

**CITY OF RUSTON
REGULAR COUNCIL MEETING
TUESDAY, May 6, 2014**

MEETING CALLED TO ORDER

At 7:03 PM Mayor Hopkins called the Regular Council Meeting to order. Councilmembers present were: Jim Hedrick, Jane Hunt, Lyle Hardin and Deborah Kristovich. Following the flag salute, Mayor Hopkins called for the approval of the agenda. Councilmember Hedrick moved to approve the agenda, with a second from Councilmember Hunt. Councilmember Hedrick moved to amend the agenda to remove Item 1, Appeal Hearing – Notice of Violation and Order (Sign Code Issue), add Resolution 578 – Listing Services Agreement for Old School with Neil Walter Company and move Executive Session after Council Time for 20 minutes. The agenda as amended passed 4-0.

MINUTES

Councilmember Hedrick moved to approve the minutes for the Regular Council meeting of April 15, 2014, with a second from Councilmember Hunt, passed 4-0.

STAFF REPORT

City Engineer – Jerry Morrisette – Provided an overview on two items. The Winnifred Street Project and the Transportation Improvement Board call for bids will be brought before Council at the April 15, 2014 Council meeting. The project is still on schedule. The second item is the City's Transportation Improvement Program which is due July 1, 2014. City Engineer Morrisette was working on the 6 Year Transportation plan and will present to Council on June 17, 2014. At that time the City will hold a public hearing.

GENERAL PUBLIC COMMENTS

Edith Tallman – Wanted to thank the Council for moving forward and agreeing to paint the wall next to her property and also wanted to thank the Mayor for the new lights on Pearl Street. The Schoneckers cars parked in the alley is a nuisance and needs to be addressed.

BUSINESS

Ordinance 1437 – Establishing Emergency Management Organization – 1st Reading. City Attorney Robertson provided an overview of Ordinance 1437. Under State law the City is both “authorized and directed” to either create its own emergency management organization or to be a member of a joint local organization. The City of Ruston currently contracts with Pierce County for emergency management services and pays an annual fee based on a rate of \$0.73 per capita (approximately \$554.07 per year). A copy of this contract and renewal is attached to this Agenda Bill for informational purposes. Firefighter Eric Cunningham has been heading up the efforts on emergency management in Ruston. Firefighter Cunningham recommended that the City both continue to contract with Pierce County and to establish its own Emergency Management Organization (“EMO”) in order to provide a strong safety net for its citizens while creating a Ruston-specific emergency management plan. This approach is recommended because it increases the likelihood of a good outcome in an emergency because Ruston personnel will be guided by a Ruston-specific plan that they know and have practiced while still having the ability to call on Pierce County for additional resources in the event of an emergency.

CITY OF RUSTON
Regular Council Minutes
May 6, 2014

In order to create a Ruston EMO, a new chapter needs to be added in Title 1 (Administration and Personnel) of the Ruston Municipal Code that creates the organization. Ordinance #1437 accomplishes this task.

After formation of the Ruston EMO a Ruston Comprehensive Emergency Management Plan will need to be prepared and adopted. Once this Comprehensive Emergency Management Plan is prepared, the City will need to submit its plan and program to the State Emergency Management Director in accordance with RCW 38.52.070. In addition, since we are contracting with Pierce County for these services, we will be coordinating the preparation of the Ruston Plan with Pierce County. This plan is in process and is close to completion.

Ordinance 1438 – Amendment of Public Records Chapter 1.17 RMC – 1st Reading. City Attorney Robertson provided an overview of Ordinance 1438. Chapter 1.17 of the Ruston Municipal Code sets forth the City's procedures for handling public records request. This chapter was adopted to be consistent with the Washington State Public Records Act ("PRA"). The PRA requires the City to promptly respond to all public record requests, and further requires the City to make a reasonable estimate of time required to produce public records based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. However, the PRA attempts to create a balance by also obligating the City to prevent public disclosure demands from causing excessive interference with other essential City functions. These other "essential City functions" are determined by state law and by the City Council and include, but are not limited to, providing public safety, financial stability, balanced transportation, dependable infrastructure, environmental protection, housing, human services, neighborhood services, economic development, parks, recreation and open space and the administrative systems necessary to provide effective government services. Under the PRA Model Code an agency should try to fulfill all requests in the most efficient manner including the processing of relatively routine requests prior to the fulfillment of much larger or complex, time consuming requests.

