



McCleary Regular City Council Meeting

Wednesday, July 24, 2024 – 6:30 PM

McCleary Community Center

Agenda

Join Zoom Meeting

https://us06web.zoom.us/webinar/register/WN_kkuYO8EiRPqPfxSty-U94w

Meeting ID: 817 9207 7978

Passcode: 144764

(253) 215-8782

Call to Order/Flag Salute/Roll Call

Agenda Modifications/Acceptance

Special Presentations

Public Comment - Agenda Items Only

Consent Agenda

1. Accounts Payable July 1-15, 2024 Check Numbers 53498-53538 Including EFT's Totaling \$144,676.26
- [2.](#) Meeting Minutes - June 26, 2024
- [3.](#) Meeting Minutes - July 10, 2024

Updates

New Business

Old Business

- [4.](#) Washington Department of Enterprise Services Energy Services Authorization/Agreement
- [5.](#) Recreation and Conservation Office (RCO) Grant Application Resolutions/Authorization

Ordinances and Resolutions

- [6.](#) Camera Policy Resolution

Public Comment - City Business Only

Executive Session

Council Comments

Mayor Comments

Adjourn

Please turn off Cell Phones- Thank you

Americans with Disabilities Act (ADA) Accommodation is Provided Upon Request.

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.



McCleary Regular City Council Meeting

Wednesday, June 26, 2024 – 6:30 PM

McCleary City Hall Council Chambers & Zoom Virtual Meeting

Minutes

Call to Order/Flag Salute/Roll Call

Meeting called to order at 6:32pm.

PRESENT

Councilmember Jacob Simmons

Councilmember Brycen Huff

Councilmember Max Ross

Councilmember Andrea Dahl (through Zoom)

Councilmember Keith Klimek

ABSENT

Mayor Chris Miller

Agenda Modifications/Acceptance

Motion made by Councilmember Simmons, Seconded by Councilmember Dahl to remove the Camera Policy Resolution from the Agenda.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl

Voting Nay: Councilmember Klimek

Public Hearings

1. 6-Year Transportation Improvement Plan

Public Hearing on the 6-Year Transportation Improvement Plan opened at 6:34 p.m.

There was no Public Comment.

Councilmember Dahl asked if the City owned the trail behind Ash Street. Director of Public Works, Chad Bedlington stated he doesn't know who owns the trail, but doesn't believe it is the City. This project was in the notes for potential ideas, not necessarily a project that the City will complete.

Public Hearing closed at 6:35pm.

Public Comment - Agenda Items Only

No Public Comment

Consent Agenda

Councilmember Dahl asked Clerk Treasurer, Jenna Amsbury, if she could explain again how the cost allocation works. Amsbury explained that there are numerous different cost allocations and asked if there was a specific one she had a question on. Dahl said the IT cost Allocation and the City Clean Up. Amsbury said the City Clean Up needs to all come out of 514 in current expense, so that allocation was just changed to a new BARS coding today. Amsbury explained the IT cost allocation was based off of a revenue calculation and employee number in each fund calculation for each fund through the Cost Allocation plan.

Councilmember Huff asked if the Mayor's travel line from Water was changed as they discussed at the last meeting. Amsbury said it was changed and went into the Mayor's travel line.

Motion made by Councilmember Ross, Seconded by Councilmember Klimek to approve the consent agenda.
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

2. Accounts Payable June 1-15, 2024 Check Numbers 53409-53457 Including EFT's Totaling \$320,165.61
3. Minutes - June 12, 2024

Updates

4. Staff Reports - Police Activity, Public Works, Finance, Public Works Director, Fire Dept.

Councilmember Dahl asked what the police chief training was, and asked if there was an update on the IT services. Bedlington said we are working with Right Systems to update the Police side. The City has run into a few barriers and are waiting from a response from Right Systems. Councilmember Dahl asked if the Council could get a report back from the Police Chief on what the training was about and what was learned.

Councilmember Huff asked Bedlington if these grants were all up to date. Bedlington had one update. The Department of Commerce that the City is tentatively awarded 2.75 million for solar arrays for the property just North of Simpson's pond. Paul Nott asked if this will affect the City's BPA Rate. Bedlington said yes, power generation would have an offset potential rate increases. BPA will give a presentation to the Council in November on the rate increases. Councilmember Huff asked if we could get them here sooner so we aren't at the 11th hour.

Councilmember Dahl asked if we have a plan to get the sidewalks fixed, since we didn't get the WCIA grant. Bedlington explained that we don't have the funding for that right now but we are pursuing other grant options.

5. Council Committee Updates

Councilmember Huff said he cannot attend the next Chehalis Basin Meeting. Bedlington will attend.

6. Water Discussion

Chad Bedlington said the set point changes made have been effective. The City met with the Department of Health, Gray and Osborne and TSI. They did a walk around the well site and had a few minor suggestions, but it was a good meeting. They have updated some checklists for weekend duty for records and callouts to operators. Bedlington would like to cross train Public Works employees for when water treatment plant operators are unavailable. Councilmember Ross stated to only have two water treatment operators, and only one being local, doesn't allow for contingency planning. Ross asked if we could get a mutual aid agreement with Elma. Bedlington said we could look into that. Ross asked what happens if nobody is available to respond. Bedlington said the system shuts down, but we would still have several hours before the lack of flow could be an issue. Councilmember Klimek stated him and people he has talked to are not happy with the water here. Councilmember Dahl asked, looking forward, do we have a long-term solution for this? Bedlington said, having more than two people available to respond adds value. Long term is making sure our record tracking is consistent. Carri Comer said it sound like protocols of training and record keeping are a big issue. Bedlington said

he doesn't believe there are any safety concerns anymore. We are making changes so we don't run into these situations, like we had over the weekend, again.

Councilmember Huff said we were told before this was a fluke, then it happened again. We didn't get a staff report update from Kevin, he's not here to talk about it, as the water manager, I would like routine updates from him now on. How this was handled, the City put out a blatant lie to the public about something that effects public health, and then backtracks on it, it isn't good. It destroys any trust and transparency that public might have for the City. Huff would like to see more reports and clarification from Kevin.

