

**EDMONDS CITY COUNCIL
VIRTUAL ONLINE MEETING
APPROVED MINUTES
April 28, 2020**

ELECTED OFFICIALS PRESENT

Mike Nelson, Mayor
Adrienne Fraley-Monillas, Council President
Kristiana Johnson, Councilmember
Luke Distelhorst, Councilmember
Diane Buckshnis, Councilmember
Vivian Olson, Councilmember
Susan Paine, Councilmember
Laura Johnson, Councilmember

STAFF PRESENT

Phil Williams, Public Works Director
Patrick Doherty, Econ. Dev & Comm. Serv. Dir.
Shane Hope, Development Services Director
Scott James, Finance Director
Jessica Neill Hoyson, HR Director
Jeff Taraday, City Attorney
Scott Passey, City Clerk

ALSO PRESENT

Zach Bauder, Student Representative

1. CALL TO ORDER/FLAG SALUTE

The Edmonds City Council virtual online meeting was called to order at 7:00 p.m. by Mayor Nelson. The meeting was opened with the flag salute.

2. LAND ACKNOWLEDGEMENT

Council President Fraley-Monillas read the City Council Land Acknowledge Statement: “We acknowledge the original inhabitants of this place, the Sdohobsh (Snohomish) people and their successors the Tulalip Tribes, who since time immemorial have hunted, fished, gathered, and taken care of these lands. We respect their sovereignty, their right to self-determination, and we honor their sacred spiritual connection with the land and water.”

3. ROLL CALL

City Clerk Scott Passey called the roll. All elected officials were present, participating remotely.

4. APPROVAL OF AGENDA

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO APPROVE THE AGENDA IN CONTENT AND ORDER. MOTION CARRIED UNANIMOUSLY.

5. AUDIENCE COMMENTS (SUBMITTED TO PUBLICCOMMENT@EDMONDSWA.GOV)

See Attached.

6. **APPROVAL OF CONSENT AGENDA ITEMS**

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO APPROVE THE CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY. The agenda items approved are as follows:

1. **APPROVAL OF COUNCIL MEETING MINUTES OF APRIL 21, 2020**
2. **APPROVAL OF CLAIM CHECKS AND WIRE PAYMENT**
3. **AMENDMENT #3 EMPLOYMENT AGREEMENT COUNCIL LEGISLATIVE/EXECUTIVE ASSISTANT**

7. **ACTION ITEMS**

1. **EDMONDS PUBLIC FACILITIES DISTRICT SMALL BUSINESS LOAN REQUEST**

Finance Director Scott James explained the purpose of this item is to seek Council's consent for the Edmonds Public Facilities District (PFD) to accept a loan. He explained the PFD is the legal entity that oversees the Edmonds Center for the Arts (ECA). The ECA is a non-profit arm of the PFD that is responsible for managing the facility. The ECA schedules artists from around the world, provides production management and a venue for a variety of community partners and rental clients and serves more than 75,000 patrons annually. Bringing people together is the ECA's primary means of generating revenues which is being substantially impacted by the COVID-19 crisis. The ECA is endeavoring to find alternative funding sources and ways to trim expenses. For example, the ECA asked patrons to donate ticket purchases instead of refunding which many community members have done.

Another viable funding source the PFD would like to pursue requires Council consent. This funding is from the Small Business Administration (SBA) in the form of the Paycheck Protection Program (PPP). The PPP starts as a loan to all applicants and can turn into a grant by the SBA if applicants use at least 75% of the loan proceeds to pay personnel costs. The PFD plans to use all the loan proceeds to pay personnel costs. Before the PFD can accept the loan, Council must provide consent due to the Contingent Loan Agreement (CLA) with the PFD. The CLA was included with the PFD's 2008 bond issuance; the CLA amounts to a bond debt service payment guarantee for the City and bond holders. The CLA states the following: "So long as the Note remains outstanding and this Agreement remains in effect, the District shall not incur any additional indebtedness, other than in the ordinary course of business, without the prior written consent of the City..." According to the conditions of the CLA, Council must provide written consent for the District to accept the PPP loan. If the Council approves the request tonight, written consent can be captured in the meeting minutes.

Councilmember Buckshnis thanked Mr. James for answering all her questions in his presentation.

Councilmember Olson agreed the packet was very complete and she felt well prepared to take a vote.

COUNCILMEMBER BUCKSHNIS MOVED, SECONDED BY COUNCILMEMBER PAINE, TO APPROVE THE PFD'S REQUEST TO ACCEPT A PAYCHECK PROTECTION PROGRAM LOAN FROM THE SBA.

Councilmember Paine was glad this being made available to the PFD.

MOTION CARRIED UNANIMOUSLY.

2. **ORDINANCE FOR HOMELESSNESS RESPONSE FUND TRANSFER TO MITIGATE COVID-19 IMPACTS**

Development Services Director Shane Hope commented COVID-19 has impacts on everyone and those who are financially vulnerable feel the impacts even more, particularly people with lower incomes who, due to COVID-19, lost hours at work or lost their jobs temporarily or longer term and may have higher costs such as childcare. The thought behind the program was to recognize there is some funding available from the Homelessness Response Fund that could be reprogrammed to help lower income residents to retain their homes and take care of basic needs due to lost income during the COVID-19 outbreak.

Ms. Hope explained while it would have been great if the human services manager had been hired to help administer the program, there are ways to handle such a program to help Edmonds residents. The idea is Economic Development/Community Services Director Patrick Doherty and she would provide direction to and oversight for administrative staff and work with local social service agencies who are already familiar with Edmonds, Snohomish County and residents in Edmonds and could do outreach to those community members. The assistance would be available for people who, 1) are in a lower income category, 2) live in Edmonds, and 3) are financially impacted by the COVID-19 crisis. Those residents could receive up to \$1000 in aid. Social service agencies have indicated rent and food are the biggest need.

In order to make this happen effectively, Ms. Hope suggested doing something similar to an RFQ that would allow existing social service agencies who are experienced in Snohomish County to indicate how they would be able to implement a program, how they would meet the criteria, and be able to effectively and efficiently provide resources. This is not resources on a cash basis, although cash would be provided to the social service agency, the agency would administer it in kind. For example if a household needs money to pay rent, the agency will provide they money directly to the landlord. If a household needs money for utilities, the money will be provided directly to the utility. The City will not be giving out cash.

Ms. Hope anticipated it would take about a month to get the program up and running. The intent is for this to be a relatively short-term program. She acknowledged there were other programs that provide funding assistance, but it is generally not enough, particularly when a household has had a significant financial impact from COVID-19. This would be a boost to local residents who are impacted even though it is not a lot of money, a maximum of \$1000 per household. Through the end of the period, currently proposed to be through August 30, agencies will track information about each household such as income level, location, COVID-19 issues that created the need, what the funds were provided for, amount of money provided, nature of the impact, household size, etc. and reported back to the City Council. The ordinance calls for report to be provided one month after the program funding ends.

Councilmember Distelhorst commented the recommendations in the Koenig Homelessness Assessment, delivered to Council in February 2019 and funded via the Homelessness Response Fund, were to focus on homelessness prevention so it did not reach the level it has in other Puget Sound communities, prevent homelessness through cost-effective approaches that are a better use of fund than providing housing after a person has become homeless, and experiment with providing contracts to community-based organizations such as the proposed ordinance would do so that the organizations' existing procedures and screening could be utilized to best effect.

Councilmember Olson referred to the RFQ and asked if the City would ultimately be entering into a contract with one or more of the agencies. If the goal was to help at least 100 families and possibly more if some need less than \$1000, she questioned how the City could ensure benefits from multiple agencies were not being provided to the same parties. She anticipated privacy issues would prevent full disclosure of who receives the funds. Ms. Hope advised some coordination would need to be worked out; she anticipated 2-3 agencies would be involved. The City's expectations include not duplicating efforts, and requirements would be outlined in the contract.

Council President Fraley-Monillas wanted to ensure the funds were to people physically located in Edmonds and not to residents of Esperance. Ms. Hope responded the ordinance states residents of Edmonds which does not mean Esperance. Council President Fraley-Monillas pointed out Esperance residents have an Edmonds address. Ms. Hope clarified recipients would need to live within the city limits. Council President Fraley-Monillas suggested clarifying that. She referred to a newspaper article that referenced the City giving cash up to \$1000; she recommended clarifying that the assistance provided would not be in the form of cash. Ms. Hope agreed, it would not be in the cash, but in-kind value up to \$1000 for food, rent or other allowable needs, paid to the entity not cash. For example, if the need was groceries, they would receive a grocery card for X dollar amount.

Council President Fraley-Monillas relayed she met with a legislator over the weekend who indicated the Department of Social and Health Services (DSHS) has a large amount of federal and state money to provide assistance for this same thing. She requested there be a requirement that people go through the State of Washington and DSHS before dipping into this fund. She was told DSHS has \$50M in federal funds and \$50M in local funds. She concluded the City's funds are not sustainable; once it's gone, it's gone.

