



City of Tukwila  
**Finance and Governance  
 Committee**

- ◆ Zak Idan, Chair
- ◆ Kathy Hougardy
- ◆ Cynthia Delostrinos Johnson

<u>Distribution:</u>	
Z. Idan	Mayor Ekberg
K. Hougardy	D. Cline
C. Delostrinos Johnson	R. Bianchi
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V. Seal	A. Youn
D. Quinn	L. Humphrey
T. McLeod	

# AGENDA

**MONDAY, JULY 12, 2021 – 5:30 PM**

~~HAZELNUT CONFERENCE ROOM~~  
 (At east entrance of City Hall)

**THIS MEETING WILL NOT BE CONDUCTED AT CITY FACILITIES  
 BASED ON THE GOVERNOR'S PROCLAMATION 20-28.**

**THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS  
 MEETING IS: 1-253-292-9750, Access Code 458647898#**

**Click here to: [Join Microsoft Teams Meeting](#)**  
**For Technical Support during the meeting call: 1-206-433-7155.**

Item	Recommended Action	
<b>1. BUSINESS AGENDA</b>		
a. Early Learning Facilities: Impact fee waivers. <i>Brandon Miles, Business Relations Manager</i>	a. Forward to 7/26 C.O.W. Meeting.	<b>Pg.1</b>
b. City Council onboarding. <i>Laurel Humphrey, Legislative Analyst</i>	b. Discussion only.	<b>Pg.11</b>
c. Review of 2021 Committee Work Plan. <i>Laurel Humphrey, Legislative Analyst</i>	c. Discussion only.	<b>Pg.17</b>
<b>2. MISCELLANEOUS</b>		

**Next Scheduled Meeting:** July 26, 2021



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## **INFORMATIONAL MEMORANDUM**

**TO:** Finance and Governance Committee

**FROM:** Brandon Miles, Business Relations Manager

**CC:** Mayor Ekberg

**DATE:** July 6, 2021

**SUBJECT:** Impact Fees for Early Learning Facilities (Substitute House Bill 1331)

### **ISSUE**

Should the City reduce the impact fees required to be paid for “Early Learning Facilities” as permitted by Substitute House Bill (SHB) 1331?

### **BACKGROUND**

The State legislature recently enacted SHB 1331 which seeks to increase the number of early learning facilities by authorizing local governments to exempt such facilities from development impact fees and thus reducing the cost to develop such facilities.

#### **Impact Fees and Early Learning Facilities**

The City of Tukwila collects Transportation, Parks, and Fire<sup>1</sup> impact fee from certain eligible development projects within the city. Development impact fees are envisioned as a way that “growth pays for growth.” As a city grows and more people and businesses choose to call it home, more city facilities and capital are needed to support this growth. More fire engines are needed, more parks, and road improvements need to be made. Through impact fees, new development pays for its proportional share of these new facilities and capital. A new development can include new construction on vacant land or can also be a change of use in an existing building. The impact fees are required to be collected at the time of issuance of the building permit for the new development. If a city imposes impact fees, current state law only allows an exemption for low-income housing and other development activities with broad public purposes. In most cases, if a project is exempt from impact fees the City is required to make up the difference with public funds other than impact fees, such as the City’s General Fund.

The impact fees for Park and Fire are determined by classifying a use into one of several use categories and then applying a multiplier to the total square footage or number of units. Traffic impact fees are calculated based on the number of PM Peak<sup>2</sup> trips for the use as cited in the Institute for Traffic Engineers (ITE) manual multiplied by a cost per trip. The city uses nearly four dozen use categories for traffic impact fees. The impact fees for a particular development may be reduced by the City based on analysis of studies and other evidence provided by the developer for that particular development showing lower demands on the City’s parks, fire, and transportation infrastructure.

The traffic impact fees charged for an early learning facility (ELF) can be considerable relative to the physical size of the business. This is due to the fact that, based on the ITE manual, an ELF

<sup>1</sup> While permitted by State law, the City does not collect School Impact fees.

