



City of Lacey, Washington City Council Regular Meeting Agenda

Refer to bottom of the agenda for instructions on attendance and public comment.

Thursday, June 15, 2023

6:00 PM

Council Chambers and Online

Call to Order

1. Pledge of Allegiance

2. Approval of Agenda and Consent Agenda Items:

Items listed under the consent agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Council Worksession minutes of May 25, 2023
- B. Council minutes of June 1, 2023
- C. A motion to approve payment of claims, wages, and transfers for DATE, through DATE.

3. Public Recognitions and Presentations:

- A. Timberline High School Baseball Team Recognition (*Doug LaPalm, Timberline High School Head Baseball Coach*)
- B. 2022-2023 Lacey Youth Council Recognition (*Sadie Siglin, Management Analyst*)

4. Public Comment:

Refer to the bottom of the agenda for instructions on how to provide public comment.

5. Public Hearing:

6. Proclamations:

- A. Senior Services for South Sound 50th Anniversary (*Brian Windrope, Senior Services for South Sound Executive Director*)

- B. 2023 State Legislators Appreciation (*Brian Enslow, State Government Affairs Consultant*)

7. Resolutions:

- A. Resolution No. 1132 - Council Policies-Procedures Manual Updates (*Peri Edmonds*)
- B. Resolution No. 1133 - Unopened Right of Way Vacation (*Dave Schneider, City Attorney*)

8. Ordinances:

- A. Ordinance No. 1639 - Criminal Harassment Statute Update (*Matt Sharp, Assistant City Attorney*)

9. Mayor's Report:

10. City Manager's Report:

- A. 2023 Consumer Confidence Report (*Charlene McHendry, Water Resources Specialist*)
- B. Budd Bay/Deschutes Watershed Environmental Steward Coalition Interlocal Agreement (*Peter Brooks, Water Resources Manager*)
- C. Interlocal Agreement for Maintenance of Deschutes River Ranch Mitigation Property (*Peter Brooks, Water Resources Manager*)
- D. Award PW 2023-28 2023 Overlay Phase 1 (*Scott Egger, Public Works Director*)
- E. TCMedia Contract Extension (*Shannon Kelley-Fong*)

11. Standing General Committees:

- A. Community Relations and Public Affairs Committee (06.05.2023)
- B. Utilities Committee (06.05.2023)
- C. Transportation Committee (06.06.2023)

12. Other Business:

13. Boards, Commissions and Committee Reports:

- A. Mayor Andy Ryder:
 - 1. Mayors' Forum
 - 2. Thurston Chamber Shared Legislative Committee
 - 3. Transportation Policy Board (TPB)
- B. Deputy Mayor Malcolm Miller:
 - 1. Economic Development Council (CDC)



2. Lodging Tax Advisory Committee (LTAC)
 3. Thurston County Coalition Against Trafficking (TCCAT)
 4. Thurston Thrives
- C. Councilmember Carolyn Cox:
1. Climate Action Steering Committee
 2. LOTT Clean Water Alliance
 3. Regional Housing Council
- D. Councilmember Lenny Greenstein:
1. Emergency Medical Services (EMS)
 2. TCOMM911
- E. Councilmember Michael Steadman:
1. Community Action Council
 2. Nisqually River Council
 3. Thurston County Law & Justice Council
- F. Councilmember Ed Kunkel:
1. Joint Animal Services Commission (JASCOM)
 2. Lacey South Sound Chamber
 3. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB)
 4. Solid Waste Advisory Committee (SWAC)
- G. Councilmember Robin Vazquez:
1. Intercity Transit Authority
 2. Olympic Region Clean Air Agency (ORCAA)
 3. Thurston Regional Planning Council (TRPC)
 4. Thurston County Board of Health

14. Adjourn

Attendance and Public Comment

Attend Remote or In Person

The public may attend the meeting in person, or you may view or listen to the meeting using one of the following platforms:

In Person: Council Chambers at Lacey City Hall, 420 College Street SE, Lacey, WA 98503

Via Zoom: https://us02web.zoom.us/webinar/register/WN_J2teFDLISp2EM65awb7iaw



City Website: <https://cityoflacey.org/upcoming-meetings/>
Facebook: <https://www.facebook.com/cityoflacey>
YouTube: <https://youtu.be/YtSPxo37BJw>
Cable: Channel 3 with your local cable provider
By Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 879 7007 0310)

Verbal Public Comment

Those wishing to provide verbal public comment may do so in-person or by Zoom:

In-Person: Use the sign-up sheet located in the Council Chambers.
Via Zoom: Preregister using the following Zoom link no later than two hours prior to the meeting:
https://us02web.zoom.us/webinar/register/WN_J2teFDLISp2EM65awb7iaw
Instructions and access details will be provided once registration is complete.

Written Public Comment

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us.
The commenting period will close two hours before meeting time.
Written comments will be provided to the City Council electronically prior to the meeting.
Comments will not be addressed during the Council meeting; however, comments received will be added to the official record.



MINUTES OF THE LACEY CITY COUNCIL WORKSESSION

THURSDAY, MAY 25, 2023

6:00 P.M. – 7:51 P.M.

REMOTE AND IN PERSON

To hear the full discussion of a specific topic, or the complete meeting,
watch the recorded meeting available on YouTube:

<https://www.youtube.com/watch?v=XraCXA8LorI>

COUNCIL PRESENT: DEPUTY MAYOR MILLER, COUNCILMEMBERS GREENSTEIN, COX,
STEADMAN (REMOTE), AND KUNKEL

COUNCIL ABSENT: MAYOR RYDER AND COUNCILMEMBER VAZQUEZ

STAFF PRESENT: R. WALK, R. ALMADA, J. BURBIDGE, S. KELLEY-FONG, L. JENSEN,
D. SCHNEIDER, T. WOO, R. ANDREWS, P. EDMONDS

ACTION: APPROVE WORKSESSION AGENDA

MOTION: MOTION MADE, SECONDED, AND CARRIED BY COUNCILMEMBER GREENSTEIN
AND COUNCILMEMBER KUNKEL.

GREG CUOIO PARK URBAN GROWTH BOUNDARY AMENDMENT

STAFF: RYAN ANDREWS, PLANNING MANAGER

ACTION: INFORMATION ONLY

Staff presented information on an application the City received to annex a portion of Greg Cuoio Park into the City of Lacey. The park includes about 400 total acres. Approximately 210 acres of the total acreage is located in rural Thurston County. The property must first be in the Urban Growth Area (UGA) before annexing into the City.

The City submitted an application to the Urban Growth Management Subcommittee of TRPC to begin the process. The subcommittee will review the application and make a recommendation to the Thurston County Board of County Commissioners.

Staff noted there are seven (7) additional privately-owned parcels that would also be included in the proposed UGA boundary amendment. If they were not included, it would leave a small portion in the middle of the proposed amendment.

2022-2024 WORK PLAN REPORT

STAFF: SHANNON KELLEY-FONG, ASSISTANT CITY MANAGER

ACTION: INFORMATION ONLY

The Lacey City Council adopted the 2022-2024 Work Plan (Plan) on September 15, 2022. The Plan identified top priority goal areas and work items for the City over the next two and a half years. Staff provided a high-level overview of progress in 2022 and 2023 on the top priority Work Plan items:

- **Coordinated & Collaborative Planning**
 - Craft a framework to strategically advance annexations and UGA permitting
 - Update the Comprehensive Plan and review development regulations
- **Vibrant Place to Live, Work, & Play**
 - Complete Greg Cuoio Park & Greenways – Phase 1A
 - Continue initiatives to advance indoor recreation opportunities
 - Finalize the City's Homeless Response Plan and enhance social services
- **Vibrant & Diverse Economy**
 - Focus on RAC Phase III and other sport facility developments
 - Enhance economic, workforce, and incubator projects and programs
- **A Safe and Secure Community**
 - Continue the development of a new Lacey Police Station
- **Quality Transportation & Infrastructure**
 - Continue focus on Interstate 5 and Nisqually Bridge corridor solution
 - Enhance multimodal transportation infrastructure and create a welcoming physical environment for all community members
- **Environmental Stewardship**
 - Continue implementation of climate mitigation efforts
- **An Engaged Community**
 - Enhance communication and engagement efforts
- **Excellence in Programs & Services**
 - Attract and retain quality and qualified staff to meet service needs

Staff will continue to provide the City Council with updates on the status and progress of priority items identified in the Plan.



**MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL
THURSDAY, JUNE 1, 2023,
IN PERSON AND REMOTE ATTENDANCE**

To hear Council's full discussion of a specific topic, or the complete meeting, watch the video-stream available on YouTube - <https://www.youtube.com/watch?v=NlcZOVyth6w>

CALL TO ORDER

Mayor Ryder called the meeting to order at 6:00 p.m.

1. PLEDGE OF ALLEGIANCE

Mayor Ryder led the Pledge of Allegiance.

Council Present:

Mayor Andy Ryder
Deputy Mayor Malcolm Miller
Councilmember Lenny Greenstein
Councilmember Michael Steadman
Councilmember Carolyn Cox
Councilmember Ed Kunkel
Councilmember Robin Vazquez

Staff Present:

Rick Walk, Interim City Manager
Robert Almada, Chief of Police
Jen Burbidge, Parks, Culture, & Recreation Director
Scott Egger, Public Works Director
Shannon Kelley-Fong, Assistant City Manager
Dave Schneider, City Attorney
Troy Woo, Finance Director
Peri Edmonds, City Clerk

2. APPROVAL OF AGENDA AND CONSENT AGENDA

Consent Agenda Items:

- A. Council Worksession minutes of May 11, 2023.
- B. Council meeting minutes of May 18, 2023.
- C. A motion to approve payment of claims, wages and transfers for May 9, 2023, through May 19, 2023.

COUNCILMEMBER GREENSTEIN MOVED TO APPROVE THE AGENDA AND CONSENT AGENDA. COUNCILMEMBER COX SECONDED. MOTION CARRIED.

3. PUBLIC RECOGNITIONS AND PRESENTATIONS

- A. **Public Service Award to Sean Smith – LEOFF 1 Disability Board:** Mayor Ryder and the City Council presented a public service award to Sean Smith for his service on the LEOFF 1 Disability Board from 2011-2023.

4. PUBLIC COMMENT

Verbal Public Comments: The deadline to pre-register to speak via Zoom was 4:00 p.m. the day of the meeting.

Zero (0) people signed up to speak via Zoom.

Two (2) people signed up to speak at the meeting:

Michael Botello expressed safety concerns with the homeless located at the encampment by Hobby Lobby.

Nancy Rogers, a Lacey resident, commented on the smell and allergies associated with allowing farm animals in her neighborhood near Wonderwood Park.

Written Public Comments: The deadline to submit written public comments was 4:00 p.m. the day of the meeting. Written comments are not addressed during the meeting; however, they are added to the official record.

Zero (0) written public comments were received.

5. PUBLIC HEARING

6. PROCLAMATIONS

- A. **Juneteenth Day:** Mayor Ryder and Council proclaimed June 17, 2023, as Juneteenth Day in the City of Lacey. Melvin Butler accepted the proclamation on behalf of the Fred U. Harris Lodge.

7. REFERRAL FROM PLANNING COMMISSION

8. REFERRAL FROM HEARINGS EXAMINER

9. RESOLUTIONS

10. ORDINANCES

- A. **Ordinance No. 1638 – Amendments to Illicit Discharges, and Wellhead Protection and Critical Aquifer Recharge Areas (LMC 14.29 and 14.36):** Doug Christenson, Water Resources Engineer, presented Ordinance No. 1638 amending LMC 14.29 relating to Illicit Discharges, and LMC 14.36 relating to Wellhead Protection and Critical Aquifer Recharge Areas.

COUNCILMEMBER KUNKEL MOVED TO ADOPT ORDINANCE NO. 1638 AMENDING LMC CHAPTER 14.29 ILLICIT DISCHARGES AND LMC CHAPTER 14.36 WELLHEAD PROTECTION AND CRITICAL AQUIFER RECHARGE AREAS. COUNCILMEMBER KUNKEL SECONDED. MOTION CARRIED.

11. MAYOR'S REPORT

- A. **Appointment of Jon Halvorson to the Historical Commission:** Mayor Ryder recommended the appointment of Jon Halvorson, former Mayor of the City of Lacey, to the Historical Commission.

MAYOR RYDER MOVED TO APPOINT JON HALVORSON TO THE HISTORICAL COMMISSION. COUNCILMEMBER GREENSTEIN SECONDED. MOTION CARRIED.

Mayor Ryder noted that the TCMedia contract extension is scheduled for the June 15, 2023, City Council meeting.

Mayor Ryder directed staff to invite TCMedia to a future Worksession to provide information on their services.

12. CITY MANAGER'S REPORT

13. STANDING COMMITTEES

- A. Finance & Economic Development Committee
Mayor Ryder provided a report on the May 23, 2023, meeting.
- B. General Government & Public Safety Committee
Councilmember Greenstein provided a report on the May 23, 2023, meeting.

14. OTHER BUSINESS

15. BOARDS, COMMISSIONS AND COMMITTEE REPORTS

- A. Mayor Ryder
1. Mayor's Forum – **no report**
 2. Thurston Chamber Shared Legislative Committee - **no report**
 3. Transportation Policy Board – **no report**

B. Deputy Mayor Miller

1. Economic Development Council (EDC) - **made report**
2. Lodging Tax Advisory Committee (LTAC) - **no report**
3. Thurston County Coalition Against Trafficking (TCCAT) - **no report**
4. Thurston Thrives - **made report**

C. Councilmember Cox

1. Climate Mitigation Steering Committee - **no report**
2. LOTT Clean Water Alliance - **no report**
3. Regional Housing Council - **made report**

D. Councilmember Greenstein

1. Emergency Medical Services (EMS) - **no report**
2. TCOMM911 - **no report**

E. Councilmember Steadman

1. Community Action Council - **made report**
2. Nisqually River Council - **no report**
3. Thurston County Law & Justice - **no report**

F. Councilmember Kunkel

1. Joint Animal Services Commission (JASCOM) – **no report**
2. Lacey South Sound Chamber - **no report**
3. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB) – **no report**
4. Solid Waste Advisory Committee (SWAC) - **no report**

G. Councilmember Vazquez

1. Intercity Transit – **no report**
2. Olympic Region Clean Air Agency – **no report**
3. Thurston Regional Planning Council - **no report**
4. Thurston County Board of Health – **no report**

Council directed staff to add to a future Worksession the Dispute Resolution Center's program for landlord/tenant disputes.

16. ADJOURN TO WORKSESSION

A. **2023 State Legislative Session Review:**

Shannon Kelley-Fong, Assistant City Manager, and Brian Enslow, State Government Affairs Consultant, presented an update on the 2023 State Legislative Session. The following items were highlighted:

- Accessibility Improvement at Greg Cuoio Park
- Emergency Operations Center
- Commercial Airport Siting
- Long-term Funding to Support rights of Way Initiative Housing Acquisitions
- Continue focusing on I-5 Corridor between Mounts Road and Tumwater

- Address Law Enforcement Vehicle Pursuits
- HB 5536: Blake
- HB 1425: State Assistance for Annexations

17. EXECUTIVE SESSION

Mayor Ryder announced the City Council will take a recess from 8:07 p.m. until 8:15 p.m., and will then meet in Executive Session for 30 minutes to evaluate the qualifications of an applicant for public employment pursuant to RCW 42.30.110(1)(g).

Mayor Ryder reconvened the Worksession meeting at 8:45 p.m. No action was taken.

16. ADJOURN

Mayor Ryder adjourned the Worksession at 8:45 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____



LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: Disbursement Approval

RECOMMENDATION: By motion, approve payment of claims, wages, and transfers.

STAFF CONTACT: Troy Woo, Finance Director ^{tw}

ORIGINATED BY: Troy Woo, Finance Department

BACKGROUND:

The action requested of the City Council is by motion to approve payment of claims, wages and transfers for 5/12/2023 through 6/6/2023. The disbursements consist of the following:

Checks:	<u>Week of</u>	<u>Beg. Check No.</u>	<u>End. Check No.</u>	<u>Amount</u>
	5/26/2023	270058	270147	152,866.67
	5/26/2023	270148	270154	1,377.64
	*5/31/2023	270155	270158	2,091.02
	6/2/2023	270159	270253	281,820.46

Electronic Transfers:	<u>Week of</u>	<u>Amount</u>
	5/12/2023	47,959.70
	5/19/2023	453.00
	5/24/2023	106,738.53
	5/26/2023	559,521.68
	5/26/2023	28,048.31
	5/30/2023	62,222.79
	*5/31/2023	17,925.77
	*5/31/2023	1,719,091.64
	6/1/2023	82,625.00
	6/2/2023	1,717,730.16
	6/6/2023	313.57

Payroll:	<u>Month Ended:</u>	<u>Wages</u>
	5/31/2023	1,896,595.52

* Disbursements for employee out-of-pocket deductions and employee benefits.

