



INFORMATIONAL MEMORANDUM

TO: Finance and Governance Committee
FROM: Laurel Humphrey, Legislative Analyst
DATE: February 16, 2021
SUBJECT: Resolution amending Public Safety Bond Financial Oversight Committee Charter

ISSUE

The proposed resolution would adopt an amended Charter for the Public Safety Bond Financial Oversight Committee (“Committee”) as recommended by the Committee.

DISCUSSION

Ordinance 2509, passed on August 1, 2016, placed the Public Safety Bond Measure on the November 2016 ballot and provided for the appointment of a Financial Oversight Committee. The ordinance also gave Council the authority to “prescribe by ordinance or resolution such other rules relating to the appointment process and the operation of the Financial Oversight Committee as shall be necessary or appropriate. Resolution 1892, passed on October 3, 2016, adopted a formal Charter that outlined a framework for the Financial Oversight Committee in greater detail.

The Committee commenced its first meeting in June 2017 and has been fulfilling its obligations to the community and Council. At its 2020 meetings, the Committee discussed the fact that its work was expected to slow as the projects neared completion and the bond expenditures would come to a halt. At its annual Charter review, the Committee agreed upon an amendment to clarify that the duration of the Committee will be “until the entirety of Public Safety Bond proceeds have been spent”, and the Committee Chair delivered this recommendation to the City Council in the December 2020 report.

The draft resolution includes this suggested amendment as well as changes the language around the 2016 ballot measure from future to past tense, as the original Charter was adopted prior to the November 2016 election.

The Committee is expected to meet in the 1st Quarter of 2021 to review expenditures to date, and again in the 2nd Quarter of 2021 to review expenditures and discuss the timeline of when the final expenditures will be complete.

RECOMMENDATION

Staff is seeking a recommendation from the Finance & Governance Committee to be forwarded to the March 1, 2021 Regular Consent Agenda

ATTACHMENTS

- Draft resolution and amended Charter
- December 2020 Report of the Public Safety Bond Financial Oversight Committee

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING RESOLUTION NO. 1892, TO ADOPT AN AMENDED CHARTER FOR THE PUBLIC SAFETY BOND FINANCIAL OVERSIGHT COMMITTEE.

WHEREAS, at the November 8, 2016 General Election, qualified voters of Tukwila approved Proposition No. 1, providing for the issuance of general obligation bonds for the City of Tukwila Public Safety Plan and establishing a Public Safety Bond Financial Oversight Committee (“Committee”); and

WHEREAS, Resolution No. 1892 adopted a Charter for the Committee, including a provision to review the Charter annually and recommend any necessary amendments to the City Council; and

WHEREAS, in December 2020, the Committee delivered a report to the City Council, including a recommended Charter amendment that would clarify the Committee’s duration to be in existence until the bond proceeds have been spent; and

WHEREAS, the City Council finds that this clarification is appropriate;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Attachment A to Resolution No. 1892 (entitled “Charter of the Public Safety Bond Financial Oversight Committee”) is hereby amended and incorporated by this reference as if fully set forth herein, and the amended version is attached to this resolution as Attachment A, “Amended Charter of the Public Safety Bond Financial Oversight Committee”.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2021.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Kate Kruller, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Resolution Number: _____

Office of the City Attorney

Attachment A: Amended Charter of the Public Safety Bond Financial Oversight Committee



AMENDED CHARTER
of the City of Tukwila
Public Safety Bond
Financial Oversight Committee

Adopted by Resolution No. _____



AMENDED CHARTER of the City of Tukwila Public Safety Bond Financial Oversight Committee

1. Background – Public Safety Bond

On November 8, 2016, voters of Tukwila ~~will be asked to approve~~approved the issuance of general obligation bonds not to exceed \$77,385,000 to pay for:

- Replacement of three seismically-deficient fire stations (Stations 51, 52 and 54)
- Guaranteed funding for fire equipment and apparatus for the life of the 20-year bond
- Construction of a Justice Center to house the Tukwila Police Department and Municipal Court.

2. Charter Purpose

Pursuant to Ordinance No. 2509 the City Council ~~will appoint~~appointed a Public Safety Bond Financial Oversight Committee, ~~within six months if the ballot proposition is approved by the qualified voters of Tukwila at the November 8, 2016 election.~~ The purpose of this Charter is to serve as the framework for the Financial Oversight Committee (“Committee”). The City Council may amend this Charter as necessary or appropriate.