<sup>2</sup> The PM Peak is defined as the period between 4:00 P.M. and 6:00 P.M.

has a considerable number of PM peak trips. This is consistent with the overall function of ELFs in that parents are typically picking up children between the hours of 4:00 P.M to 6:00 P.M., the PM Peak.

As an example, the following outlines the impact fees that would be due for a new 2,000 square foot development within the Tukwila International Boulevard neighborhood:

<b>Proposed Use of Building</b>	<b>Fire Impact Fee</b>	<b>Parks Impact Fee</b>	<b>Traffic Impact Fees (Zone 3)</b>	<b>Total</b>
Early Learning Facility	\$4,010	\$2,616	\$123,500	\$130,126
Office	\$1,568	\$2,358	\$65,760 <sup>3</sup>	\$69,686
Retail	\$4,010	\$2,616	\$31,240 <sup>4</sup>	\$37,866

As indicated above, ELFs would pay a considerable amount of traffic impact fees compared to office and retail using the same size space. However, the developer could submit studies to the City that provide evidence estimating fewer trips than reflected in the ITE manual and request a reduction of the traffic impact fee.

Substitute House Bill (SHB) 1331

During the 2021 session the Washington State Legislature adopted SHB 1331 to provide relief to ELFs with regards to impact fees charged by municipalities. The provisions of the bill will go into effect on July 25, 2021. SHB 1331 provides new requirements on the application of impact fees on ELFs that the City must follow. Staff believes the City already complies with the new requirements. In addition, the Bill provides certain tools that the City can choose to allow to reduce or eliminate impact fees for ELFs.

The Bill allows municipalities to exempt a portion, or even all, of the required impact fees for ELFs. There are three options made available by SHB 1331:

- (1) The City could choose to exempt up to 80% of the required impact fees for an ELF. If the exemption is no more than 80% there is no requirement for the City to make up the exempt impact fee with General Fund dollars.
- (2) The City could exempt more than 80% of the impact fee provided the City pays the exempted portion of the fee over 80% from public funds other than the impact fee fund, such as the City’s General Fund.
- (3) The City could exempt over 80% of the impact fee without having to pay any amount from other public funds, provided the property owner receiving the exemption records a covenant that requires the following:
  - *That at least 25 percent of the children and families using the early learning facility qualify for state subsidized childcare, including early childhood education and assistance under chapter 43.216 RCW; and*
  - *Provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time*

<sup>3</sup> The rate for administrative offices up to 9,999 square fee is being used.

<sup>4</sup> The “miscellaneous retail” rate is being used.

{EFM2440665.DOC;1/13175.000001/ }

*of conversion; and*

- *Provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property.*

If the City wants to exempt impact fees for ELF's it would have to amend the ordinances that govern traffic, parks, and fire impact fees.

**DISCUSSION**

In passing this law, the State's expressed intent is to expand the number of early learning facilities. Other organizations have expressed the importance of early learning facilities. For example, as part of its May 2021 report "Partners for Prosperity: An Economic Recovery Framework for Recovery", *Greater Seattle Partners* noted that the lack of affordable childcare in low-income communities in King County impacts the abilities of community members to access high paying jobs or to start and run their own businesses. These impacts disproportionately impact women, specifically women of color, hindering their ability to generate generational wealth.

In addition to supporting community members who need childcare, ELF's also benefit surrounding businesses, by providing childcare to their employees thus helping the businesses to attract and retain employees.

Reducing the impact fees paid by ELF's would make it less expensive for facilities to begin operating in the City of Tukwila. Based upon the options outlined in SHB 1331, the City has the following options:

1. Make No Changes to Current Policy

The City would continue to impose impact fees on ELF's according to our current municipal code.

2. Allow an Impact Fee Exemption for ELF's up to 80%

Under this option the City would exempt up to 80% of the required impact fee for ELF's. The City would not be required to pay the exemption with General Fund dollars. Using the 2,000 square foot example outlined above and assuming an 80% exemption, the new impact fee due is shown.

