



MEDINA CITY COUNCIL

Monday, August 11, 2025

5:00 PM – SPECIAL MEETING - RETREAT

AGENDA

VISION STATEMENT

Medina is a family-friendly, diverse and inclusive community on the shores of Lake Washington. With parks and open spaces, Medina is a quiet and safe small city, with active and highly-engaged residents. Medina honors its heritage while preserving its natural environment and resources for current and future generations.

MISSION STATEMENT

Ensure efficient delivery of quality public services, act as responsible stewards of Medina's financial and natural resources, celebrate diversity, leverage local talent, and promote the safety, health, and quality of life of those who live, work, and play in Medina.



MEDINA, WASHINGTON

MEDINA CITY COUNCIL SPECIAL MEETING - RETREAT

In-Person

Medina City Hall – Council Chambers
501 Evergreen Point Road, Medina, WA 98039

Monday, August 11, 2025 – 5:00 PM

AGENDA

MAYOR | Jessica Rossman

DEPUTY MAYOR | Randy Reeves

COUNCIL MEMBERS | Joseph Brazen, Harini Gokul, Mac Johnston, Michael Luis, Heija Nunn

CITY MANAGER | Jeff Swanson

CITY ATTORNEY | Jennifer S. Robertson

ACTING CITY CLERK | Dawn Nations

1. SPECIAL MEETING - CALL TO ORDER / ROLL CALL

Council Members Brazen, Gokul, Luis, Johnston, Nunn, Reeves, Rossman

2. SPECIAL MEETING TOPIC(S)

[2.1](#) Introduction and review of May 2, 2025 Retreat

Time Estimate: 30 minutes

[2.2](#) Strategic Planning Part 1

Time Estimate: 50 minutes

2.3 Break - 5 minutes

2.4 Strategic Planning Part 2

Time Estimate: 50 minutes

2.5 Introduction to 2026 Annual Budget

Time Estimate: 45 minutes

3. ADJOURNMENT

Next Special Meeting: Wednesday, August 20, 2025, at 8:00 AM.

UPCOMING MEETINGS

Wednesday, August 20, 2025 - Special City Council Meeting - Retreat

Monday, September 1, 2025 - Labor Day - City Hall Closed

Monday, September 8, 2025 - City Council Meeting (5:00PM)

Monday, September 22, 2025 - City Council Meeting (5:00PM)

Monday, October 13, 2025 - City Council Meeting (5:00PM)

Monday, October 27, 2025 - City Council Meeting (5:00PM)

Monday, November 10, 2025 - City Council Meeting (5:00PM)

Tuesday, November 11, 2025 - Veterans Day - City Hall Closed

Monday, November 24, 2025 - City Council Meeting (5:00PM)

Thursday, November 27, 2025 - Thanksgiving Holiday - City Hall Closed

Friday, November 28, 2025 - Day After Thanksgiving Holiday - City Hall Closed

Monday, December 8, 2025 - City Council Meeting (5:00PM)

Monday, December 22, 2025 - City Council Meeting (5:00PM)

Thursday, December 25, 2025 - Christmas Day - City Hall Closed

CERTIFICATION OF POSTING AGENDA

The agenda for the Monday, August 11, 2025, Special Meeting of the Medina City Council was posted and available for review on Friday, August 8, 2025, at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at www.medina-wa.gov.



City Council Retreat, May 2, 2025
Jeff Swanson, Facilitator

City Council Retreat Format

- **Part 1: Culture (9:00 – 10:20)**

(Break 10:20 – 10:30)

- **Part 2: Parameters (10:30 – 12:00)**

(Grab lunch 12:00)

- **Part 3: Strategies (12:00 – 2:00)**

****Facilitation note:** as a full group and in small group work, let's make sure everyone has an opportunity to speak before taking a second opportunity.

Part 1: Culture

“Your organization’s culture: It’s either an asset or a liability. At this very moment, your culture is helping business performance. Or hurting it.”

