

**EDMONDS CITY COUNCIL
VIRTUAL ONLINE MEETING
APPROVED MINUTES
May 5, 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

Linda Coburn, Municipal Court Judge

STAFF PRESENT

Phil Williams, Public Works Director
Scott James, Finance Director
Rob English, City Engineer
Bertrand Hauss, Transportation Engineer
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

Councilmember K. Johnson 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

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, 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

COUNCILMEMBER PAINE 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 28, 2020**

2. **APPROVAL OF CLAIM CHECKS AND WIRE PAYMENT**

7. **ACTION ITEMS**

1. **WASTEWATER TREATMENT, DISPOSAL AND TRANSPORT CONTRACT EXTENSION**

Public Works Director Phil Williams explained the request is a 3-month extension of a 3-year agreement that first began in 1988 that would have expired May 17, 2018 and was extended for 2 years on May 17, 2020. There is still no successor agreement that has been agreed to by all the parties - Edmonds, Mountlake Terrace, Olympic View Water & Sewer District, and Ronald Sewer District which is essentially Shoreline although the Ronald Board continues to meet and they have one contract employee. Shoreline has its own feelings about the 3-year contract extension to allow all the ongoing litigation which is likely headed to the Washington State Supreme Court to be resolved. It would be helpful to have the issue of control of nitrogen as a nutrient into Puget Sound included in Edmonds' permit for discharge.

Mr. Williams said the preference was to extend the agreement for 3 years; but with COVID-19 and the resultant limitation on OPMA requirements and not being able to hold a public meeting, issues the Council considers must be necessary and routine. Renewing a 3-year agreement would not meet the definition of routine and a 3-year agreement is not necessary at this time. If a 3-month extension is approved, efforts will continue with regard to getting the overall agreement approved and there will potentially be more information regarding the litigation at that point.

Councilmember K. Johnson asked about the change at the treatment plant from burning to a new generation. Mr. Williams answered that is another transition that is just beginning; he plans to come to the Council soon to provide the status on the incinerator replacement project. All the treatment plant partners are well aware of that project, have been continuously briefed and there is no disagreement with it. The nutrient project is not of same magnitude cost wise, but it is also not an inexpensive project. He will provide an update on that project at an upcoming committee meeting, potentially the May 12th meeting, when more is known about the project and the fixed costs. He anticipated receiving additional information from the company the City is working with regarding costs by Friday.

COUNCIL PRESIDENT FRALEY-MONILLAS MOVED, SECONDED BY COUNCILMEMBER OLSON, TO AUTHORIZE MAYOR NELSON TO SIGN A 3-MONTH CONTRACT EXTENSION.

Councilmember K. Johnson raised a point of order that this was a discussion item, not an action item. Mr. Williams advised he was requesting action on the 3-month extension. Council President Fraley-Monillas clarified it was on the agenda as an action item.

Councilmember Buckshnis asked if lawsuit was about Pt. Wells. Mr. Williams answered yes. Councilmember Buckshnis asked if three months would be sufficient or should the extension be longer. Mr. Williams said it is possible more will be known in three months but that was all that could be requested under the current OPMA restrictions. He would have preferred a longer extension and there may be a future request for a longer extension assuming the OPMA restrictions are resolved.

MOTION CARRIED UNANIMOUSLY.

2. COUNCIL COMMITTEE MEETINGS

Council President Fraley-Monillas explained committee meetings are next week. To avoid having this discussion every month, she suggested holding committee of the whole meetings until the City is able to hold Council meetings in person. She has been told that will probably be in July under certain circumstances such as distancing, etc.

COUNCILMEMBER OLSON MOVED, SECONDED BY COUNCILMEMBER BUCKSHNIS, TO PROCEED WITH A COMMITTEE OF THE WHOLE FORMAT THROUGH THE CALENDAR YEAR 2020.

Councilmember Olson commented with so many moving parts this year related to the budget and all Councilmembers needing to be knowledgeable about the broad array of things that may be juggled, cut or moved, all Councilmembers will need the information provided at committee meetings. She acknowledged there must have been a reason for holding committee meetings in the past such as Council meetings became too long but in the current extenuating circumstance, it will be many months, possibly through the end of 2020, that all Councilmembers will want to hear everything. The issue could be revisited if that were not necessary through the end of 2020.

Councilmember L. Johnson recalled emails among Councilmembers earlier this year promoting the idea of committee of the whole meetings. She agreed that it was something that deserved discussion, but not in the middle of a pandemic. There will be a lot to consider in the future including meeting structure, volume of items on the agenda, etc., so it is premature to make this decision now. She preferred to have committee of the whole meetings for the next 3-4 months to see how long the governor's order extends and revisit it when more information is available and a more educated decision can be made. She did not support holding committee of the whole meetings through the end of 2020.

Councilmember Paine agreed with Councilmember L. Johnson, pointing out the extended agenda has a boatload of items that need attention and she feared the Council would encounter problems if it did not work as efficient as possible. She enjoyed committee of whole meetings, but recognized committee meetings were more efficient.

Councilmember Buckshnis said she could go either way. She preferred to hold committee of the whole meetings through August or September to avoid revisiting this issue every month. The Mayor can create any committee he want, which he has done, and if a committee needed to be created to review certain issues, he can do that. The Council has had subcommittees in the past and they work just as efficiently. She agree with Councilmember Olson there are a lot of moving parts related to the budget, CIP/CFP, TIP, etc. The most important issues are fiscal responsibility as well as health which is why she was glad Mayor Nelson continued to promote the governor's objectives and things like keeping the dog park closed. She suggested holding committee of the whole meetings through September due to the number of things that are in flux. Other areas of the nation are opening and it will be evident soon if they opened too soon.

Council President Fraley-Monillas said she has been on the Council when there were committees meetings and no committee meetings. Her concern was there are approximately 30 items that have to be addressed as soon as the current situation ends and there have already discussions about potentially having two meetings/week to catch up. A lot of the items could be discussed in committee meetings versus a committee of the whole. With regard to Councilmember Buckshnis' suggestion, if Councilmember Olson's motion is defeated, there could be a motion to hold committee of the whole meetings until the end of the governor's order.

Council President Fraley-Monillas said she had heard that City Attorney Jeff Taraday was looking at what items need/do not need to come to Council due to his interest in streamlining items that come to Council. She agreed with Councilmember L. Johnson that now may not be the time to make a long term decision especially with 30 items, plus anything else that comes up, that need review once the Council is back in regular session. She recalled before the virus the Council had discussed committees versus committee of whole and she recommended that discussion continue once the Council was back in regular session.

Councilmember Distelhorst appreciated Councilmember Olson's approach and thoughts about everyone having the knowledge base and working together; however, he was concerned about the amount of work and selecting an arbitrary timeline of either the end of 2020 or September/October. He prepared a motion with the assistance of Mr. Taraday that would tie committee of the whole to the governor's proclamation as it seems likely once the proclamation is lifted, the Council will be able to meet together in person.

COUNCILMEMBER OLSON WITHDREW THE MOTION.

COUNCILMEMBER DISTELHORST MOVED, SECONDED BY COUNCILMEMBER OLSON, THAT ON ANY SECOND TUESDAY OF MONTH WHILE GUBERNATORIAL PROCLAMATION 20-28 RELATED TO THE OPEN PUBLIC MEETINGS ACT REMAINS IN EFFECT, INCLUDING ANY FUTURE EXTENSIONS OF THAT PROCLAMATION, THE CITY COUNCIL SHALL MEET AS A COMMITTEE OF THE WHOLE IN LIEU OF THE COUNCIL'S NORMAL STANDING COMMITTEES. MOTION CARRIED UNANIMOUSLY.

8. STUDY ITEMS

1. FEDERAL GRANT APPLICATION FOR THE HIGHWAY 99 REVITALIZATION & GATEWAY PROJECT

Public Works Director Phil Williams recognized City Engineer Rob English and Transportation Engineer Bertrand Hauss. He reviewed an upcoming grant application to the Surface Transportation Program (STP), federal funds to support the next effort on Highway 99:

- Introduction
 - 244th St SW to 212th St SW (~ 2.3 miles)
 - Secured Funding
 - \$10 Million Connect Washington funding in 2018
 - ~ \$400,000 spent to date (=> Conceptual Design)
 - \$9 Million available in 2021
 - \$490,000 local funds
 - Recently submitted HSIP grant application for Phase 1
 - \$2 Million for construction phase (response scheduled for December 2020)
 - Up-coming STP grant application for Hwy 99 Revitalization & Gateway project
 - Fund design phase
 - STP Program: Capacity improvement projects (=> PSRC Federal Funds)
 - Minimum 13.5 % Local match required
 - Due on May 15th
- Highway 99 (Phase 1) Project
 - Scope of work
 - Center medians for access control & turning movements along entire corridor (removal of two-way left turn lane)
 - HAWK signal installation between 238th and 228th (specific location: TBD)
 - Gateway signage on each end of corridor
 - Cost Estimate = \$8.15 Million
 - \$6.15 Million from Connecting Washington funds (secured)

