



CITY COUNCIL
ANDY RYDER
Mayor

CYNTHIA PRATT
Deputy Mayor

LENNY GREENSTEIN
MICHAEL STEADMAN
CAROLYN COX
ED KUNKEL
MALCOLM MILLER

CITY MANAGER
SCOTT SPENCE

LACEY CITY COUNCIL AGENDA

NOVEMBER 5, 2020

4:00 P.M.

REMOTE ATTENDANCE

To comply with Governor Inslee's [Proclamation 20-28](#), the City Council meeting will be conducted remotely, not in-person. You may view the Council meeting by watching live through video streaming on [Live Meetings](#), [YouTube](#), [Facebook](#), or Thurston Community Media, Channel 3 with your local cable provider.

The public may also listen to the meeting via telephone by dialing toll-free:

(888) 788-0099 or (877) 853-5247 - when prompted enter Webinar ID **848 3774 6675**
press # (participant ID not required)

CALL TO ORDER:

1. PLEDGE OF ALLEGIANCE
2. APPROVAL OF AGENDA & CONSENT AGENDA ITEMS*
 - A. [Council Worksession minutes of October 15, 2020](#)
 - B. [Council Meeting minutes of October 22, 2020](#)
 - C. [A motion to approve payment of claims, wages, and transfers for October 15, 2020 through October 30, 2020](#)
 - D. [City Manager Performance Review](#)

**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.*

3. PUBLIC RECOGNITIONS AND PRESENTATIONS:
4. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

VERBAL PUBLIC COMMENT

Persons wishing to provide verbal public comment on items NOT on the agenda must preregister to speak at https://us02web.zoom.us/webinar/register/WN_3AB7X1fLTiIT0aetDoE_NQ. Instructions and access details will be provided once registration is complete. Registration for verbal public comment closes at 3:00 p.m. on November 5, 2020.

WRITTEN PUBLIC COMMENT

Public comments may also be submitted by email to publiccomment@ci.lacey.wa.us. 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. The commenting period will close at 12:00 p.m. on November 5, 2020.

5. PUBLIC HEARING:
 - A. 2021 Revenue Sources Hearing (Troy Woo)

- B. 2021 Budget Hearing (*Troy Woo*)
6. **PROCLAMATIONS:**
- A. [Small Business Saturday \(*Blake Knoblauch*\)](#)
7. **REFERRAL FROM PLANNING COMMISSION:**
8. **REFERRAL FROM HEARINGS EXAMINER:**
9. **RESOLUTIONS:**
- A. [Small Works and Consultant Roster Resolution \(*Aubrey Collier*\)](#)
- B. [Hazard Mitigation Assistance Grant \(*Linsey Fields*\)](#)
10. **ORDINANCES:**
- A. [2020 Budget Amendments \(*Troy Woo*\)](#)
11. **MAYOR'S REPORT:**
- A. Recommendation to Appoint Jim Keogh to Lacey Historical Commission (*Andy Ryder*)
- B. Recommendation to Reappoint Troy Kirby to Lacey Parks Commission (*Andy Ryder*)
- C. Recommendation to Appoint Isaia Vimoto to Lacey Workgroup on Homelessness (*Andy Ryder*)
- D. Recommendation to Appoint Sasha Brown, Alejandra Linares, Laila Markland and Natalie Scott to the Lacey Youth Council (*Andy Ryder*)
12. **CITY MANAGER'S REPORT:**
- A. [Fitz Hugh Watermain Project Award \(*Roger Schoessel*\)](#)
- B. [South Sound Green ILA Renewal \(*Emily Watts*\)](#)
- C. CARES Act Funding Update (*Rick Walk*)
13. **STANDING GENERAL COMMITTEE:**
- A. [Community Relations and Public Affairs Committee \(10.05.2020\)](#)
- B. [Utilities Committee \(10.05.2020\)](#)
- C. [Finance and Economic Development Committee \(10.27.2020\)](#)
- D. [General Government and Public Safety Committee \(10.27.2020\)](#)
- E. [Land Use Committee \(10.27.2020\)](#)
14. **OTHER BUSINESS:**
15. **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 Cynthia Pratt:
1. Joint Animal Services Commission (JASCOM)
2. LOTT Clean Water Alliance
3. Olympic Region Clean Air Agency (ORCAA)
- C. Councilmember Carolyn Cox:
1. Regional Housing Council

2. Health & Human Services Council (HHSC)
 3. Intercity Transit (IT)
- D. Councilmember Lenny Greenstein:
1. Emergency Medical Services (EMS)
 2. TCOMM911
 3. Thurston County Law & Justice
- E. Councilmember Malcolm Miller:
1. Thurston Regional Planning Council (TRPC)
 2. Thurston Thrives
 3. Lodging Tax Advisory Committee (LTAC)
 4. Thurston County Coalition Against Trafficking (TCCAT)
- F. Councilmember Michael Steadman:
1. Community Action Council
 2. Solid Waste Advisory Committee (SWAC)
- G. Councilmember Ed Kunkel:
1. Olympia-Lacey-Tumwater Visitor & Convention Bureau (VCB)
 2. Lacey South Sound Chamber
 3. Economic Development Council (EDC)

16. ADJOURN

JOINT WORKSESSION
LACEY CITY COUNCIL
AND
NORTH THURSTON PUBLIC SCHOOLS BOARD OF DIRECTORS
OCTOBER 15, 2020
7:00 – 8:22 P.M.
REMOTE ATTENDANCE ONLY

CITY COUNCIL PRESENT: A. RYDER (MAYOR), C. PRATT (DEPUTY MAYOR), C. COX,
L. GREENSTEIN, M. STEADMAN, E. KUNKEL, M. MILLER

NTPS BOARD PRESENT: M. HARTLEY (PRESIDENT). G. MALISKA (VICE- PRESIDENT)
D. NEWKIRK, G. SACKRISON, AND STUDENT ADVISORS
N. SCOTT AND S. AMIN

NTPS BOARD EXCUSED: C. NAMIT

CITY STAFF: T. WOO, S. EGGER, D. SCHNEIDER, J. BAUERSFELD, P.
EDMONDS

NTPS STAFF: D. CLEMENS, C. SCHRIEVE, M. SABIN, D. MARTINOLICH

ACTION: APPROVE JOINT WORKSESSION AGENDA

MOTION: MOTION MADE, SECONDED AND CARRIED BY COUNCILMEMBER GREENSTEIN
AND BOARD MEMBER SACKRISON

INTRODUCTIONS

Introductions were led by Mayor Andy Ryder and Mel Harley, President, North Thurston Public School District Board of Directors.

4TH ANNUAL COMPASSIONATE COMMUNITY PROJECT – LACEY’S FOOD PANTRY

STAFF: COURTNEY SCHRIEVE, EXECUTIVE DIRECTOR OF COMMUNICATIONS (NTPS)
JENNY BAUERSFELD, COMMUNITY RELATIONS SPECIALIST (CITY)

Each year the City of Lacey, North Thurston Public Schools, and Lacey South Sound Chamber adopt a Compassionate Community Project.

The Lacey Food Pantry has been selected for the 4th Annual Compassion Community Project. The project is in the final phase of the Thurston County Food Bank's new Lacey site. This year's project kicked off on World Food Day, October 16, with a fundraising goal of \$100,000.

There are many opportunities for the community to participate in the fundraiser, such as a donation when paying your City utility bill or contribution to a NTPS coin drive.

In March 2020, the Lacey Food Bank created a pop-up distribution site at St. Martin's University. To date, they have served 2,227 households which represents 7,794 individuals.

BUILDING OUR FUTURE

STAFF: MONTY SABIN, ASSISTANT SUPERINTENDENT FOR OPERATIONS (NTPS)
DEAN MARTINOLICH, DIRECTOR OF CONSTRUCTION AND DESIGN (NTPS)

Staff provided an update on the NTPS Construction Bond projects and presented a new logo "Building Our Future."

Two significant projects were identified for modernization of facilities at River Ridge High School and Komachin Middle School. Architects were selected for both schools. The process includes the conceptual designs, ensuring the final design will fit into the budget, determining the level of construction needed to meet program needs, and standardizing programs between like grade level facilities.

Three priority sites were identified as Horizons, Seven Oaks, and Meadows Elementary Schools. Work to be performed include roof replacement, HVAC upgrades, emergency systems, and secure entrances.

District-wide safety and security upgrades will be made and will include lighting to secure entrances, fencing to redirect traffic on school grounds, and separating drop-off and pickup areas in the parking lots. Neighborhood improvements will include field improvements, ADA accessibility, and asset preservation.

PUBLIC INVESTMENTS | ROAD AND UTILITY IMPROVEMENTS

STAFF: SCOTT EGGER, PUBLIC WORKS DIRECTOR (CITY)

Staff provided an update on the City's transportation construction projects, including the College and 22nd roundabout, Mullen Road improvements, Exit 111 Interchange, 2020 Overlay projects, and Hawks Prairie roundabout.

Updates were also provided on utility and parks construction projects, including the Capitol City water and wastewater project, 25th Loop improvements, Wastewater Lift Stations #15 and #21, Regional Athletic Complex field replacements for baseball field #5 and soccer field #1, and the Depot Playground project.

CLOSING REMARKS

Mayor Ryder provided an update relating to COVID-19. Budget decisions were made early due to the uncertainty of the pandemic and impact it could bring. The budget has not been affected as much as anticipated due to the strong construction projects and retail sales. The City recently secured \$775,000 in the second round of CARES Act Funding, and funds have been identified to assist utility customers, parents for child care costs, rental and mortgage assistance, and internet access for remote learners.

Board President Hartley provided an update relating to COVID-19 and the District's 2020 Safe Start Plan. Student attendance and family engagement has increased and staff have worked to overcome the hurdles with this new environment. Over 6,000 meals per day are being delivered to students and the Chrome Books delivered to every student. Some of the challenges students face with remote learning include managing their time and navigating through the different distractions at home.

Mayor Ryder adjourned the meeting at 8:22 p.m.

MINUTES OF A REGULAR MEETING OF THE
LACEY CITY COUNCIL HELD THURSDAY,
OCTOBER 22, 2020, REMOTE ATTENDANCE

CALL TO ORDER:

Mayor Ryder called the meeting to order at
4:00 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Ryder led the Pledge of Allegiance.

COUNCIL PRESENT:

A. Ryder, C. Pratt, L. Greenstein, C. Cox,
S. Steadman, E. Kunkel, M. Miller

STAFF PRESENT:

S. Spence, T. Burbidge, S. Egger, M. Hardie,
D. Schneider, R. Walk, T. Woo, R. Andrews, E.
Fontaine

APPROVAL OF AGENDA
AND CONSENT AGENDA:

Consent Agenda Items:

- A. Council Worksession Minutes of October 1,
2020.
- B. Council Meeting Minutes of October 8, 2020.
- C. A motion to approve payment of claims, wages
and transfers for September 30, 2020, through
October 14, 2020.

COUNCILMEMBER GREENSTEIN MOVED TO
APPROVE THE CONSENT AGENDA. DEPUTY
MAYOR PRATT SECONDED. MOTION
CARRIED.

PUBLIC COMMENT:

Persons wishing to provide public comment on items not
on the agenda must pre-register to speak. Registration
closed at 3:00 p.m. today.

Wayne Olsen, Lacey resident, registered to speak during the public comment period in favor of the Thurston Climate Mitigation Plan.

Cleve Pinnix, Lacey resident, registered to speak during the public comment period in favor of the Thurston Climate Mitigation Plan.

Public comments may also be submitted by email by 12:00 p.m. today. Comments will be provided to the City Council electronically prior to the meeting. Comments will not be addressed during the meeting; however, comments received will be added to the official record.

One written public comment was received and made part of the official record.

ORDINANCES:

Ryan Andrews, Planning Manager, presented Ordinance 1570 relating to a petition for annexation filed by Lacey Fire District 3, the City of Lacey, and Timberline Baptist Church using the 60 percent petition method (RCW 35A.14.120).

The Thurston County Assessor's office has verified that the signatures represent not less than 60 percent of the assessed valuation for general taxation of the property for which the annexation has been petitioned (RCW 35A.01.040). The annexation has been sent to the Thurston County Boundary Review Board (BRB) for their review. The BRB has declined to invoke jurisdiction so the application returns to the Council for final consideration in ordinance form.

The area proposed for annexation is located in the Lakes Planning Area and within the Lacey Urban Growth Area north of Mullen Road SE, east of

Timberline High School, west of Rumac Street SE, and south of the Southlake subdivision. The area includes approximately 67 acres in five separate tax parcels. The LFD 3 parcel is 8.4 acres in size and contains fire station number 33. The City of Lacey owns a large portion of the proposed annexation area with a 32.35-acre parcel designated as the Mullen Habitat Reserve. The three remaining parcels include an existing single-family residence west of station 33, the Timberline Baptist Church to the east of station 33, and a 20.06-acre undeveloped parcel to the north of station 33. The LFD 3, City of Lacey, and Timberline Baptist Church parcels are exempt from the payment of property taxes.

The area proposed for annexation includes five parcels located immediately south and east of the existing Lacey city limits. The southerly limit of the boundary would be extended to the northern boundary of the Mullen Road right-of-way. The configuration is a logical extension of the city limits and would not create any islands or illogical boundaries. Annexation policies with Thurston County require the City to take responsibility for approximately 1,330 feet of centerline roadway. With the Mullen Road project, this equates to approximately 30% of the construction area. The proposed annexation, however, will not include Mullen Road right-of-way. Early discussions with Thurston County indicated that they would support the annexation without the requirement to annex this portion of Mullen Road. This mutual understanding was based on the fact that inclusion of the right-of way would require a substantial increase to the City in cost sharing the Mullen Road improvement project; the parcels included within the proposed annexation area generate minimal property tax revenue and would not offset the costs associated with this road improvement in

any reasonable timeframe. Thurston County, through the Boundary Review Board process, did not object to the annexation moving forward as proposed. The properties are located within the City of Lacey's water service area and are served by an existing 12-inch waterline located in Mullen Road. The line is adequate to serve the existing and future development of the properties within the proposed annexation area. City of Lacey sewer service in the area is relatively limited but is available nearby with the nearest point of connection to an existing 6-inch line along Mullen Road to the west of station 33 and to the east at Rumac Street SE. With the reconstruction of Mullen Road, the City is funding the design and construction of the sewer line in this area to fill in the gap in the utility. Additionally, upon development and/or redevelopment of the properties within the annexation area, sewer service would be required to be connected.

The ordinance was amended to included language relating to the issue of bonded indebtedness associated with Fire District 3, it being the City's intent that these parcels not be levied twice.

DEPUTY MAYOR PRATT MOVED TO APPROVE AMENDED ORDINANCE NO. 1570 RELATING TO MULLEN ROAD ANNEXATION – PROJECT NO. 19-333. COUNCILMEMBER STEADMAN SECONDED. MOTION CARRIED.

CITY MANAGER'S REPORT: Scott Spence, City Manager, presented Council with a 2021-balanced budget of \$168,957,711.