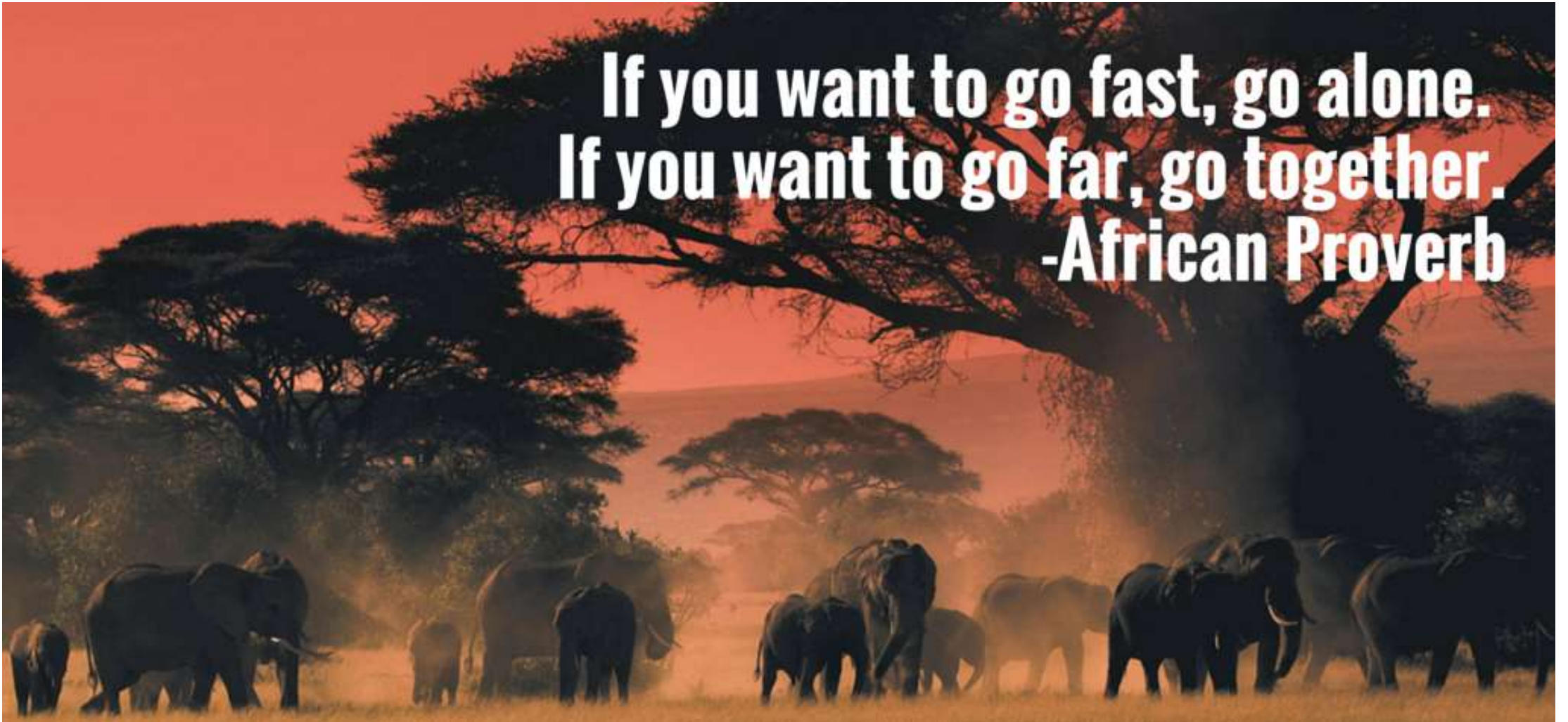
- Tanya Mann

“The difference between how a person treats the powerless versus the powerful is as good a measure of human character as I know.”

- Robert Sutton

****Goal: conceive, build, maintain, repair, and restore an environment where all can show up as their highest and best selves and do their best work as our baseline standard practice****

**If you want to go fast, go alone.
If you want to go far, go together.
-African Proverb**



“TRUST IS THE COIN OF THE REALM”

But what is trust? And what do we do when
trust requires repair? ...

BOUNDARIES
RELIABILITY
ACCOUNTABILITY
VAULT
INTEGRITY
NONJUDGMENT
GENEROSITY

REFLECTION

3 MIN – ON YOUR OWN

What does this bring up for you?

What aspects of The Anatomy of Trust resonated with you most?

What practices do you have to help repair trust in relationships?

High-Performing Teams

Skills of Team Members

- Role ownership
- Ability to build relationships
- Impactful interaction
- Able to coach team members to successful outcomes
- Ability to build capacity in the team
- Ability to adjust to and lead the team through change

Environmental Conditions

- Clear purpose: vision and mission
- Alignment
- Role clarity
- Culture
 - Trusting
 - Collaborative and supportive: success of the team over individual attainment of need
 - Respectful and dignified

EVALUATE:

- (1) Does the individual have the motivation, knowledge, skills, and abilities to be successful?
- (2) Given the environment, could anyone with the motivation, knowledge, skills, and abilities be successful?

The No Asshole Rule

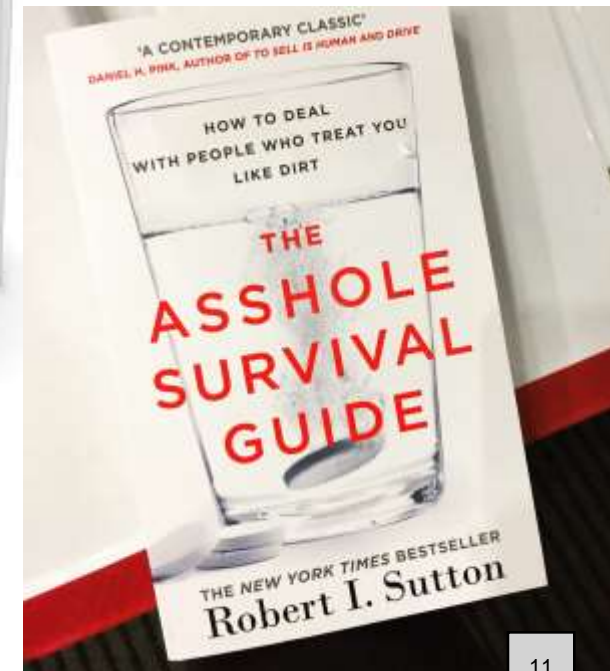
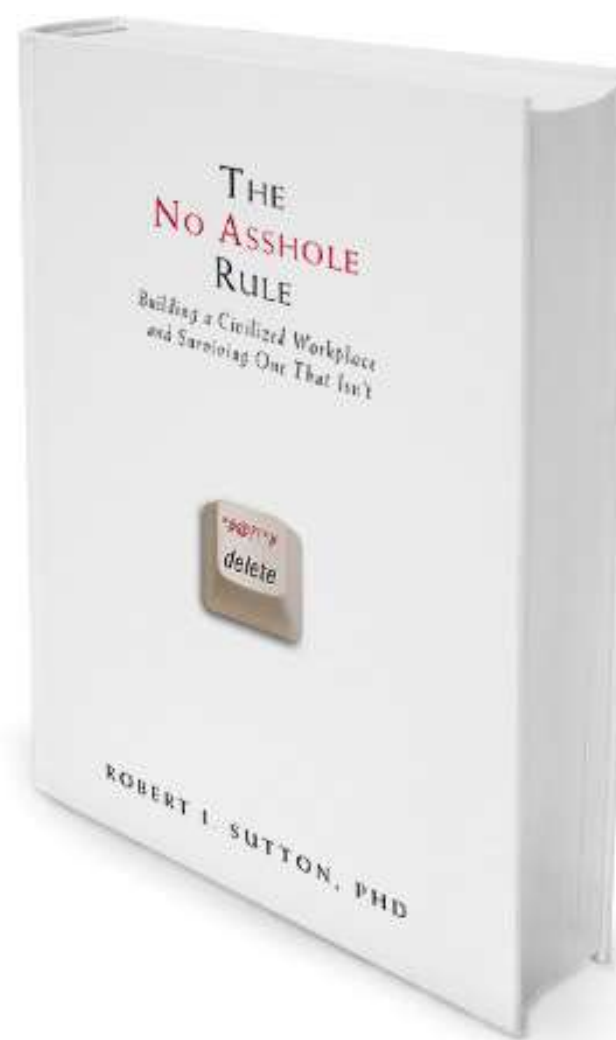
Robert Sutton, Ph.D

Asshole, *n.*

Bullies, Creeps, Jerks, Tyrants, Tormentors, Despots, Backstabbers, Egomaniacs, Boardholes, Doucheboards, Passholes, Bossholes, Darth Vader, The Sea Witch, A\$\$hole Factory, grinf****r, “the idea man”, not a mentor but a “torr-mentor”, ...

