	Junior City Council October 23, 2024 - 7:00 PM City Hall 25 W. Main St. Auburn, WA 98001, Floor 2, Conference Room 3 SPECIAL MEETING AGENDA
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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

III. AGENDA MODIFICATIONS

IV. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Approval of October 9th, 2024 Minutes

V. COMMITTEE REPORTS/EVENTS

VI. DISCUSSION ITEMS

A. Update from Chair Muhsen

Chair Muhsen to update Junior Council on his takeaways from the Community Meeting he attended.

B. Junior City Council Travel to D.C.

In March, the National League of Cities (NLC) has their annual Congressional Conference in Washington DC. Mayor and City Council will attend and there is budget for four Junior Council members (and a chaperone) to attend. Who would like to attend?

C. Climate and Health Adaptation Modeling Project

Next steps for the youth engagement opportunity on November, 13th.

D. Administrative Updates

Auburn's Veteran's Parade on November 9th - Any appointed Junior Council Member can attend, the parade happens rain or shine. Junior Council will have a vehicle to walk beside (or ride in). AJCC attendees will receive honorable mention during the Remembrance Ceremony. November 1st is the deadline for registering, reach out to Melissa if you are interested.

Santa Parade & Tree Lighting on December 7th - Any appointed Junior Council Member can attend, the parade happens rain or shine. Junior Council has a banner to hold and decorate and you will receive honorable mention at the tree lighting.

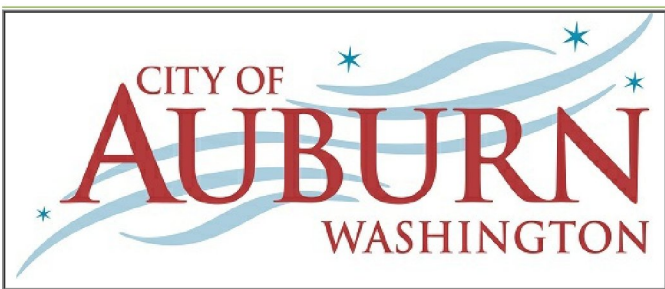
Mayor's Open House in early December - Held at Auburn's Junior Achievement, it is an evening of food and festivities with staff, elected officials, and community members.

E. OPMA Training

Training on the Open Public Meetings Act.

VII. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

	Junior City Council October 9, 2024 - 7:00 PM Council Chambers AGENDA
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I. CALL TO ORDER

Chair Mushen called the meeting to order at 7:13 p.m.

A. Roll Call

Present: Erica Rios; Joey Rush; Lewand Muhsen; Lilly Mertens; Nnamdi Ometu; Phia Chea; Rowan Santos
Absent: Mikaela Pedraja; Nazli Shamdeen; Prableen Kaur; Caleb Choi
Guest: Oliver Nguyen, potential member
Staff: Dana Hinman, Director of Administration; Acting Deputy Mayor Yolanda Trout-Manuel

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

III. AGENDA MODIFICATIONS

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All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Approve June 26th, 2024 Minutes

Chair Mushen called for motion to approve. Vice Chair Rowan moved, second by Member Mertens – motion passed.

V. COMMITTEE REPORTS/EVENTS

VI. DISCUSSION ITEMS

A. Discuss Chair, and Vice-Chair Positions

Discuss Junior Council Chair, and Vice-Chair positions.

Director Hinman explained that the council is required to select a chair and vice chair for the 2024-2025 AJCC session. Members nominated and voted for both positions and selected Lewand Mushen as chair and Rowan Santos as vice chair.

B. Climate and Health Adaptation Modeling Project (CHAMP)

Public Health – Seattle & King County is working on a community-based participatory

model building project focused on heat health risks in the City of Auburn. We have established a 15-person workgroup of people with related lived and professional experiences that have created a model that visualizes how heat impacts health in Auburn. This workgroup has met three times since July 2024 and will meet three more times before April 2025 to finish the model and identify solutions to be shared with decisionmakers.

