



City of Tukwila
**Finance and Governance
 Committee**

- ◆ De'Sean Quinn, Chair
- ◆ Kate Kruller
- ◆ Cynthia Delostrinos Johnson

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T. Sharp	

AGENDA

MONDAY, APRIL 11, 2022 – 5:30 PM

THIS MEETING WILL BE CONDUCTED BOTH ON-SITE AT TUKWILA CITY HALL AND ALSO VIRTUALLY, BASED ON THE GOVERNOR'S PROCLAMATION 20-28.

ON-SITE PRESENCE WILL BE IN THE DUWAMISH CONFERENCE ROOM (2ND FLOOR, 6300 SOUTHCENTER BOULEVARD)

THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS MEETING IS: 1-253-292-9750, Access Code 118148336#

Click here to: [Join Microsoft Teams Meeting](#)

For Technical Support during the meeting call: 1-206-433-7155.

Item	Recommended Action	
1. BUSINESS AGENDA		
a. Discussion on changes to the Open Public Meetings Act. <i>Laurel Humphrey, Legislative Analyst</i>	a. Committee consideration/ decision.	Pg.1
b. Discussion on 2022 Committee Work Plan. <i>Laurel Humphrey, Legislative Analyst</i>	b. Discussion only.	Pg.7
c. An update on 2023/2024 Biennial Budget outreach. <i>Vicky Carlsen, Finance Director; and Niesha Fort-Brooks, Community Engagement Manager</i>	c. Discussion only.	Pg.9
2. MISCELLANEOUS		

Next Scheduled Meeting: *April 25, 2022*



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INFORMATIONAL MEMORANDUM

TO: **Finance & Governance Committee**
FROM: **Laurel Humphrey, Legislative Analyst**
DATE: **April 1, 2022**
SUBJECT: **Changes to the Open Public Meetings Act**

ISSUE

The Washington Legislature passed Engrossed Substitute House Bill 1329 which amended the Open Public Meetings Act with minimal impact to Tukwila.

BACKGROUND

ESHB 1329 established five specific changes to the OPMA, two of which are now in effect and the remaining three in effect when Governor's Proclamation 20-28.15 relating to the COVID-19 pandemic is lifted. The attached memo from Ogden Murphy Wallace, PLLC details the changes, which are summarized as follows, including Tukwila's current status:

Physical Location Requirements in an Emergency

When Proclamation 20-28.15 is lifted, cities must resume holding meetings in a physical location, unless a state, federal or local state of emergency is declared.

Status: Compliant. The Tukwila City Council has resumed meeting in a physical location with hybrid participation offered to residents and staff.

Online Posting of Regular Meeting Agendas

Cities with certain small population, AV, and budget are now exempt from posting meeting agenda online 24 hours prior to the meeting.

Status: Compliant. Tukwila is not exempt and will continue to post meeting agendas online 24 hours in advance.

Public Comment now Required at Public Meetings

Cities are now required to provide a public comment opportunity before or during a meeting at which the governing body takes final action, except in the case of an emergency.

Status: Compliant. Tukwila provides the opportunity for public comment at Regular Meetings (and Committee of the Whole, which is not required).

Remote Public Attendance

When Proclamation 20-28.15 is lifted, cities will not longer be required, but are encouraged, to offer remote options for public attendance.

Status: Compliant. Tukwila conducts hybrid City Council meetings with options for remote public attendance.

Remote Public Participation by the Governing or Advisory Body

City Council members will now be allowed to participate in meetings remotely, even in times of non-emergency, if their Rules of Procedure allow.

Status: Policy Decision Needed. The City Council's current Rules of Procedure only allow remote meeting participation only in the event of a city, state or federal emergency.

Recording of Executive Sessions in the Meeting Minutes

ESHB 1329 requires that the announced purpose of an executive session must be formally entered in the minutes for that meeting.

Status: Compliant. Tukwila City Council meeting minutes already include the announced purpose of executive sessions.

RECOMMENDATION

Discussion only. The Finance & Governance Committee may request that staff initiate a Rules of Procedure update with regard to remote meeting attendance by Councilmembers.