Councilmember Simmons said we had 12 alarms and 6 that needed to be handled on site, is that a lot for a water system in a 3-4 week period. Bedlington said yes, it's on the higher side, but this is due to the set points being lower than usual in order for the city to find the correct spot for setpoints to activate an alarm.

7. FCS Utility Rate Update

Chad Bedlington said there needed to be revisions to the model, specifically water and sewer. He provided FCS Group with 2024 beginning balances since we postponed some 2023 projects so he wanted FCS to account for that. On the Light and Power side, we are still waiting on the Capital Improvement Plan from BKI, they are getting close. We should have final recommendations in time for budget discussions. Councilmember Dahl asked about a tiered water system. Bedlington said it is still being worked on.

8. Camera Logs

Jenna Amsbury said the last she has been told, was the Mayor contacted Verkada because there was some time frames missing, so he was waiting for a call back. Dahl said we are going on two months for something that shouldn't take this long. Dahl stated in the handbook it stated the Mayor's top priority is keeping the Council informed, and this is where we're at on being informed. Councilmember Ross said the Council should not have to go through the PIR process to request data, it should be provided to us. Two months ago I was opposed to turning the cameras off for public safety reasons. Everyone said we're get the logs in two weeks, a policy passed, and here we are two months later. Thankfully nothing bad has happened. I would like the cameras turned back on, I would like a policy passed, but we are being held hostage here.

Councilmember Simmons asked if we are at risk for any camera log PIR's that could put is in litigation? Amsbury explained that she is happy to talk about litigation in executive session. Amsbury said, as the Public Records Officer, she has asked for the information, and that's all she can do is ask for the information if she doesn't have it, she is mitigating risk to the best of her ability.

Councilmember Huff said under previous administration, a camera request was requested, and it was fairly easily given to them. The Council is asking for the same information to make a business decision and we're getting stonewalled by the Mayor, and that's where the frustration is. Huff said we didn't have a policy in place, we are trying to pass one, why is he dragging his feet? It doesn't make sense to adopt a policy when the information isn't being provided. I don't understand why he's wanting to play hardball and hide this information from the Council regardless of what it may or may not show. City Attorney said he doesn't have answers on this, he has provided his opinion already.

New Business – None

Old Business

9. Washington Families Clean Energy Credits Grant Program Contract with Dept of Commerce
Motion made by Councilmember Klimek, Seconded by Councilmember Ross to approve the Washington Families Clean Energy Credits Grant Program Contract with Department of Commerce.
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

10. Omnibus Mutual Aid Agreement with Local Agencies for Sharing Resources During an Emergency
Chad Bedlington said during times of emergency, there is a need to share resources. This agreement is between 5 counties, multiply agencies, giving the opportunity for cross utilization of other agencies materials. There would be a cost recovery put into place.
Motion made by Councilmember Ross, Seconded by Councilmember Dahl to approve the Omnibus Mutual Aid Agreement with Local Agencies for Sharing Resources During an Emergency.
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Ordinances and Resolutions

11. 6-Year Transportation Improvement Plan Resolution
Bedlington said this is something the City is required to have. We have 14 projects on the planning list.

Motion made by Councilmember Ross, Seconded by Councilmember Klimek to approve Resolution No. 761 adopting the 6-Year Transportation Improvement Plan.
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

12. Camera Policy Resolution
Item removed from Agenda.

Public Comment - City Business Only

Cindy Nott spoke about the alley by her house and the treatment plant smell. She said she was told there were more supplies coming to reduce the smell. Two days this week, she could not open her windows because the smell is so bad. Cindy asked if there are alarms that go off for this, what is the process for this to be managed properly, because it seems intentional. Bedlington said it's not intentional. Cindy stated she's lived her for 34 years and it's never been this bad, it's horrible and embarrassing. Bedlington said he would talk with Kevin and Joe and see if there is anything going on and he will follow up with her.

Dustin Richey stated he wants to do something positive for this town. He has a request to spend \$2500-\$3000 to beautify Simpson. He wants to start at the Credit Union and end at the cemetery. Richey said he feels this is a reasonable request, but wants to something good here. He'd like this done in the Fall. Carri Comer said she'd rather see the roads fixed first. Richey stated that his behavior at the last couple Council Meetings hasn't been so hot. He got a phone call saying that people didn't like his behavior. Richey said that he wanted to apologize to nobody at all, I mean everything I say in here and I don't care what you think.

Carri Comer thanked the City for taking the water quality so seriously. She said she's proud of the Council for embracing their citizenship in McCleary. As Citizens, you are representing the rest of us and I'm proud to have you up there. Carrie said water had been an issue here for a long time for a variety of reasons, this only hurts the trust here and the confidence that people feel safe. And add the cameras stuff on top of that. Thank you for not letting this go. It really takes a lot to stay the course with people who intentionally try to distract and blow you over and work against you, are corrupt and enjoy extortion the qualities like our Mayor has, and you guys have to stand against that. I appreciate you all.

Executive Session

13. RCW 42.30.110(1)(i)(ii) - Litigation

Executive session started at 7:37 p.m., not to exceed 15 minutes. Executive session ended at 7:53 p.m. No action taken.

Closed Session

14. RCW 42.30.140 - Collective Bargaining

Closed session started at 8:03 p.m., not to exceed 10 minutes. No action taken. Closed session ended at 8:03 p.m. Technology needed fixed, so the meeting didn't reconvene until 8:05 p.m.

Council Comments

Max Ross said someone from the Grays Harbor Conservation District reached out to him and the District got a pretty large grant to do restoration work in the Wildcat and Cloquallum watersheds. For some reason the City of McCleary is not in the Grays Harbor Conservation District boundary. He put the Conservation District in touch with Chad and are going to work on getting McCleary annexed into the District.

Andrea Dahl stated one of our duties is to adopt and amend the Comprehensive Plan. There was talk of additional zoning added to the Comp Plan. We are trying to figure out where to get money to fix our roads, and my thought was talking about removing the additional zoning which would remove the cost for that. Brycen Huff said depending on if we can reallocate the funds, that would be smart. If we could use the funds to fix the 10th Street Alley, that would be beneficial.

