



City Council Meeting Schedule January 2018

January 2, 2018

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

January 9, 2018

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Open Public Meetings/Public Records
2. Parliamentary Procedures
3. Boards & Commission Appointments
4. Legislative Priorities

January 16, 2018

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

January 23, 2018

Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Hanford Communities Update
2. Transportation System Plan Update

January 30, 2018

Tuesday, 6:30 p.m.

NO MEETING

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

January 2018
Updated 1/4/18

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	01/09/2018
Agenda Item Type	Presentation		
Subject	Public Meetings Act/Records Act/Code of Conduct		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

The purpose of this Council Workshop item is to highlight the laws and policies which govern Council Member interactions. This presentation will cover the Open Public Meetings Act (OPMA), the Public Records Act (PRA) and the Council Code of Conduct. Every member of the governing body of a public agency must complete training on the OPMA and PRA no later than 90 days after the member takes the oath of office. Additionally, every member of the governing body must complete training at intervals of no more than four years, as long as the individual is a member of the governing body of a public agency. In the interest of time, this presentation will highlight certain issues related to the OPMA and PRA. The training contemplated by the statute can be accessed separately through the State Attorney General's Office website. Lastly, this presentation will cover the Council Code of Conduct. The Code of Conduct was adopted by Council in 2015 at the request of WCIA, our insurance risk pool.

Through

Bonnie Lanning
Jan 03, 13:40:49 GMT-0800 2018

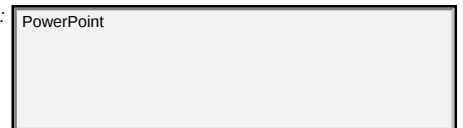
Dept Head Approval

Lisa Beaton
Jan 03, 14:50:25 GMT-0800 2018

City Mgr Approval

Marie Mosley
Jan 05, 11:17:22 GMT-0800 2018

Attachments: PowerPoint



City Council

Open Public Meetings Act
Public Records Act
Council Code of Conduct



Open Public Meetings Act – RCW 42.30

- } RCW 42.30.030 requires that all meetings of governing bodies of public agencies be open to the public.
 - } A meeting occurs when a quorum of City Council gathers with the collective intent of transacting the governing body's business.
 - } “Meeting” means meetings at which action is taken.
- 

Open Public Meetings Act

- } “Action” means the transaction of the official business of the public agency by a governing body, including, but not limited to, receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations and final actions.
 - } “Action” is interpreted broadly and includes simply discussing some matter having to do with agency business.
 - } Meetings do not have to be in person to be subject to the OPMA.
- 

Open Public Meetings Act

- } Electronic communications between members of an agency's governing body can implicate the OPMA.
- } If a majority of the members of the governing body takes "action" on behalf of the agency through an email exchange or text messaging, that would constitute a meeting under the OPMA.
- } Participants in the email or text exchange don't have to be participating in that exchange at the same time, as a serial, or rolling meeting can occur in violation of the OPMA. A serial or rolling meeting occurs when members contact each other to form a majority decision.
- } *Wood v. Battle Ground School District*, 107 Wash.App. 550 (2001).
- } *Citizens Alliance v. San Juan County*, 184 Wash.2d 428 (2015).

Open Public Meetings Act

} Penalties:

- Actions null and void RCW 42.30.060(1).
- Personal liability – potential personal liability of \$500 for knowing violation, and \$1,000 for any subsequent violation RCW 42.30.120.
- Agency liability – person who prevails against the public agency in court for violation of OPMA will be awarded costs including attorney fees.

} Recommendations:

- Passive receipt of information is permissible, but discussion of issues can constitute a meeting; avoid “reply all.”
 - If you want to provide information or documents to majority of Council, at a minimum, have the subject line or intro note “for information purposes.”
 - Best practice would be to have a designated City staff member email or provide hard copies to Council.
- 

Public Records Act – RCW 42.56

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.



Public Records Act

What is a personal 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.
 - Text Messaging.
 - Messaging apps (Snapchat, Facebook, etc.).