ATTACHMENTS

- Ogden Murphy Wallace Memo dated March 29, 2022

MEMORANDUM

DATE: March 29, 2022

TO: All Cities

FROM: Drew Pollom, Ogden Murphy Wallace, PLLC

RE: Changes to the Open Public Meetings Act (“OPMA”) as a result of Engrossed Substitute House Bill (“ESHB”) 1329

Background

The Washington Legislature passed ESHB 1329 which amended the OPMA regarding physical meeting locations during a public emergency, posting of meeting agendas online, public comments, and remote participation in meetings by the public and governing bodies.¹ Although Governor Inslee signed the bill on March 24, 2022, Proclamation 20-28.15—which suspends specific OPMA requirements due to the COVID-19 pandemic—remains in effect, superseding the full implementation of ESHB 1329 until the Governor lifts Proclamation 20-28.15.² ESHB 1329 establishes five specific changes to the OPMA that municipalities should be aware of with two changes now in effect.

Physical Location Requirements in an Emergency

Prior to the COVID-19 pandemic, the OPMA required physical locations for public meetings. Proclamation 20-28.15 suspended this requirement to allow for remote meetings. After the Governor lifts Proclamation 20-28.15, ESHB 1329 will allow municipalities to hold a remote meeting without a physical location or in a location with limited in-person participation only when the state, federal government, or municipality declares a state of emergency.³ The municipality

¹ ESHB 1329, 67th Leg. Reg. Session (Wash. 2022) Signed on March 24, 2022, *available at* <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1329-S.PL.pdf#page=1>.

² Proclamation 20-28.15 *available at* https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-28.15.pdf.

³ ESHB 1329, *Supra* n. 1. at §5(1)(a).

must publicize a remote meeting in compliance with the OPMA, allow for the public to listen and participate in the remote meeting, and provide instructions for public participation.⁴

This means that your city should be prepared to reinstate physical meeting locations for all OPMA covered meetings consistent with the requirements of ESHB 1329 as soon as Proclamation 20-28.15 (or subsequent proclamation) is rescinded unless there is another qualifying declaration of emergency.

Online Posting of Regular Meeting Agendas

The OPMA previously required all municipalities to post meeting agendas online 24 hours prior to the start of a regular meeting unless they did not have a website or employed fewer than 10 full-time equivalent employees. Beginning on March 24, 2022, ESHB 1329 changes the law to exempt municipalities from the 24-hour agenda posting requirement only if:

- a. The aggregate value of the property within the municipality is less than \$400,000,000;
- b. The population of the municipality is under 3,000 people; and,
- c. The municipality confirms to the State Auditor's Office when it files its annual reports that the cost of posting notices on a website would exceed 0.1% of the annual budget.⁵

Proclamation 20-28.15 does not affect requirements for agendas, therefore this provision of ESHB 1329 went into effect on March 24, 2022.

Public Comment Now Required at Public Meetings

Prior to the passage of ESHB 1329, governing bodies were not required to accept public comments at public meetings. ESHB 1329 created a new requirement: governing bodies shall provide an opportunity for public comment either before or during any meeting at which the governing body takes final action, except in the case of an emergency.⁶ The OPMA defines final action as a collective positive or negative decision or a vote by a majority of a governing body.⁷ The bill allows for either oral comments or written comments, however any written comments must be distributed to the governing body.⁸ Governing bodies may set a deadline for submission of written testimony before a meeting.

Proclamation 20-28.15 does not affect public comments, therefore this provision of ESHB 1329 went into effect on March 24th, 2022.

Remote Public Attendance

Prior to the COVID-19 pandemic, municipalities were not required to provide remote public attendance options for council meetings. Proclamation 20-28.15 temporarily requires municipalities to offer remote options for public attendance. Once the Governor lifts Proclamation 20-28.15 this requirement will end, and ESHB 1329 merely encourages — but does not require —

⁴ *Id.* at §5(3-4).

⁵ *Id.* at §9(2)(a-c).

⁶ *Id.* at §13(1).

⁷ RCW 42.30.020(3).

