



City Council Meeting Schedule July 2017

July 4, 2017

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING - ***CANCELLED - 4TH OF JULY HOLIDAY***

July 11, 2017

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Storm Water Rate Study
2. Inland Sea Port Update
3. Upcoming Events Update

July 18, 2017

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

July 25, 2017

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Development Update
2. Public Records Policy
3. NPDES Permit/Delegation of Authority

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio Taped

July 2017
Updated 7/5/17

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	07/25/2017
Agenda Item Type	Presentation		
Subject	Development Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Planning		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Development is continuing at a rapid pace in the Tri-Cities generally and within Kennewick specifically. This presentation will update City Council on development activity including a Story Map that will locate the development as staff provides a brief description of the projects. The Story Map is not attached to this agenda item as it accessed through a website.

Through

Gregory McCormick
Jul 17, 14:13:49 GMT-0700 2017

Attachments: Presentation

Dept Head Approval

Gregory McCormick
Jul 17, 14:13:59 GMT-0700 2017

City Mgr Approval

Marie Mosley
Jul 20, 16:13:41 GMT-0700 2017

City of Kennewick City Council Study Session

COMMUNITY PLANNING DEPARTMENT

Development Update
July 25, 2017



Department Overview

- › **Long Range Planning**
- › **Development Services/Current Planning**
- › **Building Safety Division**
- › **Express Permit Program**

