

City of Kenmore



City of Kenmore - 18120 68th Avenue NE Kenmore, WA 98028 Phone: 425-398-8900
Agendas also available at www.kenmorewa.gov E-mail: cityhall@kenmorewa.gov

City Council Special Meeting

May 10, 2022 - 6 p.m.

VIA ZOOM - LINK: <https://us02web.zoom.us/j/85487977658>

US: +12532158782,,85487977658# or +13462487799,,85487977658#

Or Telephone: Dial US: +1 253 215 8782

Webinar ID: 854 8797 7658

I. CALL SPECIAL MEETING TO ORDER - 6 PM

II. ROLL CALL

III. AGENDA APPROVAL

IV. PRESENTATION

- A. Puget Sound Energy Update, presented by Andy Wappler, Senior Vice President and Chief Customer Officer
[Kenmore presentation 5-10-22](#)
- B. State of Cascadia College, presented by Dr. Eric Murray, President of Cascadia College
[2022 Cascadia College - State of the College Presentation](#)

V. STUDY SESSION AGENDA

- A. Open Public Meetings Act (OPMA) Training and Discussion with Morgan Damerow, Office of the Attorney General
[City of Kenmore OPMA Training Presentation](#)

VI. UPCOMING MEETING SCHEDULE:

- A. May 16, 2022, Regular Meeting
May 23, 2022, Regular Meeting
June 3-4, Council Retreat

VII. ADJOURNMENT

Meeting our customers' clean energy needs

City of Kenmore

May 10, 2022

energize**EASTSIDE**

Energize Eastside overview

- Delivering reliable energy for Kenmore and the Eastside regionally
- Enabling the clean energy future and new technology
- Leveraging ongoing neighborhood-level system improvements

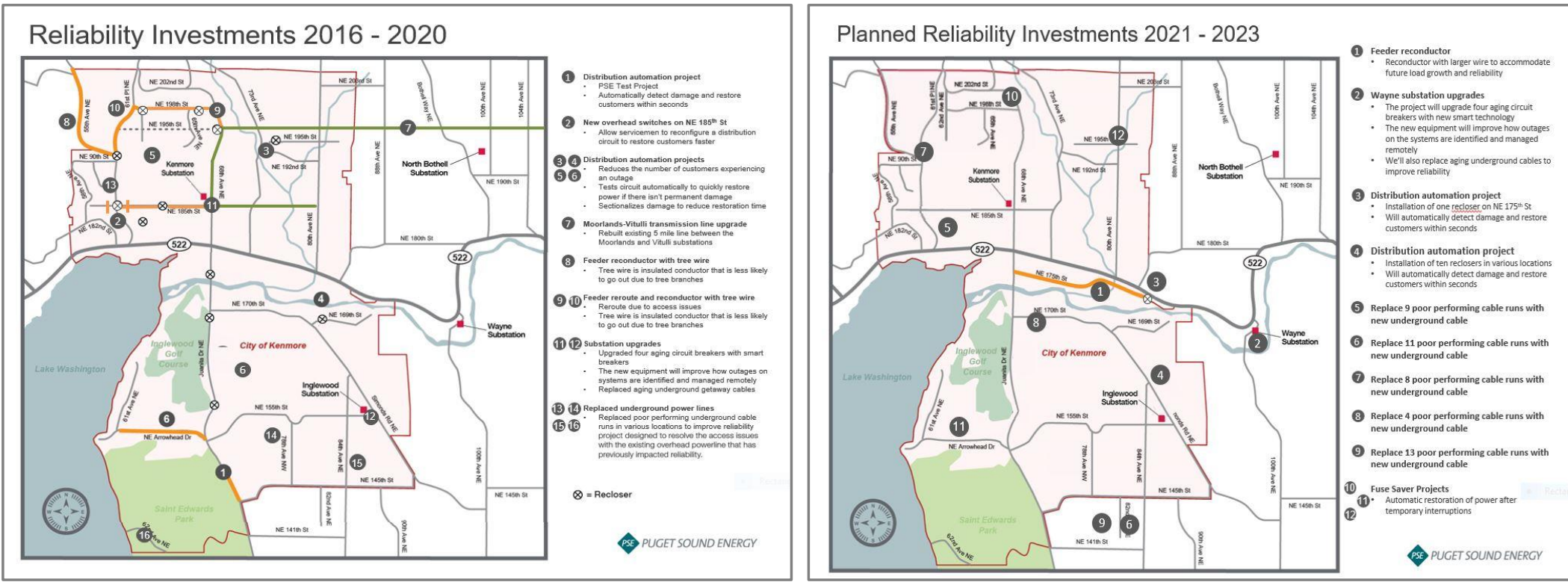
PSE clean energy targets are advancing rapidly

