



City of Lacey, Washington Lacey City Council Worksession Agenda

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

Thursday, July 27, 2023

6:00 PM

Council Chambers and Online

Call to Order

1. Roll Call

2. Approval of the Agenda

3. Agenda Items

A. Potential Contract with Dispute Resolution Center

Jennifer Adams, Housing Coordinator

B. Land Acknowledgement Policy

Shannon Kelley-Fong, Assistant City Manager

C. Advisory Board Stipend Program

Shannon Kelley-Fong, Assistant City Manager

4. 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

Zoom: <https://us02web.zoom.us/j/81887901282>

Website: <https://cityoflacey.org/government/public-meetings/>

Facebook: <https://www.facebook.com/cityoflacey>
YouTube: https://www.youtube.com/watch?v=Gf_ej2QB9Lg
Phone: (888) 788-0099 or (877) 853-5247 (Webinar ID 818 8790 1282)

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.





LACEY CITY COUNCIL WORKSESSION

July 27, 2023

SUBJECT: Landlord/Tenant Dispute Resolution Services

RECOMMENDATION: Brief the City Council on a potential contract between the City of Lacey and the Dispute Resolution Center.

TO: Lacey City Council

STAFF CONTACT: Rick Walk, City Manager *RW*
Grant Beck, Planning and Development Services Manager *GB*
Ryan Andrews, Planning Manager *RA*
Jennifer Adams, Housing Coordinator *JA*

ORIGINATED BY: Community and Economic Development Department

ATTACHMENTS: Information Sheet

FISCAL NOTE: Approximately \$50,000. However, this was not budgeted for 2023.

WORK PLAN GOAL AND STRATEGY: Vibrant Place to Live, Work, and Play - (D)(5)

HOUSING ACTION PLAN: Strategy 2: Actions that make it easier to for households to access housing and stay housed
Action G: Identify and implement appropriate tenant protections that improve household stability

PRIOR REVIEW: None.

BACKGROUND:

On November 1, 2021, the Washington State legislature established and funded the Eviction Resolution Pilot Program (ERPP) to operate through June 30, 2023. In Thurston County the ERPP pilot program was administered by the Dispute Resolution Center of Thurston County (DRC). The ERPP pilot program showed great success and reported that 73% of cases seen state wide in FY2023 were resolved before going to court. Of the 170,919 tenants and landlords served statewide, 78,102 cases were completed and 94% of those cases preserved tenancy. The purpose of the ERPP pilot program is to bring tenants with rent owed and landlords together with a professionally trained, impartial mediator to help them resolve

conflicts regarding rent owed. Municipalities are now encouraged to retain dispute resolution services on a voluntary participation basis.

Though the ERPP has ended, the need for services has not. According to DRC Interim Executive Director, Jody Suhrbier, in an email to city planning staff on May 30, 2023 – the DRC saw 392 housing-related cases for Lacey residents between the period of July 2022 and March 2023 at an average cost of \$175 per party for conciliation cases and \$315 per party (per session) for mediation cases. That pattern would assume 520 cases per year.

To avoid excessive costs and court processes, the Residential Landlord-Tenant Act (RCW 59.18.315) *Mediation of disputes by an independent third party*, allows for a landlord and tenant to resolve disputes through a third-party mediator prior to arbitration. In addition, the City of Lacey's Housing Action Plan contains goals, policies and recommend actions that support actions that improve household stability, tenant protections and landlord resources to minimize the loss of housing for tenants. The City Council has an opportunity to consider a contract with DRC to provide funding for the ERPP program and mediation services for Lacey tenants and landlords.

The intent of the contract with DRC is to provide direct City support for the mediation of landlord-tenant disputes by an independent third party (RCW 59.18.315). The Dispute Resolution Center serves this purpose in Thurston County and provides a way to avoid the cost and time of going through the court system, reduces burdens and saves taxpayers money. Housing stability is also an important component of housing affordability. When households face housing insecurity due to income or other issues, there can be a fine line between being housed and being homeless. Evictions and foreclosures are both destabilizing and can lead to long-term poverty and homelessness

Staff is requesting direction from Council before preparing a contract with the Dispute Resolution Center for consideration at a regular meeting. Moving forward to voluntary participation, it is estimated that a quarter of the previous year's caseload will be seen. Based on this 25% estimate, staff is recommending \$50,000 to initially fund a Lacey-based eviction resolution program estimated to cover approximately 65 cases to provide dispute resolution services for landlords and tenants located in the City of Lacey. If approved, funding would be re-evaluated in 2024 based on an assessment of services used, and anticipated service needs. Additionally, consideration should be given to the staff time needed to run such a program as well as a communications strategy to engage landlords and tenants about the DRC services.

ADVANTAGES:

1. Reduces or eliminates fees to Lacey landlords and tenants for mediation services.
2. Keeps landlord/tenant disputes out of court.

3. Positive outcomes through mediation could keep tenants housed as opposed to eviction, and provide landlords with better assurance that rent will be paid.

DISADVANTAGES:

1. None identified. However, this was not a budgeted expense for 2023.



City of Lacey
Dedicated Funding for Landlord/Tenant Dispute Resolution

About the Dispute Resolution Center

The Dispute Resolution Center (DRC) empowers people to resolve their disputes, by providing conflict resolution and mediation services, and trains community members in those skills. We envision a South Sound community that has and uses healthy and respectful conflict resolution skills.

Housing Stability Services

The DRC provides voluntary mediation and conciliation services to tenants and landlords to facilitate dialogue, negotiation and conflict resolution. This is different from mandatory processes that are court-ordered or legislatively directed. Participants are more likely to keep agreements that they have created over something forced upon them by an outside source. By participating in the process voluntarily, participants can choose the outcome that works for them as professionally trained mediators support all parties in working together to brainstorm ideas and evaluate options. Being a voluntary process, all parties involved in the conflict must agree to participate and are asked to do so in good faith: by being willing to listen, being willing to keep an open mind, sharing important information, and working together to come up with solutions all can live with.

In addition, the DRC offers a Renter Certification & Fair Housing training that supports both landlords and tenants in shared understanding of rights and responsibilities, clear communication, and ultimately, maintained tenancy. Participants learn about the basics of renting (e.g., rental contract, credit history) as well as the rights and responsibilities of both landlords and tenants. Renters have the opportunity to develop a rental resume and budget to support their housing stability. All participants learn effective communication skills to improve the landlord/tenant relationship (e.g., active listening, negotiating).