<b>Proposed Use of Building</b>	<b>Fire Impact Fee</b>	<b>Parks Impact Fee</b>	<b>Traffic Impact Fees (Zone 3)</b>	<b>Total</b>
Early Learning Facility	\$4,010	\$2,616	\$123,500	\$130,126
			80% Reduction:	\$104,100
			New Total:	\$26,026

3. Allow an Impact Fee Exemption for ELF's over 80%.

The City could allow an exemption greater than 80% of the required impact fees, provided the City pays the exempted portion of the fee over 80% from public funds other than the impact fee fund, such as the City's General Fund.

4. Allow an Impact Fee Exemption for ELF's over 80% and Require Covenants.

The City could also allow an exemption greater than 80% of the required impact fees without paying other public funds into the impact fee fund, provided the property owner agrees to record a covenant against the property with the restrictions outlined above. There are two issues with this higher exemption and required covenant to consider:

1. In many cases the ELF will be operated by someone leasing a property versus the actual property owner. An owner may not agree to have a covenant recorded against their property. The required covenant shifts the payment of the impact fee from the tenant to the property owner if the terms of the covenant are not met.
2. It creates additional work for the City to approve the covenant, perform annual monitoring, and enforce payment through liens or other mechanisms.

It is important to note that early learning facilities do have impacts on fire, parks, and transportation services. If the City chooses to exempt a portion of the impact fees for early learning facilities, it could reduce the amount of funding available to pay for those impacts, assuming the ELF would have been built anyway.

**FINANCIAL IMPACT**

Staff believes that exempting ELF's from impact fees would not have a significant impact on revenue for City's impact fee programs because it would only apply to new ELF's. A review of the City's permit history shows that the City has not permitted a new ELF in a commercial zone over the last ten years. Possibly there is either little demand or other barriers for establishing an ELF in the City. The City would only be losing revenue in the impact fee program if the City thought it would still get an ELF without adopting an exemption program. Staff is aware of an ELF that has applied for permits and a second ELF looking for a site.

**RECOMMENDATION**

Staff recommends that the City adopt option 2 above and is looking for input from the Committee. Staff would like to draft ordinances to take to the July 26 Committee of the Whole meeting that reflects the Committee's recommendation, with possible adoption of the Ordinance occurring on August 2.

**ATTACHMENTS**

- Substitute House Bill 1331
- Draft Ordinance, Traffic Impact Fees (to be added after Committee meeting).
- Draft Ordinance, Park Impact Fees (to be added after Committee meeting).
- Draft Ordinance, Fire Impact Fees (to be added after Committee meeting).

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1331**

67th Legislature  
2021 Regular Session

Passed by the House February 24, 2021  
Yeas 73 Nays 25

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**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2021  
Yeas 35 Nays 13

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1331** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**





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**SUBSTITUTE HOUSE BILL 1331**

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Passed Legislature - 2021 Regular Session

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Local Government (originally sponsored by Representatives Harris-Talley, Senn, Berry, Callan, Fitzgibbon, Wicks, Ortiz-Self, Chopp, Davis, Valdez, Bateman, Eslick, Ormsby, Lovick, Fey, Berg, Rule, Lekanoff, Frame, Duerr, Pollet, Macri, Slatter, and Peterson)

READ FIRST TIME 02/12/21.

1       AN ACT Relating to early learning facility impact fees; and  
2 amending RCW 82.02.060.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 82.02.060 and 2012 c 200 s 1 are each amended to  
5 read as follows:

6       The local ordinance by which impact fees are imposed:

7       (1) Shall include a schedule of impact fees which shall be  
8 adopted for each type of development activity that is subject to  
9 impact fees, specifying the amount of the impact fee to be imposed  
10 for each type of system improvement. The schedule shall be based upon  
11 a formula or other method of calculating such impact fees. In  
12 determining proportionate share, the formula or other method of  
13 calculating impact fees shall incorporate, among other things, the  
14 following:

15       (a) The cost of public facilities necessitated by new  
16 development;

17       (b) An adjustment to the cost of the public facilities for past  
18 or future payments made or reasonably anticipated to be made by new  
19 development to pay for particular system improvements in the form of  
20 user fees, debt service payments, taxes, or other payments earmarked  
21 for or proratable to the particular system improvement;

1 (c) The availability of other means of funding public facility  
2 improvements;

3 (d) The cost of existing public facilities improvements; and

4 (e) The methods by which public facilities improvements were  
5 financed;

6 (2) May provide an exemption for low-income housing, and other  
7 development activities with broad public purposes, including  
8 development of an early learning facility, from these impact fees,  
9 provided that the impact fees for such development activity shall be  
10 paid from public funds other than impact fee accounts;

11 (3)(a) May not impose an impact fee on development activities of  
12 an early learning facility greater than that imposed on commercial  
13 retail or commercial office development activities that generate a  
14 similar number, volume, type, and duration of vehicle trips;

15 (b) When a facility or development has more than one use, the  
16 limitations in this subsection (3) or the exemption applicable to an  
17 early learning facility in subsections (2) and (4) of this section  
18 only apply to that portion that is developed as an early learning  
19 facility. The impact fee assessed on an early learning facility in  
20 such a development or facility may not exceed the least of the impact  
21 fees assessed on comparable businesses in the facility or  
22 development;

23 (4) May provide an exemption from impact fees for low-income  
24 housing or for early learning facilities. Local governments that  
25 grant exemptions for low-income housing or for early learning  
26 facilities under this subsection (~~((3))~~) (4) may either: Grant a  
27 partial exemption of not more than eighty percent of impact fees, in  
28 which case there is no explicit requirement to pay the exempted  
29 portion of the fee from public funds other than impact fee accounts;  
30 or provide a full waiver, in which case the remaining percentage of  
31 the exempted fee must be paid from public funds other than impact fee  
32 accounts(~~(-)~~), except as provided in (b) of this subsection. These  
33 exemptions are subject to the following requirements:

34 (a) An exemption for low-income housing granted under subsection  
35 (2) of this section or this subsection (~~((3))~~) (4) must be  
36 conditioned upon requiring the developer to record a covenant that,  
37 except as provided otherwise by this subsection, prohibits using the  
38 property for any purpose other than for low-income housing. At a  
39 minimum, the covenant must address price restrictions and household  
40 income limits for the low-income housing, and that if the property is

1 converted to a use other than for low-income housing, the property  
2 owner must pay the applicable impact fees in effect at the time of  
3 conversion(~~(. Covenants required by this subsection must be recorded~~  
4 ~~with the applicable county auditor or recording officer. A local~~  
5 ~~government granting an exemption under subsection (2) of this section~~  
6 ~~or this subsection (3) for low-income housing may not collect revenue~~  
7 ~~lost through granting an exemption by increasing impact fees~~  
8 ~~unrelated to the exemption. A school district who receives school~~  
9 ~~impact fees must approve any exemption under subsection (2) of this~~  
10 ~~section or this subsection (3))~~);

11 ~~((4))~~ (b) An exemption for early learning facilities granted  
12 under subsection (2) of this section or this subsection (4) may be a  
13 full waiver without an explicit requirement to pay the exempted  
14 portion of the fee from public funds other than impact fee accounts  
15 if the local government requires the developer to record a covenant  
16 that requires that at least 25 percent of the children and families  
17 using the early learning facility qualify for state subsidized child  
18 care, including early childhood education and assistance under  
19 chapter 43.216 RCW, and that provides that if the property is  
20 converted to a use other than for an early learning facility, the  
21 property owner must pay the applicable impact fees in effect at the  
22 time of conversion, and that also provides that if at no point during  
23 a calendar year does the early learning facility achieve the required  
24 percentage of children and families qualified for state subsidized  
25 child care using the early learning facility, the property owner must  
26 pay 20 percent of the impact fee that would have been imposed on the  
27 development had there not been an exemption within 90 days of the  
28 local government notifying the property owner of the breach, and any  
29 balance remaining thereafter shall be a lien on the property; and