- \$2 Million from HSIP grant (unsecured) or Connecting Washington funds (secured)
 - Schedule
 - Design / ROW: June 2020 through May 2021
 - Construction : July 2021 through December 2022
 - Existing right-of-way configuration and signals at 244th, 238th and 228th
 - Raised Median
 - New right-of-way configuration
 - No Hwy. 99 widening
 - Add raised / planted medians between intersections with selected left-turn openings
 - Add c-curb along left turn lanes at intersections
 - ** Add HAWK or traffic signal (specific location: TBD)
- Hwy 99 Revitalization & Gateway Project
 - Scope of work
 - Capacity improvements at failing signalized intersections
 - New sidewalk and planter strip with new street lights
 - Utility improvements
 - Landscaping & softscape treatments
 - Potential undergrounding of overhead utilities
 - Cost Estimate
 - ~ \$184 Million
 - Schedule
 - Difficult to estimate due to high cost and changes in federal funding availability – but likely 15 + years
- Future Full Build-out
 - Widens SR 99 at 220th St SW and 212th St SW
 - Keeps raised, planted medians between intersections from Raised Median Project
 - Replaces c-curb with concrete, hardscaped median at intersections
 - Adds intelligent traffic systems (ITS) and improves traffic signals
 - Adds dual left-turn lanes NB and SB at both 220th St SW and 212th St SW
- Segment comparison
 - Due to high cost, corridor divided into (7) different segments to increase grant funding opportunities

Project costs (\$Million/2020 dollars)					
Segment	Limits	Roadway Cost	Utility Cost	Utility U/G Cost	Total Cost
1	244 th to 238 th Streets SW	\$20.6	\$1.2	\$8.8	\$30.0
2	238 th to 234 th Streets SW	\$10.3	\$1.4	\$5.1	\$15.8
3	234 th to 228 th Streets SW	\$18.3	\$2.4	\$6.9	\$26.0
4	228 th to 224 th Streets SW	\$13	\$1.8	\$5.9	\$19.3
5	224 th to 220 th Streets SW	\$14.1	\$3	\$9.4	\$26.5
6	220 th to 216 th Streets SW	\$14.0	\$1.8	\$8.2	\$24
7	216 th to 212 th Streets SW	\$23.1	\$3	\$10.2	\$36.3
	TOTAL COSTS	\$113.4	\$15.8	\$54.5	\$183.7

- STP Grant Program: include Capacity intersection improvements with failing Level of Service (LOS) under existing or future conditions
 - Only (3) intersections along corridor failing under such conditions (LOS Standard along Hwy 99 north of SR-104 : LOS E / Highway of Regional Significance)
 - Hwy 99 @ 220thSt. SW => LOS D (Existing)=> Projected LOS F in 2035
 - Proposed Improvements: add 2ndLT lane for NB and SB movement / add RT for WB movements
 - Hwy 99 @ 216thSt. SW=> LOS C (Existing) => Projected LOS F in 2035

- Proposed Improvements: remove split phasing for EB and WB movements, add LT lane
 - Hwy 99 @ 212th St. SW => LOS D (Existing) => Projected LOS F in 2035
 - Proposed Improvements: remove split phasing for EB and WB movements, add LT lane
- Only last (3) segments from the list are being considered for this STP grant application (covers all intersections above)
- 224th St. SW to 220th St. SW
 - Length: ¼ mile
 - Total cost: ~ \$26.5 Million (including \$9.4 M in undergrounding costs), \$3M in City utility cost, and \$14.1M roadway funding
 - Jurisdiction: 100% Edmonds on both sides
 - Properties: several older hotels and Plum Tree Plaza on east side / car dealerships on west side
 - Benefit: 100% Edmonds and properties on east side are some oldest properties along entire corridor
- 220th St. SW to 216th St. SW
 - Length: ¼ mile
 - Total cost: ~ \$24 M (including \$8.2 M in undergrounding costs)
 - Jurisdiction: 100% Edmonds on west side / shared MLT / Lynnwood on east side
 - Properties: Winco and medical facilities on west side (new), Dragon Casino / CESCO Medical / strip mall on east side
 - Benefit: Slightly less costly than other two segments (however minimal cost difference for the more difficult to fund roadway phase)
- 216th St. SW to 212th St. SW
 - Length: ¼ mile
 - Total cost: ~ \$36.3 M (including \$10.2 M in utility underground cost / costliest segment)
 - Jurisdiction: 100% Edmonds on west side / 100% Lynnwood on east side
 - Properties: Value Village, McDonalds, recent upgrades to car dealership on west side and car dealerships on east side (Lynnwood)
 - Benefit: starts north of the end of corridor (instead of starting at mid-section of corridor like the other two segments)
- Conclusion – 2nd Highway 99 Project should be 200th to 224th
 - 100% within Edmonds (other segments shared with other jurisdictions)
 - Includes busiest intersection in Edmonds at 220th St. SW with more than 50,000 vehicles per day (will be 1st intersection with failing LOS along entire corridor)
 - Oldest properties along corridor => encourages future re-development

Councilmember Olson agreed with Mr. Williams' assessment and appreciated his team's thoughtful review and how they laid out their thought process. She did not have any questions about whether to proceed with staff's recommendation. She referred to areas where the highway is shared with other cities and asked if there was any opportunity for cooperation such as the other cities also submitting grant requests to move this project forward. Mr. Williams said there are definitely opportunities and co-signing of applications depending on the application and the segment. Other cities and their residents will benefit from the restructuring of Highway 99 to make it a safer corridor. Edmonds obviously needs to be the lead; staff has talked to Mountlake Terrace and Lynnwood in the past and they have no issues with the project and are supportive of moving forward.

Councilmember Buckshnis thanked staff for answering her questions. She expressed concern with the cost of undergrounding, recognizing aesthetically it looks great but it costs another \$55M. In the shared segments, she asked if that expense is shared with other cities or does Edmonds pay the total cost. Mr.

Williams answered almost all of it is on Edmonds' side. He did not see Lynnwood or Mountlake Terrace as major contributors to the local funding share as it does not rank as high on their priorities and both cities have robust capital programs they are trying to fund. Those cities could help by endorsing Edmonds' applications but he had not thought about that in the context of undergrounding. He agreed undergrounding was a massive expense and although it would improve the look and feel of the corridor, realistically the tallest poles that carry high voltage transmission lines on top will not be undergrounded. The lower lines, the communication space and distribution power, will be candidates for undergrounding. At a cost of \$54M and with the change in approach the federal government has taken toward funding transportation at the state and local level in recent years, the picture is not bright. He did not recommend throwing it out yet, but looking at it in design as there may be key stretches or sections of the corridor that could be undergrounded for a specific purpose.

Councilmember Buckshnis reiterated undergrounding is very expensive and she would love to have the lines undergrounded in her neighborhood. Once the City commits to undergrounding, she asked if that meant all segments had to be underground or could some be underground and some above ground. Mr. Williams answered that could be done, but it's very expensive. For example if a segment were identified as most important to be undergrounded for aesthetics, funding could be put together more easily for that. The intent was to determine the cost and it is very expensive.

Mr. Williams asked whether the poles and wires were on the City's frontage. Mr. English commented if the entire corridor were undergrounded, some services would go to the east side and potentially be located on properties in Mountlake Terrace or Lynnwood. Mr. Hauss said the existing overhead lines, north of 220th are all on the west side of street in Edmonds. From 220th to 224th there are some, but from 216th to 212th there are no poles on the east side of the street.

Councilmember L. Johnson agreed with staff's assessment that addressing safety first, especially in such a massive project, was very important. She asked, 1) about the process for working with adjacent business owners, commenting that was important previously but even more so given the current situation, 2) how the portion between 228th to 232nd that is located in Esperance impacted the project, and 3) the location of the northern gateway sign. Mr. Williams answered a detailed scope of the outreach to businesses has not been prepared but staff has studied Shoreline's outreach. There needs to be robust and regular communication with businesses and the City needs to listen. Shoreline learned a lot during the 10-year project to improve their frontage and Edmonds can learn from some of their mistakes. He agreed it will be important to talk with businesses, both property owners and tenants, on Highway 99. There is currently free and unfettered left turn access to businesses along almost the entire corridor; that will change dramatically although there will be some opportunities with left turn pockets for U-turns, etc. That will create concern with businesses because it will be more difficult for drivers to reach them. He assured it does work out; people will make the extra effort if it is a business they want to reach. Councilmember L. Johnson said she looked forward to the outreach plan.

With regard to a portion of the project being in Esperance, Mr. Williams answered the City will need to work with Snohomish County on permits if that area is still in the county when the project begins. With regard to the northern gateway sign, Mr. Williams said the "Entering Edmonds" sign it will be installed on the west side of the road as close to the city limits in a location that is visible and appropriate for a sign. The exact location will be a design issue.