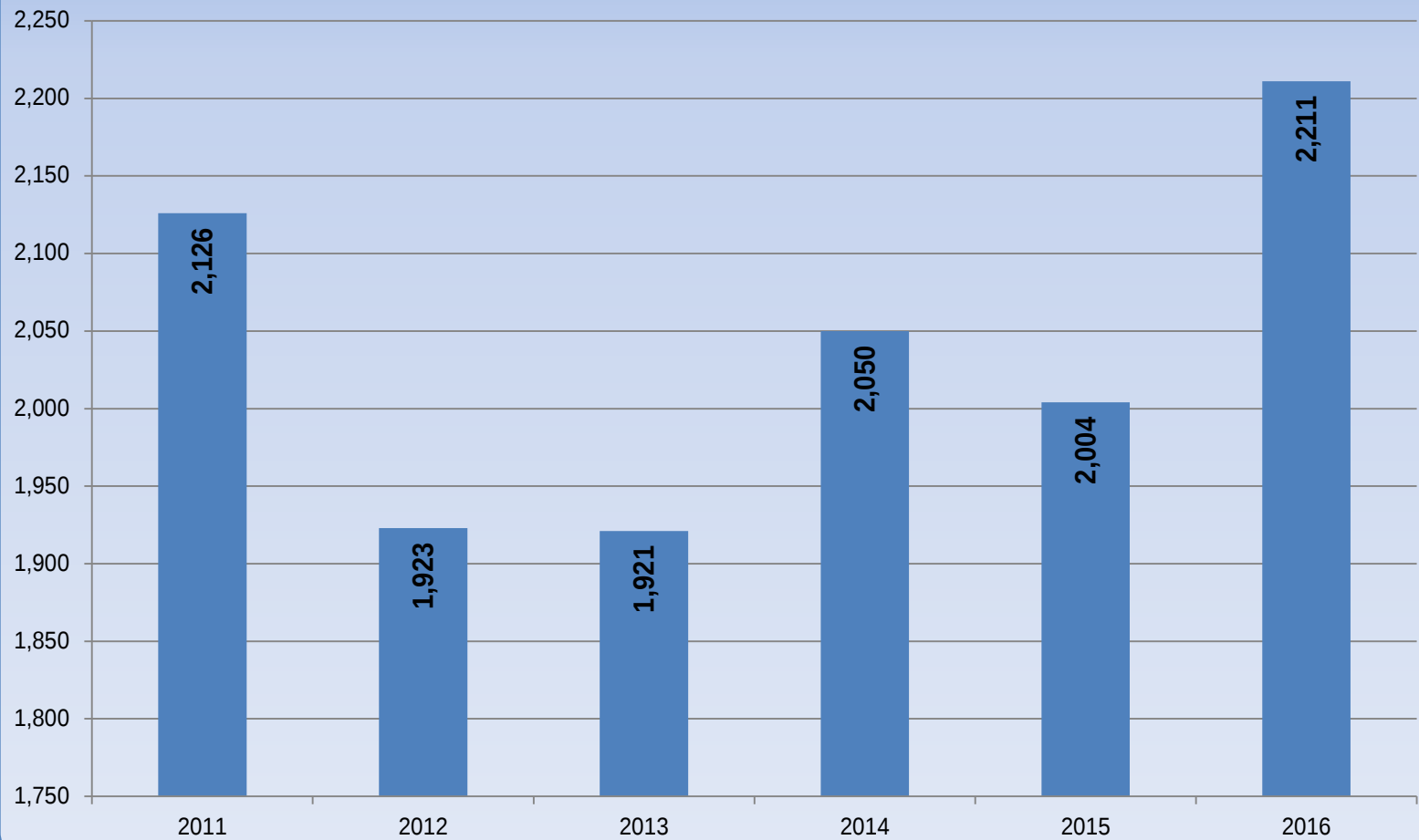
Council Priority Areas



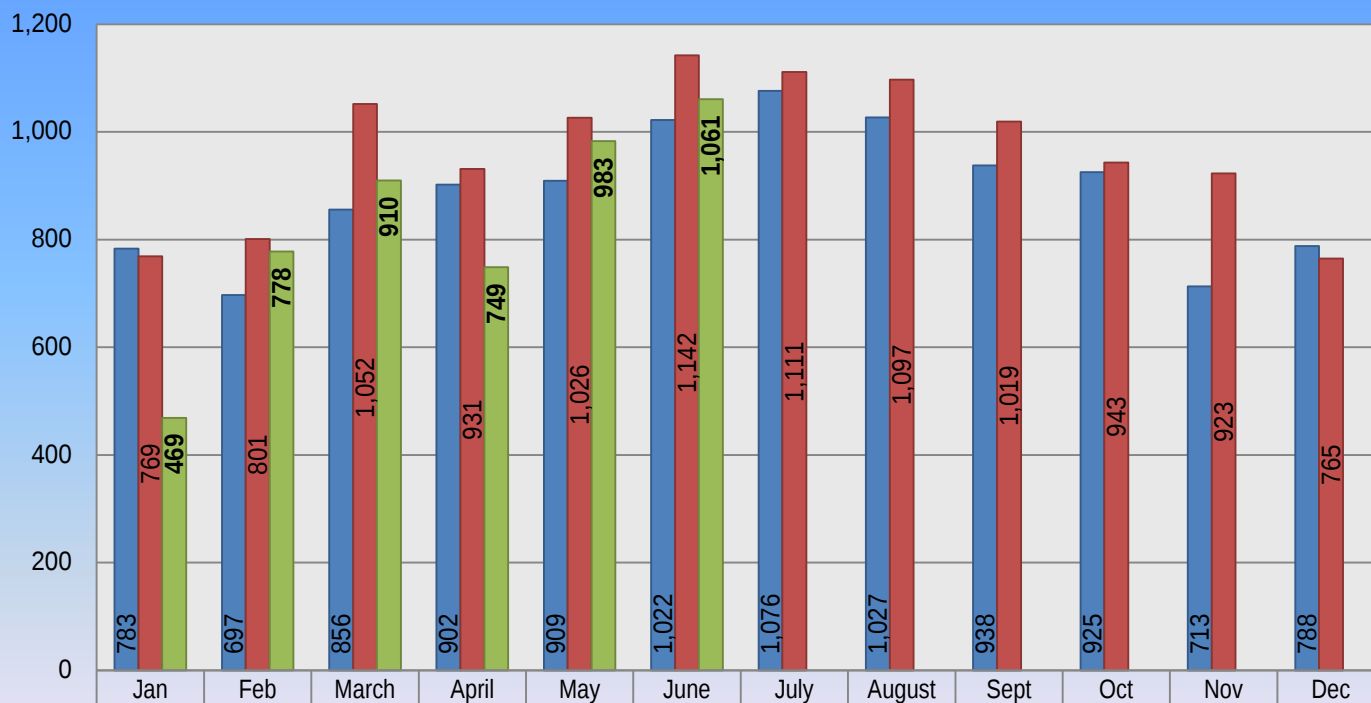
Department Reports

- › **Monthly Activity Report**
 - › **Building Activity**
 - › **Land Use Permitting**
 - › **Customer Contacts**
- › **Major Project Status Report**
 - › **Updated bi-monthly**
 - › **Long Range Planning Projects**
 - › **Current Planning Projects**
 - › **“Under Construction” Projects**
 - › **Pre-Application meeting**
 - › **Express Permitting Activity**