General Fund \$51,670,213
Capital Projects \$15,480,656
Special Funds \$450,081
Debt Service \$1,797,767

Utility Funds \$93,902,814
Internal Service Funds \$5,656,180

Budget Schedule – City Council Meetings

November 5, 2020

- Revenue Sources Public Hearing
- Budget Public Hearing

November 19, 2020

- Final Budget Public Hearing

December 3, 2020

- Adopt 2021 Budget Ordinance

Council directed staff to include a 2021 budget line item for the Neighborhood Grant Program.

Mayor Ryder adjourned the Council Meeting at 5:32 p.m.

MAYOR: _____

ATTESTED BY CITY CLERK: _____

DATE APPROVED: _____



LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: Disbursement Approval

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

STAFF CONTACT: Troy Woo, Finance Director 

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 10/15/2020 through 10/30/2020. The disbursements consist of the following:

Checks:	<u>Week of</u>	<u>Req. Check No.</u>	<u>End. Check No.</u>	<u>Amount</u>
	10/16/2020	253596	253961	110,024.67
	10/23/2020	253692	253790	453,748.66
	10/30/2020	253791	253917	1,249,414.06
	*10/30/2020	253918	253921	2,132.86

Electronic Transfers:	<u>Week of</u>	<u>Amount</u>
	10/2/2020	19,561.08
	10/12/2020	11,268.63
	10/14/2020	3,822.59
	10/15/2020	294.00
	10/16/2020	780,073.03
	*10/16/2020	26,058.93
	10/22/2020	360.00
	10/23/2020	558,540.67
	10/25/2020	114,502.04
	*10/28/2020	130,915.55
	10/30/2020	177,481.12
	10/30/2020	52,399.65
	*10/30/2020	33,406.28
	*10/30/2020	1,422,084.58

Payroll:	<u>Month Ended:</u>	<u>Wages</u>
	*10/30/2020	1,500,482.87

Significant Disbursements:

<u>Vendor</u>	<u>Amount</u>	<u>Description</u>
Miles Resources, LLC	\$ 155,944.19	2020 Overlay
South Sound Contractors	\$ 551,516.99	Cap City Golf Course Ph. 1
Active Construction, Inc.	\$ 108,066.41	College & 22 nd Roundabout
Columbia Ford	\$ 75,233.94	Equipment Replacements
KMB Architects	\$ 56,417.00	Museum and Civic Center
Nisqually Indian Tribe	\$ 52,382.56	Inmate Support
OSG Dozing, Inc.	\$ 344,418.46	25 th Loop SE Improvements
Puget Sound Energy, Inc.	\$ 122,707.03	Utilities
Community Action Council	\$ 779,097.93	CARES Act Community Assistance
RMT Equipment	\$ 114,252.98	Equipment Replacement
Thurston Co. Public Works	\$ 118,087.81	Water and Sewer Lines (Mullen Rd)

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



LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: City Manager's Annual Performance Evaluation

RECOMMENDATION: Approval of Mayor's letter concerning the conclusion of the Lacey City Manager's Annual Performance Evaluation, and an amendment to the City Manager's contract based on market comparables related to compensation

STAFF CONTACT: Mary Ann Hardie *MAH*
Human Resource Director

ORIGINATED BY: Mary Ann Hardie
Human Resources Director

ATTACHMENTS:

1. [Mayor's Letter to the City Manager](#)
2. [Amendment No. 6 to City Manager's Contract](#)

FISCAL NOTE: Adjustments to salary will be incorporated in the 2021 Lacey Budget.

PRIOR REVIEW: August 20, 2020, Worksession
September 17, 2020, Worksession & Executive Session
September 24, 2020, Executive Session

BACKGROUND:

An annual performance evaluation for the City Manager was concluded on September 24, 2020, by the City Council as per the employment agreement between the City of Lacey and the Lacey City Manager. Upon completion of the review, an amendment to the City Manager's contract is recommended to adjust compensation to better align with market comparables.

ADVANTAGES:

1. Proposed action documents that the Lacey City Council reviewed the City Manager's performance in accordance with the provisions of the City Manager's employment agreement with the City.

DISADVANTAGES:

1. None



CITY COUNCIL
ANDY RYDER
Mayor
CYNTHIA PRATT
Deputy Mayor

LENNY GREENSTEIN
MICHAEL STEADMAN
CAROLYN COX
ED KUNKEL
MALCOLM MILLER

CITY MANAGER
SCOTT SPENCE

November 5, 2020

Scott Spence, City Manager
City of Lacey
420 College Street SE
Lacey, WA 98503

Dear Scott:

On September 24, 2020, the City Council concluded its annual performance evaluation of your position as City Manager. This was a requirement of the provisions of your employment agreement with the City dated August 9, 2011.

The conclusion of your evaluation resulted in an amendment to your employment agreement that includes an adjustment to your compensation based on market comparables.

Your next performance evaluation will be held in early 2021. The Council and I look forward to a successful year for our community.

Sincerely,

Andy Ryder, Mayor
City of Lacey

AMENDMENT NO. 6 TO THE
CITY MANAGER EMPLOYMENT AGREEMENT

THIS AMENDMENT is to that certain City Manager Employment Agreement dated August 9, 2011, and the Amendments thereto dated March 13, 2014, February 12, 2015, April 14, 2016, March 9, 2017, and May 10, 2018, made by and between the CITY OF LACEY, a municipal corporation in the State of Washington, and SCOTT H. SPENCE.

WHEREAS at the annual performance evaluation for the City Manager on September 24, 2020, the City Council considered a base pay adjustment (increase) to the base market salary for this position in order to bring it into alignment with the base salary average of the market comparators. This pay adjustment will be effective January 1, 2021.

NOW, THEREFORE, Section 2(a) is hereby amended to read as follows:

Section 2(a)

“Pay a salary at the rate of ONE HUNDRED EIGHTY FIVE THOUSAND (\$185,000) DOLLARS per annum.”

DATED this ____ day of November 2020.

CITY OF LACEY

By: _____
Mayor

Scott H. Spence

Approved as to form:

Lacey City Attorney

CITY OF LACEY

Official Proclamation

WHEREAS, the City of Lacey celebrates and supports our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, there are currently 30.7 million small businesses in the United States, which represents 99.7% of all businesses with employees in the United States; and

WHEREAS, small businesses employ over 47.3% percent of all businesses with employees in the United States, and are responsible for 64.9% of net new jobs created over the past 20 years; and

WHEREAS, small businesses contribute positively to the local community by supplying jobs and generating tax revenue, and are critical to the overall economic health of the United States; and

WHEREAS, it is important for people to support the small businesses that they value in their community; and

WHEREAS, advocacy groups, and public and private organizations in our community and across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Andy Ryder, Mayor of the City of Lacey, on behalf of the Lacey City Council, do hereby proclaim Saturday, November 28, 2020, as

Small Business Saturday

in the City of Lacey, and encourage citizens to support small businesses and merchants on Small Business Saturday and throughout the year.



Mayor Andy Ryder
November 5, 2020



LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: Small Works and Consulting Services Roster Resolution

RECOMMENDATION: Motion to adopt the new resolution updating the Small Works Roster & Limited Public Works procedures.

STAFF CONTACT: Scott Spence, City Manager *SS*
Troy Woo, Finance Director *TW*
Scott Egger, Public Works Director *SE*
Roger Schoessel, City Engineer *RAS*
Aubrey Collier, Design & Construction Manager *AC*

ORIGINATED BY: Aubrey Collier, Public Works Department

ATTACHMENTS: 1. [Draft Resolution 1096](#)
2. [Small Works Roster Procedure](#)
3. [Limited Public Works Procedure](#)

FISCAL NOTE:

PRIOR REVIEW: Resolution 949 was adopted on July 23, 2009.
New resolution was reviewed by Finance Committee on October 27, 2020.

BACKGROUND:

The City's current Resolution 949 was adopted in 2009. The resolution allows City staff to use the Small Works and Limited Public Works processes to award contracts for public works and authorizes the use of consultant rosters. The resolution also authorizes the use of MRSC Rosters for Small Works, Limited Public Works and Consultant Services.

The current resolution duplicates some of the language in the RCWs from 2009, and is missing some language from the RCWs. RCWs governing these contracting practices have been updated since this resolution was adopted. The limits for Small Works and Limited Public Works projects has also been increased from \$300,000/\$35,000 to \$350,000/\$50,000 respectively. This resolution would eliminate language that is already in the RCWs,

preventing the possibility of conflicting information as RCWs change. The resolution instead references the applicable RCWs. Detailed procedures for using the Small Works and Limited Public Works processes are attached.

ADVANTAGES:

1. Updates the City Small Works and Limited Public Works resolution to ensure that we are in compliance with current State RCW requirements.

DISADVANTAGES:

1. None anticipated

RESOLUTION 1096

CITY OF LACEY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, RELATED TO THE SUBJECTS OF THE SMALL PUBLIC WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND THE CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING AND OTHER PROFESSIONAL SERVICES AND RESCINDING RESOLUTION 949.

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to utilize the small works roster processes, the City of Lacey is required by law to adopt a resolution implementing the provisions of RCW 39.04.155; and

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency; and

WHEREAS, on July 23, 2009, the City Council adopted Resolution 949 which established a small public works roster process and a consulting services roster for architectural, engineering and other professional services; and

WHEREAS, RCW 39.04.155 has been subsequently revised necessitating certain amendments to its small public works roster process contained in Resolution 949.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON as follows:

Section 1. Resolution No. 949 of the City of Lacey is hereby rescinded.

Section 2. **MRSC Rosters.**

The City of Lacey wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for the City's use those statewide electronic databases for small public works roster and consulting services for architectural, engineering and other professional services developed and maintained by MRSC and authorizes the City of Lacey staff to sign that contract. In addition, paper and/or electronic rosters may be kept on file by appropriate city departments.

Section 3. Small Public Works Roster

The City of Lacey hereby establishes a small works roster process and adopts the provisions as set forth in RCW 39.04.155, as the same may hereafter be amended, as those specific procedures for use by the City of Lacey. The City Manager shall have authority to award all contracts under this section without City Council approval.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,

this ____ day of _____, 2020.

CITY COUNCIL

By _____
Mayor

Attest:

Approved as to form:

City Clerk

City Attorney

Small Works Roster Procedure
\$50,000 - \$350,000
Updated: October 2020

PURPOSE: This Procedure provides a step by step methodology for selecting, acquiring, documenting, contracting and awarding Small Works projects.

PW Number

Contact the PW Executive Assistant and request a PW number. If there will be a plan set, contact the Utility Mapper and request a drawing number.

File

Create a project file on the server \\laceynt\dfs\PW_Work\Projects under the appropriate year using the format "PW 20xx-xx Project Name".

Copy over the blank file plan template located here \\laceynt\dfs\PW_Work\ENGINEERING\Design\File Plan Template. Keep copies of all PSA, Design, Cost Estimate, Bidding and Construction documents in this file.

Construction Cost Estimate/ Bid Proposal

Create a construction cost estimate including all labor, materials, and equipment. Projects cannot be broken up into smaller pieces just to avoid using the formal competitive process. The total cost estimate including tax must be less than \$350,000 to use the Small Works process (if under \$50,000 please use the Limited Public Works process).

It is recommended to use PEDS (Pay Estimate Database System) program to create your cost estimate, bid proposal and contractor payments (see the PEDS User Guide)

- Per RCW 39.04.180 if work includes trench excavation > 4 feet, you must include separate bid item for Trench Safety System.
- Include a fixed bid item amount for Minor Change (Typically \$1,000 - \$10,000), this is "contingency" for any minor construction changes encountered during construction.
- Consider including a bid item for Project Closeout (Typically \$1,000 - \$10,000), this is money withheld at the end of the project after the physical work is complete for items such as record drawings, O&M Manuals, punch list items, and prevailing wage affidavits.

Prepare bid/contract documents

At a minimum, the quote/proposal documents must contain the nature and scope (detailed plans and specs not always required but recommended). The proposal requests must contain enough information for the contractors to provide an accurate bid. Plans can be hand drawn and include photos.

All projects must be approved by the Public Works Director prior to requesting quotes. If the Public Works Director is not available, the City Engineer can approve.

Pre-bid walkthroughs are advised for project sites that are not easily accessible for contractors to view on their own. The time and date, location, and directions to the site should be included in the email for quotes. The email must also state that it is non-mandatory. Send out a calendar invite for the pre-bid walkthrough to the Design & Construction Manager, appropriate City Operations & Maintenance staff, and design consultants if applicable.

Typical Specifications include:

1. City Division 1 (legal/bidding/contract) language \\laceynt\dfs\PW_Work\ENGINEERING\SPECS\CITY SPEC TEMPLATES
2. Material requirements/specifications
3. Working days allowed, or any time deadlines or scheduling requirements

The following information should also be included in the proposal/quote requests:

1. Bid bond requirements (optional, but recommended)
2. Performance/Payment bond requirements (for projects < \$150,000 may withhold an additional 10% in lieu of bond)
3. Retainage requirements (5% optional, but recommended)
4. Non-collusion requirements
5. If a non-mandatory pre-bid walkthrough will be held, include date/time/location/directions information in the request for quotes.
6. Prevailing Wages required: Attach a copy or provide the link with "Effective Date" as the date that bids are due
Wage Rates: <https://secure.lni.wa.gov/wagelookup/>
7. Bidder Responsibility criteria requirements: Criteria per RCW 39.04.350 is always required. If supplemental criteria is used for determining bidder responsibility, the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible must be provided in the invitation to bid. It is typical for supplemental bidder information to be provided within 48 hours of the bid opening. See the Design & Construction Division for assistance.

Obtaining quotes

Small works projects do not have a minimum time period for contractors to prepare proposals/quotes, however typical duration for adequate review by contractors is two weeks. Less time for review is acceptable for projects of limited scope.

Phone quotes are permitted for projects under \$15,000 per the City Policy. If quotes are solicited by phone, a written record shall be made by the City of Lacey representative of each contractor's bid on the project. The City of Lacey representative shall ensure that all contractors are receiving the same information and that no contractors are being given an advantage.

At the time bids are solicited, the City of Lacey representative shall not inform a contractor of the amount of any other contractor's bid for the same project.

For written quotes, email the bidders checklist, project description including contracting and bidding requirements, proposal sheet, plans, specifications, non-collusion affidavit, bid bond form, and certification of compliance with wage payment statutes as an attachment. Or if the files are too large post it on the City ftp site or City website and email out the link. Only website editors can post items on the City website, contact the Design & Construction Manager or the Project Administrator for assistance or to get a list of staff that have access. Send the email to PublicWorksProjects@ci.lacey.wa.us, CC the Public Works Director, the City Engineer, the Design & Construction Manager, the PW Executive Assistant, and the PW Project Administrator, and Blind Copy all of the contractors that you are requesting quotes from.

To get the list of bidders follow these instructions:

Website: www.mrscrosters.org

Contact the Design & Construction Division for login and password information

Select the "Small Works Roster" option

Select all the categories that match the scope of the work and then select "Search Businesses"

Select "Save PDF" and save the pdf to the project folder

Select "Continue" and then "Solicit Businesses" and copy all the email addresses to the proposal email in the BCC(blind copy) section.

The City may not favor certain contractors on the small works roster over other contractors on the same roster who perform similar services. It is recommended that bids be solicited from the entire list of bidders in the category of work. As an alternative to requesting quotes from the entire list of contractors, quotations may be invited from a minimum of five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. However, if the estimated cost of the work is from \$250,000-\$350,000, you must also notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought by publishing a notice in a legal newspaper in general circulation in the area where the work is to be done (The Olympian).