Temporary versus Certified Assholes: not our proudest moment vs. a pattern of behavior

****All of us are assholes some of the time. Some of us are assholes all of the time.****



Concept: TCA

“Total Cost of Assholes”

The organizational impact, in terms of both retention and recruitment, lost clients, and excess organizational calories being expended on the wrong things



Sutton's Dirty Dozen

Common Everyday Actions That Assholes Use:

1. Personal insults
2. Invading one's "personal territory"
3. Uninvited physical contact
4. Threats and intimidation, both verbal and nonverbal
5. "Sarcastic jokes" and "teasing" used as insult delivery systems
6. Withering e-mail flames
7. Status slaps intended to humiliate their victims
8. Public shaming or "status degradation" rituals
9. Rude interruptions
10. Two-faced attacks
11. Dirty looks
12. Treating people as if they are invisible

Testing for Assholes

Test One: After talking to the alleged asshole, does the "target" feel oppressed, humiliated, de-energized, or belittled by the person? In particular, does the target feel worse about him or herself?

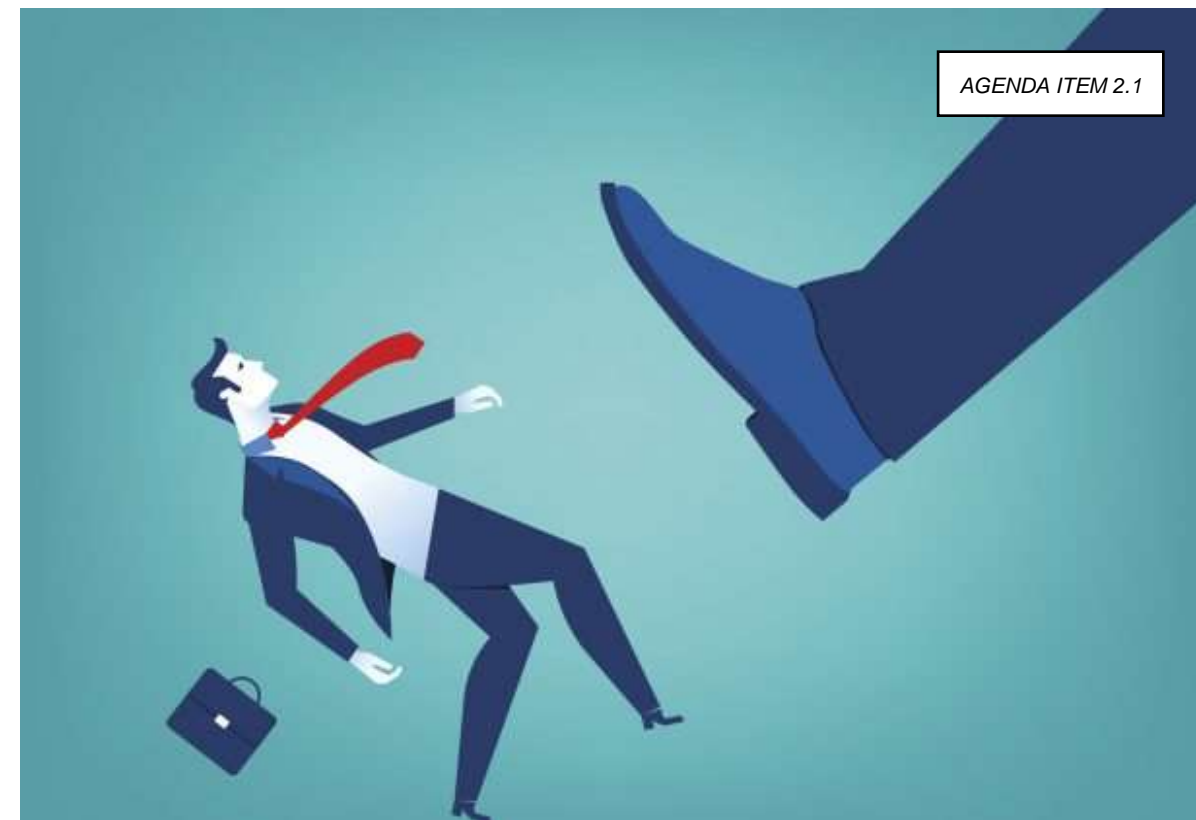
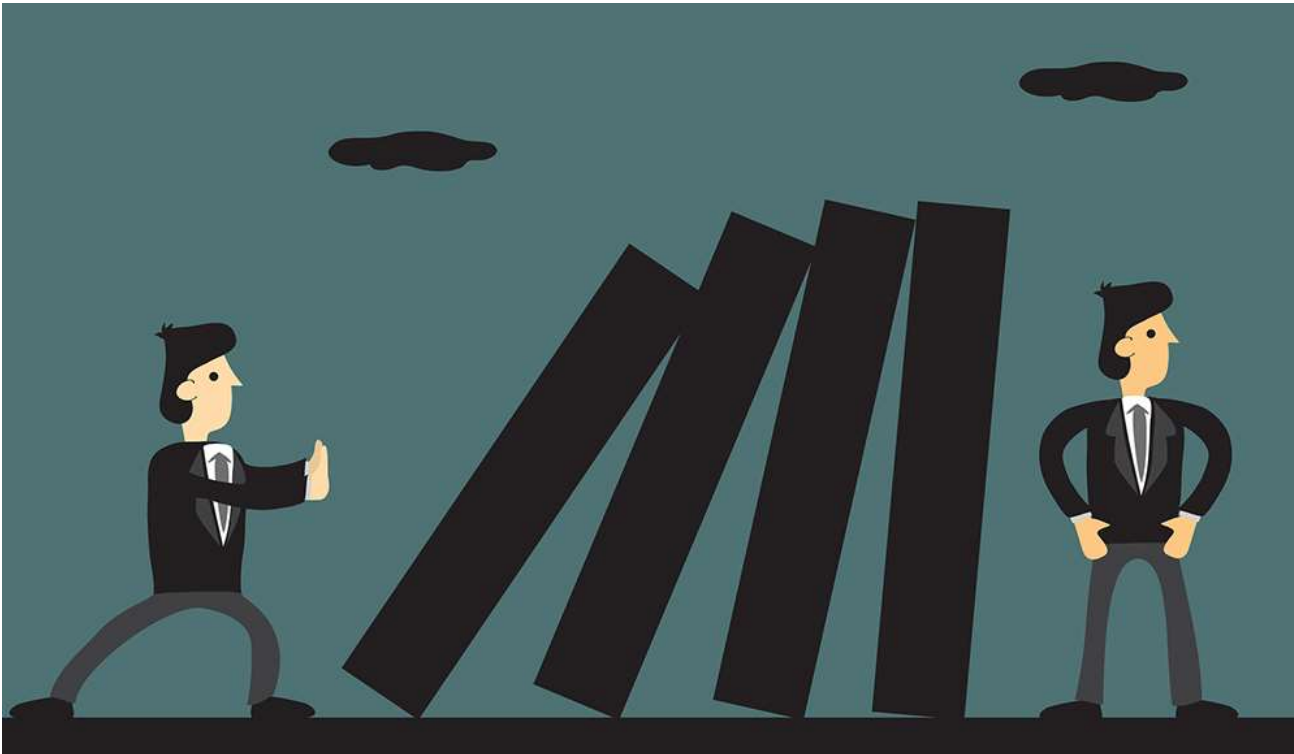
Test Two: Does the alleged asshole aim his or her venom at people who are *less powerful* rather than at those people who are more powerful?