In recent years the City has experienced an increase in the volume of public record requests, particularly an increase in the number of large or complex requests which require significant staff time for research, review, clarification with requestors, notification to third parties, and which otherwise consume a significant amount of City time and resources often causing delays in fulfilling other routine requests and carrying out other City functions. Ruston's full time City staff is only seven employees. Due to the City's small staff, some of the responsibilities for public records requests must be delegated to the City's professional consultants based on the content of the records requested and/or staff unavailability. These consultants typically cost between \$100 and \$200 per hour. The expense of these requests and the burden it has put on staff time, consultant time and the City's budget has been significant and is impacting the City's abilities to fulfill other essential government functions. This is especially true because these are paid for out of the City's general fund which has been stretched severely these last few years.

CITY OF RUSTON
Regular Council Minutes
May 6, 2014

In 2014, the City has spent approximately \$8,900.00 just in the first four months of the year responding (or partially responding) to five public records requests. The City's 2014 general fund budget is \$1,350,733 for the full year. If the public records continue to use resources at the current rate, the expected cost for 2014 will be \$26,700 which is nearly two percent of the City's general fund budget for the year. In comparison, larger cities typically spend less than one-half of one percent of their budget on public records requests. Ruston is not alone in having this impact from public records. Other cities have had their budgets severely impacted by multiple, complex records requests. The City of Goldbar, for example, nearly unincorporated due to the impact of one or two frequent requestors. They lost the ability to maintain streets and had to cut public safety services in order to pay for the expense of public records request. Attached to this Agenda Bill is a publication from the Association of Washington Cities that provides several examples of the impact of public records requests on small cities. The State Auditor's Office conducted a performance audit of 30 government agencies on Open Public Records Practices. This report (186 pages) can be found at the following link: <http://www.mrsc.org/govdocs/w3PerfAuditRptPublRecords.pdf>. One recommendation is that entities consider tracking costs associated with responding to requests as a tool that management can use to determine appropriate levels of staffing and resources. The Auditor's office also recommends that cities prioritize incoming records requests to identify those that require review and/or redaction versus more straightforward requests that can be fulfilled more quickly. The report also included a set "best practices" that included additional training, web access and other suggestions. The Cities of Kirkland, Gold Bar and Pasco have all adopted prioritization and resource management processes related to managing public records requests. These ordinances and rules were used in creating the updated ordinance and public records rules for Ruston.

Ordinance 1439 – Garbage Rate Increase – 1st Reading. City Attorney Robertson provided an overview of Ordinance 1439. The City Council has the authority to establish rates for solid waste collection services. As has been explained by the Mayor at the April 24, 2014 Council meeting, the City is running deficits for the costs of providing solid waste services and therefore a rate increase to cover the cost of providing these services is necessary. This has been a particular issue with yard waste and dumpster service. RMC 6.01.260 establishes the rates for solid waste services. Ordinance #1439 proposes the following rate and service changes:

- Residential/Commercial - per month - each can
 - 20 Gallon - \$16 current - \$21 proposed
 - 35 Gallon - \$25 current - \$30 proposed
 - 65 Gallon - \$50 current - \$55 proposed
 - 90 Gallon - \$75 current - \$80 proposed
- Residential rates are revised to include only one embedded 35 gallon can each for recycle and yard waste per month. As before, commercial does not include recycle or yard waste.

CITY OF RUSTON
Regular Council Minutes
May 6, 2014

- A new charge of \$10 per month is proposed for each additional yard waste can. This applies equally to commercial and residential.
- A new charge of \$10 per contain, per pick up is being proposed for any container whose lid does not close due to the volume inside the container.
- Customers that are unable to get their containers curb side can call and sign up "carry out" service which carries a \$15 per month additional charge.
- If a customer returns a container and later requests the container size previously returned within twelve (12) months of the return shall be assessed a \$50.00 delivery charge per container.
- Dumpster services are being eliminated from the City's solid waste services.
- Containers are the customer's responsibility. Damaged &/or replacement containers will result in a \$50 per container replacement fee.
- Housekeeping amendments (changing "town" to "city") and revising the code to reflect current container sizes in use by Ruston solid waste are also included in Ordinance #1439.

State law requires that any changes in solid waste rates be mailed to each affected customer or published once per week for two consecutive weeks in a newspaper of general circulation in the collection area and that such notice shall be available to the ratepayers at least forty-five (45) days prior to the effective date of the rate change. The City intends to publish notice of these proposed rate revisions the week of May 6th and the week of May 13th. Therefore, the notice requirements will be completed prior to scheduled adoption of these changes and allow the rate revisions to take effect July 1, 2014.