30 (c) Covenants required by (a) and (b) of this subsection must be  
31 recorded with the applicable county auditor or recording officer. A  
32 local government granting an exemption under subsection (2) of this  
33 section or this subsection (4) for low-income housing or an early  
34 learning facility may not collect revenue lost through granting an  
35 exemption by increasing impact fees unrelated to the exemption. A  
36 school district who receives school impact fees must approve any  
37 exemption under subsection (2) of this section or this subsection  
38 (4);

39 (5) Shall provide a credit for the value of any dedication of  
40 land for, improvement to, or new construction of any system

1 improvements provided by the developer, to facilities that are  
2 identified in the capital facilities plan and that are required by  
3 the county, city, or town as a condition of approving the development  
4 activity;

5 ~~((5))~~ (6) Shall allow the county, city, or town imposing the  
6 impact fees to adjust the standard impact fee at the time the fee is  
7 imposed to consider unusual circumstances in specific cases to ensure  
8 that impact fees are imposed fairly;

9 ~~((6))~~ (7) Shall include a provision for calculating the amount  
10 of the fee to be imposed on a particular development that permits  
11 consideration of studies and data submitted by the developer to  
12 adjust the amount of the fee;

13 ~~((7))~~ (8) Shall establish one or more reasonable service areas  
14 within which it shall calculate and impose impact fees for various  
15 land use categories per unit of development; and

16 ~~((8))~~ (9) May provide for the imposition of an impact fee for  
17 system improvement costs previously incurred by a county, city, or  
18 town to the extent that new growth and development will be served by  
19 the previously constructed improvements provided such fee shall not  
20 be imposed to make up for any system improvement deficiencies.

21 For purposes of this section, "low-income housing" means housing  
22 with a monthly housing expense, that is no greater than thirty  
23 percent of eighty percent of the median family income adjusted for  
24 family size, for the county where the project is located, as reported  
25 by the United States department of housing and urban development.

26 For the purposes of this section, "early learning facility" has  
27 the same meaning as in RCW 43.31.565.

--- END ---



## **INFORMATIONAL MEMORANDUM**

**TO: Finance & Governance Committee**  
**FROM: Laurel Humphrey, Legislative Analyst**  
**DATE: June 30, 2021**  
**SUBJECT: City Council Onboarding**

### **ISSUE**

Review of materials and resources provided to new Councilmembers.

### **BACKGROUND**

The current Legislative Analyst has overseen the process for onboarding three Councilmembers and has updated and refined the approach and materials each time. In 2022 the City Council will have a minimum of two new members and staff is seeking Committee feedback on the process.

In addition to copies of the current Budget and Capital Improvement Program, new Councilmembers are provided with a resource book containing information about Council rules, duties, legal guidelines, distinguishing policy from administration, and more. Councilmembers are also provided with a City Administration onboarding book that contains written information about the City’s strategic goals and priorities, summaries of all city departments and key initiatives, and information about internal committees and Boards and Commissions. For 2022, staff plans to create a Council onboarding sharepoint page containing electronic copies of these materials.

Other additions staff is planning include written information on making motions, training on the City’s Equity Policy, and meetings with the City Attorney to gain an overview of current legal matters requiring the Council’s attention.

Below is a checklist that shows the current plan for printed material, logistics, and required meetings. Staff is seeking Committee input.