- PSE will deliver 63% clean energy in 2025
- Wind, solar, batteries and demand-response replacing coal
- PSE will be carbon-neutral by 2030
- PSE will be carbon-free by 2045



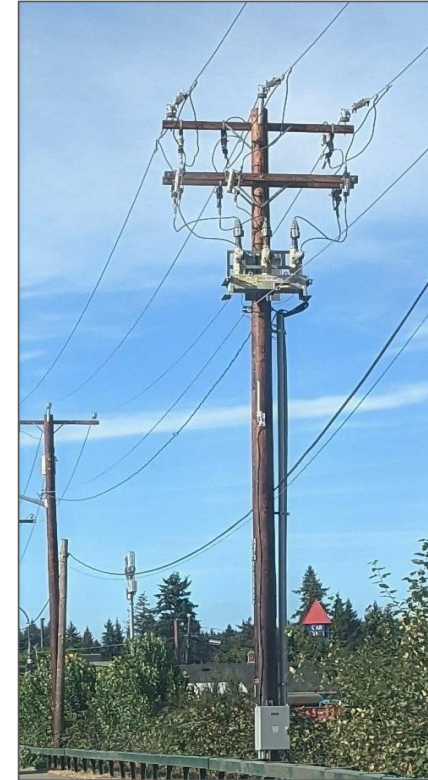
Golden Hills Wind Farm – April 2022
60,000 homes of clean power

Partnership with the city has improved reliability



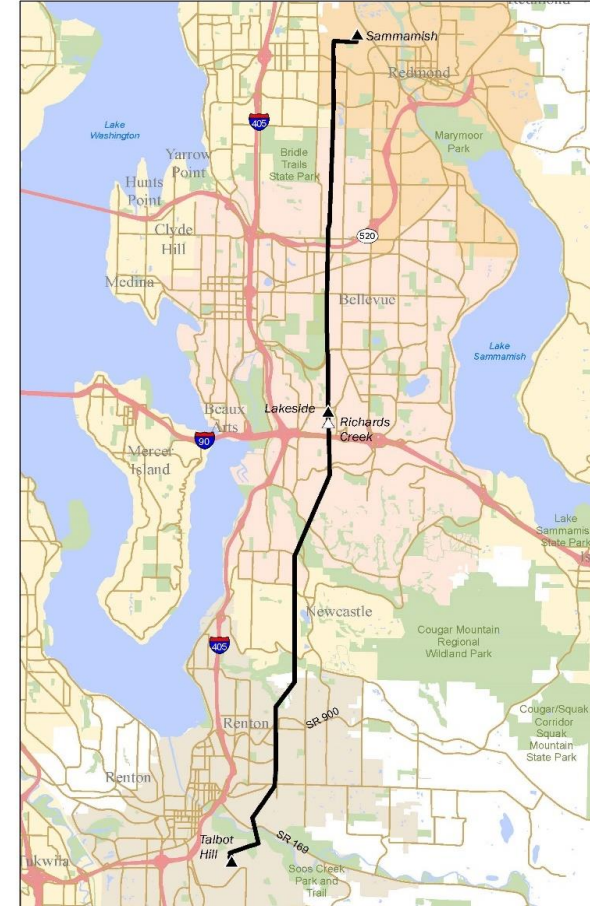
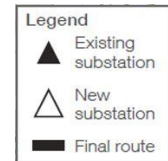
Leveraging new technology