3. Committee Purpose

As the City’s legislative body, oversight and control of the City’s finances is the responsibility of the City Council, all seven of whom are held accountable by Tukwila voters. The purpose of this Committee is not to supersede the fiduciary authority of the Council, but to independently represent taxpayers concerning the City’s expenditure of revenues received from the sale of general obligation bonds. The Committee shall review the allocation of bond proceeds and progress on achieving the purposes of the Public Safety Bond, and shall report at least semi-annually to the City Council and the public on the same. The Committee will help ensure that the community remains informed about new public safety construction projects. The Committee will not be engaged in facility design or construction oversight.

4. Committee Responsibilities

- Review periodic reports provided by the City regarding status of construction projects, bond expenditures, project schedules, and timelines of bond projects.
- Verify effective and efficient use of bond proceeds and compliance with the purposes of the Public Safety Bond.
- Review efforts by the City to maximize bond revenues by balancing best value, quality, and efficiency in meeting the City’s goals and priorities.
- Review copies of all other bond reports provided by the City or requested by the Committee.

(continued...)



AMENDED CHARTER of the City of Tukwila Public Safety Bond Financial Oversight Committee

4. Committee Responsibilities (cont.)

- Review copies of any performance or financial audits of the City's bond programs to ensure that appropriate action is being taken to remediate any identified deficiencies.
- Prepare and communicate findings and recommendations for improvement via a periodic (at least semi-annually) independent report to the City Council and the public.
- Review this Charter annually and recommend revisions to the City Council.
- Approve Committee meeting minutes.
- Approve reports and other Committee communications.

5. Committee Structure and Membership

The Committee shall include 5 members comprising 2 residents, 2 members from the business community, and 1 at-large member. The City Council will appoint all members of the Committee.

Members shall serve for terms of two years without compensation, although in order to have staggered terms, 1 resident and 1 business representative will initially be appointed for three years and thereafter all terms of appointment will be for two years. Members may be reappointed for additional terms.

No employee or official of the City of Tukwila shall be appointed to the Committee. No vendor, contractor, or consultant of the City of Tukwila who is in any way involved in the public safety construction projects shall be appointed to the Committee.

The Committee shall continue in existence ~~for the economic life of the Public Safety Bond~~until the entirety of Public Safety Bond proceeds have been spent.

6. Appointment Process

The City will advertise broadly the opportunity to serve on the Committee. Interested individuals may apply by completing the City's Boards and Commissions application form available on the City website. Applications will be reviewed by a standing Committee of the City Council which will make a recommendation to the Committee of the Whole. Volunteers for City Boards, Commissions, and Committees are subject to a background check.



AMENDED CHARTER of the City of Tukwila Public Safety Bond Financial Oversight Committee

7. Bylaws

The Committee shall adopt bylaws regarding its internal organization, including the following:

- A provision for electing a Chair and a Vice-Chair, as well as any other officers deemed necessary by the Committee.
- All meetings will be open to the general public.
- A majority of active members shall constitute a quorum.
- Reports and/or recommendations to the City Council must be approved by a majority of active members of the Committee.
- Written minutes of all meetings of the Committee shall be composed.

8. Meetings

The Committee shall determine its meeting schedule according to the flow of information to evaluate, no fewer than two times per year. Members are expected to reliably attend and participate in meetings. If a member fails to attend two or more meetings without cause, the Committee shall define the member as inactive and inform the Council of its action.

9. City Support

The City will provide the Committee with reasonable technical and administrative assistance, including:

- Provision of timely reports that will describe proposed projects, costs, contingency, and schedule.
- Provision of other documents such as financial statements, investment reports, contracts, budget amendments, bid awards, or other reports requested by the Committee.
- Provision of a meeting room.
- Provision of space on the City website and Digital Records Center for public access to agendas, minutes, reports, and any other relevant information.
- Preparation and distribution of meeting agendas and minutes.



AMENDED CHARTER of the City of Tukwila Public Safety Bond Financial Oversight Committee

10. Ethics Policy

Committee members shall be bound by Tukwila Municipal Code Chapter 2.95, Code of Ethics for Employees and Appointed Officials.

The Committee serves the general interest of the public and not any personal or special interest.

Committee members are required to sign a conflict of interest statement and to disclose any potential conflicts that may arise in the course of their service.