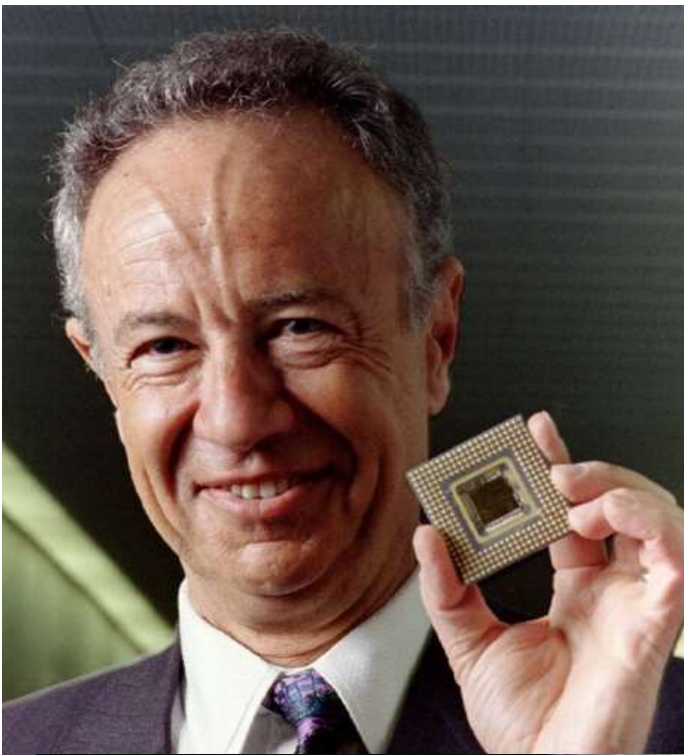
John R. Bolton, the controversial US ambassador to the United Nations, meets the test if the testimony to the US Congress is correct. President George W. Bush made the controversial decision to appoint Bolton when he was on the verge of failing to be confirmed by Congress. Bolton's reputation for dishing out psychological abuse to colleagues fueled the media frenzy surrounding his appointment. Melody Townsel, for example, testified that she experienced Bolton's nastiness when she worked as a contractor for the US Agency for International Development in Moscow in 1994. Townsel reported that Bolton turned mean after she complained about the incompetence of a client that Bolton (a lawyer) represented.

In Townsel's 2005 letter to the Senate Foreign Relations Committee, she claimed that "Mr. Bolton proceeded to chase me through the halls of a Russian hotel – throwing things at me, shoving threatening letters under my door, and generally, behaving like a madman" and the "for nearly two weeks, while I awaited fresh direction...John Bolton hounded me in such an appalling way that I eventually retreated to my hotel room and stayed there. Mr. Bolton, of course, then routinely visited me there to pound on the door and shout threats." Townsel added, "He made unconscionable comments about my weight, my wardrobe, and with a couple of team leaders, my sexuality."

In other testimony to the committee, former Bolton subordinate Carl Ford Jr. (a fellow Republican) described him as a **“kiss-up, kick-down sort of guy.”** In my opinion, if these reports are true, they indicate that Bolton qualifies as a certified asshole because his abuse is part of a persistent pattern, not just something out of character that happened once or twice because he was having a bad day.



I am not alone in this view. The *Village Voice* published an article titled “Wanted: Complete Asshole for UN Ambassador,” which concluded that “John Bolton has left a trail of alienated colleagues and ridiculed ideas.”