Councilmember Paine asked about the availability of service providers who knew Edmonds well and whether there was a service provider in Edmonds that could provide outreach and be available to everyone in the community including people vulnerable to becoming homeless and seniors who may/may not be good about asking of help. Ms. Hope answered she knew of at least two, the YWCA provides services in Edmonds, they are a familiar organization and well established; and Washington Kids in Transition also provides services to families and are very familiar with Edmonds and already serve these needs. She spoke with Verdant about other possibilities and they indicated those were the two best but could help coordinate with other agencies. One of the criteria in the RFQ will be experience in Edmonds, social security agencies who have worked in Edmonds and know the paths. These agencies already know how to provide these services and already have a caseload of people living in Edmonds. Councilmember Paine wanted to ensure there were good pathways to all the vulnerable communities to ensure a group was not overlooked.

Councilmember Paine observed the draft ordinance was specific about the types of services that would be available for funding. She was hopeful it would include things like cable and cell phones because that is how people have access to other services, the community, and their support systems. Ms. Hope said that is not excluded; she agreed students need to have access for schoolwork; Washington Kids in Transition has mentioned that is often a family need. She summarized rent tends to be the most important but other needs could possibly be funded.

Councilmember Olson referred to Council President Fraley-Monillas' comment regarding Esperance, noting service providers may not know the difference if they are providing funds strictly based on address. With regard to low income parameters, she agreed with Council President Fraley-Monillas' comment about ensuring other opportunities for aid are utilized before seeking funds from this source. She recommended considering those other funding sources as income in determining whether they meet the income threshold. She summarized there is an enormous financial crisis due to COVID-19 and the role of government is to respond to national emergencies and therefore this is an appropriate item for the Council to consider.

Councilmember L. Johnson voiced her support for the two organizations Ms. Hope mentioned, YWCA and Washington Kids in Transition, specifically because their focus is on families and families are impacted in additional ways with school closures. She encouraged staff to look at both those organizations. She was interested in strengthening the oversight and accountability and will make an amendment once a motion is made. She thanked Ms. Hope and Councilmember Distelhorst for their work on this.

Council President Fraley-Monillas suggested it would be appropriate to reach out to DSHS to determine other agencies. While YWCA and Washington Kids in Transition are good for kids and families, they do not have specific resources for seniors, the disabled or veterans. She wanted to ensure the funds were available to anyone that needs assistance, not just children and families. Washington Kids in Transition is focused on children in the school district and their families and YWCA also has more of a children/family focus. She encouraged staff to reach out to DSHS regarding agencies that serve a fuller contingency of people that may need assistance.

Councilmember Buckshnis thanked Ms. Hope for answering the questions she sent to her. She was looking at this more globally and believed that \$100,000 was not enough; there is \$200,000+ in the fund. She agreed with having more stringent parameters and accountability. There are 4,450 Edmonds residents or over 10% of the population in this group and it is unknown how many have been impacted by COVID-19. If the budget for this is \$100,000, that will serve 100 families; she questioned what happens to the remainder. If the City is going to do this, it should be done right such as on a first-come first-serve basis with no level of favoritism. If the Council believes in this, which they did in 2017 when these funds were allocated, they should consider how many families in Edmonds would be impacted and attempt to provide financial assistance to those who need it. She believed in the concept, but wanted more information.

Councilmember Buckshnis relayed a lot of residents are concerned this is a gift of public funds. This is an unprecedented financial time when the rich are getting richer and the poor and the middle class are getting poorer. She recommended looking out for all of Edmonds and found it heartbreaking that funds would only be provided to 100. She concluded there is \$223,000 in the fund. Ms. Hope said it was up to the Council to determine the appropriate amount; the account has \$225,000 remaining. The downside of spending more is some Councilmembers want to see how it goes and have options to consider later, whether that is to continue this program or for other needs the City has. She summarized there was no way the City could provide for all the needs of all citizens, some funds are better than none and it should be done in the fairest way possible.

Councilmember Distelhorst commented there was no limitation on possibly authorizing more funds in the future if that need is seen after the initial stages of the program.

Councilmember K. Johnson raised three questions; first, what are the needs of the current homeless community during COVID-19? They do not have the same needs as the proposed transfer because they do not pay rent or utilities, probably do not have cell phones or cable or pay for childcare. They are a very vulnerable population that is at high risk; their needs may include hand sanitizers, disposable thermometers, tents, transportation to medical facilities and temporary shelter, etc. If the intent is to prevent people from becoming homeless, there should be a very tight relationship between what is provided and what the City is trying to prevent. She suggested considering the model in Tacoma that only provides for supplemental rent. Since the governor has provided a moratorium on rent increases and evictions, the timing may be complementary.

Councilmember K. Johnson's second question was what are the needs of the Edmonds community during COVID-19? All 42,000 residents are effected, but what do they really need? The funding for this may not come from the homelessness fund, but she questioned whether there was enough PPE, testing, screening, or gloves. Her final question was what is the appropriate role of local government during COVID-19? As the attorney general discussed, it is appropriate to help the community, particularly the poor and the use of police powers to assist people. She was not prepared at this time to pay for cable and was very concerned about the duplication of services. There are larger funds at the state and federal level that fund a variety of services and when they consider eligibility, they consider all forms of income. She did not want to eliminate someone in need from getting state or federal assistance because they received assistance from the City.

Councilmember K. Johnson said there are many other programs such as unemployment insurance, food stamps, Aid to Families with Dependent Children, women and infant nutrition programs, the utilities have their own funds available, etc. She was uncomfortable with allocating \$100,000 and deciding what to do with it and developing restrictions and criteria later. She preferred to have a larger discussion about what the problem is, what the City is trying to fix, and how to go about doing that.

Council President Fraley-Monillas said the homeless population is being addressed by Snohomish County who has a place for the homeless who have COVID-19 and need a place to stay. They also have a place for homeless people to get things like gloves, hand sanitizer, etc. She hated to see this fund cleaned out when the City will experience financial issues due to decreased sales tax. The City is in the process of hiring a social worker; one of the goals of the Koenig report was to hire a social worker who could direct people to services as well as have the ability to write grants. Some of the money in this fund were earmarked by the small group to be used for things that the new social services person could provide such as matching funds. She feared cleaning out this account when it was unknown what tomorrow will bring with regard to finances. The prediction is that beyond COVID-19, there will be 6-9 months when people will be having issues which was her concern about the sustainability of this funding. She relayed today the governor extended the stay at home order through the end of May. The search for a social worker is down to two candidates.

With regard to cable, Councilmember Olson clarified her interest was cable internet not cable TV. Similar to Councilmember Paine's point, that is as much about access to information and opportunities as it is for entertainment.

Councilmember Paine asked if Edmonds was in line for any state or federal grant funding and if so, how much and when would it arrive. She was struggling with not knowing what the City's revenues will look like between now and the end of year, there is a huge need and there is a wide range of people in very vulnerable positions. She wanted to ensure people were not put into a more vulnerable situation by not offering some help. Mayor Nelson answered the governor's office informed him today that Edmonds would be allocated \$1.26M from the Coronavirus Aid Relief and Economic Security (CARES) Act. There is a 10 day hold before it is distributed to the City. Councilmember Paine asked what strings were attached to those funds. Mayor Nelson answered it must be COVID-19 related and there is a 4-page document that outlines the requirements. He plans to form a task force and come back to Council with a range of possibilities.

Councilmember Buckshnis thanked Council President Fraley-Monillas for the update. Based on tonight's conversation and with the new hire on the horizon, she was willing to wait. While she thought the proposal was a fabulous idea, she wished all the vulnerable population that had been affected by COVID-19 could be addressed. She concluded the Council needed to think this through more clearly.

Council President Fraley-Monillas suggested proceeding to Councilmember L. Johnson's amendment.

COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO APPROVE ORDINANCE NO. 4186, AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, TO AUTHORIZE TRANSFER OF UP TO \$100,000 FROM THE CITY'S HOMELESSNESS RESPONSE FUND FOR A SHORT-TERM PROGRAM TO ASSIST COMMUNITY MEMBERS EXPERIENCING HARDSHIP IN MEETING CERTAIN BASIC NEEDS DUE TO THE IMPACTS OF COVID-19 AND DECLARING AN EMERGENCY.

COUNCILMEMBER L. JOHNSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND SECTION 1 BY ADDING THE FOLLOWING AFTER "QUALIFYING RESIDENT OF EDMONDS," "FUNDS WILL BE DISTRIBUTED MONTHLY IN \$33,000 INCREMENTS AND TO ENSURE THE FUNDS ARE SERVING THE PURPOSE FOR WHICH THEY ARE INTENDED, MONTHLY REPORTS WILL BE PROVIDED TO COUNCIL OUTLINING THE ORGANIZATIONS THAT HAVE RECEIVED FUNDING, HOW MANY

PEOPLE THEY SERVED AND THE SPECIFIC SERVICES PROVIDED.” IN SECTION 2, THE DATE FOR DISBURSEMENT WOULD BE EXTENDED BY ONE MONTH AND IN SECTION 3, THE DATE FOR REPORTING WOULD BE EXTENDED ONE MONTH AND IN SECTION 3, ADD “MONTHLY” PRIOR TO “REPORTS.”