Intent of Funding

The intent of the proposed funding and scope of services is to provide direct City of Lacey support for the conciliation and mediation of landlord-tenant disputes by the DRC. The DRC serves Thurston County and south Mason County and this joint effort provides a way for landlords and tenants to avoid the cost, trauma and time of going through a court process.

(cont.)

Proposed Scope of Services

- 1) The DRC provides intake, coaching, conciliation and mediation for cases between landlords or property managers and tenants. Conflicts are not limited to rent owed and may include communication, unit access, repairs, or other active issues of concern.
- 2) The DRC also provides the RCFH training for City of Lacey housing providers and tenants, at a frequency that meets the demand (not more than once per month and not less than twice per year).
- 2) The City of Lacey would publicize and promote the program to interested parties, as would the DRC.
- 3) The costs of such services would be based on:
 - the monthly fixed indirect rate of \$1,250;
 - the number of participants that resolve via conciliation at the rate of \$175 per party;
 - the number of participants scheduled for mediation at the current per session, base rate of \$315 per party; and,
 - the RCFH training rate of \$1,000 per session.

The City of Lacey would pay up to TBD as part of this Service Provider Agreement, until fully spent or until a new contract is negotiated.

- 4) The DRC would manage funds similar to other "draw-down" grants where parties that qualify are offered the supplemental funds in a Service Provider Agreement.
- 5) The DRC will invoice the City for services on a monthly basis, as outlined above, and for reporting purposes, will include the number of participants scheduled for sessions.

How it Works

Individuals that are referred may call directly or the DRC may call them. Intake specialists will work with each participant to learn about the situation, their perspective and what they would like to see happen, while also answering any questions, explaining the conciliation and mediation processes, and helping them decide which process is appropriate for their situation. Conciliation is a resolution process that involves coming to agreements via individual offers and counter-offers, facilitated one-on-one by intake specialists. Mediation is a dedicated two-hour session where all parties are present together for a facilitated dialogue. Both may result in agreements and the determining factors between the two are generally the complexity of concerns raised and the nature of the landlord and tenant relationship.

The process is confidential from the first intake call, which means the DRC does not share any details of what one party says with the other party, nor anyone not involved in the dispute. The City of Lacey will not be made aware of conversations, agreements or outcomes of conciliation or mediation sessions, beyond how many conciliations and mediation sessions were scheduled and occurred. The DRC can typically begin mediation within three weeks after having completed intake with both parties.



LACEY CITY COUNCIL WORKSESSION

July 27, 2023

SUBJECT: Land Acknowledgment Policy

RECOMMENDATION: Review the draft Land Acknowledgment Policy.

Adopt the draft Land Acknowledgment Policy at a future Regular City Council Meeting with a Resolution.

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

ATTACHMENTS: 1. The Nisqually Indian Tribe and City of Lacey Accord
2. Draft Land Acknowledgement Policy

PRIOR REVIEW: [Community Relations and Public Affairs Committee](#) – July 3, 2023
[Commission on Equity Meeting](#) – June 26, 2023
[Commission on Equity Meeting](#) – November 28, 2022
[Commission on Equity Meeting](#) – November 22, 2021

FISCAL IMPACT: None

**WORK PLAN GOAL:
AND STRATEGY** An Engaged Community (L)

COMM. PLAN: Goal 2 (C) – Create relationships and continue to build capacity with historically underrepresented communities to ensure barriers to participation are eliminated allowing individuals to participate in decisions that impact the community, as desired.

**COE
RECOMMENDATION:** Adopt the draft Land Acknowledgment Policy

BACKGROUND: The Community Relations Committee recommended the adoption of the draft Land Acknowledgement Policy at the July 3, 2023 meeting.

The City of Lacey (“City”) is located on the traditional territories of the Coast Salish people, specifically the people of the [Medicine Creek Treaty](#) (1854), including the Nisqually Indian Tribe and the Squaxin Island Tribe. The City works with the Nisqually Indian Tribe and Squaxin Island Tribe in government-to-government partnerships.

Mutual Accord. On March 4, 2014, the Lacey City Council and the Nisqually Tribal Council participated in a ceremonial event to sign an historic agreement, The Nisqually Indian Tribe and City of Lacey Accord, see **Attachment 1**. The Accord acknowledges the partnership and mutual interests shared between the City and the Nisqually Indian Tribe. It also provides a framework for future meetings and collaboration. As a symbol of the partnership, the Tribe presented the Lacey City Council with a carved totem pole, which is currently displayed in the lobby of Lacey City Hall. A rededication ceremony occurred on July 9, 2015.



Figure 1. The Lacey City Council and Nisqually Indian Tribe Chair Cynthia Iyall (July, 2014)

Land Acknowledgements. Land Acknowledgements are formal statements that recognize, pay tribute to, express gratitude and respect for, affirms the ongoing relationship between indigenous people and the land, and helps raise awareness of the Indigenous histories, perspectives, and experiences —past, present, and future. Land Acknowledgments serve as one element of a broader effort to support Indigenous communities. These acknowledgements are statements recognizing the history and presence of Indigenous peoples and their enduring relationship to traditional homelands. Statements often call attention to treaty rights and historical injustices, while also honoring the modern culture and contributions of Indigenous people.

Land Acknowledgements are rooted in many Indigenous people’s practices and cultural protocols. As described on the [Duwamish Tribe webpage](#):

“It is important to note that this kind of acknowledgement is not a new practice developed by colonial institutions. Land acknowledgement is a traditional custom dating back centuries for many Native communities and nations. For non-Indigenous communities, land acknowledgement is a powerful way of showing respect and honoring the Indigenous Peoples of the land on which we work and live.

Acknowledgement is a simple way of resisting the erasure of Indigenous histories and working towards honoring and inviting the truth...”

The purpose of Land Acknowledgements are commonly to:

- Recognize and respect Indigenous communities;
- Provide support for Indigenous communities;
- Continue to build strong and authentic relationships with Indigenous communities;
- Bring awareness of histories that led to past and current development of an area, including history of dispossession, displacement, colonialization, cultural erasure, broken treaties, etc.;
- Recognize Indigenous history, culture, and positive impacts on the greater community; and
- Used as a step to inspire more action and better relationships.