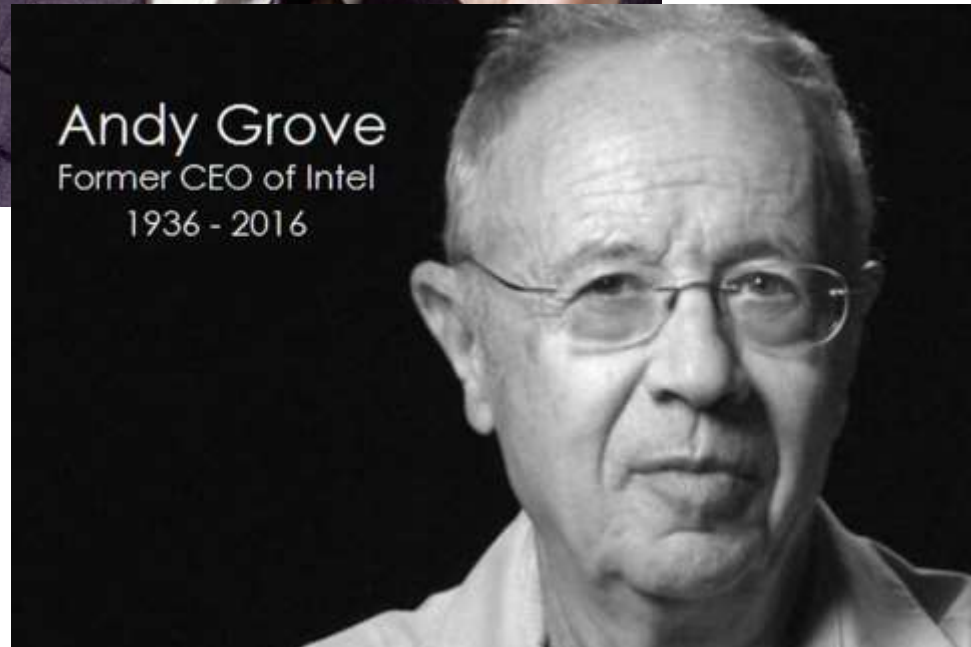


The right kind of friction can help any organization. To take a famous example, Intel cofounder and retired CEO Andy Grove is a strong-willed and argumentative person. But Grove is renowned for sticking to the facts and for inviting anyone – from brand-new Intel engineers to Stanford students whom he teaches about business strategy to senior Intel executives – to challenge his ideas. For Grove, the focus has always been on finding the truth, not on putting people down.

AGENDA ITEM 2.1

Not only do I despise spineless and obsequious wimps, but there is good evidence that they damage organizations. A series of controlled experiments and field studies in organizations shows that when teams engage in conflict over ideas in an atmosphere of mutual respect, they develop better ideas and perform better. That is why Intel teaches employees how to fight, requiring all new hires to take classes in “constructive confrontation.”

These same studies show, however, that when team members engage in personal conflict – when they fight out of spite and anger – their creativity, performance, and job satisfaction plummet. In other words, when people act like a bunch of assholes, the whole group suffers.



Andy Grove
Former CEO of Intel
1936 - 2016

Local Government Environment



Group Discussion

Groups

- (1) Mayor Rossman, Councilmember Brazen, Aimee Kellerman, Ryan Osada
- (2) Deputy Mayor Reeves, Councilmember Nunn, Chief Sass, Ryan Wagner
- (3) Councilmember Luis, Councilmember Johnston, Jeff Swanson, Steve Wilcox



Discussion Prompts

10-minute group discussion, 5-minute report

- What helps you be an effective, successful part of the Medina team?
- How can you be better supported?

Local Government is a Team Sport

Three Agreements...