Council President Fraley-Monillas relayed her understanding the organization would need to report on their use of the \$33,000 and would not automatically get another \$33,000. Councilmember L. Johnson said that was her intent. Staff will be overseeing this and based on what they learn about how the funds are being used, deciding if it is being used the way the City intended or if things have changed in the meantime and other organizations should be considered.

Councilmember Buckshnis asked for clarification whether the first increment would be \$33,000 to either Washington Kids in Transition or to Verdant or \$33,000 to each. She asked if the \$33,000 was just a test amount for any agency. Councilmember L. Johnson answered that was not for her to determine. Staff has been working on this and she assumed they would select two to start with. Her intent was not to have the funds go to one organization one month and another the next month. She expected to proceed as proposed but incrementally.

Councilmember Olson commented the amendment is a positive change in that it gives more feedback in terms of moving forward. To those with reservations or concerns about duplication of aid, this will help to address that.

Mr. Taraday asked for clarification about extending the dates. The version in the packet already includes dates pushed out one month from the version in the packet two weeks ago. He asked if Councilmember L. Johnson’s intent was to push the dates in tonight’s packet out a month or use the dates in tonight’s packet. Councilmember L. Johnson deferred to Ms. Hope, relaying she was responding to a recommendation to extend the dates and assumed it meant what was currently in the packet. Ms. Hope agreed, explaining early in the process an earlier date was considered; the dates were then extended a little, but this would extend the dates an additional month to provide an incremental approach. Councilmember L. Johnson clarified the date in Section 2 would be September and October in Section 3.

Councilmember Paine liked that the City will be receiving grant funds specific to the COVID-19 response. She was uncomfortable with the full \$100,000 coming from a fund identified for homelessness response and for human services for the entire population. She suggested proposing a different grant amount and total amount with the option of backfilling once there is a better idea about options with other money and to avoid depleting funding for the human services coordinator. She agreed it needed to be done, but she did not want to deplete the existing fund and suggested a separate response in a couple weeks. She asked whether that would require a new motion.

Ms. Hope said the proposal is not to deplete the Homelessness Response Fund; the proposal would leave at least \$125,000 in that fund. There are additional funds budgeted for the social services position so the remaining funds could be used to address other homelessness issues as needed. Councilmember Paine anticipated a lot of the need for human services in the future will be COVID-19 related. The existing need for this position has increased due to this health emergency.

Councilmember Buckshnis agreed with Councilmember Paine. She said it sounds like a new department is being created pending hiring of the new person. She asked how labor intensive it will be to distribute fund monthly and whether enough information will be received during the month to disburse another \$33,000. Ms. Hope answered she did not know because this has never been done before. That was one of the reasons staff recommends working with agencies who are already familiar with Edmonds and these types of services. As soon as a person is hired, they would assist with administering this program. Councilmember

Buckshnis relayed her understanding as soon as the human services person is hired, they will take this over. Ms. Hope agreed.

To Councilmember Paine's comment about a phased approach, Councilmember Distelhorst said Councilmember L. Johnson's amendment does that by breaking it up into monthly amounts to ensure not all of the \$100,000 is allocated immediately. A phased approach allows for assessment and to ensure it is going to the right people and helping those that the program intends.

Council President Fraley-Monillas expressed support for Councilmember L. Johnson's amendment, commenting it was a great place to start and the money can be divided up to serve the most people. She wished the City could serve the 4,000, but there is not enough money. DSHS and the services they provide should supplement what the City is doing. Starting with \$33,000 is a great start and allows the City to measure the effectiveness.

Councilmember Olson said she will also support the amendment and the original budget of \$100,000 from the Homelessness Response Fund. The Council has not been privy to enough information to talk about funding this from other sources.

Councilmember Paine said she would like to have as much money as possible available in this account. She liked the phased approach but if other funds became available, the Council should evaluate it. She was not certain if that was done via the budget amendment process. She wanted to preserve money for the half time position that is being hired.

AMENDMENT CARRIED (6-0-1), COUNCILMEMBER K. JOHNSON ABSTAINING.

COUNCILMEMBER PAINE MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO AMEND THE MOTION TO ADD IN SECTION 2 AFTER THE DATE, "OR UNTIL THE FUND IS DEPLETED." AND IN SECTION 3 AFTER THE DATE, "OR WITHIN 30 DAYS OF THE FUND DEPLETION."

Councilmember Olson asked for an explanation. Councilmember Paine answered if the fund is depleted earlier than the dates in the ordinance, the amendment would recognize that and a report would be provided sooner. Ms. Hope commented the amendment would also recognize it may take a longer to get the program set up.

Councilmember Olson said if the intent is only about the money being depleted sooner, the ordinance as written adequately reflects that. Councilmember Paine said it was intended to address if the funds were depleted before the date. Councilmember Olson commented there could still be the authority, but if there was no money available, it could not be distributed.

COUNCILMEMBER PAINE WITHDREW HER MOTION.

Councilmember L. Johnson explained she extended the date in Section 2 to reflect that the funds would be divided into three monthly installments. It is possible if the program got up and running sooner than later so that funds were disbursed in May, June and July, Councilmember Paine's suggestion of adding to Section 3 would make sense because it clarifies the final report is to be provided within 30 days and not allowing until October for the report to be provided.

Councilmember K. Johnson expressed support for helping people not become homeless as it is more cost effective to keep someone in their home than to try to find homes for the homeless. She did not believe the Council had enough information or enough money or a clear enough path for this program. She concluded the Council was not quite there tonight.

Councilmember Buckshnis asked if administrative costs would be part of the \$33,000, whether those were part of the \$100,000 or would be a different expense under consultants. Ms. Hope said it was assumed this would be a pass through. If that became an issue, it would come back to Council. The agencies staff has talked with have not brought that up. They have staff in place and a lot of need and are eager to provide help with these funds. Councilmember Buckshnis said she was on fence, fearing this was creating a new department for Ms. Hope. She preferred to address all citizens, and agreed with Councilmember K. Johnson that there is not have enough data.

Councilmember Distelhorst said one data point that can be seen on a regular basis is the unemployment figures for Snohomish County which are now more than double the great recession. Initial unemployment insurance claims now total 100,000 for Snohomish County compared to about 400,000 in the workforce, or approximately ¼ of the workforce unemployed. The data will be coming, but for many families that may be too late. The governor's eviction moratorium ends on June 4th and that does not affect the rent or mortgage payments that people are required to make. His understanding from Ms. Hope is that this program will take a bit of time to set up, to do the RFQ, to ensure the funds are provided to good agencies that work in Edmonds and know Edmonds residents and that potentially these funds will help citizens beginning late May or early June when economic concerns will continue to pile up. The data is there; speaking to these agencies, it is clear they are receiving increased requests and that will not end any time soon.

MAIN MOTION AS AMENDED CARRIED (5-1-1), COUNCILMEMBER K. JOHNSON VOTING NO; AND COUNCILMEMBER BUCKSHNIS ABSTAINING.

3. RESOLUTION REQUESTING MORATORIUM ON HOUSING COSTS RELATED TO COVID-19

Councilmember Distelhorst relayed the amendments discussed at last week's meeting are reflected in the updated resolution in the packet in the Whereas clause citing data from Unemployment Security and amendments from Council President Fraley-Monillas in Section 3.

For Councilmember Paine, Councilmember Distelhorst advised the amendment proposed by Council President Fraley-Monillas is shown in blue in Section 3. Councilmember Paine commented one amendment discussed last week was not included that related to encouraging the federal delegation not to overspend for people who did not need financial support. Councilmember Distelhorst relayed his understanding there was already a main motion on the floor.

Councilmember K. Johnson commented the motion was tabled at last week's meeting so it needed to be removed from the table. City Attorney Jeff Taraday said the motion was continued to a date certain not tabled. The motions pending at the last meeting are still pending. Amendments are appropriate based on the motion made at the April 21st meeting. The amendments approved on April 21st are reflected in the resolution in the packet.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER DISTELHORST, TO AMEND THE MOTION IN SECTION 1 TO REPLACE "HALT" WITH "FREEZE." AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS, TO AMEND SECTION 2A BY DROPPING THE REST OF THE SENTENCE THAT FOLLOWS "THIS HEALTH EMERGENCY" IN THE SECOND TO LAST LINE AND ADDING A PERIOD AFTER "EMERGENCY" AND TO ADD THE FOLLOWING SENTENCE, "GOVERNOR INSLEE'S ORDER SHOULD REQUIRE LANDLORDS TO OFFER FORGIVENESS, RENT MITIGATION, OR MANAGEABLE LONG TERM REPAYMENT TERMS FOR THE RENT

PAYMENTS MISSED DUE TO COVID-19 IMPACTS DURING THE HEALTH EMERGENCY.” AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCIL PRESIDENT FRALEY-MONILLAS TO AMEND SECTION 2B BY DROPPING THE REST OF THE SENTENCE THAT FOLLOWS “THIS HEALTH EMERGENCY” IN THE SECOND TO LAST LINE AND ADDING A PERIOD AFTER “EMERGENCY” AND TO ADD THE FOLLOWING SENTENCE, “THE FEDERAL MORATORIUM SHOULD REQUIRE THAT ANY MORTGAGE PAYMENTS MISSED DUE TO THE COVID-19 IMPACTS DURING HEALTH EMERGENCY SHALL BE TACKED ONTO THE BACK OF THE MORTGAGE AFTER THE LAST SCHEDULED PAYMENT.”