Importantly, land acknowledgements are not to be performative acts and can cause concern when Indigenous Peoples are not included as stakeholders in the development process. As part of the development of this draft policy, the City reached out to the Nisqually Indian Tribe and Squaxin Island Tribe for input and feedback. In addition to providing the foundation of the land acknowledgement, the Nisqually Indian Tribe provided some additional recommendations in 2023 that were incorporated into the drafts presented in **Attachment 2**. Recommendations from the Nisqually Indian Tribe included:

- Adding language that this policy is subject to change; and
- Adding language on the Medicine Creek Treaty.

The draft Land Acknowledgment Policy, **Attachment 2**, includes the following elements:

1. Purpose of the policy and land acknowledgements
2. Full City of Lacey Land Acknowledgement

City of Lacey Land Acknowledgement

We acknowledge the ancestral land we are on today as the traditional territory of the Tribal People of the Treaty of Medicine Creek, signed in 1854, including the Nisqually Indian Tribe and Squaxin Island Tribe.

We acknowledge, remember, and must not forget those Tribal People that are named but not recognized today, and who were absorbed or relocated into other

tribes for survival. We recognize the ancestors and their descendants who are still here.

We acknowledge, Indigenous People who called the land home before the arrival of settlers and have been here Since Time Immemorial.

We recognize the relationship that exists between Indigenous People and their traditional territories, which include the religious significance, self-determination, identity, and economic factors. The relationship helps all people heal from the past and learn how not to inflict new wounds today.

We recognize and respect Indigenous People as traditional stewards of this land, and acknowledge the Tribal Governments and their role today in taking care of these lands.

We recognize that this land acknowledgement, and the Nisqually-Lacey Accord of 2011, are small steps toward true allyship. We commit to partnering with the Tribal People of the Treaty of Medicine Creek to continue to uplift the voices, experience, and histories of indigenous people of this land and beyond.

We recognize and have the responsibility to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as it has today.

We recommend that community members read the [Medicine Creek Treaty of 1854](#).

3. Abbreviated City of Lacey Land Acknowledgement

City of Lacey Abbreviated Land Acknowledgement

We [or insert object, e.g., “This Marker is”] are on the ancestral land of the Tribal People of the Treaty of Medicine Creek, including the Nisqually Indian Tribe and Squaxin Island Tribe. We acknowledge, and remember those Tribal People not recognized today who were absorbed or relocated into other tribes for survival. We recognize the ancestors and their descendants who are still here. We recognize and respect the Tribal People of the Treaty of Medicine Creek as the traditional stewards of this land since time immemorial and their role today in taking care of these lands in perpetuity. We recognize and have the responsibility to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as it has today. We recommend that community members read the Medicine Creek Treaty of 1854.

4. Land Acknowledgement Uses: Notably, uses in the draft policy are permissive, not imperative.

a. City Meetings, Events or Programming

b. City Plans, Reports and Other Adopted Documents

c. Signage, Markers, Maps, and Other Materials

5. Location of the Land Acknowledgement on the City's Website

The Commission on Equity recommended the adoption of the draft Land Acknowledgement Policy at their June 26, 2023 meeting.

ADVANTAGES:

1. The draft Land Acknowledgement Policy provides a consistent way for the City to recognize, respect, support, and build relationships with Indigenous communities, while also bring awareness of histories that led to past and current development of an area.

DISADVANTAGES:

1. None foreseen.

Nisqually Indian Tribe and City of Lacey Accord

This accord dated March 4, 2014 is reached between the Nisqually Indian Tribe and the City of Lacey to acknowledge the historical ties between the two communities and to build upon a framework of partnership, mutual understanding, and future collaboration.

WHEREAS, the Nisqually Indian Tribe and the City of Lacey have successfully partnered on issues of significance in the past, and;

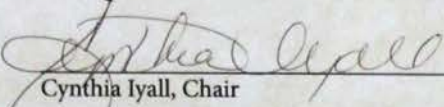
WHEREAS, the Nisqually Indian Tribe and the City of Lacey recognize shared interests related to environmental and resource stewardship, education, economic sustainability, community service, cultural and historical preservation, and;

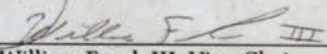
WHEREAS, the Nisqually Indian Tribe and the City of Lacey wish to strengthen and enhance the existing relationship to the greater benefit of the Tribal members and residents of Lacey.

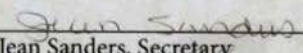
NOW, THEREFORE, the parties reached the following accord:

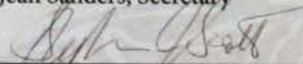
1. The parties' respective Councils will meet on an annual basis, or more frequently if desired.
2. At such meetings, the parties will identify common goals and mutual interests benefiting both Tribal members and residents of Lacey.
3. The parties will identify actions that are necessary to address or resolve issues of mutual importance.
4. The parties will explore opportunities or engage in activities which will strengthen the ties between the Nisqually Indian Tribe and the City of Lacey for their mutual benefit.

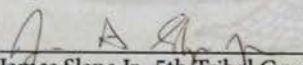
NISQUALLY TRIBAL COUNCIL

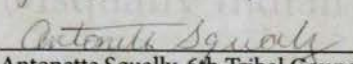

Cynthia Iyall, Chair

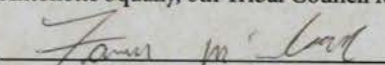

William Frank III, Vice-Chair


Jean Sanders, Secretary

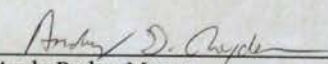

Stephanie Scott, Treasurer

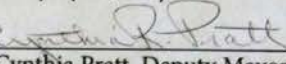

James Slape Jr., 5th Tribal Council Member

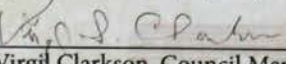

Antonette Squally, 6th Tribal Council Member

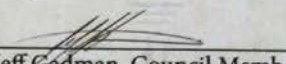

Farron McCloud, 7th Tribal Council Member

LACEY CITY COUNCIL

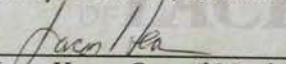

Andy Ryder, Mayor

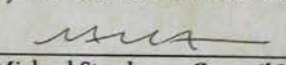

Cynthia Pratt, Deputy Mayor


Virgil Clarkson, Council Member


Jeff Gadman, Council Member


Lenny Greenstein, Council Member


Jason Hearn, Council Member


Michael Steadman, Council Member

DRAFT

10.08 Land Acknowledgement

The purpose of this policy is to establish a City of Lacey Land Acknowledgment and provide guidance for City of Lacey employees, volunteers, appointed officials, and elected officials on its use. This policy is subject to change.