No surprises

Praise in public, chide in private

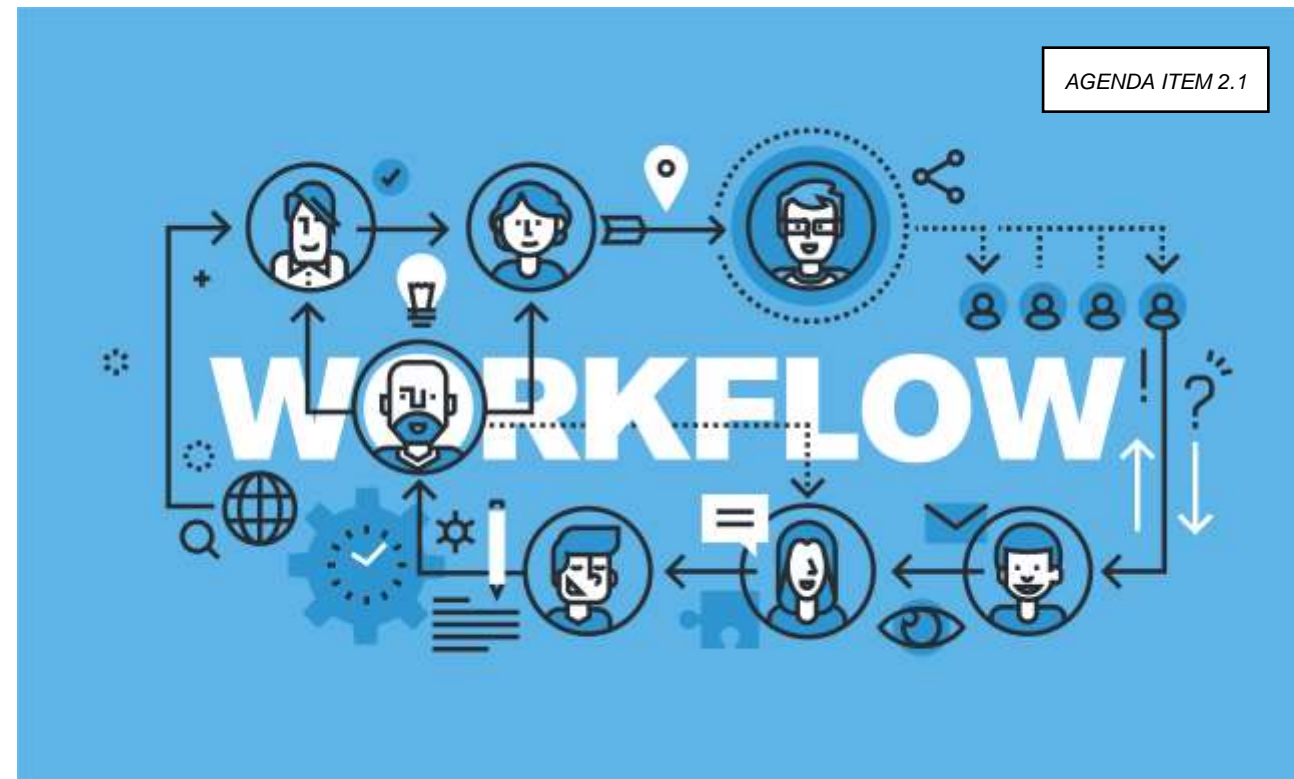
If one knows, all know

What additional agreements would be helpful for you?



Council Workflow Proposition –

- Three Touch Rule
 - Touch 1: Heads-up
 - Touch 2: Workshop
 - Touch 3: Action
- Timeline of Workflow
 - Monday before Council meeting: Three Briefings
 - Wednesday before Council meeting: Staff Submit Finalized Packet Info
 - Thursday before Council meeting: Packet Published

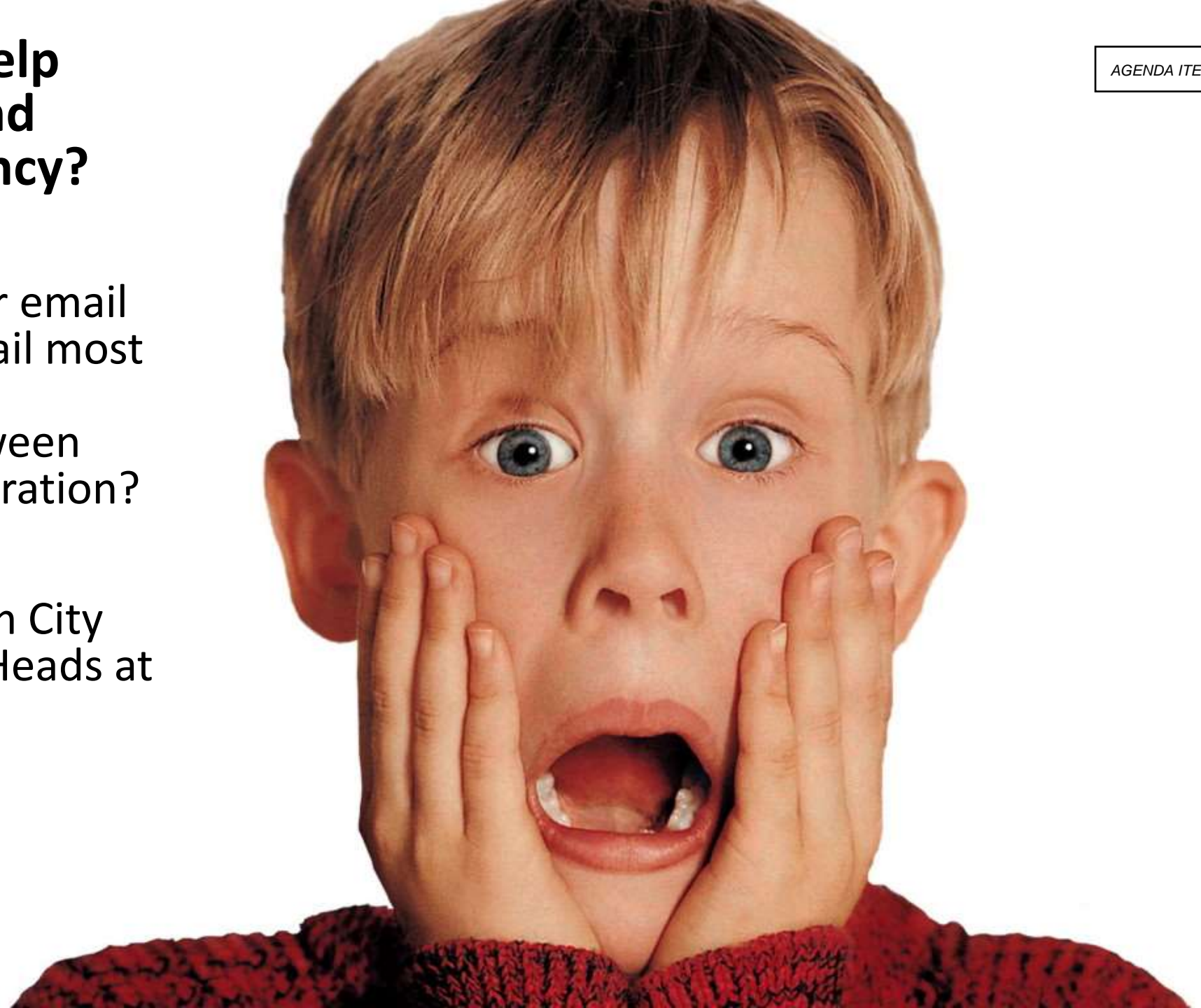


****Proposed: implementation for May 27th meeting (briefings on May 19th)****

What else would help reduce surprises and increase transparency?

AGENDA ITEM 2.1

- Weekly City Manager email update → Is City email most effective means of communication between Council and administration?
- Monthly reports from City Manager and Dept. Heads at regular meeting
- And ...



Part 1: Culture → Wrap Up

Goal:

Conceive, build, maintain, repair, and restore an environment where all can show up as their highest and best selves and do their best work as our baseline standard practice

Take a break! (10:20 – 10:30)



City of Medina, WA City Council Retreat

▫ Form of Government ▫

Jeff Swanson,
Facilitator

May 2, 2025

City Administration/Form of Government

WHAT WE WILL COVER:

Classifications of Cities

Forms of Municipal Government

Roles and Responsibilities of Council Members and Mayor

Legislative

Administrative

Quasi-judicial

The Foundation

IT ALL STARTS WITH THE CONSTITUTION:

- Article XI, Section 10:

...the legislature, by general laws, shall provide for the incorporation, organization and classification... of cities and towns...