Building Permits Issued 2011-2016

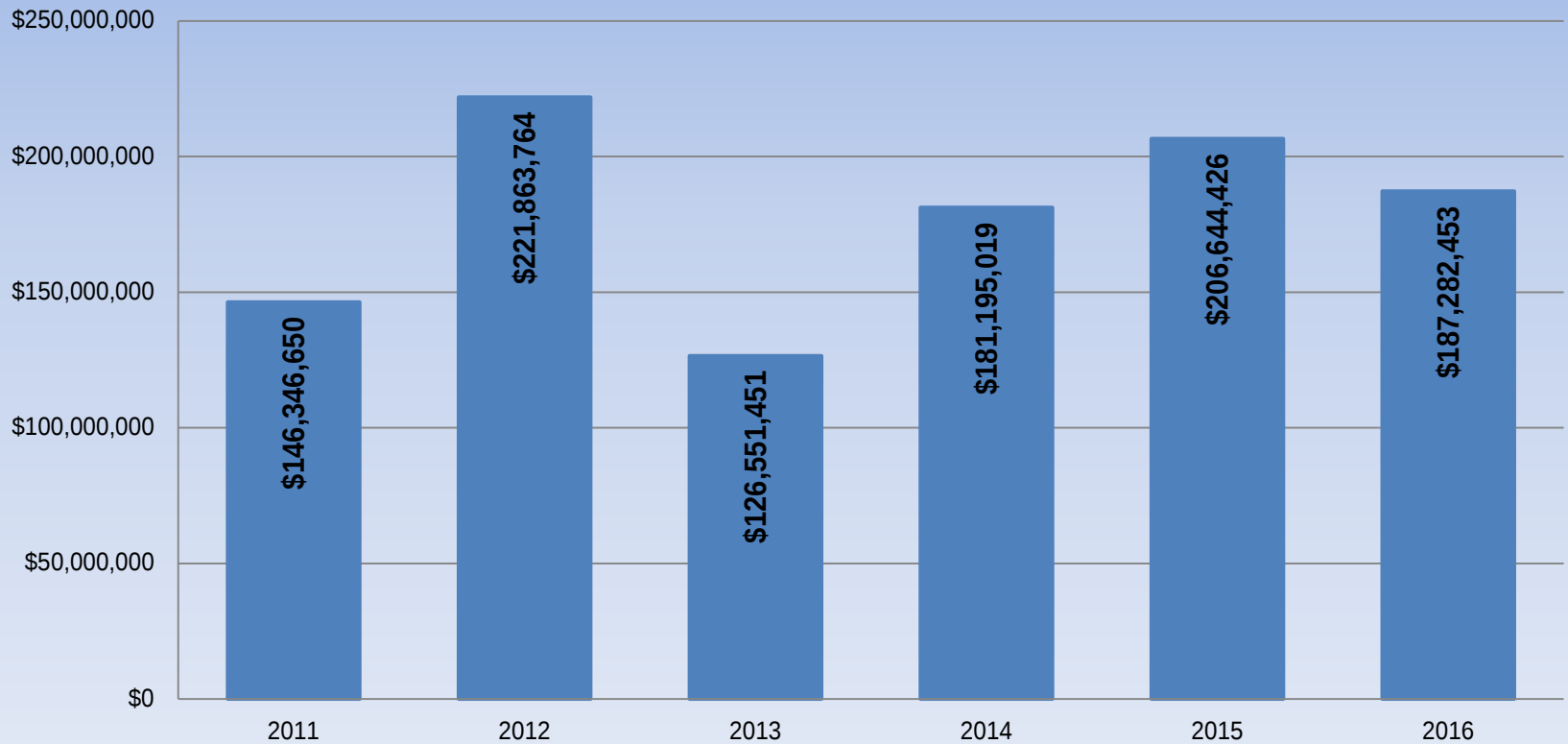


Building Inspections



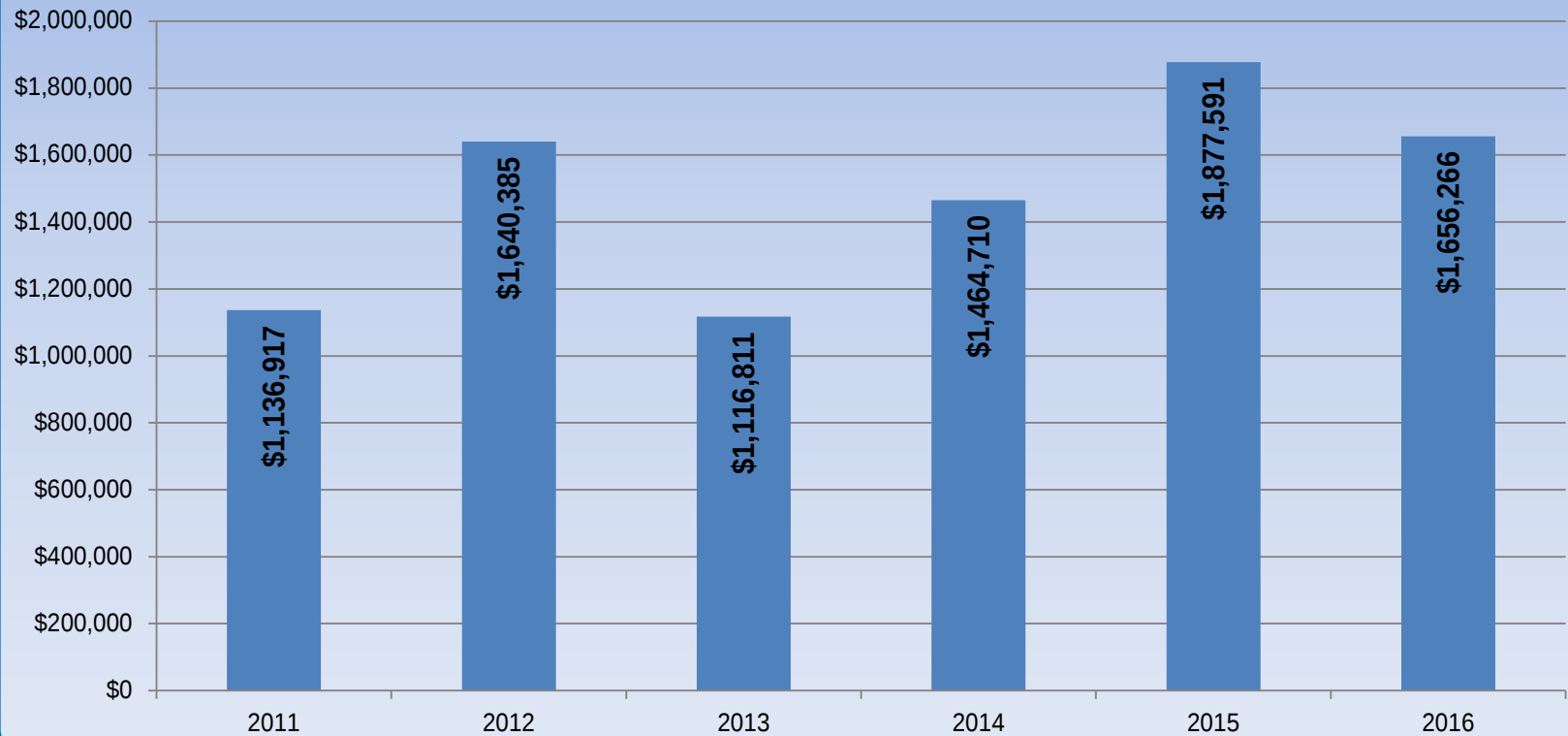
	Jan	Feb	March	April	May	June	July	August	Sept	Oct	Nov	Dec
2015 Building Inspections	783	697	856	902	909	1,022	1,076	1,027	938	925	713	788
2016 Building Inspections	769	801	1,052	931	1,026	1,142	1,111	1,097	1,019	943	923	765
2017 Building Inspections	469	778	910	749	983	1,061						