- Grid automation
- Advanced switching
- Electric vehicles



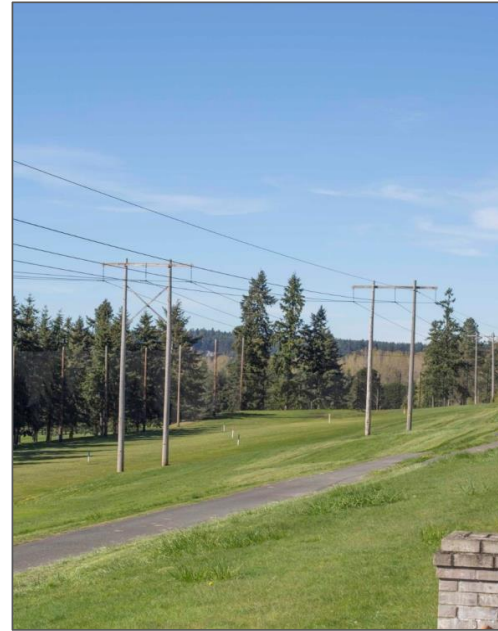
Upgrading the Eastside's energy backbone

- Replacing 1960s infrastructure
- Serving growing communities
- Mitigating a regional risk



Remaining in an existing utility corridor

- Utilizes a power-line corridor dating to the 1930s
- Reduces the number of poles
- Incorporates community involvement
 - PSE outreach 2014-2015
 - EIS public comments 2015-2017
 - Renton, Bellevue, Newcastle and Redmond hearings examiner testimony 2018-2022



Existing



Future

Mitigating a regional reliability issue

- Our local energy grid is interconnected
- A transmission failure would impact Kenmore and other communities beyond the physical location of the line
- Federal standards require one of two actions:
 - Develop “load-shedding” plans
 - Upgrade the infrastructure



Work is underway



- First poles installed in segments south of I-90
- Central substation at substantial completion
- Pole designs vary with community input

pse.com/energizeeastside

energize**EASTSIDE**

PSE

PUGET SOUND ENERGY

f

Search

PROJECT OVERVIEW

BUILDING THE PROJECT

GET INVOLVED

MAPS

LIBRARY


FAQS


CONTACT US

City of Newcastle approves PSE's Energize Eastside permit


The project progresses with the Hearing Examiner's approval of the Conditional Use Permit for Newcastle.

[Learn more >>>](#)







Overview




Interactive Map




Project Need



Documents



Property Owners



Latest News

PSE

PUGET SOUND ENERGY

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CASCADIA
COLLEGE
BOTHELL

Cascadia College

Back Stronger Than Ever

We've used the pandemic to improve

- Adding new academic programs
Running Start Summer, AIIIS, BS in Comp Science
- Opening new site in Redmond
- Implementing Guided Pathways
- Implementing two CRMs



And...

- Establishing new pathways with UWB
- STEM 4 under construction
- CC5 in pre-planning
- UW Bothell construction



We're ready for students to return

- × In-person, hybrid, and remote
- × Same staff, same faculty
- × All facilities open
- × Still the most successful transfer institution in the state

Thanks!

Any questions?

You can find me at:
emurray@cascadia.edu

CASCADIA
COLLEGE
BOTHELL



Open Public Meetings Act Training

City of Kenmore Elected Officials

May 10, 2022

Training Prepared by Washington State Attorney General's Office





Local Government Public Records Consultation Program



*Assisting local
governments with
PRA best practices.*

Morgan Damerow (360) 570-3418
Lucy Collis (360) 664-8756
PRAConsultation@atg.wa.gov

Technical Assistance – Training – Risk Mitigation – Best Practices



Overview

- Significance of Open Government & Transparency
- Open Public Meetings Act

This presentation is educational only and is not legal advice or a legal opinion. The OPMA changes over time. Later court decisions or changes in statutes can impact these laws and an agency's obligations.



Training is your path through the forest.

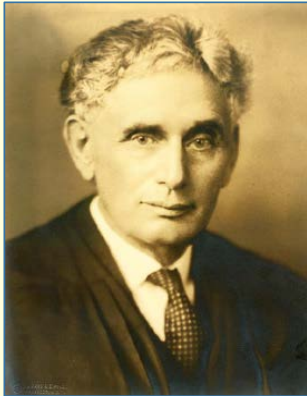


[The] “proper training and supervision of the agency’s personnel” was a mitigating factor ... “[T]he evidence demonstrates an on-going and consistent process of education, supervision, and access to legal counsel to seek assistance,” with “both internal and external training available to employees.”