Andrea Dahl said Bear Fest is on July 12-14. The Royalty would like the opportunity to do the traditional pinning of the Mayor and Council at the July 10th meeting.

Jacob Simmons asked about the Budget, and when we are planning to start the process? Jenna Amsbury said the goal is to start in August for the preliminary work. Hearings will start in October.

Brycen Huff said the Mayor is gone tonight. He has asked before on the guidelines for the Mayor's absences. He was told that the Mayor is not obligated to be at the meeting, even though they facilitate it, they don't have a vote unless there is a tie. So it will fall on the Pro-Tem to run the meetings. We are on the path again of consecutive no-shows. Huff is happy to continue to look into to see what can be done to hold the Mayor more accountable when he is elected by the citizens to run the City, he should be here facilitating the meetings. We did an informal vote of no confidence on him around budget time last year. But he'll still check into this. Huff wished everyone a safe 4th of July.

Andrea Dahl asked if there was any update on the Council getting their own counsel. This will be added to the next agenda.

Mayor Comments - None

Adjourn

Motion made by Councilmember Simmons, Seconded by Councilmember Ross to adjourn the meeting at 8:17pm.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek



McCleary Regular City Council Meeting

Wednesday, July 10, 2024 – 6:30 PM

McCleary Community Center & Zoom Virtual Meeting

Minutes

Call to Order/Flag Salute/Roll Call

Meeting called to order at 6:30pm.

PRESENT

Councilmember Jacob Simmons

Councilmember Brycen Huff

Councilmember Max Ross

Councilmember Andrea Dahl

Councilmember Keith Klimek

ABSENT

Mayor Chris Miller

Agenda Modifications/Acceptance

Motion made by Councilmember Dahl, Seconded by Councilmember Klimek to accept the Agenda.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Special Presentations

1. Bear Festival Button Pinning

Bear Festival Royalty presented their annual button pinning of the Councilmembers.

2. Decarbonization Grant Award Presentation

Joel Hanson, Ameresco Representative, gave a presentation on the City's Decarbonization Grant Award from Department of Commerce for the development and implantation of a Solar Array on City property. The maximum grand award received is \$2.75 Million. The grant award requires a \$50,000 in-kind match from the City in labor over 2-3 years. This project could produce enough power to service 80 houses a year with initial projections. The solar panels have a 25-year warranty and are very low maintenance. Mr. Hanson stated Ameresco is a nationwide company that is vetted through the Department of Enterprise to be a contractor for these projects. He described the process including an initial audit that will provide findings, output and options for siting of the project. He stated what is unique about this project is that there will be a guarantee on the output of power generation.

The Council asked questions about life span of the panels, which Mr. Hanson stated can be up to 40 years, with very little maintenance other than spraying off the panels. There were questions on connection to city infrastructure and Mr. Hanson noted the connections will be included in the project grant award. There was review of the Fire Station Property and whether there would still be room on the site for future construction. Mr. Bedlington stated the siting of the project will take that into account and there should still be room to build a fire station. This will be part of the initial scoping. Council gave the go-ahead to move forward with this project and Mr. Bedlington will bring forward a contract for the initial scoping with Ameresco.

Public Comment - Agenda Items Only

No Public Comment

Consent Agenda

3. Accounts Payable June 16-30, 2024 Check Numbers 53458-53488 Including EFT's totaling \$185,513.96
Motion made by Councilmember Dahl, Seconded by Councilmember Simmons to approve the consent agenda.
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Updates

4. Staff Reports - Finance, Public Works, Water and Wastewater, Police Activity, Public Works Director
Councilmember Klimek stated that with the water issues we just had, he is appalled with the Staff Report from Kevin just saying everything is OK. That is not acceptable to him. He hasn't even been to a meeting. Public Works Director Chad Bedlington said he will work with Kevin for more information, but did provide information in his staff report on the status of the water issues.

Councilmember Dahl would still like a Staff Report from Police Chief Patrick with updates.

Mayor Pro-Tem Huff thanked City Attorney Chris Coker for his time at the City and appreciates his guidance over the years.

Councilmember Simmons thanked Chris Coker for all his work and said he was not aware that the City put out an RFP for attorney services, that was another surprise, and none of the Council was aware of that. Councilmember Ross said an Email would have been nice, he doesn't like receiving new information in front of an audience.

5. Investigation Closure
Chris Coker stated the investigation into the email issue from the Mayor was investigated by the County Sheriff and County Prosecutor. There were no criminal acts found and the case was not moved forward by the Prosecutor.

New Business

6. City Council External Counsel Discussion with Chris Coker
Mayor Pro-Tem Huff spoke with Chris Coker about how the Council can contract counsel for them. The main focus is the camera logs. I know your job is to protect the City. Coker said he does not feel there is a conflict of interest to initiate the need for a secondary attorney. He stated the Councilmembers can go through the civil process of the Public Records Act for recourse on the issue individually.

Councilmember Dahl asked if the City was violating any RCW with not providing the logs. She asked about live streaming, watching City Employees work; why the secrecy and hiding of the camera logs.

Old Business

7. Amendment 1 to Consultant Agreement – SCJ Alliance Development Code Update – Phase 1

Chad Bedlington stated this is a code update for new zoning proposed in the Comprehensive Plan. Cost is \$8,700 across all funds. He is asking for council to approve the amendment. All phases are included in the scope of work.

Councilmember Dahl would like to remove this from the comprehensive plan until the developer comes in with a plan. Bedlington said that is putting the cart before the horse. It is nice to have this welcome map in place and is an important feature for us to negotiate utilities and infrastructure for developers to want to come to McCleary.

Councilmember Ross sees both sides of this. \$8,700 isn't absurd to update the code. Ross thinks it's better to move forward with this.

Councilmember Huff said we have had other developers come in with a vision asking for a boundary line to be moved and we had an understanding of what was going to happen. Spending money with no understanding of what is being talked about is hard for me to do.

Motion made by Councilmember Ross, Seconded by Councilmember Simmons to approve the amendment for the Development Code Update.

Voting Yea: Councilmember Ross

Voting Nay: Councilmember Simmons, Councilmember Huff, Councilmember Dahl, Councilmember Klimek

8. Daupler Service Contract Renewal

Councilmember Huff said this is a renewal for our after hours service.

