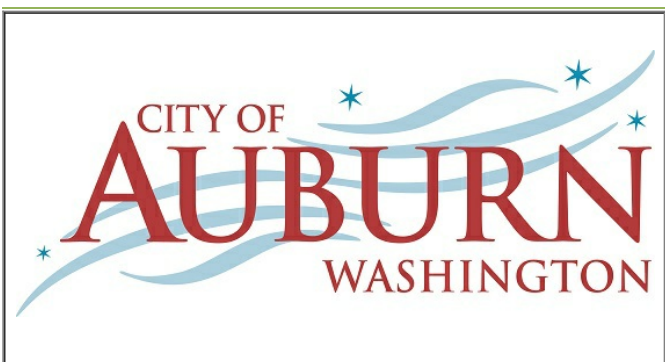


	City Council Meeting April 5, 2021 - 7:00 PM Virtual AGENDA Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

II. VIRTUAL PARTICIPATION LINK

1. Virtual Participation Link

The Auburn City Council Meeting scheduled for Monday, April 5, 2021 at 7:00 p.m. will be held virtually and telephonically. To attend the meeting virtually please click one of the below links, enter the meeting ID into the Zoom app, or call into the meeting at the phone number listed below.

Per Governor Inslee's Emergency Proclamation 20-05 and 20-28 et. seq. and Stay Safe-Stay Healthy, the City of Auburn is holding public meetings virtually at this time.

City of Auburn Resolution No. 5581, designates City of Auburn meeting locations for all Regular, Special and Study Session Meetings of the City Council and of the Committees, Boards and Commissions of the City as Virtual Locations.

The link to the Virtual Meeting or phone number to listen to the Council Meeting is:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click one of the below URL to join.

Zoom: <https://zoom.us/j/93838959318>

YouTube: <https://www.youtube.com/user/watchauburn/live/?nomobile=1>

Or join by phone:

253 215 8782

877 853 5257 (Toll Free)

Webinar ID: 938 3895 9318

A. Pledge of Allegiance

B. Roll Call

III. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Proclamation - Sexual Assault Awareness Month
Mayor Backus to proclaim April 2021 as "Sexual Assault Awareness Month" in the City of Auburn
- B. Proclamation - Sikh Heritage Day
Mayor Backus to proclaim April 14, 2021 as "Sikh Heritage Day" in the City of Auburn
- C. Proclamation - National Public Safety Telecommunicators Week
Mayor Backus to proclaim April 12-18, 2021 as "National Public Safety Telecommunicators Week" in the City of Auburn

IV. APPOINTMENTS

- A. Transportation Advisory Board
City Council to confirm the appointment of Christian Faltenberger to the Transportation Advisory Board, serving as the Auburn Chamber of Commerce representative, for a three year term to expire December 31, 2023

(RECOMMENDED ACTION: Move to approve Christian Faltenberger to the Transportation Advisory Board.)

V. AGENDA MODIFICATIONS

VI. NEW BUSINESS

VII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

- A. **Public Hearings - (No public hearing is scheduled for this evening.)**
- B. **Audience Participation**

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. Virtual Participation

Participants can submit written comments via mail, fax or email. All written comments must be received prior to 5:00 p.m. on the day of the scheduled meeting and must be 350 words or less.

Please mail comments to:
City of Auburn
Attn: Shawn Campbell, City Clerk
25 W Main St
Auburn, WA 98001

Please fax comments to:
Attn: Shawn Campbell, City Clerk
Fax number: 253-804-3116

Email comments to:
publiccomment@auburnwa.gov

C. Correspondence - (There is no correspondence for Council review.)

VIII. COUNCIL AD HOC COMMITTEE REPORTS

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.

1. Finance Ad Hoc Committee (Chair Baggett)
2. Grocery Worker Hazard Pay (Chair DaCorsi)

IX. 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. Minutes of the March 15, 2021 Regular Council Meeting
- B. Minutes of the March 22, 2021, March 29, 2021 Study Session
- C. Claim Vouchers (Thomas)
Claim voucher list dated April 5, 2021 which includes voucher numbers 462853 through 463016 in the amount of \$2,798,572.65 and nine wire transfers in the amount of \$809,619.15
- D. Payroll Vouchers (Thomas)
Payroll check numbers 539126 through 539130 in the amount of \$602,077.41, and electronic deposit transmissions in the amount of \$2,148,579.29, for a grand total of \$2,750,656.70 for the period covering March 10, 2021 to March 30, 2021

(RECOMMENDED ACTION: Move to approve the Consent Agenda.)

X. UNFINISHED BUSINESS

XI. ORDINANCES

- A. Ordinance No. 6815 (Thomas)
An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget, authorizing amendment to the City of Auburn 2021-2022 Budget as set forth in Schedule "A" and Schedule "B"

(RECOMMENDED ACTION: Move to adopt Ordinance No. 6815.)

XII. RESOLUTIONS

A. Resolution No. 5584 (Martinson)

A Resolution authorizing the Mayor and City Clerk to execute an agreement between the City of Auburn and Cayce & Grove for Public Defense Services

(RECOMMENDED ACTION: Move to adopt Resolution No. 5584.)

XIII. MAYOR AND COUNCILMEMBER REPORTS

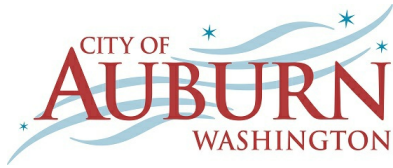
At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

B. From the Mayor

XIV. ADJOURNMENT

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



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 15, 2021 Regular Council Meeting

Department:

City Council

Attachments:

[03-15-2021 Minutes](#)

Date:

March 29, 2021

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

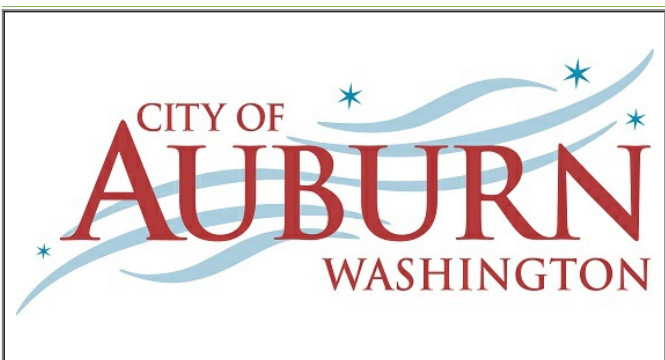
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 5, 2021

Staff:

Item Number: CA.A

	City Council Meeting March 15, 2021 - 7:00 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. **CALL TO ORDER**

II. **VIRTUAL PARTICIPATION LINK**

1. Virtual Participation Link

The City Council Meeting was held virtually.

A. **Pledge of Allegiance**

Mayor Nancy Backus called the meeting to order at 7:05 p.m. and led those in attendance in the Pledge of Allegiance.

B. **Roll Call**

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel.

Mayor Nancy Backus, Technical Support Specialist Danika Olson, Police Chief Dan O'Neil and City Clerk Shawn Campbell were in Chambers.

The following department directors and staff members attended the meeting virtually: City Attorney Tina Russom, Director of Finance Jamie Thomas, Director of Public Works Ingrid Gaub, Director of Human Resources and Risk Management Candis Martinson and Assistant Director of Innovation and Technology Ashley Riggs.

III. **EXECUTIVE SESSION**

1. Executive Session

City Council to hold an executive session pursuant to RCW 42.30.110(1)(i) for potential litigation. The executive session is expected to last 30 minutes.

Mayor Backus recessed into executive session at 7:07 p.m. for 30 minutes pursuant to RCW 42.30.110 (1)(i) for potential litigation.

Mayor Backus extended the executive session by 3 minutes. The meeting reconvened at 7:41 p.m.

IV. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

- A. Proclamation - Multicare Auburn Medical Center 100th Centennial Celebration

Mayor Backus to proclaim 2021 as "MultiCare Auburn Medical Center 100th Centennial Celebration" in the City of Auburn

Mayor Backus read and presented the proclamation to MultiCare CEO Mark Smith.

Mr. Smith thanked Mayor Backus, the Council and Community Healthcare Consultant Pat Bailey for their support of the Auburn Medical Center.

- B. Proclamation - Problem Gambling Awareness Month

Mayor Backus to proclaim March 2021 as "Problem Gambling Awareness Month" in the City of Auburn

Mayor Backus read and proclaimed March 2021 as "Problem Gambling Awareness Month" in the City of Auburn.

- C. Proclamation - Tamil Heritage Day

Mayor Backus to proclaim March 15, 2021 as "Tamil Heritage Day" in the City of Auburn

Mayor Backus read and proclaimed March 15, 2021 as "Tamil Heritage Day" in the City of Auburn.