#### **Printed Material**

- \_\_\_\_\_ New Councilmember resource book
- \_\_\_\_\_ City Administration onboarding book
- \_\_\_\_\_ Capital Improvement Program Book
- \_\_\_\_\_ Budget Book

#### **Technology**

- \_\_\_\_\_ Cell phone (optional)
- \_\_\_\_\_ Laptop (optional)

\_\_\_\_\_ Email address

**HR**

\_\_\_\_\_ Payroll

\_\_\_\_\_ Benefits/HR

\_\_\_\_\_ Badge Access

**Legal**

\_\_\_\_\_ OPMA/PRA training

\_\_\_\_\_ Ethics Policy

**Meetings**

\_\_\_\_\_ Legislative Analyst

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Administrator

\_\_\_\_\_ Fire Chief

\_\_\_\_\_ Police Chief

\_\_\_\_\_ Public Works Director

\_\_\_\_\_ Community Development Director

\_\_\_\_\_ Finance Director

\_\_\_\_\_ Parks & Recreation Director

\_\_\_\_\_ Administrative Services Director

\_\_\_\_\_ City Attorney

**Miscellaneous**

\_\_\_\_\_ Lapel Pin/Nametag/Business Cards

\_\_\_\_\_ Name plate for Council Chamber

\_\_\_\_\_ Bio for website

\_\_\_\_\_ Headshot for Chamber lobby

\_\_\_\_\_ Mailbox

\_\_\_\_\_ pCard (training and application)

\_\_\_\_\_ Tour of City

\_\_\_\_\_ Instruction on searching Laserfiche and City Website

**ATTACHMENTS**

- City Council Resource Guide Table of Contents (proposed Update)
- City Administration Onboarding Book Table of Contents

# City Council Resource Guide

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Introduction	
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Code of Ethics and City Attorney Presentation	Tab 5
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AWC Mayor and Councilmember Handbook	Tab 8
MRSC Local Government Policy-Making Process	Tab 9
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# Tukwila City Council Finance & Governance Committee – 2021 Work Plan

**Zak Idan, Chair; Kathy Hougardy, Cynthia Delostrinos Johnson**

	Description	Qtr	Dept	Action or Briefing	Status/Notes
1.	ERP Implementation Briefings	1-4	FIN	A	4/12, Complete
2.	2021-2022 Budget Survey	1	CC, FIN	B	Complete
3.	Public Records Requests Impacts	1	CC	B	
4.	COVID-19 Community Assistance – Utility Payments	1	FIN	A	Complete
5.	Ordinance: Appeals Authority for Animal Control	1	DCD	A	Complete
6.	City Council Procedures/Code Ordinance	1	CNCL	A	Complete
7.	Resolution: Amending Public Safety Bond Financial Oversight Committee Charter	1	CNCL	A	Complete
8.	Grant application: S. 115 <sup>th</sup> St. Property Acquisition	2	PR	A	Complete
9.	Ordinance: Debt Issuance	2	FIN	A	Complete
10.	Department 20 Review	2	FIN	B	Complete
11.	Disposition of former Fire Station 52 site	2	AS/PR	B	Complete
12.	Marijuana Tax Revenue/Zoning considerations	2	CNCL	A/B	Complete
13.	Contract: relocation of Records Center	2	CC	A	Complete
14.	Agreement: Veterans, Seniors and Human Services Levy	2	PR	A	Complete
15.	Technology options for return to in-person meetings	2	TIS	A/B	6/14, Complete
16.	Fleet Leasing Proposal	2	FIN	B	Complete
17.	City-wide Fee Schedule	3	FIN	B	
18.	Investment Policy	3	FIN	A	
19.	Debt policy	3	FIN	A	
20.	Fixed Asset Policy	3	FIN	A	
21.	Small and Attractive Asset Policy	3	FIN	A	
22.	Compensation/healthcare policy	3	HR	A	
23.	Performance indicators	3-4	ALL	A	
24.	Prioritization of city services/COVID recovery/ARPA	1-4		A	3/22, 4/26, 6/14
25.	Newporter land sale	TBD	ED	A	
26.	Longacres Parcel land sale	TBD	ED	A	
<b>Standard Reports/Briefings</b>		<b>Frequency</b>	<b>Dept.</b>		
Revenue and Investment Reports		Quarterly	FIN		
Department Budget to Actual Reports		Monthly	FIN		
Committee work plan		2-4 x	Council		
Public Safety Bond Financial Oversight Committee Report(s)					