Personal 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!
- } **Remember, a public record is a public record no matter where it is stored.**

Public Records Act

- } Inadvertent mistakes can result in serious consequences for the City.
 - } If a PRA requestor wins in court, an agency will be subject to daily penalties ranging from \$0-\$100 per day and per page, and the court will award attorney fees and costs to the requester. This liability exposure is not covered by insurance.
- 

Public Records Act

- } **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.
- } **Go2Kennewick.com** - A new website with frequently requested records instantly available.
- } **Notify Me** - Citizens are provided automatic delivery of records/events they are interested in receiving through this popular subscription service.
- } **Where this breaks down** is if there is off-network storage of a public record.

Council Code of Conduct

- } **7-42-010: Certain Privileges or Exemptions Prohibited:** No City Council Member shall: Use his position to secure special privileges or exemptions for himself, his spouse, child, parents, other persons or employers; Accept anything of value that may tend to influence him in the discharge of his duties. (Res. 15-19)
- } **7-42-020: Incompatible Employment or Activity Prohibited:** No City Council Member shall engage in or accept private employment or render services for private individuals or entities or engage in any business or professional activity when the employment, service or activity is incompatible with the proper discharge of his official duties, or when it would require or induce him to disclose confidential information acquired by him by reason of his official position. (Res. 15-19)



Council Code of Conduct

- } **7-42-030: Confidential Information Disclosure Prohibited:** No City Council Member shall, except as required in the performance of his duties, or in the course of any conduct reasonably believed to be in the performance of his duties, disclose confidential information gained by reason of his official position, nor shall he otherwise use the information for his personal interest. Nothing shall prohibit disclosure of information which is a matter of public knowledge, or which is available to the public on request. Information obtained during Executive Sessions is deemed confidential. (Res. 15-19)

 - } **7-42-040: Financial and Personal Interest in Legislation Prohibited:** No City Council Member shall benefit, either directly or indirectly, from any legislation or have a financial interest in any legislation coming before the City Council, or participate in discussion with or give an opinion on such legislation, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council prior to consideration of the legislation by the City Council. (Res. 15-19)
- 

Council Code of Conduct

- } **7-42-050: Gifts and Favors Prohibited:** City Council Members may not, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity for a matter connected with or related to the Council Member's performance of official duties for the City. (Res. 15-19)

Questions ?



Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	01/09/2018
Agenda Item Type	Presentation		
Subject	Parliamentary Procedures		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Management Services		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

The City Clerk will give a short presentation regarding parliamentary procedures.

Through

Terri Wright
Jan 05, 13:55:44 GMT-0800 2018

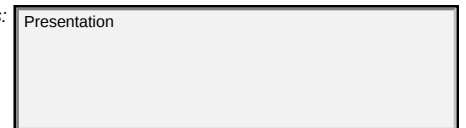
Dept Head Approval

Christina Palmer
Jan 05, 16:28:27 GMT-0800 2018

City Mgr Approval

Marie Mosley
Jan 05, 18:31:16 GMT-0800 2018

Attachments: Presentation



City Council Workshop

January 9, 2018

Parliamentary Procedures



Parliamentary Procedures

- Parliamentary Procedure is important because it allows everyone to be heard and to make decisions without confusion.
- Parliamentary Procedure Means:



Parliamentary Procedures

A FIXED AGENDA,

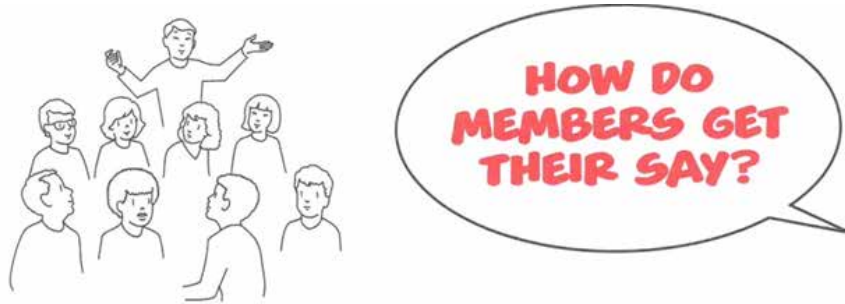
or order of business, is generally followed by organizations using parliamentary procedure. Here's our order of business per KMC 2.04.120.

