Need. Color for a Smile is another project members can participate in to complete coloring pages which are sent to senior citizens and troops overseas.

The groups are working with the Fire Department for monthly themed projects. This month's theme is Boating Safety so members can make information graphics to post on social media accounts and make other education activities relating to the theme.

Another project the members have been supporting is writing letters to the USS Ralph Johnson. Members are working on a new project to paint rocks and put them in the parks for kids to find.

YAB members are volunteering with NHS to tutor students. The members are also participating in Wellness events.

YAB has started recruiting for the 2021-2022 board. The group is working to create a recruitment video to share on social media platforms.

**APPROVAL OF MINUTES**

cityofmillcreek.com    Facebook: Facebook.com/MillCreekWA    Twitter: @MillCreekWA    Instagram: @CityofMillCreek

Member Hogan moved to approve the April 7, 2021 minutes and was seconded by Member Bauer. The motion passes unanimously.

**ANNOUNCEMENTS****Welcome New Member Tannis Golebiewski**

Chair Duque introduced Tannis Golebiewski to the board. The board members introduced themselves and gave a brief summary about themselves.

**Feedback from Park Board Interview Candidates**

Chair Duque also shared responses and feedback learned from the applicants during the interview process. Some of the highlights include park usage, focus on kid programs, and a continued theme of nature and the environment.

**OLD BUSINESS****Review Park Signage PowerPoint Presentation**

Chair Duque will follow-up with the vendor for spacing of font placement on the signs.

**Brainstorm Recognition and Volunteer Ideas for YAB Members**

The board members talked with Community Engagement Coordinator Kristen Rasmussen about ideas to honor and recognize the YAB members for their year of service. Ms. Rasmussen shared the board members expressed interest in watching a drive-in movie outside in the City Hall North parking lot. Ms. Rasmussen has been trying to find a large movie screen to rent that is affordable cost to the city. The board members recommended some locations to look into borrowing or renting movie screens. The board members also discussed indoor options such as movie theaters or Arena Sports but concluded the safer option to provide the highest turn out of YAB members to the event is to keep it outside, indoor to adhere to social distancing guidelines.

The board members also discussed volunteer ideas for the YAB members. Some ideas from the brainstorm session include:

- Measuring walking distances on trails around the city on updated maps
- Map amenities for parks, which trails are neighborhood trails, MCCA trails, etc.
  - List the maps at the parks, on the website and create QR codes for mobile access
  - Trails and sidewalks community members can use to walk throughout the city
- Create social media image to promote local parks
- Help with the Senior Graduation Parade

**OLD BUSINESS****Schedule tours at the DRCC**

Mayor Pro Tem Vignal strongly recommended to the board members they attend the tour of the DRCC properties if possible. Seeing the land in person provides a better perspective of what is able to be accomplished on the property. Ms. Rasmussen will coordinate dates with Planning Manager Tom Rogers to lead the tour for the board members.

Schedule park tours

Ms. Rasmussen will coordinate the park tours with Public Works Supervisor Matthew Combs to attend in late June.

Schedule The Farm mitigation tour

Chair Duque would like to schedule a tour of The Farm in July. Ms. Rasmussen will coordinate the tour with Senior Planner Christi Schmidt.

Brainstorm Party in the Parks remote ideas

Ms. Rasmussen asked the board members for ideas to implement for a remote Party in the Parks event. The members recommended rotating the Painted Rocks idea to three parks for June, July and August.

Another idea was Geocaching in the parks and an activity board in the parks. The activity board could be a similar concept to a passport or BINGO where community members check off which parks they have been too and what activities at the parks they completed.

Heron Park Grand Opening Ideas

The board members said this could be the first party in parks.

**ADJOURNMENT**

Member Hogan moved to adjourn the meeting at 6:03pm seconded by Member Bauer. The next meeting is scheduled for June 2, 2021, at 5 p.m. virtually via Zoom Virtual Meeting.

Submitted by:

*Kristen Rasmussen*

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Kristen Rasmussen, Community Engagement Coordinator