Council President Fraley-Monillas agreed with installing a HAWK light between 238th and 228th, noting the crosswalks are at 238th and 228th so a HAWK light between those streets would assist people trying to cross Highway 99. She referred to the \$9M available in 2021 and asked if the City was definitely receiving those funds. Mr. Williams answered it has been programmed for several years to be spent in in the 2021-2023 biennium. Council President Fraley-Monillas recalled last year when the City requested

\$1M, only \$300,000-\$400,000 was provided She asked how confident he was that the \$9M would be provided in 2021. Mr. Williams answered it looks pretty solid right now. If the state ends up in a real financial crisis and seeks to renege on commitments made for transportation funding, that may be an issue., Council President Fraley-Monillas said him to inform her if it looked like that would happen so she could reach out in another direction. She agreed with Councilmember Buckshnis regarding the undergrounding of wires, when the issue is safety, she was concerned with \$50M to underground wires. She understood undergrounding the wires looked nice but she was unsure it was worth holding up or slowing down the project. Since this is such an expensive project, perhaps that should not be worried about quite so much.

With regard to other cities contributing, Council President Fraley-Monillas relayed her understanding of staff's explanation that Lynnwood would not provide any support, even though Lynnwood was most prominent partner in the Edmonds section of Highway 99. Mr. Williams said the largest part of Lynnwood frontage south of 212th is the CarMax dealership where new sidewalks, ramps at the corners, etc. were installed. Staff has not asked for any money from Lynnwood, and they have not shown any real interest in the project. The main thing Edmonds wants from them is their support on grant applications.

Council President Fraley-Monillas agreed with seeking support from both Lynnwood and Mountlake Terrace. She recognized 220th south was the #1 project due to vehicular accidents and agreed the 238th and 228th segment should be next as that is where people crossing are hit by vehicles. She was hopeful the HAWK light would reduce those accidents.

Councilmember Paine reiterated the need for a strong communication plan when this project starts and she was glad the City has a PIO to assist with that. She asked in lieu of undergrounding whether all the utilities could be located on one side of the road so there are not utilities on both sides. Mr. Williams answered there are often options for relocating to save an area for another utility. Those options are not as plentiful as one might think. Mr. English answered sometimes that is not an option; businesses are served overhead and the goal is to work with utilities to locate them in one place, but there are always exceptions to serve a business or a parallel line for a short distance to serve multiple businesses.

Mr. Williams said everyone in engineering talks about this a lot. Looking at this from a long term view, in addition to the current underground utilities, there are often abandoned "ghost" utilities buried in the street. Eventually there will not be a location for a new utility without locating and removing all the old utilities. Public utilities also compete with private utilities for space in the right-of-way. Councilmember Paine said she was thinking of the overhead utilities, referring to 220th west of Highway 99 where there are lines on both sides of street that affect trees, aesthetics, etc. She appreciated any opportunity to locate utilities on one side of the street.

Councilmember K. Johnson said it was important for the Council to see proposals before staff applied for grants. She noted the grant is due in 10 days and although staff did not need Council's permission to apply for the grant, she appreciated the information. She requested when the design process begins, working closely with land use planners to ensure their plans for Highway 99 are integrated with this project.

Councilmember Olson said there seems to be somewhat of a consensus that while undergrounding would be nice, it was not something that could be done. She recalled the project on Main Street moved the overhead utilities to the back of properties away from the road and asked if that was an option that could be considered on Highway 99. Mr. Williams answered all options are on the table, a detailed design has not yet been done. There was a lot of success with undergrounding at 76th and 212th and at the 5 Corners roundabout. That was not done at 228th & Highway 99 because it was too expensive. He assured staff looks for opportunities to underground utilities because it improves the aesthetics, but it requires funding.

He had his own reservations about the ability to locate the necessary funding, but that decision does not need to be made yet for any of the segments.

Councilmember Olson asked in lieu of undergrounding, could moving the utilities to the back of the property off Highway 99 be considered. Mr. Williams answered an overhead to overhead relocation in a new location is considerably less expensive. If there is an alley behind a development, that is a possibility or if all the right-of-way is used and there is no room for the poles due to development plans, technically PUD can be forced to relocate them overhead and PUD pays a share of the cost. Councilmember Olson suggested that be considered in the design.

Mr. Williams thanked Mr. English and Mr. Hauss for their assistance.

2. DISCUSSION OF PROPOSED CRISIS FINANCIAL MANAGEMENT POLICY

Finance Director Scott James explained this is an update to the proposed Crisis Financial Management Policy for Council review, comments and questions. Staff first presented the proposed policy to Council at the April 14th Council meeting. He reviewed edits to the proposed policy:

“Crisis Financial Management” refers to financially disruptive events that may materially impact the City’s finances, either from an expenditure or revenue perspective.

A. Purpose

The Crisis Financial Management Policy (Policy) is established to ensure that the City can sustain on-going operations. It will trigger measures to ensure that financial challenges to the General Fund are dealt with in a timely, prudent and cost effective manner. The Policy sets forth guidelines for City Council, Mayor and staff to use to identify and close spending gaps.

The intent of the Crisis Financial Management Policy is to:

- Inform Mayor, City Council and Citizens of impending financial threats to City’s ability to sustain on-going operations;
- Establish trigger points implementing the Crisis Financial Management Plan;
- Promote consistency and continuity in the decision making process;
- Demonstrate a commitment to long-range financial planning objectives; and
- Ensure that budgetary decisions are incorporated into long-range financial planning.

B. Activation

A Proclamation of regional or national crisis by City of Edmonds Mayor, Washington State Governor or United States President has been issued, and the crisis is expected to cause significant decline in the General Fund’s revenue projections or ~~requiring~~ requires significant increases in expenditures to respond to the crisis.

The Mayor has the power to ~~declare~~ proclaim the “Crisis” as a fiscal emergency based upon one of the following having occurred:

- A natural catastrophe;
- An immediate threat to health and public safety; or
- Other significant event such as war or economic depression.
- ~~The Crisis declared by the Mayor must be approved by a simple majority of the City Council. Once Council approves the Mayor’s declaration and when trigger points listed below have been met, activation of this Policy will become effective.~~

Once the Mayor has proclaimed a Crisis, this policy shall be activated.

The Crisis proclamation by the Mayor must state the facts constituting the Crisis. Subsequently, the Mayor may forward an emergency appropriations ordinance to the city council, which shall also state

the estimated amount of additional expenditures that will be required to meet the Crisis. Depending on the nature of the emergency that created the Crisis, the city council may be required to hold a hearing on the emergency appropriations ordinance before taking action (see RCW 35A.33.080 and RCW 35A.33.090 for more information). The emergency appropriations ordinance must be adopted by a majority plus one of all members of the City Council.

C. Trigger Points for Implementation

The severity of the Revenue declines or Expenditure increases will dictate how the City Administration will address the fiscal crisis and balance the General Fund Budget. The Administration shall provide Council with an estimated level of financial impact within 6 to 8 weeks after the Crisis Financial Management Policy has been activated.

- Level 1: – If ~~unanticipated~~ fund balance declines are anticipated to be greater than 5% of budgeted fund balance due to Crisis related revenue declines and/or Crisis related expense increases, then a hiring freeze for all new employees will be implemented ~~with the exception~~ for the hiring of specific crisis intervention employees. ~~If Level 1 is implemented, Mayor or Mayor's designee must notify Council.~~ Note: Mayor has authority to determine whether the any new employees meets ~~the~~ any crisis intervention criteria.
- Level 2 – If ~~unanticipated~~ fund balance declines are anticipated to be greater than 10% of budgeted fund balance or if it is anticipated that the combined fund balances of the General Fund and the Contingency Reserve Fund will drop below 20% of the combined budgeted fund balances due to revenue declines and/or Crisis related expenses increases, then the Mayor or Mayor designee must, in order of priority:
 - 1) Place a moratorium on all non-Crisis utility related ~~General Government~~ debt issuance, unless the debt issuance is necessary to respond to the Crisis.
 - 2) Freeze all non-essential expenditures ~~that may include capital outlays for projects, equipment or land~~ whether operational or capital.
 - 3) ~~Use~~ Transfer unappropriated fund balances from the General Fund Subfunds to help balance the General Fund budget, subject to the transfer limits described in the emergency appropriations ordinance.
 - 3) ~~Finally, the Administration will be authorized to utilize the Contingent Reserves to balance the budget.~~
 - 4) Finally, transfer the Contingent Reserves to the General Fund to help balance the General Fund budget, subject to the transfer limits described in the emergency appropriations ordinance.
 - 5) The Mayor's Crisis related expenditure authority and/or transfer of unappropriated fund balances from the General Fund Subfunds shall be limited to the amount set forth in the emergency appropriations ordinance.
~~The Mayor or Mayor's designee must provide Council monthly updates on unanticipated fund balance and revenue declines and expense increases.~~
- Level 3: – If the Contingency Reserve Fund Balance is exhausted and the ~~anticipated~~ General Fund ~~Reserves~~ balance decline are ~~is projected~~ anticipated to fall below 16%, then the Mayor or Mayor's designee must present a Crisis Financial Management Plan to Council within one month after these conditions have been met. The Plan must include details explaining how the Administration will restore the General Fund and the Contingency Reserve Fund fund balances according to match policy replenishment requirements stated within the next twelve months Fund Balance Reserve Policy, adopted by Resolution No. 1433, or its successor. Council must adopt ~~the~~ a Crisis Financial Management Plan within one month after receipt of the Mayor's Plan.