Land Acknowledgements

Land Acknowledgements are rooted in many Indigenous people's practices and cultural protocols in order to recognize other Indigenous peoples whose land one is a guest on.

“It is important to note that this kind of acknowledgement is not a new practice developed by colonial institutions. Land acknowledgement is a traditional custom dating back centuries for many Native communities and nations. For non-Indigenous communities, land acknowledgement is a powerful way of showing respect and honoring the Indigenous Peoples of the land on which we work and live. Acknowledgement is a simple way of resisting the erasure of Indigenous histories and working towards honoring and inviting the truth...”

[Duwamish Tribe webpage](#)

A land acknowledgement is a formal statement that recognizes, pays tribute to, expresses gratitude and respect for, affirms the ongoing relationship between indigenous people and the land, and helps raise awareness of the Indigenous histories, perspectives, and experiences — past, present, and future. In addition, Land Acknowledgements:

- Express support for Indigenous communities.
- Raise awareness of histories that led to past and current development of area, including history of dispossession, displacement, colonialization, cultural erasure, broken treaties, etc.
- Recognize the positive impacts of indigenous history and culture on the greater community.
- Are a first step to inspire more action and better relationships indigenous people.
- Are not intended to be a performative act.
- Are ceremonial in nature and do not carry any legal authority.

The City's Land Acknowledgement was reviewed by members of the Nisqually Indian Tribe. In adopting a local land acknowledgement, the City is not taking a position on the status of federal recognition for any tribe. The City recognizes that land

acknowledgements are powerful statements and that these statements are most meaningful when paired with authentic and sustained relationships with Indigenous communities.

City of Lacey Land Acknowledgement

We acknowledge the ancestral land we are on today as the traditional territory of the Tribal People of the Treaty of Medicine Creek, signed in 1854, including the Nisqually Indian Tribe and Squaxin Island Tribe.

We acknowledge, remember, and must not forget those Tribal People that are named but not recognized today, and who were absorbed or relocated into other tribes for survival. We recognize the ancestors and their descendants who are still here.

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We recognize the relationship that exists between Indigenous People and their traditional territories, which include the religious significance, self-determination, identity, and economic factors. The relationship helps all people heal from the past and learn how not to inflict new wounds today.

We recognize and respect Indigenous People as traditional stewards of this land, and acknowledge the Tribal Governments and their role today in taking care of these lands.

We recognize that this land acknowledgement, and the Nisqually-Lacey Accord of 2011, are small steps toward true allyship. We commit to partnering with the Tribal People of the Treaty of Medicine Creek to continue to uplift the voices, experience, and histories of indigenous people of this land and beyond.

We recognize and have the responsibility to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as it has today.

We recommend that community members read the [Medicine Creek Treaty of 1854](#).

City of Lacey Abbreviated Land Acknowledgement

We [or insert object, e.g., "This Marker is"] are on the ancestral land of the Tribal People of the Treaty of Medicine Creek, including the Nisqually Indian Tribe and Squaxin Island Tribe. We acknowledge, and remember those Tribal People not recognized today who were absorbed or relocated into other tribes for survival.

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to call attention to the histories of dispossession, forced removal, and abridged treaty rights that allowed our nation, state, and city to develop as it has today. We recommend that community members read the Medicine Creek Treaty of 1854.

Land Acknowledgement Use

The above Land Acknowledgements may be used:

1. To open City meetings, events, or programming;
2. As part of City plans, reports and other adopted documents; and
3. On City signage, markers, maps, and other materials.

Guidelines for use of the Land Acknowledgment is provided below. Please contact the City Manager's Office if you are planning to use the Land Acknowledgement for uses #2 and #3.

1. City Meetings, Events or Programming

For City Council meetings, the full or abbreviated Land Acknowledgement should:

1. Be printed on every regular and special Council meeting agenda, and
2. Read out loud at Council meetings where appropriate, as determined by the Mayor or presiding officer.

Additionally, the Land Acknowledgement may be used at the beginning of meetings or other events hosted by the City. Such meetings could include, but are not limited to:

3. City staff meetings;
4. City Advisory Board or Commission meetings;
5. Community meetings hosted by the City, such as town halls, open houses, focus groups, or similar;
6. Ceremonial events, such as ribbon-cuttings; and
7. City events, such as large-scale Parks, Culture, and Recreation events.

It is not recommended to assert or suggest using the Land Acknowledgement for meetings or events hosted by other organizations.

Recommendations for Use at City Meetings or Events:

1. The full or abbreviated Land Acknowledgement should be read at the beginning of meetings or events.
2. Keep the introduction of the Land Acknowledgement simple and direct:
“To start this meeting/event, I would like to read the City’s adopted Land Acknowledgment statement...”
3. Best practice guidance from Indigenous People is that you speak from your heart when reading the Land Acknowledgement, do not make the reading performative.
4. Do not include other announcements about social, political, or City initiatives alongside the Land Acknowledgement. The Land Acknowledgement should be and feel separate from any other announcements.

If anyone at a City meeting or event has a question or concern about the use of the Land Acknowledgement, they can be refer to the City’s website ([insert](#)) and/or the City’s Manager Office.

2. City Plans, Reports and Other Adopted Documents

The full text of the Land Acknowledgement can be added to the beginning of City Plans, Reports and Other Adopted Documents. In this context, “Adopted Documents” is defined as policy documents that are adopted by the City Council.

For such documents, the full text of the Land Acknowledgement should be used with the footer:

“Visit [insert](#) for more information.”

As some documents have pages that are intentionally left blank, the Land Acknowledgement should appear on the first page that has text after the cover page. The Land Acknowledgement should appear before all other text elements. No visual or graphics should accompany or be integrated into the Land Acknowledgement text. The Land Acknowledgement should be set in the same font as other text in the document. Italics may be used at the author’s discretion.

3. Signage, Markers, Maps, and Other Materials.

The full or abbreviated Land Acknowledgement can be added to printed City signage, markers, maps, and other materials.

For such a use, when possible, the full Land Acknowledgement should be used, with the following footer:

“Visit [insert](#) for more information.”

With projects with space limitations that prevent the use of the full Land Acknowledgement, the abbreviated Land Acknowledgement should be used, with the following footer:

“Visit [\[insert\]](#) for more information.”