Councilmember Jeyaraj provided Council with a brief explanation of what Tamil is.

V. APPOINTMENTS

- A. Transportation Advisory Board

City Council to confirm the following appointments to the Transportation Advisory Board for three year terms expiring December 31, 2023

Cheryl Rakes - Downtown Auburn Cooperative
Cynthia Rapier - Green River College

Deputy Mayor DaCorsi moved and Councilmember Brown seconded to appoint Cheryl Rakes and Cynthia Rapier to the Transportation Advisory Board for a three-year term to expire December 31, 2023.

MOTION CARRIED UNANIMOUSLY. 7-0

VI. AGENDA MODIFICATIONS

There were no modifications to the agenda.

VII. NEW BUSINESS

Mayor Backus announced she and Deputy Mayor DaCorsi will form an ad hoc committee regarding grocery worker hazard pay.

VIII. CITIZEN INPUT, PUBLIC HEARINGS AND CORRESPONDENCE

A. Public Hearings - (No public hearing is scheduled for this evening.)

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue.

1. Virtual Participation

Marnie Guile, Christina Harris, Marina Coleman, Lori McLeod, Nancy Tristan, Terry Lake and Aarron1jenigirl@gmail.com all provided comments in support of hazard pay for grocery workers.

Bob Zimmerman, 33029 46th Place South, Auburn
Mr. Zimmerman expressed concerns about propane tank safety.

C. Correspondence

There was no correspondence for Council to review.

IX. COUNCIL AD HOC COMMITTEE REPORTS

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.

1. Finance Ad Hoc Committee (Chair Baggett)

Councilmember Baggett, Chair of the Finance ad hoc committee, reported he and Councilmember Jeyaraj have reviewed the claims and payroll vouchers described on the Consent Agenda this evening and recommended their approval.

X. 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. Minutes of the February 16, 2021 Regular Council Meeting

B. Minutes of the February 22, 2021 and March 8, 2021 Study Session

C. Claim Vouchers (Thomas)

Claim voucher list dated March 1, 2021 which includes voucher numbers 462596 through 462718 in the amount of \$3,056,627.64 and no wire transfers

Claim voucher list dated March 15, 2021 which includes voucher numbers 462719 through 462852 in the amount of \$4,571,824.52 and seven wire transfers in the amount of \$1,334,789.22

D. Payroll Vouchers (Thomas)

Payroll check numbers 539112 through 539115 in the amount of \$542,982.80, and electronic deposit transmissions in the amount of \$2,251,518.10, for a grand total of \$2,794,500.90 for the period covering February 10, 2021 to February 23, 2021

Payroll check numbers 539116 through 539121 in the amount of \$75,859.78, electronic deposit transmissions in the amount of \$2,373,649.25, a special payroll with check numbers 539122 through 539123 in the amount of \$17,141.09, electronic deposit transmissions in the amount of \$13,347.79, and a second special payroll for check numbers 539124 through 539125 in the amount of \$10,306.29, electronic deposit transmissions in the amount of \$5,452.98, for a grand total of \$2,495,757.18 for the period covering February 24, 2021 to March 9, 2021

E. Public Works Project No. CP1926 (Gaub)

Approve an increase of \$125,000.00 in the total maximum authorized contract amount for Public Works Contract No. 20-02; Construction of Project No. CP1926, 2020 Arterial Street Preservation (15th St NW)

Deputy Mayor DaCorsi moved and Councilmember Baggett seconded to approve the consent agenda.

MOTION CARRIED UNANIMOUSLY. 7-0

XI. UNFINISHED BUSINESS

There was no unfinished business.

XII. RESOLUTIONS

A. Resolution No. 5585 (Comeau)

A Resolution expressing solidarity with farmers protesting the passage of the Farming Bills in India, and support of Washington Residents adversely affected

Councilmember Jeyaraj moved and Councilmember Brown seconded to adopt Resolution No. 5585.

Council discussed concerns regarding supporting other countries when there are concerns in our country, Council's ability to exercise their voice for national concerns and setting a precedent regarding national issues.

MOTION CARRIED 5-2 Deputy Mayor DaCorsi and Councilmember Trout-Manuel voted no.

B. Resolution No. 5587 (Gaub)

A Resolution authorizing the Mayor to grant an easement to Puget Sound Energy, Inc. (PSE) for the purpose of installing underground power facilities for the Academy Water Pump Station 1 Replacement Project (CP1916)

Deputy Mayor DaCorsi moved and Councilmember Baggett seconded to adopt Resolution No. 5587.

MOTION CARRIED UNANIMOUSLY. 7-0

XIII. MAYOR AND COUNCILMEMBER REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on federal, state, regional and local organizations.

A. From the Council

Deputy Mayor DaCorsi reported he attended the Growth Management Policy Meeting and the National League of Cities Virtual Conference.

Councilmember Trout-Manuel reported she attended the National League of Cities Virtual Conference and she shadowed Outreach Program Administrator Kent Hay for a day.

Councilmember Baggett reported he attended the King County Metro meeting.

Councilmember Brown reported he attended the Valley Regional Fire Authority Governance Board meeting.

Councilmember Stearns reported he attended the National League of Cities Virtual Conference and the King County Regional Sexual Assault Resource Center virtual fundraiser.

Councilmember Jeyaraj reported he attended the Diversity and Equity Team Meeting.

Councilmember Mulenga reported she attended the Children Youth and Advisory Board Meeting.

B. From the Mayor

Mayor Backus reported she attended the Sound Transit Board Meeting, the Sound Transit Realignment Committee Meeting, the swearing in of a new police officer and a virtual DECA Alumni Panel. She also requested public comment on the Best Starts for Kids levy.

XIV. ADJOURNMENT

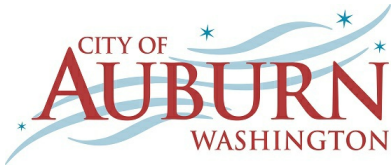
There being no further business to come before the Council, the meeting was adjourned at 8:40 p.m.

APPROVED this 5th day of April, 2021.

NANCY BACKUS, MAYOR

Shawn Campbell, City Clerk

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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Minutes of the March 22, 2021, March 29, 2021 Study Session

Date:

March 29, 2021

Department:

City Council

Attachments:

[03-22-2021 Minutes](#)

[03-29-2021 Minutes](#)

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

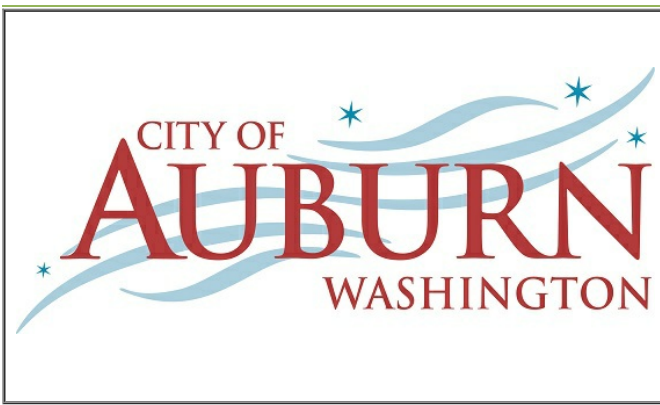
Revised Budget: \$0

Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:**

Meeting Date: April 5, 2021

Staff:

Item Number: CA.B

	City Council Study Session Community Wellness Special Focus Area March 22, 2021 - 5:30 PM Virtual MINUTES Watch the meeting LIVE! Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:32 p.m.

II. Virtual Participation Link

A. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, Robyn Mulenga, Chris Stearns and Yolanda Trout-Manuel. Councilmember James Jeyaraj was excused.

Mayor Nancy Backus, Innovation and Technical Support Specialist Danika Olson, Police Chief Dan O'Neil, Director of Innovation and Technology David Travis, and Deputy City Clerk Teresa Mattingly were in Chambers.

The following department directors and staff members attended the meeting virtually: City Attorney Kendra Comeau, Director of Community Development Jeff Tate, Director of Public Works Ingrid Gaub, Director of Parks, Arts, and Recreation Daryl Faber, Director of Finance Jamie Thomas, Director of Administration Dana Hinman, Assistant Finance Director Kevin Fuhrer, Assistant Director of Human Resources Aaron Barber, Community Services Manager Joy Scott, Human Services Program Coordinator Kyla Wright, and Assistant Director of Innovation and Technology Ashley Riggs.

III. ANNOUNCEMENTS REPORTS AND PRESENTATIONS

Mayor Backus and the City of Auburn Councilmembers read a joint statement condemning hate, racism and violence against Asian Americans and Pacific Islanders in the City of Auburn.