D. Crisis Financial Management Reporting

Crisis Financial Management Plan reports to must be delivered to Council once per month and include: The following reporting requirements shall apply, respectively, to each of the three levels described above:

If Level 1 is implemented, Mayor or Mayor's designee must notify Council. Level 1 Reports to Council shall be monthly and must include:

- ~~Level of response being implemented~~
- ~~Timeline the Plan covers~~
- List of positions that will not be filled under the hiring freeze
- Anticipated duration of the hiring freeze
- Primary causes for the Revenue declines and the expected time period for the decline
- Updated projections for revenues loses, ~~expenditure increases and use of fund balance reserves~~

If Level 2 is implemented, Mayor or Mayor's designee must notify Council. Level 2 Reports to Council must include:

- Level 1 reporting requirements
- Expected outcome from Expenditure increases and time commitment for increases
- Listing of planned debt issuance impacted by the moratorium
- Listing of non-essential expenditures that were frozen
- Listing of fund balance amounts from the General Fund Subfunds transferred to balance the General Fund.
- Listing of fund balance amounts from the Contingency Reserves utilized to balance the General Fund.

If Level 3 is implemented, the Crisis Financial Management Plan must be delivered to Council once per month and must include all items in the Level 2 Reports plus ~~response is warranted~~, then a list of expenditure reductions by type with discussion on impacts to the related Level of Service and how the reduction affects the City's budget priorities.

E. Crisis Financial Management Deactivation

Deactivation of the Crisis Financial Management Policy may occur by a Proclamation of the City of Edmonds Mayor or by adoption of a resolution by the City Council.

Councilmember Paine said in looking at the RCWs, specifically 35A.33.090, Council does not have the option, Council is required to enact an emergency funding ordinance. She asked whether a specific section needed to be added to the Edmonds City Code to allow emergency orders when it was allowed by the RCW. Mr. James answered the premise of the RCW is to allow citizens to weigh in on budget amendments. The emergency appropriations ordinance does not require the normal posting for a public hearing and allows for a speedier process.

Councilmember Paine asked if there was a proposed ordinance. Mr. Taraday asked for clarification of her question, whether the Council has the ability to not adopt an ordinance. Councilmember Paine said that was stated in the policy. Mr. Taraday asked if she was referring to the verbiage, shall adopt in 30 days and suggested that be changed to "shall take action." The presumption is the Crisis Financial Management Plan would be adopted by the Council but it should be rephrased to state, "shall take action."

Councilmember Paine asked if the ECC needed to match the state code. Mr. Taraday said he would leave it up to the Council to determine whether the policy Mr. James outlined needed to be codified; that could be done, but there was no obligation to do that. The RCWs that apply will apply regardless of whether the Council adopts a local code.

Councilmember Buckshnis thanked Mr. James for answering her questions, noting Councilmembers received a number of questions from a citizen. With regard to activation, once the Mayor has proclaimed a crisis, policies shall be activated. She said that language conflicted with the emergency ordinance as she

believed the City Council should ratify or declare via a resolution which puts the Crisis Financial Management Policy into play. Mr. Taraday said the Comprehensive Emergency Management Plan (CEMP) currently requires the Council ratify the Mayor's proclamation of an emergency. The automatic activation of the policy by an emergency proclamation can be undone by Council resolution at any time; there is no need for an extra ratification step in the Crisis Management Policy as it is already in the CEMP. If the City Council decides it does not want the Crisis Management Policy to be in effect despite a mayoral proclamation, the Council simply adopts a resolution and it is no longer in effect.

Councilmember Buckshnis said she was trying to be consistent, the CEMP is 500 pages and is quite detailed. Once the Mayor declares an emergency, then the Council ratifies and that would trigger the Crisis Financial Management Policy. She noted there are timeframes in the policy. Mr. Taraday said if the Council wants to add an extra ratification step, it can. He was trying to streamline the process so it could be undone by the Council at any time. The Council has the ability to deactivate the policy at any time; a Council resolution undoing the policy could happen two days, two months or six months after a proclamation. He summarized if the Council feels an extra ratification steps should be added, that can be done. Councilmember Buckshnis said she was interested in consistency with the CEMP, anticipating it would be unusual if the Mayor declared a crisis and the Council deactivated it two days later.

Councilmember Buckshnis referred to language that once the Mayor has proclaimed a crisis, the City Council may be required to hold hearing on the emergency appropriations ordinance. She assumed Council would want to have a public hearing because it is an extremely important ordinance dealing with a crisis and the financial situation. She suggested instead of "may," that section state "must." Mr. Taraday said that verbiage tracks state law; the two RCW cited in the policy, 35A.33.080 and 35A.33.090, describe two different types of emergency appropriations, 1) non-debatable where no public hearing is required, and 2) a public hearing is required. His intent was to have the Crisis Financial Management Policy cite to state law so if it arose in the future, anyone could look to the RCW to see whether or not a public hearing is required. The Council can always have a public hearing; he was trying to define when a public hearing was/was not required. Councilmember Buckshnis said she had not had an opportunity to read the RCW.

Councilmember Buckshnis said she tried to put numbers to the ordinance, noting it was defined as fund balance, actually the beginning fund balance which was \$15,547,000. She noted the combined fund was only \$17,398,702 which was only the General Operation Contingency Fund 012. Mr. James answered in the Fund Balance Reserve Policy that he was referring to are the General Fund and the Contingency Reserve Fund 012. Councilmember Buckshnis noted that is \$12,659,706, not \$17,398,702. Mr. James said when he originally wrote the policy, it was based on actuals. During editing, the budget numbers were added; his preference was actual because there is a \$2M difference.

Councilmember Distelhorst referred to Level 2 number 1, where a line was added, "unless the debt issuance is necessary to respond to the crisis." He asked if the purpose of that was for immediate response to the crisis or if there was a long term recovery and there were infrastructure projects that would benefit in the recovery. He asked if that would be considered responding to the crisis or was it a natural catastrophe immediate response. Mr. James answered a little of both; it would depend on the debt that would be issued and the crisis affecting the City. The thinking is to bring the debt moratorium to the surface, one option is to curtail issuing debt and also utilize fund balance or fund reserves to pay back the debt and be used to help the City stay open and provide services. For example, there is Civic Field debt that could be issued to make up the difference of the \$2M that the General Fund has committed to the project. The question would be whether that would be a benefit to the crisis. If the City issued debt for streets, that would be related to public safety. He summarized that would be a good discussion to have.

Councilmember K. Johnson thanked Mr. James for developing the policy. She found the shortcut description of the fund balance confusing, noting all the budget is done at the fund level. When he referred to fund balance declining, she wondered whether that was the General Fund and said that needed to be clarified. With regard to placing a moratorium on all non-utility related debt issuance and citing the \$2M bonds for Civic Field, she said if the bonds have not been spent, consideration should be given to whether that is still a good idea. She suggested placing a moratorium on all non-utility related debt that has been incurred. The City does not yet have a signed contract and that \$2M should be on table for discussion.

With regard to whether the fund balance declines are anticipated to be greater than 5% and 10%, Councilmember K. Johnson asked from what point that was measured, the date the Mayor declares the crisis or the beginning of year. Mr. James asked whether Councilmember K. Johnson's earlier question was what does fund balance pertain to, the General Fund and/or the Contingency Reserve Fund. Councilmember K. Johnson agreed that was her question. Mr. James suggested the language in Level 1 could be clarified to reference the General Fund and the Contingency Reserve Fund. With regard to 5% and 10%, when he first wrote the policy, the intent was to base it on the beginning fund balances for the year because that is a hard number and the ending fund balance is unknown. If there were revenue declines that exceeded 5%, that would activate Level 1. If revenue declines exceeded 10% of the combined fund balance of the General Fund and the Contingency Reserve, then Level 2 would be activated. Councilmember K. Johnson suggested being more explicit that that was related to the General Fund beginning balance.

Regarding placing a moratorium on all non-utility related debt issuance, Councilmember K. Johnson asked how that related to the \$2M bonds that were allocated in the budget but not yet spent. Mr. James answered the City issued \$3.7M in bonds for Civic Field last year. The 2020 budget includes a \$2M transfer from the General Fund to the construction project. There was conversation when the Council last discussed this policy about replacing that \$2M transfer with a new bond issuance for \$2M. Councilmember K. Johnson said the Council may want to look at that or may want to consider staging the project which was the consultant's initial proposal. In the middle of the COVID-19 crisis, she said it would be prudent to reconsider options. Mr. James said there is no proposal before the Council yet; the administration will present a financial plan and potential remedies to Council in the next few weeks.

Councilmember K. Johnson asked when the crisis was declared. Mr. James answered the Mayor issued the proclamation on March 5th and the Council ratified the proclamation on April 14th. Councilmember K. Johnson observed March 5th meant the City was already in the 6-8 week period. Mr. James agreed if the March 5th date is used to start the clock for the policy, today marks the 8th week. Mr. Taraday reminded the Council that this policy has not yet been adopted so the Council cannot be keeping time when there is no policy in place.

Councilmember K. Johnson asked, based on the information available now, what level the City is currently in. Mr. James said the administration was not prepared to talk about that this evening. The focus was on the policy. He anticipated having a conversation in the next 2-3 City Council meetings regarding COVID-19 impacts on the City. Councilmember K. Johnson said she was anxious to learn that information.