⁸ ESHB 1329, *Supra* n.1 at §13(1).

municipalities to provide the public with remote ways to observe and participate in public meetings, including livestreaming and posting recordings online.⁹

Remote Participation by the Governing or Advisory Body

Proclamation 20-28.15 permits members of governing bodies and advisory boards to participate in meetings remotely; ESHB 1329 will allow these same members to participate remotely at a meeting during a declared public emergency.¹⁰ Regardless, governing and advisory body members may still participate remotely during a non-emergent period if that approach is permitted by the body's rules and the meeting otherwise complies with the requirements outlined above. For example, the Redmond City Council Rules of Procedure allow councilmembers to participate remotely in council business at any time.¹¹

Recording of Executive Sessions in the Meeting Minutes

For any meeting involving an executive session, ESHB 1329 now requires that the announced purpose of the executive session be formally entered into the minutes for that meeting.¹² Proclamation 20-28.15 does not affect meeting minutes, so this provision of ESHB went into effect on March 24, 2022.

Recommendations

In responding to the OPMA changes made by ESHB 1329, we recommend municipalities take the following action in consultation with their City Attorney:

- Decide whether the municipality will continue or declare a local state of emergency once all other state of emergencies have been lifted.
- Determine if the municipality is exempt from the revised 24-hour agenda posting requirements.
- Ensure the municipality allows for public comment at or before meetings where final action is taken.
- Review — and amend as necessary — the municipality's existing rules for public comment to ensure compliance with the new public comment mandate.
- Evaluate the applicable costs and equipment necessary to continue remote participation by the public at public meetings if the municipality chooses to provide remote public participation options after the Governor lifts Proclamation 20-28.15.
- Determine whether the municipality's governing and advisory bodies will permit remote participation by their members outside of a state of emergency, and—if so—amend the

⁹ *Id.* at §4(1).

¹⁰ *Id.* at §5(2).

¹¹ Redmond City Council Rules of Procedure *available at* <https://www.redmond.gov/DocumentCenter/View/166/Rules-of-Procedure?bidId=> .

¹² ESHB 1329, *Supra* n. 1. at §12(1)(2).

municipality's current ordinances and rules of procedure as necessary to specifically authorize this approach.

Please direct any questions about this memo's information or ESHB 1329 to your City Attorney.



Tukwila City Council Finance & Governance Committee – 2021 Work Plan

De'Sean Quinn, Chair; Kathy Hougardy, Cynthia Delostrinos Johnson

	Description	Qtr	Dept	Action or Briefing	Status/Notes
1.	2023-2024 Budget Process	1	FIN	B	In progress; Briefing 1/24
2.	Council Meeting Broadcasting	1	TIS	B	In Progress; Briefing 1/24
3.	Contingent-Based Sales Tax Audit	1	FIN	B	Complete
4.	Technology & Infrastructure Services Annual Report	1	TIS	B	Complete
5.	ARPA – Before & After-School Programming Update	1	PR	B	Complete
6.	ARPA – Summer Teen Programming Update	1	PR	B	Complete
7.	2022 Property Tax Overview	1	FIN	B	Complete
8.	Juneteenth City Holiday	1	HR	A	Complete
9.	Temporary GIS Technician Position Request	1	TIS	A	Complete
10.	2023-2024 Budget Outreach	2	AS	B	
11.	City Council Compensation	2	CC	A	
12.	Microsoft Enterprise License	3	TIS	A	
13.	Debt policy	3	FIN	A	
14.	Resolution cancelling unclaimed property	3	FIN	A	
15.	Resolution cancelling accounts receivable	3	FIN	A	
16.	City Attorney Contract	4	MO	A	
17.	Taxy Levy Legislation	4	FIN	A	
18.	Resolution adopting 2023 Legislative Agenda	4	AS	A	
19.	Budget Amendment Ordinance	4	FIN	A	
20.	Budget Adoption Ordinance	4	FIN	A	
21.	City-wide Fee Schedule	TBD	FIN	B	
22.	Healthcare Broker	TBD	HR	A	
23.	Digital Equity Initiatives	TBD	TIS	B	
24.	Employee Salary Surveys	TBD	HR	B	
25.	Land Sales – Longacres, Allentown FS, FS 51, Newporter, Minkler,	TBD	ED	A	
26.	Former FS 52 disposition	TBD	AS	B	
27.	pCard Provider – possible change	TBD	FIN	A	
Standard Reports/Briefings		Frequency	Dept.		
Revenue and Investment Reports		Quarterly	FIN		
Department Budget to Actual Reports		Monthly	FIN		
Committee work plan		2-4 x	Council		