We are seeking your input at this mid-point stage of the process so that we can include your perspective on heat health risks in Auburn in the conversation. We invite you to participate in a 2-hour discussion in November (exact date forthcoming) which will include the following activities:

Public Health – Seattle & King County is working on a community-based participatory model building project focused on heat health risks in the City of Auburn called the Climate and Health Adaptation Modeling Project (CHAMP). King County would like to use the November 13 meeting to host a youth event with the goal of sharing the youth perspectives with the 15 member task force. *DECISION: the AJCC agrees to host the meeting and asked Director Hinman to inform Public Health – Seattle & King County.*

C. Transportation Advisory Board Position

The Transportation Advisory Board has a board position open for a High School Student.

The Transportation Advisory Board has a board position open for a High School Student. *DECISION: Chair Mushen has agreed to serve in this position.*

D. Administrative Updates

Auburn is hosting a series of community meetings with Auburn residents, elected officials, school and community leaders. If you are interested in helping with setting up, tearing down, taking notes, and other duties as assigned, please reach out to Melissa Bailey.

Auburn's Veteran's Parade on November 9th - Any appointed Junior Council Member can attend, the parade happens rain or shine. Junior Council will have a vehicle with an assigned driver to walk beside, or ride in during the parade and you will receive honorable mention.

Santa Parade & Tree Lighting on December 7th - Any appointed Junior Council Member can attend, the parade happens rain or shine. Junior Council has a banner to hold and decorate and you will receive honorable mention at the tree lighting.

Mayor's Open House in early December - Anyone on AJCC can attend, anyone on a board or commission, city employee, or resident can attend.

Please reach out to Melissa Bailey to RSVP, or for more information.

Chair Mushen shared with the AJCC the following opportunities for

participation and encouraged members to reach out to Melissa Bailey if interested:

1. Assist with community meetings with Auburn residents.
2. Participate in Auburn's Veteran's Parade on November 9.
3. Attend Auburn's Santa Parade & Tree Lighting on December 7th.
4. Attend Mayor's Open House in early December.

E. Updates from Deputy Mayor

Acting Deputy Mayor Trout-Manuel asked each member to introduce themselves and share why they joined the Auburn Junior City Council. ADM Trout-Manuel expressed her gratitude for them serving and that she is looking forward to seeing what they accomplish this year.

VII. **ADJOURNMENT**

Chair Mushen adjourned the meeting at 7:35 p.m.

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

OPEN GOVERNMENT TRAINING

Kendra Comeau, Auburn City Attorney
Shawn Campbell, Auburn City Clerk

AUBURN
VALUES

S E R V I C E
E N V I R O N M E N T
E C O N O M Y
C H A R A C T E R
S U S T A I N A B I L I T Y
W E L L N E S S
C E L E B R A T I O N

OPEN GOVERNMENT TRAINING

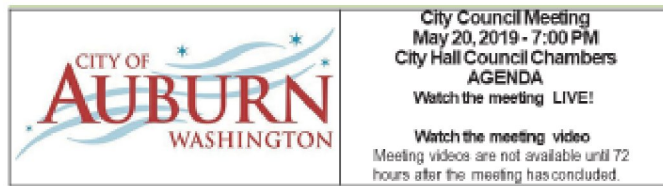
- **Preservation and Destruction of Public Records**
 - Chapter 40.14 RCW
- **Public Records Act**
 - Chapter 42.56 RCW
- **Open Public Meetings Act**
 - Chapter 42.30 RCW

RECORDS RETENTION AND DESTRUCTION

- Keep all records created by you or sent to you
 - Primary Copy Only
- Forward all writings containing information relating to the conduct of government received on your personal device
 - Councils, Boards, Commissions: Send messages to your Council, Board, or Commission City liaison unless the communication is from a City staff member
 - City staff should not use their personal devices to conduct the business of the City