Councilmember Buckshnis asked if 6-8 weeks was sufficient time for staff to prepare something for Council. She asked whether the emergency appropriation ordinance came through and then the 6-8 weeks or did the declaration occur and then there was an emergency appropriation 6-8 weeks later. With regard to whether 6-8 weeks was enough time, Mr. James said there are two sides to the coin, first, it is important to develop the impacts of COVID-19 on the City as the information unfolds and more is known about the impact to sales tax and real estate excise taxes (REET). He pointed out sales tax revenues are at

least two months in arrears and the Department of Revenue has extended it to July. REET revenues are a month in arrears. Staff is talking with businesses in town to get their perspective regarding how their businesses are performing. The initial report to Council will be based on best estimates. If this policy had already been enacted, an update would be provided to Council monthly as information becomes available. The estimates a few weeks ago are vastly different now. There is no perfect way to predict what those numbers will be, but the administration will provide some estimates.

Councilmember Buckshnis commented the last report was February. She acknowledged the information provided would be best estimates. She noted in May some property taxes will be collected, it may have been worse if this had happened in January. The timing may have an impact and she questioned whether that could be worked into the policy. Depending on when the emergency occurs, it could be worse from a cash flow liquidity standpoint than this had been. Mr. James said the intent was to write policy that would be a living document and cover most things that would be encountered. The current situation affects citizens' health; there could be an event like an earthquake where homes were destroyed which would affect assessed value. There are so many variables and contingencies, it was not the intent to identify them all, but to create a framework where administration and the Council could engage in dialog about the financial impacts and potential shortfalls in revenue streams and how to mitigate those by using fund reserves or decreasing expenses. There will be an opportunity for the Council to weigh in and vote the plan that the administration proposes up or down.

Councilmember Buckshnis relayed Mr. James spent a long time answering her questions about the uncertainty, timing, etc. She agree with Councilmember K. Johnson about the need to refine/define fund balances and reserves in the policy. Mr. James agreed it needed to be clear that the fund balances referenced in the policy are the General Fund and the Contingent Reserve; the fund balances that are captured in the Fund Balance Reserve Policy which is attached to the packet. Councilmember Buckshnis said this a very important policy; the City is already in the emergency and it is important to get it right. She thanked Mr. James and Mr. Taraday for their work.

Councilmember Paine asked if the policy would be on the City's website so the public can read it, will it stay updated, and how will Council and citizens know about changes to the policy if it is a living document. Mr. James said his goal was to post all the financial-related policies on the Administrative Services webpage. He had hoped to accomplish that this spring but with staff working from home, that has not happened. The Crisis Financial Management Policy has not yet been adopted by Council; once the policy is adopted, it will be posted on the City's website.

Councilmember K. Johnson referred to language under Level 1 and declines greater than 5% due to the crisis and/or crisis related expense increase. Level 2 and Level 3 do not include that verbiage about related expense increases. She pointed out it was a combination of a decline in revenue and an increase in expenses that needed to be addressed under each level. Mr. James referred to the clean version on Council packet page 97, noting that may be easier to understand. The language refers to fund balance declines due to revenue and/or crisis-related expense increases. It may be more difficult to see in the redline version. Councilmember K. Johnson said she is looking at the clean version and Levels 2 or 3 do not reference expenses. Mr. Taraday said Level 2 and 3 do not reference either. The idea was to reference both revenues and expenses in Level 1 and the language in Levels 2 and 3 was more abbreviated and reference only the balance decline without attributing it to revenues or expenses. Councilmember K. Johnson preferred the language in Level 1 that was more comprehensive, commenting otherwise there was some ambiguity. Mr. James said there are only two ways for the fund level to decline which are stated in Level 1. The policy could be amended if Council wished. Councilmember K. Johnson said she would appreciate that for clarity.

3. COUNCIL DISCUSSION OF CITY CODE CHAPTER 6.60

Councilmember Paine said this is continued discussion from the March 24th meeting. This is not meant to be a comprehensive change to the code but for the code to more closely match the RCW and WAC. There were no changes to the emergency powers section other than minor tweaks. She suggested returning this to Council on August 18th to include a review of Comprehensive Emergency Management Plan (CEMP) if it is ready for review and to make other changes based on the administration's needs. The administration has not had the opportunity or bandwidth to make changes to this code and they really do need to have an opportunity to weigh in on the operational structure and how things work. This is the year when the CEMP gets updated.

Councilmember Buckshnis said she sent some amendment/ideas about Section 6.60.090 because Items C and D are duplicative. She asked what Councilmember Paine wanted from the Council tonight. Councilmember Paine said she was interested in a review and a full bodied discussion and she will bring it back next week or the following week to enact those changes so the code reflects the requirements in the RCW and the WAC.

Councilmember Buckshnis referred to Section 6.60.080 Proclamation of emergency, Item 3, which states, "The proclamations of emergency do not need to be ratified by the city council," and pointed out the CEMP requires ratification. Councilmember Paine said her understanding of the CEMP was the City did not have a safety and disaster coordinator position in place so it was a limited update and that may be a relic. The CEMP was the operational manual and if the code was changed, the CEMP instead of the code would be out of line.

Councilmember Buckshnis said she personally believed the City Council needed to ratify the proclamation or make a declaration via a resolution of emergency because she believed the City Council should be involved with approving/supporting the Mayor's proclamation. She recommended the statement she cited be removed from 6.60.080.3. City Attorney Jeff Taraday said he was trying not to build a lot of process into this for the sake of process. Subsections 3 and 4 need to be read together; subsection 4 states, "If in the case that city council disagrees with the proclamation of emergency or believes that the emergency is no longer pending, city council may nullify the proclamation of emergency through resolution." He explained the intent was not to take any power away from the City Council but to put the power in a place where the Council has the option to do things versus creating process where the administration has to jump through a bunch of hoops. In the midst of emergency, checking every last box set forth in the code may not be on everyone's mind. For example, if there was a 9.0 earthquake, procedural things like getting the Council to ratify a proclamation may not be front of mind. While leaving the power with the City Council to take away emergency powers, he did not want to create a lot of unnecessary process.

Councilmember Buckshnis said she and Mr. Taraday may need to agree to disagree; she did not view as it as an unnecessary administrative thing, basically all the Council would be doing was affirming the Mayor's proclamation. She recalled Mayor Nelson had called her to say he was declaring an emergency as outlined in subsection 2. Regardless of whether there was an earthquake, when an emergency was declared, the Council should in open session ratify the proclamation so the citizens could see what happened. She viewed it as communication, transparency and acceptance of the emergency. She questioned how the Council could remove it if it were not in place.

Councilmember Distelhorst said he had a similar question to Councilmember Buckshnis' question regarding 080. He asked what the Mayor can include in a proclamation of emergency and whether it was simply this is an emergency full stop or could there be other items that are considered under the order that require Council ratification. Mr. Taraday said any order, even if bundled with the proclamation, still needs to be ratified by the City Council. Councilmember Distelhorst clarified there could not be a proclamation that includes an item covered by the order that does not need Council ratification. Mr.

Taraday said the Council would not be able to avoid what was otherwise be a ratification-requiring order by just including it in the initial proclamation. Anything that looked like an order would still have to be ratified. The proclamation simply states there is an emergency.

Councilmember K. Johnson explained the CEMP is coordinated at a state and county level. In the last iteration, there were only minor changes made. That does not make it a relic; it is a living document that needs to be updated every two years. She agreed the City did not have an emergency management coordinator when the CEMP was last updated; then-Police Chief Compaan was the director responsible for updating the CEMP and it had been reviewed and adopted by Council.

Councilmember Olson referred to Section 6.60.090 and suggested removing Subsections C, D and E and renumbering the remaining subsections. Anything that gets done under these emergency orders are things the actual emergency necessitates. Being specific about what might happen during an emergency isn't helpful, may cause someone concern, and those issues will not come into play unless required by the emergency. Subsection B is broad and includes the specifics cited in Subsections C, D and E. She referred to 6.60.065 Continuity of government, stating she felt strongly that the experience of whoever was stepping up was of the utmost value in an emergency situation versus spending time figuring out who the players were. The people who have been around the longest are the most likely to know how to act. She recommended deleting Subsection B so that remaining city councilmembers in order of continuous seniority would follow the council president. The council president is guaranteed some seniority because they were likely pro tem before becoming council president.

Council President Fraley-Monillas asked whether the subsections in Section 6.60.090 already existed. Councilmember Paine said they were the result of discussion over the last six weeks. Mr. Taraday clarified the entire section was added in March, but nothing has been added since the Council last amended it. Council President Fraley-Monillas asked where that language came from. Mr. Taraday answered Section 6.60.090 was a conglomeration of Seattle and Everett primarily; several other cities have similar provisions.

Council President Fraley-Monillas suggested in the future identifying it as new language so it was easier to understand. Mr. Taraday clarified it was not new language. They had only highlighted changes that had been made since the last time the Council saw this. Mayor Nelson clarified Mr. Taraday's definition of "new" and Council President Fraley-Monillas' definition were different.