Councilmember Distelhorst suggested “addressed after the last scheduled payment” rather than “tacked onto the back of the mortgage after the last scheduled payment.” Councilmember Olson agreed.

Councilmember Olson commented it was important that government officials not choose one business or one person over another. This seems to be the fairest approach that keeps landlords from getting completely messed up. There is a thought or stereotype that everyone who owns property is a fat cat or trust fund kid, when in reality property managers are businesses owners just like every other business and choosing tenants over landlords is unfair. Her intent was to encourage the government to be fair in parlaying the difficulties. This is only a recommendation, if the government can come up with another fair solution, she would support that too.

Amendment restated with language suggested by Councilmember Distelhorst and accepted by Councilmember Olson:

AMEND SECTION 2B BY DROPPING THE REST OF THE SENTENCE FOLLOWING “THIS HEALTH EMERGENCY” IN THE SECOND TO LAST LINE AND ADDING A PERIOD AFTER “EMERGENCY” AND TO ADD THE FOLLOWING SENTENCE, “THE FEDERAL MORATORIUM SHOULD REQUIRE THAT ANY MORTGAGE PAYMENTS MISSED DUE TO THE COVID-19 IMPACTS DURING HEALTH EMERGENCY SHALL BE ADDRESSED AFTER THE LAST SCHEDULED PAYMENT.” AMENDMENT CARRIED UNANIMOUSLY.

COUNCILMEMBER PAINE MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AMEND SECTION 3, TO READ, “...MORTGAGE INSURANCE, SUCH THAT NO SUFFICIENTLY IN NEED EDMONDS RESIDENT WHO...”

Councilmember Paine explained her intent was to guide the policy direction to the federal delegation that people may not have a broad income but have wealth in other assets, it would be appropriate to provide guidance language that describes sufficiently in need.

AMENDMENT CARRIED UNANIMOUSLY.

MAIN MOTION AS AMENDED CARRIED UNANIMOUSLY.

8. STUDY ITEM

1. COMMUNITY AND ECONOMIC RELIEF FUND SUMMARY

Economic Development/Community Services Director Doherty said the packet contains an explanation and description of the Community and Economic Relief Program, the title was changed from “fund” to “program.” The COVID-19 crisis particularly affects the elderly, infirm, and individuals and households of lower means who may lack the ability to self-isolate, ready access to health care, food, supplies and other services.

The COVID-19 crisis has had, and will continue to have, a significant impact on the local, state, and national economies, impacting the retail, restaurant and other economic sectors and resulting in economic hardship for small business owners and employees due to loss of business income, layoffs and reduced work hours for a significant percentage of this workforce. The significant impacts felt by local businesses facing shutdowns and/or significantly reduced business operations will directly affect City of Edmonds municipal revenue through lower sales and use taxes, utility taxes and other fees, all of which tangibly will impact and strain the City's future ability to provide necessary and desired municipal services to the Edmonds community.

The City's future ability to maintain acceptable levels of service with regard to various municipal services, including, but not limited to, police, fire, and EMS services, may depend on the extent to which local businesses are able to survive what is expected to be a temporary, but severely harsh, business environment.

In light of the above-cited reasons, Mr. Doherty explained Mayor Nelson responded quickly and decisively, to create the Community and Economic Relief Program as an opportunity to offer financial support to service agencies providing assistance to the elderly, infirm and lower-income residents and households in our community as well as local businesses in need. Financial support to businesses is provided via a program offered by the Chamber Foundation's WISH Fund that pairs an Edmonds business in need of service with another business in Edmonds who provides that service and the WISH Fund provides up to \$1000 for the business providing the service. The program was created with \$200,000 from reallocation of monies within the City's General Fund comprised primarily of savings from departments and foregoing the community survey budgeted for 2020.

In order to act swiftly, effectively and efficiently, the three existing Edmonds agencies most directly engaged in providing direct services to the elderly and infirm, lower-income and food-stressed, and/or small business community were identified as recipients of monies from the Community and Economic Relief Program and Community and Economic Relief agreements have been executed with the Edmonds Senior Center, the Edmonds Food Bank and the Edmonds Chamber Foundation through its WISH Fund. Disbursement of funds pursuant to those agreements will be on the basis of pre-approved categories of expenses incurred, upon production of invoices with detailed back-up information. The maximum amounts that may be disbursed to these agencies, pursuant to these agreements and in keeping with the City's Council-approved Purchasing Policy are, Edmonds Food Bank - \$50,000; Edmonds Senior Center - \$50,000; and Edmonds Chamber Foundation - \$99,999.99. The Agreement for the Edmonds Chamber Foundation is for \$50,000; they have the opportunity to seek an amendment to the agreement for the remaining funds.

Mr. Doherty relayed questions have been raised about, 1) the legality of entering into service agreements that support the infirm, elderly and low-income populations of our city, as well as the small businesses struggling during the State-ordered period of closure of their establishments; 2) the Mayor's authority to enter into service agreements with local service agencies to disburse no more than \$99,999.99 in City funds for these purposes; and 3) the Mayor's authority to transfer funds within the City's General Fund to create the Community and Economic Relief Program. The packet includes the following:

- 1) State Attorney General's Memo of 4/6/2020 in which he clearly states that use of public funds to support the poor, infirm and elderly is a "fundamental purpose" of government by "preserving public health and promoting public welfare." He similarly states that use of public funds to help stabilize small businesses as they struggle during this State-manded closure is permissible if it can be shown that it will help "protect the local economy or promote compliance with public health guidelines" (by enabling them to stay closed).
- 2) Email memo from City Attorney Jeff Taraday, dated 4/20/2020, in which he reconfirms that the Mayor has the authority to transfer funds within the City's General Fund, pursuant to RCW 35A.33.120.

- 3) Email memo from City Attorney Jeff Taraday, dated 4/20/2020, in which he reconfirms that the City's Purchasing Policy provides the Mayor authority to enter into agreements or contracts for goods and services in amounts under \$100,000.

In conclusion, in response to the severe impact of the COVID-19 outbreak, Mayor Nelson acted swiftly and fully within his legal authority to transfer funds from within the 2020 General Fund, resulting from savings achieved in various City departments, to create a Community and Economic Relief Program intended to provide small grants to help address the public health, safety and welfare of the elderly, infirm and low-income in Edmonds, as well as local small businesses which are struggling to stay solvent and hope to be able to open back up in the future.

Mr. Doherty reviewed questions he had received and the response (in italics):

- Confusion over the use of "Fund" in the name. *"Fund" has been changed to "Program."*
- Was a fund number created and if so what is the fund number? How will the auditors review transactions? *No fund number was created, a new account was created within the Non-Departmental budget of the General Fund for Community and Economic Relief Program expenditures.*
- Is a budget amendment necessary and other questions related to the budget overall and how will the auditor trace movement of the money? *A budget amendment is not proposed as it is unnecessary given the Mayor's authority. A specific account for the program was created to provide a paper trail for the auditor.*
- Why is the Chamber Foundations service contract less than \$100,000? *The City Council approved purchasing policy gives the Mayor authority to approve contracts up to \$100,000. In order to avoid any question whether the action was within his authority, the contract is \$0.01 short of \$100,000.*
- Where are the contracts? *Contracts have been provided to Council.*
- How were the three agencies identified and is their administrative overhead also paid for? *In recognition of the urgency of the crisis and trying to get effective relief out as soon as possible, the three existing, recognized agencies that deliver services to seniors, low income and food stressed and small businesses, the Edmonds Food Bank, the Edmonds Senior Center and the Edmonds Chamber Foundation were selected. This avoided a delay in the response by putting out a call for agencies only to discover these three were the most appropriate. The contracts state administrative overhead is not a permissible expense.*

Councilmember Paine thanked staff for the report and expressed appreciation for the speed with which this was put together. Although there was some confusion about fund and program, the fact is this got out there and she applauded the efforts to move so quickly. She acknowledged there would be no administrative fees but asked if there would be any data collection. Mr. Doherty answered yes. Councilmember Paine commented that would be a great way to assess where needs are and potentially identify gaps.

Councilmember Olson referred to an account versus a fund, recalling an earlier item regarding the Homelessness Response Fund which is also a program or special interest and therefore a fund was established. She asked if there was anything other than semantics that made this an account rather than a fund. Mr. Taraday answered the Homelessness Response Fund is actually addressed in the City code and specifically states money cannot be transferred out of the fund without adoption of an ordinance by the City Council.

Councilmember Olson said it was her understanding that in terms of the spirit any account or fund, the RCWs state this should originate with City Council. Mr. Taraday responded the difference is the Homelessness Response Fund is a separate numbered sub-fund that cannot have transfers in or out without a Council ordinance. The money that this program is funded with is General Fund money and according

to the statute included in his email, the Mayor has the authority in the absence of any Council imposed regulation to move money within the General Fund which this program does.