No visual or graphic should accompany or be integrated into the Land Acknowledgement text. The Land Acknowledgement should be set in the same font as other text in the document. Italics may be used at the author’s discretion.

Land Acknowledgement on City Webpages

A link to the Land Acknowledgement webpage should be made available on the top banner of the City website and other City operated websites. Given the presence of this link, there is no need to include the Land Acknowledgement on specific projects, programs, or other webpages. A link to the [Medicine Creek Treaty of 1854](#) will be provided on the Land Acknowledgement page.



LACEY CITY COUNCIL WORKSESSION

July 27, 2023

SUBJECT: Advisory Board Stipend Program

RECOMMENDATION: Review the draft Advisory Board Stipend Program. The Community Relations Committee forwarded this item to the full City Council for discussion without making a recommendation.

“Next Steps” section of this staff report provides four (4) options for the Lacey City Council to consider.

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

ATTACHMENTS: 1. Draft Advisory Board Stipend Program

PRIOR REVIEW: [Commission on Equity – 01/23/2023](#)
[Planning Commission – 02/21/2023](#)
[Parks, Culture, and Recreation Board – 03/01/2023](#)
[Historical Board – 03/15/2023](#)
Lacey Youth Council – 03/16/2023
[Commission on Equity – 04/24/2023](#)
[Community Relations Committee – 06/05/2023](#)

FISCAL IMPACT: Approximately \$20,000 (around 40 participants) to \$45,000 (around 90 participants) to implement depending on opt-in rate and number of ad hoc boards.

**WORK PLAN GOAL:
AND STRATEGY** An Engaged Community (L)

COMM. PLAN: Goal 2 (C) – Create Relationships and continue to build capacity with historically underrepresented communities to ensure barriers to participation are eliminated allowing individuals to participate in decisions that impact the community, as desired.

COE

RECOMMENDATION: Implement an Advisory Board Stipend Program.

BACKGROUND: The City of Lacey’s (“City”) advisory boards (including boards, commissions, task forces, etc.) serve as a critical point of community input in the City’s decision-making processes. The

Lacey City Council confirms the appointments of advisory board members (with the exception Civil Service Commission and some members of Law Enforcement Officers Fire Fighters Disability Board). At the City, advisory boards review and make recommendations to the City and Lacey City Council on issues related to land use, zoning, parks, culture, recreation, library services, historical matters, and diversity, equity, and inclusion, animal services, lodging tax funding, youth perspectives, civil service appeals, etc.

Currently, all advisory board members serve as volunteers and do not receive a stipend to offset expenses that may occur to participate on the City's advisory boards. Expenses to participate on the City's advisory boards could include: childcare, transportation, internet access, etc. These expenses could serve as barriers for community members to participate on advisory boards. To try to mitigate barriers to participation on advisory boards, some local and state governments are starting to provide community members with stipends for serving on advisory boards. The purpose of these programs are often to try to offset incurred expenses for their participation on these boards. More information on advisory board stipends programs are provided below.

City Advisory Boards

The City has nine (9) permanent advisory boards (11 including regional boards) and can at times have ad hoc bodies, such as the Workgroup on Homelessness. Many of the City's permanent advisory Boards are codified in [Lacey Municipal Code Chapter 2, Administration and Personnel](#). The [City Council Policies-Procedures Manual](#), Section 2.14, provides an overview of all of the City's permanent advisory boards as well. This information can also be accessed in the [Boards and Commissions Handbook](#).

Depending on the work plan and purview, advisory boards can meet anywhere between 1 and 25+ times per year, see **Table A**.

TABLE A				
City of Lacey - Advisory boards including regional board				
Advisory Board	Members^^	General Meeting Frequency	Total meetings anticipated per year	Total meetings 2022 (includes joint meetings)
Parks, Culture and Recreation Board (formerly Board of Park Commissioners)	7	1x monthly	12	13
Capital Area Regional Public Facilities District Board*	1	As needed	1	1
Civil Service Commission	3	4x annually	4	4
Commission on Equity	7	1x monthly	12	16
Historical Commission	7	1x monthly	12	11
Law Enforcement Officers & Fire Fighters (LEOFF 1) Disability Board^	1	As needed	4-6	6
Library Board	5	4-6x annually	6	6
Planning Commission	9	2x monthly	24	18
Youth Council	15	2x monthly	18	20
Lodging Tax Committee (LTAC)	4	4x annually	4-6	7
JASCOM**	3	1x monthly	12	10
* Regional advisory board with one representative from Lacey, in addition to general representatives. ^ Consists of five members, two members are Councilmembers, two members are active or retired City law enforcement, one member is general public. ^^ Does not include Youth Council members (except for Youth Council). ** Regional advisory aboard. *** There are currently no active temporary or ad hoc advisory boards established by the Lacey City Council.				

Looking at data from 2022, **Table B** provides the total number of meetings (not including joint meetings), the total time expended at meetings, and the average meeting duration for each permanent City advisory board. Notably, the meeting times indicated below do not include pre-meeting preparation time, e.g., reviewing staff reports, supporting documents, etc., as well as, time for travel or childcare arrangements.

TABLE B				
2022 Advisory Board Meeting Data				
Advisory Board	Members	Total meetings 2022 (does not include joint meetings)	Total hours expended	Average hours expended per meeting
Parks, Culture and Recreation Board (formerly Board of Park Commissioners)	7	11	14.9	1.4
Capital Area Regional Public Facilities District Board	1	1	0.7	0.7
Civil Service Commission	3	4	2.4	0.6
Commission on Equity	7	14	32.6	2.3
Historical Commission	7	10	11.7	1.2
Law Enforcement Officers & Fire Fighters (LEOFF 1) Disability Board	1	6	2.6	0.4
Library Board	5	6	4.0	0.7
Planning Commission	9	17	21.1	1.2
Youth Council	15	20	20	1
Lodging Tax Committee (LTAC)	4	7	8.3	1.2
JASCOM	3	10	7.6	1.2
TOTALS / AVERAGE	62	109	105.9	1.23

FIGURE 1: 2022 Advisory Board Meetings
Total Number of Meetings (not including joint meetings)