11. Member Termination

The City Council retains the right to remove a Committee member for specific reasons such as, but not limited to:

- The member has been declared inactive due to missing two or more meetings without cause.
- The member has been found to violate a provision of the Code of Ethics (TMC Chapter 2.95).

If a member is removed from the Committee, the community will be notified of the vacancy and the City Council will appoint another qualified person to the Committee per the process outlined in Section 6 of this Charter.



CITY OF TUKWILA PUBLIC SAFETY BOND FINANCIAL OVERSIGHT COMMITTEE

Report to the City Council December 2020

On behalf of my fellow members, I am pleased to present you with the final 2020 Report of the Public Safety Bond Financial Oversight Committee. Per the Charter adopted in Resolution 1892, our role is to review the allocation of bond proceeds and progress on achieving the purposes of the Public Safety Bond and to report to the City Council semi-annually.

The Committee met on November 10, 2020. Pursuant to Ordinance 2509 and Resolution 1892, during this meeting the Committee reviewed status and expenditure reports relating to the Public Safety Bond as approved by Tukwila voters at the November 8, 2016 General Election. City staff also provided an overview of the Public Safety Plan overall budget, schedule and status.

The Oversight Committee has to date reviewed bond expenditures through October 31, 2020 and finds that these expenditures are in compliance with the purposes of the Public Safety Bond.

The Oversight Committee completed the annual review of its Charter and have the following recommended changes to present to the City Council.

The Committee recommends that the City Council amend the last sentence in Section 5 of the Public Safety Bond Financial Oversight Committee Charter as follows:

The Committee shall continue in existence until the entirety of Public Safety Bond proceeds have been spent. for the economic life of the Public Safety Bond.

Draft minutes of the meeting are attached to this report.

The Committee appreciates this opportunity and we look forward to our continued relationship with the City Council.

Andy Reiswig, Chair

Jovita McConnell, Vice-Chair

Sean Goode

Jessica Jerwa

Randy Coplen

Attachments:

Draft November 10, 2020 Committee Minutes



Public Safety Bond Financial Oversight Committee

November 10, 2020

Virtual Meeting due to COVID-19 Emergency

4:00 p.m.

MINUTES

I. Call to Order

II. Roll Call

Committee members: Andy Reiswig, Chair; Jovita McConnell, Vice-Chair; Sean Goode, Jessica Jerwa, Randy Coplen

Staff: David Cline, Laurel Humphrey, Vicky Carlsen, Aaron Williams, Tony Cullerton

Guest: Steve Goldblatt, Public Safety Plan Program Management Quality Assurance Consultant

III. Approval of Agenda

The agenda was approved by unanimous consent.

IV. Approval of Minutes

The August 11, 2020 meeting minutes were approved by unanimous consent.

V. New Business

a. Public Safety Plan Project Update

Staff presented an overview of the Public Safety Plan status and projects. The Justice Center and Station 51 are completed and Station 52 will open in early 2021. All projects are within approved budget. Mr. Goldblatt provided remarks from his perspective.

b. Public Safety Plan Financial Overview

The Committee reviewed the original and revised revenue and expenditure budgets for the Public Safety Plan. The total for actual and projected revenues is \$147,948,100. The total budgeted expenditures is \$122,627,140 and actual expenditures through October 31, 2020 are \$101,201,589.

c. Expenditure Report

The Committee reviewed a list of expenditures through October 31, 2020.

d. Committee Charter

The Committee completed its annual Charter review. Staff proposed an amendment the last sentence of Section 5, "Committee Structure and Membership," as follows:

The Committee shall continue in existence until the entirety of Public Safety Bond proceeds have been spent. ~~for the economic life of the Public Safety Bond.~~

Mr. Coplen moved to amend Section 5 of the Charter as proposed, and Mr. Goode Seconded. The motion passed unanimously.

e. *Report to Council*

The Committee reviewed a draft Report to Council and agreed that expenditures met the purposes outlined in the bond measure and that the report should reflect the Charter amendment above. Mr. Reiswig will work with staff to present the report to the City Council before the end of the year.

VI. Miscellaneous

The Committee will plan to meet in February of 2021. Finance staff will be prepared to discuss the schedule of remaining bond expenditures.

VII. Adjournment

The meeting was adjourned at 4:39 by unanimous consent.

Minutes by LH