Councilmember Paine asked whether the agencies would provide anecdotal information about gaps. Mr. Doherty answered the contract requires a report but did not specify providing information about gaps. He will ask the agencies to provide that information. The City has already gotten some input, today the Chamber presented a list of 35 grants they have already given via the WISH Fund. That is not exactly 70 businesses, because there is some repetition where a business may provide services to different clients. At least 60 businesses have benefitted from the Chamber's WISH Fund. The Food Bank has been able to be more robust in its response to the increased need; because donations are down, they are buying more food which requires storage and they purchased a refrigerated truck.

Regarding the funds allocated to help small business through the Chamber Foundation's WISH Fund, Councilmember L. Johnson asked what outreach will be done to ensure this is available to small businesses across Edmonds. She understood Chamber members will probably have a heads up, but she assumed it was available to non-Chamber members. Mr. Doherty answered it is 100% available to all businesses; there is no requirement be a Chamber member. The City has tried to use available media and can explore more. It has been covered in both print and digital media as well as Facebook. The Chamber has also put it on their Facebook and the downtown organizations such as Ed! and DEMA have shared that information. Staff continues to look at ways to expand that outreach. Councilmember L. Johnson asked him to monitor it and if he sees a disproportionate number from the downtown core or Chamber members, to reach out to other business populations. Mr. Doherty agreed.

Councilmember Buckshnis commended Mr. Doherty on his summary and his response to her questions. She relayed a lot of citizens, 10-15, have contacted her about this. She relayed citizens questions about why these three were chosen, that the food bank gets a lot of money and it does not serve only Edmonds residents, and people preferred the money go to a specific Edmonds organization. Mr. Doherty answered the Edmonds Food Bank is the professional in the room when it comes to distributing food; they have the operation, the capacity, volunteers, and infrastructure to make it work. He assured the majority of people using the food bank are from Edmonds. He met with one of the food bank representatives to understand their situation and it was really dire; donations had nearly ceased entirely, they encountered retail shelves empty of products they needed and although they had some reserves, they were quickly depleted. It made the most sense to use the organization with most experience and to do so right away.

Mr. Doherty said for the small business community, the Chamber is the most appropriate organization. Councilmember Buckshnis said many citizens thought the money should go to the Chamber. Mr. Doherty said the Chamber is not set up to do food distribution like the food bank is. The Senior Center is the best organization to address the needs of seniors. The Senior Connect Project provides home delivery for lunch 7 days a week, grocery shopping and delivery, help with exterior home chores (an essential service for the elderly so they do not attempt to do the work themselves), weekly check in calls, weekly livestream classes, technical support, phone counseling with a social worker, phone consultation with a registered nurse, and other resources and referrals. Councilmember Buckshnis said it would have been helpful to have the contracts in the packet because a lot of people are asking questions.

Councilmember Buckshnis recommended this come through as a budget amendment for transparency. She relayed her concern with reducing seasonal Parks Department labor, commenting many parks still need the grass cut and other maintenance. If there is a budget amendment, citizens can see it and talk about it and the Council may want to revise the budget to put seasonal workers back in. She thanked Mr. Doherty for the packet and the explanation.

Councilmember Distelhorst asked if the outreach to small businesses had been only in English. Mr. Doherty said he thought the answer was yes but there were two recently notifications in other languages. He will look into that. The City has been translating some of the most important notices into five languages such as the governor's order and availability of small businesses grants. Councilmember Distelhorst thanked Mr. Doherty and Mayor Nelson for their work on this, important work addressing multiple groups in the community, and for providing the report, contracts and increased transparency.

Councilmember Paine agreed with Councilmember L. Johnson's comments. She suggested information provided by the City's business permits may be a way to distribute information.

Council President Fraley-Monillas thanked Mayor Nelson for thinking outside box and moving so quickly to address the needs of seniors, the food bank and small businesses. She has not received any calls from citizens regarding distribution of these funds and several Councilmembers indicated they not received calls either which means there is not a widespread concern. She commented approximately 50% of the businesses and restaurants on Highway 99 have closed and will not reopen until further notice and probably some will go out of businesses. She suggested outreach to the small businesses on the corridor to determine what they need, recognizing that language is an importance piece because English is not the first language for a number of the businesses and restaurants on Highway 99. She recognized a number of downtown businesses have closed but probably not half.

Councilmember Olson said the spirit of the contracting authority limit was having the Council involved and collaboration. The Council may want to look at regulations that would provide a more direct path or even if the Mayor was not legally required to come to the Council, that there would be conversations between Council and Mayor in the spirit of collaboration. Councilmembers put a lot of time and thought into what's good for the community and they can provide value and the community can benefit from their involvement. She appreciated Mayor Nelson's quick action and his hard work and hoped the Council, who are also interested in quick action to benefit the community, could be more involved in the future.

Council President Fraley-Monillas pointed out Mayor Nelson has a \$100,000 limit. During former Mayor Earling's tenure, the limit was \$50,000 and it was increased to \$100,000 which is an appropriate amount. The Mayor needs to have some flexibility to do things. Perhaps better communication would help in the future, but that does not mean the Mayor can do whatever he wants because there is a spending limit.

Councilmember Olson said her point was the three different allocations were collectively over \$100,000 and she was unsure that lived up to the spirit.

Council President Fraley-Monillas invited Mayor Nelson to comment. Mayor Nelson said people are suffering now from food shortages, seniors are suffering from the virus and being at risk of the virus, and businesses are closed now due to government order. The actions that were taken were an effort to address the crisis as swiftly as possible. He agreed there were lessons learned, but the goal was to provide immediate aid the best way he could in a crisis. He acknowledged there were other options but those would have taken significantly longer. The City could wait for other entities, the state or the feds to do something, but the actions the City is taking to help people is an important message. Whether it is the ordinance proposed by Councilmember Distelhorst or this program, it is important that the City take action. This is initial funding in response to a crisis; the Council can add to it which he would fully support.

9. MAYOR'S COMMENTS

Mayor Nelson commented as funds become available, it is important that the budget and actions are reflective of the City and he encouraged Councilmembers to look through that lens. He looked forward to collaborating with the Council about emergency funds from the federal government and plans to disburse them.

10. COUNCIL COMMENTS

Council President Fraley-Monillas said she was charged with putting a committee together to discuss the use of the \$1.26M the City will receive. She invited Councilmembers to email her to volunteer and she would draw names if several volunteered. Mayor Nelson clarified it will be a task force comprised of Councilmembers and City staff who will make a presentation to Council.

Councilmember Distelhorst thanked Mayor Nelson and the Council for their support and leadership for Edmonds residents. This process will be a long one and even with the governor's easing of some limited outdoor recreation, he urged residents to keep the health and safety of their families and neighbors a top priority to prevent the curve from going back up. The economic impacts of this crisis will continue mounting the longer it goes on. He was glad the Council took action tonight to encourage relief on rent and mortgage by state and federal authorities, noting the Council may need to continue advocating on behalf of residents, businesses and nonprofits. He looked forward to hearing from Ms. Hope and Mr. Doherty regarding how the money from the Homelessness Response Fund is being administered and how they are helping those most in need during this crisis. The Recovery Task Force met with staff yesterday for the first time and he looked forward to continuing to work with them to discuss how to come out of the Stay Home, Stay Safe orders.

Councilmember K. Johnson expressed her thanks to everyone in the City for maintaining social distancing and keeping the COVID-19 virus under control. In comparing Edmonds' statistics with Lynnwood, which is about the same size as Edmonds, Edmonds has about half the number of cases and significantly fewer deaths. She recognized it takes the whole community together to combat the virus.

Councilmember Buckshtnis agreed it was not time to reopen and she preferred to let other states reopen and see what happens. Things are still worrisome, but she was glad some construction has reopened. As a founding member of dog park, she said the dog park is closed. She referred to the dog park newsletter that addresses COVID-19 and introduces the City's new Parks & Recreation Director. There are plenty of places to walk dogs such as in neighborhoods, the trails of Hutt and Yost, and on Sunset. She urged everyone to stay safe and healthy and to walk their dogs.

Councilmember Olson said she has seen some disturbing things on social media during the last week. She emphasized this is a very serious health crisis. As soon as there is a safe approach to businesses and recreation activities, she requested the Mayor and Governor release them from the mandate. Exercising pets is working well for those who are ambulatory, but she suggested consideration be given to opening the dog park for people who aren't ambulatory; perhaps limiting the dog park to those who are disabled would be a way to limit the number of people. To the extent that things can be opened, they should be opened in safe, socially distanced ways that conform with the mandates. She gave a shout out to her fellow Councilmembers, commenting it had been a terrific week and a great meeting. Everyone was super well prepared and put in a lot of thought and brought up good points in discussions.

Councilmember L. Johnson recognized the loss of 21 Edmonds residents to COVID-19 virus, a sorrowful loss for the entire community. With a population of 42,000, that is 1 life lost for every 2,000 residents and unfortunately it will probably go higher. People have some control over how high it goes; staying home saves lives. She implored everyone to continue abiding by the Stay at Home order and not let their restlessness and reckless choices undo these efforts. Continue to protect the health of your family and our community; stay safe and be well.