Resolution 576 – Public Records Act Rules (For discussion only). City Attorney Robertson provided an overview of Resolution 576. The companion legislation to this Resolution #576 is Ordinance #1438 which amends Chapter 1.17 of the Ruston Municipal Code ("Public Records"). Please see the Agenda Bill that accompanies Ordinance #1438 for a complete history of the bases for these two companion pieces of legislation. This Agenda Bill focuses on Resolution #576 which adopts Public Records Act Rules ("Rules") for the City of Ruston.

Resolution 577 – Master Fee Resolution. City Attorney Robertson provided an overview of Resolution 577. On August 6, 2013, the Council last updated the City's Master Fee Resolution (Resolution #555). The Master Fee Resolution is brought before the Council for updating as needed.

Electrical Meter Costs. The City is in the process of updating its electrical infrastructure with current technology, including use of new meters and automatic remote meter readers. These new meters (208V compared to 240V) are more costly than electrical meters that the City has used in the past, however, the actual cost for these newer meters is not yet fully known and could change. In order to ensure that the City's costs for the newer technology for the City's electrical utility are covered by its fees, the Master Fee Resolution needs to be updated accordingly to provide the City with the ability to charge the customer for the actual meter cost increase. This section (Section 7 on page 14) now contains the following note:

Note 1: The City is in the process of upgrading its meter system. This pricing is for Standard 240V Meters. Deviation from these standard meters will require custom pricing to account for the differential in meter prices for the upgraded system.

Administrative Interpretations. In addition to the electric meter issue, since the last update of the Master Fee Resolution, the City discovered that there was not a fee included for Administrative Interpretations performed under Chapter 19.09 RMC. These fees which are estimated at \$500. This addition is made in Section 2 "Planning Fees."

City Council Appeals. Also under "Planning Fees" there is a City Council appeal fee. The existing Master Fee Resolution listed "varies". In order to provide an appellant with greater certainty, this has been revised to a flat \$500. This is in addition to the actual costs of preparing the record.

Copy Costs. Finally, under the copy costs section (Section 3) a note has been added cross-referencing the City's public records chapter/rules since those documents contain more detailed information about copy costs for public records.

Councilmember Hedrick moved to approved Resolution 577 – Master Fee Resolution, with a second from Councilmember Hunt, passed 4-0.

Resolution 578 – Listing Services Agreement. City Attorney Robertson provided an overview of Resolution 578. The City Council has authority to lease real property. The City has leased portions of the Old School to various entities. There is additional vacant space in the Old School that could be leased for office space. After searching for some time to find a commercial brokerage firm to list this property, the City found Neil Walter Company. Neil Walter Company is a commercial brokerage firm that is willing and able to provide leasing representation services to the City. A copy of the standard listing agreement is attached to Resolution #578. The Agreement is effective May 5, 2014 and runs through May 31, 2015. Any leased executed during the list agreement will entitle the Firm to a six percent commission, which is standard in the industry. The only revision to the standard Agreement requested by the City is to exclude any existing tenants. If the City renews or expands a lease with an existing tenant, the Firm would not be entitled to a commission. After discussion Councilmember Hunt moved to approve Resolution 578, with a second from Councilmember Hardin, passed 3-1. Councilmember Hedrick vote no because there is no current holistic, long term approach for the building.

CITY OF RUSTON
Regular Council Minutes
May 6, 2014

6 Year Transportation Improvement Plan Discussion - Draft 2015. City Engineer Morrisette provided an overview of the 6 Year Transportation Improvement Plan. See attached.

Council Vacancy Appointment Discussion – City Attorney Robertson provided an overview. This Agenda Bill provides the Council with information on filling the recently vacated council position. Councilmember Bruce Judd resigned from Council effective on March 18, 2014. This vacancy may be filled by the four remaining members of the City Council by the appointment method. The City Council will have only ninety (90) days from the date of vacancy to fill the vacancy. This deadline is June 16, 2014. The last Regular Council Meeting prior to the deadline is June 3, 2014. If the Council fails to appoint before the deadline, then the right to appoint is lost and is transferred to the Pierce County Council. There are a number of methods in which the City can use to decide whom to appoint, from an application and interview process, to simply selecting someone and making the appointment. The person selected must be eligible to serve (i.e. be a voter residing within the city limits of Ruston). The selection process (nominations and voting) must be public and done in open session.