IV. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Police Advisory Committee (PAC) Presentation (O'Neil)(60 Minutes)

Chief O'Neil introduced Pastor LaShund Lambert, Co-Chair of the Police Advisory Committee (PAC), who reviewed why the PAC was established, the Committee's goals and recommendations.

Pastor Lambert introduced PAC Member Ron Claudon who discussed the concerns of business owners regarding homelessness and asked that the City set a goal to be the best city in King County to do business.

Council discussed the Committee's recommendations to the Police Department, setting a goal of making Auburn the best city in the State to do business and Council's support of the Police Department and the PAC.

Chief O'Neil introduced PAC member Kacie Bray, CEO of the Auburn Area Chamber of Commerce, who discussed the challenges faced by police officer's, safety concerns of local business owners regarding homelessness and the impact homelessness has on local businesses. She also thanked the Mayor, Council and Chief O'Neil for supporting the PAC.

B. Presentation by the King County Sexual Assault Resource Center (KCSARC) (Tate) (15 Minutes)

Executive Director of KCSARC, Mary Ellen Stone, will provide Council with a presentation describing services and funding related to the work performed by the KCSARC

Deputy Mayor DaCorsi moved the Presentation by the King County Sexual Assault Resource Center after Ordinance No. 6814.

Director Tate provided a brief description of the King County Sexual Assault Resource Center (KCSARC) and introduced Mary Ellen Stone, Executive Director of KCSARC. Ms. Stone reviewed the sexual assault services available to Auburn residents, client ages, key partnerships, the 24-Hour Resource Line, legal advocacy, therapy and the impacts of sexual assault on families. Ms. Stone also discussed how services have been provided pre-pandemic versus now.

Council discussed the number of reported sexual assault cases, unprocessed rape kits, resource center locations and how resource centers work with local schools.

C. Update from the Junior City Council (Hinman)(10 Minutes)

Junior City Council to give updates on recruitment efforts and Youth Town Hall on April 8, 2021

Director Hinman introduced Junior City Council (JCC) Chair Waylon Menzia and Vice-Chair Jonathan Mulenga who presented Council with an update on the JCC. Chair Menzia discussed recruiting new members and JCC goals. Vice-Chair Mulenga discussed the upcoming Youth Town Hall.

Council discussed the number of members on the JCC and the recruitment process.

D. Ordinance No. 6814 (Thomas)(60 Minutes)

Draft B&O Tax Code

Director Thomas stated that an updated version of the B&O Tax Code had been provided prior to the meeting to Council. She reviewed the proposed tax, tax rates, tax credits, deductions and exemptions, Square Footage Tax, real estate commission and tax caps.

Council discussed the impacts of increased thresholds on businesses and requested bringing this item to another Study Session prior to submitting to Council for approval.

Deputy Mayor DaCorsi called for an 8 minute recess at 7:06 p.m. The meeting reconvened at 7:14 p.m.

E. Ordinance No. 6815 (Thomas)(20 Minutes)

An Ordinance amending Ordinance No. 6794, the 2021-2022 Biennial Operating Budget Ordinance, and Ordinance No. 6796, the 2021-2022 Biennial Capital Budget, authorizing amendment to the City of Auburn 2021-2022 Budget as set forth in Schedule "A" and Schedule "B"

Director Thomas provided Council with an update on the first amendment to the 2021-2022 Biennial Budget. She reviewed the proposed fund adjustments to the 2021-2022 Biennial Budget.

F. Resolution No. 5584 (Martinson)(15 Minutes)

A Resolution authorizing the Mayor and City Clerk to execute an agreement between the City of Auburn and Cayce & Grove for Public Defense Services

Assistant Director Barber provided a overview of the Public Defense Services Contract and public defense services provided by Cayce & Grove Law Offices.

V. COMMUNITY WELLNESS DISCUSSION ITEMS

A. Community Development Block Grant 2020 CAPER (Tate)(15 Minutes)

An overview of the 2020 City of Auburn CDBG Consolidated Annual Performance and Evaluation Report, including CDBG and CDBG-CV funds spent and progress made toward Annual Action Plan service goals

Councilmember Mulenga presided over this section of the meeting.

Director Tate introduced Manager Scott who presented Council with an update on the Community Development Block Grant (CDBG) 2020 Consolidated Annual Performance and Evaluation Report (CAPER). Manager Scott provided a description of what the CAPER is and the difference between the General Fund and CDBG Fund. She also discussed the CDBG Entitlement Program, program qualifications, administrative requirements, eligible activities, programs supported and residents served in 2020 by CDBG funds and the 2021 CDBG timeline.

Council discussed the race and ethnicity data and the number of residents who received rental assistance.

VI. OTHER DISCUSSION ITEMS

There were no other discussion items.

VII. NEW BUSINESS

There was no new business.

VIII. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:38 p.m.

APPROVED this 5th day of April, 2021.

CLAUDE DACORSI, DEPUTY MAYOR Teresa Mattingly, Deputy City Clerk

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.

	City Council Study Session March 29, 2021 - 5:30 PM Virtual MINUTES Watch the meeting video Meeting videos are not available until 72 hours after the meeting has concluded.
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I. CALL TO ORDER

Deputy Mayor DaCorsi called the meeting to order at 5:30 p.m.

II. VIRTUAL PARTICIPATION LINK

A. Virtual Participation Link

The City Council Meeting was held virtually.

B. Roll Call

Councilmembers virtually present: Deputy Mayor Claude DaCorsi, Bob Baggett, Larry Brown, James Jeyaraj, Robyn Mulenga and Yolanda Trout-Manuel. Councilmember Stearns arrived at 5:32 p.m.

Mayor Nancy Backus, City Attorney Kendra Comeau, Senior City Staff Attorney Harry Boesche, Innovation and Technical Support Specialist Danika Olson, Police Chief Dan O'Neil, Director of Innovation and Technology David Travis and City Clerk Shawn Campbell.

The following department directors and staff members attended the meeting virtually: Director of Community Development Jeff Tate, Director of Human Resources and Risk Management Candis Martinson, Director of Public Works Ingrid Gaub, Director of Parks, Arts, and Recreation Daryl Faber, Director of Finance Jamie Thomas, Outreach Program Administrator Kent Hay, Code Compliance Supervisor Chris Barack, Real Property Analyst Josh Arndt and Assistant Director of Innovation and Technology Ashley Riggs.

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Ordinance No. 6817 (Tate)

An Ordinance amending Chapters 2.22 and 9.50 of Auburn City Code as it relates to camping on City property, providing for an admonishment process and administrative appeal

Director Tate started a presentation to Council on Ordinance No. 6817.

Deputy Mayor DaCorsi called for a 15 minute recess due to technical difficulties.

IV. OTHER DISCUSSION ITEMS

There were no other discussion items.

V. NEW BUSINESS

There was no new business.

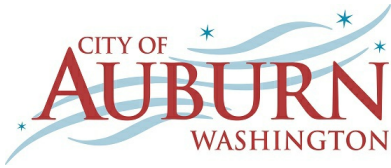
VI. ADJOURNMENT

Due to technical difficulties the meeting was adjourned at 6:01 p.m.

APPROVED this 5th day of April, 2021.

CLAUDE DACORSI, DEPUTY MAYOR Shawn Campbell, City Clerk

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.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Claim Vouchers (Thomas)

Date:

March 29, 2021

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Claim Vouchers.

Background Summary:

Claim voucher list dated April 5, 2021 which includes voucher numbers 462853 through 463016 in the amount of \$2,798,572.65 and nine wire transfers in the amount of \$809,619.15.

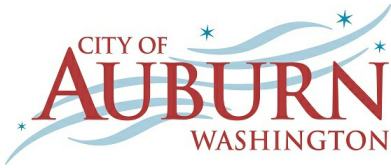
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: April 5, 2021

Item Number:

CA.C



AGENDA BILL APPROVAL FORM

Agenda Subject:

Payroll Vouchers (Thomas)

Date:

March 29, 2021

Department:

Finance

Attachments:

No Attachments Available

Budget Impact:

Current Budget: \$0

Proposed Revision: \$0

Revised Budget: \$0

Administrative Recommendation:

Approve Payroll Vouchers.

Background Summary:

Payroll check numbers 539126 through 539130 in the amount of \$602,077.41, and electronic deposit transmissions in the amount of \$2,148,579.29, for a grand total of \$2,750,656.70 for the period covering March 10, 2021 to March 30, 2021.