INFORMATIONAL MEMORANDUM

TO: Finance and Governance Committee

FROM: Vicky Carlsen, Finance Director
Niesha Fort-Brooks, Community Engagement Manager

CC: Mayor Ekberg

DATE: April 6, 2022

SUBJECT: 2023/2024 Biennial Budget Outreach Plan

ISSUE

Staff is seeking the Committee's feedback on the attached draft outreach plan for the biennial budget process.

BACKGROUND

The Administration and Council share a common goal of getting community feedback on the upcoming biennial budget. Staff has prepared the attached draft plan for the Committee's review and feedback.

RECOMMENDATION

Information only. Staff is seeing Committee input and feedback on the attached plan.

ATTACHMENTS

Draft 2023/2024 Biennial Budget Outreach Plan

2023/2024 Biennial Budget Outreach Overview

Draft April 5, 2022

Goals of the Budget Outreach Effort

- Provide Tukwila residents and businesses and other stakeholders the opportunity to share with the Mayor and Council their priorities for the 2023/2024 biennial budget.
- Engage the community on why the City budget is important, how it works and how it reflects the overall values of Tukwila.
- Educate the community about the realities and constraints facing the City, including the fact that while revenues have come back to 2019 levels, expenses remain at 2022 levels.
- Lift up community-driven ideas for developing a balanced budget that align with the City's adopted strategic plan and emergent priorities.
- Maintain focus on accessibility and equity by ensuring information is disseminated in a way that the community can digest, is translated into the top four languages and the outreach activities target a broad sector of the community.

Tactics

Presentation – develop a presentation covering the budget basics, realities of the revenue and expenditure forecasts, and three questions asked in the survey and at every event:

- If you had to reduce services, what would you cut and why?
- What would you move around, if anything?
- If you had additional revenue, what services would you add?

Video – turn the above-mentioned presentation into a narrated video in English, Spanish, Vietnamese and Somali.

Website – develop a website that includes the videos and link to survey.

Online Survey – Develop an online survey that allows people to “move funds” around in departments, while locking down some funds so that departments can't be eliminated altogether. As an example, the City will always need financial services, so while the Finance Department could be eliminated the City would still need to fund those functions in the budget.. Staff envisions an online survey that can “lock down” a certain amount of funds so that survey participants can remove some funds to pay for other things but are required to leave funds to pay for required services.

Council-led Town Hall – Hybrid town hall style meeting in the Council Chambers where staff would present the presentation above and the Council can hear directly from members of the public on their priorities.

Tabling at Existing Community Events – Utilize the presentation video and online survey at various community events to generate feedback and survey results. Events include:

- See You In the Park events, July 13 & 27 and August 20 & 24
- Tukwila Farmer’s Market, June & July
- Other Community Events

Boards and Commissions – Staff present above-mentioned presentation, commissioners do the online survey during the meeting.

Civics and other classes – Similar to Boards and Commissions, use the presentation to provide information at Foster High Civic classes and Showalter Middle School. Collaborate with the students fill out the survey while in class and provide feedback

General City Communication Channels - As appropriate, use all other City communication channels to educate the community on the budget process and solicit feedback. This includes the City’s various social media platforms, TUKtv, Hazelnut, E-Hazelnut, Parks & Recreation newsletter, City Website.

Timeline

April:

- Finance and Governance Committee approval of outreach plan
- Development of Presentation
- Development of Survey
- Development of website

May:

- Website & survey launched
- Ongoing social media engagement
- Classroom outreach
- Begin Boards and Commissions outreach

June:

- Website & Survey ongoing
- Ongoing social media engagement
- Hazelnut article
- Council-led Town Hall
- Ongoing Boards and Commissions outreach

July:

- Website & Survey ongoing
- Ongoing social media engagement
- E-Hazelnut article

- See You in the Park events
- Report to Council on feedback gathered from the community