Building Permit Valuation 2011-2016

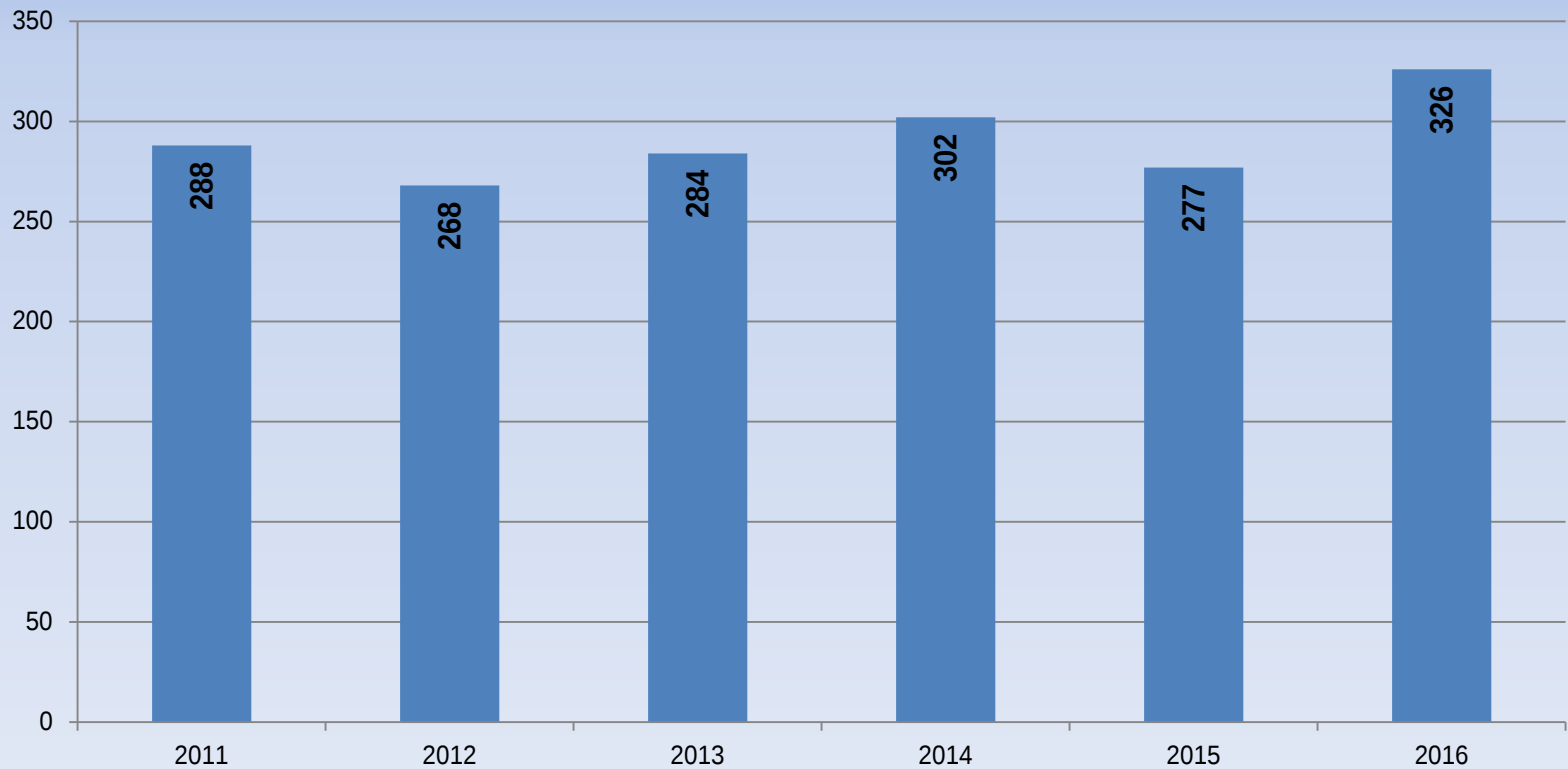


2011 – 2016 TOTAL VAULTATION: \$1,069,883,763

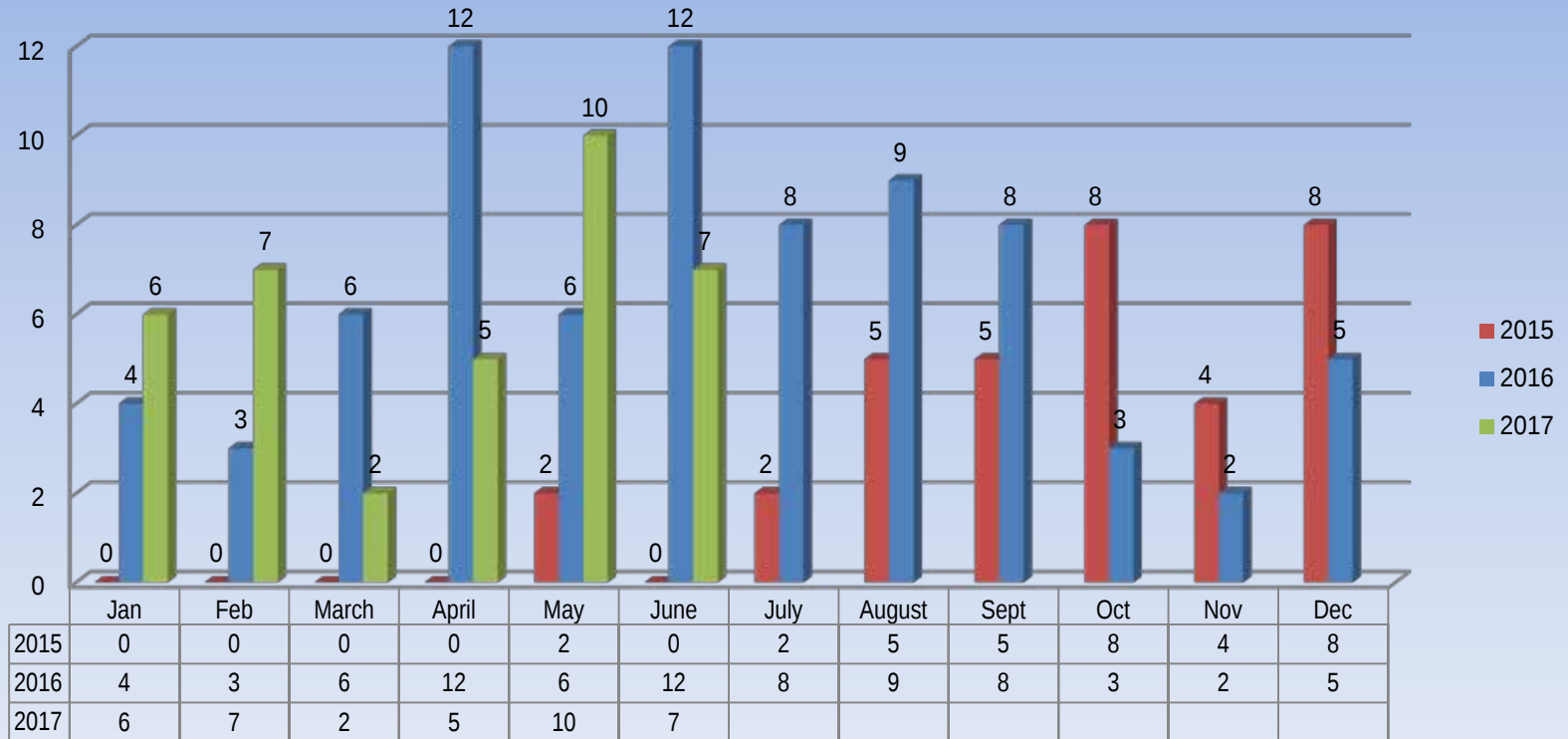
Building Permit Revenue 2011-2016



Single Family Residential Permits

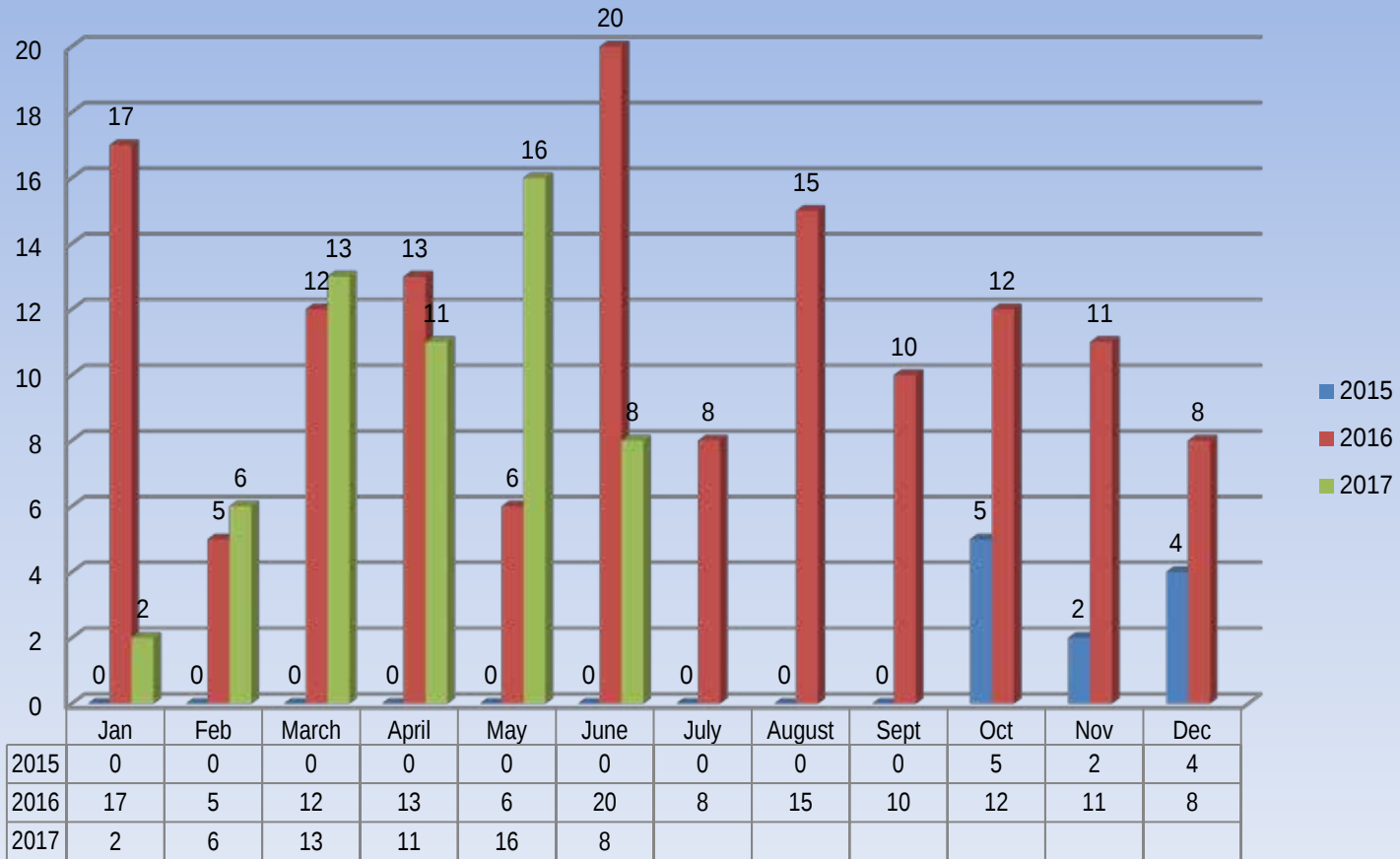


Express Permits - Commercial TI's



TOTAL COMMERCIAL TI EXPRESS PERMITS - 149

Express Permit Program - SFR



TOTAL SFR EXPRESS PERMITS - 204

Story Map

- › Recently Completed
- › Under Construction
- › Pipe-Line Projects (Proposed)

Questions?



Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	07/25/2017
Agenda Item Type	Presentation		
Subject	Public Records Policy		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Management Services		

Info Only	☐