Hoffman v. Kittitas County, Decided Sept. 26, 2019

Why You Should Care About Transparency Laws

"Sunlight is the best disinfectant."



U.S. Supreme Court Justice
Louis Brandeis

The Chronicle
Journal of the Yakima Valley

**Richland School Board Violated
State Open Meetings Law Over
Mask Vote, Lawsuit Claims**

Crosscut.

**WA redistricting panel admits it broke the
law. What now?**

AP AP NEWS

Yakima County settles open public meetings lawsuit for \$13K



Open Public Meetings Act

Chapter 42.30 RCW

Including ESHB 1329 (2022)

Effective March 24 and June 9, 2022



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

Washington State Supreme Court





All meetings of the **GOVERNING BODY** of a **PUBLIC AGENCY** shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

RCW 42.30.030

What is a Governing Body?

The multimember board or other policy or rule-making body of a public agency.

OR

Any committee of such public agency *when*:

- ☐ the committee acts on behalf of the governing body,
- ☐ conducts hearings, or
- ☐ takes testimony or public comment.

RCW 42.30.020



Public Agency

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington State.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

RCW 42.30.020



Meeting

- Meeting means meetings at which the public agency takes “action.”
- Requires a majority of its members (quorum).
 - No quorum → No meeting
 - Physical presence not required – a meeting can occur by phone or email.
- Does not need to be titled “meeting” – may be a “retreat,” “workshop,” “study session,” etc.
- Simply receiving information without comment is not a meeting.





Action

- “Action” means the transaction of the official business of the public agency and includes but is not limited to:
 - Public testimony
 - Discussions
 - Reviews
 - Final actions*
 - All deliberations
 - Considerations
 - Evaluations



* The requirements of the OPMA are triggered whether or not “final” action is taken.
(See upcoming slide on “final action.”)



Final Action

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof.”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

VOTE



RCW 42.30.060, RCW 42.30.020



Public Attendance

- A public agency can't place conditions on public to **attend** meetings subject to OPMA.
- Reasonable rules of conduct can be set.
- Cameras and tape recorders are permitted unless disruptive.
- Governing body may adopt generally applicable conditions determined to be reasonably necessary to protect public health or safety, or to protect against interruptions.
- Agencies encouraged to provide remote access that does not require an additional cost to access the meeting.

New!

New!



Public Comment

Oral or written public comment required prior to taking final action at a regular meeting.

New!

Oral Comment

- If oral comment accepted, the governing body shall, when reasonable, provide people with a disability, limited mobility or any other reason that makes physical attendance difficult, the opportunity to make oral comment.
- May limit comment on items not on agenda.
- May put guidelines in place for public comment i.e. time limits.

Written Comment

- Written testimony must be distributed to the governing body.
- May have reasonable deadlines for submission of written testimony.
- May limit comment on items not on agenda.



Minutes

- Minutes of public meetings must be promptly recorded and open to public inspection.
- Minutes of an executive session are not required.
- No format specified in law.
- Executive session's purpose must be recorded. **New!**
- If meeting provides remote option, add relevant information to the minutes.
 - Links & phone numbers.
 - Number of remote participants.



RCW 42.30.035, Formerly RCW 42.32.030, ESHB 1329 (2022)



Remote Observation and Participation

New!

Agencies encouraged to:

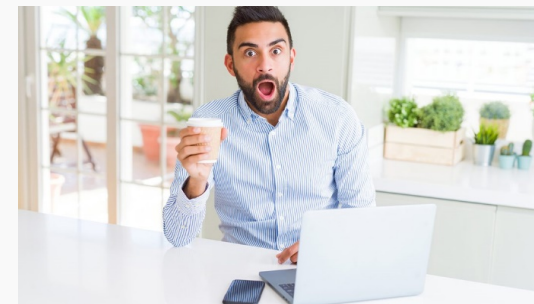
- Provide remote access that does not require an additional cost to access the meeting.
- Provide an online streaming option for, all regular meetings.
- Make audio or video recordings.
- Make recordings available online for a minimum of six months.
- This does not alter recordkeeping requirements under chapter 42.56 RCW.



Interruptions and Disruptions

- May stop individuals from speaking when not recognized to speak.
- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted, the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

New!