Motion made by Councilmember Dahl, Seconded by Councilmember Klimek to approve the Daupler Contract Renewal.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

9. Itron Master Sales Agreement (MSA) Renewal

Motion made by Councilmember Dahl, Seconded by Councilmember Ross to approve the Itron Renewal.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Ordinances and Resolutions

10. Hazard Mitigation Plan Resolution

Motion made by Councilmember Ross, Seconded by Councilmember Dahl to approve the Hazard Mitigation Plan Resolution Number 762.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Proclamations

Councilmember Ross would like to amend the proclamations to have Brycen's name at the bottom instead of the Mayor's because he's the one doing these. Councilmember Klimek agreed.

Motion made by Councilmember Ross, Seconded by Councilmember Dahl to change the name on the proclamations to Mayor Pro-Tem Brycen Huff.

Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl, Councilmember Klimek

Pro-Tem Huff read the Proclamations aloud.

11. Proclamation Honoring the Memory of Lindsey Jo Baum
12. Proclamation Honoring the 65th Anniversary of the McCleary Bear Festival
13. National Parks and Recreation Month Proclamation
14. Disability Pride Month Proclamation

Public Comment - City Business Only

Carri Comer thanked Chad for cover sheets on his agenda items. She said it's Bear Festival Week and enjoyed having the royalty here. Carri thanked Andrea and Brycen and others for their planning of Bear Fest. She asked why the Mayor is not here, stating it is better without him here, but she wanted to tell him why it's important to be present at the meetings, in his role. She stated she read in the packet about how dangerous he is, so she is thankful he's not here. She asked how to be protected from him permanently because he is a danger and he is not mentally well. There are people in an environment that can't tell if they are being monitored without their knowledge on the cameras and feel threatened with an active shooter risk. That is serious. There has to be something that protects people in this public place. What can we do? She stated he has withheld so much from the council. He authorized a well dig, reassigning staff to use their time differently, he approved a salary commission decision that wasn't approved. The Email he sent was threatening. The camera policy, the Chief is only going to listen to him. Don't think that his flower donation was a kind gesture, they were extra plants he couldn't sell at a market. If there is a way to keep him away from Bear Fest, I would really appreciate it.

Missi Olson said people have HOA's. She asked if there was an ordinance on un-mowed grass and it being a fire concern, she is concerned about it. An old camper was removed from her neighbor's house, but they brought in a different trailer that is now parked in front of the house. She doesn't know the rules on that, if people can live in it. She's concerned about drug activity. Councilmember Huff said there is a nuisance form at City Hall she can fill out. Missy said I'm not disappointed that the Mayor isn't here. He's not representing our City with the best interests. Missy thanked the Council for being the City's representatives.

Bob Dahl asked for a salary reduction for the Mayor.

Executive Session – None

Council Comments

Councilmember Huff stated last year City Hall door was left unlocked at Bear Fest and police didn't have a key to lock it. Has that been resolved? Andrea stated she is working with City Administration on the building issue. Councilmember Huff thanked Bear Festival for all their work putting this together.

Councilmember Dahl said there was a fire district 12 meeting last night and said Olympic Ambulance gave a

presentation about possibly providing services to District 12. The meeting was very informative. They offered to give a presentation to the Council as well. Councilmember Huff thinks it would be beneficial to hear the presentation.

Councilmember Klimek stated he asked the Mayor to come over to the food bank on Monday when he saw him walking in the Park. He came over and met the Food bank volunteers and listened to them.

Councilmember Simmons asked Council to look at the budget packet. There are going to be some tough discussions coming up, so please in advance, take a look at where we are at. He thanked Jenna and Chad for all their help and information and answering questions. He thanked the Police Chief for keeping the police overtime down. He asked Chad for a project schedule.

Councilmember Ross thanked Andrea for her work on Bear Fest. He's looking forward to it.

Mayor Comments- none

Adjourn

Motion made by Councilmember Dahl, Seconded by Councilmember Ross to adjourn the meeting at 8:45pm
Voting Yea: Councilmember Simmons, Councilmember Huff, Councilmember Ross, Councilmember Dahl,
Councilmember Klimek



CITY COUNCIL AGENDA ITEM COVER SHEET

FROM: Chad Bedlington, Director of Public Works

DATE: July 24, 2024

AGENDA ITEM TITLE: Washington Department of Enterprise Services
Energy Services Authorization/Agreement

SUMMARY

The City submitted a Community Decarbonization Grant (DCG) Application earlier this year and was awarded grant funds for a solar array project in June of 2024. A presentation on the project and contracting delivery method(s) was given to City Council on July 10, 2024, with support from Council to move the contracting process forward for continued consideration. Detailed information about the project can also be found in the Public Works Administrative staff report submitted to Council on July 10, 2024.

The next step in the process of developing the project is to complete an Investment Grade Audit (IGA) and generate an Energy Services Proposal (ESP). The IGA is completed to determine cost savings through independent power generation (solar), and the ESP will refine costs for delivery of the project and includes development of 30% project design.

Administration of the IGA and ESP is overseen through direct contracting with the State of Washington Department of Enterprise Services. State funding authorization forms for the IGA and ESP are attached for consideration. Concurrent with the IGA and ESP creation will be the drafting of an Agreement with the State Department of Commerce to secure the grant funding for the project.

FISCAL IMPACT

The cost to complete the IGA and ESP is \$47,978.00, and is 100% reimbursable through the Department of Commerce DCG Agreement upon execution. The initial cost of the IGA and ESP will be borne by the City and paid for from the Light and Power fund 401.

RECOMMENDATION/ACTION REQUESTED

Approve signing of the Agreement with the Department of Enterprise Services.



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501
PO Box 41476, Olympia, WA 98504-1476

July 16, 2024

TO: Chad Bedlington, City of McCleary
FROM: Kim Obi, Contracts Specialist, (360) 972-5003
RE Agreement No. 2025-088 A (1)
IGA – McCleary Solar PV System
IAA No. K7925
Ameresco, Inc.