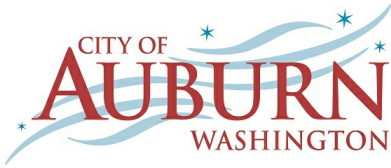
Reviewed by Council Committees:**Councilmember:****Staff:**

Thomas

Meeting Date: April 5, 2021

Item Number:

CA.D



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6815 (Thomas)

Date:

March 31, 2021

Department:

Finance

Attachments:

[Transmittal Memo](#)

[Ordinance No. 6815](#)

[Schedule A](#)

[Schedule B](#)

Budget Impact:**Administrative Recommendation:**

City Council to adopt Ordinance No. 6815. Budget Amendment #1 will increase the 2021 budget to account for certain programs that were budgeted in 2020 but not completed; increase the budget for existing programs; increase the budget for new programs; account for new grant revenue and corresponding program expenditures; and increase the FTE authority from .6 to .75 for one multimedia position.

Background Summary:

Budget Amendment #1 amends the 2021-2022 Adopted Budget as presented in the attached transmittal memorandum and supporting attachments.

Reviewed by Council Committees:

Councilmember: Baggett

Staff:

Thomas

Meeting Date: April 5, 2021

Item Number:

ORD.A



Interoffice Memorandum

To: City Council
From: Jamie Thomas, Finance Director
CC: Nancy Backus, Mayor
Date: March 17, 2021
Re: Ordinance #6815 – 2021-2022 Budget Amendment #1

Budget Amendment #1 is the first amendment of the City of Auburn's 2021-2022 biennial budget. For details on specific requests to amend the 2021 budget, please refer to the accompanying ***Schedule A, Summary of 2021 Budget Adjustments by Fund***.

The main purpose of the first budget amendment of the year is to carry forward remaining 2020 budget authority for identified programs and costs that were budgeted in 2020 but not completed. The requested unspent budget authority from 2020 to be carried forward into the 2021 budget year for all funds is \$493,500.

Additional items included in this amendment are requests to change FTE counts, accept and expend new grants, change budget authority, fund costs not anticipated in the 2021 budget, and transfer dollars among funds to enable certain amendments.

Full-Time Equivalents (FTEs): This amendment changes the status for the Multimedia Assistant position, increasing the position from 0.60 to 0.75 FTEs. No additional budget is required for this change.

Carry forward of unspent expenditure spending authority from 2020: This amendment enables the completion of various contracts in 2021 by carrying forward unspent resources at the end of 2020. Note that carry forwards in capital funds are not included in this budget amendment due to the adoption of multi-year capital budget, as approved in Ordinance No. 6682. Totals requested to be carried forward by fund are:

• General Fund (Fund 001)	\$ 192,500
• Drug Forfeiture Fund (Fund 117)	10,000
• Capital Improvements Fund (Fund 328)	150,000
• Innovation & Technology Fund (Fund 518)	<u>141,000</u>
TOTAL	\$ 493,500

Grants: New grants and carry-forwards of existing grants in this budget amendment total \$1,097,000 and include:

• General Fund (Fund 001)	\$ 114,900
• Housing & Community Development Fund (Fund 119)	952,100
• Capital Improvements Fund (Fund 328)	<u>30,000</u>
TOTAL	\$ 1,097,000

Expenditure Funding Adjustments: Expenditure funding adjustment requests included in this budget amendment revise the spending authority for existing programs. Total expenditure funding adjustment requests equal \$535,000, and include:

- Increase budget for the Diversity, Equity and Inclusion (DEI) program: This amendment increases 2021 estimated expenditures by \$150,000 to hire a consultant to provide anti-racism, anti-bias, diversity, equity, and inclusion training for City staff.
- Increase budget to repair/replace a portion of the Community Center parking lot: This amendment increases the budget for this project. An updated engineer's estimate indicates the project will cost an additional \$100,000 as the pervious concrete has failed in many areas due to weather and heavy use.
- Increase budget for signal systems repair and maintenance: This amendment adds \$75,000 in budget due to large signal pole repairs caused by two recent accidents. The increased budget will cover the repairs and restore our maintenance budget and will be offset by increased insurance recovery revenues from WCIA.
- Increase budget for M Street SE sidewalk improvements (cp2012): This amendment adds \$65,000 to cover additional construction costs related to directional boring for the street lighting system, increased traffic control requirements, and the restoration of private property.

New Funding Requests: Requests for new funding included in this budget amendment add spending authority for new programs and unexpected expenditures. Total new funding requests equal \$2,683,200, and include:

- Accelerate budget for the lead service line replacement project from 2022 to 2021 (bond-funded) \$ 1,600,000
- Remit fire impact fees to VRFA for new aerial apparatus at Station 13 475,000
- Budget to replace Golf Course turf equipment (\$210,400 paid in) 237,600
- Budget for the design of the Community Court and Resource Center 118,000
- Funding for four seasonal staff to provide litter control services 81,000
- Budget to replace brine equipment for de-icing (fully paid in) 52,000

Transfers: Transfers between funds to accomplish specific budget amendment requests total \$2,052,700.

The following table summarizes the current and revised budget as a result of this amendment.

Table 1: 2021 Budget as Amended

2021 Adopted Budget	\$ 349,664,951
Budget Amendment #1 (Ord #6815)	<u>3,718,200</u>
Budget as Amended	\$ 353,383,151

Attachments:

- ❖ 1. Proposed Ordinance #6815 (budget adjustment #1)
- ❖ 2. Summary of proposed 2021 budget adjustments by fund and department (Schedule A)
- ❖ 3. Summary of proposed changes to adopted 2021 budget by fund (Schedule B)

ORDINANCE NO. 6815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING ORDINANCE NO. 6794, THE 2021-2022 BIENNIAL OPERATING BUDGET ORDINANCE, AND ORDINANCE NO. 6796, THE 2021-2022 BIENNIAL CAPITAL BUDGET, AUTHORIZING AMENDMENT TO THE CITY OF AUBURN 2021-2022 BUDGET AS SET FORTH IN SCHEDULE "A" AND SCHEDULE "B"

WHEREAS, the Auburn City Council at its regular meeting of November 16, 2020, adopted Ordinance Nos. 6794 and 6796, which adopted the City of Auburn 2021-2022 Biennial budget; and

WHEREAS, the City of Auburn deems it necessary to appropriate additional funds to the various funds of the 2021 budget as outlined in this Ordinance (BA#1); and

WHEREAS, this Ordinance has been approved by one more than the majority of all councilpersons in accordance with RCW 35A.34.200.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment of the 2021-2022 Biennial Budget. The 2021-2022 Biennial Budget of the City of Auburn is amended pursuant to Chapter 35A.34 RCW, to reflect the revenues and expenditures as shown on Schedule "A" attached hereto and incorporated herein by reference. The Mayor of the City of Auburn, Washington is hereby authorized to utilize revenue and expenditure amounts shown on said Schedule "A" and Schedule "B". A copy of said Schedule "A" and Schedule "B" is on file with the City Clerk and available for public inspection.

Section 2. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 3. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. Effective date. This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

Published: _____

Schedule A
Summary of 2021 Budget Adjustments by Fund
Budget Amendment #1 (Ordinance #6815)

	Beg. Fund Balance	2021 Revenues	2021 Expenditures	Ending Fund Balance
General Fund (#001)				
2021 Adopted Budget	19,948,152	72,870,710	82,294,077	10,524,785
BA#1 (Ordinance #6815, Proposed):	192,500	189,900	822,600	(440,200)
Human Resources Department:				
Additional funding to construct, build out, and furnish the Community Court	-	-	118,000	(118,000)
Budget for follow-up survey to the McGrath organizational assessment of the APD	-	-	25,000	(25,000)
Increase budget for the Diversity, Equity and Inclusion (DEI) program	-	-	150,000	(150,000)
City Attorney's Office:				
Incr budget to respond to civil judgments, subpoenas, and public record requests	-	-	25,000	(25,000)
Add budget for design of the Auburn Community Resource Center (ACRC)	-	-	32,000	(32,000)
Community Development Department:				
Carry fwd grant funding for the Increasing Residential Building Capacity program	-	49,900	49,900	-
Carry forward funding for the façade improvement program	30,500	-	30,500	-
C/F CDBG-Coronavirus grant and Human Services budget and receive 2021 grant	13,000	-	13,000	-
Public Works Department:				
Increase budget for signal systems repair and maintenance	-	75,000	75,000	-
Increase funding for M&O Facility Master Plan (cp2107)	-	-	22,500	(22,500)
Parks Department:				
Carry forward budget to replace the fire suppression systems at the Senior Center	45,000	-	45,000	-
Funding to repair and refinish the gym floor at the Community Center	-	-	40,600	(40,600)
True up budget for 2021 KC VSHSL grant funding for the Senior Resources Hub	-	10,800	10,800	-
KC Conservation District grant for the Auburn International Farmers' Market	-	15,000	15,000	-
4Culture grant for the Auburn Arts Alley project	-	23,000	23,000	-
4Culture for Local Arts Agency grant for arts programming	-	12,600	12,600	-
4Culture Historic Preservation Sustained Support grant for City-owned landmarks	-	3,600	3,600	-
Replace and increase budget for turf equipment replacement at the Golf Course	-	-	27,100	(27,100)
Carry forward KC VSHSL grant funds for the Senior Centers and Resources Hub	104,000	-	104,000	-
Revised 2021 Budget - Fund 001	20,140,652	73,060,610	83,116,677	10,084,585