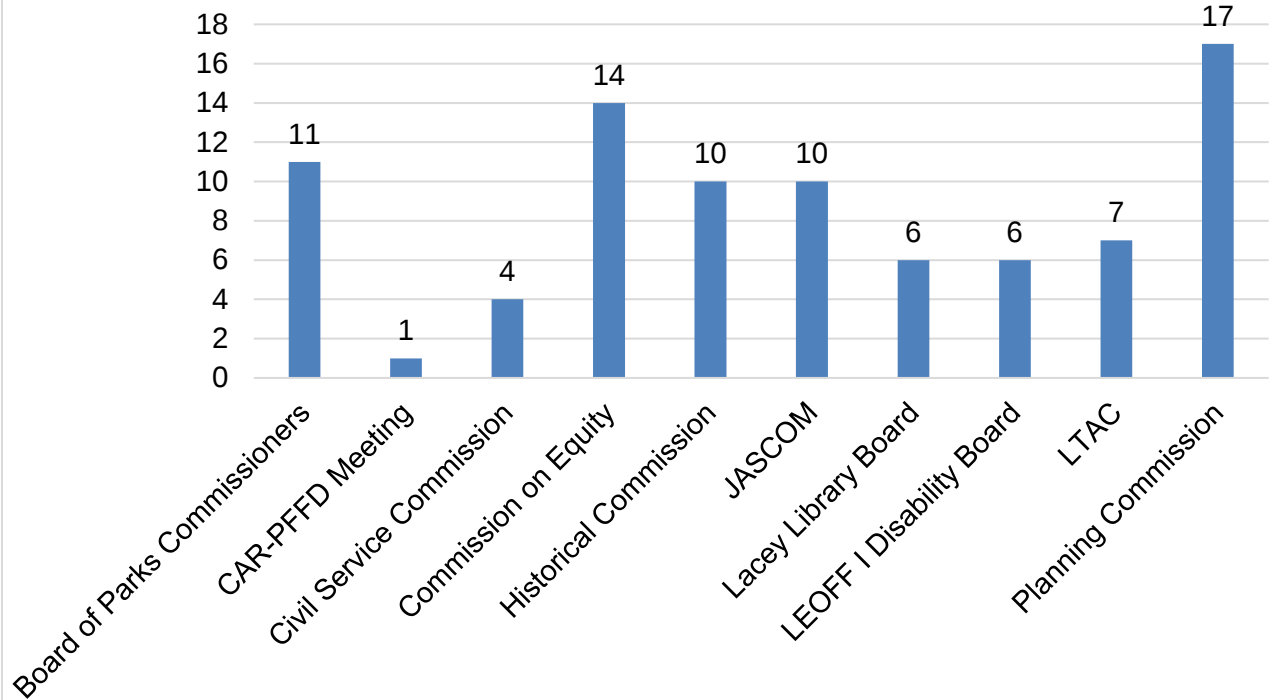
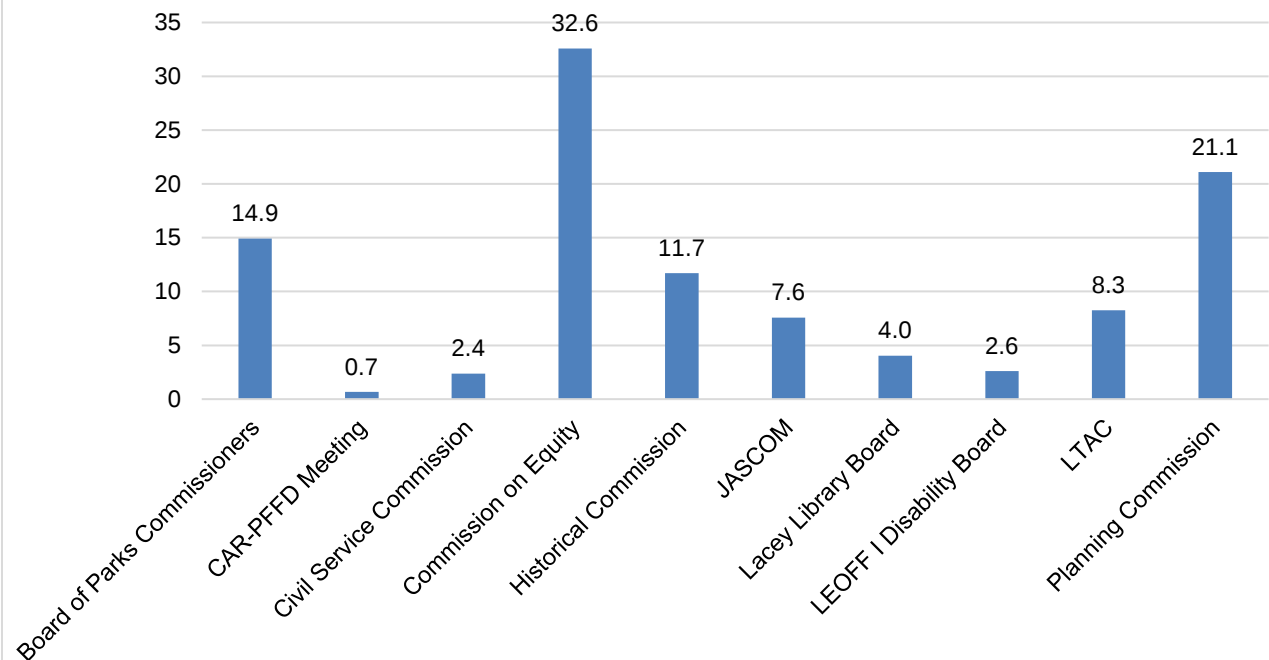
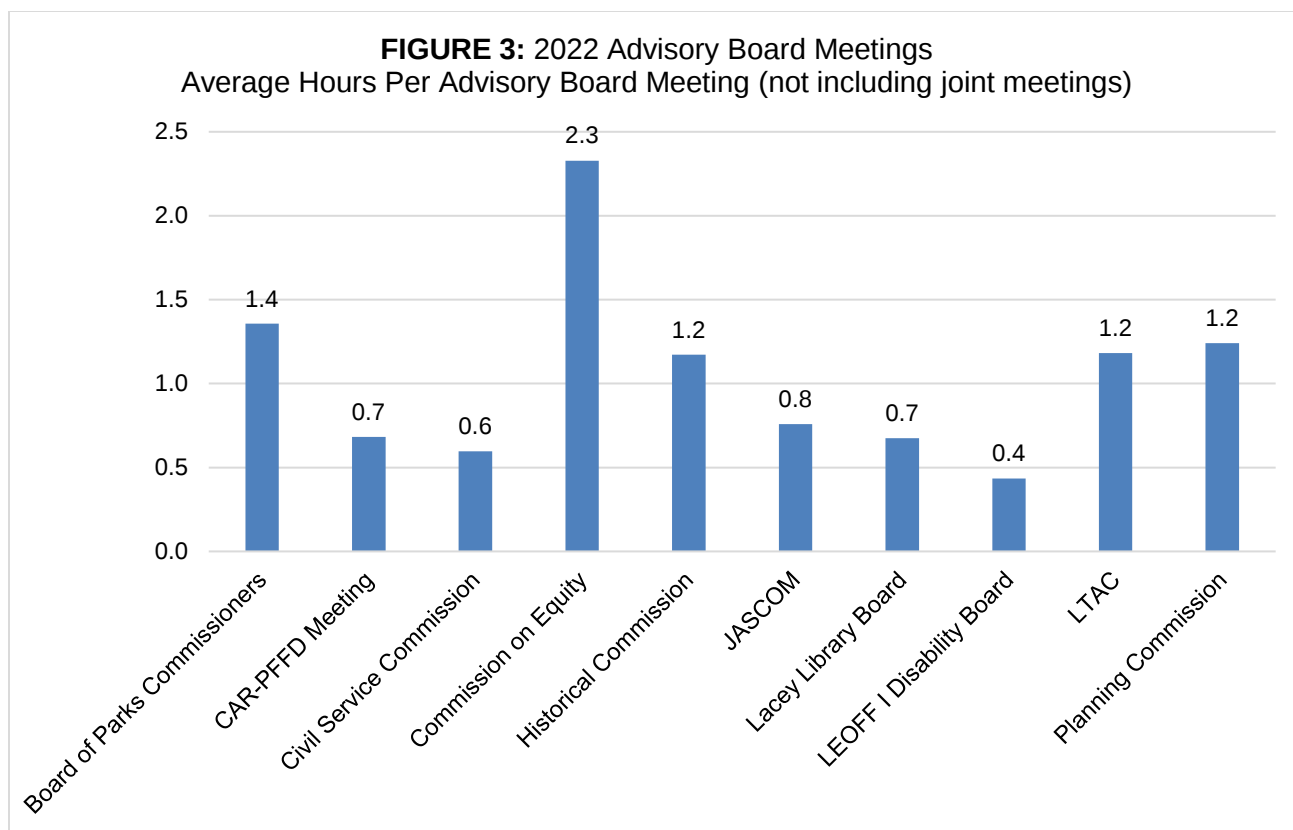