SUBJECT: Funding Approval

The Dept. of Enterprise Services (DES), Energy Program, requires funding approval for the above referenced contract documents. The amount required is as follows:

ESCO Audit	\$ 47,978.00
Total Funding	\$ 47,978.00

In accordance with the provisions of RCW 43.88, the signature affixed below certifies to the DES Energy Program that the above identified funds are appropriated, allotted or that funding will be obtained from other sources available to the using client/agency. The using/client agency bears the liability for any issues related to the funding for this project

By _____
Name / Title Date

Please sign and return this form to the Energy Program. If you have any questions, please call me.

2025088Aagrundingko



STATE OF WASHINGTON
DEPARTMENT OF ENTERPRISE SERVICES

1500 Jefferson St. SE, Olympia, WA 98501
PO Box 41476, Olympia, WA 98504-1476

ENERGY SERVICES AUTHORIZATION NO. 2025-088 A (1)
Detailed Investment Grade Energy Audit & Energy Services Proposal Agreement
City of McCleary
McCleary Solar PV System
July 16, 2024
MAIN ENERGY SERVICES AGREEMENT NO. 2023-185 A (1)

The Owner and the Energy Services Company (ESCO) named below do hereby enter into this Authorization under terms described in the following sections:

- Authorization to Proceed
Compensation for Energy Services
Project Conditions
Scope of Work
Schedule for Completion
Civil Rights
Non-Discrimination

I. AUTHORIZATION TO PROCEED:

Energy Services Company: Ameresco, Inc.
222 Williams Ave. South, Suite 100
Renton, WA 98057
Telephone No. (206) 708-2830
Fax No.(425) 687-3173
E-Mail AmerescoWADES@ameresco.com
Owner: City of McCleary
acting through the
Department of Enterprise Services
Energy Program
PO Box 41476
Olympia, WA 98504
By Name Title Date
By Name Kirsten G. Wilson, PE
Title Energy Program Manager
Date

State of Washington Contractor's License No. AMEREI*004PZ
State of Washington Revenue Registration No. 602 062 980

II. COMPENSATION FOR ENERGY SERVICES:

Table with 2 columns: Basic Services, COMPENSATION. Rows include Energy Audit and Energy Services Proposal (\$ 47,978.00) and Grand Total (plus WSST as applicable) (\$ 47,978.00).

III. PROJECT CONDITIONS:

The Project Conditions contained in the Main Energy Services Agreement will be used unless specifically changed herein. The cost effectiveness criteria for this project are per the Ameresco, Inc. proposal dated July 10, 2024.

IV. SCOPE OF WORK:

Per the ESCO proposal dated July 10, 2024 conduct a Detailed Investment Grade Energy Audit of City of McCleary, to identify cost effective energy conservation measures and present a written Energy Services Proposal, including all energy audit documentation. The ESCO shall prepare the final Energy Services Proposal, detailing the actual energy services and ESCO equipment to be provided, energy savings and cost guarantees, measurement and verification plans, and commissioning plans for the proposed measures. Measures will include items that save energy, water and other resources. The Cost Effectiveness Criteria for this project shall be as established in the Main Energy Services Agreement or as modified in Section III above.

V. SCHEDULE FOR COMPLETION

Final completion of the Energy Audit and Energy Services Proposal within 120 calendar days after Authorization to Proceed.

VI. CIVIL RIGHTS

Contractor represents and warrants that Contractor complies with all applicable requirements regarding civil rights. Such requirements prohibit discrimination against individuals based on their status as protected veterans or individuals with disabilities and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity, or national origin.

VII. NON-DISCRIMINATION

1. Nondiscrimination Requirement. During the term of this Contract, Contractor, including any subcontractor, shall not discriminate on the bases enumerated at RCW 49.60.530(3). In addition, Contractor, including any subcontractor, shall give written notice of this nondiscrimination requirement to any labor organizations with which Contractor, or subcontractor, has a collective bargaining or other agreement.
2. Obligation to Cooperate. Contractor, including any subcontractor, shall cooperate and comply with any Washington state agency investigation regarding any allegation that Contractor, including any subcontractor, has engaged in discrimination prohibited by this Contract pursuant to RCW 49.60.530(3).

3. Default. Notwithstanding any provision to the contrary, Agency may suspend Contractor, including any subcontractor, upon notice of a failure to participate and cooperate with any state agency investigation into alleged discrimination prohibited by this Contract, pursuant to RCW 49.60.530(3). Any such suspension will remain in place until Agency receives notification that Contractor, including any subcontractor, is cooperating with the investigating state agency. In the event Contractor, or subcontractor, is determined to have engaged in discrimination identified at RCW 49.60.530(3), Agency may terminate this Contract in whole or in part, and Contractor, subcontractor, or both, may be referred for debarment as provided in RCW 39.26.200. Contractor or subcontractor may be given a reasonable time in which to cure this noncompliance, including implementing conditions consistent with any court-ordered injunctive relief or settlement agreement.

4. Remedies for Breach. Notwithstanding any provision to the contrary, in the event of Contract termination or suspension for engaging in discrimination, Contractor, subcontractor, or both, shall be liable for contract damages as authorized by law including, but not limited to, any cost difference between the original contract and the replacement or cover contract and all administrative costs directly related to the replacement contract, which damages are distinct from any penalties imposed under Chapter 49.60, RCW. Agency shall have the right to deduct from any monies due to Contractor or subcontractor, or that thereafter become due, an amount for damages Contractor or subcontractor will owe Agency for default under this provision.

2025088Aagrko



222 Williams Avenue South, Suite 100
Renton, WA 98057
P: 206 522 4270
F: 425 687 3171
ameresco.com

July 10th, 2024

Chad A. Bedlington
City of McCleary
100 S 3rd Street
McCleary, WA 98557

Attn: Sarah Thomasson
Department of Enterprise Services
1500 Jefferson Street SE
PO Box 41476
Olympia, WA 98504-1401

SUBJECT: City of McCleary - Investment Grade Audit Fee Proposal
City of McCleary Solar PV System

Dear Chad:

We are pleased to submit this amendment for the audit phase of the City of McCleary Solar PV System. The facility which has been identified by City of McCleary is Parcel # 618051114039 (herein referred to as the Site). Ameresco will provide development services for the subject project in accordance with the following:

Development Services

A. Audit Phase Services will include:

Ameresco will undertake a targeted Investment Grade Audit (IGA) of the Site. The Investment Grade Audit will identify cost effective Energy Conservation Measures (ECMs). Ameresco will present to the Owner a written Investment Grade Audit (IGA) Report and an Energy Services Proposal (ESP). Audit activities will include: site walks with client and subcontractors, preliminary system sizing and schematic design, and interconnection discussion with Bonneville Power Administration and the City of McCleary.