Sample Email:

Subject: Request for Proposal – Project Title PW 20xx-xx

This contract provides for xxxxxxxx, and other work as outlined in bid documents. Work shall be completed within xx working days from Notice to Proceed.

There will be a non-mandatory pre-bid meeting at x:xx on Thursday September 24, 2020.

Prevailing wage rates apply. Retainage, bid bond and performance/payment bond will be required.

Each Bidder shall complete the City provided proposal with prices in figures with the extension properly computed. The proposal must be properly signed by a duly authorized agent, and addenda if issued must be acknowledged. The bid must be accompanied by the bid guarantee and the non-collusion affidavit or it will be rejected.

The City will award the contract to the lowest responsible bidder as defined in RCW 39.04.010. The Contractor shall meet all the bidder responsibility criteria per RCW 39.04.350.

The City does not pre-qualify Bidders. However, if the apparent low Bidder has not already been determined qualified, the City shall afford seven (7) days after notification for the low Bidder to provide evidence for evaluation, as to capability to perform the work. The evaluation will include consideration of experience, personnel, equipment, financial resources as well as performance record. The information must be sufficient to enable the Bidder to obtain the required qualification rating prior to the award of the contract.

Please submit a sealed written bid with Project Name on the outer envelope that includes sales tax (9.4%) to City Hall at the Public Works front counter or by mail at 420 COLLEGE ST SE, LACEY, WA 98503 by 2:30 PM Thursday, October 8, 2020. Postmarks will not be accepted.

Please contact me directly if you have any questions regarding this project. Thank you,

NOTE: It may be necessary to correct punctuation in the e-mail address list generated from the MRSC website to send the e-mail (e.g., replace colons with semicolons between addresses). No further action is needed for e-mail that is returned as undeliverable to the address provided by the contractor.

Addenda/Q&A – Keep track of questions asked by contractors and your responses to those questions. If conducting a pre-bid walkthrough make sure that all questions and responses to those questions are recorded. To ensure that all contractors get the same information, email Q&A sheets and/or addenda to the same list of email recipients that the original proposal request was sent to. All addenda must be signed by the Public Works Director or the City Engineer if the Public Works Director is not available. If a new proposal is part of an addendum, write “Addendum #X” at the top of the new proposal to make sure the contractor turns in the correct proposal. To do this in PEDS, a PEDS administrator will need to unlock the project for you, then select Add/Edit Project, select the project, select “Edit Project” and add “Addendum #X” to Title 3 of the project. You can then lock the project and print the new proposal.

Opening Bids

Schedule the opening in advance with the PW Executive Assistant, and send a calendar invite for the opening to the Public Works Director, the City Engineer, the Design & Construction Manager, the Project Administrator and the PW Executive Assistant. The opening is an informal process (City Clerk not required) – public opening is optional.

Provide the engineers estimate and the bidders checklist to the PW Executive Assistant in advance.

Plan to assist during the opening to accept and review bids. The PW Executive Assistant will accept and open bids and confirm that all required documents were received with the bid, and then email out the initial bid results showing the bidders and their bid amounts.

Evaluation of Bids

Check the MRSC small works roster to ensure that all the contractors are on the roster. The City cannot accept bids from contractors who are not on the roster when bids are opened.

Check all bids to ensure that all the required documents were provided and that they were filled out correctly.

Enter the bids into PEDS (see PEDS User Guide) and print the bid tabs, sign them and give them and all the original bidders documents including bid guarantees to the PW Executive Assistant for filing.

Print the bid tab summary sheet and provide those results to any bidders who request it.

The City of Lacey shall award the contract to the lowest responsible bidder, or all bids shall be rejected. "Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350 in addition to any supplemental criteria established by the City. If supplemental criteria is used for determining bidder responsibility it is recommended to get the supplemental information from the lowest two bidders at a minimum. If a contractor does not submit the supplemental information they can not be considered for award.

Send an email to the Project Administrator and CC the Design & Construction Manager requesting that mandatory bidder responsibility criteria be checked for the apparent low bidder.

The Project Manager will work with the Design & Construction Manager to verify any supplemental information.

If any bids need to be rejected, the Public Works Director shall make the final determination and sign the rejection letter.

Bidder Protests and Public Information Requests

Within 2 full business days after the bid opening (Saturday, Sunday, and legal holidays excluded), the City must provide, if requested by a bidder, copies of the bids received for the project. Provide copies of all information requests and responses to the Deputy City Clerk for tracking purposes.

Within 2 full business days after the bid opening or after receiving copies of the bids (Saturday, Sunday, and legal holidays excluded), any party planning to protest must file written notice of such intention. If no notice is received within the 2 business days, all eligible protesters will be considered to have waived their right to protest.

After the two business days have passed from bid opening date/time or after copies of the bids were provided, the agency will proceed as follows:

If a notice of intent to protest was filed with the City during the 2 days, the City may suspend the award decision to allow consideration of the protest before award is made;

or declare its intent to award and wait a minimum of 2 additional business days before entering into a contract

Award

The Public Works Director shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Manager. The City Manager or his designee shall have authority to award all contracts under this section without City Council approval. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone or electronic request. The City shall maintain a list of the contractors contacted and the contracts awarded, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

Once the Project Administrator has confirmed that the contractor meets all of the mandatory responsibility criteria, prepare a Staff Report with the bid summary sheet attached and route to the Public Works Director. Note on the staff report whether a budget amendment is required. Once the staff report has been approved the PW Executive Assistant will send the contract, payment/performance bond form, and declaration of retainage form to the contractor. The contractor is also required to provide insurance certificate, a W9, and must have a City of Lacey business license. All the paperwork is due back to the City within 10 days.

Once all the required paperwork is returned to the City the PW Executive Assistant will forward it to the City Attorney for review, and then to the City Manager or his/her designee for execution.

Once the contract is executed, the PW Executive Assistant will return the bid bonds to all of the contractors and notify them that the contract was executed.

Construction

Construction inspection and administration, including project noticed and payments to the contractor, are managed by the Design & Construction Division. Once the contract has been executed, coordinate with the Design & Construction Manager to schedule the preconstruction meeting and provide copies of the Plans and Specifications for the O&M Division, the Contractor, the Inspector, and

the Design & Construction Manager. Notice to Proceed will be issued by the Design & Construction Manager or his/her designee no later than 30 days from the contract execution date.

The Project Manager will inform the Project Inspector of any submittals that the Project Manager or Consultant needs to review, or if there are any special inspections or other unique information that the inspector needs to be aware of.

Contractor payments will be reviewed and approved by the Project Inspector, the Design and Construction Manager, and the Public Works Director or his/her designee.

Once the project is Substantially Complete, all stakeholders will be given an opportunity to inspect the work and generate a punch list.

The Public Works Director will issue the project final acceptance and completion notice.

Approximately 10 months after the project completion all stakeholders will be given the opportunity to inspect the work for any warranty issues.

Limited Public Works Roster Procedure
< \$50,000
Updated: October 2020

PURPOSE: This Procedure provides a step by step methodology for selecting, acquiring, documenting, contracting and awarding Limited Public Works projects.

PW Number

Contact the PW Executive Assistant and request a PW number. If there will be a plan set, contact the Utility Mapper and request a drawing number.

File

Create a project file on the server [\\laceynt\dfs\PW_Work\Projects](#) under the appropriate year using the format "PW 20xx-xx Project Name".

Copy over the blank file plan template located here [\\laceynt\dfs\PW_Work\ENGINEERING\Design\File Plan Template](#). Keep copies of all PSA, Design, Cost Estimate, Bidding and Construction documents in this file.

Construction Cost Estimate/ Bid Proposal

Create a construction cost estimate including all labor, materials, and equipment. Projects cannot be broken up into smaller pieces just to avoid using the Small Works process or formal competitive process. The total cost estimate including tax must be less than \$50,000 to use the Limited Public Works process.

It is recommended to use PEDS (Pay Estimate Database System) program to create your cost estimate, bid proposal and contractor payments (see the PEDS User Guide)

- Per RCW 39.04.180 if work includes trench excavation > 4 feet, you must include separate bid item for Trench Safety System.
- Include a fixed bid item amount for Minor Change (Typically \$1,000 - \$10,000), this is "contingency" for any minor construction changes encountered during construction.
- Consider including a bid item for Project Closeout (Typically \$1,000 - \$10,000), this is money withheld at the end of the project after the physical work is complete for items such as record drawings, O&M Manuals, punch list items, and prevailing wage affidavits.

Prepare bid/contract documents

At a minimum, the quote/proposal documents must contain the nature and scope (detailed plans and specs not always required but may be recommended depending on complexity). The proposal requests must contain enough information for the contractors to provide an accurate bid. Plans can be hand drawn and include photos.

All projects must be approved by the Public Works Director prior to requesting quotes. If the Public Works Director is not available, the City Engineer can approve.

Pre-bid walkthroughs are advised for project sites that are not easily accessible for contractors to view on their own. The time and date, location, and directions to the site should be included in the email for quotes. The email must also state that it is non-mandatory. Send out a calendar invite for the pre-bid walkthrough to the Design & Construction Manager, appropriate City Operations & Maintenance staff, and design consultants if applicable.

Typical Specifications include:

1. City Division 1 (legal/bidding/contract) language \\laceynt\dfs\PW_Work\ENGINEERING\SPECS\CITY SPEC TEMPLATES
2. Material requirements/specifications
3. Working days allowed, or any time deadlines or scheduling requirements

The following information should also be included in the proposal/quote requests:

1. Non-collusion requirements
2. If a non-mandatory pre-bid walkthrough will be held, include date/time/location/directions information in the request for quotes.
3. Prevailing Wages required: Attach a copy or provide the link with "Effective Date" as the date that bids are due
Wage Rates: <https://secure.lni.wa.gov/wagelookup/>
4. Bidder Responsibility criteria requirements: Criteria per RCW 39.04.350 is always required. If supplemental criteria is used for determining bidder responsibility, the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible must be provided in the invitation to bid. It is typical for supplemental bidder information to be provided within 48 hours of the bid opening. See the Design & Construction Division for assistance.

Obtaining quotes

Limited Public Works projects do not have a minimum time period for contractors to prepare proposals/quotes, however typical duration for adequate review by contractors is two weeks. Less time for review is acceptable for projects of limited scope.

Phone quotes are permitted for projects under \$15,000 per the City Policy. If quotes are solicited by phone, a written record shall be made by the City of Lacey representative of each contractor's bid on the project. The City of Lacey representative shall ensure that all contractors are receiving the same information and that no contractors are being given an advantage.

At the time bids are solicited, the City of Lacey representative shall not inform a contractor of the amount of any other contractor's bid for the same project.

For written quotes, email the bidders checklist, project description including contracting and bidding requirements, proposal sheet, plans, specifications, non-collusion affidavit, bid bond form, and certification of compliance with wage payment statutes as an attachment. Or if the files are too large post it on the City ftp site or City website and email out the link. Only website editors can post items on the City website, contact the Design & Construction Manager or the Project Administrator for assistance or to get a list of

staff that have access. Send the email to PublicWorksProjects@ci.lacey.wa.us, CC the Public Works Director, the City Engineer, the Design & Construction Manager, the PW Executive Assistant, and the PW Project Administrator, and Blind Copy all of the contractors that you are requesting quotes from.

To get the list of bidders follow these instructions:

Website: www.mrscrosters.org

Contact the Design & Construction Division for login and password information

Select the "Small Works Roster" option

Select all the categories that match the scope of the work and then select "Search Businesses"

Select "Save PDF" and save the pdf to the project folder

Select "Continue" and then "Solicit Businesses" and copy all the email addresses to the proposal email in the BCC(blind copy) section.

The City may not favor certain contractors on the small works roster over other contractors on the same roster who perform similar services. It is recommended that bids be solicited from the entire list of bidders in the category of work. As an alternative to requesting quotes from the entire list of contractors, quotations may be invited from a minimum of three contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster.

Sample Email:

Subject: Request for Proposal – Project Title PW 20xx-xx

This contract provides for xxxxxxxx, and other work as outlined in bid documents. Work shall be completed within xx working days from Notice to Proceed.

There will be a non-mandatory pre-bid meeting at x:xx on Thursday September 24, 2020.

Prevailing wage rates apply. Retainage, bid bond and performance/payment bond will be waived.

Each Bidder shall complete the City provided proposal with prices in figures with the extension properly computed. The proposal must be properly signed by a duly authorized agent, and addenda if issued must be acknowledged. The bid must be accompanied by the bid guarantee and the non-collusion affidavit or it will be rejected.

The City will award the contract to the lowest responsible bidder as defined in RCW 39.04.010. The Contractor shall meet all the bidder responsibility criteria per RCW 39.04.350.

The City does not pre-qualify Bidders. However, if the apparent low Bidder has not already been determined qualified, the City shall afford seven (7) days after notification for the low Bidder to provide evidence for evaluation, as to capability to perform the work. The evaluation will include consideration of experience, personnel, equipment, financial resources as well as performance record. The information must be sufficient to enable the Bidder to obtain the required qualification rating prior to the award of the contract.

Please submit a sealed written bid with Project Name on the outer envelope that includes sales tax (9.4%) to City Hall at the Public Works front counter or by mail at 420 COLLEGE ST SE, LACEY, WA 98503 by 2:30 PM Thursday, October 8, 2020. Postmarks will not be accepted.

Please contact me directly if you have any questions regarding this project. Thank you,

NOTE: It may be necessary to correct punctuation in the e-mail address list generated from the MRSC website to send the e-mail (e.g., replace colons with semicolons between addresses). No further action is needed for e-mail that is returned as undeliverable to the address provided by the contractor.

Addenda/Q&A – Keep track of questions asked by contractors and your responses to those questions. If conducting a pre-bid walkthrough make sure that all questions and responses to those questions are recorded. To ensure that all contractors get the same information, email Q&A sheets and/or addenda to the same list of email recipients that the original proposal request was sent to. All addenda must be approved by the Public Works Director or the City Engineer if the Public Works Director is not available. If a new proposal is part of an addendum, write “Addendum #X” at the top of the new proposal to make sure the contractor turns in the correct proposal. To do this in PEDS, a PEDS administrator will need to unlock the project for you, then select Add/Edit Project, select the project, select “Edit Project” and add “Addendum #X” to Title 3 of the project. You can then lock the project and print the new proposal.

Opening Bids

Schedule the opening in advance with the PW Executive Assistant, and send a calendar invite for the opening to the Public Works Director, the City Engineer, the Design & Construction Manager, the Project Administrator and the PW Executive Assistant. The opening is an informal process (City Clerk not required) – public opening is optional.

Provide the engineers estimate and the bidders checklist to the PW Executive Assistant in advance.

Plan to assist during the opening to accept and review bids. The PW Executive Assistant will accept and open bids and confirm that all required documents were received with the bid, and then email out the initial bid results showing the bidders and their bid amounts.

Evaluation of Bids

Check the MRSC small works roster to ensure that all the contractors are on the roster. The City cannot accept bids from contractors who are not on the roster when bids are opened.