Significant Disbursements:

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
Bud Clary Ford/Hyundai	\$ 51,439.85	Vehicle Replacement
Conсор North America	\$ 104,714.24	Lift Station Consulting
KMB Architects	\$ 264,899.86	Police Station Design
Insight Public Sector, Inc.	\$ 63,347.61	Cartegraph Software
Miles Resources, LLC	\$ 870,737.72	2022 Overlay/Carpenter Rd.
Stamm Manufacturing	\$ 201,436.20	Versalift

CITY OF LACEY

Official Proclamation

WHEREAS, Senior Services for South Sound was founded in 1973 by a forward-thinking group of community leaders for the purpose of helping seniors thrive; and

WHEREAS, The City of Lacey recognizes seniors as a large and fast-growing segment of our population and honors their role as leaders, parents, grandparents, and elders of all types; and

WHEREAS, Senior Services for South Sound celebrates its 50th Anniversary in 2023 and continues its mission to improve the quality of life for people as they age, and has grown to serve seniors all over Lacey, Thurston County, and Mason County; and

WHEREAS, The City of Lacey built the Virgil S. Clarkson Lacey Senior Center to provide robust programs and services to Lacey seniors; and

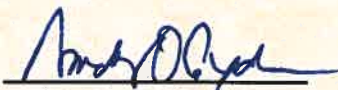
WHEREAS, The City of Lacey enjoys a strong relationship and collaborative partnership with Senior Services for South Sound and celebrates the work they do to provide key resources for community members to age healthily in Lacey; and

WHEREAS, The City of Lacey acknowledges that countless seniors have received meals, housing, support, and friendship from the invaluable programs, staff, and volunteers at the Virgil S. Clarkson Senior Center; and

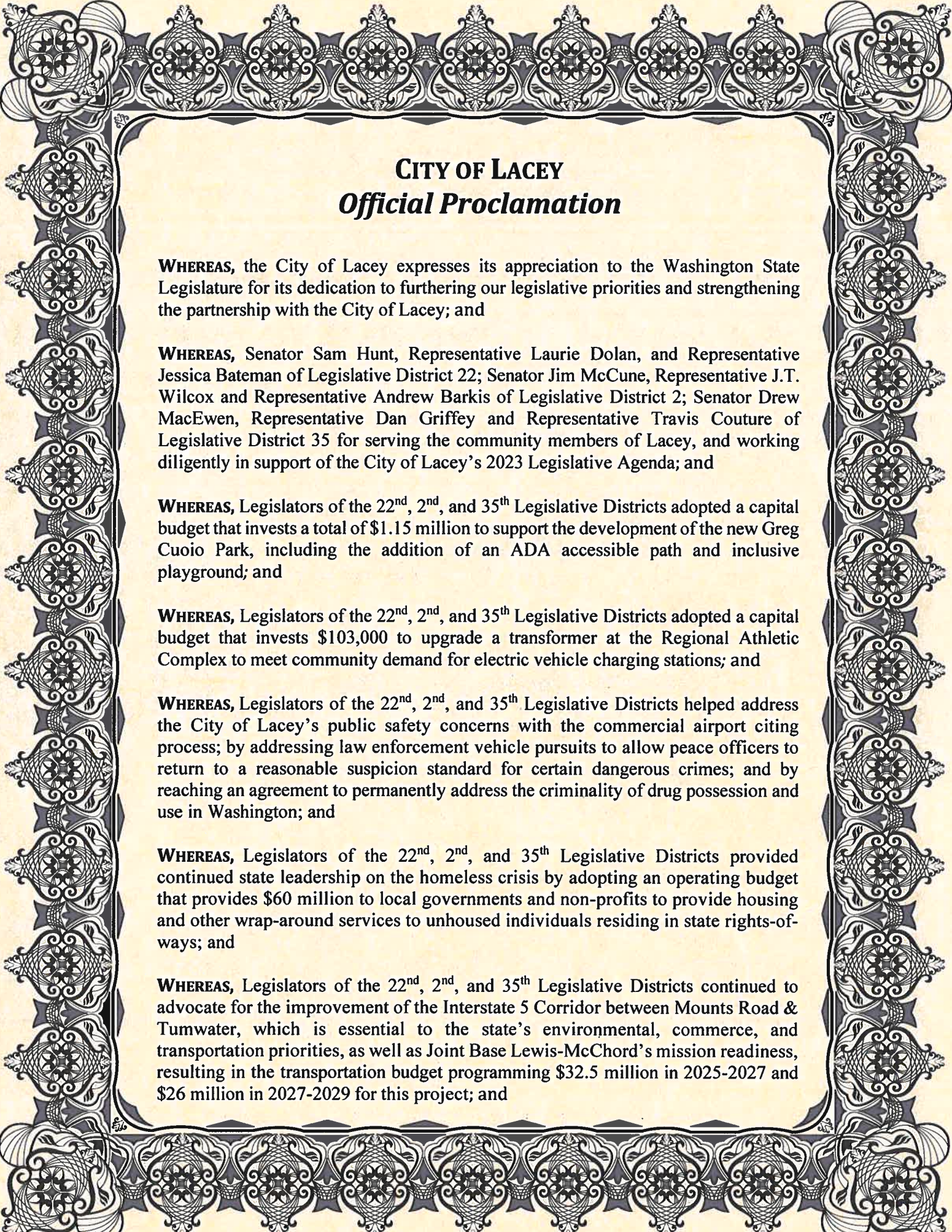
NOW, THEREFORE, I, Andy Ryder, Mayor of the City of Lacey, on behalf of the Lacey City Council, do hereby recognize and commemorate June 15, 2023, as

Senior Services for South Sound Day

in the City of Lacey and encourage all community members and businesses to learn more about Senior Services for South Sound and to recognize the seniors in our community for all they have achieved and will continue to accomplish in Lacey and beyond.


Mayor Andy Ryder
June 15, 2023





CITY OF LACEY

Official Proclamation

WHEREAS, the City of Lacey expresses its appreciation to the Washington State Legislature for its dedication to furthering our legislative priorities and strengthening the partnership with the City of Lacey; and

WHEREAS, Senator Sam Hunt, Representative Laurie Dolan, and Representative Jessica Bateman of Legislative District 22; Senator Jim McCune, Representative J.T. Wilcox and Representative Andrew Barkis of Legislative District 2; Senator Drew MacEwen, Representative Dan Griffey and Representative Travis Couture of Legislative District 35 for serving the community members of Lacey, and working diligently in support of the City of Lacey's 2023 Legislative Agenda; and

WHEREAS, Legislators of the 22nd, 2nd, and 35th Legislative Districts adopted a capital budget that invests a total of \$1.15 million to support the development of the new Greg Cuoio Park, including the addition of an ADA accessible path and inclusive playground; and

WHEREAS, Legislators of the 22nd, 2nd, and 35th Legislative Districts adopted a capital budget that invests \$103,000 to upgrade a transformer at the Regional Athletic Complex to meet community demand for electric vehicle charging stations; and

WHEREAS, Legislators of the 22nd, 2nd, and 35th Legislative Districts helped address the City of Lacey's public safety concerns with the commercial airport citing process; by addressing law enforcement vehicle pursuits to allow peace officers to return to a reasonable suspicion standard for certain dangerous crimes; and by reaching an agreement to permanently address the criminality of drug possession and use in Washington; and

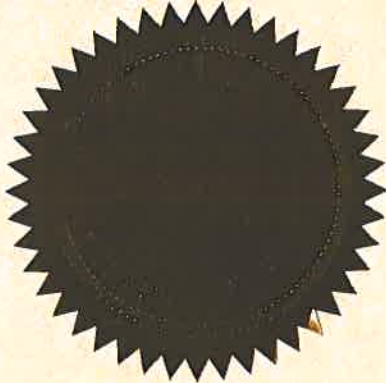
WHEREAS, Legislators of the 22nd, 2nd, and 35th Legislative Districts provided continued state leadership on the homeless crisis by adopting an operating budget that provides \$60 million to local governments and non-profits to provide housing and other wrap-around services to unhoused individuals residing in state rights-of-ways; and

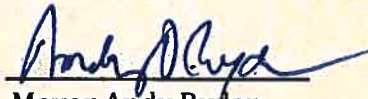
WHEREAS, Legislators of the 22nd, 2nd, and 35th Legislative Districts continued to advocate for the improvement of the Interstate 5 Corridor between Mounts Road & Tumwater, which is essential to the state's environmental, commerce, and transportation priorities, as well as Joint Base Lewis-McChord's mission readiness, resulting in the transportation budget programming \$32.5 million in 2025-2027 and \$26 million in 2027-2029 for this project; and

NOW, THEREFORE, I, Andy Ryder, Mayor of the City of Lacey, on behalf of the Lacey City Council and on behalf of the community of Lacey, do hereby pay tribute to the Legislators of the 22nd, 2nd, and 35th Legislative Districts

***SENATOR SAM HUNT, SENATOR JIM MCCUNE, SENATOR
DREW MACEWEN, REPRESENTATIVE LAURIE DOLAN,
REPRESENTATIVE JESSICA BATEMAN,
REPRESENTATIVE ANDREW BARKIS, REPRESENTATIVE
J.T. WILCOX, REPRESENTATIVE DAN GRIFFEY, AND
REPRESENTATIVE TRAVIS COUTURE***

for their outstanding service, dedication, and commitment to the community members of Lacey and urge all community members to join us in extending our appreciation for their public service.




Mayor Andy Ryder
June 15, 2023



LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: Council Policies-Procedures Manual Update

RECOMMENDATION: Make Motion to: Adopt Resolution No. 1132 amending Chapters 7 and 9 of the Council Policies-Procedures Manual

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
Shannon Kelley-Fong, Assistant City Manager *SKF*
Dave Schneider, City Attorney
Peri Edmonds, City Clerk *PE*

ORIGINATED BY: City Manager Department

ATTACHMENTS:

1. [Resolution No. 1132 amending Chapters 7 and 9 of the Council Policies-Procedures Manual](#)
2. [Council Policies-Procedures Manual Chapters 7 and 9 \(redlined version\)](#)
3. [Council Policies-Procedures Manual Chapters 7 and 9 \(clean version\)](#)

FISCAL NOTE: None

WORK PLAN GOAL AND STRATEGY: None

PRIOR REVIEW: General Government & Public Safety Committee – May 23, 2023

BACKGROUND:

On June 9, 2011, the Lacey City Council adopted the Council Policies-Procedures Manual to standardize the process for implementing current and new Council practices, procedures and policies. A review of the policies is performed by the General Government & Public Safety Committee as needed.

Since the last review and approval of revisions to the policies on March 2, 2023, staff identified the following proposed amendments for the Committee's review:

Section 7.01 Meetings:

Council Meetings and Worksessions

Update the start time for regular Council meetings and Worksessions from 7:00 p.m. to 6:00 p.m.
Approved by Ordinance No. 1610 on December 16, 2021.

Special Meetings

Add 35th District.

Section 7.05 Executive Session:

Change policy language to align with the Open Public Meetings Act (OPMA).

Section 7.07 Order of Business:

Council Meetings

Update policy to match the order of business in the current City Council meeting agenda.

Adds Roll Call and Remote Attendance announcements for enhance records management. Notably, it does not define how roll call is performed by the presiding officer. This could be as simple as verbally announcing who is present, who is remote, and who is excused.

Adds the Pledge of Allegiance a distinct order of business.

Aligns proclamations to current practice by the Lacey City Council.

Adds a defined order of business for Worksessions similar to Regular meetings.

Worksessions

Add the order of business for Worksession agendas.

Section 9.12 Voting Procedures:

Adds language that would allow Councilmembers to use an electronic voting system with the new agenda management system, Civic Clerk. This was added to enhance the records management of action items before the City Council. This will minimize the chance that a vote is not recorded correctly, in addition to allowing those attending or watching the public meetings to clearly view the outcomes of a vote.

The draft changes to Chapters 7 and 9 are reflected in Attachment 2, and a clean version is attached as Attachment 3.

At the May 23, 2023, meeting, the General Government & Public Safety Committee approved moving the recommended changes to the full City Council for approval.

ADVANTAGES:

1. A review of the Council Policies-Procedures Manual provides an opportunity for Council to review and approve any revisions to the manual to ensure policies remain appropriate and relevant.

DISADVANTAGES:

1. None identified.

RESOLUTION NO. 1132

CITY OF LACEY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LACEY RELATED TO THE CITY COUNCIL POLICIES AND PROCEDURES MANUAL.

WHEREAS, on June 9, 2011, the Lacey City Council adopted the Council Policies and Procedures Manual to standardize the process for implementing current and new Council practices, procedures, and policies; and

WHEREAS, staff proposed amendments to Section 7.01 to align the start time for regular Council meetings from 7:00pm to 6:00pm as per Lacey Municipal Code Chapter 2.04; and

WHEREAS, staff proposed amendments to Section 7.05 to align the Policy language for Executive Sessions with RCW 42.30, the Open Public Meetings Act; and

WHEREAS, staff proposed amendments to Section 7.07 to align the policy with the order of business in the current City Council and Worksession agendas; and

WHEREAS, On May 23, 2023, the General Government & Public Safety Committee approved moving the recommended changes to Chapters 7 and 9 to the full City Council for approval.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, that the Council Policies and Procedures Manual shall be updated to include changes as set forth in Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 15th day of June, 2023.

LACEY CITY COUNCIL

By _____

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

CHAPTER 7

Council Meetings

In accordance with the Open Public Meetings Act, all Council regular and special meetings are open to the public with the exception of Executive Sessions.

7.01 Meetings

Council Meetings

The Council conducts its official business, enacting laws and approving policies during regular Council meetings. Regular Council meetings occur the first and third Thursday of the month. All regular meetings begin at ~~7~~6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. There are no regularly scheduled Council meetings on the 5th Thursday of the month.

Council Worksessions

Worksessions provide an opportunity for the full Council to review and discuss issues in depth without taking official action. Council Worksessions occur on the second and fourth Thursday of each month. All meetings begin at ~~7~~6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. Although most formal Council action occurs at regular Council Meetings, the Council may make decisions and take official action at Council Worksessions.

Council Committees

The Council holds committee meetings on a monthly basis to discuss issues related to community affairs, transportation, finance, economic development, land use, environment, utilities, general government, and public safety. Meeting times and dates are posted on the City's website. Staff distribute a weekly schedule of pending agenda items to Council and staff. Three Councilmembers serve on each committee to discuss emerging issues, review City programs and policies, and provide recommendations to the full Council. Committee issues can be forwarded to regular Council Meetings for action or to a Council Worksession or committee meeting for further review. Generally, audience participation is not allowed during committee meetings, unless permitted by the Chair. *(Refer to Chapter 2, Paragraph 2.12, and Attachment 2.12A, Council Policies, Organization & Procedures of Lacey Council – Resolutions 620, 842, 893.)*

Special Meetings

- Retreats – The Council meets annually to develop short goals, priorities and policies for the upcoming year, and strategic long-term goals.

- Legislative Meetings – Prior to the state legislative session in January, Councilmembers, City Manager, and/or staff meet with state legislators from the 2nd ~~&~~, 22nd, and 35th Districts to discuss legislative issues of importance to the City.
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- Editorial Board Meetings – Once or twice a year, the City and ~~t~~The Olympian Editorial Board requests a meeting to discuss current City issues. The City Manager and three Councilmembers attend. Council rotates in order to ensure everyone has an opportunity to attend.

7.02 Guidelines for Editorial Board Meeting

In an effort to improve communications and discuss issues of public interest, ~~t~~The Olympian Editorial Board may request quarterly meetings with Lacey Councilmembers. This policy is intended to set forth guidelines for attendance and communication at these meetings.

Procedure

1. In order to ensure conformance with the State Open Meetings Law, no more than three members of the Council should attend each meeting. If more than three Councilmembers plan to attend, the City Clerk will provide appropriate notice of the meeting to the public and retain a record of the meeting.
2. Whenever possible, Councilmembers rotate attendance at the quarterly Editorial Board meetings. Variance from this practice may occur where it is anticipated that special knowledge or experience on a particular issue may be necessary or desirable.
3. Whenever possible, the City Manager attends the Editorial Board/Councilmember meeting. The City Manager participates in discussions and provides supplemental details and information on behalf of the City.
4. When Editorial Board questions arise that involve an expression of a personal opinion or points-of-view opposed to Council decision or policy, Councilmembers and the City Manager should carefully distinguish between the two when sharing information and perspectives.
5. At the regular Council Meeting immediately following the Editorial Board discussion, the full Council will be briefed regarding the highlights of the meeting.

(Refer to Chapter 7, Paragraph 7.01.)

7.03 Public Notice of Meetings and Hearings

The City Clerk publishes public notices related to public hearings, special council meetings, budget approval, annexations, and street vacations in the legal section of the local paper, and on the City's website at CityofLacey.org under ~~News & Events/Public Notices~~ News & Notices and Public & Legal Notices.

7.04 Special Meetings

Special meetings may be called at any time by the Mayor, a majority of the Council, or the City Manager by delivering personally, by mail, by fax, or by email, a written notice to each member of the Council and the City's official newspaper, and ~~to each local radio/television station the City's press release list~~ with a written notification request on file at least 24 hours before the time of such meeting specified in the notice. The notice specifies the time and place of the special meeting and the business to be transacted.

The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notices make it impractical.