However, the Council may consider the qualifications of individuals whom the Council is considering for appointment in executive session. The individual who is appointed will only serve until the next municipal election (November 2015), at which point a Special Election will be held to fill the remaining two years of the term. The person elected in 2015 will take office immediately upon certification of the election results and will serve the remainder of the term (ending December 31, 2017).

Process taken to date. The City has advertised the Council position opening in the City Newsletter dated April 24, 2014 and the position announcement has been posted on the City's website. One application has been received. If multiple applications are received, the Council at its option may consider conducting interviews at the May 20th Council meeting or at a Special Meeting at a date/time of Council's choosing. This appointment should be made no later than the June 3, 2014 Council Meeting.

CLAIMS/PAYROLL

Councilmember Hedrick moved to approve Claims and Payroll, with a second from Councilmember Hunt passed 4-0.

MAYOR'S TIME – Nothing at this time.

COUNCIL TIME

Councilmember Hedrick – Nothing at this time.

CITY OF RUSTON
Regular Council Minutes
May 6, 2014

Councilmember Hunt – Agreed with Councilmember Hedrick and asked to review the future of the Ruston School in a Study Session and talk about what the City's goal in the near future.

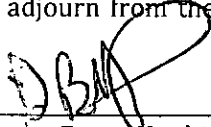
Councilmember Hardin – Nothing at this time.

Councilmember Kristovich – Thanked everyone for a successful Easter Egg Hunt, especially thanking Patty Hardin who stuffed over 2000 Easter Eggs, Marla Miller for the beautiful flowers, Edie Tallman for the handmade Easter Bunnies. The Easter event was a huge success and it was because of the great community participation.

Executive Session - Potential Litigation (RCW 42.30.110(1)(i).) – 20 minutes.

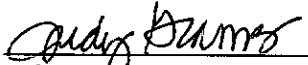
MEETING ADJOURNED

At 8:55 PM Councilmember Hedrick moved to adjourn from the Regular Council meeting, with a second from Councilmember Hunt, passed 4-0.



Mayor Bruce Hopkins

ATTEST:



Judy Grams, Clerk-Treasurer

6 YEAR TRANSPORTATION IMPROVEMENT PLAN 2015 - 2020

4/27/17

City of Ruston

Transportation Facility Improvements							
Revenues	2015	2016	2017	2018	2019	2020	TOTAL
General Fund/Other Local	145,000	9,500	14,400	10,000			178,900
Real Estate Excise Tax	20,000						20,000
Federal Grant							0
State Grant	1,545,000	177,500	272,000	190,000			2,184,500
Unfunded (Seeking Grant Funding)							0
Total Revenues	1,710,000	187,000	286,400	200,000	0	0	2,383,400
Capital Appropriations	2015	2016	2017	2018	2019	2020	TOTAL
1. Winnfred St. - N 51th St. to N 54th St. Roadway Reconstruction Including Curbs/Gutters, Sidewalks, ADA Sidewalk Ramps State: \$760,000 Local: \$40,000	800,000						800,000
2. Pearl St. - 49th St. to 52nd St. East Side Bump Outs State: \$380,000 REET: \$20,000	400,000						400,000
3. 51st St. - Baltimore St. to Winnifred St. So. Side Guardrail/Sidewalks/Storm Drainage State: \$405,000 Local: \$105,000	510,000						510,000
4. Shirley St. - 51st St. to 54th St. AC Grind/Overlay State: \$177,500 Local: \$9,500		187,000					187,000
5. Highland St. - 51st St. to 54th St. AC Grind/Overlay State: \$272,000 Local: \$14,400			286,400				286,400
6. 50th St. - Pearl St. to Winnfred St. AC Grind /Overlay State: \$190,000 Local: \$10,000				200,000			200,000
							0
							0

6 YEAR TRANSPORTATION IMPROVEMENT PLAN 2015 - 2020

City of Ruston

Transportation Facility Improvements									
	2015	2016	2017	2018	2019	2020	TOTAL		
									0
Total Capital Appropriations:	1,710,000	187,000	286,400	200,000	0	0			2,383,400

City of Ruston

Revenues

CF - 30

Transportation Facility Improvements								
	2015	2016	2017	2018	2019	2020	TOTAL	
								0
Total Capital Appropriations:	1,710,000	187,000	286,400	200,000	0	0	2,383,400	

6 YEAR TRANSPORTATION IMPROVEMENT PLAN 2015 - 2020

4/27/14 V. [unclear]