Policy Review	☒
Policy DevMnt	☐
Other	☐

Summary

Staff will provide a presentation on the recent changes to the Public Records Act 42.56 by the passage of HB 1594 and HB 1595.

Through

Terri Wright
Jul 20, 08:36:27 GMT-0700 2017

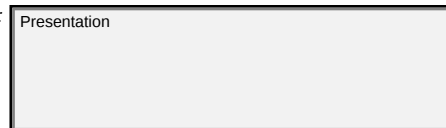
Dept Head Approval

Christina Palmer
Jul 20, 09:56:42 GMT-0700 2017

City Mgr Approval

Marie Mosley
Jul 20, 16:38:06 GMT-0700 2017

Attachments: Presentation





Public Records Policy Update

Kennewick in the Sunlight – Open Government, Open Records

City Council Workshop – July 25, 2017

Public Records: PRA 101

- Open government leads to a better informed electorate, greater public participation, better government, and more effective use of public resources.
- Providing citizens with public records is a core principle of the City and an integral responsibility of every City employee and elected official.

Public Records: PRA 101

What is a public record?

- Any writing relating to the conduct of government.
- The performance of any governmental or proprietary function.
- Prepared, owned, used, or retained regardless of physical form or characteristics.

If you have it, assume it's a public record until proven otherwise.

Every public employee and elected official has a duty to preserve public records:

- 1) Regardless of their format
- 2) Regardless of how they are created
- 3) Regardless of where they are stored



Dance like no
one is watching;
email like it
may one day be
released in a
public disclosure
request.