Council President Fraley-Monillas observed that language was not in the policy before the pandemic and before the Council began working on this. Mr. Taraday agreed. Council President Fraley-Monillas said it would be clearer and easier to understand, especially in a document of this size, if that was indicated. She found it difficult to track because it was so large and some sections seem duplicative. Mr. Taraday said it would be helpful for future packet preparation to know which version the Council wanted the document redlined against. His custom was to only show the most recent changes. Council President Fraley-Monillas said normally the most recent was fine, but because this was a new section, it would be easier to understand if what was added in previous months was highlighted. One of the issues is this is a large policy to comprehend.

Councilmember Buckshnis said the original is attached to Ordinance 4177. She agreed there were a lot of new sections. She recommended Mr. Taraday use Marysville instead of Seattle or Everett. She concurred with Councilmember Olson's suggestion to remove Subsections C, D and E because they were redundant and already addressed in B. She has received a lot of comments about Subsections C, D and E. The issue with C is closing bars, taverns and liquor stores. One person expressed concern that the Mayor can decide whether those businesses remain open or not. Marysville's code does not even address that issue nor does

it address guns which was in the former Subsection G. She suggested attaching Ordinance 4177 which shows the new language.

Councilmember K. Johnson said she also received emails from citizens about the policy and they are generally confused. She suggested it would be helpful for Council and citizens to put everything in context in the narrative. Some people are under the mistaken impression that the City is still under ESCA when in fact the City is now under Snohomish County emergency management. It would also be helpful to describe the new 911 coordination because that has also changed.

Councilmember Paine said much of the language in the changes proposed today are from Lake Stevens and Lynnwood; Lake Stevens updated their code in 2019 and Lynnwood updated their code in 2018. She thought they were good sources of information because they are both local and part of Snohomish County Department of Emergency Management.

Council President Fraley-Monillas said she understood the desire to potentially take out Subsection C, but she was likely the only Councilmember who has been through a Category 5 hurricane in a third world country where one of the first thing they did was shut off all the alcohol. There may need to be other changes made such as an order requiring the closure of any businesses that the Mayor deems. The Council will likely need to discuss this policy amendment-by-amendment because everyone will have their own opinions.

For Councilmember Buckshnis, Councilmember Paine confirmed the verbiage in pink is from Lake Stevens and Lynnwood. Councilmember Buckshnis agreed with Council President Fraley-Monillas that some of the sections are new so they need to be differentiated. She still has concerns with Section 6.60.090 but not as many concerns as when the subsection regarding guns was included. She reiterated the Council should ratify the proclamation.

Council President Fraley-Monillas thanked Councilmember Paine for the unbelievable amount of time she has spent creating a good valid policy. She also thanked Mr. Taraday for his work.

Councilmember Paine asked the Council's preference whether to bring this back next week or in two weeks. The majority of the Council preferred to have it come back in two weeks.

Councilmember K. Johnson suggested now that the City has an emergency management coordinator, it would be nice to have him be part of the presentation so the Council can meet him, understand his role and get his input on the policy, because once the policy is established, he will be implementing it. Mayor Nelson said the disaster coordinator is busy coordinating a disaster and will be coordinating it until there is no longer a disaster. At that point, he would be happy to make the disaster coordinator available to talk about policies like this.

Councilmember Buckshnis questioned why the policy would come back in two weeks, recalling Councilmember Paine suggested August 18th in the memo. Councilmember Paine said she would like to bring the policy back in August because the administration has not had an opportunity to review the policy because they have been busy coordinating an emergency and she did not envision that slowing down until probably August. She wanted to bring the policy back in two weeks to get it closer to compliance with the RCW and WAC. The WAC has a long list of requirements for the CEMP. One that is not required in the WAC and likely does not need to be detailed in the code is placing notices on all school doors. When the Council next reviews the policy, she planned to request that be removed. The City will be better served by having the emergency coordinator do this work in August and August will also provide an opportunity for the public to provide input.

Councilmember Buckshnis commented the Council may make an amendment and find out the administration wants something different. She acknowledged the policy would still be in limbo until August.

9. MAYOR'S COMMENTS

Mayor Nelson recognized the recent passing of Robert "Buck" Weaver, an Edmonds resident for 24 years. Mr. Weaver's plans to become a dentist were delayed by the start of WWII. He served in WWII as a fighter pilot primarily in the South Pacific flying bomber escorts and combat air patrols. He flew over 137 combat missions in P-39 and P-40 aircrafts. After WWII, he returned to his dental studies and then to active duty, serving in the Air Force Dental Corp for 25 years, retiring with the rank of Colonel. He was active in Kiwanis and VFW Post 8870. Mayor Nelson relayed when he saw Mr. Weaver a month ago, he was wearing his fighter pilot leather jacket walking down Main Street; he was 101 years old. Mayor Nelson relayed his condolences to Mr. Weaver's family.

Mayor Nelson announced the Edmonds Historical Museum's Farmers Market will open this Saturday in the COVID-19 world. The market will be open 9 a.m. to 2 p.m. on 5th Avenue between Main and Bell Streets with approximately 20 vendors with social distancing in full effect. The plans were approved by the Snohomish Health District and the focus is the safety of residents and customers. He wished everyone a Happy Cinco de Mayo.

10. COUNCIL COMMENTS

As some places and activities start to reopen with the governor's phased program, Councilmember Distelhorst urged the public to continue to keep physical distancing and hygiene practices and follow the rules. On the road ahead it will be everyone's collective job to act together and ensure they stay on the path and not derail themselves. He urged the public to keep prevention in mind. As this is Public Service Recognition Week; he extended a heartfelt thank you to elected officials, city staff and government workers across the county who continue to serve throughout this crisis.

Councilmember Olson wished all the mothers a Happy Mother's Day on Sunday. She paid tribute to the little things that make a difference during this difficult time, the home haircut she received from her daughter Paige and the gorgeous blue ribbons around town courtesy of the Edmonds Rotary. If anyone needed inspiration for their own little things that make a difference, she reminded of the KeepEdmondsStrong.com website that has links to Edmonds non-profits and businesses that need volunteer help and financial support. Everyone doing a little means everyone gets to take credit when we like what we have on the other side of all this.

Council President Fraley-Monillas said Student Representative Zach Bauder wins the best dressed award. She wished Happy Mother's Day to the mothers on Council. She noted Judge Coburn has been at tonight's meeting and suggested she be allowed to provide comment at the end of the meeting.

Councilmember K. Johnson wished everyone a Happy Cinco de Mayo and Happy Mother's Day. She thanked the citizens of Edmonds for wearing masks, washing their hands and keeping six feet apart. She appreciated how well Edmonds was doing as a community, noting everything we do will help save lives.

Councilmember Buckshnis gave a shout out to Mike Bailey for his article in the Municipal Resources News about fiscal issues during COVID-19. She relayed the City has opened parks, but did not open the dog park. The reason the Parks & Recreation Department and the Mayor decided to keep the dog park closed was the CDC recommends not letting pets interact with people or other animals outside the household because pets can get COVID-19 too. Cat should be kept indoors when possible to prevent them from interacting with animals or people. Walk dogs on a leash and maintain at least six feet from other

people, and avoid dog parks or public places. The goal is to be safe and stay home with your dogs. She thanked Mayor Nelson for continuing to keep the dog park closed.

Councilmember Paine wished everyone a Happy Mother's Day. She learned today instead of calling it "social distancing", calling it "physical distancing," because people still need to have social interaction through telephone calls, Zoom meetings, etc. She suggested framing it that way, that people can be physically distant but still social engaged. She was sorry for the losses and the inability to celebrate the lives that have been lost. She was glad the weather was warming up, that the Farmers Market was opening and for the opportunity to get outside.

Councilmember L. Johnson appreciated Councilmember Paine's suggestion rephrasing to physical distancing rather than social distancing. She encouraged everyone to prioritize their mental health. Anxiety and its effects are real and nothing to be embarrassed about. It may be something as simple as walks and sunshine, the Farmers Market, or reaching out to friend and neighbors to connect virtually. If anyone needs more help, many counselors and doctors are doing tele-appointments. She encouraged people to use whatever resources they had at their disposal and recognize the effects this is having. She encouraged everyone to be safe, take care and be well.

Student Representative Bauder thanked Council President Fraley-Monillas for the compliment. When he biked through Marina Beach Park today, it was nice to see people enjoying the weather. With the slow reopening of some aspects of public life, there is growing unease that the rate of infection will increase; there is a lot of science behind that. People can be scared of the growing rate of infection, but cannot be afraid because being afraid causes people to become paralyzed and the nature of human beings is to move forward and continue life; time moves forward in one direction and so must we.

Municipal Court Judge Linda Coburn said it has been a while since she has seen the Council so she decided to join tonight's meeting. She reported the court is working hard preparing to resume hearings remotely via Zoom. The Supreme Court's emergency order allows hearings as long as they are telephonic or video. The court is working hard to set that up so hearings can continue. The court cannot have jury trials until a date in July and no in-person hearings unless it is an emergency and there is no other way to hold the hearing, for example if telephonic or video cannot be done and the hearing must occur. If that happens, physical distancing recommendations will be followed.

Mayor Nelson wished all the mothers Happy Mother's Day including his mother and his wife.