FIGURE 2: 2022 Advisory Board Meetings
Total Hours Expended on Advisory Board meetings (not including joint meetings)





Stipend Program Overview. To try to reduce barriers to participation in government and increase representation on advisory boards, government agencies are introducing stipend programs for advisory body members. The purpose of stipends are to offset potential costs incurred by participating on the City's advisory bodies, including:

- Financial impact of attending meetings;
- Expenses for childcare coverage during the meetings;
- Expenses for transportation to meetings;
- Expenses for internet access to meetings; and
- Other direct financial impacts.

In many cases, advisory board stipend programs are not compensation or payment for services but are a nominal fee to cover incurred expenses incidental to the volunteer activity performed by advisory board members. Advisory board members remain volunteers and are not employees of the government entity.

In addition, by getting more individuals serving on government advisory bodies, stipend programs may also benefit government entities by reducing potential burnout of community leaders currently serving on boards.

As part of the evaluation of advisory board stipend programs, the City reviewed the following elements:

- 1. Stipend Amounts.** Stipend awards vary by government entity, e.g., some jurisdictions provide all members the same stipend, others jurisdictions provide stipends only to members experiencing financial hardships, and other jurisdictions provide tiers of stipends

based financial circumstances. For example, the following provides a few select examples of existing advisory board stipend programs:

City of Bend: Provides stipends of \$40 for every advisory body member with attendance requirements, up to \$500.00 annually.

City of Durham: Provides stipends for members of advisory bodies at a flat rate of \$50 per meeting with attendance requirements.

City of Olympia: Provides stipends of \$25 per meeting attended with the option to waive. Participants who self-certify as low-income receive \$50 per meeting attended.

2. **Liability and the Volunteer Protection Act.** The Volunteer Protection Act (VPA), a federal law adopted in 1997, protects volunteers from personal liability if, among other requirements, volunteers do not receive anything of value in lieu of compensation in excess of \$500 on an annual basis. Offering more than this threshold means volunteers will not benefit from these protections. As seen above, some entities place a cap on stipend awards at \$500.00 per year while others have no cap.
3. **Application.** Jurisdictions vary on the application of stipends for advisory boards, e.g., some jurisdictions provide stipends to all advisory boards, while other do not include certain advisory boards, like temporary or ad hoc advisory boards.
4. **Tax Requirements.** Advisory board Stipend programs must comply with all federal tax requirements. For payment, many existing programs consider advisory board members as vendors (required W-9 form).

Commission on Equity Review and Recommendation. The Commission on Equity (COE), an advisory board to the Lacey City Council, is tasked with:

- Identifying and advancing opportunities that create a more welcoming community;
- Continuing critical conversations on race and equity;
- Seeking greater participation from underrepresented community members; and
- Identify existing gaps and barriers which could prevent full participation in government and public policy.

The COE's adopted 2023 Work Plan identifies the following work item:

"Q1 – 5 "Research and review potential compensation opportunities for advisory body members; create a recommendation for the Lacey City Council."

The COE reviewed Advisory Board Stipend Programs at their January 23, 2023 meeting. After the City performed some additional follow-up, including getting additional feedback from other City advisory boards (more information provided below), the COE recommended the adoption of an Advisory Board Stipend Program at their April 24, 2023 meeting.

Feedback from Other City Advisory Boards. At the January 23, 2023 meeting, the COE recommended presenting information to other City advisory boards to get their input and feedback on a possible Advisory Board Stipend Program at the City.