7.05 Executive Session

When appropriate, the Council may ~~adjourn-meet to an~~ Executive Session to privately discuss and consider matters of confidential concern to the City. Executive Sessions are scheduled at the request or concurrence of the Mayor, or by a majority vote of the full Council during a meeting. The Council may hold Executive Sessions during (beginning, before, middle, or end)~~after, or during~~ a regular or special meeting to consider matters permitted by [RCW 42.30](#), or other applicable state law. The purposes for which an Executive Session may be held include, but are not limited to:

- Discussion with legal counsel on pending or potential litigation;
- Property acquisition/disposition where public discussion may increase or decrease the price and influence the terms of the sale;
- Matters affecting national security;
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- Complaints or charges brought against a public officer or employee;
- Qualification/performance review of the City Manager;
- Evaluate qualifications of candidates for appointment to elective office;
- Planning or adopting a position to be taken during collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing proposals made in ongoing negotiations; or
- Receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the Mayor, or presiding officer, publicly announces the purpose of the Executive Session, the estimated time when the Council will return to open session (e.g., 7:15 p.m.)~~the Executive Session will conclude~~, and whether the Council will reconvene to take action. An Executive Session may be extended to a later time by announcement of the Mayor or presiding officer ([RCW 42.30.110](#)). The purpose of convening an Executive Session shall be recorded in the meeting minutes.

7.06 Agenda Development

The City Manager coordinates the development of regular Council Meeting, Council Worksession, and committee agendas with the Mayor, Department Directors, and Committee Chairs.

Advancing Agenda Items

A Councilmember may request an item be considered on a future agenda either by making a request at a regular Council Meeting, Council Worksession, or committee meeting, or by contacting the Mayor or City Manager. Items may be added to committee meeting agendas by consensus of the Committee.

Department Directors and staff may request an item be considered on future agendas by submitting their request to the City Manager. As needed, the City Manager will consult with the Mayor before taking matters to the full Council for consideration.

A member of the public may request an item be placed on a future agenda while addressing the Council during a regular meeting and/or by submitting the request in writing to the Council through the City Clerk's office. The Council will decide whether to consider an issue proposed for a future agenda.

In order to allow sufficient time for Council to review and staff to research the issue, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been approved for placement on an agenda, the City Clerk's office will notify the requestor to invite their attendance.

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disaster, and other severe emergencies. The reason for adding an emergency item to the agenda shall be announced publicly at the meeting and the issue shall be included in the minutes of the meeting.

Agenda Timeline

The City Clerk's office developed the following timeline to ensure timely distribution of regular Council Meeting, Council Worksession, and committee meeting packs.

- Most agenda items require a Staff Report. Staff Reports must be ready for City Manager's review by 1 p.m. two Wednesdays prior to the meeting.
- Staff posts agendas and meeting packets on the City's website by 4 p.m. on the Friday prior to a council meeting.
- Staff notifies Council by email when the meeting packets are available.

The addition of ~~last-minute~~last-minute agenda items is discouraged, unless of an urgent nature, which will be determined by the City Manager and/or Mayor.

7.07 Order of Business

Council Meetings

The Council agenda sets the order of business for regular council meetings.

Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor). ~~Following the call to order, those in attendance are asked to join the Council in reciting the Pledge of Allegiance.~~

Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

Pledge of Allegiance

~~Those in attendance are asked to join the Council in reciting the Pledge of Allegiance.~~

Approval of Agenda and Consent Agenda

The Consent Agenda consists of items that are routine in nature and do not require additional discussion. ~~The Consent Agenda includes minutes of regular Council Meetings and Council Worksessions, final plat approvals, and LID/ULID's (local improvement districts/utility local improvement districts).~~ The Mayor and Council can remove items from the Consent Agenda for further discussion.

Public Recognition and Presentations

• ~~Public Recognition~~

When appropriate, the Council recognizes volunteer service, presents special awards, and receives public presentations.

• Public Comments

Members of the public may address the Council regarding topics scheduled, as well as not scheduled, on the agenda during public comment, with the exception of quasi-judicial matters forthcoming before the City Council and topics that have specified Public Hearings. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. Each person addressing the Council at the meeting (either in person or remotely) is encouraged to give their name and address for the record, and is asked to limit their address to three minutes, unless City Council permits a longer period. If several people wish to speak to the same issue, the Mayor may limit the total amount of time dedicated to that specific issue. The Mayor may interrupt public comments that continue too long, relate negatively to others, or are otherwise inappropriate.

Provided there is time, the Mayor will offer the opportunity for members of the public that did not pre-register or sign-in to provide Public Comment.

Members of the public may provide written public comment to the Council ~~address the Council before a meeting by submitting written public comments~~ by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting. Comments will be added to the official meeting record.

Public Hearings

Council holds Public Hearings following the adoption of the consent agenda and public comment period. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. The Mayor opens the Public Hearing and the City Clerk notes the time for the record. Speakers are called forward in the priority in which they signed in, and are required to state their name and address. Comments are limited to the specific matter for which the Public Hearing occurs and are limited to three minutes, unless the Mayor permits a longer period. Written comments are permitted prior to and during the public hearing, and should be submitted to the City Clerk before the public hearing closes. The City Clerk enters written documents into the record, but they are not read aloud.

Once the speakers from the pre-registered and sign-in lists complete their comments, the Mayor offers time to any additional members of the public who wish to speak at the Public Hearing. After the Public Hearing closes, members of the public are not permitted to address the Council or staff on that specific issue during the meeting. Once the Mayor closes the Public Hearing, the City Clerk notes the time for the record.

Proclamations

In response to ~~citizen~~ requests by community members, the Mayor may issue proclamations in declaration or recognition of a special event, organization, or person according to Council Policy. ~~At this time, either the Mayor or a Councilmember~~ reads the Proclamation into the record. (Refer to Chapter 10, Paragraph 10.05, and Attachment 10.05A, Council Policies, Reviewing Public Requests for Proclamations.)

Referral from Planning Commission

The ~~nine member~~ nine-member Planning Commission develops recommendations for long-range comprehensive planning goals and policies in the City and areas outside of the City seeking annexation. Issues reviewed by the Planning Commission are forwarded to Council for consideration and adoption.

Referral from Hearings Examiner

The Hearings Examiner interprets, reviews, and implements land use regulations. In addition, the Hearings Examiner hears appeals relating to the City's construction codes, as described in [LMC Section 14.18.030](#). The Mayor appoints the Hearings Examiner and any Deputy Examiners, subject to confirmation by the Council ([LMC 2.30.020](#)).

Ordinances

~~Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the Lacey Municipal Code. The original ordinance is archived as a permanent record. Beginning in 2010, adopted ordinances will be posted on the City's website. Requests for ordinances prior to this time are available as a public records request through the City Clerk's office.~~

Resolutions

Resolutions signify the intent of the Council related to specific issues, events, or ballot measures. The City Attorney, or designated City staff, prepare resolutions. The City Attorney approves to form all resolutions. Once approved by the Council, the City Clerk archives the resolution as a permanent record. The City Clerk posts all adopted resolutions ~~adopted on or after January 1, 2010,~~ on the [City's website](#). Requests for resolutions ~~prior to 2010~~ are available as a public records request through the City Clerk's office.

Ordinances

~~Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the Lacey Municipal Code. The original ordinance is archived as a permanent record. Adopted ordinances will be posted on the City's website. Requests for ordinances are available as a public records request through the City Clerk's office.~~

Mayor's Report

The Mayor reports on ceremonial events, functions, and meetings attended on behalf of the Council. The Mayor may also make announcements, and appoint, with Council approval, community members to Council advisory boards and commissions.

City Manager's Report

The Council awards bids, and authorizes the City Manager to sign City contracts during this section of the meeting. The City Manager may also make announcements regarding City operations. In an effort to keep the public informed of City business, and to provide education on City operations, staff may provide brief informative presentations to the Council and the public during this time.

Standing Committee Reports

There are six standing Council committees with three Councilmembers appointed to each committee. At this time, Committee Chairs report on the topics discussed, and any recommendations forwarded to full Council for action.

Other Business

Items and topics that need further discussion may be placed under this agenda item.

Intergovernmental Boards & Commission Reports

Councilmembers provide reports and updates of activities and discussions from each of the Intergovernmental Boards and Commissions to which they are appointed. If additional discussion or consensus is required on a regional issue, the topic may be forwarded to a Council Worksession for further review and discussion.

Old Business

~~Items and topics previously discussed by Council, but need further discussion, may be placed under this agenda item.~~

Executive Session

As needed, the Council may meet in Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.05 Executive Sessions.

Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

Executive Session

~~As needed, the Council may adjourn to an Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.04 Executive Sessions.~~

Worksessions

The Worksession agenda sets the order of business for Worksession meetings. Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Worksession. Comments will be added to the official meeting record.

Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor).

Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

Approval of Agenda

The Mayor calls for a motion to approve the agenda.

Agenda Items

Each agenda item will be listed under Agenda Items and will include the presenter and presenter's title or agency they represent.

Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

7.08 Audio and Video Recordings of Meetings

The City Clerk's office records and makes available online all regular Council Meetings, Council Worksessions, committee meetings, and advisory board and commission meetings except for those portions of the meeting conducted in Executive Session. Recordings are available under the Public Disclosure Act and archived for six years according to the State Records Retention Schedule.

The City contracts with Thurston County Media (TC Media) to provide local television programming of all regular Council meetings on Channel 3 (TCTV). Meetings are rebroadcast on TCTV. Recordings are available by contacting TC Media.

Since 2011, the City has streamed Council meetings online to provide greater public access to government operations. The videos are available on the City's website at CityofLacey.org.

9.12 Voting Procedures

Each Councilmember votes on all questions put to the Council, unless a conflict of interest under State law or an appearance of fairness question is present.

If it is determined by majority vote of the Council as a whole, plus one, that a Councilmember has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the Council in order for the Councilmember to present further information to the Council, then the Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the Council shall make its determination as provided above. When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law. Pursuant to state law, any ordinance or resolution granting or revoking a franchise or license for authorizing the payment of money shall require an affirmative vote of at least a majority of the whole membership of the Council. In order for an ordinance to take effect immediately, rather than five days after its publication, the ordinance must receive an affirmative vote of a majority plus one of the whole membership of the Council, and designate that the ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace. Such emergency ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

A conflict of interest is declared whenever appropriate and in compliance with state law. The affected Councilmember will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

Voting Process

Votes will be cast in an audible tone of voice if possible or by casting their vote electronically using a City-approved platform, if available. —If any Councilmember is unable to vote by audible tone of voice, or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. At the conclusion of the vote, the presiding officer shall summarize the total votes both for and against, and state whether any Councilmember(s) voted by clear hand signal. If the presiding officer is unable to make such determination, then the undermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.

A Councilmember who casts their vote electronically using a City-approved platform must have internet connection and use their City-issued device. Votes cast using this method must be displayed publicly to avoid a vote by secret ballot pursuant to RCW 42.30.060.

Voting Process when participation by Remote Communication Occurs. City Councilmembers may appear in City Council meetings via remote communication pursuant to Section 7.11. During any City Council meeting in which any Councilmember appears via remote communication, the City Council meeting voting procedures shall be as follows:

1. For all questions put to the City Council vote, the Presiding Officer will repeat the names of the Councilmembers that presented the motion and the second to the motion.
2. At such time as the Presiding Officer calls for the vote, a Councilmember attending via remote communication must provide an audible vote so that any participant may hear their vote or by using a City-approved platform that records electronic votes where votes are displayed publicly. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform, due to technical difficulties or otherwise, votes may be cast by clear hand signal. If the presiding officer is unable to determine a vote, then the undetermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.
3. Should technical difficulties arise that prevents any Councilmember appearing via remote communication from audibly casting their vote, by City-approved electronic voting platform, or by clear hand signal when called upon, including, but not limited to dropped or compromised device connectivity, the following shall occur:
 - a. The Presiding Officer shall pause the meeting for up to ten (10) minutes to allow for resolution to the technical difficulties prior to closing the vote. No other matters shall be discussed by the City Council during any period when the meeting is paused under these circumstances.
 - b. The Councilmember experiencing technical difficulties shall first attempt to rejoin the meeting telephonically to cast a vote by voice.
2. Once telephonic connection is established, or if the Councilmember is unable to establish a telephonic connection, the Councilmember experiencing technical difficulties may attempt to rejoin the meeting using other remote communication means. Upon rejoining the meeting by other remote communication means, the Councilmember should mute or end any telephonic connection to minimize audio feedback.

Abstention from Voting

Any member may abstain from voting on any question; provided, at the time of declaring their abstention, they state the reason.

Tie Vote

A tie vote results in a failed motion. The presiding officer may publicly explain the effect of the tie vote for the benefit of the audience.

Reconsideration

Reconsideration of an item may occur by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

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CHAPTER 7

Council Meetings

In accordance with the Open Public Meetings Act, all Council regular and special meetings are open to the public with the exception of Executive Sessions.

7.01 Meetings

Council Meetings

The Council conducts its official business, enacting laws and approving policies during regular Council meetings. Regular Council meetings occur the first and third Thursday of the month. All regular meetings begin at 6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. There are no regularly scheduled Council meetings on the 5th Thursday of the month.

Council Worksessions

Worksessions provide an opportunity for the full Council to review and discuss issues in depth without taking official action. Council Worksessions occur on the second and fourth Thursday of each month. All meetings begin at 6 p.m. in the Council Chambers at Lacey City Hall, 420 College Street SE. Although most formal Council action occurs at regular Council Meetings, the Council may make decisions and take official action at Council Worksessions.

Council Committees

The Council holds committee meetings on a monthly basis to discuss issues related to community affairs, transportation, finance, economic development, land use, environment, utilities, general government, and public safety. Meeting times and dates are posted on the City's website. Staff distribute a weekly schedule of pending agenda items to Council and staff. Three Councilmembers serve on each committee to discuss emerging issues, review City programs and policies, and provide recommendations to the full Council. Committee issues can be forwarded to regular Council Meetings for action or to a Council Worksession or committee meeting for further review. Generally, audience participation is not allowed during committee meetings, unless permitted by the Chair. *(Refer to Chapter 2, Paragraph 2.12, and Attachment 2.12A, Council Policies, Organization & Procedures of Lacey Council – Resolutions 620, 842, 893.)*

Special Meetings

- Retreats – The Council meets annually to develop short goals, priorities and policies for the upcoming year, and strategic long-term goals.

- Legislative Meetings – Prior to the state legislative session in January, Councilmembers, City Manager, and/or staff meet with state legislators from the 2nd, 22nd, and 35th Districts to discuss legislative issues of importance to the City.
- Joint Worksessions – The Council meets with the Planning Commission, School Board, and other interjurisdictional bodies are scheduled annually to discuss regional topics and issues.
- Bus Tours – Occasionally, the Council schedules community tours with Advisory Boards to view public works projects, parks, and similar private and public development projects.
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Procedure

1. In order to ensure conformance with the State Open Meetings Law, no more than three members of the Council should attend each meeting. If more than three Councilmembers plan to attend, the City Clerk will provide appropriate notice of the meeting to the public and retain a record of the meeting.
2. Whenever possible, Councilmembers rotate attendance at the quarterly Editorial Board meetings. Variance from this practice may occur where it is anticipated that special knowledge or experience on a particular issue may be necessary or desirable.
3. Whenever possible, the City Manager attends the Editorial Board/Councilmember meeting. The City Manager participates in discussions and provides supplemental details and information on behalf of the City.
4. When Editorial Board questions arise that involve an expression of a personal opinion or points-of-view opposed to Council decision or policy, Councilmembers and the City Manager should carefully distinguish between the two when sharing information and perspectives.
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(Refer to Chapter 7, Paragraph 7.01.)

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- Discussion with legal counsel on pending or potential litigation;
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- Receive confidential advice from the City Attorney under the attorney-client privilege.

Before convening in Executive Session, the Mayor, or presiding officer, publicly announces the purpose of the Executive Session, the estimated time when the Council will return to open session (e.g., 7:15 p.m.), and whether the Council will reconvene to take action. An Executive Session may be extended to a later time by announcement of the Mayor or presiding officer ([RCW 42.30.110](#)). The purpose of convening an Executive Session shall be recorded in the meeting minutes.

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In order to allow sufficient time for Council to review and staff to research the issue, the request should be submitted at least 15 working days prior to the meeting for which the item is requested to be placed on the agenda. Once the issue has been approved for placement on an agenda, the City Clerk's office will notify the requestor to invite their attendance.

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disaster, and other severe emergencies. The reason for adding an emergency item to the agenda shall be announced publicly at the meeting and the issue shall be included in the minutes of the meeting.

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When appropriate, the Council recognizes volunteer service, presents special awards, and receives public presentations.

Public Comments

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Provided there is time, the Mayor will offer the opportunity for members of the public that did not pre-register or sign-in to provide Public Comment.

Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Council meeting. Comments will be added to the official meeting record.