11. ADJOURN

With no further business, the Council meeting was adjourned at 9:31 p.m.

Public Comment for 5/5/20 Council Meeting:

5/5/20 Ken Reidy, Subject: Public Comment for May 5, 2020 City Council Meeting
Highly flawed Ordinance No. 4177, an Ordinance effective March 22, 2020 that referenced an Agency dissolved December 31, 2015 and an Ordinance that removed the Emergency Operations Board from our City Code, contains the following: *WHEREAS, there are several provisions of chapter 6.60 ECC that should be updated to take into account the most common ways that citizens receive information in 2020;* Despite this, the Modified Order adopted by City Council the evening of March 24, 2020 was never delivered electronically to all news media within the city. Please appreciate, Ordinance No. 4177 states: *The mayor, or president of the city council, shall cause any proclamation or order issued pursuant to the authority of this chapter to be delivered electronically to all news media within the city, shall publish the same on the city website, and shall utilize such other available means, including social media and/or public address systems, as may be necessary, in the mayor's judgment, to give notice of such proclamations or orders to the public.* The City has admitted that the Modified Order adopted by City Council the evening of March 24, 2020 was never delivered electronically to all news media within the city. When I asked for evidence of such, I was told: "While the City of Edmonds doesn't have a record responsive to your specific request ("evidence the order was sent to the media"), we are providing the Emergency Order. Under normal circumstances the City would have sent it to the media but due to the emergency nature of this order, the tight timeline didn't allow for it." **Days after Ordinance No. 4177 was effective, it was violated by the mayor, or president of the city council.** Was the Modified Order adopted by City Council the evening of March 24, 2020 ever even published on the City's website? On April 1, 2020, **more than a week after** Council's vote to Modify on March 24th, the City posted something labeled MODIFIED STAY AT HOME ORDER to the City's website. The document posted to the City's website on April 1st was signed by Mayor Mike Nelson but he did not **date his signature**. I'm not sure what this document was or where it came from. On March 24th, the Administration proposed two (2) modifications to the Mayor's Order rather than Council doing such as the Legislative Body in an Open Public Meeting. The document posted April 1st did not contain one of the Administration's modifications. The document posted left in the "with" typo that Mr. Taraday represented had been fixed by changing the work to "within": "Residents, business owners, and others who work and recreate **with** the City of Edmonds shall...."Please recall that during the March 24th City Council Meeting, **Council voted 4-3 to approve an amendment involving accountants.** The document posted April 1st claimed it was the city council modification of the Mayor's Emergency Order but it did not contain Council's **amendment involving accountants.** Causing any proclamation or order issued pursuant to the authority of this chapter to be delivered electronically to all news media within the city is a **duty** required by Ordinance No. 4177. On April 22, 2020, I emailed Mayor Nelson and stated:
As Ordinance No. 4177 was not repealed last evening, please do your job and see that all laws and ordinances are faithfully enforced, and that law and order is maintained in the city. Mayor Nelson chose to not respond to my email and inform me what he was going to do about the failure to perform a **duty** required by Ordinance No. 4177.

5/3/20 Finis Tupper, Subject: ECC 6.60 Emergency Management
Pursuant to the City of Edmonds Comprehensive Emergency Management Plan (CEMP), the Edmonds Emergency Operations Center (EOC) is activated by the Disaster Coordinator at his/her discretion, or at the request of the Mayor or any City Department Director or designee, when the level of operations requires it. The EOC Manager will be designated by the Mayor.

Designated staff report to the EOC to coordinate response efforts and support field operations. All or part of the Emergency Management Organization and/or the Emergency Operations Center may be activated during a disaster. The level of activation will be determined by the nature and extent of the disaster. Another concern is the lack of any mention of CEMP in the City Code. Please know that it was all the way back in 2010 that the City of Edmonds entered into a 20-year Interlocal Agreement with Snohomish County Fire District No. 1 (SCFD #1) to provide fire, emergency medical, and fire prevention services to our City. Please consider the following excerpt from the December 4, 2018 Council Meeting Minutes as the 2020 City Council studies and discusses City Code Chapter 6.60 during the May 5, 2020 City Council meeting:

18. Remove Safety & Risk Disaster Coordinator - \$85,567 Council President Nelson recalled because the City was unable to fill the part-time position, additional duties were added and it was increased to full-time. He disagreed with the additional duties. The proposed change is to remove the full-time position although he supported a part-time position. **COUNCIL PRESIDENT NELSON MOVED, SECONDED BY COUNCILMEMBER JOHNSON, TO REMOVE THE SAFETY & RISK DISASTER COORDINATOR.** HR Director Mary Ann Hardie agreed the Safety and Risk Disaster Coordinator position was originally a part-time position. That position could not be filled as it was not competitive to market. In the interim, consultant services have been used to bridge some of the gap such as training and resources. The intent of a safety program is to reduce risk and costs to the City and worker compensation premium costs. The goal is for this position to eventually pay for itself via savings once the plan implemented. To address risks needs in the City, disaster coordinator duties in the Police Department were added to this position. Police Chief Al Compaan explained he worked with HR on the position, noting the importance of demonstrating excellent disaster preparedness. The Edmonds Fire Department previously provided that function; when the City's Fire Department was eliminated, that responsibility fell to the Police Department. The Police Department does the best they can and have been active participants with Snohomish County Department of Emergency Management (DEM) but lack the horsepower to provide exercises for City staff, operate the EOC during exercises, etc. A number of cities including Marysville, Everett, Shoreline, Kirkland, Redmond, and Bothell have dedicated disaster coordinator positions which Edmonds does not have. The Police Department can continue to provide disaster coordination at the existing level; the City is prepared and partners with DEM, but more horsepower is needed to take that to the next level, hence this proposal. Recognizing that contracting for this service is not ideal, Councilmember Teitzel asked the annual cost to contracting for this service. Ms. Hardie answered it would be close to \$100,000 for someone with the necessary safety certifications, etc. to do training and compliance. Councilmember Mesaros commented the news bulletins regarding the earthquake last week in Alaska indicated the Puget Sound area is not as prepared as Alaska due to earthquakes that occurred in the 60's and 70's. Funding a Safety & Risk Disaster Coordinator is a long-term investment that helps the City and its citizens prepare for the unknowns in the future. Councilmember Tibbott asked whether risk management training also include diversity training for staff. Ms. Hardie said the safety training does not include a diversity element, it is related to compliance with OSHA, WISHA, and WAC regulations to ensure workplace practices are safe for employees and to reduce risk of serious injuries and related costs. Councilmember Tibbott said he learned while participating in CERT training with Fire District 1 last year that they are stretched very thin in providing emergency management. They do a great job with training but there is little follow-up with citizens who have taken the training or want to participate in emergency management. He said adding an employee to harness those who are equipped and actively involved is a good way to prepare for a disaster. He saw this as a strategic hire and did not support removing it. Observing that the Fire

Department has historically been the disaster coordinator and the City no longer has a Fire Department and that South County Fire provides CERT training for citizens throughout the district, Council President Nelson asked about efforts to partner with South County Fire's Disaster Coordinator. Chief Compaan said he did not have a good answer; that was not part of the City's current contract with South County Fire and he did not know if they would be interested in partnering with Edmonds. Based on personal experience, he agreed South County Fire staff was stretched. Council President Nelson recognized citizen training takes a lot of commitment and time, but he was interested was not interested in hiring additional City staff. **MOTION FAILED (1-6), COUNCIL PRESIDENT NELSON VOTING YES.** Mayor Earling declared a brief recess.

5/2/20 Ken Reidy, Subject: Public Comment for May 5, 2020 City Council Meeting

Please repeal highly flawed Ordinance No. 4177 at once, an Ordinance rushed into during a sudden Sunday afternoon meeting that Edmonds City Councilmembers had extraordinarily little time to prepare for. Please know that Woodinville, WA was another City Member of the Emergency Services Coordinating Agency (ESCA). **Woodinville utilizes a City Manager who oversees the day-to-day operations of the City.** Recognizing that the ESCA had dissolved December 31, 2015, Woodinville immediately focused on rewriting its Comprehensive Emergency Management Plan (CEMP) to better reflect current resources and practices without the inclusion of ESCA resources. In early 2016, Woodinville hired a consultant to conduct a gap analysis of its Emergency Management Program. Based off the conclusions of that analysis, in August of 2016, Woodinville solicited proposals for an emergency management consultant to update the City's CEMP and provide a roadmap for emergency management. Proposals were scored by a team of Staff and a volunteer member of the Emergency Preparedness & Public Safety Commission (EPPSC) and three interviews were conducted with qualified candidates during the week of September 19, 2016. The top candidate was selected, and a contract was negotiated for services on October 10, 2016. The consultants contracted with led meetings with stakeholders, engaged regional agencies and neighboring jurisdictions, and presented project progress reports to the EPPSC at their monthly meetings. At the Commission's meeting on March 13, 2017, commissioners reviewed the CEMP at 90% completion. On March 21, 2017, the Woodinville City Council received an introduction to the rewritten CEMP where documents were 90% complete. These documents were reviewed by the King County Office of Emergency Management and were submitted to the State of Washington Emergency Management Division (EMD) for review on April 10, 2017. Following the point of 90% completion, the Woodinville City Council was tasked with the responsibility of incorporating the CEMP and related plans/documents into the City Code via the Resolution and Ordinance process. This effort resulted in City of Woodinville Ordinance No. 648 effective June 19, 2017, an Ordinance that Edmonds City Council might want to review for guidance. Woodinville's CEMP requires that **The City Council will ratify the Proclamation as as practical.** As such, Woodinville's City Council ratified the Woodinville City Manager's Proclamation of Emergency via Resolution No. 558 on March 17, 2020. Edmonds' CEMP requires that **The Proclamation of Local Emergency must be ratified by the City Council as soon as practical following the emergency.** Would Edmonds City Council ever have considered Ratification had I not brought this up repeatedly for weeks and weeks? Incredibly, somebody is now proposing that the following be added to our Code ECC 6.60.080.3: **The proclamations of emergency do not need to be ratified by the city council.** This proposal, of course, is inconsistent with the Edmonds' CEMP. **If adopted, will Edmonds be the only city in Washington State that has a law**