RCW 42.30.050, ESHB 1329 (2022)



Regular Meetings



- Recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- Must have an agenda available online at least 24 hours in advance.
 - You can modifying an agenda.
 - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
 - Very small agencies may be exempt. **New!**



RCW 42.30.070; RCW 42.30.075; RCW 42.30.077



Special Meetings

Called by presiding officer OR majority of the members.



Notice:

- ☐ 24 hours before the meeting
- ☐ Written
- ☐ Time
- ☐ Place
- ☐ Business to be transacted (agenda)
- ☐ Exception: not required in when the notice cannot be posted with reasonable safety. **New!**

How:

- ☐ To each member of the governing body (unless waived).
- ☐ To each local newspaper of general circulation, radio, and TV station which has a notice request on file.
- ☐ Posted on the agency's website [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website].
- ☐ Prominently displayed at the main entrance of the agency's principal location and the meeting site (if not at the same location, or not remote). **New!**

Include links and phone numbers for public attendance.

RCW 42.30.080, ESHB 1329 (2022)



Emergency Meetings

- Notice is not required when special meeting called to deal with an emergency.
- Emergency involves injury or damage to persons or property or the likelihood of such injury or damage.
- Where time requirements of notice make notice impractical and increase likelihood of such injury or damage.



RCW 42.30.080(4)



Remote Meetings

New!



In the event of an emergency, an agency may:

- *Option 1: Hold an all remote meeting without a physical location.*
- *Option 2: Hold a meeting with governing body present but some or all of the public excluded.*

Requirements for a remote meeting:

- Declared emergency at the local, state or federal level.
- Agency determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance.
- Public must be able to listen, if not, meeting prohibited except executive session.
- Notice of meeting must include remote participation instructions.

Individual governing body members may participate remotely during non-emergency times.



Proclamation 20-28.16

Open Public Meetings Act and
Public Records Act

- **Proclamation ending effective June 1, 2022. *New!***
- First issued March 24, 2020. Current version Proclamation 20-28.16. See Proclamation 20-28.14 for operative language.
- Focus is on reducing in-person contact.
- Prohibition on conducting a public meeting subject to RCW 42.30 unless:
 - (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access, and may also include other electronic, internet or other means of remote access, and
 - (b) provides the ability for all persons attending the meeting to hear each other at the same time.



Executive Session



- Part of a regular or special meeting that is closed to the public.
- Limited to specific purposes set out in the OPMA, RCW 42.30.110.
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins.
- Time may be extended by further announcement.
- Purpose of executive session must be entered into the minutes. **New!**
- If going into executive session, have a plan for ensuring only invited people are allowed access.
 - Unique “meeting” for this part of the meeting.
 - Utilize waiting room feature and admit participants.

RCW 42.30.110, ESHB 1329 (2022)



Executive Session

- **Discuss Agency Enforcement Actions, Litigation or Potential Litigation**
 1. Legal counsel representing the agency is present;
 2. For purpose of discussing agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party; and
 3. Public knowledge regarding discussion is likely to result in an adverse legal or financial consequence to the agency.



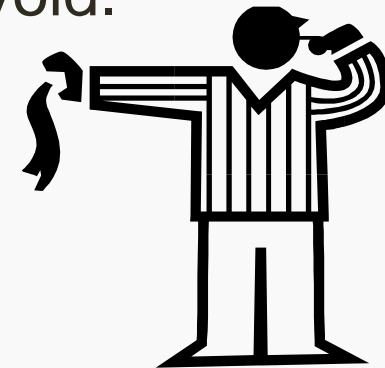
- **Real estate**
- **Sale or lease**
- **Publicly bid contracts**
- **Evaluate qualifications of applicant for public employment**

RCW 42.30.110(1)



OPMA Penalties

- A court can impose a \$500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and \$1000 for a subsequent knowing violation.
- Court will award costs and attorneys fees to a successful party seeking the remedy.
- Action taken at meeting can be declared null and void.



RCW 42.30.120; RCW 42.30.130; RCW 42.30.060



OPMA Assistance

- Consult your Attorney.
- The Washington State Attorney General's Office.
- The Attorney General's Open Government webpage.



RCW 42.30.210
<http://www.atg.wa.gov/Open-Government>.

Local Government Public Records Consultation Program



*Assisting local
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OPMA Training

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