Public Hearings

Council holds Public Hearings following the adoption of the consent agenda and public comment period. Individuals who wish to address the Council are encouraged to sign in using the sign-in sheet in the Council Chambers or they may preregister to speak remotely using the link provided on the posted agenda. The Mayor opens the Public Hearing and the City Clerk notes the time for the record. Speakers are called forward in the priority in which they signed in, and are required to state their name and address. Comments are limited to the specific matter for which the Public Hearing occurs and are limited to three minutes, unless the Mayor permits a longer period. Written comments are permitted prior to and during the public hearing, and should be submitted to the City Clerk before the public hearing closes. The City Clerk enters written documents into the record, but they are not read aloud.

Once the speakers from the pre-registered and sign-in lists complete their comments, the Mayor offers time to any additional members of the public who wish to speak at the Public Hearing. After the Public Hearing closes, members of the public are not permitted to address the Council or staff on that specific issue during the meeting. Once the Mayor closes the Public Hearing, the City Clerk notes the time for the record.

Proclamations

In response to requests by community members, the Mayor may issue proclamations in declaration or recognition of a special event, organization, or person according to Council Policy. The Mayor and Councilmembers read the Proclamation into the record. (*Refer to Chapter 10, Paragraph 10.05, and Attachment 10.05A, Council Policies, Reviewing Public Requests for Proclamations.*)

Referral from Planning Commission

The nine-member Planning Commission develops recommendations for long-range comprehensive planning goals and policies in the City and areas outside of the City seeking annexation. Issues reviewed by the Planning Commission are forwarded to Council for consideration and adoption.

Referral from Hearings Examiner

The Hearings Examiner interprets, reviews, and implements land use regulations. In addition, the Hearings Examiner hears appeals relating to the City's construction codes, as described in [LMC Section 14.18.030](#). The Mayor appoints the Hearings Examiner and any Deputy Examiners, subject to confirmation by the Council ([LMC 2.30.020](#)).

Resolutions

Resolutions signify the intent of the Council related to specific issues, events, or ballot measures. The City Attorney, or designated City staff, prepare resolutions. The City Attorney approves to form all resolutions. Once approved by the Council, the City Clerk archives the resolution as a permanent record. The City Clerk posts all adopted resolutions on the [City's website](#). Requests for resolutions are available as a public records request through the City Clerk's office.

Ordinances

Ordinances are the official laws of the City and must be approved by Council prior to enactment. The City Attorney's office prepares ordinances, which are published by the City Clerk on the Monday following the meeting at which they were approved. An ordinance officially becomes law five business days after publication in the City's official newspaper (The Olympian). The ordinance is codified by the City Clerk's office into the [Lacey Municipal Code](#). The original ordinance is archived as a permanent record. Adopted ordinances will be posted on the [City's website](#). Requests for ordinances are available as a public records request through the City Clerk's office.

Mayor's Report

The Mayor reports on ceremonial events, functions, and meetings attended on behalf of the Council. The Mayor may also make announcements, and appoint, with Council approval, community members to Council advisory boards and commissions.

City Manager's Report

The Council awards bids, and authorizes the City Manager to sign City contracts during this section of the meeting. The City Manager may also make announcements regarding City operations. In an effort to keep the public informed of City business, and to provide education on City operations, staff may provide brief informative presentations to the Council and the public during this time.

Standing Committee Reports

There are six standing Council committees with three Councilmembers appointed to each committee. At this time, Committee Chairs report on the topics discussed, and any recommendations forwarded to full Council for action.

Other Business

Items and topics that need further discussion may be placed under this agenda item.

Intergovernmental Boards & Commission Reports

Councilmembers provide reports and updates of activities and discussions from each of the Intergovernmental Boards and Commissions to which they are appointed. If additional

discussion or consensus is required on a regional issue, the topic may be forwarded to a Council Worksession for further review and discussion.

Executive Session

As needed, the Council may meet in Executive Session to privately discuss and consider matters of confidential concern to the City. For more information, refer to 7.05 Executive Sessions.

Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

Worksessions

The Worksession agenda sets the order of business for Worksession meetings. Members of the public may provide written public comment to the Council by mail or email to the City Clerk's office by 4:00 p.m. the day of the meeting.

Comments received by the City Clerk will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the Worksession. Comments will be added to the official meeting record.

Call to Order

The Mayor, or in the Mayor's absence, the Deputy Mayor, presides over all meetings of the Council, and after determining a quorum is present, calls the meeting to order. In the absence of the Mayor and Deputy Mayor, a Councilmember is selected from among the body to act as Chair (see 2.07 Absence of the Mayor).

Roll Call, Remote Attendance, and Excused Absences

The Mayor takes roll call, announces any Councilmembers who may be attending remotely, and the excused absences of individual Councilmembers.

Approval of Agenda

The Mayor calls for a motion to approve the agenda.

Agenda Items

Each agenda item will be listed under Agenda Items and will include the presenter and presenter's title or agency they represent.

Adjourn

The Mayor adjourns the meeting and the City Clerk notes the time of adjournment for the record. All meetings will conclude no later than 10:00 p.m., unless this provision is waived by a majority of the Council. Consideration of the agenda matter then on the floor is continued beyond 10:00 p.m. by majority vote of the Council. In the event the remaining agenda cannot be concluded at any meeting by 10:00 p.m., the meeting is recessed to a definite time and place, and notice of such continued meeting is given as provided by statute.

7.08 Audio and Video Recordings of Meetings

The City Clerk's office records and makes available online all regular Council Meetings, Council Worksessions, committee meetings, and advisory board and commission meetings except for those portions of the meeting conducted in Executive Session. Recordings are available under the Public Disclosure Act and archived for six years according to the State Records Retention Schedule.

The City contracts with Thurston County Media (TC Media) to provide local television programming of all regular Council meetings on Channel 3 (TCTV). Meetings are rebroadcast on TCTV. Recordings are available by contacting TC Media.

Since 2011, the City has streamed Council meetings online to provide greater public access to government operations. The videos are available on the City's website at CityofLacey.org.

9.12 Voting Procedures

Each Councilmember votes on all questions put to the Council, unless a conflict of interest under State law or an appearance of fairness question is present.

If it is determined by majority vote of the Council as a whole, plus one, that a Councilmember has a conflict of interest under State law or would violate the appearance of fairness doctrine by participating in, and/or voting on, a matter coming before the Council, then the member determined to have the conflict of interest or appearance of fairness doctrine violation shall not participate in or vote on said matter. In the event a challenged member or members requests additional time prior to the challenge having been voted on by the Council in order for the Councilmember to present further information to the Council, then the Council's determination with respect to the challenge shall be continued to the next regularly scheduled meeting of the Council, at which time the member or members requesting the additional time shall present such additional information. At the conclusion of the presentation, the Council shall make its determination as provided above. When the debate appears to be over and if no one indicates a desire to continue discussion, the chair puts the motion to a vote by stating, "If there is no further discussion, cast your votes."

Only those ordinances, resolutions, or motions that receive an affirmative vote by the majority of the present and voting members of the Council who also constitute a quorum shall be passed or become effective unless other voting requirements are provided by Washington State law. Pursuant to state law, any ordinance or resolution granting or revoking a franchise or license for authorizing the payment of money shall require an affirmative vote of at least a majority of the whole membership of the Council. In order for an ordinance to take effect immediately, rather than five days after its publication, the ordinance must receive an affirmative vote of a majority plus one of the whole membership of the Council, and designate that the ordinance is a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace. Such emergency ordinance may not levy taxes, grant, renew or extend a franchise, or authorize the borrowing of money.

A conflict of interest is declared whenever appropriate and in compliance with state law. The affected Councilmember will not participate in the discussion and will abstain from the voting process by leaving the Council Chambers until such time as consideration of the item has been concluded.

Voting Process

Votes will be cast in an audible tone of voice if possible or by casting their vote electronically using a City-approved platform, if available. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. At the conclusion of the vote, the presiding officer shall summarize the total votes both for and against, and state whether any Councilmember(s) voted by clear hand signal. If the presiding officer is unable to make such determination, then the undermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.

A Councilmember who casts their vote electronically using a City-approved platform must have internet connection and use their City-issued device. Votes cast using this method must be displayed publicly to avoid a vote by secret ballot pursuant to [RCW 42.30.060](#).

Voting Process when participation by Remote Communication Occurs. City Councilmembers may appear in City Council meetings via remote communication pursuant to Section 7.11. During any City Council meeting in which any Councilmember appears via remote communication, the City Council meeting voting procedures shall be as follows:

1. For all questions put to the City Council vote, the Presiding Officer will repeat the names of the Councilmembers that presented the motion and the second to the motion.
2. At such time as the Presiding Officer calls for the vote, a Councilmember attending via remote communication must provide an audible vote so that any participant may hear their vote or by using a City-approved platform that records electronic votes where votes are displayed publicly. If any Councilmember is unable to vote by audible tone of voice or by voting electronically using a City-approved platform due to technical difficulties or otherwise, votes may be cast by clear hand signal. If the presiding officer is unable to determine a vote, then the undetermined vote shall not be considered. Only those votes that the presiding officer can determine shall be considered.
3. Should technical difficulties arise that prevents any Councilmember appearing via remote communication from audibly casting their vote, by City-approved electronic voting platform, or by clear hand signal when called upon, including, but not limited to dropped or compromised device connectivity, the following shall occur:
 - a. The Presiding Officer shall pause the meeting for up to ten (10) minutes to allow for resolution to the technical difficulties prior to closing the vote. No other matters shall be discussed by the City Council during any period when the meeting is paused under these circumstances.
 - b. The Councilmember experiencing technical difficulties shall first attempt to rejoin the meeting telephonically to cast a vote by voice.
2. Once telephonic connection is established, or if the Councilmember is unable to establish a telephonic connection, the Councilmember experiencing technical difficulties may attempt to rejoin the meeting using other remote communication means. Upon rejoining the meeting by other remote communication means, the Councilmember should mute or end any telephonic connection to minimize audio feedback.

Abstention from Voting

Any member may abstain from voting on any question; provided, at the time of declaring their abstention, they state the reason.

Tie Vote

A tie vote results in a failed motion. The presiding officer may publicly explain the effect of the tie vote for the benefit of the audience.

Reconsideration

Reconsideration of an item may occur by a majority vote of the Council. A member of the prevailing majority must make a motion for reconsideration when the previous vote was taken, and can be made no later than the next regular meeting after which the previous vote was taken.

DRAFT



LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: Vacation of Unopened Right of Way (ROW)

RECOMMENDATION: Make Motion to: Adopt Resolution No. 1133 to set the hearing date of July 6, 2023 to consider a vacation of certain right-of-way abutting Rainier Road.

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
Scott Egger, Public Works Director *SE*
Aubrey Collier, City Engineer *AC*

ORIGINATED BY: Public Works

ATTACHMENTS: 1. [Proposed Resolution 1133](#)
2. [Exhibit A - ROW and parcel data](#)

FISCAL NOTE: N/A

PRIOR REVIEW: The ROW Vacation was discussed at the Transportation Committee meeting in December of 2022.

BACKGROUND:

The City has an unopened street right of way as shown in the attached Exhibit A that was acquired through annexation. This ROW was originally dedicated to Thurston County in 1921, and portions of ROW from the original plat were vacated when the area was further subdivided to create Indian Summer and The Links subdivisions. Development of The Links subdivision eliminated the need or ability to construct the roadway in the location of the unnamed right of way.

A right of way vacation means that the City would terminate the public interest in this area. This ROW serves no public purpose, and the loss of the property will not adversely impact current or future public needs. If the City vacated this right of way, the City would no longer have interest or access, and the property within these limits would belong to abutting property owners. Because the City did not pay for this right of way, it would not be appropriate to ask for any compensation from abutting property owners for the right of way vacation.

In order for the City to vacate the right of way a public hearing is necessary. The proposed resolution sets the date and time of the hearing. Notice of the date and time for the public hearing will be posted at city hall and in a conspicuous place on the property sought to be vacated. Notice will also be mailed to the property owners. If fifty percent of the abutting property owners file written objection to the proposed vacation with the city clerk, prior to the time of hearing, the city will be prohibited from proceeding with the vacation.

The City has conducted additional outreach to property owners in the form of letters, emails, phone calls, and a meeting at City Hall to explain the process.

ADVANTAGES:

1. Releasing the City's interest in the area provides full use and ownership of the property to the property owners.

DISADVANTAGES:

1. No significant disadvantages have been identified.

RESOLUTION NO. 1133

CITY OF LACEY

A RESOLUTION SETTING THE HEARING DATE TO CONSIDER A VACATION OF CERTAIN UNOPENED RIGHT-OF-WAY ABUTTING RAINIER RD.

WHEREAS, Chapter 12.32 of the Lacey Municipal Code and Chapter 35.79 of the Revised Code of Washington provide for the vacation of streets; and

WHEREAS, The City has an unopened street right of way as shown in the attached Exhibit A that was initially acquired through annexation, and

WHEREAS, This ROW was originally dedicated to Thurston County in 1921, and portions of ROW from the original plat were vacated when the area was further subdivided to create Indian Summer and The Links subdivisions. Development of The Links subdivision eliminated the need or ability to construct the roadway in the location of the unnamed right of way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, that a public hearing shall be held before the Council at the Lacey City Council Chambers, Lacey City Hall, 420 College St. SE, Lacey, Washington commencing at 6:00 p.m. on July 6, 2023, to consider the vacation of the unopened street right of way as shown on the attached Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this ____ day of _____, 2023.

CITY COUNCIL

By _____
Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

EXHIBIT "A"

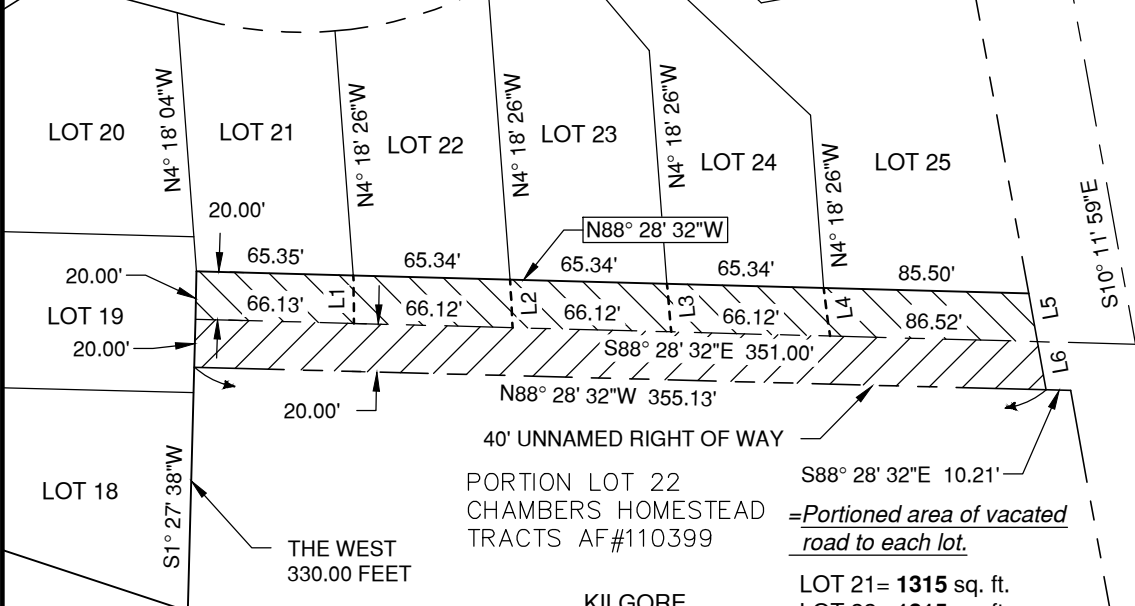
SW $\frac{1}{4}$ OF SW $\frac{1}{4}$,
SEC. 4, T. 17 N., R 1 W, W.M.

THE LINKS, PH 1
AF#3703250

PORTION LOT 23
CHAMBERS HOMESTEAD
TRACTS AF#110399

TANBY LANE. S.E.

RAINIER RD. S.E.



NO NAME
ROAD VACATION

CITY OF LACEY, WASHINGTON
DEPT. OF PUBLIC WORKS

DES.

DWN.
MKB

CKD.
RPS

DATE
11-01-2022



LACEY CITY COUNCIL MEETING 6/15/23

SUBJECT: Criminal Harassment Statute Update

RECOMMENDATION: Make Motion to: Adopt Ordinance 1639, amending the Lacey Municipal Code as it pertains to Criminal Harassment.

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
David Schneider, City Attorney
Matt Sharp, Assistant City Attorney

ORIGINATED BY: City Attorney's Office

ATTACHMENTS: 1. [Ordinance 1639](#)

FISCAL NOTE: None

PRIOR REVIEW: Forwarded by General Government and Public Safety Committee May 23, 2023.

BACKGROUND:

Section 9.12.060 of the Lacey Municipal Code declares the crime of Harassment, a gross misdemeanor, for several types of threatening conduct. The various conduct enumerated includes making threats in the following form:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or
2. To cause physical damage to the property of a person other than the actor; or
3. To subject the person threatened or any other person to unlawful physical confinement or restraint; or
4. Maliciously to do any other act which is intended to harm substantially the person threatened or another with respect to his or her physical or mental health, safety,

financial condition, or personal relationships, and the person by words or conduct places the person threatened in reasonable fear the threat will be carried out.