City of Ruston

Transportation Facility Improvements									
Revenues	2015	2016	2017	2018	2019	2020	TOTAL		
General Fund/Other Local	145,000	9,500	14,400	10,000			178,900		
Real Estate Excise Tax	20,000						20,000		
Federal Grant							0		
State Grant	1,545,000	177,500	272,000	190,000			2,184,500		
Unfunded (Seeking Grant Funding)							0		
Total Revenues	1,710,000	187,000	286,400	200,000	0	0	2,383,400		
Capital Appropriations									
	2015	2016	2017	2018	2019	2020	TOTAL		
1. Winnifred St. - N 51st St. to N 54th St. Roadway Reconstruction Including Curbs/Gutters, Sidewalks, ADA Sidewalk Ramps State: \$760,000 Local: \$40,000	800,000						800,000		
2. Pearl St. - 49th St. to 52nd St. East Side Bump Outs State: \$380,000 REET: \$20,000	400,000						400,000		
3. 51st St. - Baltimore St. to Winnifred St. So. Side Guardrail/Sidewalks/Storm Drainage State: \$405,000 Local: \$105,000	510,000						510,000		
4. Shirley St. - 51st St. to 54th St. AC Grind/Overlay State: \$177,500 Local: \$9,500	187,000						187,000		
5. Highland St. - 51st St. to 54th St. AC Grind/Overlay State: \$272,000 Local: \$14,400			286,400				286,400		
6. 50th St. - Pearl St. to Winnifred St. AC Grind /Overlay State: \$190,000 Local: \$10,000				200,000			200,000		
							0		
							0		

Transportation Facility Improvements		2015	2016	2017	2018	2019	2020	TOTAL
								0
Total Capital Appropriations:		1,710,000	187,000	286,400	200,000	0	0	2,383,400



Public Records

A balancing act for cities

Cities support open and transparent government, and Washington's Public Records Act is a powerful law that protects citizens' rights to know how their taxpayer dollars are spent. The vast majority of requesters make narrow, focused requests or are willing to work with agencies to get the exact information they need. There are, however, a growing number of requesters who monopolize resources with broad requests that do not provide a public benefit proportionate to the costs to the public to fulfill the requests.

As cities are forced to make tough economic choices, such as reducing public safety and infrastructure spending, it makes less and less sense to devote a substantial amount of city staff time to fulfill the requests of one or two individuals, who are sometimes acting in bad faith. Cities throughout the state, large and small, are struggling to balance providing essential services to all citizens with Public Records Act compliance. Here are some of their stories.

Bellingham

In 2008, the City of Bellingham received 46 public records requests from one individual; one of the requests was 13 pages long. The city has spent over \$100,000 in staff time to fulfill just 10% of what the individual has requested and expects the cost of the entire request to top one million dollars. One request sought eight years of "All records to, from, or in any way relating to or referencing any of the following, including, but not limited to all records to, from, or in any way relating to or referencing any employees, appointees, elected officials, individuals, participants, tribunals, committees, affiliations, commissions, affiliations, groups and members thereof and other persons specified..."

Gold Bar

Due to a rapid increase in large public records requests in 2009, the City of Gold Bar assigned two additional staff people to help respond. In 2010, the city expended approximately \$70,000 responding to requests - 12% of its income of \$575,000. Due to financial constraints, the city is eliminating or reducing essential services such as public safety, street maintenance, stormwater, and parks and cannot continue funding two full-time public records positions.

Prosser

Two years ago, the City of Prosser was forced to separate one position into two as a result of the volume and complexity of requests from one individual. To date, the cumulative general fund cost of that staffing change is in excess of \$150,000. In addition, the city settled a public records lawsuit with that same individual for \$175,000 last year. Despite the settlement and the city's good faith effort to respond to the requests, the individual continues a pattern of large, broad requests followed by lawsuits. Overall, the city has spent \$325,000 in direct costs responding to this one requestor. This represents nearly 4% of the city's general fund. At the same time, the city has had a 12% reduction in staff and lost its largest private sector employer.

Sumner

The City of Sumner is dealing with two major public records requests: one asking for all records about sidewalks and one asking for all e-mails, cell phone records, voicemails, and computer records of two city officials. The first request yielded roughly 8,000 pages, and the second more than 13,000. More than 17 city employees have been studying the documents for about two months, ensuring none of the documents contain sensitive information protected by attorney-client privilege or pertaining to pending litigation. The city estimates it will take until the end of the year to finish processing the requests but can only charge the requestors 15 cents per page.

AWC contacts

Victoria Lincoln

Legislative & Policy Advocate

victorial@awcnet.org

Serena Dolly

Legislative & Policy Analyst

serenad@awcnet.org