CONSEQUENCES FOR DESTROYING RECORDS TOO EARLY

- Fines assessed by the Court due to failure to produce documents needed to fulfill a public records request or as part of a lawsuit
- The possibility of interrupting efficient City operations due to loss of information
- A loss of continuity in business operations in the event of a disaster
- Loss of records of historical significance
- Intentional destruction of public records is a crime

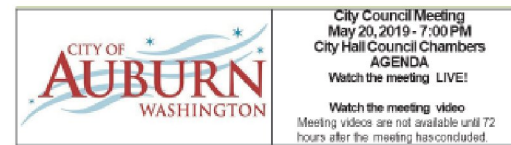


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 - A. Pledge of Allegiance
 - B. Roll Call
- II. ANNOUNCEMENT S, PROCLAMAT IONS, AND PRESENTAT IONS
- III. APPOINTMENTS
- IV. AGENDA MODIFICATION S
- V. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE
 - A. Public Hearings
 - 1. Public Hearing for Right-of-Way Vacation V2-18 (Gaub)
City Council to hold a public hearing in consideration of Right-of-Way Vacation V2-18
 - 2. Public Hearing for Franchise Agreement No. 19-09 (Gaub)
City Council to hold a public hearing in consideration of Franchise Agreement No. 19-09 for Fatbeam, LLC
 - B. Audience Participation
This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.
 - C. Correspondence - (There is no correspondence for Council review.)
- I. COUNCIL AD HOC COMMITTEE REPORT S
Council Ad Hoc Committee Chairs may report on the status of their ad hoc Council Committees' progress on assigned tasks and may give their recommendation to the City Council, if any.
- VIII. CONSENT AGENDA
All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

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Primary copy kept by City Clerk

All other copies are secondary and can be destroyed when no longer needed.

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PUBLIC RECORDS ACT

- The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

RCW 42.56.010 DEFINITIONS

"Public record" includes:

any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics

IDENTIFIABLE PUBLIC RECORDS

May 24, 2020

Attn: Human Resources

I would like to know how the city handles employment discrimination claims. Please advise at your earliest convenience.

Ann Smith

To: City of Auburn

Date: June 1, 2020

I would like to receive a copy of the city's policy for handling employment discrimination claims.

Thank you.

Paul Jones

The first request is for information.

The second request is for an “identifiable public record.”

PUBLIC RECORDS REQUESTS

The screenshot shows the City of Auburn website's Public Records Request portal. The breadcrumb navigation at the top reads: Home > City Hall > City Clerk > Public Records Request. The page title is "Public Records Request". On the left sidebar, there are links for "City Clerk", "Passport Services", and "Public Records Request" (which is highlighted). The main content area contains the following text: "Please use the link below for public records requests or to request a copy of a police report. The City of Auburn responds to Requests for Public Records in accordance with RCW 42.56." Below this text is a large button labeled "Submit a Records Request". At the bottom, it states: "For any questions about the public records process, please contact the City Clerk's Office at 253-931-3039." and "Effective August 1, 2016, a 3% service fee is included for all credit card transactions."

Public Records Portal on City's Website

The screenshot shows the "Request For Public Records" form from the City of Auburn. The form includes the following sections: "Name of Requestor:", "Mailing Address:", "City, State, Zip Code:", "Email:", "Phone:", "Fax:", and checkboxes for "Police Report", "Building Plans and Permits", "Video", "Photos", and "Other". A large text area follows for "Please describe the records requested. Please be specific, using as many details as possible, i.e. dates, names, birthdates, addresses, etc., so the City can clearly identify which records are being requested. (If more space is needed, please attach additional pages.)". Below this is the "Preferred Method to Receive Records:" section with checkboxes for "Electronic via Records Center (email address required)", "Inspect On-site", "Fax", "Pick-up Copies", and "Copies by Mail". A small note states: "Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law." The form also has fields for "Signature of Requester:" and "Dated:". At the bottom, it states: "Request for Public Records can also be submitted and tracked using our online records system. Please visit our website for additional information:" followed by the URL http://www.auburnwa.gov/services/records_request.htm.