This language is nearly analogous to that in the state statute, namely RCW 9A.46.020.

At issue is the fourth subsection. RCW 9A.46.020 does not include all of the same conduct that the Lacey Municipal Code addresses, but it does have the same language pertaining to mental health.

The Washington State Supreme Court reviewed the constitutionality of the “mental health” provision of the state statute in the case *State v. Williams*, 144 Wn.2d 197 (2001). The court held that this portion of the state statute was unconstitutional due to vagueness and overbreadth.

While the state statute remained unchanged for many years since the *Williams* case, the legislature did eventually remove the relevant portion during the 2023 legislative session, via SSB 5087 (effective July 23, 2023).

Section 9.12.060 of the Lacey Municipal Code includes the same language that was found unconstitutional in the state statute. Further, the language not included in the state statute pertaining to financial condition and personal relationships, while not put before the court in *Williams*, does appear to be subject to the same rationale as to vagueness and overbreadth.

City staff recommend updating Section 9.12.060 of the Lacey Municipal Code to comply with the *Williams* ruling and conform to the recently amended RCW 9A.46.020.

ADVANTAGES:

1. The Lacey Municipal Code will better comply with state law and the constitution.

DISADVANTAGES:

2. None identified.

ORDINANCE NO. 1639

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, The Washington State Supreme Court has ruled that the state statute declaring the crime of harassment, RCW 9A.46.020 partially unconstitutionally vague and overbroad; and

WHEREAS, the state legislature has amended the RCW to remove the unconstitutional language under SSB 5087, which is effective July 23, 2023; and

WHEREAS, Section 9.12.060 of the Lacey Municipal Code contains the same language as that addressed in *State v. Williams*; and

WHEREAS, Staff have identified additional language in Section 9.12.060 of the Lacey Municipal Code that appears subject to the same analysis;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, AS FOLLOWS:

Section 1. Section 9.12.060 of the Lacey Municipal Code is hereby amended to read as follows:

9.12.060 Harassment.

A. A person is guilty of harassment if without lawful authority, the person knowingly threatens:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or
2. To cause physical damage to the property of a person other than the actor; or
3. To subject the person threatened or any other person to unlawful physical confinement or restraint; or
4. Maliciously to do any other act which is intended to harm substantially the person threatened or another with respect to his or her physical ~~or mental health~~ or, safety, ~~financial condition, or personal relationships~~, and the person by words or conduct places the person threatened in reasonable fear the threat will be carried out.

B. A person who harasses another is guilty of a gross misdemeanor; provided, however, that should state law provide for a higher grade of offense for multiple violations of the acts prohibited by this section, said state law shall prevail.

Section 2. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, at a regularly-called meeting thereof, held this ____ day of _____, 2023.

CITY COUNCIL

By: _____
Mayor

Approved as to form:

City Attorney

Attest:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO 1639

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on _____, Ordinance No. 1639, entitled “AN ORDINANCE OF THE CITY OF LACEY RELATED TO THE CRIME OF HARASSMENT, AMENDING SECTION 9.12.060 OF THE LACEY MUNICIPAL CODE AND APPROVING A SUMMARY FOR PUBLICATION.”

The main points of the Ordinance are described as follows:

1. The Ordinance amends Section 9.12.060 of the Lacey Municipal Code, pertaining to the crime of Harassment,
2. The Ordinance approves this Summary for Publication.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: _____, 2023.



2023 Water Quality Report



WATER QUALITY TESTING RESULTS

GROUNDWATER PROTECTION

MANDATORY WATERING SCHEDULE

REBATES



Scan this
QR code to
access the
full water
test results
online!

CITY OF LACEY, WASHINGTON
cityoflacey.org/water-quality

Pictured: Water crew doing trench restoration after repairing a large water line break on Marvin Rd SE.

A Message from the Mayor

I am pleased to announce that Lacey's drinking water met or exceeded all regulations and mandates established by the Environmental Protection Agency for 2022.

Please take the opportunity to read and learn about the quality of our community's drinking water. You can rest assured knowing that Lacey staff work around the clock to maintain a water system that delivers consistent, high quality drinking water 24/7.

Information contained in this report and online at cityoflacey.org/water-quality enables Lacey's water customers, specifically those with special health considerations, to make informed decisions about the water they use every day.

If you have questions regarding the community's drinking water or the information contained in this report, please contact your Lacey Water Utility at 360-491-5600.



Mayor Andy Ryder



Water Quality Testing Results Now Available

The drinking water delivered to your home in 2022 by the City of Lacey's water utility met or exceeded all regulations and mandates established by the Environmental Protection Agency!

We have a comprehensive water-testing program that takes place each month to ensure our drinking water is safe to drink. To view the 2022 Drinking Water Test Results, visit cityoflacey.org/water-quality. To request a paper copy of the drinking water test results, call **360-491-5600** or email WaterResources@ci.lacey.wa.us.

In the 2022 Drinking Water Test Results, you may also find important information about lead and other contaminants that may be present in all drinking water sources. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, some pregnant women and some infants can be particularly at risk from infections, and are encouraged to visit cityoflacey.org/water-quality to learn more and seek advice about drinking water from their health care providers.

PRIMARY STANDARDS REGULATED BY EPA FOR PROTECTING HEALTH

CONTAMINANT	HIGHEST LEVEL ALLOWED (MCL)	GOAL NOT TO EXCEED (MCLG)	HIGHEST LEVEL DETECTED	LOWEST LEVEL DETECTED	DATE OF HIGHEST LEVEL DETECTED	TYPICAL SOURCE OF CONTAMINANT
Arsenic	10 ppb	0	2 ppb	<1 ppb	7/13/21	
Fluoride	4 ppm	4 ppm	<0.2 ppm	<0.2 ppm	5/18/21	Geology, natural weathering. Fluoride is not added to water
Lead	15 ppb	0	8 ppb	< 1 ppb	8/10/21	Geology, brass fittings
Nitrate	10 ppm	10 ppm	5.6 ppm	<1 ppm	8/16/22	Septic systems, fertilizer, animal waste
Radium 228	5 pCi/L	0 pCi/L	1 pCi/L	<1 pCi/L	7/19/22	Septic systems, fertilizer, animal waste
Total Coliform Bacteria (% monthly samples testing positive)	5%	0%	1%	0%	9/28/22	Naturally present in the environment
Free Chlorine Residual	4 ppm	4 ppm	1.04 ppm	0.34 ppm	11/8/22	Added as a disinfectant to the water system
Total Trihalomethanes	80 ppb	NA	8 ppb	<1 ppb	1/18/22	Reaction of chlorine with naturally occurring organic matter
Total Haloacetic acids	60 ppb	NA	9 ppb	<1 ppb	1/28/22	Reaction of chlorine with naturally occurring organic matter

REGULATED BY THE STATE AT THE CONSUMER'S TAP

CONTAMINANT	STATE ACTION LEVEL	GOAL NOT TO EXCEED (MCLG)	90% PERCENTILE	# SAMPLES OVER STATE ACTION LEVEL	DATE OF HIGHEST LEVEL DETECTED	TYPICAL SOURCE OF CONTAMINANT
Copper	1300 ppb	1300 ppb	934 ppb	1 sample	6/23/20	Corrosion of household plumbing or erosion of natural deposits
Lead	15 ppb	0 ppb	8 ppb	1 sample	6/23/20	Corrosion of household plumbing or erosion of natural deposits

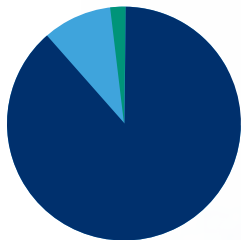
This report contains important information about your drinking water. Have someone translate it for you, or speak with someone who understands it. You will find translated versions of the entire report in Spanish, Korean, Vietnamese, Filipino, and simplified Chinese at cityoflacey.org/water-quality.

Este informe contiene información importante acerca de su agua potable. Haga que alguien lo traduzca para usted, o hable con alguien que lo entienda.

Tài liệu này có tin tức quan trọng về nước uống của quý vị. Hãy nhờ người dịch cho quý vị, hoặc hỏi người nào hiểu tài liệu này.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City of Lacey is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using the water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at epa.gov/safewater/lead.

Where Did Lacey's Water Go in 2022?



88.5% CITY CUSTOMERS WITH WATER METERS
(2.58 billion gallons)

9.4% DISTRIBUTION SYSTEM LEAKAGE**
(275 million gallons)

2.1% AUTHORIZED CITY USES*
(61 million gallons)

For more information about Lacey's distribution system or to report problems, call Public Works at **360-491-5644**.

*Authorized uses include street sweeping, water line flushing, treatment facility maintenance and other related activities.

**Distribution system leakage (DSL) refers to all water that could not be accounted for and is attributed to water main breaks, theft of water and other unknown water losses. The state requires that utility of Lacey's size maintain a DSL of less than 10%.

REBATES Visit cityoflacey.org/water-conservation-program or call **360-438-2687** for more information.

FREE TOILET REPLACEMENT *(Customers on SEPTIC)*

City of Lacey water customers with on-site septic systems may be eligible for up to 2 **FREE** WaterSense certified High-Efficiency Toilets (HET) to replace toilets that use 3 gallons or more per flush. Toilets installed prior to 1993 will usually qualify.

\$100 TOILET REBATE *(Customers on SEWER)*

Lacey water customers with City sewer service are eligible for a mail-in rebate of up to \$100 for the purchase of qualifying WaterSense certified Ultra-High-Efficiency Toilets (UHET) to replace existing toilets that use 1.6 gallons or more per flush.

\$50 WASHING MACHINE REBATE *(Customers on SEPTIC or SEWER)*

City of Lacey utility customers are eligible for a mail-in rebate of up to \$50 for the purchase of a qualifying ENERGY STAR certified washing machine.

FREE WATER-SAVING ITEMS

- Indoor water saving kit
- Outdoor water saving kit
- Automatic shut-off hose timer
- Soil moisture sensor



Eligible customers may request items at: cityoflacey.org/water-conservation-program or bring in your Lacey utility bill to City Hall.

Pick up items at Lacey City Hall Public works counter, 420 College St. SE, Mon.-Fri., 9 am-5 pm. Orders are limited to one per customer while supplies last.

Call to check availability **360-491-5600**.

THIS SUMMER REMEMBER TO FOLLOW THE

Mandatory Summer Watering Schedule



EFFECTIVE JUNE 1 – SEPT. 30

PLEASE NOTE: Failure to follow the outdoor watering policy could ultimately lead to the discontinuation of your water service and \$250 fine.

Since 2006, the City of Lacey has enforced an ODD/EVEN watering schedule for water customers to help meet peak summer demand. In winter, Lacey uses about 6 million gallons of water a day. In summer, it jumps to 13 million gallons or more a day! This is mostly due to landscape watering. Help us keep water rates as low as possible by reducing your summer water use.

To apply for a temporary exemption or variance from the watering schedule, contact Water Resources at **360-491-5600** or **WaterResources@ci.lacey.wa.us**

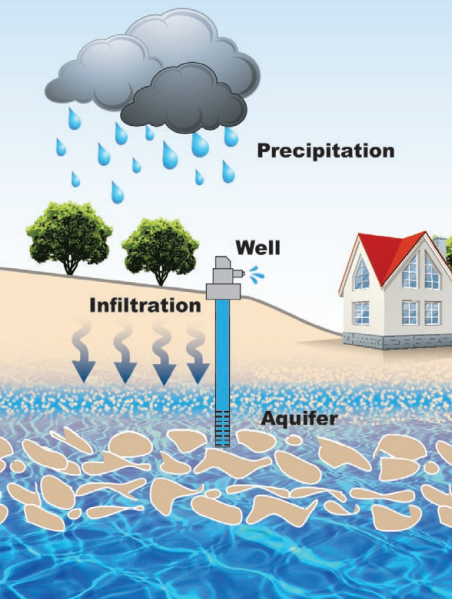
If your address ends with an:	ODD NUMBER 1-3-5-7-9	If your address ends with an:	EVEN NUMBER 0-2-4-6-8	
Your watering days are:	MONDAY, WEDNESDAY & SATURDAY	Your watering days are:	SUNDAY, TUESDAY & THURSDAY	

For more information about how to conserve resources and save money on your water utility bill this summer visit epa.gov/watersense/outdoors



- Install WaterSense certified smart controls and efficient sprinkler heads on your irrigation system. Just look for this label.
- Let your grass turn golden. It's not dead, just dormant! Water no more than 1" per week. It will turn green again with the autumn rain.
- Reduce the amount of grass areas in your yard by replacing it with plants that do well with little or no watering. Look for drought tolerant plants, especially those native to Washington State. You will conserve resources and save money!





Where Does Lacey's Water Come From?

All of the water you use in your home comes from groundwater wells located throughout the greater Lacey area. The wells pump water up from three underground aquifers. An aquifer is a natural underground layer of rock or sand that stores water. Groundwater is found in the pore spaces between the rock and sand.

By the end of 2022, the Lacey water distribution system consisted of:

- Water Reservoirs: 8
- Production Wells: 20
- Waterlines: 425 miles
- Hydrants: 4,200
- Water Valves: 13,800
- Staff Members: 29

Groundwater Protection

In 1995, the City of Lacey began its Wellhead Protection Program to ensure that activities and land uses do not contaminate groundwater quality. This is important because all of our drinking water comes from groundwater, as does most drinking water in Thurston County. Our drinking water can become contaminated if harmful substances sink through the soil and end up in our underground aquifers.

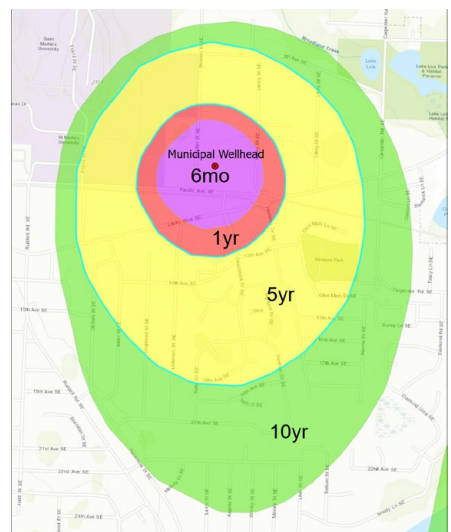
The Wellhead Protection Area (WHPA) illustration below shows how long it takes groundwater to travel through the underground aquifer to reach the wellhead. For example, groundwater in the yellow area takes 5 years to reach the drinking water well. Everyone can help protect our drinking water by proper use, storage and disposal of harmful substances within WHPAs.

Septic systems can be a source of groundwater contamination if not properly used and maintained. It is important for septic system owners to perform regular system maintenance to prevent groundwater contamination and protect the quality of our drinking water. **Want to connect to sewer? For information about the LOTT Clean Water Alliance REBATE of 50-75% off the connection fee, contact WaterResources@ci.lacey.wa.us or 360-491-5600.**

To report someone dumping contaminants or if you find a spill, call 360-491-5644.

WELL HEAD PROTECTION AREA (WHPA)

Time of Travel:
Groundwater to Wellhead



Meet Two Members of Our Hard-working Water Utility Team:



Ryan Jewell joined the City last November as a utility engineer in the Water Resources department of Public Works. He has been working on the design of several water, stormwater, and wastewater projects including Distribution System Improvements, the Woodland Creek Oil Water Separator Replacement, and the Westminster Pond Rehabilitation. Ryan looks forward to helping the City manage stormwater and provide safe drinking water to its residents. He enjoys being a member of the Lacey community!

Phil Petty retired from the Water Department earlier this year after 37 years of dedicated service as a leak detection technician. He responded to countless customer service calls and solved many problems over the years, as well as working on several major projects. His knowledge and skills were vast, saving the City of Lacey millions of gallons of water. Thank you, Phil!



Understanding PFAS

The City of Lacey, along with all large public water systems in the country, will be testing our water sources for 29 different per- and polyfluoroalkyl substances (PFAS) chemicals as required by the U.S. Environmental Protection Agency (EPA). The purpose of this testing is to gain an understanding of the levels at which these chemicals are found in the nation's drinking water systems. The data collected will help the EPA make future decisions on actions needed to protect public health. The city will be sampling in December 2023 and July 2024. Any detections made will be reported in future annual City of Lacey Consumer Confidence Reports.

This sampling data required by the EPA will also be evaluated by the Washington State Department of Health (DOH). The Washington State Board of Health has been proactive when it comes to PFAS and has adopted State Action Levels (SALs) for five of the PFAS chemicals in which there is sufficient information already gathered. Additional information regarding PFAS and regulations concerning them in Washington State can be found at: doh.wa.gov/community-and-environment/contaminants/pfas

Any detectable levels of PFAS from previous sampling done by the City of Lacey and nearby water systems have been well below all current SALs. Call the City of Lacey Water Quality Analyst with questions at **360-493-2410**.



Water Resources
420 College St. S.E.
Lacey, WA 98503

PRSRT STD
U.S. POSTAGE
PAID
OLYMPIA, WA
PERMIT NO. 6

Join Stream Team

Lacey Stream Team helps protect and enhance water resources through community education and action. In 2022, 700 Stream Team volunteers donated over 500 hours to our community through stream re-vegetation projects, stream monitoring, litter clean up, storm drain marking, and other activities. Visit **streamteam.info** for more information or to sign up for an upcoming volunteer opportunity. You can help enhance our beautiful natural resources. It's rewarding and fun!