Ameresco will require collaboration with the City of McCleary Light and Power including: utility rate data, access to staff and Site, current energy management practices, input regarding interconnection with the utility, and future plans the City may have for the Site.

The **Investment Grade Audit Report** will set forth at least the following:

1. Executive summary of the audit findings;
2. A description of the Site including type of use, square footage, and location;
3. Utility rate schedules for production value estimating;



4. Detailed energy analysis calculations. Energy model is performed using Helioscope software, baseline modeling assumptions, and summary of results;
5. A list of applicable building, mechanical, energy, or other pertinent state and local codes that may impact the project costs;
6. Description of energy efficiency measures recommended;
7. Description of energy efficiency measures considered and not recommended or not financially viable;
8. Measurement and verification (M&V) plan proposed for verifying energy savings consistent with the International Performance Measurement and Verification Protocol (IPMVP);
9. Financial analysis of EEMs;
10. Summary table with measure name, installed cost, and energy production by utility;
11. The audit will incorporate a 30% design incorporating the following: Site layout with solar panel layout and potential interconnection point and Electrical single line with interconnection voltage identified

The **Energy Services Proposal** will set forth at least the following:

1. The selected ESCO Equipment to be installed and ESCO Services; to be provided
2. The Cost Effective EEMs to be installed or caused to be installed by ESCO under the cost-effectiveness criteria.
3. The Benefits including the Energy Cost Savings, the decreased carbon production, operations and maintenance savings, and other non-energy cost savings.
4. The services that ESCO will perform or cause to be performed on or in the Facility, including but not limited to engineering, construction management, self-performed work, the operations and maintenance procedures for use on ESCO Equipment, training for Facility personnel, providing warranty service, and equipment maintenance;
5. The Guaranteed Maximum Project Cost, itemized in detail (including but not limited to direct labor, material and equipment, Construction Contingency, performance bond, design, construction management, and overhead and profit), which may be amended to represent actual costs;
6. The calculated and Guaranteed Energy Savings and estimated Energy Cost Savings that are expected to result from the installation of ESCO Equipment and from ESCO Service.
7. The method by which Energy Savings and Energy Cost Savings will be calculated during the term of the Energy Services Authorization;
8. A description of how ESCO will finance its acquisition of ESCO Equipment and when title to ESCO Equipment will pass to the Owner;
9. A description of how Energy Savings will be guaranteed by ESCO;
10. A description of how ESCO proposes to be compensated;
11. The term of the Energy Services Authorization;
12. The Termination Value for each year during the term of the Energy Services Authorization;
13. The schedule for project completion;
14. The nature and extent of the Work and equipment that ESCO anticipates it will receive from other firms under subcontract;
15. A project-specific Diverse Business Inclusion Plan (Inclusion Plan), when applicable and where constraints or other factors prevent ESCO from applying its pre-submitted Diverse Business Inclusion Plan to the Work.

16. ESCO's Measurement and Verification (M&V) Plan for documenting energy savings, including specifying utility rates to be used, methodology, post-construction equipment adjustment and any recommendation to continue or discontinue M&V reporting beyond the first 12-months post-installation, consistent with the International Performance Measurement and Verification Protocol (IPMVP), specifying how the cost of M&V was determined if they exceed 10% of cost savings;
17. A list of applicable building, mechanical, energy or other pertinent state and local codes for selected EEMS that may impact the project costs.

Conservation measures will include items that save energy, water, or other resources (including various cost savings measures). Measures to be studied under this audit agreement are outlined in the Conservation Measure List attachment. *Should additional measures be requested, an amendment to this proposal may be submitted and associated costs evaluated as applicable. Additional measures requiring supplemental fees will not be studied until the Audit Amendment is approved and processed.*

Cost Effectiveness Criteria

It is understood that the cost effectiveness criteria for this project include measures that are paid for through a capital contribution of \$50,000, a grant contribution of \$2,750,000, and/or potential utility cost savings and Federal Tax Credits. Ameresco will present to the Owner a project that meets the requirements of the awarded WA Dept. of Commerce Decarbonization Grant.

- If Ameresco is NOT able to develop a project that meets the above cost effectiveness criteria and City of McCleary chooses not to proceed with a construction contract, the associated audit fee will be waived.
- If Ameresco develops a project that meets the cost effectiveness criteria, City of McCleary is responsible for the full amount of the audit; the audit fee can either be rolled into the construction contract or be paid in full by City of McCleary.

Fee for Development Services:

A. Basis and amount:

Fixed Fee for Services

Audit & Development: \$22,358

Engineering Services (30% Design Set): \$25,620

Total: \$47,978

It is understood by Ameresco that payment and terms are contingent upon the requirements set forth in the Energy Services Proposal.

Schedule for Development Services:

The Investment Grade Audit Report will be completed within 90 days of the Notice to Proceed. The Energy Services Proposal will be completed within 120 days of the Notice to Proceed.

We at Ameresco, Inc. appreciate the opportunity to provide these services. If this proposal for Audit Services is satisfactory, please forward contract documents.

Sincerely,
Ameresco, Inc.