Schedule A
Summary of 2021 Budget Adjustments by Fund
Budget Amendment #1 (Ordinance #6815)

	Beg. Fund Balance	2021 Revenues	2021 Expenditures	Ending Fund Balance
Arterial Street Fund (#102)				
2021 Adopted Budget	1,015,159	4,948,080	5,535,930	427,309
BA#1 (Ordinance #6815, Proposed):	-	-	65,000	(65,000)
Increase budget for M Street SE sidewalk improvements (cp2012)	-	-	65,000	(65,000)
Revised 2021 Budget - Fund 102	1,015,159	4,948,080	5,600,930	362,309
Drug Forfeiture Fund (#117)				
2021 Adopted Budget	957,967	147,600	492,994	612,573
BA#1 (Ordinance #6815, Proposed):	10,000	-	32,000	(22,000)
Purchase Spillman Mobile Arrest Form module for records management system	-	-	22,000	(22,000)
Carry forward budget for K-9 purchase (from 2020 BA#8)	10,000	-	10,000	-
Revised 2021 Budget - Fund 117	967,967	147,600	524,994	590,573
Housing & Comm Develop Fund (#119)				
2021 Adopted Budget	42,904	600,000	600,000	42,904
BA#1 (Ordinance #6815, Proposed):	-	952,100	952,100	-
C/F CDBG grant funds, receive 2021 grant, and realign budget to 2021 action plan	-	332,000	332,000	-
C/F CDBG-Coronavirus grant and Human Services budget and receive 2021 grant	-	620,100	620,100	-
Revised 2021 Budget - Fund 119	42,904	1,552,100	1,552,100	42,904
Mitigation Fees Fund (#124)				
2021 Adopted Budget	12,420,562	1,217,560	4,265,480	9,372,642
BA#1 (Ordinance #6815, Proposed):	-	-	475,000	(475,000)
Remit fire impact fees to VRFA for new aerial apparatus at Station 31	-	-	475,000	(475,000)
Revised 2021 Budget - Fund 124	12,420,562	1,217,560	4,740,480	8,897,642
Parks Construction Fund (#321)				
2021 Adopted Budget	819,996	3,095,800	2,883,800	1,031,996
BA#1 (Ordinance #6815, Proposed):	-	100,000	100,000	-
Increase funding to repair/replace a portion of the Community Center parking lot	-	100,000	100,000	-
Revised 2021 Budget - Fund 321	819,996	3,195,800	2,983,800	1,031,996

Schedule A
Summary of 2021 Budget Adjustments by Fund
Budget Amendment #1 (Ordinance #6815)

	Beg. Fund Balance	2021 Revenues	2021 Expenditures	Ending Fund Balance
Capital Improvements Fund (#328)				
2021 Adopted Budget	7,705,844	4,264,180	7,932,720	4,037,304
BA#1 (Ordinance #6815, Proposed):	150,000	30,000	280,000	(100,000)
Carry forward budget to replace the Arts & Cultural Center roof (REET funding)	150,000	-	150,000	-
4Culture Landmarks Capital grant for roof repairs at the Arts & Culture Center	-	30,000	30,000	-
Increase funding to repair/replace a portion of the Community Center parking lot	-	-	100,000	(100,000)
Revised 2021 Budget - Fund 328	7,855,844	4,294,180	8,212,720	3,937,304
Water Fund (#430)				
2021 Adopted Budget	17,088,517	19,149,300	25,067,833	11,169,984
BA#1 (Ordinance #6815, Proposed):	-	-	1,622,500	(1,622,500)
Increase funding for M&O Facility Master Plan (cp2107)	-	-	22,500	(22,500)
Move budget for lead service line replacement project (cp1922) from 2022 to 2021	-	-	1,600,000	(1,600,000)
Revised 2021 Budget - Fund 430	17,088,517	19,149,300	26,690,333	9,547,484
Sewer Fund (#431)				
2021 Adopted Budget	7,837,981	9,670,730	8,507,355	9,001,356
BA#1 (Ordinance #6815, Proposed):	-	-	22,500	(22,500)
Increase funding for M&O Facility Master Plan (cp2107)	-	-	22,500	(22,500)
Revised 2021 Budget - Fund 431	7,837,981	9,670,730	8,529,855	8,978,856
Storm Drainage Fund (#432)				
2021 Adopted Budget	8,943,194	10,686,150	9,366,223	10,263,121
BA#1 (Ordinance #6815, Proposed):	-	-	22,500	(22,500)
Increase funding for M&O Facility Master Plan (cp2107)	-	-	22,500	(22,500)
Revised 2021 Budget - Fund 432	8,943,194	10,686,150	9,388,723	10,240,621

Schedule A
Summary of 2021 Budget Adjustments by Fund
Budget Amendment #1 (Ordinance #6815)

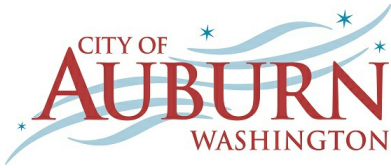
	Beg. Fund Balance	2021 Revenues	2021 Expenditures	Ending Fund Balance
Solid Waste Fund (#434)				
2021 Adopted Budget	5,753,618	16,775,500	16,950,830	5,578,288
BA#1 (Ordinance #6815, Proposed):	-	-	81,000	(81,000)
Provide funding for four seasonal staff to provide litter control services	-	-	81,000	(81,000)
Revised 2021 Budget - Fund 434	5,753,618	16,775,500	17,031,830	5,497,288
Water Capital Fund (#460)				
2021 Adopted Budget	888,139	11,614,710	10,670,410	1,832,439
BA#1 (Ordinance #6815, Proposed):	-	1,600,000	1,600,000	-
Move budget for lead service line replacement project (cp1922) from 2022 to 2021	-	1,600,000	1,600,000	-
Revised 2021 Budget - Fund 460	888,139	13,214,710	12,270,410	1,832,439
Insurance Fund (#501)				
2021 Adopted Budget	1,741,353	12,800	182,900	1,571,253
BA#1 (Ordinance #6815, Proposed):	-	-	30,000	(30,000)
Increase annual WCIA insurance costs to cover actual invoiced amount	-	-	30,000	(30,000)
Revised 2021 Budget - Fund 501	1,741,353	12,800	212,900	1,541,253
Facilities Fund (#505)				
2021 Adopted Budget	986,936	3,713,100	4,076,191	623,845
BA#1 (Ordinance #6815, Proposed):	-	235,600	235,600	-
Carry forward budget to replace the fire suppression systems at the Senior Center	-	45,000	45,000	-
Carry forward budget to replace the Arts & Cultural Center roof (REET funding)	-	150,000	150,000	-
Funding to repair and refinish the gym floor at the Community Center	-	40,600	40,600	-
Revised 2021 Budget - Fund 505	986,936	3,948,700	4,311,791	623,845
Innovation & Technology Fund (#518)				
2021 Adopted Budget	2,597,407	6,724,750	7,372,520	1,949,637
BA#1 (Ordinance #6815, Proposed):	141,000	-	141,000	-
Carry forward budget for ESRI projects and M365 upgrade	141,000	-	141,000	-
Increase Multimedia Assistant position from 0.6 to 0.75 FTEs	-	-	-	-
Revised 2021 Budget - Fund 518	2,738,407	6,724,750	7,513,520	1,949,637

Schedule A
Summary of 2021 Budget Adjustments by Fund
Budget Amendment #1 (Ordinance #6815)

	Beg. Fund Balance	2021 Revenues	2021 Expenditures	Ending Fund Balance
Equipment Rental Capital Fund (#560)				
2021 Adopted Budget	4,104,409	3,046,920	3,248,600	3,902,729
BA#1 (Ordinance #6815, Proposed):	-	117,100	379,600	(262,500)
Replace brine machine (for de-icing) -- fully paid in	-	-	52,000	(52,000)
Replace and increase budget for turf equipment replacement at the Golf Course	-	27,100	237,600	(210,500)
Increase funding for M&O Facility Master Plan (cp2107)	-	90,000	90,000	-
Revised 2021 Budget - Fund 560	4,104,409	3,164,020	3,628,200	3,640,229
Grand Total - All Funds				
2021 Adopted Budget	137,202,931	212,462,020	240,013,180	109,651,771
TOTAL BA#1 (Ordinance #6815, Proposed):	493,500	3,224,700	6,861,400	(3,143,200)
Revised 2021 Budget	137,696,431	215,686,720	246,874,580	106,508,571
		353,383,151		353,383,151