Check all bids to ensure that all the required documents were provided and that they were filled out correctly.

Enter the bids into PEDS (see PEDS User Guide) and print the bid tabs, sign them and give them and all the original bidders documents including bid guarantees to the PW DA for filing.

Print the bid tab summary sheet and provide those results to any bidders who request it.

The City of Lacey shall award the contract to the lowest responsible bidder, or all bids shall be rejected. "Responsible bidder" means a contractor who meets the criteria in RCW 39.04.350 in addition to any supplemental criteria established by the City. If supplemental criteria is used for determining bidder responsibility it is recommended to get the supplemental information from the lowest two bidders at a minimum. If a contractor does not submit the supplemental information they can not be considered for award.

Send an email to the Project Administrator and CC the Design & Construction Manager requesting that mandatory bidder responsibility criteria be checked for the apparent low bidder.

The Project Manager will work with the Design & Construction Manager to verify any supplemental information.

If any bids need to be rejected, the Public Works Director shall make the final determination and sign the rejection letter.

Bidder Protests and Public Information Requests

Within 2 full business days after the bid opening (Saturday, Sunday, and legal holidays excluded), the City must provide, if requested by a bidder, copies of the bids received for the project. Provide copies of all information requests and responses to the Deputy City Clerk for tracking purposes.

Within 2 full business days after the bid opening or after receiving copies of the bids (Saturday, Sunday, and legal holidays excluded), any party planning to protest must file written notice of such intention. If no notice is received within the 2 business days, all eligible protesters will be considered to have waived their right to protest.

After the two business days have passed from bid opening date/time or after copies of the bids were provided, the agency will proceed as follows:

If a notice of intent to protest was filed with the City during the 2 days, the City may suspend the award decision to allow consideration of the protest before award is made;

or declare its intent to award and wait a minimum of 2 additional business days before entering into a contract

Award

The Public Works Director shall present all quotations/bids and recommendation for award of the contract to the lowest responsible bidder to the City Manager. The City Manager or his designee shall have authority to award all contracts under this section without City Council approval. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone or electronic request. The City shall maintain a list of the contractors contacted and the contracts awarded, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

Once the Project Administrator has confirmed that the contractor meets all of the mandatory responsibility criteria, prepare a Staff Report with the bid summary sheet attached and route to the Public Works Director. Note on the staff report whether a budget amendment is required. Once the staff report has been approved the PW Executive Assistant will send the contract to the contractor. The contractor is also required to provide insurance certificate, a W9, and must have a City of Lacey business license. All the paperwork is due back to the City within 10 days.

Once all the required paperwork is returned to the City the PW Executive Assistant will forward it to the City Attorney for review, and then to the City Manager or his/her designee for execution.

Construction

Construction inspection and administration, including project noticed and payments to the contractor, are managed by the Design & Construction Division. Once the contract has been executed, coordinate with the Design & Construction Manager to schedule the preconstruction meeting and provide copies of the Plans and Specifications for the O&M Division, the Contractor, the Inspector, and the Design & Construction Manager. Notice to Proceed will be issued by the Design & Construction Manager or his/her designee no later than 30 days from the contract execution date.

The Project Manager will inform the Project Inspector of any submittals that the Project Manager or Consultant needs to review, or if there are any special inspections or other unique information that the inspector needs to be aware of.

Contractor payments will be reviewed and approved by the Project Inspector, the Design and Construction Manager, and the Public Works Director or his/her designee.

Once the project is Substantially Complete, all stakeholders will be given an opportunity to inspect the work and generate a punch list.

The Public Works Director will issue the project final acceptance and completion notice.

Approximately 10 months after the project completion all stakeholders will be given the opportunity to inspect the work for any warranty issues.



LACEY CITY COUNCIL MEETING 11/05/2020

SUBJECT: Hazard Mitigation Assistance Grant

RECOMMENDATION: Approve and Sign the Resolution Designating Applicant Agent electing the City Manager as the applicant agent.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Public Works Director *SE*
Peter Brooks, Water Resources Manager *PB*
Linsey Fields, Water Resource Specialist

ORIGINATED BY: Public Works/Water Resources

ATTACHMENTS: 1. [Resolution Designating Applicant Agent](#)
2. [Assurance and Certification Sheet](#)
3. [City of Lacey Pre-Application](#)

FISCAL NOTE: None

PRIOR REVIEW: Project Programmed as part of the Water Capital Improvement Program.

BACKGROUND:

The Hazard Mitigation Assistance (HMA) Grant is a federally designated grant, managed by the Federal Emergency Management Agency (FEMA). The HMA grant is only made available following a Presidential major disaster declaration.

HMA grants are designed to fund emergency mitigation activities that reduce disaster losses and protect life and property from future disaster damages.

The City of Lacey is applying for an HMA grant to help cover the cost of a seismic retrofit of the Hawks Prairie Reservoir.

The Hawks Prairie Reservoir is a critical facility in the City of Lacey's Water Utility. It was constructed in 1995 and it is the City of Lacey's largest reservoir. The reservoir holds 4 million gallons and it is 90 foot in diameter and 88 feet tall. Seismic failure of this reservoir would compromise the city's ability to supply water for domestic use as well as firefighting. Seismic failure of this reservoir could also damage the adjacent pump station and water treatment facility.

The HMA grant can cover up to 75% of the total project cost, the other 25% will be split between the state and City of Lacey. We are requesting \$1,776,209.08 in federal assistance. If our application is approved the City of Lacey would take on 12.5% of the cost at \$296,034.69. The seismic retrofit project will be rolled into the overall Hawks Prairie Reservoir rehabilitation project scheduled for construction in 2022-2023.

The attached resolution form designates an agent to act on behalf of the City to sign and attest to the Assurances and Certification sheet. This includes assurances regarding construction and disclosure of lobbying activities.

ADVANTAGES:

1. This grant will significantly reduce the cost to the city of the seismic retrofit.
2. This mitigation activity will save the city and rater payers from costly and timely repairs in event of seismic damages or failure due to seismic activity.
3. The Resolution Designating Applicant Agent is a document to assign an agent for the Assurance and Certification Form, this is not a commitment to accept grant funds; we need this document to submit a completed application.

DISADVANTAGES:

1. Added job responsibilities for reporting and tracking grant materials and grant funding.

Resolution Designating Applicant Agent

For the state of Washington Hazard Mitigation Grant Program Application and Grant:

BE IT RESOLVED THAT

(Print Name and Title)

OR HIS/HER ALTERNATE

(Print Name and Title)

Is hereby authorized to execute for and on behalf of _____, a local government entity, state agency, special purpose district, federally recognized tribe or private nonprofit organization established under the laws of the state of Washington, this application, grant agreement, and payment requests to be filed with the Military Department, Emergency Management Division, for the purpose of obtaining and administering certain state and federal financial assistance under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Act of 1988, P.L. 93-288, as amended.

THAT _____ hereby authorizes its agent to provide to the Washington Military Department, Emergency Management Division assurances and agreements required for all matters concerning such state disaster mitigation.

Passed and approved this _____ day of _____, 20_____

Signature

Print Name and Title

*Note: Applicant agent designation is made by a mayor, county executive or governing board. An individual cannot designate himself/herself as the Applicant Agent.

FEDERAL EMERGENCY MANAGEMENT AGENCY SUMMARY SHEET FOR ASSURANCES AND CERTIFICATIONS		O.M.B. No. 3067-0206 Expires February 28, 2007				
FOR FY	CA FOR (Name of Applicant)					
This summary sheet includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for Federal Assistance. An applicant must check each item that they are certifying to: Part I ☐ FEMA Form 20-16A, Assurances-Nonconstruction Programs Part II ☐ FEMA Form 20-16B, Assurances-Construction Programs Part III ☐ FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements Part IV ☐ SF LLL, Disclosure of Lobbying Activities (If applicable) As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified attached assurances and certifications. <table><tr><td>_____ Typed Name of Authorized Representative</td><td>_____ Title</td></tr><tr><td>_____ Signature of Authorized Representative</td><td>_____ Date Signed</td></tr></table> NOTE: By signing the certification regarding debarment, suspension, and other responsibility matters for primary covered transaction, the applicant agrees that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by FEMA entering into this transaction. The applicant further agrees by submitting this application that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the FEMA Regional Office entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (Refer to 44 CFR Part 17.) Paperwork Burden Disclosure Notice "Public reporting burden for this form is estimated to average 1.7 hours per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, retain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the form, including suggestions for reducing the burden to: Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (3067-0206). You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Please do not send your completed form to the above address.			_____ Typed Name of Authorized Representative	_____ Title	_____ Signature of Authorized Representative	_____ Date Signed
_____ Typed Name of Authorized Representative	_____ Title					
_____ Signature of Authorized Representative	_____ Date Signed					

FEDERAL EMERGENCY MANAGEMENT AGENCY ASSURANCES-NON-CONSTRUCTION PROGRAMS	
Note: Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.	
As the duly authorized representative of the applicant, I certify that the applicant:	
1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.	alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290-dd-3 and 290-ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.	
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.	7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.	8. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Section 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration) 5 C.F.R. 900, Subpart F).	
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of	9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction subagreements.
	10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

19. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

FEDERAL EMERGENCY MANAGEMENT AGENCY
ASSURANCES-CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Sections 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to non-discrimination on the basis of alcohol abuse or alcoholism; (g) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other non-discrimination provision in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other non-discrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchase.
12. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Sections 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Section 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333) regarding labor standards for federally assisted construction subagreements.

14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. Section 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. Section 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

20. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.

21. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout, that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

22. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

23. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117. - 1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

24. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transfer, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

25. In making subgrants with nonprofit institutions under this Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Non-profit Organizations" included in Vol. 49, Federal Register, pages 18260 through 18277 (April 27, 1984).

FEDERAL EMERGENCY MANAGEMENT AGENCY
**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all subrecipients shall certify and disclose accordingly.

☐ Standard Form LLL, "Disclosure of Lobbying Activities" attached.
(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.615 and 17.620:

A. The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantee's policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

any Federal department or agency;

FEMA Form 20-16C, JUN 94

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. the grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

(See reverse for public burden disclosure)

Approved by OMB

0348-0046

1. Type of Federal Action: ☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance		2. Status of Federal Action: ☐ a. bid/offer/application b. initial award c. post-award		3. Report Type: ☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____	
4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, if known : Congressional District, if known :			5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known :		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable : _____		
8. Federal Action Number, if known :			9. Award Amount, if known : \$ _____		
10. a. Name and Address of Lobbying Registrant (if individual, last name, first name, MI):			b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):		
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____		
Federal Use Only:			Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)		

Hazard Mitigation Assistance Pre-Application

Submitting this form ensures that your grant proposal is reviewed by a Mitigation Program Coordinator and is considered for inclusion in WA EMD's library of eligible mitigation grant proposals, which is referenced when funding opportunities arise. It is an important first step in the grant application process.

To encourage and assist with mitigation proposal development in advance of grant announcements, WA EMD's Mitigation staff now accepts submission of Pre-Application Forms anytime, regardless of current grant availability.

Instructions: Complete the form and submit it to HMGP@mil.wa.gov. A Mitigation Program Coordinator will review it and contact you. If you have questions or need assistance, please e-mail our team at HMGP@mil.wa.gov.

Sub-applicant Information

Sub-Applicant: [City of Lacey](#)

Date: [07/20/2020](#)

Point of Contact: [Linsey Fields](#)

Phone: [360-486-8707](#)

E-mail: lfields@ci.lacey.wa.us

Street Address: [420 College St SE](#)

City: [Lacey](#) State: [WA](#) Zip: [98516](#)

Basic Eligibility

To which FEMA-Approved Hazard Mitigation Plan is your jurisdiction annexed?

Plan Title: [Hazards Mitigation Plan for the Thurston Region](#)

Expiration Date: [8/2/2022](#)

Proposal

Proposal Title: [City of Lacey Hawks Prairie Reservoir Seismic Analysis and Retrofit](#)

Estimated Cost: [\\$1,820,000](#)

Brief Proposal Description: [The City of Lacey's Water Utility provides water to over 63,000 customers. The Hawks Prairie Reservoir is a critical facility in the City of Lacey's Water Utility. It was constructed in 1995 and it is the City of Lacey's largest reservoir. The reservoir holds 4 million gallons and it is 90 foot in diameter and 88 feet tall. Seismic failure of this reservoir would compromise the city's ability to supply water for domestic use as well as firefighting. Seismic failure of this reservoir could also damage the](#)

adjacent pump station and water treatment facility which would significantly impact the water utility and lengthen the recovery period needed to reconstruct the facilities. The reservoir is due for rehabilitation. One part of this rehabilitation will be to conduct a seismic analysis and retrofit the reservoir to current codes. The retrofit will most likely include updates to the foundation and anchorage. The larger scope of the project includes a recoating of the entire interior and exterior, repairing the roof rafters, upgrading security fencing, new paving, replacing corroded tank appurtenances, and minor upgrades to electrical service. The funds requested in this grant application would be focused on the seismic analysis and retrofit. The costs associated with the remaining rehabilitation will be funded from Water Utility CIP reserves.



LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: 2020 Budget Amendments

RECOMMENDATION: Adopt ordinance amending the 2020 Budget.

STAFF CONTACT: Scott Spence, City Manager 
Troy Woo, Finance Director 

ORIGINATED BY: Troy Woo, Finance Department

ATTACHMENTS: 1. [Ordinance No. 1571](#)
2. [Summary for Proposed Ordinance](#)

FISCAL NOTE: See attached Ordinance Exhibit "A".

PRIOR REVIEW: Finance and Economic Development Committee on October 27, 2020

BACKGROUND:

Throughout the year, adjustments to the budget become necessary as a result of City Council actions, activity levels that were not anticipated during budget development, and grant awards (or other receipts of outside funding). Historically, the budget has been amended once per year immediately prior to the development of the next year's proposed budget document. However, due to the COVID-19 public health emergency, the City Council adopted two out-of-cycle budget amendments (Ordinance Nos. 1566 and 1567). The City Council adopted the historical annual ordinance at its September 10, 2020, meeting. Staff proposes an additional out-of-cycle amendment to address additional CARES Act funding, the 2020 Community Development Block Grant (CDBG) award to the Veterans Services Hub enhancements, match for a Lacey MakerSpace grant opportunity, and computer equipment needed to address teleworking needs.

The proposed ordinance includes the following budget amendments:

- At the end of August, Governor Inslee announced additional CARES Act distributions. At the October 1, 2020 Worksession, the City Council provided staff with direction for the additional \$769,050 CARES Act distributions and remaining \$10,000 from the first CARES Act distributions. The proposed amendment reflects the City Council direction.
- Earlier this year, the City Council approved the distribution of the 2020 CDBG funds. Included in the approval was \$421,852 for tenant improvements to the Veterans Services Hub's first floor. It is expected that the funds will start to be expended by mid-November 2020. The proposed amendment includes appropriations for the improvements and the CDBG reimbursements.
- At the September 10, 2020, City Council meeting, the City Council authorized \$175,000 as a cash match for a Lacey MakerSpace grant application. The U.S. Department of Commerce, Economic Development Administration (EDA) \$1.0 million CARES Act grant will help the MakerSpace acquire needed state-of-the-art manufacturing equipment. The funding for the match will come from a previously established reserve for the MakerSpace for use in 2022.
- \$250,000 is requested for investment in teleworking equipment. At the beginning of the COVID-19 public health emergency, many City staff began working from home to comply with the State's "Stay Home, Stay Healthy" directives. To maintain levels of service and to continue progress on City priorities and initiatives, equipment ready for surplus and temporary connectivity methods were deployed at the start of the public health emergency. Now in its seventh month, the COVID-19 response can no longer be considered short-term. Staff proposes the development of a strategic approach to improving teleworking equipment and connectivity tools. Information Services reserves are the recommended funding source.