The business of all regular meetings of the Council shall be transacted in the following order, unless the Council, by a majority vote of the members present, suspends the rules and changes the order:

- (1) Call to order - Roll call;
- (2) Approval of agenda; *If a councilmember wants an item removed from the consent agenda, please be recognized by the Mayor and state the item number(s) you want moved to the regular agenda for further discussion. The item will be put under "New Business."*
NO MOTION IS NEEDED
- (3) Consent agenda;
- (4) Visitors;
- (5) Ordinances and resolutions;
- (6) Public hearings/Meetings;
- (7) Unfinished business;
- (8) New business;
- (9) Council Comments/Discussion;
- (10) Adjournment.



Parliamentary Procedures



They make motions. A motion is a proposal that the council take a stand or take action on some issue.

PRESENT MOTIONS (make a proposal)



SECOND MOTIONS (express support for discussion of another member's motion)



DEBATE MOTIONS (give opinions on the motion)



VOTE ON MOTIONS (make a decision).



Parliamentary Procedures

**HOW DO I
PRESENT MY
MOTION?**

Here's what happens
when you want a
motion considered:



A Council member must first be recognized by the Mayor

1 YOU OBTAIN THE FLOOR

- Wait until the previous speaker is finished.
- Rise and address the chair. Say, "Mr. (or Madam) Chairperson" or "Mr. (or Madam) President."
- Give your name. The chair will recognize you by repeating it.



2 YOU MAKE YOUR MOTION

- Speak clearly and concisely.
- State your motion affirmatively. Say, "I move that we do..." instead of "I move that we do not..."
- Stay on the subject and avoid personal attacks.



Parliamentary Procedures

③ YOU WAIT FOR A SECOND

- Another member will say, "I second the motion."
- Or, the chair will call for a second.
- If there is no second, your motion will not be considered.

Motions made at the direction of a board or committee (of more than one person) do not require a second.



④ THE CHAIR STATES YOUR MOTION

- The chair must say, "It is moved and seconded that we..."
- After this happens, debate or voting can occur.
- Your motion is now "assembly property," and you can't change it without consent of the members.



⑤ YOU EXPAND ON YOUR MOTION

- As the person who made the motion, you are allowed to speak first.
- Direct all comments to the chair.
- Keep to the time limit for speaking.
- You may speak again after all other speakers are finished.

⑥ THE CHAIR PUTS THE QUESTION

- The chair asks either "Are you ready for the question?" or "Is there any further debate?"
- If there is no more debate, or if a motion to stop debate is adopted, a vote is taken.
- The chair announces the results.

Parliamentary Procedures

PARLIAMENTARY PROCEDURE HELPS GET THINGS DONE

- ✓ **MAKE MOTIONS**
that are in order.
- ✓ **OBTAIN THE FLOOR**
properly.
- ✓ **SPEAK**
clearly and concisely.
- ✓ **OBEY**
the rules of debate.

And, most of all,
be courteous.



Public Comment Period & Visitors

The purpose of the public comment period at public meetings is for the public to inform the council about their views on matters before the council. It is not intended for debate and discussion with the public. When back-and-forth exchanges occur, it can become a challenge to describe the council's position correctly and accurately, and substantial confusion may result.

Each person addressing the Council shall step up to the microphone, will give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to three minutes.

All remarks shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council, unless recognized by the presiding officer. No questions shall be asked the Council members, except through the presiding officer.

Any person making personal, impertinent or slanderous remarks, or who shall become boisterous, while addressing the Council may be requested to leave the meeting and may be forthwith, by the presiding officer, barred from further audience before the Council during that Council meeting.

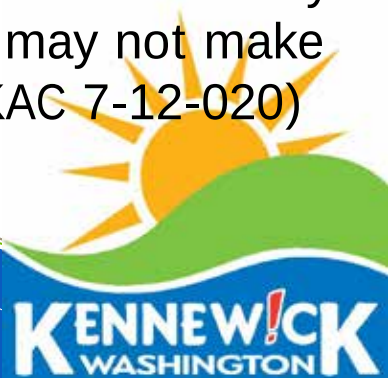


City Council General Information

Quorum - Four Council members shall be in attendance to constitute a quorum and be necessary for the transaction of business. (If you are not able to attend a meeting you need to notify the City Manager Marie Mosely. (If you are unable to contact her you can notify Jackie Aman, City Manager's Executive Assistant, or Terri Wright, City Clerk.