Matthew Bowser

Project Development Engineer

Attachments: Fee Proposal, Conservation Measure Lists

Hourly Summary:

TASK	Field Audit					Total Hours
	Project Developer	Project Engineer	Construction Manager	Technician / TAB / Cx	Admin. Assistant	
Field/Audit	8					8
Analysis/Calculations	20	16		2		38
Evaluation of ECMs	8	8	4	2		22
Report Write-up	32	16			4	52
Customer Presentation	8	4	4		4	20
Travel	8					8
Total Hours:	84	44	8	4	8	148
Hourly Rate:	\$ 148	\$ 128	\$ 145	\$ 114	\$ 78	
Estimated Fee for Services:	\$ 12,432	\$ 5,632	\$ 1,160	\$ 456	\$ 624	\$ 20,304
					Travel	\$ 2,054
					Engineering/Design	\$ 25,620
					Total Audit Fee:	\$ 47,978

McCleary Light and Power			M&V
Electric Conservation Measures		Rank	
MLP-E1	Solar PV - This measure will investigate installing a ground mount solar electricity generation system to reduce carbon emissions and lower energy costs.	3	IPMVP Option A

PAYBACK RANK NOTES:

- 1) Measures that are likely to pay for themselves through energy savings and utility incentives.
- 2) Measures that may pay for themselves, or may require some capital infusion
- 3) Measures that will require significant (>50%) capital infusion



CITY COUNCIL AGENDA ITEM COVER SHEET

FROM: Chad Bedlington, Director of Public Works

DATE: July 24, 2024

**AGENDA ITEM
TITLE:** Recreation and Conservation Office (RCO) Grant Application
Resolutions/Authorization

SUMMARY

City staff have submitted two grant application to RCO on behalf of the City. One grant is for improvements to Beerbower Park, including such items as restroom upgrades, replacement of some playground equipment, walking trails, and resurfacing of the pickleball courts. The second grant application is for a new pocket park to be constructed on City owned property along Summit road near the North Summit development.

Both applications require a resolution/authorization be approved by City Council to confirm signatory authority for any subsequent Agreements or Contracts that will be executed if the grant(s) are/is awarded. It is required to have our applications to RCO considered complete. This does not give authority to the Mayor to execute any grant agreements associated with these projects without prior Council approval should one or both grants be awarded.

FISCAL IMPACT

There are no fiscal impacts with the approval of the application resolution/authorization(s).

RECOMMENDATION/ACTION REQUESTED

Approve signing of the Resolution/Authorization



Applicant Resolution/Authorization

Organization Name (sponsor) City of McCleary

Resolution No. or Document Name WWRP-Local Parks (07/24/2024 McCleary Council Minutes)

Project(s) Number(s), and Name(s) 24-1950 DEV, North Summit Park Development

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Mayor
Project contact (day-to-day administering of the grant and communicating with the RCO)	Public Works Director
RCO Grant Agreement (Agreement)	Mayor
Agreement amendments	Mayor
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Mayor

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. **[for Acquisition Projects Only]** Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property

acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

- 12. **[for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property]** Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
- 13. **[for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property]** Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
- 14. **[Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant]** Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
- 15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
- 16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title Mayor _____ Date _____

On File at: City of McCleary _____

This Applicant Resolution/Authorization was adopted by our organization during the meeting held: (Local Governments and Nonprofit Organizations Only):

Location: City of McCleary, City Council Meeting _____ Date: 07/24/2024 _____

Washington State Attorney General's Office

Approved as to form *Brian Toller* _____ 2/13/2020 _____
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



Applicant Resolution/Authorization

Organization Name (sponsor) City of McCleary

Resolution No. or Document Name WWRP-Local Parks (07/24/2024 McCleary Council Minutes)

Project(s) Number(s), and Name(s) 24-1864 DEV, Beerbower Park Renovation

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Mayor
Project contact (day-to-day administering of the grant and communicating with the RCO)	Public Works Director
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Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Mayor

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. **[for Acquisition Projects Only]** Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property

acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

- 12. **[for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property]** Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
- 13. **[for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property]** Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
- 14. **[Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant]** Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
- 15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
- 16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title Mayor _____ Date _____

On File at: City of McCleary _____

This Applicant Resolution/Authorization was adopted by our organization during the meeting held: (Local Governments and Nonprofit Organizations Only):

Location: City of McCleary, City Council Meeting _____ Date: 07/24/2024 _____

Washington State Attorney General's Office

Approved as to form *Brian Toller* _____ 2/13/2020 _____
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.

CITY OF MCCLEARY VIDEO SURVEILLANCE POLICY

For Video Surveillance Monitoring and Recording of Public Areas for Safety and Security Purposes

PURPOSE

The purpose of this policy is to govern the use of the City’s Video Surveillance and electronic recording. This policy applies to all use of the City’s video surveillance monitoring and/or recording devices affixed to city property. This policy is established to set parameters restricting the non-court ordered use of video surveillance in public places and to enhance public safety and security in a manner consistent with accepted rights of privacy.

DEFINITIONS

1. “Extracting” means copying images from the hard drive or Internet site to some other media (CD ROM, external hard drive, USB drive, etc.).
2. “Monitoring” means real-time viewing or viewing footage.
3. “Personnel” means authorized police officers or non-sworn police department personnel.
4. “Recording” means capturing images on a computer disk or drive, Internet storage site, CD-ROM, or videotape 24 hours a day, seven days a week, yearlong.
5. “Surveillance” means continuous observation of a place, person, group or ongoing activity.

GENERAL PRINCIPLES

The principle objectives of video surveillance monitoring and/or recording in public areas include:

1. Promote a safe environment by preventing/deterring acts of theft, vandalism, harassment, and/or assault.
2. Assist in identification of individuals involved in criminal activity on City owned or managed property.
3. Assist in the safe daily operation of City parks and related facilities.
4. Assist law enforcement agencies in investigating criminal activity.

To assure there is no violation of a person’s reasonable expectation of privacy, video surveillance cameras shall be focused on public areas and the images shall not be used or

disseminated improperly.

The City shall comply with all local, federal and state law applicable to the use of surveillance cameras in public space.

Video surveillance monitoring and/or recording will be conducted in a professional, ethical, and legal manner. Personnel using the video surveillance camera system will be appropriately trained by Verkada recommendations and supervised in the responsible use of this system. Violations of this policy and procedures may result in disciplinary action and may subject those involved to criminal and/or civil liability under applicable state and federal law.

Information obtained through video monitoring and/or recording will be used exclusively for safety, security, and other police purposes. Information obtained through monitoring and/or recording will only be released in accordance with this policy or as required by law or as required by the Public Records Act.