At its October 27, 2020, meeting, the Finance and Economic Development Committee reviewed the proposed amendments and recommended full City Council consideration of the proposed amendments to the 2020 adopted budget.

ADVANTAGES:

1. The proposed adjustments to the 2020 Budget reflects more accurately the necessary requirements of each fund or adjustments made by City Council action.
2. The proposed adjustments maintain a balance between the anticipated revenues and expenditures of each of the funds amended.

DISADVANTAGES:

1. Generally, budget adjustments must use cash reserves to compensate for expenditures that may exceed budget estimates by the end of the budget year.

ORDINANCE NO. 1571

CITY OF LACEY

AN ORDINANCE AMENDING THE 2020 FISCAL YEAR BUDGET ADOPTED BY ORDINANCE NO. 1558 BY REVISING THE BUDGETED AMOUNTS FOR THE CURRENT EXPENSE, CAPITAL EQUIPMENT, AND INFORMATION SERVICES FUNDS AND APPROVING A SUMMARY FOR PUBLICATION.

WHEREAS, there is a need for additional expenditures to be budgeted within the Current Expense, Capital Equipment, and Information Services Funds for expenditures which could not be contemplated at the time of adopting the 2020 fiscal year budget; and

WHEREAS, revenues, as shown on Exhibit "A" attached hereto, are available from the sources indicated on said Exhibit for the making of said expenditures; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. The 2020 fiscal year budget and Ordinance No. 1558 adopting said budget are hereby amended by making those certain changes to the 2020 fiscal year budget set forth on Exhibit "A", attached hereto and made a part hereof as though fully set forth herein and for all purposes considered to be a portion of this ordinance.

Section 2. 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 3. The summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, on this 5th day of November, 2020.

Approved as to form:

Mayor

City Attorney

ATTEST:

City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1571

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on November 5, 2020, Ordinance No. 1571 entitled **“AN ORDINANCE AMENDING THE 2020 FISCAL YEAR BUDGET ADOPTED BY ORDINANCE NO. 1558 BY REVISING THE BUDGETED AMOUNTS FOR THE CURRENT EXPENSE, CAPITAL EQUIPMENT, AND INFORMATION SERVICES FUNDS AND APPROVING A SUMMARY FOR PUBLICATION.”**

A section by section summary of this ordinance is as follows:

Section 1 revises the amounts, which were budgeted for revenues and expenditures within the funds listed above by the 2020 fiscal year budget, which had been adopted by Ordinance No. 1558. The reason for revising the budgeted amounts is the fact that there exists a need for additional expenditures within those funds, which could not be contemplated at the time of adopting the 2020 fiscal year budget.

Section 2 provides provisions for corrections.

Section 3 approves this summary.

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.

City Clerk

Published: November 9, 2020

2020 Budget Amendments - Ordinance No. 1571 Exhibit "A"

Account Numbers	Account Description	2020 Budget	Budget Amendment	2020 Budget as Amended	Comments
Current Expense Fund					
Revenues					
001-0000-308-0000	Beginning Cash	8,103,276	175,000	8,278,276	Cash Reserves - Assigned Reserves
001-0000-333-1422	Dept of HUD/CDBG Dept of Commerce	-	421,852	421,852	CDBG - Thurston County 2020 Project List - Lacey
001-0000-333-2110	U.S. Dept. of Treasury/CFDA 21.019	1,468,100	769,050	2,237,150	Washington State Coronavirus Relief Fund (CRF) CARES Act Allocation
Total Current Expense Fund Revenues		49,125,931	1,365,902	50,491,833	
Expenditures					
001-0801-518-6300	Social Services - Grants, Assistance, and Other Distributions	254,050	779,050	1,033,100	Community Action Council - Utility, Childcare, Internet Access, and Rent/Mortgage Assistance
001-0805-594-6501	Veterans Services HUB	2,000,000	421,852	2,421,852	Veterans Services Hub Enhancements - CDBG Project
001-3701-558-7000	Planning & Comm. Devel. / Economic Development	204,050	(10,000)	194,050	Reclassify CARES Act appropriations
001-7501-597-1102	Transfer Out 302 Fund	1,771,569	175,000	1,946,569	Lacey MakerSpace Assigned Reserve Transfer Out to Fund 302
Total Current Expense Fund Expenditures		49,125,931	1,365,902	50,491,833	
Capital Equipment Fund					
Revenues					
302-0000-308-0000	Beginning Cash	2,394,561	-	2,394,561	Cash Reserves - Assigned Reserves
302-0000-397-1101	Transfer In 001, 003, 005	1,835,326	175,000	2,010,326	Lacey MakerSpace Reserve Transfer
Total Capital Equipment Fund Revenues		4,401,387	175,000	4,576,387	
Expenditures					
302-0104-559-6001	Capital Outlays / Economic Development	1,709,034	175,000	1,884,034	U.S. Dept. of Commerce Economic Development Administration (EDA) CARES Act Grant Match
Total Capital Equipment Fund Expenditures		4,401,387	175,000	4,576,387	
Information Services Fund					
Revenue					
502-0000-308-0000	Beginning Cash	130,321	250,000	380,321	Cash reserves
Total Information Services Fund Revenues		2,020,632	250,000	2,270,632	
Expenditures					
502-1802-518-6001	Capital Outlays-Equipment	155,000	250,000	405,000	Teleworking equipment
Total Information Services Fund Expenditures		2,020,632	250,000	2,270,632	



LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: Fitz Hugh Watermain Project

RECOMMENDATION: Motion to award Lacey Contract Number PW 2020-32 to low bidder Reed Trucking & Excavating from Puyallup, Washington in the amount of \$427,754.00.

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, P.E., Public Works Director *SE*
Peter Brooks, P.E., Water Resources Manager *PB*
Teri O'Neal, P.E., Senior Utilities Engineer *TO*
Tyson Poeckh, P.E., Ph.D., Project Administrator *TP*
Justin Knox, P.E., Design Engineer *JK*

ORIGINATED BY: Public Works Department

ATTACHMENTS: NONE

FISCAL NOTE: Fitz Hugh Watermain Project was anticipated and included in Lacey's 2020 Budget. Funding for the project is provided under the fund codes WA18FZ Water Budget 410-3418-534-90.

PRIOR REVIEW: N/A

BACKGROUND:

This contract provides for the installation of approximately 1,300 LF of 16-inch diameter water main in the Madrona Park neighborhood along Fitz Hugh Dr SE. Work to include main extension along with connections to existing water system, pavement and lawn restoration and other work.

The project was advertised for two weeks and bids were opened October 22, 2020. Seventeen (17) bids were received. The bids ranged from a low of \$427,754.00 to a high of \$603,625.44. Reed Trucking & Excavating Inc. from Puyallup, Washington, is low bidder

at \$427,754.00. The Engineer's Estimate is \$514,180.00. A Bid Summary Sheet is attached.

Reed Trucking & Excavating Inc. is qualified and capable of performing the work. Start date of the project is anticipated to be January 2021, and there are 40 working days allotted.

ADVANTAGES:

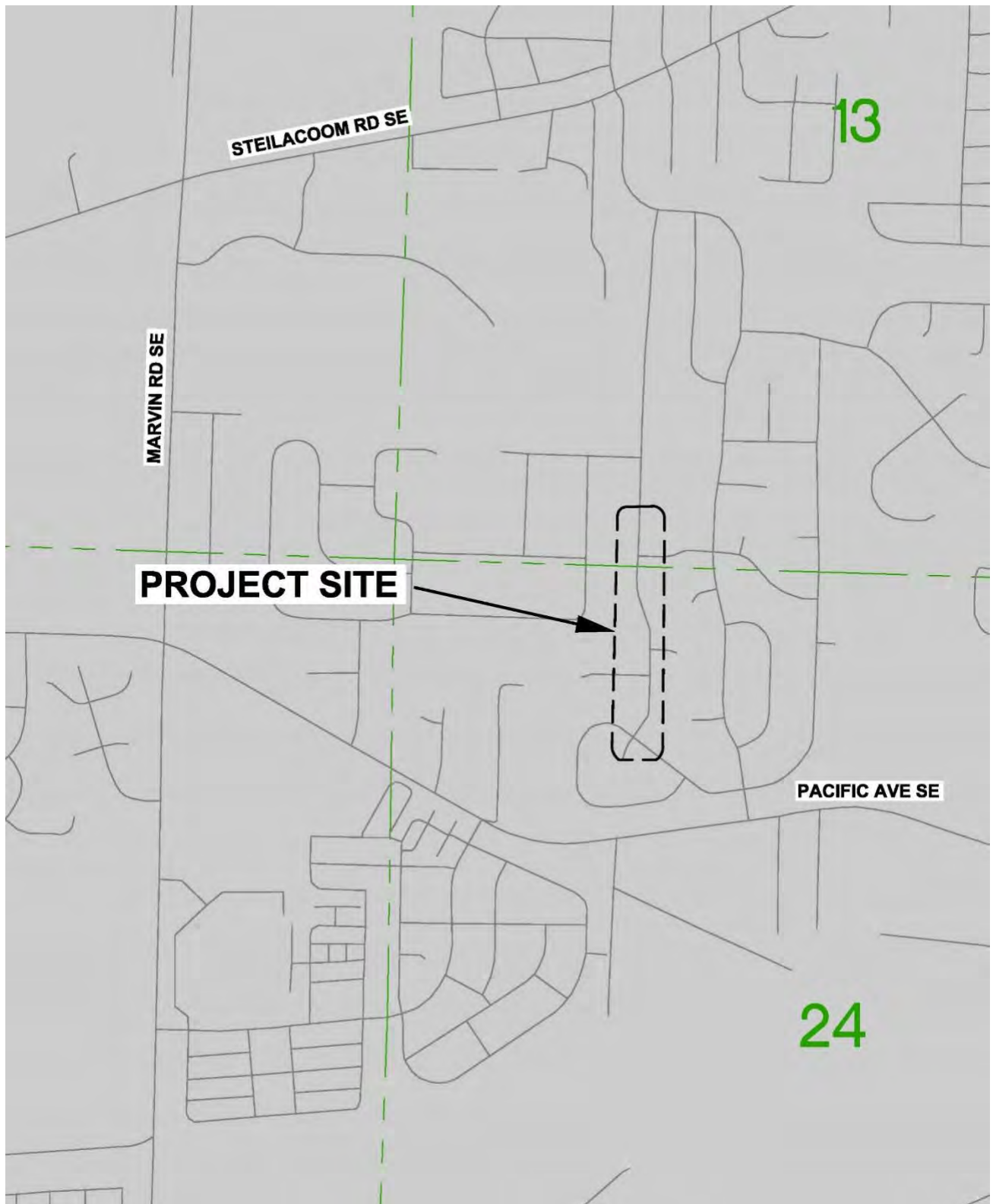
1. With these improvements, transmission and water quality will improve.

DISADVANTAGES:

1. Typical traffic delays can be expected during construction.

**CITY OF LACEY
Fitz Hugh Watermain Project
PW 2020-32**

CONTRACTOR	LOCATION	BID	POS.
Reed Trucking & Excavating Inc.	Puyallup, WA	\$427,754.00	1
Sound Earthworks, Inc.	Puyallup, WA	\$430,450.71	2
Rodarte Construction, Inc.	Auburn, WA	\$432,470.23	3
SCI Infrastrucutre, LLC	Seattle, WA	\$440,717.90	4
Pape & Sons Construction, Inc.	Puyallup, WA	\$449,874.68	5
HCON INCORPORATED	Puyallup, WA	\$455,547.07	6
BLACK HILLS EXCAVATING Inc.	Olympia, WA	\$455,913.56	7
Pacific Civil & Infrastructure	Sumner, WA	\$466,083.38	8
Baker Underground & Construction	Olympia, WA	\$485,323.56	9
Magna Construction Service Inc.	Vancouver, WA	\$513,378.10	10
A Advanced	Auburn, WA	\$526,684.42	11
Northwest Cascade, Inc.	Tacoma, WA	\$532,823.95	12
Sound Pacific Construction LLC	Gig Harbor, WA	\$551,299.42	13
Oceanside Construction, Inc.	Bellingham, WA	\$554,850.54	14
Sterling Breen Crushing	Centralia, WA	\$563,705.38	15
Rognlin's Inc.	Aberdeen, WA	\$575,061.10	16
Landis & Landis Construction	Marylhurst, OR	\$603,625.44	17
ENGINEER'S ESTIMATE \$514,180.00			





LACEY CITY COUNCIL MEETING November 5, 2020

SUBJECT: South Sound Green ILA Renewal

RECOMMENDATION: Approve 5 Year South Sound Green ILA Renewal (2021-2025)

STAFF CONTACT: Scott Spence, City Manager *SS*
Scott Egger, Public Works Director *SE*
Peter Brooks, Water Resources Manager *PB*
Emily Watts, Water Resources Specialist

ORIGINATED BY: Water Resources Department

ATTACHMENTS: 1. [South Sound Green ILA](#)
2. [2016-2020 South Sound Green ILA Report & Accomplishments](#)

FISCAL NOTE: \$14,400 per year for the next five years totaling \$72,000. The required funding is currently budgeted within the Stormwater (403-4201-538.49-44) & Water (401-3407-534.49-44) utility funds. There is no increase in cost from the previous ILA.

PRIOR REVIEW: Utilities Committee 10/5/2020

BACKGROUND:

The City of Lacey along with the stormwater utilities of Olympia, Tumwater, and Thurston County have supported the South Sound GREEN (SSG) program since its inception in 1992. The program involves students, grades 4-12, in learning about watershed issues, collecting, testing and analyzing water quality data in the field and classroom, and participating in stewardship projects. Each year, SSG teaches over 1,500 students watershed-based studies including the annual Student GREEN Congress held at the Evergreen State College where many Lacey students take part. Required NPDES education and outreach activities and lessons including relevant water resource topics are brought into at least 30 classrooms each year through the SSG Program.

Previous ILA (2016-2020) Accomplishments

- Eight participating Schools including:
 - o Timberline High School
 - o North Thurston High School
 - o Chinook Middle School
 - o Komachin Middle School
 - o Mountain View Elementary
 - o St. Martin's University
 - o Horizons Elementary
 - o Salish Middle School
- 4,325 Lacey students participated in water quality experiences.
- 131 Lacey teachers received professional development, technical assistance in the classroom, equipment, supplies, and transportation to and from field sites.
- 332 volunteers from Lacey contributed more than 969 volunteer hours assisting with water quality sampling, field excursions and classroom activities.

ADVANTAGES:

1. In addition to providing meaningful learning activities for school-aged children in Lacey, the SSG Program also aligns with the required NPDES education & outreach activities.