Public Records: PRA 101

What is a personal email account?

- Anything other than your ci.kennewick.wa.us email account:
 - Work email
 - Gmail, Yahoo, MSN, etc.
 - Email accounts of friends and relatives if you send/receive email through the account(s) relating to the conduct of City business
 - Messaging apps (Snapchat, Facebook, etc.)

Personal email accounts are tricky – there's a better option.

- Off-network accounts cannot be searched by city personnel and the risk of a Public Records Act violation increases.
- Anyone using personal accounts must conduct a search of their personal email whenever a request for *"all records"* is made.
- **When you use your City email account (and no others), all the hard work of searching records is done for you! Score!**

Remember, a public record is a public record no matter where it is stored.

Public Records: Legislative Update HB 1595 – Fees

- **Customized Access** – Reimbursement up to the actual cost of providing the service – and may require a 10% deposit in advance.
- **Electronic Copies:**
 - The actual cost incurred for providing electronic copies
 - OR the following default charges (cumulative):
 - 10 cents/page for scanning
 - 5 cents/every four electronic files or attachments
 - 10 cents/gigabyte for transmitting records electronically
 - OR Flat Fee Option:
 - A flat fee of up to \$2 as an alternative to actual or default costs if the agency reasonably estimates and documents that the costs are equal or more than \$2
- **Requires a public hearing before agencies may impose the new fees.**
- **Requires a new resolution to adopt the fees.**

Public Records: Legislative Update

HB 1594 – New Tracking Requirements

- **New Tracking Mandate for Public Records** – Requires all agencies log:
 - Identity of requestor (if provided)
 - Date and text of request
 - Description of records produced in response to request
 - Description of records redacted or withheld and the reasons
 - Date of final disposition of the request

Public Records: Legislative Update

HB 1594 – Continued

- **New Tracking Mandate for Public Records** – Kennewick must now report the following to the Joint Legislative Audit and Review Committee (JLARC):
 - Leading practices & processes for records management & retention, what percentage of such practices were implemented
 - Average length of time taken to acknowledge receipt
 - Proportion of records provided within 5 days of the request & the proportion of requests estimated beyond 5 days
 - Agency's initial (and modified) estimate for providing records as compared with the actual time in providing such records
 - Number of requests where the agency asked for clarification
 - Number of requests denied & the most common reasons for denial
 - Number of requests abandoned
 - Requests by type of requestor (if known)

Public Records: Legislative Update

HB 1594 – Continued

- **New Tracking Mandate for Public Records (Continued)**

- Portion of requests fulfilled electronically compared to requests fulfilled by physical records
- Number of responses required to be scanned
- Estimated agency staff time spent on each individual request
- Estimated costs incurred in fulfilling requests
- Number of claims filed alleging a violation of the PRA & other public records statutes
- Agency costs defending claims of violations of the PRA & other public records statutes
- Agency costs for managing & retaining records
- Expenses recovered from requestors for fulfilling records requests.
- Measurement of requestor satisfaction with agency responses, communication, & processes relating to public records requests

Public Records: Case Law Update – Fines & Times

- Penalty for improperly withholding public records can be calculated on a per page (per day) basis, plus all attorney fees – *Wade's Eastside Gun Shop v. Department of Labor and Industries*, 185 Wn.2d 270 (2016) – **this is not covered by insurance !!!!!**
- Lawsuit barred if not brought within one year of last submittal of public records; courts may still look at whether statute should be tolled based upon the conduct of the agency – *White v. City of Lakewood*, Wn.2d (2016); *Belenski v. Jefferson County*, Wn.2d (2016) (initial response was “no responsive records” employees later determined records did exist.)
- Emails in a council member’s personal email account are capable of being public records subject to disclosure requirements of the PRA, therefore a court can require a council member to produce to the city emails from a personal account which meet the definition of a public record. *West v. Vermillion, City of Puyallup*, 196 Wash. App. 627 (2016.)

Why Adopt a Public Records Policy by Ordinance?

- The new legislation has spurred the City to fine tune the PRA policy and provides an opportunity to make it more substantive.
- Adopting a public records policy by ordinance demonstrates the City of Kennewick's commitment to ensuring that citizens' rights to public records are upheld.
- An ordinance bears greater weight than a resolution when defending the City from disputes/claims of improper actions under the Public Records Act.

Let's Rise & Shine

The City is demonstrating a commitment to improving public records access.

- **August 2015: New Public Records Officer:** Under the direction of the City Clerk, the City hired a Public Records Officer. The Public Records Officer's role focuses on assisting customers and personnel navigate the public records request process in strict compliance with the letter and spirit of the Public Records Act.

Increased Training Outreach – Building a Culture of Compliance & Service:

- Public Records 101 seminars were rolled out with a focus on increasing employee understanding of how to adequately search for records and how to appropriately respond to public records requests and records retention.
- In autumn 2017 advanced seminars will be offered focusing on new legislation and more involved searches.