Video surveillance monitoring and/or recording of public areas will be conducted in a manner consistent with all City policies. Except for police investigations involving person(s) whose description is known, this policy prohibits monitoring and/or recording based solely on characteristics and classifications (e.g., race, gender, sexual orientation, national origin, disability, etc.).

Video surveillance monitoring of public areas and dwellings in the City of McCleary is limited to uses that do not violate the reasonable expectation of privacy as defined by law.

Video surveillance shall not be used to monitor city employees.

To maintain an informed community, the City will list on its web page information describing the purpose and location of video surveillance cameras and the policy for their use.

INSTALLATION AND APPROVAL

Placement of additional cameras at other City facilities or buildings, such as City Hall, other City properties, public parks, open space areas, public streets or other public locations, requires review by the Chief of Police and approval by the City Council.

When seeking approval, staff will address the following issues and concerns in supporting their request:

1. Explanation for why the camera is needed in the location.

2. Equipment needed, including:
 - Type of camera needed.
 - Location of camera – where to be affixed.
 - Location of necessary equipment.
3. Other deterrence or detection measures that were considered, and why video monitoring is the best solution.
4. Any specific, verifiable reports of incidents of crime or significant safety concerns that have occurred in the location to be placed under video monitoring.
5. Possible effects of the proposed video monitoring system on personal privacy, if any, and how they will be mitigated.
6. Appropriate consultation with stakeholders, including the public or reasons why surveillance is necessary.
7. Approach to installing and maintaining the system.
8. Fiscal impact and availability of funding.

Permanent, fixed-mounted cameras will not be placed in areas where a reasonable expectation of privacy is standard, such as inside restrooms.

1. Cameras located internally will not be directed to look through windows to areas outside the building, unless necessary to protect external assets, provide for the personal safety of individuals or deter criminal activity from occurring.
2. Cameras will not be directed to look into adjacent, non-City owned buildings.
3. Placement of cameras will also take into consideration physical limitations such as availability of power, cell reception and reasonable mounting facilities.

OPERATING PROCEDURES

Nothing in this policy is intended to limit the reasonable and legal use of the video surveillance cameras during exigent circumstances involving matters of public and/or officer safety. All recording or monitoring of public areas for security and safety purposes by City authorized cameras is limited exclusively to practices that will not violate the standards of a reasonable expectation of privacy as defined by law. All video recordings will be video only, no audio recording is allowed.

Oversight/Administration:

The City of McCleary Police Department (MPD) is the department authorized and responsible to oversee and coordinate the use of public cameras in the City. The MPD has primary responsibility for ensuring adherence to this policy and for disseminating the policy to persons requesting information on the policy and procedures.

The Chief of MPD, or his/her designee of another certified law enforcement officer has the responsibility to authorize all video surveillance monitoring and or recording for safety and security purposes in the City. The Chief will have the administrative rights to the system including setting up staff access and log in credentials. City Council and the Mayor shall not have access to the system, nor any non-police department employees.

The MPD is responsible for following new developments in the relevant laws and in security industry practices to ensure that video surveillance monitoring and/or recording in the City is consistent with high standards and protections.

The MPD will assist in aiming and focusing the cameras during the installation phase and will view and manage data from the cameras.

The Chief of Police or Police Sergeant will ensure that responsible and proper camera monitoring/recording practices by personnel are followed by conducting quarterly audits of the video surveillance camera system with the Public Safety Committee.

Log in data shall be provided to council members when requested.

Training:

1. All personnel operating the video surveillance system will be trained in the technical, legal, and ethical parameters of appropriate camera use.
 - a. Personnel will receive a copy of this policy and provide written acknowledgement that they have read and understood its contents.
 - b. Personnel will receive updated training on this policy as needed. In circumstances in which video surveillance cameras are monitored, all personnel involved in monitoring and/or recording of public areas will perform their duties in accordance with the law and this policy.

Operation:

1. The video surveillance cameras will be monitored by police department personnel. The Chief of Police will assign a designee to review video systems at least once a month to insure they are functioning properly and recording correctly using the proper date/time stamp.
3. Video surveillance cameras shall be used to observe locations that are in public view and where there is no reasonable expectation of privacy. Any view provided by a video surveillance camera shall be no greater than what is available from the public vantage point.

4. Personnel shall not monitor/record individuals based on characteristics of race, gender, ethnicity, sexual orientation, disability, or classification such as national origin, etc. protected by state and federal laws. Personnel will monitor/record based on suspicious behavior, not individual characteristics. **EXCEPTION:** Police investigations involving person(s) whose description is known.

5. The monitoring equipment will be configured to prevent personnel from tampering or duplicating recorded information without authorization.

6. Personnel shall not disseminate information learned from monitoring video surveillance public cameras unless such release complies with the law, this policy of other information release laws or policies.

7. Camera positions and views of residential housing shall be limited. The City will strive to block out private property within view of the cameras to maintain privacy.

Furthermore, the view of a residential housing facility must not violate the standard of “reasonable expectation of privacy”. If a citizen is concerned over the camera placement they may contact the Chief of Police.

RETENTION, EXTRACTION AND STORAGE

Recorded video records are stored on the cloud until the record is superseded by being overwritten with new records, unless retained as part of a criminal investigation or court proceedings (criminal or civil), or other bona fide use as approved by the Chief of Police. Images obtained through video camera monitoring/recording will be retained for a length of 30 days, unless such images need to be retained longer for the final resolution of a case.

Downloaded/ archived video recorded images will be stored in a secure location with access by authorized police department personnel only.

Only trained Staff authorized by the Chief of Police shall be authorized to extract video from footage from the Internet, computer disk, or drive.

Any video footage extracted for investigation purposes shall be stored in a manner that will exclude access by unauthorized personnel. Video footage, which is evidence, will be processed and stored in the evidence room with access by authorized personnel only.

Login access logs shall be kept for three years by the police department in accordance with Public Records Laws.

EXCLUSIONS

This policy does not apply to the use of surveillance, or to the conduct of surveillance monitoring or recording by a law enforcement agency engaged in a legitimate criminal

investigation. This policy does not apply to the use of hand-held video cameras, police body cameras or police dash cameras.