DISADVANTAGES:

1. None apparent.

**INTERGOVERNMENTAL SERVICES CONTRACT
FOR SOUTH SOUND GREEN
BETWEEN
THE CITIES OF LACEY, OLYMPIA, TUMWATER, AND THURSTON COUNTY
AND THE THURSTON CONSERVATION DISTRICT**

THIS CONTRACT, pursuant to chapter 39.34 RCW, is made and entered into in five duplicate originals by and between the Cities of Lacey, Olympia, Tumwater, and Thurston County, hereinafter “LOCAL JURISDICTIONS” and THURSTON CONSERVATION DISTRICT, hereinafter “DISTRICT”. Wherein the DISTRICT administers a watershed education program for grades 4-12 known as South Sound GREEN (SSG) the LOCAL JURISDICTIONS enter into this contract.

In consideration of the mutual benefits and covenants contained herein, the parties agree as follows:

I. PURPOSE OF CONTRACT

The LOCAL JURISDICTIONS have storm and surface water utilities with a regulatory responsibility to provide education to the general public, including school aged children, on the impacts of stormwater on surface waters and to provide opportunities to become involved in stewardship activities. In addition, the Local Jurisdictions have determined that providing stormwater and watershed-education through local partnerships offers a cost-effective method to deliver required educational messages. The Local Jurisdictions enter into this contract with the DISTRICT because it has a proven record of administering an effective watershed education program for grades 4-12 known as South Sound GREEN (SSG).

II. AGREEMENT SCOPE

The LOCAL JURISDICTIONS shall work with the DISTRICT to prepare an annual Work Plan to describe the watershed education program activities each year. The annual Work Plan for each year shall be reviewed and approved in writing by the representatives of the LOCAL JURISDICTIONS by December 31st of the preceding year. In the event an annual Work Plan is not approved prior to December 31st of the preceding year, the LOCAL JURISDICTIONS can agree to an extension by which the annual Work Plan shall be reviewed and approved.

Each party shall do all things necessary for and incidental to the performance of the duties set forth below.

III. SERVICES PROVIDED BY THE CONTRACTOR

A. District

- i. Represents that it is qualified and possesses the necessary expertise, knowledge, training, and skills, and has the necessary licenses and/or certification to perform the duties set forth in this Agreement.

- ii. Through the SSG program, shall perform the services set as described and agreed upon in the annual Work Plan, which are designed to reduce or eliminate behaviors and practices that contribute to adverse stormwater impacts.
- iii. Shall perform according to standard industry practice of the work specified by this Agreement.
- iv. Shall provide labor and materials. Unless otherwise provided for in the Contract, no material, labor, or facilities will be furnished by the LOCAL JURISDICTIONS.
- v. Shall complete its work in a timely manner and in accordance with the schedule agreed to by the parties.
- vi. Will submit billing invoices along with companion narrative progress reports to each jurisdiction on a quarterly basis within two weeks of the end of each calendar quarter. Quarterly narrative progress reports shall be provided to each jurisdiction in a format that is determined by and acceptable to the respective jurisdiction. In addition to the narrative, the 4th quarter report shall include the cumulative year-end numbers of participants by jurisdiction.

IV. LOCAL JURISDICTIONS

- A. In order to assist DISTRICT in fulfilling its duties under this Agreement, LOCAL JURISDICTIONS shall provide the following:
 - i. Relevant information as exists to assist DISTRICT with the performance of DISTRICTS's services.
 - ii. Assistance with developing an annual Work Plan, that shall be agreed upon in writing by the LOCAL JURISDICTIONS.
 - iii. Services documents, or other information identified and agreed to in the annual Work Plan.

V. BASE ANNUAL FUNDING

- A. In consideration for the services described, the LOCAL JURISDICTIONS shall provide funding to the DISTRICT, in the amounts shown below, except in the event of a non-appropriation of funds.

City of Lacey:	\$14,400
City of Olympia:	\$14,400
City of Tumwater:	\$ 8,000
Thurston County:	\$14,400

- B. Payment to the DISTRICT by each jurisdiction shall be on a quarterly basis, with 25 percent of each jurisdiction's annual payment being paid each quarter. Payment shall be made to the DISTRICT following receipt by each jurisdiction, of the DISTRICT'S invoice and progress report summarizing services rendered to date under this Contract.

The DISTRICT will work with each LOCAL JURISDICTION to determine preferred report content and format.

VI. NON-APPROPRIATION OF FUNDS

Should a LOCAL JURISDICTION fail to secure the base funding amount specified in Section V, due to non-appropriation of funds, the LOCAL JURISDICTION shall provide written notice to the other LOCAL JURISDICTIONS and the DISTRICT within thirty (30) calendar days of its budget adoption. The LOCAL JURISDICTIONS and the DISTRICT agree to meet within fourteen (14) calendar days thereafter to discuss the impacts of such a budget non-appropriate or reduction. The LOCAL JURISDICTIONS either separately or collectively may elect to redistribute costs or eliminate DISTRICT services at their discretion.

VII. EFFECTIVE DATE; DURATION OF CONTRACT

The term of this Contract shall commence upon the approval of the LOCAL JURISDICTIONS' respective governing bodies and the DISTRICT, and following posting on the DISTRICT's public website. This Contract will continue in effect until December 31, 2025, unless extended by mutual agreement of the Parties pursuant to Section X of this Agreement. By this Contract, the parties ratify performance described in this Contract that was performed between January 1, 2021 and execution of this Contract by all parties.

VIII. HOLD HARMLESS AND INDEMNIFICATION

The DISTRICT agrees to indemnify, defend, and hold harmless LOCAL JURISDICTIONS, their elected officials, employees, and agents from and against any and all liabilities, losses, damages, expenses, actions, and claims, including reasonable attorneys' fees, arising out of or in connection with the DISTRICT'S performance of this Contract except for any damages arising out of bodily injury to persons or damage to property arising from the sole negligence of the LOCAL JURISDICTIONS, their agents or employees.

It is further specifically and expressly understood that the indemnification provided herein constitutes the DISTRICT's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

IX. CONTRACT REPRESENTATIVE; NOTICE

Each party to this Contract shall have a representative. The LOCAL JURISDICTIONS' representatives shall serve on the South Sound GREEN Advisory Committee. Each representative shall serve as the contract administrator for his or her jurisdiction, for purposes of this Contract. Notice required under this Contract shall be sent to the address designated for the parties, below. Contract representatives may be changed upon notice to the other parties. Notice will be deemed to be received three business days following deposit in the U.S. Mail, postage prepaid.

THURSTON CONSERVATION DISTRICT
Stephanie Bishop, South Sound GREEN Coordinator or designee

Thurston Conservation District
2918 Ferguson St. SW, Suite A
Tumwater, WA 98512
Phone: (360) 754-3588, Ext. 108

CITY OF LACEY

Emily Watts or designee
Lacey Water Resources
PO Box 3400
Lacey, WA 98509-3400
Phone: (360) 438-2687

CITY OF OLYMPIA

Michelle Stevie or designee
Olympia Water Resources
PO Box 1967
Olympia, WA 98507-1967
Phone: (360) 753-8336

CITY OF TUMWATER

Meridith Greer or designee
Tumwater Water Resources
555 Israel Rd. SW
Tumwater, WA 98501
Phone: (360) 754-4148

THURSTON COUNTY

Ann Marie Pearce or designee
CPED - Community Planning
2000 Lakeridge Drive, SW – Bldg. 4, Room 100
Olympia, WA 98502
Phone: (360)-754-3355 ext.6857

X. TERMINATION AND MODIFICATION

Any party may terminate participation in this Contract by giving 30 days' written notice of intent to terminate to the other parties, provided that LOCAL JURISDICTIONS shall be obligated to pay the quarterly invoice for the quarter in which the LOCAL JURISDICTION terminates. This Contract may only be modified by agreement of all the parties hereto, executed in writing, in the same manner as this Agreement. However, modification may be executed solely through written agreement between each and every named agency representative, as identified under Section IX of this Agreement, for the following:

- a. Any modification to the annual Work Plan, as identified under Section II.
- b. Any modification of the annual budget as designated under Section V.
 - a. The budget may be increased by no more than \$5000 for each jurisdiction for the life of this contract.

XI. JURISDICTION AND VENUE

This Contract has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Contract shall be governed by the laws of the State of Washington, both as to interpretation and performance. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Contract or any provisions thereof, shall be instituted only in any of the courts of competent jurisdiction in Thurston County, Washington.

XII. SEVERABILITY

- a. If, for any reason, any part, term or provision of this Contract is held by a court of competent jurisdiction to be illegal, void or unenforceable, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.
- b. If it should appear that any provision hereof is in conflict with any statutory provision of the State of Washington, said provision which may conflict therewith shall be deemed inoperative and null and void insofar as it may be in conflict therewith.

XIII. ENTIRE AGREEMENT

The parties agree that this Contract is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modification of this Contract shall be in writing and signed by all parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Contract does not constitute a waiver of the provisions of this Agreement.

XIV. RECORDATION

Per RCW 39.34.040, this agreement shall be posted and electronically available to the public on the DISTRICT's website.

XV. PROPERTY

No real or personal property is to be jointly acquired, held, or disposed under this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Contract in quintuple originals to take effect on the date as prescribed in Section VII.

THURSTON CONSERVATION DISTRICT

T.J. Johnson, Thurston Conservation District Board Chair

Date: _____

CITY OF LACEY

City Manager

Date: _____

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

CITY OF OLYMPIA

City Manager

Date: _____

APPROVED AS TO FORM:

Deputy City Attorney

ATTEST:

City Clerk

CITY OF TUMWATER

Mayor

Date: _____

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS

Chair

Date: _____

Vice-Chair

Date: _____

Board Member

Date: _____

ATTEST:

Clerk

APPROVED AS TO FORM:

PROSECUTING ATTORNEY
Jon Tunheim

Deputy Prosecuting Attorney

South Sound Global Rivers Environmental Education Network (GREEN)

Program Accomplishments 2016-2020



*Mission: Connecting communities and schools
for watershed protection*

*Vision: A community with the knowledge, skills,
and motivation to act as stewards of our
watersheds*



2016-2020 Dashboard: City of Lacey

Participating Schools:

Timberline High School
North Thurston High School
Chinook Middle School
Komachin Middle School
Mountain View Elementary School
St. Martin's University
Horizons Elementary
Salish Middle School

Between 2016 and the first half of 2020:

- **4325 City of Lacey** students have participated in water quality experiences
- **131 City of Lacey** teachers received professional development, technical assistance in the classroom and in the field, the needed equipment and supplies, and transportation to and from their field sites
- **332 community volunteers from the City of Lacey** have contributed more than **969** volunteer hours in assisting with water quality sampling, field excursions and classroom activities.

Program Overview

South Sound GREEN has persevered for almost 30 years due in large part to the extremely effective and efficient program model. Since 1992, South Sound Global Rivers Environmental Education Network (GREEN) has engaged more than **30,000** students in Thurston County in stormwater education through the following program components:

1. Water Quality Monitoring

"I love the work you all do. My students get a big picture view of how important our water is to the quality of life we have. Being part of this program is a natural jumping-off point to important topics such as, climate change, water quality, ocean pollution, citizen science, action projects, and the power of each one of us to change our behaviors to bring about positive change in our environment." – Kimberlee Hummel, Roosevelt Elementary School



Water quality monitoring at the source of Woodard Creek off Ensign Road

“This is SUCH great real-life science for students!”- Tony Harris, Tumwater Middle School

“Our Water Quality Field Experiences were some of our most valuable science experiences this year.”- Audrey Hamill, Boston Harbor Elementary

“True science! The outcomes are unknown and nothing is 'staged' like our experiments in the classroom. I have personally learned a lot about our environment and caring for our water systems.”- Becky Crain, Olympic View Elementary

Classes participate in water quality field experiences every October and February where they:

- Collect and analyze water quality data based on parameters needed for healthy salmon habitat: pH, nitrates, dissolved oxygen, turbidity, temperature, fecal coliform and total suspended solids.
- Gain an understanding of stormwater runoff through authentic, hands-on science experiences
- Recognize the impact human actions take on the watershed

2. Student GREEN Congress

“The entire day was fantastic. I've been to many classes before and always enjoyed them. This year I went to the new class about PH, and thought it was great! It ties in nicely with water testing. My students who participated in the session really enjoyed it.”-

Teacher at Congress

Student GREEN Congress is an opportunity for students to

- present their water quality sampling data and compare it with student data from other schools sampling within the same watershed each year at the Student GREEN Congress
- identify “priority actions” to improve water quality in their watershed leading to behavior change. These recommendations are taken back to their classrooms, and action projects are designed and implemented (see Action Projects).



Students and teachers attend a keynote at the Student GREEN Congress

More than 50 natural resource professionals lend their expertise to Congress by facilitating a State of the Rivers session or by offering a hands-on workshop during the afternoon break-out classes. These partnerships vary from year to year, and make the Congress experience not only fun and educational, but also offer real, local connections to Science Technology Engineering and Math (STEM) careers.

3. Action Projects

“Field experiences are the most valuable. Second, making the connection between water quality and student/human land use. I really value students seeing they, themselves (and not just their parents) are

part of the system and can actually benefit it, or harm it, with their choices. That stewardship piece”.- Amber Hoenes, Chinook Middle School

- As students begin to look at the health of the watershed as a whole they identify behavior change and actions they can take to improve their watershed.
- These student-initiated ideas lead to collaboratively organized action or “service-learning projects”.
- Projects vary greatly in scope and size, but all strive to improve the conditions in the watershed through public education or hands-on activities. Examples include planting native plants, removing invasive species, organized trash pick up events, and presentations to community groups and City Councils.



Planting native trees in the riparian buffer

4. Nearshore Program

“My favorite thing I learned was that sea cucumbers shoot out their intestines to scare predators and they grow it back later.”- Komachin Middle School student

“I thought the way a barnacle gets its food was funny! (Attaching to the rock, using its legs to bring drifting food to it.)”- Komachin Middle School student

Nearshore field trips are a way for students to connect their freshwater monitoring site with Puget Sound. On these trips they:

- Visit a local beach at low tide to learn about intertidal organisms,
- Visit a local marina where they learn about subtidal organisms and sample the water for clarity and plankton.
- Learn about current issues facing Puget Sound and the ocean like ocean acidification, sea level rise, and sea star wasting disease.



Virtual Nearshore field trip during distance learning for COVID-19

5. Summer Teachers’ Institute and Teacher Professional Development

“I love how well the SSG resources are designed for students and teachers. There are a lot of programs/resources that are available for teachers to use with classes that don't have the same level of practical understanding of what kids and teachers need for activities to run smoothly and be developmentally appropriate. I definitely feel like SSG has a good understanding of what it's like to be in

the classroom and out in the field working with ten and eleven year olds.” - Audrey Hamill, Boston Harbor Elementary School

“This PD never fails to impress me...The organizers of these institutes are always of the very highest quality, both in what they present- but also, and almost more importantly to me- in the WAY that they present. I commend that in the midst of this incredibly difficult era we are living in- that the leaders of this event took the time to consistently address our emotional needs as well, with periodic check-ins, and activities that cater to the overall well-being of the person themselves. I think that is just awesome. I love these folks and the work that they do truly does make an impact!”- Teacher, Summer Stay IN-stitute 2020



Summer Institute includes hands on experiences for teachers, like kayaking in Budd Inlet

This unique three-day professional development training provides teachers with:

- An opportunity to receive training on current issues in the watershed and the best available science
- Teaching tools and curriculum ideas to educate their classes on these issues
- Connection to a local community of teachers committed to integrating watershed studies in their classes.