Attend a City Council Meeting

City council meetings are generally held at 7:00 pm at Lacey City Hall on the 2nd & 4th Thursday of each month January through October and the 1st & 3rd Thursdays in November and December. Call **360-491-3214** to check upcoming meeting agendas. Meetings are also video recorded and available on our website (live and archived) cityoflacey.org/upcoming-meetings.

Contact Us

- To report problems about Lacey's water system, call **360-491-5644**
- For utility bill questions, call **360-491-5616**
- EPA Safe Drinking Water Hotline:
1-800-426-4791 or visit the EPA Homepage at epa.gov/OW



City of Lacey Spills Hotline

- See a spill or water quality concern? Report it!
- Call **360-491-5644**



LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: Budd/Deschutes Watershed Environmental Stewardship Coalition ILA

RECOMMENDATION: Make Motion to: Authorize the Interim City Manager to sign the Interlocal Agreement to Establish the Budd/Deschutes Watershed Environmental Stewardship Coalition

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
David Schneider, City Attorney *DS*
Scott Egger, Director of Public Works *SE*
Peter Brooks, Water Resources Manager *PB*

ORIGINATED BY: Peter Brooks, Water Resources Manager

ATTACHMENTS: [Budd/Deschutes Watershed Environmental Stewardship Coalition Interlocal Agreement](#)

FISCAL NOTE: The City of Lacey committed \$166,667 toward future project(s) when it signed the MOU in 2011. The funds were accounted for in the 2012 Water Capital Construction Budget.

WORK PLAN GOAL AND STRATEGY: None

PRIOR REVIEW: At the December 5, 2022 Utilities Committee meeting, the committee was briefed on the initiation of discussions toward the development of this ILA.

BACKGROUND: The cities of Olympia, Lacey and Yelm, along with the Squaxin Island Tribe worked collaboratively during the evaluation of the cities' water rights applications to address predicted impacts to water bodies within the Deschutes Watershed. That collaboration led to a formal Memorandum of Understanding (MOU) between the tribe and cities to participate in a Budd/Deschutes Watershed Environmental Coalition. The Coalition's intent is to pursue additional short and long-term solutions towards restoration of

a healthy watershed. That historic MOU was signed at the Squaxin Tribal Museum and Culture Center on November 29, 2011.

The MOU provided that each city had to receive its new water rights before being bound by the terms of the MOU. Ecology issued water rights to all three cities in 2012. But, Yelm's water rights were appealed, ultimately to the Washington State Supreme Court, and then eventually issued owing to intervention by the Washington State legislature. That multi-year delay in the issuance of water rights to the City of Yelm delayed the creation of this ILA.

Once Yelm was issued new water rights, it was timely to develop an ILA for the Budd/Deschutes Watershed Coalition. Over the past winter and spring, representatives of the three cities and the Squaxin Island Tribe held meetings and developed this ILA. Key elements of the ILA include;

- The Coalition supports regional restoration and water rights mitigation efforts.
- Decisions are made by consensus of the coalition members.
- Each Member retains its autonomy and voluntarily makes and implements Coalition agreements.
- The Cities collectively provide \$500,000 seed money towards the design, project management, and construction of a restoration project or projects within the Watershed.
- New Members or Associates may join the Coalition following a written invitation from the Executive Committee.
- The Cities' financial contribution can be held in a conservative interest bearing escrow account.

ADVANTAGES:

1. Restoration activities in the Budd/Deschutes watershed can proceed.
2. The seed money contributed by the cities can potentially be leveraged with grant funds to accomplish more.

DISADVANTAGES:

1. None noted.

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF OLYMPIA, THE CITY OF LACEY, THE CITY OF YELM, AND THE SQUAXIN ISLAND
TRIBE TO ESTABLISH THE BUDD/DESCHUTES WATERSHED ENVIRONMENTAL STEWARDSHIP
COALITION**

INTERLOCAL AGREEMENT

This Interlocal Agreement is entered into by and between the City of Olympia (“Olympia”), the City of Lacey (“Lacey”), and the City of Yelm (“Yelm”), collectively the “Cities,” each a Washington non-charter code city, and the Squaxin Island Tribe, a federally recognized Indian tribe (“Squaxin”). The Cities and Squaxin are referred to collectively as the “Members.”

RECITALS

Whereas RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities;

Whereas pursuant to RCW 39.34.080, each Member is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform: provided, that such contract must be authorized by the governing body of each Member to the contract and must set forth its purposes, powers, rights, objectives, and responsibilities of the contracting Members;

Whereas the Members entered into a Memorandum of Agreement (“MOU”) in 2011 to jointly create a coalition to implement the commitments stated in the MOU, including for the Cities to fund the design, project management, and construction of a restoration project or projects within the Deschutes River/Budd Inlet Watershed (“Watershed”) with seed money of \$500,000 (“Seed”); to collectively pursue grants and to leverage the Seed as match [MOU ¶ 6 a iii], and to develop a long-term strategic plan [MOU ¶ 6 d];

Whereas the Cities have implemented the agreed upon short-term water-rights mitigation projects on tax parcel #22629220202, the Deschutes Ranch property (formerly known as the Smith Ranch Property) purchased by the Cities in May 2011. [MOU ¶ 6 b and c] and have consulted with the Tribe on the implementation of water rights mitigation projects;

Interlocal Agreement between
City of Olympia, City of Lacey, City of Yelm, and the Squaxin Island Tribe
to Establish the Budd/Deschutes Watershed Environmental Stewardship Coalition

Whereas the Members hereby reaffirm the expressions, objectives, and commitments stated in the MOU.

Whereas the Cities will be performing mitigation actions within the Watershed because of acquiring certain water rights within the Watershed. [MOU Whereas ¶ 3]

Whereas implementation of the Coalition will take ongoing coordination and collaboration across governmental entities, including but not limited to the Members, non-profit organizations, and other stakeholders;

Whereas the Members understand the critical importance of establishing the governmental and financial structure to support the timely implementation of the Coalition; and

Whereas the Members desire to build on the collaboration expressed in the MOU and establish an interjurisdictional governance framework for implementation of the Coalition.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Members agree as follows:

1. Intent

The Budd/Deschutes Watershed Environmental Stewardship Coalition (the “Coalition”) is a consortium of Members that come together to act on habitat degradation within the Watershed and support habitat and water right mitigation efforts within the Watershed, with the ultimate goal of steadily improving the biological health of the Watershed. [MOU Whereas ¶ 6].

The Coalition is dedicated to fostering the recovery of an abundance of natural resources and the requisite environmental quality at the level necessary to support the culture and traditions of Tribal members, including fishing and shellfish harvest, and that improves the quality of life for all residents of the region. [MOU ¶ 3]

The Coalition provides a mechanism through which its Members can learn, explore, collaborate, incubate, coordinate, and communicate policies and best practices that Member leadership can decide to advance collectively or singularly. The Coalition is made up of an Executive Committee of Member representatives and a staff-level Implementation Work Group. [MOU ¶ 5]

The Members intend to work together to coordinate water right mitigation actions. [MOU ¶ 5]

The Coalition will develop a long-term strategic plan to achieve its mission. [MOU ¶ 6 d]

The Coalition may expand beyond the initial Members. It is the intent to invite others to join the Coalition. At a minimum, the State of Washington, other jurisdictions, quasi-governmental entities, and non-profit organizations may be invited to join the Coalition and engage in environmental protections and restoration efforts within the Watershed. [MOU #4] Invitees may be asked to join the Coalition as New Members or Associates. New Members will participate at the Executive Committee level with full voting rights and share in some portion of funding for implementation of mitigation actions and are referred to interchangeably in this Agreement as “Members.” Associates are non-voting, ex-officio participants in the Coalition that provide subject matter expertise or other support and are excluded from the term “Members” as used in this Agreement.

2. Policy Focus – Restoration

Each of the Members is engaged in work to support regional habitat restoration and water right mitigation efforts. By working together, the Coalition can create coordinated policies, increase efficiencies, leverage resources, educate and engage the community, and provide better services related to these issues. This Coalition work also fosters linkages between related regional, state, and federal programs.

a. Guiding Principles

The Coalition embraces these guiding principles:

The Coalition anticipates, identifies, and solves nascent and long-term habitat degradation issues.

The Coalition supports regional restoration and water rights mitigation efforts.

The Coalition makes decisions by consensus, that is, no Member disagrees.

The Coalition reaches across jurisdictional boundaries to maximize resources and develop effective public policy.

The Coalition improves coordination and communication between its Members and stakeholders creating greater efficiencies, delivering desired outcomes, and providing better service.

Each Member retains its autonomy and voluntarily makes and implements Coalition agreements.

The Coalition creates alignment and efficiency, adding value to each Member's functions, for each policy issue that it tackles.

The Coalition operates under the goal of open and transparent communication, including communication outcomes in a clear and coherent manner to stakeholders.

3. Scope of Agreement/Work

- a. Executive Committee. Each Member shall appoint one representative and one alternate representative to serve as the points of contact for purposes of representing the Member's interests in this Agreement and to formally serve on the Executive Committee. [MOU ¶ 7] The Member representatives on the Executive Committee will conduct business on a consensus basis.

Through Executive Committee participation, Member representatives learn about issues of significance and commit to sharing insights in other forums, including Member governing bodies and local stakeholder groups. When engaging as an Executive Committee, Member representatives commit to advancing Coalition interests and understanding, informed by their local experience and responsibilities. The Executive Committee is responsible for reviewing and finalizing work products of the supporting staff-level Implementation Work Group and recommending approval to each Members' respective governing bodies.

- b. By-Laws. The Coalition shall adopt by-laws to govern such matters as operating procedures, officers, and other parties joining the Coalition.
- c. Project Implementation.
 - i. The Coalition shall identify, select, and fund the design, project management and construction of a restoration project or projects within the Watershed. The Coalition shall emphasize environmental protections and restoration efforts with mid- and long-term project implementation. Implementation and funding of projects will require a separate agreement.
 - ii. The Executive Committee shall assign a project manager and fiscal agent for each project, on a project-by-project basis.

- iii. The Cities shall be open to participation by other jurisdictions and organizations to propose and then implement additional restoration projects on tax parcel ##22629220202, the Deschutes Ranch property, purchased by the Cities in May 2011. [MOU ¶ 6 b and c]. The Cities shall consult with the Tribe before approving or denying a proposal or in setting any necessary conditions. [MOU ¶ 3 c]
- d. Strategic Planning. The Coalition shall develop a long-term strategic plan. The strategic plan will be re-evaluated and updated, as needed, based on the best available science, monitoring data and new or evolving conditions. Each Member shall contribute to the costs of developing and updating the strategic plan. Planning costs will be determined by the Implementation Work Group and approved by the Executive Committee. [MOU ¶ 6 d]
- e. Seed Monies from the Cities. The Cities shall collectively provide \$500,000 Seed towards the design, project management, and construction of a restoration project or projects within the Watershed. Each of the three cities will appropriate a one-third share (\$166,667) to a dedicated escrow fund to be used for Watershed restoration purposes. The Cities shall invest the fund in an interest-bearing account as authorized by RCW 35.39.030 and RCW 35.39.034. The Coalition shall leverage the Seed funding provided by the Cities to collectively pursue grants for a project or projects within the Watershed by using the Seed as a match. Yelm shall serve as the fiscal agent for purposes of the Cities' Seed investment.
- f. Assistance from the Tribe. The Tribe shall provide restoration project ideas, assist with project development, provide technical input, and review, and support the permitting and implementation of a project or projects that the Parties jointly select. [MOU ¶ 6 a iii]
- g. Administrative Support. The Member government whose representative is serving as Chair of the Coalition is responsible for providing administrative support to the Coalition during the time that its representative serves as Chair. Administrative support includes, at a minimum, administrative tasks associated with the Executive Committee and any Coalition Committees that may be established (e.g., meeting planning, agenda setting, public notice, record keeping, budget reports) and the preparation of a Coalition Annual Report. Additional administrative support will be determined during the establishment of the Coalition's annual work plan.

The Executive Committee may cooperatively establish and fund a coordinator to assume the administrative support tasks described above.

4. Rights of Ownership – Property – Final Products

The Coalition shall not acquire any tangible property, including personal property or real property. All products or intangible property that result from the work outlined in this Agreement will be jointly owned by the Members. Such joint ownership will continue after termination or expiration of this Agreement.

5. New Members and Associates

New Members or Associates may join the Coalition following a written invitation from the Executive Committee.

6. New Member Admission

New Membership is contingent on the New Member signing an acknowledgment stating that the New Member agrees to be bound by the terms and conditions of this Agreement, the Coalition's By-Laws, and the conditions, if any, for joining (for example, cost-sharing). It is the intent of this provision to allow New Members to join without the need for an amendment to this Agreement.

7. Member Withdrawal

A Member may voluntarily withdraw from the Coalition. For Coalition budgeting purposes, a Member that intends to withdraw must provide written notice of withdrawal to the Coalition and all other Members no later than June 30th of any calendar year, and the withdrawal is only effective on January 1st of the following calendar year.

8. Indemnification & Insurance

Each Member shall defend, indemnify, and hold the other Members, their officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses, or suits, including reasonable attorney fees, arising out of or in connection with the indemnifying Member's performance of this Agreement, including injuries and damages caused by the negligence of the indemnifying Member's officers, officials, or employees.

Each Member agrees to jointly defend, indemnify, and hold any New Member, their officers, officials, employees, and volunteers harmless from all claims, injuries, damages, losses, or suits including reasonable attorney fees, arising out of or in connection with the Coalition's work predating the New Member's admission to the Coalition.

9. No Separate Legal Entity Created

This Agreement creates no separate legal entity.

10. Duration of Agreement

This Agreement is effective on the date of its entry into force pursuant to ¶ 15 below and terminates upon completion of the tasks necessary to accomplish the purpose of the Agreement, unless sooner terminated by the Members as provided herein.

11. Dispute Resolution

- a. Step One – Negotiation. In the event of a dispute concerning any matter pertaining to this Agreement, the Members involved shall attempt to address their differences by informal negotiation. The Member perceiving a dispute or disagreement persisting after informal attempts at resolution shall notify the other Members in writing of the general nature of the issues. The letter must be identified as a formal request for negotiation and must propose a date for representatives of the Members to meet. The other Members shall respond in writing within ten (10) business days. The response must succinctly set out that Member's view of the issues or state that there is no disagreement. The Members shall accept the date to meet or shall propose an alternate meeting date not more than ten (10) business days later than the date proposed by the Member initiating dispute resolution. The representatives of the Members shall meet to resolve the dispute. If a resolution is reached the resolution will be memorialized in a memorandum signed by all Members which becomes an addendum to this Agreement. Each Member bears the cost of its own attorneys, consultants, and other Step One expenses. Negotiation under this provision may not exceed 90 days from the date of the notification of the dispute. If a resolution is not reached within 90 days, the Members shall proceed to mediation. [MOU ¶ 12 a]
- b. Step Two – Mediation. If the dispute has not been resolved by negotiation within 90 days of the initial letter proposing negotiation, any Member may demand mediation. The mediator must be chosen by agreement. Each Member bears the cost of its own attorneys, consultants, and other Step Two expenses. The

Members to the mediation shall share the cost of the mediator. A successful mediation will result in a memorandum agreement which becomes an addendum to this Agreement. Mediation under this provision may not exceed 90 days from the date of the demand for mediation. If the mediation is not successful within 90 days, the Members may proceed to litigation. [MOU ¶ 12 b].

- c. Step Three – Litigation. Unless otherwise agreed by the Members in writing, Step One and Step Two must be exhausted as a condition precedent to filing of any legal action. A Member may initiate an action without exhausting Steps One or Two if the statute of limitations is about to expire and the Members cannot reach a tolling agreement, or if either Member determines the public health, safety, or welfare is threatened.

12. Termination of Agreement

This Agreement may be terminated upon mutual agreement of the Members.

13. Interpretation and Venue

This Agreement is governed by the laws of the State of Washington as to interpretation and performance. Venue for enforcement of any provisions is the Superior Court of Thurston County, subject to the dispute resolution process in ¶ 11 having been exhausted or dispensed with by agreement.

14. Entire Agreement

This Agreement sets forth all terms and conditions agreed upon by the Members and supersedes all prior agreements oral or otherwise with respect to the specific subject matter addressed herein.

15. Recording

Prior to its entry into force, the City of Olympia shall file this Agreement with the Thurston County Auditor's Office, or this Agreement must be posted upon the Members' websites as provided by RCW 39.34.040.

16. Counterparts

This Agreement may be executed in counterparts, and all such counterparts once so executed together constitute one final agreement, as if one document had been signed

by all Members, and each such counterpart, upon execution and delivery, is a complete original, binding on the Members. A faxed or email copy of an original signature has the same force and effect as the original signature.

17. Notice

Any notice required under this Agreement must be to the Member at the address listed below and becomes effective three days following the date of deposit with the United States Postal Service. The address for notice to New Members must be disclosed in the acknowledgement required by Section V of this Agreement.