Schedule B
2020 Appropriations by Fund

Fund	2021 Adopted Budget	BA#1 (Ord #6815)	Revised Budget
General Fund (#001)	92,818,862	382,400	93,201,262
Arterial Street Fund (#102)	5,963,239	-	5,963,239
Local Street Fund (#103)	3,682,378	-	3,682,378
Hotel/Motel Tax Fund (#104)	364,386	-	364,386
Arterial Street Preservation Fund (#105)	4,400,354	-	4,400,354
Drug Forfeiture Fund (#117)	1,105,567	10,000	1,115,567
Housing & Comm Develop Fund (#119)	642,904	952,100	1,595,004
Recreation Trails Fund (#120)	87,125	-	87,125
BIA Fund (#121)	152,025	-	152,025
Cumulative Reserve Fund (#122)	6,484,315	-	6,484,315
Mitigation Fees Fund (#124)	13,638,122	-	13,638,122
1998 GO Library Bond Fund (#229)	-	-	-
City Hall Annex 2010 A&B Bond Fund (#230)	1,649,789	-	1,649,789
Local Revitalization 2010 C&D Bond Fund (#231)	607,663	-	607,663
2020 LGTO Refunding Bonds (2010 B&D) Fund (#232)	-	-	-
SCORE Debt Service Fund (#238)	1,366,100	-	1,366,100
LID Guarantee Fund (#249)	1,679	-	1,679
LID 350 Fund (#275)	1,363	-	1,363
Golf/Cemetery 2016 Refunding Fund (#276)	371,000	-	371,000
Parks Construction Fund (#321)	3,915,796	100,000	4,015,796
Capital Improvements Fund (#328)	11,970,024	180,000	12,150,024
Local Revitalization Fund (#330)	245,000	-	245,000
Water Fund (#430)	36,237,817	-	36,237,817
Sewer Fund (#431)	17,508,711	-	17,508,711
Storm Drainage Fund (#432)	19,629,344	-	19,629,344
Sewer Metro Sub Fund (#433)	22,402,086	-	22,402,086
Solid Waste Fund (#434)	22,529,118	-	22,529,118
Airport Fund (#435)	6,096,477	-	6,096,477
Cemetery Fund (#436)	1,709,402	-	1,709,402
Water Capital Fund (#460)	12,502,849	1,600,000	14,102,849
Sewer Capital Fund (#461)	11,524,757	-	11,524,757
Storm Drainage Capital Fund (#462)	11,408,835	-	11,408,835
Airport Capital Fund (#465)	3,020,757	-	3,020,757
Cemetery Capital Fund (#466)	49,783	-	49,783
Insurance Fund (#501)	1,754,153	-	1,754,153
Workers' Comp Fund (#503)	3,521,427	-	3,521,427
Facilities Fund (#505)	4,700,036	235,600	4,935,636
Innovation & Technology Fund (#518)	9,322,157	141,000	9,463,157
Equipment Rental Fund (#550)	4,690,856	-	4,690,856
Equipment Rental Capital Fund (#560)	7,151,329	117,100	7,268,429
IT Capital Fund (#568)	1,125,014	-	1,125,014
Fire Pension Fund (#611)	2,136,941	-	2,136,941
SKHHP Fund (#654)	494,745	-	494,745
Cemetery Endowment Fund (#701)	2,046,766	-	2,046,766
Total	351,031,051	3,718,200	354,749,251



AGENDA BILL APPROVAL FORM

Agenda Subject:

Resolution No. 5584 (Martinson)

Date:

March 29, 2021

Department:

Human Resources

Attachments:

[Resolution 5584](#)

[Contract Cayce & Grove Law Offices](#)

Budget Impact:

Current Budget: \$670,000

Proposed Revision: \$0

Revised Budget: \$670,000

Administrative Recommendation:

City Council to adopt Resolution No. 5584.

Background Summary:

The city has been contracting with Cayce & Grove Law Offices for public defense services since 2013 as required by law. This new contract is essentially an extension of the original contract and subsequent addendums.

Reviewed by Council Committees:

Municipal Services

Councilmember: Jeyaraj

Staff:

Martinson

Meeting Date: April 5, 2021

Item Number:

RES.A

RESOLUTION NO. 5584

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF AUBURN AND CAYCE & GROVE FOR PUBLIC DEFENSE SERVICES

WHEREAS, RCW 10.101 and the State and Federal Constitutions require effective legal representation for indigent persons in all circumstances where the right to counsel attaches; and

WHEREAS, the King County District Court presides over City of Auburn cases involving indigent persons, and the City provides Public Defense Services to indigent persons in such cases;

WHEREAS, the City of Auburn desires to provide its public defense services by contract; and

WHEREAS, in 2013 the City retained the law firm of Cayce & Grove to provide these services by contract following a published request for proposals;

WHEREAS, Cayce & Grove has provided quality services to the City and to its clients under the agreement, and the City seeks to renew its contract with Cayce & Grove for this purpose.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. The Mayor and City Clerk are hereby authorized to execute the Public Defense Services Contract between the City of Auburn and Cayce & Grove attached as Exhibit 1 to this resolution.

Section 2. That the Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 3. That this Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2021.

CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

Shawn Campbell, MMC, City Clerk

Kendra Comeau, City Attorney

**PUBLIC DEFENSE SERVICES CONTRACT
CITY OF AUBURN, WASHINGTON
April 15, 2021 – December 31, 2021**

THIS AGREEMENT made and entered into by the City of Auburn; hereinafter referred to as "CITY," and The Law Offices of Cayce & Grove, hereinafter referred to as "PUBLIC DEFENDER," do hereby agree to the following terms and conditions:

I. APPOINTMENT OF DEFENDANTS FOR PUBLIC DEFENSE SERVICES:

A. General.

1. The CITY shall make public defense services available to all persons who qualify after CITY and/or court financial screening pursuant to this agreement and RCW 10.101.020. The PUBLIC DEFENDER will represent these defendants from appointment through trial, sentencing, post-conviction review, and any appeals to Superior court or Washington appellate courts. The PUBLIC DEFENDER will also represent CITY defendants when referred to the City's community court, and during in custody hearings at SCORE jail (whether appointed to represent the in custody defendant or not), unless the representation would violate applicable law or this agreement, or the defendant is represented by a different attorney.

2. Unless screened by a judge, the City shall screen defendants to determine their eligibility for public defense services under this agreement. The screener shall promptly notify the PUBLIC DEFENDER, City and Court of any defendant appointments and shall deliver to all appointed defendants an introduction letter from the PUBLIC DEFENDER that outlines the defendant's responsibilities in the attorney-client relationship in plain, simple, and concise language.

II. RESPONSIBILITIES OF PUBLIC DEFENDER

1. Competent professional services. The PUBLIC DEFENDER shall provide competent professional legal services to the defendants represented in accordance with CrRLJ 3.1 (Standards 14.1 and 14.2.K). The PUBLIC DEFENDER shall comply with the Rules of Professional Conduct (RPC), with City of Auburn Resolution 4849, and with any future public defense standards the CITY may be adopt pursuant to RCW 10.101.030 or other applicable law Any attorney employed and/or associated by the PUBLIC DEFENDER with less than three (3) years of experience shall practice under the direct supervision of any attorney with at least three (3) years' experience. Such experience shall include at least one-third emphasis on criminal defense.

2. Caseloads, monitoring and compliance. The PUBLIC DEFENDER and any individual associate attorneys shall maintain caseloads at a level allowing effective representation for each defendant. Pursuant to the standards imposed by Washington

Supreme Court Order No. 25700-A-1004 (“Order”)^a and CrRLJ 3.1, no PUBLIC DEFENDER attorney shall handle more than four hundred (400) public defense cases annually during the term of this Agreement. This limit applies to the individual attorney for all Courts in which the attorney practices.

The PUBLIC DEFENDER shall prepare and file Certifications of Compliance with the court as required by CrRLJ 3.1 and shall submit a copy of these certifications to the CITY’S Director of Human Resources/Risk Management.

By the 1st day of the month after accepting or concluding a case representation under this agreement the PUBLIC DEFENDER shall file a report with the CITY including the following information:

(a) the name of each defendant representation commenced that month; (b) the criminal cause number(s) for the defendant; (c) the date of appointment; (d) whether the defendant was appointed by the Court or the CITY’s screener; (e) if representation ceased pursuant to paragraph III.5 of this agreement at any time during the process; (f) a listing of all cases in which the defendant has been sentenced or acquitted; and (g) the case count information required by paragraph III.3 of this Agreement. The PUBLIC DEFENDER will meet with the CITY at least quarterly to review these reports.