Regular Council Meetings - The Council shall meet on the first and third Tuesdays of each month at 6:30 p.m. When a Council meeting falls on a holiday, the regular meeting shall be held on the following Wednesday at the same hour unless otherwise provided by motion. The City Council may cancel or reschedule regular meetings at a different date or time by a motion. The place of the meeting shall be the Council Chambers in the City Hall, and all regular and special meetings shall be public. (Partial – KAC 7-12-010)

Special Meetings - Special meetings may be called by the Mayor or any four members of the Council. The City Clerk shall prepare a notice of the special meeting, stating the time, place, and object, and personally serve notice upon each of the City Council at least 24 hours before the time of meeting. The City Council may not make final disposition of any matter not mentioned in the notice. (Partial – KAC 7-12-020)



City Council General Information

Workshop Meetings -The Council may meet informally in workshop sessions (open to the public), at the call of the Mayor to allow Council members and Staff to do concentrated strategic planning, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Manager, provided that all discussions and conclusions thereon shall be informal. Council shall make no disposition of any item at a workshop meeting. Workshop meetings shall normally be held on the second and fourth Tuesdays of the month beginning at 6:30 p.m. (Partial – KAC 7-12-040)

Executive Sessions - Executive sessions or closed meetings may be held in accordance with the provisions of the Washington State Open Meetings Act, RCW 42.30.110(1)(a)-(k). (KMC 2.04.045) (Complete KAC 7-12-050)

Executive Session – Procedure - The Mayor will publicly announce the executive session by stating the purpose of the executive session and the time when the executive session will end. If the executive session is not over at the stated time, it may be extended only if the Mayor announces to the public at the meeting place that it will be extended to a stated time. (Complete KAC 7-12-060)



City Council General Information

Ordinance Majority Vote Required - An affirmative vote of at least a majority of the members of the Council shall be necessary to pass an ordinance, but a resolution, motion, or any other proposition may be adopted by a majority voting on the issue. When any votes called, each Council Member shall respond “yes (aye),” “no,” or “abstain.” Any Council Member who responds “abstain” shall state their reason for abstention, being limited to a possible conflict of interest, and the abstention shall be accepted or reflected by the Council. (KAC 7-24-090)

Ordinances - When Effective - No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute. (Partial KAC 7-24-130)



Questions?



Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	01/09/2018
Agenda Item Type	Reports/Plans		
Subject	Council Assignments		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	☒
Policy Review	☐
Policy DevMnt	☐
Other	☐

Summary

Each year the Mayor determines Council assignments to boards, commissions and committees. This item is on the agenda to provide an update and time line for Council assignments in 2018.

Through

Dept Head Approval

City Mgr Approval

Attachments:

Marie Mosley
Jan 05, 14:29:36 GMT-0800 2018

Council Workshop Coversheet



Agenda Item Number	4.	Meeting Date	01/09/2018
Agenda Item Type	Reports/Plans		
Subject	Legislative Priorities and Strategy		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	☐
Policy Review	☒
Policy DevMnt	☐
Other	☐

Summary

During our workshop on June 27th of last year, we established our legislative priorities for the 2018 session. We also discussed a strategy on how to move these legislative priorities forward. During the workshop on January 9th, we will be reviewing the strategy for the 2018 legislative session and how to best coordinate our efforts and resources to support Council legislative priorities. Attached to this packet are the legislative priorities presentation as well as the pamphlet we prepared on the Building Business Ecosystems Act.