The Foundation

Cities exercise power under the state constitution and within the limits established by statute and the state constitution.

Power flows from the state based on:

1. Classification

- *City or Town;*
- *Classes or City Code*



2. Form of Government

- *Mayor/Council or*
- *City Manager*



City Classifications

First Class City

- Over 10,000 population
- RCW 35.22

Second Class City

- Minimum 1,500
- RCW 35.23

Code City

- RCW 35A

Towns

- RCW 35.27

Question: What kind of city is Medina?

Medina

- Medina is a “code city” operating under the Optional Municipal Code form of government authorized by the legislature in 1967
- Of the 281 cities in Washington, 197 are code cities
- Advantage of “code city” status is broad powers

Charter or Non-Charter?

Code Cities Can Have Charters or Not

- RCW 35A.08.010 – cities over 10,000 population can have charters
 - Initiated by resolution of council or 10% petition by electors
 - Voters decide question and elect charter commissioners
 - Second vote on charter itself

Forms or Plans of Government

☐ **Mayor–Council RCW 35A.12**

☐ **Council–Manager RCW 35A.13**

☐ **Retained Commission RCW 35.17**

- Which form of government a city operates under impacts the roles of the mayor and councilmembers
- The form or “plan” of government may be changed by a vote of the people caused by council resolution or voter 10% petition

Question: What form of government does Medina have?

Council-Manager Form of Government

- All legislative and policymaking powers are vested in the city council; the council employs a professionally-trained public administrator, the city manager, to carry out the policies it develops
- The mayor's responsibilities are primarily to preside at council meetings, and act as head of the city for ceremonial purposes; the mayor votes as a council member and does not have any veto power

RCW 35A.13

Commission Form of Government

- The commission form gives one elective body combined authority over both the executive and legislative functions of municipal government
- The commissioners, sitting as a body, are authorized to determine by ordinance the powers and duties of all officers and employees of each department. Each commissioner administers a separate department
- The mayor has essentially the same powers as other members of the commission. The mayor has no veto power or any power to direct general city administration other than in their own department (RCW 35.17). Currently, there are no cities that operate under the commission form of government
- Think: Portland before their recent change in form of government

Mayor-Council Form of Government

- Mayor serves as the city's chief administrative officer
- A council serves as the legislative body
- The **council** formulates and adopts policies, and the **mayor** carries them out
- The mayor attends and presides over council meetings but does not vote, except in the case of a tie

RCW 35A.12

Common Characteristics of All Forms of Government

- Formal action must be taken in a public forum
- Regular meetings
 - Time set by ordinance
 - At the announced location
 - Rules of conduct; e.g. abstention
- Subject to Open Public Meetings Act (RCW 42.30)
- Special Meetings
 - Called by Mayor or majority of City Council members
 - 24-hour written notice
 - Action items limited to those listed in the notice

Council/Manager Teamwork

- This is a team process – nothing is accomplished alone
- Progress happens when all involved take the time to listen
- Every perspective or view is partial but has some truth

*“If you want to go fast, go alone.
If you want to go far, go together.”*

- African Proverb

Resolving and Preventing Council-Manager Conflict

- It is essential that managers and council members understand their roles and how they relate to each other and staff
- Many conflicts in city governments happen due to role confusion, resulting in overstepping the boundaries between the respective roles

Council Authority – In General

- In general, it is the council's role to adopt **policies** for the city and it is the city manager's role to administer or carry out those policies
- The council, being legislative, has the power to enact **laws and policies**, consistent with state law, usually through the enactment of ordinances and resolutions

Council Authority – In General

- 1) Powers are exercised by a majority of the City Council in an open public meeting
- 2) Council Members have the right to speak in accord with City Council rules and cast a vote
- 3) Outside of the meeting context, individual City Council Members are limited to a right of inquiry as any citizen

Council Authority – In Detail

RCW 35A.13.230 and RCW 35A.11.020

- Enact a city budget
- Enact ordinance to protect public health, safety and welfare
- Define the powers, functions, and duties of city officers and employees
- Fix the compensation of officers and employees
- Establish the working conditions of officers and employees
- Enter into contracts
- Impose taxes, if not prohibited by state law
- Regulate the acquisition and disposition of real property
- Order an audit of a city department or office and determine auditor

AGENDA ITEM 2.1

- Provide governmental, recreational, educational, cultural, and social services
- Cause the city to own and operate utilities
- Approve claims against the city
- Grant franchises for the use of public ways
- License, for the purpose of revenue and regulation, most any type of business
- Appoint/confirm planning commissioners and members of other boards and commissions
- **“...except insofar as such power and authority is vested in the city manager.”**

The City Council's Most Important Functions

Adopting Policy

- Use ideas from a variety of sources: staff, community groups, advisory committees, chambers of commerce, etc.
- Consider the merits of proposals and then approve, modify or reject them
- In doing so, Council Members analyze community needs, program alternatives, and available resources
- The budget and comprehensive plan are powerful policy tools that are adopted by ordinance

The City Council's Most Important Functions

...but, the budget.