III. SERVICES PROVIDED BY THE PUBLIC DEFENDER

The PUBLIC DEFENDER shall represent each defendant from the date of appointment (or at in-custody hearings as the case may be), through sentencing and the first appeal of right pursuant to the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). The PUBLIC DEFENDER or the CITY may request rescreening of a defendant whose case is on appeal. Appeals shall not be considered new case assignments. In addition, the PUBLIC DEFENDER shall be present at arraignment hearings to provide defendants with legal advice.

1. Case defined. A case is defined as an incident that leads to the CITY filing a criminal complaint(s) naming a person as defendant or respondent, in which the PUBLIC DEFENDER is appointed for representation. Pursuant to CrRLJ 3.1 (Standard 3.3), multiple citations from the same incident are counted as one case. Offenses separated by time and distance warranting severance pursuant to CrRLJ 4.4(b) shall be considered separate cases.

2. Case Count.

(a) Pretrial: Each pretrial case is counted once regardless of subsequent reappointments after a defendant’s pretrial failure to appear (FTA). Cases will be

^a In 2020 the Washington Supreme Court amended Order No. 25700-A-1004 in Order No. 25700-A-1309. These amendments do not materially affect the terms of this agreement.

counted at the first appointment. Cases where the PUBLIC DEFENDER withdraws due to a conflict of interest or to the substitution of a private attorney will be included on a monthly report to the City but not counted as PUBLIC DEFENDER cases;

(b) Post-conviction hearings: Post-conviction cases where defendants FTA and are subsequently reappointed to the PUBLIC DEFENDER will be counted as a case again only once, no matter the number of post-conviction FTA and subsequent counsel appointments

Unless it would violate applicable law or this agreement, the PUBLIC DEFENDER agrees to complete representation commenced for any defendant even if Court proceedings continue beyond the PUBLIC DEFENDER's responsibility for public defense services under this agreement. This does not include post-conviction reviews.

3. The PUBLIC DEFENDER may associate or employ additional or different attorneys to represent defendants at no extra cost to the CITY. Any counsel associated with or employed by the PUBLIC DEFENDER shall have the authority to perform the services in this agreement. All associate counsel shall be admitted to practice in Washington courts, and able to meet the requirements of CrRLJ 3.1 (Standards 14.1 and 14.2.K). Sufficient counsel shall be provided to represent defendants during vacation, illnesses, and case settings in more than one (1) courtroom. No APR 9 legal interns shall be used in representation under this agreement unless agreed to by the CITY in advance.

The PUBLIC DEFENDER agrees to pay each subconsultant under this Agreement for satisfactory performance of its contract no later than forty-five (45) days from the receipt of each payment the consultant receives from the CITY. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the CITY.

4. Conflicts of interest.

(a) Both parties agree that the PUBLIC DEFENDER will cease client representation when required by the Rules of Professional Conduct (RPC) for conflicts of interest or when otherwise ordered by the court. Upon discovery of a conflict of interest in representing a defendant, the PUBLIC DEFENDER shall immediately notify the CITY, the Court, and the defendant of the conflict and the intent to withdraw. To the extent necessary, the PUBLIC DEFENDER will assist the City with retaining qualified substitute public defense counsel.

(b) Upon receiving notice of a withdrawal due to conflict of interest,, it will be the CITY'S financial responsibility to pay alternative counsel to represent the defendant. If the CITY disputes the PUBLIC DEFENDER'S withdrawal, the CITY shall file a motion regarding the dispute with the Court. All parties shall be bound by the Court's ruling or any appeal of it.

5. The PUBLIC DEFENDER shall maintain office space and appointments for defendants sufficient for effective representation and at least during regular business hours of 8:00 a.m. until 5:00 p.m., Monday through Friday. Appointments shall be available at the courthouse for defendants who are otherwise unable to obtain transportation to the PUBLIC DEFENDER'S office. Local non-service-charge phone service throughout the municipality shall be available as well as toll free and collect phone service from SCORE jail and the King County jails.

6. The PUBLIC DEFENDER will make every effort to coordinate cases with CITY prosecutors at least once per week, in advance of upcoming court dates.

7. The PUBLIC DEFENDER will be available for all calendars scheduled by the Court. The PUBLIC DEFENDER will represent clients at King County District Court (Auburn), the SCORE Jail facility, or otherwise as the court may direct. The PUBLIC DEFENDER will ensure that all calendars are adequately staffed with defense attorneys to ensure that public defense clients receive adequate representation pursuant to the CrRLJ 3.1 standards and this agreement, and that Court calendar time is used efficiently and productively in addressing cases. The following are the current calendars scheduled:

- (a) 3 pretrial calendars a week (2 am and 1 pm)
- (b) 1 Bw cal courtesy calendar per week (currently wed)
- (c) Daily in-custody courtesy calendar first appearance (currently 10 am daily)
- (d) 2 in-custody 2nd appearance calendars (currently wed/fri am)
- (e) 1 courtesy arraignment calendar per week (currently thurs am)
- (f) 1 sentencing calendar per week (currently thurs pm)
- (g) 1 motions calendar per week (currently mon pm)
- (h) 3 review calendars per week (currently thurs pm/fri am and pm)
- (i) 1 readiness per month (currently fri am, last of the month)
- (j) Jury week 1 time per month

8. The PUBLIC DEFENDER shall provide the Auburn Police Department and SCORE Jail telephone numbers for 24 hour telephone access to the PUBLIC DEFENDER for critical stage advice to defendants as required by CrRLJ 3.1 or other applicable law.

9. The PUBLIC DEFENDER shall institute and maintain a procedure to review client complaints, and shall refer any unresolved complaint to the Washington State Bar Association.

10. Assignment or Subcontractors: The PUBLIC DEFENDER may not assign or transfer of this Contract or any interest in it without the CITY'S prior written consent.

11. Unless legally protected from disclosure, all documents, reports, memoranda, plans, and/or any other materials created or otherwise prepared by the PUBLIC DEFENDER in performing this Agreement (the "Work Products") shall be owned by and become the property of the CITY, and may be used by the CITY for any purpose beneficial

to the CITY. The PUBLIC DEFENDER may retain copies of any documents, reports, etc. it authors.

12. If a substitute attorney is appointed to represent a defendant due to a PUBLIC DEFENDER conflict of interest, the PUBLIC DEFENDER shall coordinate the transmission of any discovery materials the PUBLIC DEFENDER has received to the substitute attorney.

IV. COMPENSATION

Compensation to the PUBLIC DEFENDER for public defense services beginning April 15, 2021 through December 31, 2021 shall be paid Six Hundred and Seventy Thousand dollars (\$670,000.00) per year and will be billed at Fifty-Five Thousand Eight Hundred and Thirty-Three dollars (\$55,833.33) per month and includes all appointed cases up to two thousand three hundred and fifty (2,350) and the attendance at arraignments as courtesy counsel, and first appearance jail calendar. The CITY will be billed Two Hundred and Twenty Dollars (\$220.00) per case for any appointed case above the first two thousand three hundred and fifty (2,350) appointed cases. The CITY will be billed Two Hundred and Seventy-Five Dollars (\$275.00) per case for any appointed case for community court. In addition, the CITY will pay for transcription costs required for the appeal, regardless of which party files the appeal.

The above compensation is intended to cover the PUBLIC DEFENDER'S administrative costs as contemplated by CrRLJ 3.1 (Standard 5.2) and the costs of any investigators retained by the PUBLIC DEFENDER pursuant to CrRLJ 3.1 (Standard 6.1). The PUBLIC DEFENDER shall be financially responsible for any additional services retained in the course of performing this agreement, unless such expense is approved in advance by the court pursuant to CrRLJ 3.1(f).

All videotapes, CDs, audiotapes, video disks, photocopies, color copies of images, or other media associated with discovery shall be provided by the CITY at no cost to the PUBLIC DEFENDER.

The PUBLIC DEFENDER will submit its invoice for compensation under this agreement to the CITY no later than the 4th day of each month. The CITY shall pay the invoice the day after the first CITY Council that follows the PUBLIC DEFENDER'S invoice submission.

The PUBLIC DEFENDER agrees and understands that they are an independent contractor and not a CITY agent or employee. The PUBLIC DEFENDER has the sole control of the manner and means of providing the services required under this agreement, and is for reporting work hours, earnings, income tax, and social security to applicable federal and state agencies. The PUBLIC DEFENDER understands that he/she is not entitled to any CITY employment benefits including, but not limited to, paid leave, health insurance coverage, retirement programs, and/or unemployment insurance.