Through

Dept Head Approval

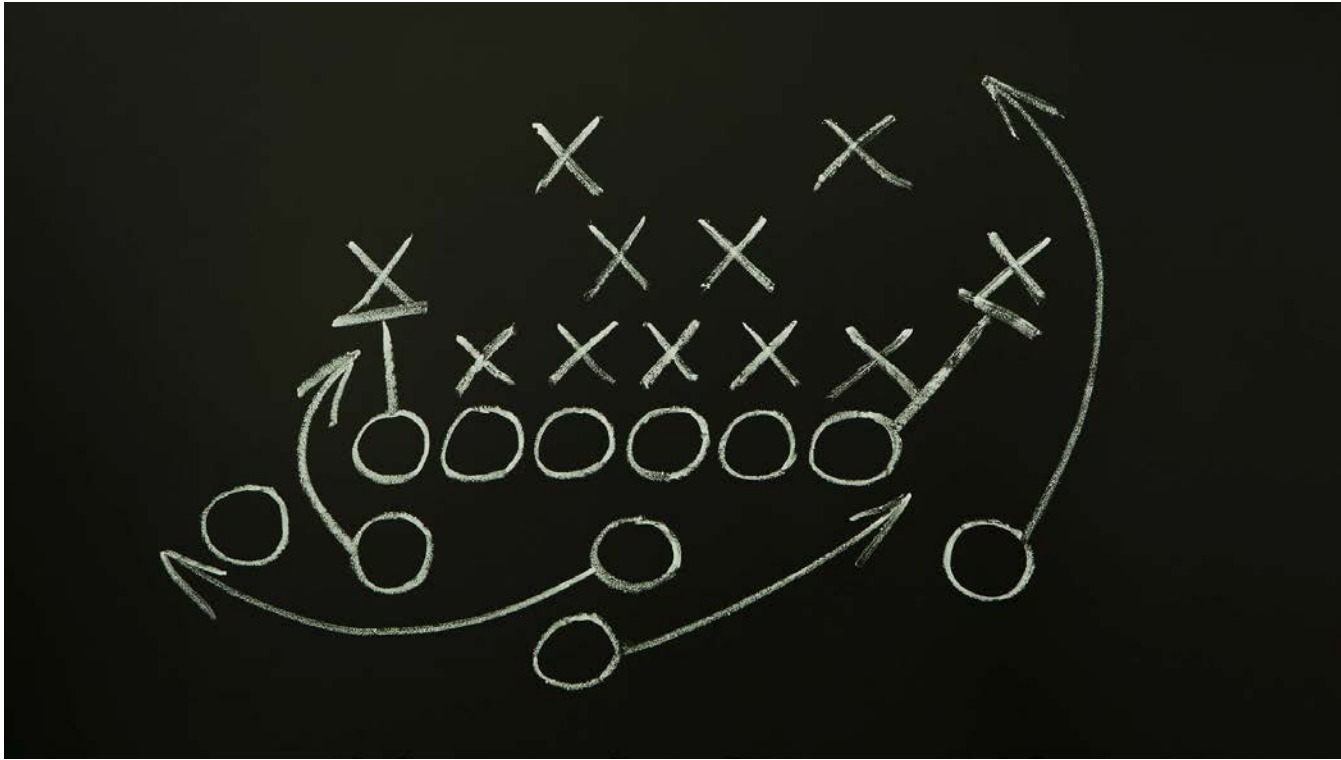
City Mgr Approval

Attachments:

Presentation
Pamphlet

Marie Mosley

Jan 05, 11:11:01 GMT-0800 2018

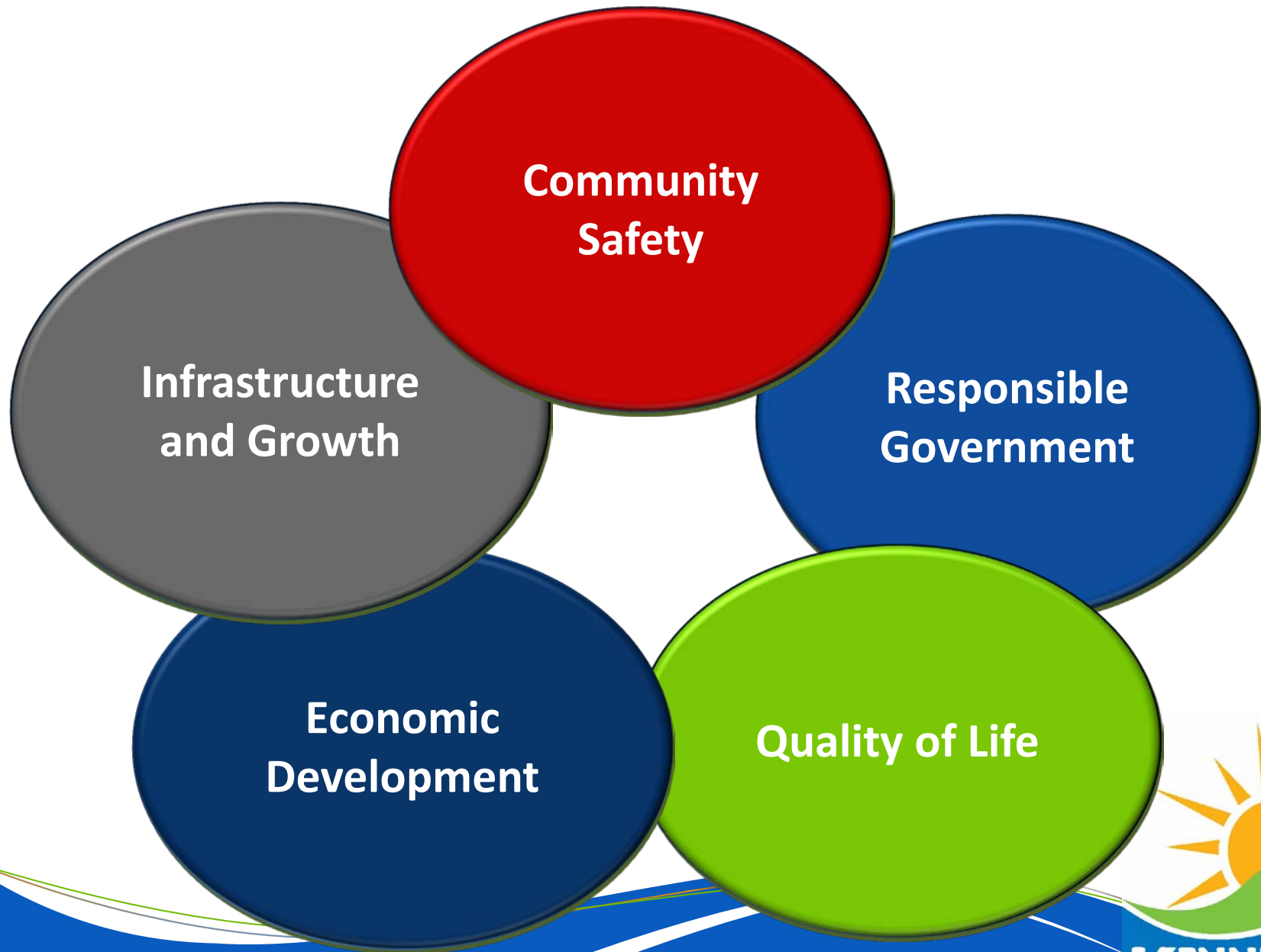


Legislative Priorities

June 27, 2017



Council Priorities



Community Safety

Continue to Ensure the Safety of our Community by Maintaining Current Service Levels & Partnerships

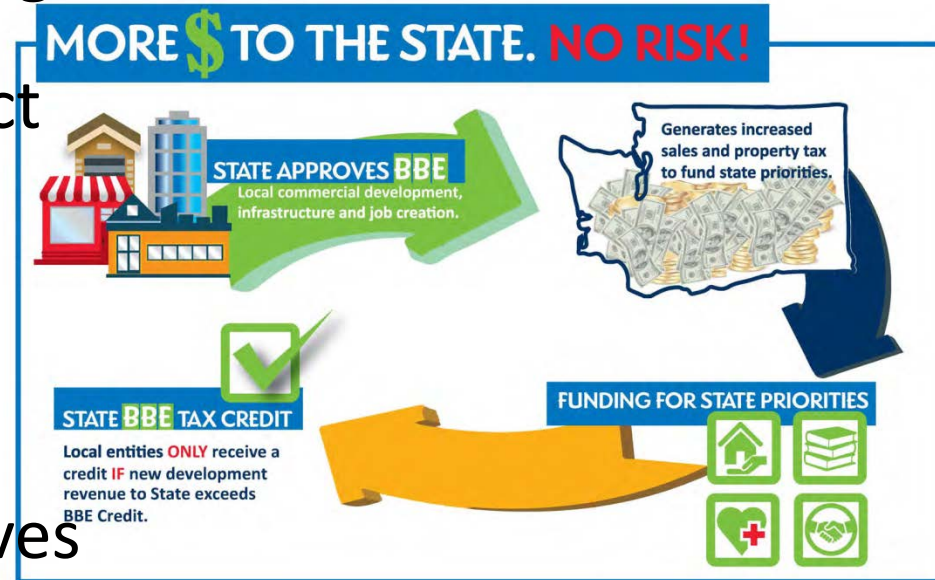
- Marijuana Legislation
- Fire District Ambulance Utility
- WASPC & State Fire Chiefs Legislative Agendas