6. Program Evaluation

South Sound GREEN is committed to equitable evaluations (both internal and external) that utilize the whole child to assess learning which include:

- Traditional surveys (SurveyMonkey or Google Forms, etc)
- Poetry, English Language Arts, and art. These strategies are particularly useful with English language and visual learners
- South Sound GREEN strives to achieve an increased learning of **at least 85%** among all program areas.

Field trip!!!

The field trip was really good. Its really nice of you guys to let us come i really apsheat it. I learned a lot when i was there. So much that i dont remmber some of the things i learned. But the things that i learned is cool and what not to do.

What i learned is about sand dollars. Sand dollars are a round flat shell on it is a star its supo to be black but when its dead it turns white. I think the sand dollars was my favorite thing to learn.

But what i learned not to do was to not stand in the water to long.

1. You will get stuck
2. Dont wear snow bottles in the water
3. When you stuck ask for help
4. Dont carry your phone in the water.

Anyways thank you for everything you did for us it was really nice of u guys for inviting us I really had fun bless your hearts.

From: Lanihya B.
School: Lydia Hawk

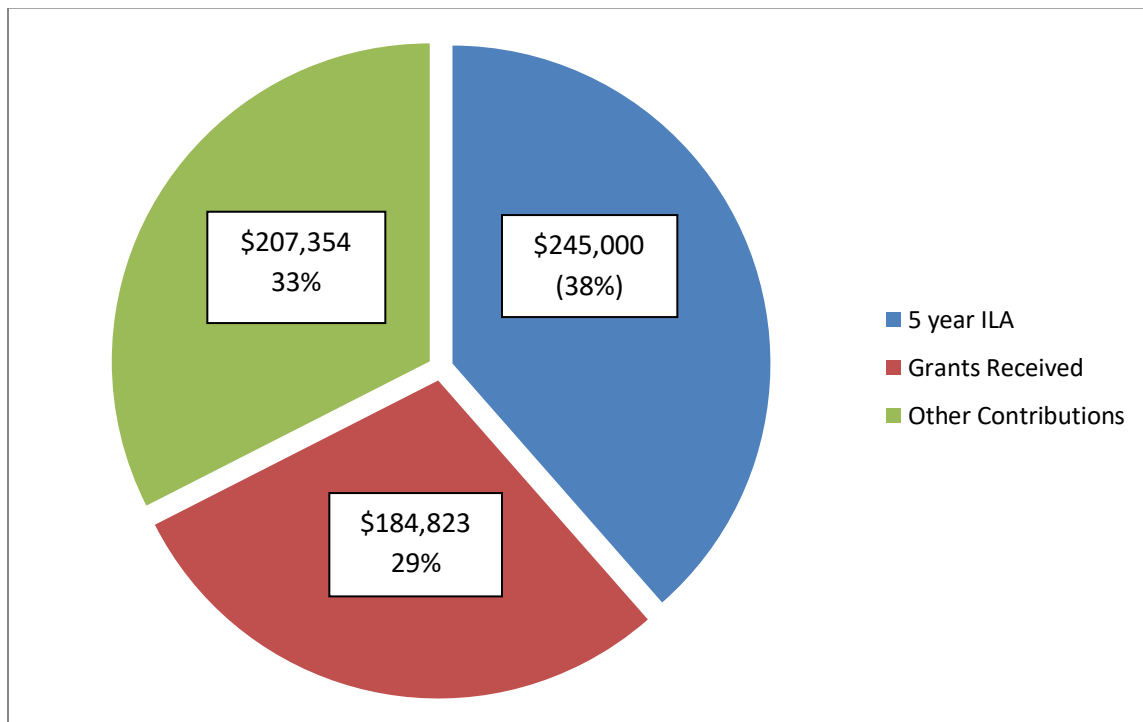
Financial Report (2016-2020)

As per the 2016-2020 Intergovernmental Services Contract for South Sound GREEN the Cities of Lacey, Olympia, Tumwater and Thurston County and the Thurston Conservation District have provided South Sound GREEN with a total of \$245,000 or \$49,200 annually at the following funding levels:

City of Lacey: \$14,400
City of Olympia: \$14,400
City of Tumwater: \$6,000 (Year 1: \$5000)
Thurston County: \$14,400

This dedicated funding has been instrumental in keeping South Sound GREEN financially diverse and sustainable:

- ILA contributions amounted to 38% total program budget
- Cost share benefits means each jurisdiction pays just 1/3 of that amount but gains collective benefit on collaborative events
- Allowed program to leverage funding to secure a total of \$184,823 in grants and an additional \$207,354 via other funding contributions



South Sound GREEN Financial Overview (2016-2020)

City of Lacey Cost Breakdown

- \$64,800 contributed (as of June 30, 2020)
- 4,788 individuals served through the program as of June 30, 2020 (includes teachers, students and volunteers)
- Cost per person: \$13.53

Operational Cost Increases

Through this contract period (2016-2020), South Sound GREEN has seen increased operational cost increases across many categories, but primarily in the cost related to water quality testing equipment, and transportation expenses to transport students to and from their monitoring sites.

The table below shows some of these increases:

Increase in Operation Costs (2016-2020)				
	2015	2020	Annual Change	Notes
Substitute Teacher	\$158/ full day sub	\$174.88/full day sub	+\$253.20	At least 15 full day subs
Nitrate Kit (LaMotte 3354)	\$57.95/kit	\$63.80/kit	+\$58.50	10 kits
Wide Range pH Kit (Hach)	\$71.89/kit	\$87.35/kit	+\$154.60	10 kits
Fecal coliform broth (Millipore)	\$72/50 ampoules	\$86.80/50 ampoules	+\$148	10 packs
Bus to Monitoring Site	\$90.39 (round trip)	\$143.57 (round trip)	+\$1861.30	35 buses
Administrative Fees*	\$9,271.92/ year	\$13,383.36/ year	+\$4111.44	Admin adjustments for 2 SSG staff
Total Annual Increase in Cost of Doing Business			\$6587.04	

*Includes staff benefits and annual 2.8% COLA

2016-2020 Increased Participation

Since 2016, South Sound GREEN has experienced a significant increase in participation from area teachers and students.

- Participation in water quality testing has increased from 43 teachers in 2016 to 63 teachers in 2020
- In 2018, Washington State began implementing the Next Generation Science Standards (NGSS), which have a focus on student-directed learning and local phenomena. The South Sound GREEN offers these local, hands-on, and relevant experiences through water quality testing, and the flexible program model allows students to ask questions and design investigations based on those questions.
- South Sound GREEN influences student performance on state standardized testing, particularly related to data analysis:

“(Teachers) believe that water quality testing helped their students, that the hands on, community engagement and Green congress provided kids with opportunities to experience science first hand. That by having participated in WQT they were 1) ready for application of science in labs and on the test (reading and understanding data) and 6th grade teachers told me that they can tell which students participated in WQT and which ones have not had the opportunity. ”

-Jana Brock

North Thurston Public Schools

- The Teacher Principal Evaluation Program (TPEP) assesses teachers on their community connections and how they engage their students in local issues/events. Teachers and principals alike value our community-minded educator cohort
- Teachers value the opportunity South Sound GREEN provides to work with science professionals, inspire action and behavior change amongst their students, a connection to their community, and multiple opportunities to get kids outside through field experiences.

Vision for the Future (2021-2025)

The South Sound GREEN model has been in high demand among area teachers and that demand will increase in the coming years. Not only are educators searching for ways to teach their students about water quality, but also to instill a sense of community service through on the ground projects. The “need to continue to educate individuals and communities about ways that they can become part of the solution” is one of five strategies for Puget Sound recovery as listed in the Puget Sound Partnership’s Action Agenda (Puget Sound Partnership). Over the past five years, South Sound GREEN has educated thousands of students about the

effects of stormwater pollution and what they can do to make a difference through hands-on science that aligns with state learning standards. Looking to the future we aim to increase the numbers of teacher, student and community volunteers participating in the following ways:

Relevance to Western Washington Phase II Municipal Stormwater Permit

South Sound GREEN will continue to work directly with City and County staff to meet requirements under the Municipal Stormwater Permit as written below:

55C.1 Public Education and Outreach

The SWMP shall include an education and outreach program designed to:

- *Build general awareness about methods to address and reduce impacts from stormwater runoff.*
- *Effect behavior change to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.*
- *Create stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff.*

Program Tracking and Evaluation

South Sound GREEN will continue to evaluate the effectiveness of the program through: pre- and post-surveys, and through soliciting feedback from teachers, volunteers, and program partners. Specifically, we will evaluate the increased learning around stormwater runoff and behavior change achieved as a result of the program. South Sound GREEN will utilize both internal and external evaluators when appropriate.

2020-2025 Anticipated Increased Participation

Participation in South Sound GREEN is at its highest level ever, and more growth is on the horizon:

- Beginning in Fall of 2020, all 5th grade classes within the North Thurston Public Schools will participate in water quality testing under the Fieldstem Model
- In early 2020, South Sound GREEN expanded into Bush Middle School, serving all 150 of their 6th grade students. We plan to continue this partnership in Fall of 2020 and beyond, and are making plans to further expand both water quality testing and involvement in Student GREEN Congress within the Tumwater School District
- Annual participation within the Olympia School District continues to increase each year and are prepared to meet the growing needs of 4th-8th grade teachers and students in the OSD.

- Smaller school districts such as Griffin and Rainier continue to participate at the same level as in previous years, with some increased participation in professional development and action project opportunities.
- The interest in this program will continue to grow over the next five years due to the locally relevant, authentic and student-directed science experiences, classroom support, and professional development offered by South Sound GREEN.
- With this expansion of participating classes, we will also recruit and train adult water quality volunteers through our Water Watchers program, increasing volunteer involvement by at least 10%.

Additional Program Development

South Sound GREEN has the resources and expertise to expand our programming to the K-12 community on new and relevant projects that build on knowledge of stormwater runoff and the Puget Sound ecosystem. Some examples are listed below.

1. Implement Drain Rangers Curriculum. This curriculum, developed by the Pacific Education Institute and Puget Sound Starts Here, focuses on school yard studies of stormwater runoff. A Drain Rangers program within South Sound GREEN would involve:
 - a. Classroom visits on selected lessons
 - b. Field exploration of stormwater issues at school campuses
 - c. Potential of hosting a collective Drain Rangers/Water event in January
 - d. Scalable to address the needs of school district

Draft Drain Rangers Budget*	
Staff Time (classroom visits, event planning, overall coordination)	\$3500
Travel	\$56.50
Supplies (soil probe, rain gauges)	\$900
	\$4456.5

*Based on 10 classes/250 students

2. Salmon Education through the McLane Nature Trail. In Fall of 2019, South Sound GREEN coordinated field trips to the McLane Salmon Trail on behalf of Thurston County. This pilot project coordinated teachers and volunteers, provided bus and sub reimbursement for visits, and offered pre and post teaching resources. Visits to McLane Salmon Trail provide authentic, in person experiences with wild spawning chum salmon, and dovetail with class studies on water quality, life cycle, habitat, and many more themes. A McLane Salmon Trail program within South Sound GREEN would involve:

- Classroom visits on salmon habitat, salmon life cycle and salmon dissections (upon request)
- Coordination with teachers to schedule visits and minimize impact to the trail
- Coordinate with volunteer Salmon Stewards to provide guidance during all school visits to the trail
- Bus and sub reimbursement for field experience

Draft McLane Salmon Trail Budget*	
Staff Time (classroom visits, tours at trail, teacher and volunteer coordination)	\$1127.60
Travel	\$65.40
Bus (10 classes)	\$3000
	\$4193

*Based on 10 classes

Adapting for the Future

Though the average school day has changed largely due to distance learning in the face of COVID-19, South Sound GREEN is committed to adapting our programming to engage students through a variety of online and in person tools. Looking ahead to the next five years, South Sound GREEN is committed to grow and adapt by:

- Making adjustments in programming to best serve schools during distance learning and other challenges they face
- Utilize technology (Zoom, Canvas, Google Classroom) to reach students virtually
- Host on-campus water quality testing field experiences
- Meet new and evolving state educational standards
- Continue to meet the increased interest in science-based, hands-on experiences to students in Thurston County
- Taking an effective and efficient program model and build on it to make participation accessible to more students, teachers and community members.

The financial support provided by the City of Lacey through the ILA over the past five years has provided crucial base funding to deliver this excellent program to Lacey residents. We look forward to working with the City of Lacey, City of Tumwater, City of Olympia and Thurston County to continue to bring exceptional opportunities for learning to participants, as well as increase access to this program for more of our students, teachers, and community members. Through the South Sound GREEN program, thousands more students and their families will engage in meaningful watershed educational experiences in the coming years.

COMMUNITY RELATIONS & PUBLIC AFFAIRS COMMITTEE MINUTES

OCTOBER 5, 2020

11:00 A.M. – 11:37 A.M.

REMOTE ONLY

COUNCIL PRESENT: COUNCILMEMBERS STEADMAN (CHAIR) AND COX

COUNCIL EXCUSED: COUNCILMEMBER KUNKEL

STAFF PRESENT: SCOTT SPENCE, JEN BURBIDGE, PERI EDMONDS

ACTION: APPROVE COMMUNITY RELATIONS & PUBLIC AFFAIRS COMMITTEE
AGENDA

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

UNDER ARMOUR COMMERCIAL SHOOT

PRESENTER: JEN BURBIDGE, PARKS AND RECREATION DIRECTOR

ACTION: INFORMATION ONLY

The Regional Athletic Company was rented by We are Royale production company on August 14 and 15 to shoot an Under Armour commercial. The commercial will highlight two local athletes. Staff will notify Council once the scheduled air date has been confirmed.

LACEY DEPOT AND PLAYGROUND UPDATE

PRESENTER: JEN BURBIDGE, PARKS AND RECREATION DIRECTOR

ACTION: INFORMATION ONLY

The Lacey Depot is now complete and will be open to the public after restrictions are lifted by the Governor related to the COVID-19 pandemic. The seasonal building will be open from May to September from 7 am to dark and the ADA restrooms will be open all year from 7 am to dark. The Depot will be available to rent to the public from 8:00 am - noon, 1:00 – 5:00 pm, or all day. The rental cost has not been determined yet.

The train playground will be complete after installation of the ground surface. Installation of the material can only occur with four consecutive days above 45 degrees and no rain.

COMMUNITY EVENTS UPDATE

PRESENTER: JEN BURBIDGE, PARKS AND RECREATION DIRECTOR

ACTION: INFORMATION ONLY

The City's community events have significantly been affected by the COVID-19 pandemic. Events cancelled in the next few months include Children's Day, Tree Lighting Ceremony & Lighted Parade, and Breakfast with Santa. Staff created several replacement programs and activities such as a Halloween Mystery Scavenger Hunt, Lacey Live-Laugh-Learn Box, Take Home Cookie Kits and Ornament Kits, and Zoom with Santa.