City Hall- Records Request Form

SEARCHING FOR RECORDS

- An agency should **read the request carefully** to understand what records are requested.
 - ✓ Clarify the request if needed.
 - ✓ An agency can also ask the requestor to suggest search terms.
- An agency must conduct an **adequate search** for responsive records.
 - ✓ Consider all formats (paper, electronic, etc.)
 - ✓ Consider records of current staff/officials, and former staff/officials, if potentially responsive.
 - ✓ Consider possible locations (e.g., file cabinets, agency website, audio files, etc.)
- The search should be **reasonably calculated to uncover responsive records**.
- The search should follow **obvious leads** to possible locations where records are likely to be found.
- It is a good idea to **document** search efforts (locations, search terms used, etc.). The agency bears the **burden of proof** to show the adequacy of the search.

PRIVACY

- There is no general “privacy” exemption in the Public Records Act.
- If privacy is an express element of another exemption, **privacy is invaded only if disclosure about the person would be:**
“highly offensive to the reasonable person” and
“not of legitimate concern to the public.”

This means that if information does not satisfy both these factors, it cannot be withheld as “private” information under the applicable exemption.

~ RCW 42.56.050

UPDATE WITH RECENT COURT CASES

- Hoffman v. Kittitas Cnty (Sept. 26, 2019): Court fined the County \$15,498 based on a penalty of \$.50 per page/photo/video for 246 days.
- Zink v. City of Mesa (June 19, 2018): Court fined City of Meza \$200,746.47 and attorneys' fees of \$25,746.47 in a case involving 172 records requests over 3 years related to the City's decision to terminate the Zinks' building permit.

OPEN PUBLIC MEETINGS ACT (OPMA)

Applies to:

Governing bodies (“multimember boards, commissions, committees, councils, or other policy or rule-making bodies of a public agency”).

Public Agencies of Auburn:

- The City Council
- The City’s subagencies (commissions, boards, agencies, etc. that are “created by statute, ordinance, or other legislative act...”); and
- Any committee of the council or a subagency *when*:
 - the committee acts on behalf of the governing body,
 - conducts hearings, or
 - Takes testimony or public comment

– RCW 42.30.020

“The purpose of the OPMA is to allow the public to view the “decision-making process.”

~ Washington State Supreme Court

WHAT IS ACTION

“**Action**” means the transaction of the official business of the public agency and includes but is not limited to:

- Public testimony
- Deliberations
- Discussions
- Considerations
- Reviews
- Evaluations



The requirements of the OPMA are triggered whether or not “final” action is taken.

~ RCW 42.30.020

WHAT IS FINAL ACTION

“**Final action**” means a collective positive or negative decision or an actual vote by the members of the governing body upon a motion, proposal, resolution, order, or ordinance.

HB 1329 (2022):

Requires that the City provide an opportunity for public comment at or before every regular meeting at which final action is taken.

Requires an opportunity for individuals to provide remote oral comment if the person will have difficulty attending the meeting.

Public agencies are *encouraged* to provide for remote comment.

MEETING LOCATION

- All meetings of a governing body of a public agency must be held in a physical location where the public can attend, with an exception:
 - If required by the emergency, the public agency can either fully prohibit or limit in-person public attendance at the meeting.
- It is highly encouraged that a governing body provide a remote meeting attendance option when there are no limitations to in-person meeting attendance by the public.

REMOTE MEETING ATTENDANCE

- The OPMA permits members of the governing body to attend the meeting by phone or other electronic means that allows for real-time verbal communication.
- Your staff liaison will make a recommendation for required types of meeting attendance for City Boards and Commissions.
- The meeting must be held in a physical location and must allow the public to attend in-person (absent an emergency).