Economic Development

Support Existing Businesses and the Creation of Sustainable Family Wage Jobs

- Building Business Ecosystems Act
- Main Street Program
- Culinary School Funding
- Growth Management Act
- Economic Development Incentives



BUILDING BUSINESS ECOSYSTEMS ACT

SMART: Proven and flexible tool to support local growth and increase state revenue.

STEM: Creates infrastructure for collaborative business development, opportunities and jobs.

SUSTAINABLE: The State receives new property and sales tax revenue that is equal to or exceeds its contribution.



Infrastructure & Growth

Maintain Existing Infrastructure and Build New Infrastructure to Support Economic Development & Expansion

- Infrastructure Financing Opportunities
- GMA Buildable Lands
- Public Works Trust Fund
- Transportation Projects
- 5G



Quality of Life

Maintain Parks, Provide for Diverse Recreation Programs and a Well Planned Community

- Grant & Loan Funding Opportunities
- Homelessness & Human Services



KENNEWICK
WASHINGTON

Responsible Government

***Provide Exceptional Public Service, Transparency
and a Sustainable Future***

- Preserve Existing State Shared Revenues
- Strengthen Public Records Act
- Revenue Flexibility & Fiscal Sustainability
- Unfunded/Underfunded Mandates
- Partnerships with TCLC, AWC, Professional Organizations & Community Partners



Strategies

- Prepared Talking Points & Handouts
- Proactive Outreach
- Reactive Readiness
- Coordination of Efforts & Resources

ACTION PLAN			
WHO	WHAT	WHEN	HOW

Questions?



SUCCESS STORY

Nearly 500% return on investment

The Tri-Cities used a similar tool that generated **\$17.4 million** in new State revenue and created **over 300 new jobs** from a \$3 million investment!



2006



2011



2016

BUILDING BUSINESS ECOSYSTEMS ACT

Contact information:

MCBRIDE PUBLIC AFFAIRS

360.481.1824

tom@mcbridepa.com

or ben@mcbridepa.com

CITY OF KENNEWICK

Marie Mosley, City Manager

509.585.4238

marie.mosley@ci.kennewick.wa.us

BUILDING BUSINESS ECOSYSTEMS ACT

A WIN-WIN OPPORTUNITY



More Money for State Priorities!



MORE \$ TO THE STATE. NO RISK!



STATE APPROVES BBE

Local commercial development, infrastructure and job creation.



Generates increased sales and property tax to fund state priorities.



STATE BBE TAX CREDIT

Local entities **ONLY** receive a credit **IF** new development revenue to State exceeds BBE Credit.

FUNDING FOR STATE PRIORITIES



BUILDING BUSINESS ECOSYSTEMS ACT

SMART: Proven and flexible tool to support local growth and increase state revenue.

STEM: Creates infrastructure for collaborative business development, opportunities and jobs.

SUSTAINABLE: The State receives new property and sales tax revenue that is equal to or exceeds its contribution.



City Council Meeting Schedule February 2018

February 6, 2018
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

February 13, 2018
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. Boys & Girls Club

February 20, 2018
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

February 27, 2018
Tuesday, 6:30 p.m. WORKSHOP MEETING
1.

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

February 2018
Updated 12/5/17