V. TERM OF CONTRACT

This Agreement shall remain in full force and effect from April 15, 2021, through December 31, 2021. This Agreement may be annually extended or renewed under the terms of this Agreement, or as modified by agreement of both parties, at or before the conclusion of the term of this Agreement. Such extension or renewal shall be agreed in writing between the Parties.

VI. POLICY AGAINST DISCRIMINATION

The PUBLIC DEFENDER shall not discriminate in employment practices on the basis of race, creed, color, age, disability, religion, sex, or sexual orientation and follow the CITY's policy on nondiscrimination. The PUBLIC DEFENDER should comply with all local, state, and federal laws regarding discrimination.

VIII. INSURANCE AND INDEMNIFICATION

A. Insurance

The PUBLIC DEFENDER shall procure and maintain for the duration of this agreement insurance against claims for injuries to persons or property which may arise from, or in connection with, the performance of work hereunder by the PUBLIC DEFENDER, or the agents, representatives, employees, or subcontractors of the PUBLIC DEFENDER. The PUBLIC DEFENDER shall obtain insurance of the types described below, naming the City as an additional named insured:

1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000.00 each occurrence, \$2,000,000.00 general aggregate.
2. Workers' Compensation per statutory requirements of Washington industrial insurance RCW Title 51.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000.00 per claim and \$2,000,000.00 policy aggregate limit.

B. No Limitation

PUBLIC DEFENDER'S maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the PUBLIC DEFENDER to the coverage provided by such insurance, or otherwise limit the CITY'S recourse to any remedy available at law or in equity.

If, for any reason, the PUBLIC DEFENDER loses its professional liability insurance coverage, the PUBLIC DEFENDER must immediately notify the CITY'S Director of Human Resources/Risk Management.

C. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Professional Liability and Commercial General Liability insurance:

1. The PUBLIC DEFENDER'S insurance coverage shall be primary insurance as respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the PUBLIC DEFENDER's insurance and shall not contribute with it.

2. The PUBLIC DEFENDER'S insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.

D. Indemnification

The PUBLIC DEFENDER agrees to hold harmless and indemnify the CITY, its officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including PUBLIC DEFENDER's fees or awards, and including claims by PUBLIC DEFENDER's own employees to which PUBLIC DEFENDER might otherwise be immune under Title 51 arising out of or in connection with any willful misconduct or negligent error, or omission of the PUBLIC DEFENDER, his/her officers or agents. It is specifically and expressly understood that the indemnification provided herein constitutes the waiver of the PUBLIC DEFENDER's waiver of immunity under Title 51 RCW solely for the purposes of this indemnification. The parties have mutually negotiated this waiver. The CITY agrees to hold harmless and indemnify the PUBLIC DEFENDER, his/her officers, officials, agents, employees, and representatives from and against any and all claims, costs, judgments, losses, or suits including PUBLIC DEFENDER's fees or awards, arising out of or in connection with any willful misconduct or negligent error or omission of the CITY, its officers or agents. This clause shall survive the termination or expiration of this agreement and shall continue to be in effect for any claims or causes of action arising hereunder.

IX. TERMINATION OF CONTRACT

A. Grounds for Immediate Termination. The CITY retains the right to immediately terminate this contract in the event any of the following incidents occurs:

1. Failure to provide timely proof of comprehensive professional liability insurance due at any of the times required herein.

2. Loss of comprehensive professional liability insurance coverage regardless of the reason therefor.

3. Any action that, at the sole discretion of the CITY, could bring discredit on the CITY.

B. Additionally, either the CITY or the PUBLIC DEFENDER may terminate this contract in the event of the following:

1. Any other breach of this agreement; or
2. Violation of the Rules of Professional Conduct; or
3. Good and Sufficient Cause

Such termination under this subpart is effective only if the party terminating the contract has provided written notice of the deficiency to the second party, and the deficiency is not corrected in a timely manner to the reasonable satisfaction of the first party.

Written notice of termination under Section IX (B) shall be given by the party terminating this contract to the other not less than sixty (60) days prior to the effective date of the termination.

C. In the event of termination or upon completion of the contract, the following conditions may apply: (1) the PUBLIC DEFENDER shall be relieved of any further responsibility for receiving new case assignments under this contract; (2) the PUBLIC DEFENDER will continue to represent those defendants assigned prior to the date of termination and who have a trial date set and shall complete representation in all such cases; provided that, after termination or completion of the contract pursuant to court rules and the Rules of Professional Conduct, the PUBLIC DEFENDER may withdraw from any case as permitted by court rule.

DATED this _____ Day of _____, 2021.

CITY OF AUBURN

Nancy Backus
Mayor

ATTEST:

Shawn Campbell
City Clerk

Date

APPROVED AS TO FORM:

Kendra Comeau
City Attorney

Date

Law Offices of Cayce & Grove

Representative

Date

APPENDIX A TO
PUBLIC DEFENSE CONTRACT
April 15, 2021 – December 31, 2021

Allowing Minor to Frequent Bar	1/3
Allow Unauthorized Person to Drive	1/3
Altered License	1/3
Assault:	
Domestic Violence	1
Non Domestic Violence	1
With Sexual Intent	2
Animal Cruelty	1
Attempted Assault	2/3
Attempted Forgery	2/3
Attempted Theft	2/3
Canceled Plates/Registration	1/3
Complicity	2/3
Commercial License Needed	1/3
Concealed Weapon	2/3
Conspiracy	2/3
Counterfeiting Trademark	2/3
Criminal Attempt	2/3
Criminal Trespass	1/3
Custodial Interference	1
Cyber Stalking	1
Dangerous Animal at Large	2/3
Discharge of Firearm	2/3
Disorderly Conduct	1/3
Display of Weapon	2/3
DUI	1
DWLS 1	1/2
DWLS 2	1/2
DWLS 3	1/3
Criminal Assistance	1/3
Escape	2/3
Failure to Transfer Title	1/3
Failure to Disperse	1/3
Failure to Obey	1/2
Failure to Obey Flagman	1/2
Failure to Obtain Vehicle License	1/3
Failure to Stop	1/2
Failure to Secure Load	1
Failure to Surrender License	1/3
False Identification	1/2
False Insurance Card	1/2

False Information	1/2
False Reporting	1/2
False Statement	1/2
Fraud Dr. License:	1/2
Furnishing Liquor to Minor	1/2
Harm to a Police Dog	1
Harassment	1
Telephone Harassment	1
Domestic Violence Harassment	1
Hit and Run Attended	1
Hit and Run Unattended	1/2
Identity Theft	
Illegal Fireworks	1/3
Illegal Use of Dealer Plate	1/3
Immoral Conduct with a Minor	1
Indecent Exposure	1
Inhale Toxic Fumes	1
Interfering with Reporting to 911	2/3
Invalid Trip Permit	1/3
Loiter for Prostitution	1/2
Malicious Mischief Domestic Violence	1
Malicious Mischief Non-Domestic Violence	2/3
Minor Frequenting a Tavern	1/2
Minor Intoxicated in Public	1/2
Minor in Possession/Consumption	1/2
Neglect of a Child	1
Negligent Driving 1	1
No Valid Operator's License	1/3
Non-felony forgery	
Obstructing	2/3
Operating Vehicle without Cert. of Ownership	1/3
Operating Vehicle without Ignition Interlock	1/2
Patronizing a Prostitute	1/2
Physical Control	1
Possession of a Controlled substance	1/2
Possession of Drug Paraphernalia	1/2
Possession of Marijuana	1/2
Possession of Stolen Property	2/3
Possession/Making Burglary Tools	2/3
Possession of Another's ID	1/2
Possession of Legend	2/3
Prostitution	1/2
Provoking Assault	2/3
Public Disturbance	1/3
Reckless Driving	2/3
Reckless Burning	2/3

Reckless Endangerment	2/3
Refuse to Cooperate	1/2
Crimes Requiring Registration as Sex Offender	2
Resisting Arrest	2/3
Selling Liquor to Minor	1/2
Stalking	1
Tampering with Property of Others	1/2
Tampering with a Witness	1
Theft 3	2/3
Theft of Rental Property	2/3
Unlawful Issuance of Bank Check	2/3
Unlawful Bus Conduct	1/2
Unlawful Camping	1/3
Unlawful Imprisonment	
Unlawful Racing	2/3
Vehicle Prowl	2/3
Vehicle Trespass	2/3
Violation of Anti-Harassment Order	2/3
Violation of No Contact Order	2/3
Violation of Instruction Permit	1/3
Violation of Occupancy License	1/3
Violation of Protection Order	2/3
Violation of Restraining Order	2/3
Violation of S.O.A.P. Order	1/2
Weapons Capable of Harm	2/3