Councilmember Paine said she was happy with tonight's meeting; the Council focused on the community's well-being and its needs. She encourage everyone to take advantage of the programs they qualify for if they were in need. There is no shame, this has never been seen before and will likely last longer than most are

comfortable with. She encouraged the public to ask for help if they needed help and to inform the City if there are any gaps. The Council is limited in what it can discuss at meetings and perhaps the governor will address that soon. She encouraged the public to ask for help with food, housing needs, utilities, yard work, etc. to ensure residents and the community get through this in as graceful and as healthy a way as possible which means keeping safe distances, limiting trips to the store, and being safe and thoughtful.

Student Rep Bauder hoped everyone was doing well and staying safe, commenting a big part of staying healthy is getting a lot of sleep.

11. ADJOURN

With no further business, the Council meeting was adjourned at 9:06 p.m.

4/27/20 Ken Reidy, Subject: Additional Public Comment for April 28, 2020 City Council Meeting
I find it to be of great concern that over 90% of the money budgeted for Homelessness Response and Opioid Response sat untouched for such a long time and that 40% of it (\$200,000) was eventually transferred to the Marsh Restoration and Preservation Fund. Page 68 of the 2019 Adopted Budget states the following:

Function: The Edmonds Opioid Response Fund (019) was established through Ordinance No. 4105 effective April 6, 2018. The fund was established to provide moneys with which to alleviate the problem of opioid addiction in Edmonds and the surrounding area. **2019 Budget Changes:** Council amendment added \$200,000 for a transfer to the Marsh Restoration Fund. I encourage others to read the December 5, 2017 City Council Meeting Minutes which include powerful Audience Comments about these issues. One Audience Comment made by a current Councilmember before she was on Council (Laura Johnson) discussed: "In June 2016 homelessness was one of the top five ideas at Mayor Earling's town hall. In August 2017, Mayor Earling announced appointments to a housing strategy task force, stating many groups in the region are working on housing and homelessness issues and the City needed its own approach, one that recognizes good examples from others but tailored to our community, our people and our needs. It has been a slow start locally to begin discussing these issues and once the task force presents its findings this spring, funds will be needed to begin implementation." Funds were allocated and the great majority of the funds have remained unused. **How is that possible?** Councilmember Luke Distelhorst is now proposing a transfer \$100,000 from the existing Homelessness Response Fund to assist Edmonds residents on limited incomes who have been financially impacted by the COVID-19 outbreak. Funding would come from a transfer of up to \$100,000 from the existing Homelessness Response Fund. The City Council agenda packet for tomorrow's April 28, 2020 Council meeting confirms that \$225,443 of the original \$250,000 remains unspent in this fund (General Fund, Edmonds Homelessness Response Subfund 018). I salute Councilmember Distelhorst's efforts to actually get this money in the hands of those who need it. At the same time, I must ask: Why did it take a pandemic to start the flow of this money to people who need it? Homelessness problems were well known long before the Covid-19 outbreak, and the money was budgeted. As stated earlier: In June 2016 homelessness was one of the top five ideas at Mayor Earling's town hall. In addition, during the same time period the great majority of this budgeted money sat by unused, the City violated the City's street vacation Either:OR law. **City Council charged Westgate Chapel \$92,610 PLUS made Westgate Chapel grant multiple easements to 3rd parties. ECDC 20.70.140.A.3. clearly says that it is Either:OR.** Edmonds City Government had no legal right to require **BOTH** – the law is clearly **Either:OR**. Just think of the good Westgate Chapel could have done with their \$92,610 plus all the money they had to spend preparing the multiple 3rd Party easements required by City of Edmonds Government, etc. **I suspect available funds would not have sat by unused.** Westgate Chapel Emergency Services is wholly funded by donations of the Westgate Chapel family and the greater Edmonds, Washington community and is a member of the Snohomish County Food Bank Coalition which is made up of twenty food banks in our county. Westgate Chapel Emergency Services is a 501(c)(3) nonprofit organization. Each week Westgate Chapel Emergency Services operates a food and clothing bank for the less fortunate in the greater Edmonds community. The food Westgate Chapel Emergency Services distributes is donated by Northwest Harvest, Food Lifeline and the United States Federal Commodities Program. In addition, food, clothing and household items are donated by the Westgate Chapel congregation and the greater Edmonds community. Westgate Chapel Emergency Services also purchases food when donations are not enough. In addition to food and clothing, Westgate Chapel Emergency Services also provides some financial

assistance, gasoline and community transit vouchers for appointments or job searches and/or grocery vouchers for specialized needs.

4/26/20 Finis Tupper, Subject: Community and Economic Relief Fund.

FACT: There is no Community and Economic Relief Fund in the adopted 2020 City of Edmonds Budget.

FACT: There are no agreements for services between the City of Edmonds and the Edmonds Chamber of Commerce, Edmonds Senior Center and the Edmonds Food Bank. FACT: City never solicited services for the poor and infirmed. State Law RCW 35A.33.120: Transfers between individual appropriations within any one fund may be made during the current fiscal year by order of the city's chief administrative officer subject to such regulations, if any, as may be imposed by the city council. Notwithstanding the provisions of RCW 43.09.210 or of any statute to the contrary, transfers, as herein authorized, may be made within the same fund regardless of the various offices, departments or divisions of the city which may be affected. RCW 42.24.080 - Municipal corporations and political subdivisions--Claims against for contractual purposes--Auditing and payment--Forms--Authentication and certification. All claims presented against any county, city, district or other municipal corporation or political subdivision by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose, shall be audited, before payment, by an auditing officer elected or appointed pursuant to statute or, in the absence of statute, an appropriate charter provision, ordinance or resolution of the municipal corporation or political subdivision. Such claims shall be prepared for audit and payment on a form and in the manner prescribed by the state auditor. The form shall provide for the authentication and certification by such auditing officer that the materials have been furnished, the services rendered or the labor performed as described, and that the claim is a just, due and unpaid obligation against the municipal corporation or political subdivision; and no claim shall be paid without such authentication and certification

Washington Constitution Article VIII, Section 7 of the Constitution of the State of Washington states: No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company, or corporation, except for the necessary support of the poor and infirmed. The Council must ignore controlling constitutional, statutory, and common law authority to hold the Community and Economic Relief Fund was properly created. It would be unconscionable for City Council to ignore the plain meaning of the words in our State Constitution and State laws. What is a gift? Giving something or money with no strings attached. First off Mayor Nelson lacks authority to create a fund without the benefit of an adopted city ordinance. There is no Community and Economic Relief Fund in the Edmonds 2020 Budget. The Mayor lacks authority to decide who gets to receive public funds. Prior to any transfer of public taxpayer funds for services requires bargained for services and documentation of those services to be provided. The City Attorney alluded to agreements in his memo to the Council. I have requested those agreements with no result from the City Clerk. There are no agreements in the Agenda packet. Where are the agreements? The purpose of this requirement is to prevent fraud and misuse of the public funds. Edmonds municipal government is a democracy not a dictatorship. If the Council truly believes there is a public need to support the poor and infirmed please start this process over: Create an ordinance, solicited bids, evaluated the organizations and plans to use those funds, require a written agreements and documentation of the expenditures. Please City Council take charge of this situation, failure to do otherwise would be abdication your legislative responsibility.

4/26/20 Ken Reidy, Subject: Additional Public Comment for April 28, 2020 City Council Meeting

For another window into **fundamental purpose of local government**, I encourage the 2020 City Council to read the following portion of the December 5, 2017 City Council Meeting Minutes. After doing so, please research **how much of the money was actually used for its purpose** between 1/1/2018 and 12/31/2019. Best I can tell, truly little of the \$500,000 total has ever been used for homelessness and/or opioid response. Was only \$1,862 spent out of Funds 018 and 019 in all of 2019? It looks like the greatest use of these funds was a \$200,000 transfer to the Marsh Restoration & Preservation Fund. The 2019 budget is inconsistent, showing this \$200,000 transfer came from the Edmonds Homelessness Response Fund in some places and showing it came from the Edmonds Opioid Response Fund in other places. For example, please see page 21 of the 2019 budget which shows the \$200,000 came out of the Edmonds Homelessness Response Fund. Page 35 of the 2019 budget shows the \$200,000 came out of the Edmonds Opioid Response Fund. Page 20 of the 2019 budget calls both Funds 018 and 019 the Edmonds Opioid Response Fund. The following Meeting Minutes also show an understanding of a need to create funds like the Marsh Restoration & Preservation Fund, Homelessness Response Fund and Opioid Response Fund **via Ordinance**. Please also note discussion of **Council involvement** approving distributions. **Can a Mayor really create a fund by himself, transfer funds to it and decide which third parties get the money – all without involving the City Council?** Add New Regional Homeless Fund

COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO FUND A REGIONAL HOMELESS FUND FOR \$250,000. COUNCIL PRESIDENT MESAROS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO AMEND THE MOTION TO REDUCE THE AMOUNT TO \$150,000 TO BE SET ASIDE FOR THE HOMELESS AND USED IN CONJUNCTION WITH THE RECENT \$1 MILLION ALLOCATED BY SNOHOMISH COUNTY AND THAT NO FUNDS BE DISPERSED WITHOUT A SPECIFIC VOTE OF THE CITY COUNCIL. Council President Mesaros referred to Snohomish County's allocation of \$1 million which represents \$1.26/resident which includes Edmonds residents. His amendment to allocate \$150,000 increases that to \$3.75/Edmonds resident, a generous amount from citizens toward this problem. As mentioned by several speakers, this needs to be done in conjunction with neighboring jurisdictions and he was hopeful other jurisdictions would respond in kind so this could be a region-wide effort rather than just Edmonds as much more can be accomplished working together. Councilmember Tibbott expressed support for the amendment. As mentioned last week, he would like to have more particulars regarding the plan, especially the specific deliverables from whatever grant mechanism is used. He recognized the need for homeless services; his family has a formerly homeless youth living at his house and he has been a great addition to their household. There are many ways that private citizens can be involved in providing help and services to those in need. He summarized \$150,000 was a great start and if programs are proposed for funding that have specific deliverables and are meeting needs, an amendment could be proposed to increase funding. Councilmember Fraley-Monillas encouraged the Council to vote the amendment down to allow her to describe what the \$250,000 would cover. She was prepared to offer a long list that was developed in consultation with a number of resources in Snohomish County. Councilmember Teitzel expressed support for the amendment as he shares Councilmember Tibbott's concern regarding the need for more detail about how the funds would be used. The funds are precious taxpayer money and the Council must ensure they are invested wisely. There are many agencies focusing on homelessness including Snohomish County, AHA, and the faith community which includes his church. He preferred an integrated, synergistic effort that includes a framework regarding how the funds would be spent so that the issue could be aggressively attacked. As Councilmember Tibbott mentioned, the amount can always be increased once the framework is established.

Councilmember Johnson referred to the phrase in the motion that the City's effort would be tied to what Snohomish County is doing, pointing out southwest Snohomish County is very different from Everett and Marysville and she envisioned whatever funds the City allocated would be spent in this area and not dispersed throughout Snohomish County. **UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCIL PRESIDENT MESAROS AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING YES; AND COUNCILMEMBERS JOHNSON, NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING NO.** Councilmember Fraley-Monillas commented \$250,000 is really a drop in the bucket compared to the \$35 million that Seattle allocated to the homeless issue and the large amount allocated by Everett. She highlighted what the \$250,000 could purchase: establish a human services work group which will require staff time and money which she envisioned as a contract. She already has a number people who have volunteered to serve on the work group from organizations that serve the very low income and homeless. Some think the funds should be used to purchase land to provide housing. She assured no one had all the answers; if they did, there would not be homelessness in the streets. She proposed the City begin working on a solution and if there are funds left over, great. She agreed the issues in south Snohomish County were different than in north or central Snohomish County. In talking with surrounding cities about assisting in this issue in the long term, there has been very good response and interest in moving forward. Councilmember Fraley-Monillas encouraged the Council to support \$250,000, assuring it would not be spent willy-nilly because Mr. James would ensure the funds were appropriately spent. She suggested putting together a small group of people, to include Council and staff, to figure out how to move forward in an organized manner to take a really good look at homelessness. Councilmember Nelson said while specifics are not where some would like, this is a first step. Every project is measured by whether it is funded. He did not pretend to have all the ideas to solve the problem, but he knows homelessness and the opioid crisis is costing the City and its citizens dearly. This needs to be addressed not with words but deeds; the intent is to set aside \$250,000 to begin working on this next year. If not all of it is spent, that is okay but he favored setting aside the funds to begin. Councilmember Teitzel supported aggressively getting after the issue of homelessness; it is a crisis and something needs to be done. The City Council could aggressively pursue ADU policies that would free up mother-in-law apartments to provide low income housing, or zoning changes that would allow tiny homes to be placed in backyards to house a homeless person. The Council has been very slow on the trigger on such changes. If funds are needed, a mid-year budget amendment could be approved to fund efforts to address homelessness. He encouraged the City to work on plans to address the issue and to get people off the streets. He was conflicted; by voting no, it appeared he did not support addressing the homelessness issue which he does, but he felt this was the improper process. Council President Mesaros said he will support the motion because although he disagreed with the amount to be allocated, he agreed with the principle. As Councilmember Teitzel mentioned, the Council can do much more than allocate funds. His church in Seattle has constructed a tiny house on its property; after being red flagged and fighting City Hall, they are working toward completing it to house a homeless individual. He was hopeful houses of worship in the City would have that opportunity as well as the City doing something to facilitate the permitting of ADUs. Councilmember Tibbott was unclear how the funds would be dispersed and had not yet heard how the Council would be involved in the disbursement. He has heard possibly a small group or that the Finance Director will oversee it, but he wanted to know whether Council approval of disbursements would be required. Mr. James suggested a transfer to Homeless Fund to be created via ordinance rather than add a New Regional Homeless Fund," The Council could then create the fund next year and determine how funds would be spent.

COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS,

TO AMEND THE MOTION TO REFLECT MR. JAMES' SUGGESTION (TRANSFER TO HOMELESS FUND TO BE CREATED VIA ORDINANCE). Councilmember Buckshnis commented this would be similar to the Edmonds Marsh Restoration Fund. The Council put aside funds for the marsh with the same thought, to move it forward and there are now over \$500,000 in grant funds. She agreed with working on an ordinance next year. Councilmember Johnson asked if that would be accomplished via a budget note. Mr. James said the amendment would be renamed transfer to a fund to be created after the first of the year. Councilmember Johnson remarked all Councilmembers are in favor of the idea but not the amount; one amendment proposed to reduce it to \$150,000, the proposal is \$250,000, added together and divided by 2 is \$200,000. Councilmember Fraley-Monillas thanked Councilmember Buckshnis for her comments about the marsh, She agreed the Council put aside \$200,000 for marsh restoration; the least the Council could do is save the lives of women and children and families living in the streets for \$50,000 more than was allocated to the marsh. **AMENDMENT CARRIED UNANIMOUSLY. UPON ROLL CALL, MAIN MOTION AS AMENDED CARRIED (5-2), COUNCILMEMBERS JOHNSON, NELSON, FRALEY-MONILLAS, AND BUCKSHNIS AND COUNCIL PRESIDENT MESAROS VOTING YES; AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING NO.** Add New Regional Opioid Response Fund Mr. James suggested a similar amendment to create a transfer to an Opioid Fund to be created next year via ordinance. **COUNCILMEMBER NELSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO TRANSFER FUNDS TO A REGIONAL OPIOID RESPONSE FUND TO BE CREATED BY ORDINANCE NEXT YEAR.** Council President Mesaros said although he agreed with setting aside funds, the idea has less definition than the previous Homeless Fund. **COUNCIL PRESIDENT MESAROS MOVED, SECONDED BY COUNCILMEMBER TEITZEL, TO AMEND THE MOTION TO ALLOCATE \$150,000 FOR AN OPIOID RESPONSE FUND.** Councilmember Fraley-Monillas encouraged the Council to defeat the amendment to allow her to explain how the funds could be used. Councilmember Teitzel commented the process is inverse from what it should be. He supported the opioid response issue because members of his family as well as members of friends' families have been effected. He agreed it hurts and is a serious problem, a crisis and epidemic that needs to be addressed. However, he wanted assurance the City was spending taxpayers money wisely which requires at least a framework of a plan. He planned to support an upcoming amendment to provide funding to the Health District which would be used in part to support the opioid response issue because it includes some details. He was unable to support the \$250,000 request without that level of detail. He could support a reduced level with the knowledge funding could be increased if necessary. **UPON ROLL CALL, AMENDMENT FAILED (3-4), COUNCIL PRESIDENT MESAROS AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING YES; AND COUNCILMEMBERS JOHNSON, NELSON, FRALEY-MONILLAS AND BUCKSHNIS VOTING NO.** Councilmember Fraley-Monillas explained south Snohomish County has specific issues that are unlike other parts of Snohomish County, opioid addiction behind closed doors, in homes schools, businesses, not in the streets like in the rest of Snohomish County which makes it much more difficult to reach people. She proposed creating a south Snohomish County response to the opioid addiction to analyze the impact of the opioids specifically in south Snohomish County (Snohomish Health District will assist with providing data at no charge), analyze assessment and development of an action plan (action may include partnerships, prevention, treatment options, recovery, leverage combined with other opportunities and programs occurring in Snohomish County), and implement the action plan. One of the issues with opioid addiction is housing and treatment of which there are none in Snohomish County other than emergency rooms. This is a good start and something the Council can do. If the Council believes that people need help, she encouraged them to support this fund and work toward a south

Snohomish County commission with contract staff during the next year and get information out about opioid addiction. **UPON ROLL CALL MAIN MOTION CARRIED (5-2), COUNCILMEMBERS JOHNSON, NELSON, FRALEY-MONILLAS, AND BUCKSHNIS AND COUNCIL PRESIDENT MESAROS VOTING YES; AND COUNCILMEMBERS TEITZEL AND TIBBOTT VOTING NO.**

4/25/20 Ken Reidy, Subject: Public Comment for April 28, 2020 City Council Meeting

The following Public Comments are submitted respectfully in the hope that they may promote a change to the culture that has been existed within City of Edmonds government for years. Culture evidenced by the fact that the last email response I received from an Edmonds Mayor was on March 9, 2012. Culture evidenced by the fact that City Directors and City Councilmembers do not respond to all my emails either.

