

**Junior City Council
May 11, 2023 - 7:00 PM
Council Chambers
AGENDA**

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 April 13th, 2023 Minutes

V. COMMITTEE REPORTS/EVENTS

VI. DISCUSSION ITEMS

A. Review Updated Public Records Act & Open Public Meetings Act

It is time to have your Board/Commission review the updated OPMA/PRA Training. I have attached the link below.

E:\Multimedia\City Clerk\Shawn\2023 OPMA Training.mp4

B. Mayor's Podcast

If interested in doing Mayor's Podcast, we will schedule two Junior Council Members at a time with Mayor and Jonathan to participate.

C. Junior Council Judge for Pet Costume Contest at Auburn Farmers Market

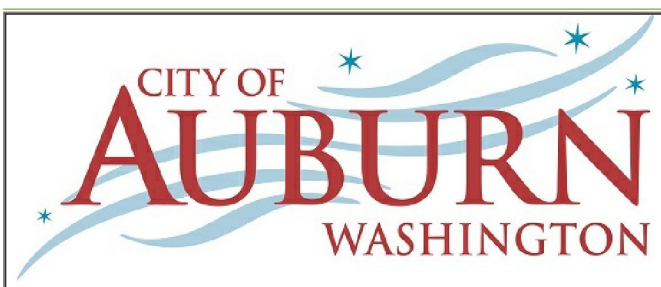
The Auburn Farmers Market is hosting a Pets in the Park Day on Sunday, July 9th. There will be a pet costume contest from 1 – 2 PM. They would like one Jr. Councilmember to be a judge for the contest, it is from 12:30 PM – 2 PM.

**D. Update from Deputy Mayor James Jeyaraj
Update from Deputy Mayor James Jeyaraj**

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
April 13, 2023 - 7:00 PM
Council Chambers
AGENDA**

I. CALL TO ORDER

Meeting called to order by Chair Menzia at 7:24 p.m.

A. Roll Call

Present: Chair Waylon Menzia, Vice Chair Jonathan Mulenga; Janine Park; Emily Helms; Khysner Ayo; Briseyda Sandate; Savannah Lueck. Staff present: Deputy Mayor James Jeyaraj; Director of Administration Dana Hinman; Recreation Coordinator Keisha Taylor.

II. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

A. National Alliance on Mental Illness (NAMI) Presentation

National Alliance on Mental Illness' South King County chapter to present their programs that bring awareness to youth mental health

National Alliance on Mental Illness (NAMI) Presentation: Robin Hinz from NAMI South King County presented information to the AJCC on "Ending the Silence" youth mental health program: <https://www.nami.org/Support-Education/Mental-Health-Education/NAMI-Ending-the-Silence>.

III. AGENDA MODIFICATIONS

Members attending the Mayor's State of City Address on April 19, 2023: Savannah, Waylon, Briseyda, Janine, Emily, Janine

Chair Menzia shared that the AJCC gave an update on April 3, 2023

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 March 23rd, 2023 Minutes

Approval of minutes from March 23, 2023 – Motion to approve by Vice Chair Mulenga; Second by Member Sandate. Motion passed.

V. COMMITTEE REPORTS/EVENTS

VI. DISCUSSION ITEMS

A. Updates from NLC

Updates from Junior City Council attending NLC

Members that attended the NCL conference provided updates on the trip and some of their favorite activities they participated in in Washington, D.C.

B. Clean Sweep on April 22nd, 2023

Celebrate Earth Day by participating in the City's largest spring clean-up! Clean Sweep 2023 will focus on clean-up, environmental restoration, and beautification efforts in Auburn. Volunteer groups will work on general clean-up, landscaping, planting, weeding and other projects at various parks, trails, and other locations around Auburn. Volunteers can either choose to participate in a specific project or can ask to be assigned to any project, in which case your group will be assigned where the most volunteer support is needed. Who would like to attend?