At this time, it is unknown if community events scheduled for the beginning of 2021 will be cancelled.

UTILITIES COMMITTEE MINUTES

OCTOBER 5, 2020

12:00 P.M. – 12:45 P.M.

REMOTE ONLY

COUNCIL PRESENT: COUNCILMEMBERS STEADMAN (CHAIR) AND MILLER

COUNCIL EXCUSED: COUNCILMEMBER KUNKEL

STAFF PRESENT: TROY WOO, SCOTT EGGER, EMILY WATTS, JUSTIN BELLIS,
PERI EDMONDS

ACTION: APPROVE UTILITIES COMMITTEE AGENDA

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

SOUTH SOUND GREEN ILA RENEWAL

STAFF: EMILY WATTS, WATER RESOURCES SPECIALIST

STEPHANIE BISHOP, PROGRAM MANAGER, SOUTH SOUND GREEN

ACTION: FORWARD THE SOUTH SOUND GREEN INTERLOCAL AGREEMENT (2021-
2025) TO THE FULL CITY COUNCIL FOR APPROVAL

MOTION: MOTION MADE AND SECONDED BY COUNCILMEMBER STEADMAN AND
MILLER. MOTION CARRIED.

The Cities of Lacey, Olympia, and Tumwater, and Thurston County have supported the South Sound Green (SSG) program since its inception in 1992. The Interlocal Agreement is for an additional five years from 2021-2025. The City's contribution to the program will be \$14,400.

The program involves students grades 4-12 learning about watershed issues, collecting, testing, analyzing water quality data in the field and classroom, and participating in stewardship projects. Virtual programs have been implemented due to the pandemic.

WATER OPERATIONS CONSTRUCTION SUPPORT

STAFF: JUSTIN BELLIS, SENIOR WATER DISTRIBUTION TECHNICIAN

ACTION: INFORMATION ONLY

Water Operations staff provide utility construction support to the design and construction engineers during the submittal review and approval process. They provide information on the specific types of material allowed, and provide comments and suggestions prior to beginning construction.

Staff also provide support for scheduled shutdown of existing lines, sewer lift station startups, and verification of system components following installation of utilities such as water meter boxes, fire hydrants, backflow assemblies, and air release valves.

FINANCE & ECONOMIC DEVELOPMENT COMMITTEE MINUTES
OCTOBER 27, 2020
8:30 A.M. – 9:25 A.M.
REMOTE ONLY

COUNCIL PRESENT: MAYOR RYDER (CHAIR), DEPUTY MAYOR PRATT

COUNCIL ABSENT: COUNCILMEMBER GREENSTEIN

STAFF PRESENT: SCOTT SPENCE, TROY WOO, PERI EDMONDS, ELISSA FONTAINE

ACTION: APPROVE FINANCE & ECONOMIC DEVELOPMENT COMMITTEE AGENDA
MOTION: MOTION MADE, SECONDED, AND CARRIED BY DEPUTY MAYOR PRATT AND
MAYOR RYDER

SMALL WORKS AND CONSULTANT ROSTER RESOLUTION UPDATE

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: RECOMMEND FORWARDING RESOLUTION TO FULL CITY COUNCIL FOR APPROVAL
MOTION: MOVED AND SECONDED BY DEPUTY MAYOR PRATT AND MAYOR RYDER.
MOTION CARRIED

The City's current Resolution 949 was adopted in 2009. The resolution allows City staff to use the Small Works and Limited Public Works processes to award contracts for public works and authorizes the use of consultant rosters. The resolution also authorizes the use of MRSC Rosters for Small Works, Limited Public Works and Consultant Services.

The current resolution duplicates portions of language in the RCWs from 2009, and is missing some language from the RCWs. RCWs governing these contracting practices have been updated since this resolution was adopted. The limits for Small Works and Limited Public Works projects has also been increased from \$300,000/\$35,000 to \$350,000/\$50,000 respectively. This resolution would eliminate language that is already in the RCWs, preventing the possibility of conflicting information as RCWs change. The resolution instead references the applicable RCWs.

2020 BUDGET AMENDMENT – CARES ACT AND COVID-19

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: RECOMMEND FORWARDING ORDINANCE TO FULL CITY COUNCIL FOR ADOPTION
MOTION: MOVED AND SECONDED BY DEPUTY MAYOR PRATT AND MAYOR RYDER.
MOTION CARRIED

Throughout the year, adjustments to the budget become necessary because of City Council actions, activity levels that were not anticipated during budget development, and grant awards or other receipts of outstanding funding. Staff proposes an additional out-of-cycle amendment to address CARES Act funding, the 2020 Community Development Block Grant award to the Veterans Services Hub enhancements, match for a Lacey MakerSpace grant opportunity, and computer equipment needed to address teleworking needs.

The proposed budget amendments include:

- \$769,050 - CARES Act Funding, and remaining \$10,000 from first round of CARES Act funding. Proposed amendment reflects the City Council direction at the October 1, 2020, Worksession.
- \$421,852 - 2020 CDBG funds for tenant improvements to the Veterans Services Hub's first floor. The proposed amendment includes appropriations for the improvements and the CDBG reimbursements.
- \$175,000 – Cash match for Lacey MakerSpace grant application. The US Department of Commerce, Economic Development Administration \$1.0 million CARES Act grant will help the MakerSpace acquire needed state-of-the-art manufacturing equipment. Funding for the match will come from previously established reserve for the MakerSpace for use in 2022. Authorized at the September 10, 2020, City Council meeting.
- \$250,000 - Investment in teleworking equipment due to the COVID-19 public health emergency to maintain levels of service and continue progress on City priorities and initiatives. Information Services reserves are the recommended funding source.

PROPERTY TAX AND BUDGET DISCUSSION / SUBSTANTIAL NEEDS RESOLUTION /
AD VALOREM TAX

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: INFORMATION ONLY

The Revised Code of Washington (RCW) 84.55.005(2)(c) sets the property tax limit factor for a taxing jurisdiction with a population over 10,000 as the lesser of 101 percent or 100 percent, plus inflation. The inflation factor to be used for the 2021 property taxes is 0.602 percent.

A significant source of revenue for the General Fund is property tax, so the full one percent increase is needed to address increasing expenditure needs. The 2021 Budget is balanced based on exercising the full 101 percent revenue limit increase of \$71,457.

The proposed ad valorem tax ordinance sets the 2021 general property tax at \$7,588,117. This is an increase of 6.19 percent compared to the 2020 general property tax collections. The adjustments to next year's levy include a \$306,182 increase due to new construction, a \$64,785 increase from the 2020 refund levy, and, if approved by Council, a \$71,457 increase due to exercising the 1.0 percent revenue limit adjustment.

The proposed ordinance also sets the voter-approved GO Bond redemption property tax levies. The total 2019 property tax levy collection for GO Bond redemption is \$1,145,350. The total estimated GO Bond redemption rate of \$0.1484 per \$1,000 of assessed valuation.

The Revenue Public Hearing is scheduled for November 5, 2020. The Declaration of Substantial Need resolution and the ad valorem tax ordinance adoption is scheduled for November 19, 2020.

2021 WATER, SEWER, AND STORMWATER RATE ORDINANCE

STAFF: TROY WOO, FINANCE DIRECTOR
ACTION: INFORMATION ONLY

The next update of the water comprehensive plan is in progress, but will not be completed until 2021. Staff developed a one-year inflationary rate recommendation to allow time for the completion, review and approval of the comprehensive plan. The

proposed water rate model includes a three percent inflationary increase with an effective date of July 1, 2021.

The next scheduled update of the sewer comprehensive plan is anticipated to take place by 2023. The update requirements for the 2015 sewer comprehensive plan was extended beyond the last multi-year sewer rate schedule. A rate consultant is preparing a sewer revenue requirement model, which will inform the recommended rates for the years 2020 to 2025. This model will be completed alongside the water comprehensive plan, so it will not be available until the first half of 2021. Staff developed a one-year inflationary rate recommendation. The sewer financial model recommends a three percent increase effective July 1, 2021.

The stormwater comprehensive plan update is complete, but has not been reviewed and considered by City Council. The draft stormwater comprehensive plan financial chapter recommends 4.5 percent increases for the years 2020 through 2025. Staff recommends adopting the 4.5 percent increase in anticipation of the adoption of the stormwater comprehensive plan in 2021.

City staff presented the current proposal to the City Council at the October 1, 2020, Worksession. The public process will occur at the November 5, 2020, Revenue Hearing and Public Hearing on the Budget, and the November 19, 2020, Public Hearing on the Budget.

ANIMAL SERVICES – JURISDICTIONAL ASSESSMENTS

STAFF: SCOTT SPENCE, CITY MANAGER

ACTION: INFORMATION ONLY

The Committee discussed past assessments by the jurisdictions and the elimination of services in Thurston County since 2003-2004.

Staff directed to forward to a Worksession for full City Council discussion or a Joint Worksession with Thurston County Board of County Commissions in early 2021.

GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE
OCTOBER 27, 2020
9:30 A.M. – 10:16 A.M.
REMOTE ONLY

COUNCIL PRESENT: DEPUTY MAYOR PRATT (CHAIR), MAYOR RYDER

COUNCIL ABSENT: COUNCILMEMBER GREENSTEIN

STAFF PRESENT: SCOTT SPENCE, ROBERT ALMADA, PERI EDMONDS, ELISSA FONTAINE

ACTION: APPROVE THE GENERAL GOVERNMENT & PUBLIC SAFETY COMMITTEE
AGENDA.

MOTION: MOTION MADE, SECONDED, AND CARRIED BY MAYOR RYDER AND DEPUTY
MAYOR PRATT

PUBLIC RECORDS ACTIVITY REPORT

STAFF: PERI EDMONDS, CITY CLERK
ELISSA FONTAINE, DEPUTY CITY CLERK

ACTION: INFORMATION ONLY

Peri Edmonds, City Clerk, presented an overview of the 2019 JLARC report, relating to public records received and responded to from January 1, 2019 – December 31, 2019.

In 2017, the state legislature adopted ESHB 1594, which requires local government agencies with staff and legal costs associated with fulfilling public records requests totaling \$100,000 during the prior fiscal year report to the Joint Legislative Audit Review Committee (JLARC) on the required 15 different public records metrics. The City of Lacey reports data on public records requests received by the City, Police Department and Joint Animal Services.

Report highlights include a total of 2,699 agency public records requests received during 2019. Of those requests, 220 contained redactions; 22 were abandoned by requesters; and 140 required additional clarification. The total estimated cost to the agency in fulfilling public records requests, including staff and legal compensation, is just above \$380,000, making an average estimated cost of \$140 per request. The total tracked expense recovery was \$48. Total litigation costs incurred for 2019 was just under \$40,000, in relation to a lawsuit filed against Joint Animal Services.

City staff will provide an update to the Committee in 2021, following submission of the 2020 JLARC report.

I-940 INDEPENDENT INVESTIGATIVE TEAM (IIT) OVERVIEW AND SELECTION PROCESS

STAFF: ROBERT ALMADA, CHIEF OF POLICE

ACTION: INFORMATION ONLY

Robert Almada, Chief of Police, presented on the Law Enforcement Training and Community Safety Act (LETSCSA) and Independent Investigative Team (IIT) requirements and selection process.

The key goals of LETSCSA are to:

- Mandate de-escalation and mental health training for all Washington State law enforcement officers.
- Require and render first aid training at scenes at the earliest safe opportunity.
- Remove the requirement to prove “malice” for criminal assault or homicide charges against officers and substitute a “good faith” standard.
- Require a completely independent investigation of officer involved uses of deadly force.

An Independent Investigations Team (IIT) consists of certified peace officer investigators (Detectives) and civilian crime scene specialists (Evidence), and at least two non-law enforcement, community representatives from member agencies.

The IIT operates completely independent of the involved agency. The four primary focuses governing independent investigations are:

- Independence
- Transparency
- Communication
- Credibility

The Lacey Police Department is accepting applications throughout the month of October 2020 from Lacey residents and members of the Lacey business community who want to serve on the IIT as community representatives.

LAND USE COMMITTEE
OCTOBER 27, 2020
10:30 A.M. – 11:23 A.M.
REMOTE ONLY

COUNCIL PRESENT: COUNCILMEMBER COX (CHAIR), DEPUTY MAYOR PRATT

COUNCIL ABSENT: COUNCILMEMBER GREENSTEIN

STAFF PRESENT: SCOTT SPENCE, RICK WALK, JESSICA BRANDT, DOUG CHRISTENSON,
PERI EDMONDS

ACTION: APPROVE LAND USE COMMITTEE AGENDA
MOTION: MOTION MADE, SECONDED, AND CARRIED BY DEPUTY MAYOR PRATT AND
COUNCILMEMBER COX

2020 COMPREHENSIVE PLAN AMENDMENTS

STAFF: RICK WALK, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
JESSICA BRANDT, ASSOCIATE PLANNER
DOUG CHRISTENSON, UTILITIES CIVIL ENGINEER
ACTION: INFORMATION ONLY

The Growth Management Act requires the City's Comprehensive Plan be amended only once a year. As part of the annual cycle of comprehensive plan amendments for 2020, the City received two private applicant-initiated requests and completed an update to the City's Stormwater Comprehensive Plan.

The private requests were added to the Comprehensive Plan Amendment Docket at the January 23, 2020, Joint Worksession with City Council and the Planning Commission.

Project 20-54 proposes a Comprehensive Plan Amendment and Rezone from Community Commercial to High Density Residential and Neighborhood Commercial. Of the total 11.51 acres of the property, 9.51 acres is proposed to be designated as High Density Residential and the remaining 2 acres on the SW corner is proposed to be designated as Neighborhood Commercial. The proposed rezone is for property located at 3200 Willamette Drive NE. Assessor's Parcel No. 11801240100.

Project #19-370 proposes a Comprehensive Plan Amendment and Rezone for ten parcels totaling approximately 60 acres that are currently a mixture of undeveloped

properties and small warehouses located along Carpenter Road NE between Interstate 5 and Britton Parkway NE. The eastern side of Carpenter Road NE is currently zoned Hawks Prairie Business District Business Commercial and the parcels west of Carpenter Road are zoned both Mineral Extraction and Low Density Residential 3-6. The application is to rezone these parcels to Light Industrial Commercial.

The Stormwater Comprehensive Plan (SCP) was last updated in 2013 and is a guide for the activities, programs and projects of the City's Storm and Surface Water Utility, and an informational reference for Lacey Stormwater Utility ratepayers.

Three main factors are driving the 2020 SCP update:

1. Increasing requirements mandated by the updated 2019-2024 Western Washington NPDES Phase 2 Municipal Stormwater Permit.
2. A necessary update to the Stormwater Capital Improvement Program (CIP) project plan.
3. An updated Stormwater Utility financial analysis, including recommendations for service charge rates to ensure adequate funding of utility programs and projects.

The Planning Commission held a public hearing on October 6 for the annual Comprehensive Plan amendments. Both oral and written comments were received for the private amendments. No comments were received for the Stormwater Comprehensive Plan. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend approval on each amendment to the City Council. Staff will provide the Committee with a list of attendees, comments, and answers.

The City Council will consider the amendments at the November 19, 2020, Council meeting.