In brief, feedback from these presentations included:

- Several advisory board members commented that they served on boards because they wanted to help the community, not because of a stipend.
- Several advisory board members commented that a program like this could help lower barriers to participation in government and policy and increase underrepresented or unheard voices in the community.
- There were questions about how demographic data would be collected and who would be able access this information. There were concerns that this information could be used to make decisions on future appointments. There was discussion on how requesting this data could also become an unanticipated barrier to participation.
- There was a question about what happened if there is no quorum at a public meeting.
- There was a question about the effectiveness of a potential tiered system and also concerns that \$25 per a meeting could be too low to account for incurred costs. There was also a question on how individuals would meet low-income qualifications.
- There was a question about if there are existing gaps in representation in City community engagement and on City advisory boards.
- There was a question about other efforts being performed by the City to increase representation and remove barriers to government participation.
- There were questions about how the City would track metrics for the program and what benchmarks it would use to determine if the program was or was not successful. This included discussion on making this a pilot program with standardized reporting
- There were questions about how the program was going to be funded if it moved forward.
- There were questions about if this program applies to Lacey Youth Council (LYC) members, particularly for advisory board representatives on the LYC. There were questions about how receiving this stipend would impact LYC community service/volunteer hours.

Draft Advisory Board Stipend Program. Based on the feedback from the City's advisory boards, City staff created a draft Advisory Board Stipend Program for consideration, see **Attachment 1**. In brief, the program includes the following elements:

- Participants would need to *opt-in* to the program on an annual basis.
- \$50.00 stipend per meeting attended for most advisory board members; \$25.00 stipend per meeting attended for Lacey Youth Council members.
- Distribute stipends to advisory board members at minimum twice a year.
- Stipends would follow all relevant tax requirements.

- Regional advisory board members, Councilmembers, and City employees would not be eligible to receive a stipend.
- Annual reporting to the Lacey City Council on the impacts of the program.
- Implementation led by the City Manager's Office with the Finance Department and City Clerk's Office.

The COE recommended the adoption of an Advisory Board Stipend Program at their April 24, 2023 meeting.

Budget Impact. The budget impact would be dependent on opt-in participation rate and number of ad hoc advisory boards. It is estimated that the implementation of the stipend program would total \$20,000 (around 40 participants) to \$45,000 (around 90 participants) annually.

Municipal Code updates. If a stipend program is pursued, the City would need to update several sections of the Lacey Municipal Code (LMC) related to advisory boards as outlined in **Table C**.

Table C
LMC References That Likely Need Updates for an Advisory Board Stipend Program
LMC 2.32 City Planning Commission – 2.32.010 Created – Term- Vacancies
LMC 2.34 Commission on Equity – 2.34.030 Memberships Terms
LMC 2.42 Historical Commission- 2.42.202 Membership Terms
LMC 2.44 Parks, Culture and Recreation Board – 2.44.020 Membership Terms
LMC 2.46 Library Board- 2.46.020 Membership Terms
LMC 2.52 Police Department Civil Service and Civil Service Commission – 2.25.040 Civic Service Established- Qualifications-Terms-Removal
LMC 3.03 Lodging Tax - 03.03.045 Lodging Tax Advisory Committee

As an example, for the City Planning Commission, [LMC 2.32.010\(B\)](#) states:

“Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. The members shall be selected without respect to political affiliations and they shall serve without compensation.”

For the Board of Park Commissioners, [LMC 2.44.020\(D\)](#) states:

“The commission members shall not receive any salary or other compensation for services rendered on the commission, but necessary expenses actually incurred and within the budget as set by the annual budget ordinance shall be paid.

Demographic Data Collection. While implementing a stipend program, the City would also implement a strategy to capture demographic information of advisory boards to get a better sense of who is participating, or not participating, on City advisory boards. This information would be helpful for future annual reporting and to determine the degree of unheard or underrepresented voices in the community. This data would be used to help inform future programs and policies aimed at helping close gaps in representation on advisory boards and other forms of community engagement and outreach.

Next Steps. Upon review, the Lacey City Council could consider one of the following options:

Option 1: Create an advisory board stipend program based on **Attachment 1**. At a future Regular Council meeting, City staff would return with an ordinance amending the LMC and a resolution to add this program to the City of Lacey's Policy and Procedure's Manual.

Option 2: Take no action; Do not create an advisory board stipend program.

Option 3: Provide direction to City staff on other elements to consider in regards to a draft advisory board stipend program. After further diligence on these elements, City Staff would then return to the Lacey City Council to review additional materials for consideration.

Option 4: Some other option not contemplated in the above options.

Attachment 1

DRAFT

2.17 Advisory Board Stipend Program

This program is to offset incurred expenses for participating on City advisory boards, e.g., travel costs, parking costs, internet costs, childcare costs, etc. These costs may present barriers to participation for community members.

This program is not compensation or payment for services but is a nominal fee to cover incurred expenses incidental to the volunteer activity performed by advisory board members.

Advisory board members remain volunteers and are not employees of the City.

Definitions

“Meetings” mean all regularly or special scheduled advisory board public meetings and joint public meetings between the advisory board and the City Council. “Meetings” do not include informal discussion or planning sessions with City staff. “Meetings” would not include engagement activities.

“Opt-in” means the voluntary enrollment of an advisory board member in the Advisory Board Stipend Program. To opt-in, advisory boards members would have to complete all forms as determined by the City. Advisory board members will have the ability to opt-in within 60 days of appointment or annually from January 1 to February 28.

Program Scope

This program applies to the following advisory boards:

- A. Board of Park Commissioners
- B. Civil Service Commission
- C. Commission on Equity
- D. Historical Commission
- E. Law Enforcement Officers & Fire Fighters (Disability Board)
- F. Library Board
- G. Planning Commission
- H. Youth Council
- I. Lodging Tax Committee
- J. Ad hoc advisory boards or task forces created by the Lacey City Council

This program would not apply to Lacey City Councilmembers or current City employees serving on any of the above listed advisory boards.

Stipends Amounts

Advisory board members must opt-in to the program to receive the following stipends:

- A. \$50 per meeting attended per person, whether virtually or in-person, not to exceed \$500.00 annually (from January to December).

- B. For Lacey Youth Council, \$25 per meeting attended per person, not to exceed \$500.00 annually (from January to December). Meetings include public meetings attended by Lacey Youth Council liaisons to other advisory boards, including: Library Board, Commission on Equity, Parks, Culture and Recreation Board, and Historical Board.

The City shall provide stipends to advisory board members at an interval determined by the City Manager's Office, but distributed no fewer than two (2) times annually. All payments will comply with applicable federal tax requirements.

Benchmarks

The City shall determine reporting metrics for this program and provide an annual review of the program to the Lacey City Council. Due to advisory board term lengths and various term limits, impacts of the program may not be discernable immediately.

Implementation

The City Manager's Office will work with the City Clerk's Office, advisory board staff liaisons, and the Finance Department to establish a reporting process for the program, including the development of an attendance verification system to document meeting attendance.