7:30 – 8:30 AMCheck in – Auburn Community & Events Center

7:30 – 8:30 AMWelcome & Breakfast – Auburn Community & Events Center

8:45 – 9:00 AM. Check in at project location – emailed in advance

9:00 AM – 12 PM. ... Volunteers commence project tasks

April 22, 2023: AJCC members attending TBA (follow up with member Park) – AJCC members can join Keisha Taylor and the Auburn Youth Council.

C. Update from Deputy Mayor James Jeyaraj

Update from Deputy Mayor Jeyaraj

DM Jeyaraj updated the AJCC on the topics covered in last City Council study session on Monday, April 10, 2023.

VII. ADJOURNMENT

Chair Menzia adjourned meeting at 7:55 p.m.

Approved this ____ day of April, 2023.

Waylon Menzia, Chair

Melissa Bailey, City Council Assistant

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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 - 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 Falbeam, 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
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Primary copy kept by City Clerk



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

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's website navigation bar with links to City Hall, City Clerk, and Public Records Request. The main content area is titled "Public Records Request" and includes a sidebar with "City Clerk", "Passport Services", and "Public Records Request". The main text explains the request process and provides a "Submit a Records Request" button. It also includes contact information for the City Clerk's Office and a note about a 3% service fee for credit card transactions effective August 1, 2016.

> [City Hall](#) > [City Clerk](#) > Public Records Request

City Clerk

Passport Services

Public Records Request

Public Records Request

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.

[Submit a Records Request](#)

For any questions about the public records process, please contact the City Clerk's Office at 253-931-3039.

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. It includes fields for Name of Requestor, Mailing Address, City, State, Zip Code, Email, Phone, and Fax. There are checkboxes for Police Report, Building Plans and Permits, Video, Photos, and Other. A section for Preferred Method to Receive Records includes checkboxes for Electronic via Records Center, Inspect On-site, Fax, Pick-up/Copies, and Copies by Mail. The form also includes a signature line and a date field. A note at the bottom states that requests can also be submitted and tracked using the online records system, with a link to the website.

AUBURN
MORE THAN YOU IMAGINED

Request For Public Records

Name of Requestor: _____

Mailing Address: _____ City, State, Zip Code: _____

Email: _____ Phone: _____ Fax: _____

☐ Police Report ☐ Building Plans and Permits ☐ Video ☐ Photos ☐ Other _____

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.)

Preferred Method to Receive Records:^{*}

☐ Electronic via Records Center (email address required)

☐ Inspect On-site

☐ Fax

☐ Pick-up/Copies

☐ Copies by Mail

*Please note that 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.

Signature of Requestor: _____ Dated: _____

Request for Public Records can also be submitted and tracked using our online records system. Please visit our website for additional information:

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).

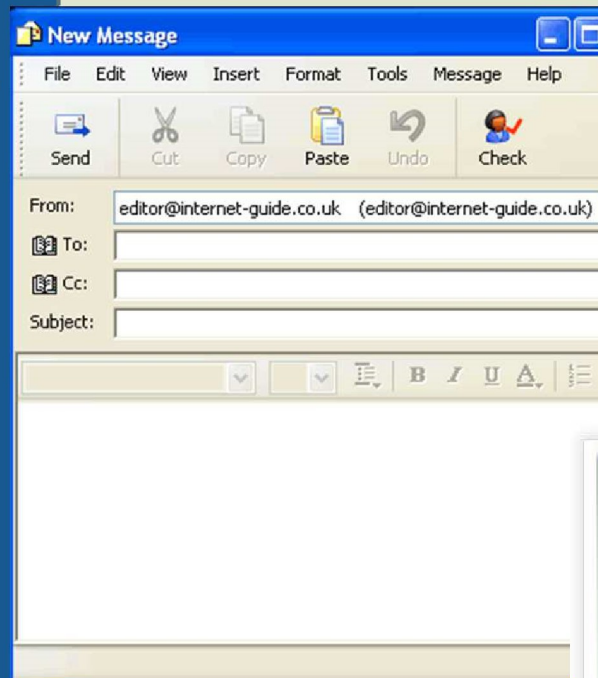
LinkedIn



Avoid an inadvertent on-line public meeting

Quorum

Action



follow us on
twitter



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

~ 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).