that **proclamations of emergency do not need to be ratified by the city council?** I think it a good exercise to compare what took place in Woodinville after the ESCA dissolved on December 31, 2015 to what took place in the City of Edmonds. We see what Woodinville did as discussed earlier in this Public Comment. As a contrast, Edmonds did adopt an updated CEMP in April of 2017 but then proceeded to adopt highly flawed Ordinance No. 4177 on a Sunday afternoon, March 22, 2020. The highly flawed Ordinance references the ESCA even though it was dissolved years earlier on December 31, 2015. **Why does stuff like this happen with Edmonds City Government?** Do we need to consider changing to the City Manager form of government? I think it is obvious that this question needs to be considered. The City Manager form of government is not perfect either, but I think our Policy Makers have a responsibility to periodically consider such as an alternative. Regarding Chapter 6.60 ECC, please consider following Woodinville's example. We can learn so much from Woodinville and the process administered by its City Manager. **Please repeal highly flawed Ordinance No. 4177 immediately.** Please update our CEMP as needed and then please incorporate the updated CEMP and related plans/documents into the Edmonds City Code via the Resolution and Ordinance process. Thank you.

5/2/20 Ken Reidy, Subject: Public Comment for May 5, 2020 City Council Meeting
During the April 28, 2020 City Council Meeting, while discussing the Mayor's Community and Economic Relief Fund, City Council President Adrienne Fraley-Monillas stated: "I have not received any calls from citizens regarding this and I have contacted a number of Councilmembers who've also not received the calls, so I believe that's probably a good sign that it is not more widespread than it is." It is hard to tell exactly what she was talking about, but her comments did take place during a portion of the meeting where a discussion was taking place as to how quickly the Mayor had moved on this. **City Councilmembers do not just receive "calls"**. They receive official **Public Comments** submitted by citizens. City Councilmembers are also provided official City **email** addresses that citizens can use to communicate with each Councilmember. There are other methods that can be used to initiate communication between citizens and elected officials including **letter writing and texting**. The City's Code of Ethics states that elected officials and appointed citizen volunteers serving in an official capacity (i.e. Boards and Commissions) **SHALL: "Keep the community informed on municipal affairs and encourage communications between the citizens and all municipal officers. Emphasize friendly and courteous service to the public and each other; seek to improve the quality of public service, and confidence of citizens."** One problem with the City's Code of Ethics is that it is not enforced by anybody. Elected officials can choose to not respond to a citizen's communication efforts and there are no consequences addressed in the Code of Ethics for such behavior. For example, Mike Nelson has not responded to one of my emails since April 6, 2018. Councilmember Kristiana Johnson has not responded to one of my emails since November 5, 2016. Former Mayor Dave Earling did not respond to one of my emails from March 9, 2012 through the end of his time in office, December 31, 2019. Related to City Council's study of the Mayor's Community and Economic Relief Fund, I submitted **Public Comment** and provided additional input via **email** to City Council. I am confused as to why City Council President Fraley-Monillas represented that she and other Councilmembers did not receive any calls regarding this. Maybe she was talking about something different. I do not know why she did not disclose that she and other Councilmembers had received multiple **emails** and official **Public Comments** regarding this Relief Fund. For example, I submitted **Public Comments** that included the following: [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? Now we have found out that \$23,478 from the relief fund has been used for the "REIMBURSEMENT FOR PURCHASE OF BOX TRUCK". This indicates that it is possible that a different food bank may have been able to utilize the money more efficiently right now - Mayor Nelson said people are suffering now from food shortages. At a minimum, I believe Council could have considered selecting a food bank that did not want to use some of the relief funds to buy a truck had Council been allowed to play a role in deciding how this money was to be efficiently utilized. Instead, the Mayor decided and acted on his own, without involving City Council. The City's handling of Public Comments during this time of virtual Public Meetings has been very discouraging. Public Comments submitted have not been read out loud and absolutely no information about the Public Comments has been provided during the Audience Comments section of the City Council Meeting. All that has taken place is the Mayor has simply stated: "Next item is Audience Comments. Audience can submit comments via email to PUBLICCOMMENT, it's all one word, PUBLIComment@edmondswa.gov." That is all that is said. The Mayor does not even mention whether any public comments have been received. Other cities have figured out how to incorporate Public Comments into their City Council Meetings in real time. For example, the City of Anacortes has implemented an eComment function which facilitates public comments and promotes the ability of all, including the public, to see those comments before or during the Council Meeting. Here is more info: <https://www.cityofanacortes.org/DocumentCenter/View/17826/04012020-PRESS-RELEASE---Online-Public-Comment-Options-for-Anacortes-City-Council-Meetings> I provided this eComment information via email on April 10, 2020. Nobody emailed me back about the possibility of facilitating eComments or an alternative and nothing has changed. Please figure out how to incorporate Public Comments into City Council Meetings so that the public is aware of the comments in real time like the public would be had the comments been made at the podium. Please also respect the City's Code of Ethics and please establish procedures to promote compliance with the City's Code of Ethics. Thank you.

5/1/20 Finis Tupper, Subject: RE: Community & Economic Relief Fund aka Program Ms. Fraley- Monillas Unlike you I have done some research despite the roadblocks throw up by the City Attorney. They didn't provide me the warrant signed for the truck on 4.23.20. When the service agreements were provided on 4.27.20. The vendor account was created on 4.22.20 and the invoice was provided to the Finance Department the same day. But in this situation there seems to be a pattern to not divulge and disseminate all information to the Council and the public. The published Council Agenda packet did not have the Contracts. Once the Administration provided the Contracts, the Account Code wasn't provided and the State Auditor's Basic Accounting Records System description of the Fund still has not disclosed by the Finance Department. Mr. James only disclosed code was non-departmental which is code

39 and not 565 which is Welfare. There is a lot of smoke and mirrors coming from the City such as a Fund is now a Program. And the moving and transferring of money between accounts is not a new appropriation to a new fund because there was no ordinance approving the new fund. Mayor has the authority to spend my taxpayer dollars up to \$100,000 any which way he wants to. I don't think that is what the laws intended even in a crisis. But this is exactly what Mayor Nelson proposed in the Special March 27, 2020 and the changes to Edmonds City Code 6.060. FUND 565 is Welfare – (Summary of Intent is): “Activities designed to provide public assistance and institutional care for individuals economically unable to provide essential needs for themselves. Include costs of indigent burials, food banks, crisis clinics, etc.” The City purchasing a \$32,000 truck does not provide public assistance for individuals. The Purchase isn't a essential service to an individual. An essential service would be disturbing food to the needy. The Mayor claims people are suffering from food shortages. A \$32,000 Truck isn't going to put food on the tables of poor families. \$32,000 would go a long way in purchasing food for the needy families in our community! Spending these precious taxpayer funds on a fixed long-term asset fails to satisfy the Auditors accounting description nor does it satisfy the need to act swiftly and without collaboration of the City Council and the Public. The law requires the service be essential and for individuals not for the organization. Look up the word essential. The intent is to provide service for those in need of care, burials, food and counseling not to purchase fixed assets like a \$32,000 truck. You need to read our State Constitution, Revised Code of Washington, Edmonds City Code. The March 27, 2020 ECC 6.60 included; “(G.) An order prohibiting the carrying or possession of a firearm or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties” You voted in favor of this Ordinance. Did you do your research? Please cite any law which would make such an Order legal. I look forward to your research.

5/1/20 Finis Tupper, Subject: Community & Economic Relief Fund aka Program

Dear Councilmember Paine & Fraley-Monillas: Last week you two applauded Mayor Nelson for his quick action in creating this new city program formerly know as a city fund. I wonder if you research the fact that \$32,000+ of the \$50,000 granted to the Edmonds Food Bank was spent on a Truck. Yesterday, I went to Costco after work. Costco was out of Chicken both Frozen and the Rotisserie, Flank Steak, Toilet Paper, Paper Towels, Clorox bleach, Clorox wipes, Clorox spray. Seriously there were many selves bare and most with less merchandize than usual. I guess when the community needy come to City Council in search of help and claiming the Food Bank is out of Food. You two and Mayor can tell them to eat a Truck.