CITY OF OLYMPIA:

Attn: Jesse Barham, Water Resources Director
Re: Budd/Deschutes Watershed Coalition
PO Box 1967
Olympia, WA 98507-1967
jbarham@ci.olympia.wa.us
Phone (360) 753-8164

CITY OF LACEY:

Attn: Water Resources Manager
Re: Budd/Deschutes Watershed Coalition
420 College St. SE
Lacey, WA 98503
Phone (360) 491-5600

CITY OF YELM:

Attn: Cody Colt, Public Services Director
Re: Budd/Deschutes Watershed Coalition
901 Rhoton Road
Yelm, WA 98597
codyc@yelmwa.gov
Phone (360) 458-8412

SQUAXIN ISLAND TRIBE:

Attn: Scott Steltzner,
Re: Budd/Deschutes Watershed Coalition
200 Billy Frank Jr Way
Shelton, WA 98584
ssteltzner@squaxin.us
Phone (360) 432-3803

This Agreement is hereby entered into between the Members:

CITY OF OLYMPIA

Steven J. Burney, City Manager

Date: _____

Approved as to form:

Michael Young, Deputy City Attorney

Date: _____

CITY OF LACEY

Rick Walk, City Manager

Date: _____

Approved as to form:

David Schneider, City Attorney

Date: _____

CITY OF YELM

Todd Stancil, City Administrator

Date: _____

Approved as to form:

Brent Dille, City Attorney

Date: _____

SQUAXIN ISLAND TRIBE

Marvin Campbell, Tribal Administrator

Date: _____

Approved as to form:

Amalia Walton, Tribal Attorney

Date: _____



LACEY CITY COUNCIL MEETING June 15, 2023

SUBJECT: ILA for Implementing Deschutes Water Rights Mitigation Strategy – Phase VI

RECOMMENDATION: **Make Motion to: Authorize the Interim City Manager to sign and Interlocal Agreement for Implementing the Deschutes Water Rights Mitigation Strategy – Phase VI**

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
David Schneider, City Attorney *DS*
Scott Egger, Director of Public Works *SE*
Peter Brooks, Water Resources Manager *PB*

ORIGINATED BY: Peter Brooks, Water Resources Manager

ATTACHMENTS: [ILA for Implementing Deschutes Water Rights Mitigation Strategy – Phase VI](#)

FISCAL NOTE: Funds for maintenance of the Deschutes mitigation property are included in the 2023 budget.

WORK PLAN GOAL AND STRATEGY: None

PRIOR REVIEW:

BACKGROUND: As part of the water rights acquisition process which culminated in 2012 with the issuance of 7,392 Acre-Feet/Year of new water right to the City of Lacey, the Cities of Lacey, Olympia, and Yelm committed to purchasing pasture land along the Deschutes River and making habitat improvements to that land. That work is completed and so the Phase V ILA has sunset.

This Phase VI ILA authorizes the Cities of Lacey, Olympia and Yelm, as co-owners of that parcel of land on the Deschutes River purchased for water rights mitigation, to establish a

commitment to jointly develop a mutually agreed to long-term property stewardship and ownership strategy which could include, but is not limited to, reaching a conservation and stewardship agreement and property transfer with a third party. This can include contracting for services to manage the property and monitoring the condition of the completed riparian revegetation and other habitat restoration projects.

As mentioned, the construction of the mitigation projects has been completed and the Cities continue to need to conduct property management activities. The Cities will jointly develop and issue a Request for Qualifications (RFQ) for a consultant, organization or outside agency to conduct property management activities. Such activities could include;

- Mowing/Pasture Management
- Noxious weed treatment/removal
- Fence repair, and new fence installation, if mutually agreed to
- A minimum of twice-yearly contractor/Cities property management coordination meetings
- Beaver management
- Plant establishment monitoring
- Minor planting maintenance, if mutually agreed to
- Others items to be determined through mutual decision making

ADVANTAGES:

1. Allows the Cities to efficiently and cost effectively manage their jointly owned property.
2. Allows the Cities to explore a long-term property stewardship and ownership strategy.

DISADVANTAGES:

1. None noted.

When recorded return to:

City of Olympia
PO Box 1967
Olympia, WA 98507-1967

**INTERLOCAL AGREEMENT BETWEEN
THE CITIES OF OLYMPIA, LACEY, AND YELM
FOR IMPLEMENTING DESCHUTES WATER RIGHTS
MITIGATION STRATEGY – PHASE VI**

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each party is authorized to contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform; provided, that such contract shall be authorized by the governing body of each party to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties; and

WHEREAS, the Cities have submitted applications for water rights to Washington Department of Ecology (WDOE); and

WHEREAS, in order to secure approvals of those water rights, the Cities have cooperatively developed a mitigation strategy for the Deschutes River that has been accepted by the WDOE; and

WHEREAS, the mitigation strategy includes restoration of 200 acres of farmland jointly purchased by the Cities in the Deschutes River watershed (Deschutes River property). Habitat restoration mitigation actions took place over several years on the property and included: riparian planting along 1 mile of river frontage, stream channel and wetland restoration, and ongoing land management responsibilities; and

Interlocal Agreement between Lacey, Olympia, and Yelm for Implementing Deschutes Water Rights Mitigation Plan

WHEREAS, by Interlocal Agreement effective November 14, 2007, the Cities completed Phase I of a water rights acquisition strategy by identifying potential water rights for acquisition; and

WHEREAS, by amended Interlocal Agreement effective January 19, 2010, the Cities completed Phase II of a water rights acquisition strategy for mitigation purposes by jointly acquiring water rights and property in the Deschutes River basin and developing a habitat restoration assessment for that property; and

WHEREAS, Olympia's water rights were issued by WDOE in December 2011 and Lacey's water rights were issued by May 2012, and Yelm's water right was approved but appealed in November 2011; and

WHEREAS, through Interlocal Agreement effective August 23, 2012, the Cities completed Phase III of the Deschutes Mitigation Strategy by retiring water rights; fencing the Deschutes River property; developing a 60% design for habitat restoration mitigation actions, project schedule and costs for habitat restoration mitigation actions identified in the cities' mitigation plans; and contracting for the services of a project manager to coordinate and lead this effort; and

WHEREAS, through a letter of agreement dated October 30, 2014, the City of Olympia planted a 50-foot wide riparian buffer along the Deschutes River on the Deschutes River property; and

WHEREAS, through Interlocal Agreement effective April 27, 2015, the Cities completed Phase IV of the Deschutes Mitigation Strategy by advancing to 100% the design and bid specifications for the habitat enhancement projects that were designed to 60% under Phase III, applying for and obtaining necessary project permits, and hiring consultants to help support this effort and to oversee ongoing property management; and

WHEREAS, on October 8, 2015, WDOE's approval of Yelm's water right application was overturned by the Washington State Supreme Court thereby eliminating any immediate benefit Yelm would receive from habitat enhancement mitigation projects but not diminishing Yelm's interests as a joint owner of the Deschutes River property; and

WHEREAS, Yelm's water rights were approved and issued through a pilot project on June 16, 2022; and

WHEREAS, through Interlocal Agreement effective September 12, 2017, the Cities of Olympia and Lacey jointly continued implementation of the Deschutes Mitigation Strategy by completing habitat restoration projects designed under Phase IV, for which the City of Yelm provided back payment of Phase V construction costs and the Cities funded and completed property management and property stewardship planning tasks: and

Interlocal Agreement between Lacey, Olympia, and Yelm for Implementing Deschutes Water Rights Mitigation Plan

WHEREAS, the Cities may be doing other restoration work on the Deschutes River Farm property not related to this Interlocal Agreement, but through a Memorandum of Understanding (MOU) with the Squaxin Island Tribe signed November 29, 2011. In this MOU the Cities have agreed to form the Budd/Deschutes Watershed Environmental Stewardship Coalition and provide additional funding for habitat restoration activities; and

WHEREAS, the Cities have completed the construction of their mitigation obligations but continue to have joint property management and stewardship planning responsibilities on the Deschutes River Farm property;

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Cities agree as follows:

I. Purpose/Objective

The Cities (also the “Parties”) have jointly purchased property on the Deschutes River for the purpose of cooperatively implementing the Deschutes Mitigation strategy that was approved by WDOE. Implementation of that plan is required by water rights issued to Olympia (ROEs CS2-SWC8030, CS2-01105, CS2-SWP10191), Lacey (ROEs G2-29165, G2-29304, G2-30250, G2-30251, G2-30248, G2-30249) and Yelm (ROE G2-29085).

While the Cities have jointly completed construction of the Deschutes Mitigation strategy the Cities continue to have joint property management responsibilities.

The purpose of this Agreement is to outline the Cities of Olympia, Lacey, and Yelm responsibilities as joint owners of the Deschutes River property and to establish a commitment to jointly develop a mutually agreed to long-term property stewardship and ownership strategy which could include, but is not limited to, reaching a conservation and stewardship agreement and property transfer with a third party.

II. Scope of Agreement/Work

Selection of a Property Management Contractor

The Cities will jointly develop and issue a Request for Qualifications (RFQ) for a consultant, organization or outside agency to conduct property management activities. The RFQ will include the general scope and nature of the work to be performed and will describe the selection criteria. Once selected, the Cities shall jointly enter into a professional service agreement with the selected consultant, organization or agency.

Property management activities under this ILA are expected to include:

- Mowing/Pasture Management
- Noxious weed treatment/removal
- Fence repair, and new fence installation, if mutually agreed to
- A minimum of twice-yearly contractor/Cities property management coordination meetings
- Beaver management
- Plant establishment monitoring
- Minor planting maintenance, if mutually agreed to
- Others items to be determined through mutual decision making

The Cities will jointly direct the work of the successful contractor, consultant, organization, or agency through a consensus-based decision-making process.

This agreement also allows the Cities to coordinate on decision-making related to contract management, consultant communication and dissemination of project information to appropriate staff within their own jurisdiction.

The Cities may also jointly hire legal counsel on issues related to property management topics. Legal advice provided to the Cities shall be considered attorney client privileged communications not subject to disclosure.

In the event it is necessary for the Cities to enter into more than one professional services agreement for property management services under this Agreement due to contract expiration or other reasons, the RFQ issuance and selection process outlined in this section will be followed.

The Cities agree to share equally in property management costs. Any professional services agreement put together for property management activities under this agreement will require the contractor to provide invoices to each individual City (Olympia, Lacey, Yelm) for its pro-rata share of the invoice total.

Long-term Property Ownership Strategy

The Cities agree to jointly develop a long-term property ownership strategy, including options for a land conservancy or land trust agreement with a third party for approval by each individual jurisdictions' governing body. Coordination with the Washington State Department of Ecology on long-term stewardship and conservation requirements and process to protect the function and values of the mitigation action at the site is expected to occur as a component of strategy development.

If mutually agreed to, the Cities may jointly develop and issue a Request for Qualifications (RFQ) for a consultant, organization or outside agency to assist with the development of a long-term property ownership strategy. The RFQ will include the general scope and nature of the work to be performed and will describe the selection criteria.

The Cities agree to share equally in strategy development costs, if any beyond individual jurisdictions' staff time which will not be cost-shared.

Any professional services agreement put together for assistance with the development of a long-term property ownership strategy under this Agreement will require the contractor to provide invoices to each individual City (Olympia, Lacey, Yelm) for its pro-rata share of the invoice total.

The Cities may also jointly hire legal counsel on issues related to development of a long-term property ownership. Legal advice provided to the Cities shall be considered communications subject to the attorney client privilege and not subject to disclosure.

Meetings

The Cities agree that at a minimum twice-yearly joint property ownership meetings will be held throughout the effective period of this Agreement. One such meeting shall be scheduled in the second quarter of each year to establish projected budget needs for the next year.

The Cities acknowledge that more frequent meetings will be necessary to develop a long-term property ownership strategy and agree to establish a project meeting schedule and strategy development framework within 90-days of Agreement execution.

Olympia agrees to coordinate meetings envisioned under this Agreement, including agenda establishment, until such time either Lacey or Yelm agree to do so.

III. Property Access

This agreement grants the Cities and their contractors, individually or in collaboration, access to the Deschutes River property to perform property management activities or to conduct field visits as outlined in this agreement, the property management professional services agreement or the Deschutes Mitigation Strategy. In the event an individual City is interested in conducting additional habitat mitigation work on the property, such City shall seek a letter of support from the other Cities prior to beginning any such work. The

Cities agree that it is not necessary to seek written permission to conduct general field visits.

The Cities agree to otherwise limit access to the Deschutes River property unless as mutually agreed to.

The Cities recognize that other parties may be interested in constructing additional mitigation or restoration work on the Deschutes River property, conducting field visits and/or visiting the site for recreational purposes. The Cities will use the following general guidelines when approached by other parties requesting access on the property:

- Access for recreational purposes (i.e., fishing, hunting) will not be allowed
- Field visits for environmental education purposes will be considered provided a representative from one or more Cities is present during the event.
- Additional mitigation or restoration work by a nonprofit organization shall be considered on a case-by-case basis provided such work does not jeopardize the Cities' water rights.

Such permissions, if granted, shall be provided in a written letter of support signed by the Cities and grantee shall agree to indemnification language.

IV. Indemnification

Each City agrees to defend, indemnify and hold the other Cities, their officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including reasonable attorney fees, arising out of or in connection with the indemnifying City's performance of this Agreement, including injuries and damages caused by the negligence of the indemnifying City's officers, officials, agents, and employees.

VII. No Separate Legal Entity Created

This Agreement creates no separate legal entity.

VIII. Duration of Agreement

This Agreement shall be effective on the date of the last signature affixed hereto and shall terminate upon completion of the tasks necessary to accomplish the purpose of the Agreement, unless sooner terminated by the Cities as provided herein.

IX. Dispute Resolution

- a. Step One – Negotiation. In the event of a dispute concerning any matter pertaining to this Agreement, the Parties involved shall attempt to address their differences by informal negotiation. The Party perceiving a dispute or disagreement persisting after informal attempts at resolution shall notify the other Parties in writing of the general nature of the issues. The letter shall be identified as a formal request for negotiation and shall propose a date for representatives of the Parties to meet. The other Parties shall respond in writing within ten (10) business days. The response shall succinctly and directly set out that Party's view of the issues or state that there is no disagreement. The Parties shall accept the date to meet or shall propose an alternate meeting date not more than ten (10) business days later than the date proposed by the Party initiating dispute resolution. The representatives of the Parties shall meet in an effort to resolve the dispute. If a resolution is reached the resolution shall be memorialized in a memorandum signed by all Parties which shall become an addendum to this Agreement. Each Party will bear the cost of its own attorneys, consultants, and other Step One expenses. Negotiation under this provision shall not exceed 90 days. If a resolution is not reached within 90 days, the Parties shall proceed to mediation.
- b. Step Two – Mediation. If the dispute has not been resolved by negotiation within ninety (90) days of the initial letter proposing negotiation, any Party may demand mediation. The mediator shall be chosen by agreement. Each Party will bear the cost of its own attorneys, consultants, and other Step Two expenses. The parties to the mediation will equally share the cost of the mediator. A successful mediation shall result in a memorandum agreement which shall become an addendum to this Agreement. Mediation under this provision shall not exceed 90 days. If the mediation is not successful within 90 days, the Parties may proceed to litigation.
- c. Step Three – Litigation. Unless otherwise agreed by the Parties in writing, Step One and Step Two must be exhausted as a condition precedent to filing of any legal action. A Party may initiate an action without exhausting Steps One or Two if the statute of limitations is about to expire and the Parties cannot reach a tolling agreement, or if either Party determines the public health, safety, or welfare is threatened.

X. Termination of Agreement

This Agreement may be terminated upon mutual agreement of the Cities.

XI. Interpretation and Venue

This Agreement shall be governed by the laws of the State of Washington as to interpretation and performance. The parties hereby agree that venue for enforcement of any provisions shall be the Superior Court of Thurston County for the State of Washington.

XII. Entire Agreement

This Agreement sets forth all terms and conditions agreed upon by the Cities and supersedes any and all prior agreements oral or otherwise with respect to the specific subject matter addressed herein.

XIII. Recording

Prior to its entry into force, this Agreement shall be filed with the Thurston County Auditor's Office or posted upon the Cities' websites as provided by RCW 39.34.040.

XIV. Counterparts

This Agreement may be executed in counterparts, and all such counterparts once so executed shall together be deemed to constitute one final agreement, as if one document had been signed by all Parties, and each such counterpart, upon execution and delivery, shall be deemed a complete original, binding on the parties. A faxed or email copy of an original signature, or a digital or electronic signature where permitted by law, shall be deemed to have the same force and effect as the original signature.

XV. Notice

Any notice required under this Agreement shall be to the Party at the address listed below and shall become effective five days following the date of deposit with the United States Postal Service.