The culture I am referring to is the culture that thinks it okay to "**push the issue**" due to so called "**liability issues**" rather than simply complying with the Policies adopted by City Council. The culture I am referring to is the culture that refuses to correct past violations of adopted City Policies by Mayors, City Staff or City Council and refuses to make harmed citizens or organizations whole.

If offering financial support to service agencies who provide assistance to the elderly, infirm and lower-income residents and households and small businesses in our community is a fundamental purpose of local government, why did Mayor Mike Nelson need to try and **create** a **NEW** "Community and Economic Relief Fund"? **Why wasn't this Relief Fund in place and budgeted for long ago?** My belief is that the City's conduct documented in Ordinance No. 4061 is a more accurate reflection of what City of Edmonds Government views a fundamental purpose of local government. History shows that City of Edmonds government chose to act contrary to the City's Street Vacation laws and charged Westgate Chapel \$92,610 **PLUS** made Westgate Chapel grant multiple easements to 3rd parties. **City of Edmonds government chose to do this even after I stated the following during the November 1, 2016 Public Hearing:1. "Why should an applicant have to pay for and provide an appraisal with the application BEFORE the City Council has even discussed granting the petition and/or whether or not to require compensation? Perhaps the applicant should be REIMBURSED for this expense."**

2. "I strongly support **NOT** charging the applicant \$92,610 related to this street vacation. I think it would be **WRONG** to do so." 3. "Why charge the property owner now when staff has **FOUND** that the vacation of those same easement rights **is** in the **PUBLIC INTEREST**?" 4. "Please treat this applicant fairly. The vacation is already in the **PUBLIC INTEREST** and that should be **PLENTY** without the need for \$92,610 more." 5. "Conditions include the provision of easements to Olympic View Water and Sewer District as well as to other vague, unidentified entities. I'M NOT SURE WHY WE ARE DOING IT THIS WAY instead of just simply following State law by the City **itself** **RETAINING** an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services?" Regarding item 1 above, my request that the applicant be reimbursed for the appraisal expense was reasonable considering Ordinance No. 3647. Ordinance No. 3647 deducted the cost of the related appraisal (\$3,750) from the compensation required. **Why was Westgate Chapel treated differently?** The approved November 1, 2016 City Council Meeting Minutes show that **not one citizen** showed up to the Public Hearing to ask City Council to charge a penny of compensation for this street vacation, let alone the full tilt price of

\$92,610. Furthermore, **not one citizen** showed up to support requiring Westgate Chapel to grant easements to third parties. **As such, why did City Council charge Westgate Chapel \$92,610 PLUS make Westgate Chapel grant multiple easements to 3rd parties? ECDC 20.70.140.A.3. clearly says that it is Either:OR.** Edmonds City Government had no legal right to require **BOTH** – the law is clearly **Either:OR**. Making all of this even worse, efforts are being made from **outside the legislative branch** of our City Government to remove the **Either:OR** law from our Code. The **Either:OR** law reflects the legislative intent of the elected officials who adopted it. The people from **outside the legislative branch** of our City Government are doing this even though Planning Board recently recommended keeping the **Either:OR** law. Contrary to the Planning Board’s recommendation and previously adopted **POLICY**, City Staff recommends an amendment to City Code allowing City Council to require **BOTH** monetary compensation **AND** the retention of easements (i.e. utility easements) as conditions to a Street Vacation. The current City Code allows **Either** compensation: **OR** the retention of easements. **City Staff and the City Attorney are NOT our Policy Makers.** As such, why are they recommending action different than what Policy Makers previously adopted **and** different than what the Planning Board recommends? Please review the following comments made by City Attorney Jeff Taraday during the August 14, 2019 Planning Board Meeting. His comments relate to another proposed amendment, doubling of compensation in certain situations, but I think the comments provide a window into one view of the fundamental purpose of local government: Taraday - 1:23:10 mark of Planning Board Meeting: “I represent the City of Edmonds. I’m here to advance the interest of the City of Edmonds, not individual property owners.” Taraday - 1:23:18 mark of Planning Board Meeting: “So, if I see that State Law allows the City of Edmonds to collect more money for a street vacation than it is currently collecting, it is my job as the City Attorney to make that option available to the Policy Makers and let them decide whether they want to adopt that into their Code or not....but we are leaving money on the table right now...that is the bottom line. Now, Policy Makers may decide that it is good to leave money on the table – that’s a policy decision – but I’m telling you we are leaving money on the table. So, I feel an obligation to bring that forward and let the Policy Makers make a decision about whether that is a good thing or not.” **PLEASE NOTE:** Policy Makers already decided **long ago** what were **good things**. **State Law has not changed**, yet the City Attorney and City Staff are recommending changes. Again, please appreciate, we do not elect the City Attorney or City Staff to make Policy. Just think of the good Westgate Chapel could have done with their \$92,610 plus all the money they had to spend preparing the multiple 3rd Party easements required by City of Edmonds Government, etc. Westgate Chapel Emergency Services is wholly funded by donations of the Westgate Chapel family and the greater Edmonds, Washington community and is a member of the Snohomish County Food Bank Coalition which is made up of twenty food banks in our county. Westgate Chapel Emergency Services is a 501(c)(3) nonprofit organization. Each week Westgate Chapel Emergency Services operates a food and clothing bank for the less fortunate in the greater Edmonds community. The food Westgate Chapel Emergency Services distributes is donated by Northwest Harvest, Food Lifeline and the United States Federal Commodities Program. In addition, food, clothing and household items are donated by the Westgate Chapel congregation and the greater Edmonds community. Westgate Chapel Emergency Services also purchases food when donations are not enough. In addition to food and clothing, Westgate Chapel Emergency Services also provides some financial assistance, gasoline and community transit vouchers for appointments or job searches and/or grocery vouchers for specialized needs. I find it disingenuous that Edmonds City Government would profess care for the elderly, infirm and lower-income residents and households after what the City Government did to Westgate Chapel. Westgate Chapel has been aiding those less fortunate for decades. Westgate Chapel did not need to **create** a **NEW** “Community and Economic Relief Fund”. **Westgate Chapel had its first worship service on June 7, 1959 and has been providing relief in our community for decades!** Next, the City Council Agenda

Packet is once again **incomplete**. The 3 detailed Community and Economic Relief Services Agreements are missing. I believe an Open and Transparent Government provides these documents so that the City Council and the public can see what terms Mayor Nelson agreed to. When were the 3 agreements executed? Where are these “service agreements” that Mayor Nelson entered into? **Did City Council ever contemplate adopting policy that the City needed to seek out such “service agreements” instead of providing the relief directly?** Does the Service Agreement entered into with the Edmonds Chamber Foundation require the Chamber to identify the specific economic benefits that the public will receive from the grants or loans? What happens if more than \$100,000 is needed? Will Mayor Nelson’s agreements have to be voided so Council can authorize entering into new agreements that exceed the Mayor’s purchasing limit? The related Narrative claims that *“the three existing Edmonds agencies most directly engaged in providing direct services to the elderly and infirm, lower-income and food-stressed, and/or small business community were identified as recipients of monies from the Community and Economic Relief Fund”*. While all 3 are valuable agencies, is that an accurate representation? If this is why the 3 agencies got the money, please require documentation proving that these 3 are *the three existing Edmonds agencies most directly engaged in providing direct services to the elderly and infirm, lower-income and food-stressed, and/or small business community*. Was a study done to prove this? If not, maybe the money would be more efficiently utilized by other nonprofit organizations. Would not an application process have helped to determine who best to provide these funds to? Next - the City Council Agenda Packet does not contain copies of Ordinances No. 4104 or No. 4105, both adopted while current Mayor Mike Nelson was City Council President. Had even one of the Ordinances been included in the City Council Agenda Packet, the 2020 City Council could have easily seen what has been done before to create a new fund within the General Fund and transfer money to it. ECC 3.85.010 “Homelessness Response Fund” clearly shows that the administrative services director needs to be authorized to create and number a new fund. History and Ordinances No. 4104 or No. 4105 shows that this authorization is done **via Ordinance**, something Mayor Nelson cannot do on his own. Once City Council has authorized the creation and numbering of a new fund, it may be supported by a transfer from other unexpended or decreased funds made available **by Ordinance**. Please consider the need to bring forth a request for City Council to authorize the creation and numbering of a new fund to be known as the Edmonds Community and Economic Relief Fund. If such is authorized and funds are made available **by Ordinance** or supported by future budget appropriations, please clarify who can apply for the related funds and how it will be decided who the funds are given to. Please do all you can to insist we remain a mayor-council plan of government as currently required by Ordinance No. 1513. Please do what you can to promote an improved culture within City of Edmonds government.