LinkedIn

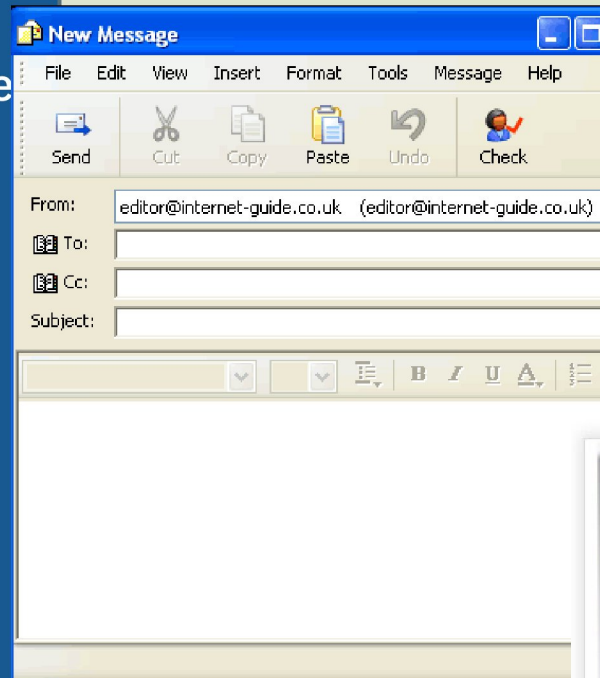


Avoid an inadvertent on-line
public meeting

follow us on
twitter

Quorum

Action



PUBLIC MEETING NOTICE REQUIREMENTS

■ Regular Meetings

(recurring meetings held according to a schedule fixed by ordinance, resolution, bylaws or other rule)

Governing bodies are required to make the agenda of each Regular Meeting of the governing body available on-line no later than 24 hours in advance of the published start time of the meeting.

■ Special Meetings

(a meeting that is not a Regular Meeting, called by the presiding officer or majority of the members)

ALL MEETINGS MUST BE NOTICED BY THE CITY CLERK

Written notice must be given 24 hours before the Special Meeting and must specify the date, time and place of the meeting and the business to be transacted.

■ Emergency Special Meetings

Notice is not required for a Special Meeting called to deal with an emergency:

- When the emergency involves injury or damage to persons or property or the likelihood of such injury or damage
- Where time requirements of notice make notice impractical and increase the likelihood of such injury or damage

~ RCW 42.30.070, RCW 42.30.077, RCW 42.30.080

EXECUTIVE SESSIONS

For specified purposes set out in the OPMA-no final action can be taken.

Examples:

- National security
- Real estate:
 - Site selection or acquisition of real estate—
 - Lease or purchase
 - Public knowledge would likely increase price
 - Sale or lease—
 - Public knowledge would likely decrease price
 - Final action selling or leasing public property must be taken at an open meeting
- Publicly bid contracts:
 - Review negotiations on the performance of publicly bid contracts
 - Public knowledge would likely increase costs
- Evaluate qualifications of an applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

PENALTIES FOR VIOLATING THE OPEN PUBLIC MEETINGS ACT

A court can impose a **\$500** civil penalty against each member (personal liability) **for a first violation, and \$1,000 for each successive violation.**

Any action taken at meetings held in violation of the OPMA are “null and void.”

A court may order an agency to pay the costs and reasonable attorney’s fees of a person who sues the agency for a violation.

An OPMA violation may provide a sufficient legal basis for a recall effort against a local elected official.

But...if the court finds that the action was frivolous and advanced without reasonable cause, it may award to the agency reasonable expenses and attorney fees.

~ RCW 42.30.120; RCW 42.30.060

OPMA – WHAT DOES AUBURN DO?

- ❖ Agendas are posted on the City's website at least 24 hours in advance of meetings.
- ❖ Procedures have been formalized for override of the front door locks to ensure access.
- ❖ Documentation is retained: meeting minutes and executive sessions (purpose, time, attendees).
- ❖ Training has been provided for staff who serve as liaisons to the City's Boards and Commissions (need more training? Contact Shawn Campbell).