CITY OF OLYMPIA:

Attn: Mark Russell, Interim Public Works Director
Re: Water Rights Mitigation/Deschutes Basin
PO Box 1967
Olympia, WA 98507-1967

CITY OF LACEY:

Attn: Peter Brooks, Water Resource Manager
Re: Water Rights Mitigation/Deschutes Basin
420 College St SE
Lacey, WA 98503

CITY OF YELM:

Attn: Cody Colt, Public Services Director
Re: Water Rights Mitigation/Deschutes Basin
106 2nd St SE
Yelm, WA 98597

This Agreement is hereby entered into between the Cities and shall take effect on the date of the last authorizing signature affixed hereto:

CITY OF OLYMPIA

Steven J. Burney, City Manager

Date: _____

Approved as to form:

City Attorney

CITY OF YELM

Mayor

Date: _____

Approved as to form:

Attorney for City of Yelm

CITY OF LACEY

City Manager

Date: _____

Approved as to form:

City Attorney



LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: 2023 Overlay Phase 1 Project

RECOMMENDATION: Make Motion To: Award Lacey Contract Number PW 2023-28 to low bidder Tucci & Sons, Inc. from Tacoma, Washington in the amount of \$3,040,226.00.

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
Scott Egger, P.E., Public Works Director *SE*
Aubrey Collier, P.E., S.E., City Engineer *AC*
Ashley Smith, P.E., Design and Construction Manager *AS*
Lisa Hull, Project Administrator *LH*
Justin Knox, P.E., Design Engineer *JK*

ORIGINATED BY: Public Works Department

ATTACHMENTS: NONE

FISCAL NOTE: 2023 Overlay was anticipated and included in Lacey's 2023 Budget. Funding for the project is provided under the fund code ST23O1 through the fund source of Transportation Benefit District Funds, 103-4301-595.90-03.

PRIOR REVIEW: N/A

BACKGROUND:

This contract provides for street reconstruction and hot mix asphalt overlays of fifteen (15) streets to include road removal, minor and major reconstruction, adjustments of utility appurtenances, striping, storm drainage improvements, and other work. This project will pave approximately 5.2 lane miles.

The project was advertised for two weeks and bids were opened June 1, 2023. Five (5) bids were received. The bids ranged from a low of \$3,040,226.00 to a high of

\$4,127,055.00. Tucci & Sons, Inc. from Tacoma, Washington, is low bidder at \$3,040,226.00. The Engineer's Estimate is \$3,000,000.00. A Bid Summary Sheet is attached.

Tucci & Sons are qualified and capable of performing the work. Start date of the project is anticipated to be July 2023, and there are 50 working days allotted.

ADVANTAGES:

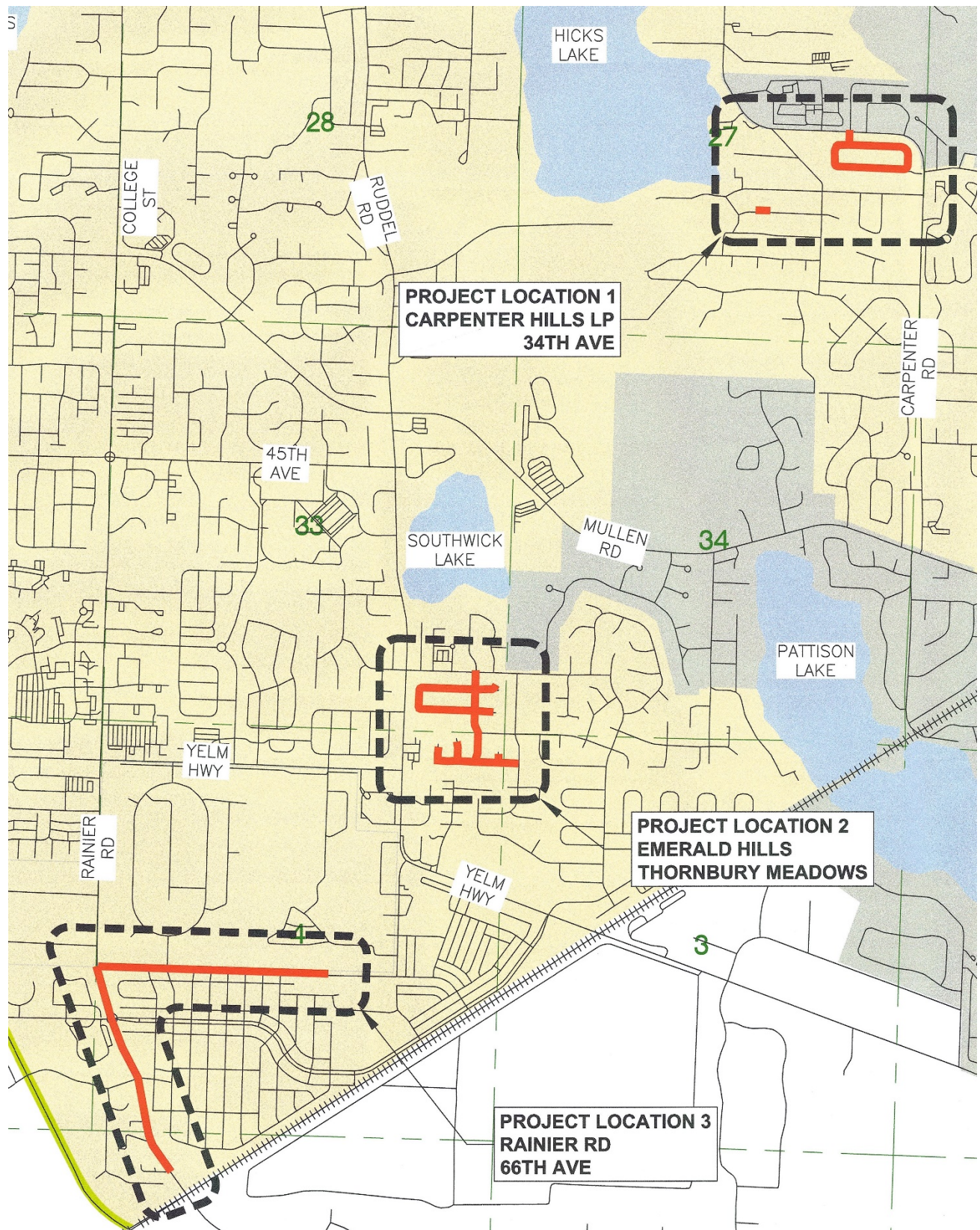
1. Provides new asphalt wearing surface.

DISADVANTAGES:

1. Typical traffic delays can be expected during construction.

**CITY OF LACEY
2023 Overlay Phase 1
PW 2023-28**

CONTRACTOR	LOCATION	BID	POS.
Tucci & Sons Inc.	Tacoma, WA	\$3,040,226.00	1
Lakeside Industries Inc.	Lacey, WA	\$3,048,357.00	2
Granite Construction Co.	Olympia, WA	\$3,173,173.00	3
Miles Resources LLC.	Puyallup, WA	\$3,443,443.00	4
Puget Paving	Lakewood, WA	\$4,127,055.00	5
ENGINEER'S ESTIMATE \$3,000,000.00			





LACEY CITY COUNCIL MEETING

June 15, 2023

SUBJECT: TCMedia Contract Extension

RECOMMENDATION: Make Motion to: proceed with entering an additional six-month contract extension with TCMedia to provide Public, Educational, and Government Television and Access for the remainder of 2023.

Further discussion on PEG and television production and programming services is tentatively scheduled to go before the Lacey City Council at the July 13, 2023 Worksession.

STAFF CONTACT: Rick Walk, Interim City Manager *RW*
Shannon Kelley-Fong, Assistant City Manager *SKF*

ORIGINATED BY: City Manager's Department

ATTACHMENTS: 1. [Amendment #2: Operating Agreement #AG – 14.0002](#)

FISCAL NOTE: \$66,308.94 for 6-months; \$132,617.88 total for 2023.

WORK PLAN GOAL AND STRATEGY: AN ENGAGED COMMUNITY

COMM. PLAN: Goal 2

PRIOR REVIEW: [Worksession – 12.08.2022](#)
[Community Relations and Public Affairs Committee – 12.05.2022](#)
[Worksession – 09.08.2022](#)

BACKGROUND: For a full overview of Public, Education, and Government (PEG) television production and programming services please see the staff reports and presentations from [Worksession – 12.08.2022](#) and [Worksession – 09.08.2022](#)

In brief, since 1986, the cities of Lacey (“City”), Olympia and Tumwater, and later Thurston County (collectively “Jurisdictions”), contracted with TCMedia to be the designated PEG service provider. Over the past decade plus, cable and community access television has rapidly changed with the advent of smartphones and other accessible video technologies, as well as the proliferation of social media platforms for communication.

In 2022, the Jurisdictions collaboratively solicited through a Request for Proposal (RFP) process for proposals for a Designated Service Provider for PE) television production and programming services for each respective jurisdiction. The joint RFP was designed in a “à la carte” style asking potential Designated Service Providers to identify what PEG-related services they were interested in providing and their associated costs. The RFP outlined that potential Designated Service Providers do not need to provide all elements of PEG services to be considered. The RFP expressly emphasized that the Jurisdictions were “interested in innovative and sustainable ways to provide production, programming, and other PEG services to their communities.” TCMedia was the only respondent to the RFP. A committee of representatives from each jurisdiction reviewed the proposal. The committee found that there was limited consideration of “innovative and sustainable ways to provide production, programming, and other PEG services” in the TCMedia proposal. TCMedia’s proposal included cost increases for services that were significantly higher (50%+) than in the previous contract.

Following this review, the City, as well as the other jurisdictions, elected to negotiate a contract extension with TCMedia based off the 2020-2022 contract with a five percent (5%) increase for a six-month period extending to June 30, 2023.

Attachment 1 would extend the current contract extension with TCMedia for an additional 6-month period, extending to December 31, 2023. With this extension the City will receive an additional 350 staff hours for direct production support, in addition to all the unused staff hours from the first six-months of 2023.

Further discussion on TCMedia and television production and programming services is tentatively scheduled to go before the Lacey City Council at the July 13, 2023 Worksession.

ADVANTAGES:

1. Continues PEG services.
2. Allows the City to continue to evaluate PEG services and future service needs.

DISADVANTAGES:

1. None identified at this time.

**AMENDMENT #2
TO OPERATING AGREEMENT #AG – 14.0002
WITH THURSTON COMMUNITY MEDIA
FOR
PUBLIC, EDUCATION, AND GOVERNMENT (PEG) TELEVISION PRODUCTION AND
STUDIO MAINTENANCE, OPERATION, AND ADMINISTRATIVE SERVICES**

This amendment (the “Amendment”) is made by the City of Lacey (“City”), and Thurston Community Media (“TCTV”), parties to Operating Agreement Number AG-14.0002, dated December 20, 2019 (the “Agreement”).

IT IS MUTUALLY AGREED that the Agreement is hereby amended as follows:

1. This Agreement is extended for an additional six-month period from July 1, 2023 to December 31, 2023.
2. For this second extended term, TCTV shall rollover all unused staff hours from January 1, 2023 to June 30, 2023 and allocate an additional 350 staff hours to the City for direct production support.
3. For this second extended term, the City shall pay to TCTV a flat-rate amount of \$66,308.94.
4. For this second extended term, all services provided by TCTV shall be performed in the same proportion as outlined in “Addendum C, Scope of Services” to the Agreement.

Except as set forth in this Amendment, the Operating Agreement is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this Amendment and the Operating Agreement or any earlier amendment, the terms of this Amendment will prevail.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on this ____ day of June, 2023.

CITY OF LACEY

Thurston Community Media

By: _____
Rick Walk, Interim City Manager

By: _____
Deborah Vinsel, CEO

Date: _____

Date: _____

Approved as to Form:

By: _____
David Schneider, City Attorney

COMMUNITY RELATIONS & PUBLIC AFFAIRS COMMITTEE MINUTES

JUNE 5, 2023

11:00 A.M. – 11:50 A.M.

REMOTE AND IN PERSON ATTENDANCE

To hear the complete meeting or to listen to a specific topic, please watch the recorded meeting available on City of Lacey's YouTube Channel:

https://www.youtube.com/watch?v=mGZDs_kyD2c

COUNCIL PRESENT: COUNCILMEMBERS STEADMAN (CHAIR), KUNKEL, AND COX (REMOTE)

STAFF PRESENT: RICK WALK, SHANNON KELLEY-FONG, DONNA FELICIANO, TABETHA RESTOULE

ACTION: APPROVE COMMUNITY RELATIONS & PUBLIC AFFAIRS COMMITTEE AGENDA

MOTION: MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBER KUNKEL AND COUNCILMEMBER COX.

LACEYLIFE OVERVIEW

STAFF: DONNA FELICIANO, COMMUNICATION SPECIALIST

ACTION: INFORMATION ONLY

Staff provided an overview of the LaceyLife Newsletter. The following topics were presented:

- LaceyLife background
- Help Improve LaceyLife Survey Results
- Current Distribution
- Lacey Communications Plan
- Style Guide
- Other City Newsletter Examples

ADVISORY BOARD STIPEND PROGRAM

STAFF: SHANNON KELLEY-FONG, ASSISTANT CITY MANAGER

ACTION: REVIEW THE ADVISORY BOARD STIPEND PROGRAM AND FORWARD TO THE FULL LACEY CITY COUNCIL FOR REVIEW AT A WORKSESSION.

MOTION: MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBER COX AND COUNCILMEMBER KUNKEL

Staff provided an overview of the advisory board compensation programs that are intended to reduce barriers for participation. The overview included:

- Potential Direct Costs
- Stipend Amounts
- Liability and the Volunteer Protection Act
- Tax Requirements
- Advisory Board Feedback
- City of Lacey Draft Advisory Board Stipend Program

UTILITIES COMMITTEE MINUTES
JUNE 5, 2023
12:00 P.M. – 12:23 P.M.
REMOTE AND IN PERSON ATTENDANCE

To hear the full discussion of a specific topic, or the complete meeting, you may watch the video-stream available on the City of Lacey's YouTube Channel:
<https://www.youtube.com/watch?v=wxvi8yzN4us>

COUNCIL PRESENT: COUNCILMEMBERS KUNKEL (CHAIR), STEADMAN, AND COX (REMOTE)

STAFF PRESENT: RICK WALK, SCOTT EGGER, PETER BROOKS, CHARLENE MCHENDRY,
TABETHA RESTOULE

ACTION: APPROVE UTILITIES COMMITTEE AGENDA

MOTION: MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBERS STEADMAN
AND COX

MANDATORY WATER SCHEDULE AND WATER SHORTAGE RESPONSE PLAN

STAFF: CHARLENE MCHENDRY, WATER RESOURCES SPECIALIST

ACTION: INFORMATION ONLY

Staff presented the Water Shortage Response Plan. The Water Shortage Response Plan provides operating procedures to be implemented by the City of Lacey Water Utility in the event of a weather-related water shortage, natural or human-caused disaster, or other water system operating emergency.

The following topics were presented:

- Water Shortage Response Plan Goals
- Current Demand
- 2023 Water Shortage Response Plan Updates
- Mandatory Water Schedule

TRANSPORTATION COMMITTEE MINUTES

JUNE 6, 2023

11:00 A.M. – 11:48 A.M.

REMOTE AND IN PERSON ATTENDANCE

To view the full meeting or a specific topic, you may watch the full video-stream which is available on the City of Lacey's YouTube Channel:

<https://www.youtube.com/watch?v=MgwGHEDr68c>

COUNCIL PRESENT: DEPUTY MAYOR MILLER (CHAIR) AND COUNCILMEMBER STEADMAN
(REMOTE)

COUNCIL EXCUSED: COUNCILMEMBER VAZQUEZ

STAFF PRESENT: RICK WALK, SCOTT EGGER, ASHLEY SMITH, MARTIN HOPPE, AUBREY
COLLIER, TABETHA RESTOULE

ACTION: APPROVE THE TRANSPORTATION COMMITTEE AGENDA

MOTION: MOTION MADE, SECONDED, AND CARRIED BY COUNCILMEMBER STEADMAN AND
DEPUTY MAYOR MILLER

CONSTRUCTION UPDATE

STAFF: ASHLEY SMITH, DESIGN AND CONSTRUCTION MANAGER

ACTION: INFORMATION ONLY

Staff provided an update on current and upcoming construction projects within the City.

- 2022 Carpenter Road Improvements
- 2022 Overlay Utilities
- Electric Vehicle Charging Stations
- Golf Club Road Water and Wastewater
- Terry Cargil Reservoir
- Sleater Kinney and Pacific Ave Signal Pole Relocation/Replacement
- 2023 Mullen Road Sewer Improvements
- Beachcrest Wellfield pH Improvements
- Lift Station 19 Replacement
- 2023 Overlay Phase 1 and 2023 Overlay Phase 2
- 2023 Overlay Projects Including Utility Work
- 2023 Sidewalk Repair
- Ruddell Road Pedestrian Crossing
- RAC Parking Lot/Frontage Improvements

BRITTON PARKWAY/CARPENTER ROAD UPDATE

STAFF: MARTIN HOPPE, TRANSPORTATION MANAGER

ACTION: INFORMATION ONLY

Staff provided an overview of the Carpenter Road/Britton Parkway single lane roundabout. Staff is working on completing a design that can be expanded to a double lane roundabout in the future. Staff is also working on negotiations of right-of-way purchases. Construction is scheduled to begin Fall/Winter 2023.