Let's Rise & Shine

September 2016: Public Records Portal Launched

- **GovQA online records portal.**
 - Deflection helps users find records without submitting a request
 - Keeps requests moving through the process and prevents missed deadlines
 - Saves time, money, and increases transparency for customers and taxpayers
 - Positive feedback from many customers
- **2017:** The City partners with GovQA to efficiently implement new data tracking to satisfy the requirements of HB 1594.

Let's Rise & Shine

September 2016: New Website Launched

- **Go2Kennewick.com** - A new website with frequently requested records instantly available:
 - Council Meeting Minutes
 - Council Meeting Agenda Items
 - Ordinances & Resolutions
 - Interlocal Agreements
 - Certificate of Occupancy
 - Site Plans
 - Accident Reports
- **Notify Me** - Citizens are provided automatic delivery of records/events they are interested in receiving through this popular subscription service.

Let's Rise & Shine

Investment in Records Infrastructure:

- **2014:** The City launched an email archive project which automatically retains records according to the state retention schedule and makes search results more efficient and effective.
- **2015:** The City went live with a new content management system (OnBase). All staff trained and work continues to change the records culture from individual file storage to a centralized repository with improved search & collaboration functionality.

Let's Cut the Red Tape



- Builders are currently using the Public Records Act to request copies of stamped jobsite plans.
- The records requested are not subject to the Act.
- There hasn't been another option in place and the PRA has been used a Band-Aid.

The Band-Aid has turned into red tape.

- The Clerk's Office has identified a solution and has worked with the Planning Department to develop an expedited stamped plan replacement process & fee.
- Provides builders with plans in 48 hours or less.
- Eliminates the five (or more days) typically experienced under PRA requests.
- Gets inspections finished, projects closing and owners moving into their home.
- The Planning Department will be finalizing this change and incorporating the process/fees into their procedures.
- The City Clerk's Office is committed to identifying ways to cut red tape for our customers whenever possible. Let's keep Kennewick moving!



Questions ?

Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	07/25/2017
Agenda Item Type	Presentation		
Subject	NPDES/Delegation of Authority		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Public Works		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Public Works staff will provide an update on the following two topics;

- 1) The Pending 2017-2022 National Pollutant Discharge Elimination System (NPDES) Permit for the Wastewater Treatment Plant (WWTP).
- 2) Department of Ecology (DOE) Delegation of Authority to the City of Kennewick to implement and manage an Industrial Pretreatment Program.

Through

Dept Head Approval

City Mgr Approval

Cary Roe
Jul 19, 15:00:50 GMT-0700 2017

Marie Mosley
Jul 20, 16:15:40 GMT-0700 2017

Attachments: Presentation

NPDES / DELEGATION OF AUTHORITY

City Council Workshop
July 25th, 2017



National Pollutant Discharge Elimination System (NPDES) Permit

- DOE Regulatory permit for WWTP
- Current permit: 2008 – 2013*
- Pending permit: 2017 – 2022
- Permit changes:
 - Water Quality Discharge Standards
 - Design capacity for WWTP
 - Industrial Pretreatment Program
- 10 consecutive WWTP “Excellence in Performance Awards”
- Next steps



DEPARTMENT OF ECOLOGY

Delegation Of Authority Industrial Pretreatment Program



Functions of the Pretreatment Program

- Protection of:
 - Publically Owned Treatment Works (POTW) / Wastewater Collection System and Treatment Plant
 - Receiving waters
 - POTW workers
 - General public
 - Bio-solids
- Establishes level playing field for all industrial dischargers



Full Delegation Guidelines

- Delegation of Authority from DOE to City
- Management of existing and future wastewater discharges
- Significant industrial users (SIU's)
- Minor industrial users (MIU's)
- Full delegation threshold - POTW's designed at 5 MGD or greater
- City of Kennewick POTW/WWTP 12.2 MGD
- Expansion of Fats, Oils, & Grease (FOG) Program



Regional Jurisdictions Currently Delegated

- City of Pasco
- City of Richland
- City of Walla Walla
- City of Yakima (in the formal delegation process)



Formal Delegation Process

- DOE compliance order to City of Kennewick
- City required to implement industrial pretreatment program under NPDES Permit
- Compliance transition period of 12 to 18 months
- City required to use DOE checklist
- City required to adopt model industrial pretreatment ordinance



Pretreatment Permit Responsibilities

- City of Kennewick to write, issue, and enforce all SIU and MIU permits
- Assign staff to manage industrial pretreatment program
- Manage all local industrial discharges for BOD, TSS, flow, and PH
- Coordinate with DOE during transition period to establish industrial pretreatment program
- DOE to provide technical assistance and support

Questions and Discussion



KENNEWICK
WASHINGTON



City Council Meeting Schedule August 2017

August 1, 2017
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

NATIONAL NIGHT OUT – Southridge Sports & Events
Complex, 2901 Southridge Blvd, 5:00 p.m.-7:30 p.m.

August 8, 2017
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Zoning Code Amendment
2. Express Permitting Update

August 15, 2017
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

August 22, 2017
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Ben Franklin Transit Annual Report
2. Parks & Recreation Events Update

August 29, 2017
Tuesday, 6:30 p.m.

NO MEETING

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August 2017
Updated 7/18/17