Inertia:

- Employee costs/wages: 60-80 % of budget with multi-year Collective Bargaining Agreements
- Limits on Revenue
- Long Term Planning: Capital Improvement Plan (CIP) and Transportation Improvement Plan (TIP)
 - Six-year documents
 - Key to successful Grantsmanship
 - GMA, Citizen Involvement Plan and Transparency

City Manager's Authority – In General

- As the chief executive and administrative officer of the city, the city manager is in charge of carrying out the policies set by the council
- The city manager is basically in charge of the day-to-day operation of the city, including the supervision of all appointed officials and employees
- The city manager oversees the hiring and firing of all appointed officers and employees

City Manager's Authority – In Detail

RCW 35A.12.090 and 100

- Chief executive and administrative officer of the city
- In charge of all departments and employees
- See that all laws and ordinances are faithfully executed
- Enforces contracts
- Bring lawsuits, with council approval
- Prepare a proposed budget
- Report to the council on the financial and other affairs and needs of the city
- Recommend for Council adoptions measures deemed necessary or expedient
- Perform other duties determined by Council by ordinance or resolution

Council / Manager Conflicts

- Personnel and performance
- Hiring and firing
- Contract administration and enforcement
- Budget

Council / Manager Conflicts

Responding to Constituent Complaints

- Residents often contact a Council Member when they have a problem
- Keep in mind that as a City Council member you lack the authority to take action in administrative matters. Be careful not to appear to bind the City—no promises!
- Council Member may:
 - Refer to appropriate staff member
 - Raise at City Council meeting
 - Discuss complaints against public officials in executive session

Legislative Immunity RCW 4.24.470

- An appointed or **elected official** or member of the governing body of a public agency is immune from civil liability for damages for any **discretionary decision** or failure to make a discretionary decision **within his or her official capacity**, but liability shall remain on the public agency for the tortious conduct of its officials or members of the governing body
- To be immune, the act complained of must have been a discretionary action and one within your official capacity

Mission Springs v. City of Spokane

- After a building permit had been issued, the city council directed staff to hold up issuance of grading permits for a 790-unit apartment building due to citizen opposition
- The city attorney advised the council that the issuance of the grading permit was an administrative action, not a policy or legislative matter and the council didn't have the authority to delay the permit issuance
- Council member said, "We have the opportunity to put a stop to this and let's just see what happens. Let's see how confident they are. If they bring a suit, we can always turnaround and issue the permit, that's an option still available to us"

Continued....

Mission Springs v. City of Spokane *contd.*

The Court Held

- “Therefore, we have rather a straightforward situation where clear legal rights of the citizen were violated by city council members acting in excess of their lawful authority..”

And

- ... “The motion passed by the Spokane City Council was not legislation... It was administrative, not legislative, and therefore legislative immunity is not available here”

After incurring \$1.2 million in defense costs, the city paid the developer \$250,000

Examples

- Would legislative immunity apply to decision to not include the cost of a road repair in the budget?
- Would legislative immunity apply to directing building official to approve a building permit?
- Would legislative immunity apply to decision to rezone an area of the city?
- Would legislative immunity apply to telling landowner that they could make a specific use of their property?

Who is Covered By Insurance?

RMSA Liability Coverage Agreement, Definition of “Covered Party”

- The elected ... officials, ... councils, and officers of the “member entity” **acting in the course and scope of their official duties...**

Quasi-Judicial Role

Applies to

- Site specific rezone; MMC 16.72.050

Following actions are not quasi-judicial

- Adoption, amendment, or revision of comprehensive plans
- Adoption of area-wide zoning *ordinances*
- Adoption of area-wide zoning *amendments*

Bases for Disqualification

Appearance of Fairness Doctrine

- Originally a judicial doctrine established in 1969
- The Legislature codified it in 1982
- Chapter 42.36 RCW prohibits:
 - Bias
 - Prejudice
 - Prejudgment
- It requires fairness both in fact and in appearance

Examples

Potential Bias

- Financial gain
- Property ownership
- Employed by interested party
- Associational or membership ties
- Family or social relationships

How Do We Tell if There Was Bias?

Test for Bias

- Has the decision been made solely on the basis of matters of record?
- Would a fair-minded person, observing the proceedings, be able to conclude that everyone had been heard who should have been heard?
- Did decision-makers give reasonable faith and credit to all matters presented, according to the weight and force they were reasonably entitled to receive?

Ex Parte Contact

- During pendency of quasi-judicial matter, no ex parte contact **unless**:
 - Place substance of contact on the record; and
 - Announce right of parties' right to rebut the substance of the communication RCW 42.36.060
- Prior participation as a planning commission member does not preclude participation at a quasi-judicial matter RCW 42.36.070

Object or Lose Right to Claim Unfair Hearing

If the potential basis to claim a violation of the right to a fair hearing is placed on the record and an opportunity to rebut is provided, a party claiming a violation must raise the challenge as soon as the basis for disqualification is made known or lose the right to challenge.

RCW 42.36.080

What Could Possibly Go Wrong?

SEATTLE POST-INTELLIGENCER | THURSDAY, DECEMBER 8, 2005

Burien slapped with \$10.5 million verdict

Developer alleged project was delayed

BY JAKE ELLISON
P-I reporter

A Federal Way developer has won \$10.5 million in damages from the city of Burien after a 15-year battle over plans to build a housing complex.

A Snohomish County Superior Court jury decided last week that Burien officials illegally dragged out negotiations with Westmark Development Corp. over possible environmental impacts and building permits in the 1990s.

The company had planned to build a 216-unit complex overlooking Seahurst Park and Puget Sound, and later revised the project down to 176 units. Company officials said Wednesday they again will seek a building permit for the site.

Burien likely will appeal the verdict, said Lisa Marshall, the city's attorney. She said the court did not allow the city to present evidence it needed to make its case. Any delays in Westmark's permits were caused by the company's failure to file plans and

supporting information on time, Marshall said.

The jury agreed with the company that the delays were designed to thwart the developers and that Burien's "biggest mistake was failure to take any action at all," said Jon Ferguson, the attorney for Westmark.

The Federal Way company is run by four brothers who have developed about 20 housing and hotel projects in Federal Way and are working on a \$5.5 million hotel project in Tacoma, said Badru Sayani, one of the brothers. They also operate hotels and condominium buildings in Vancouver, B.C., he said.

The brothers have developed more than \$200 million worth of property since emigrating from Uganda in 1972, Sayani said. The brothers' other partner in Westmark is 90-year-old Alice Dobson, who owned the property in Burien.

Ferguson told the Snohomish jury that the company was on its way to getting a permit from King County until 1993, when its requests were transferred to the

newly incorporated city of Burien.

At that point, "an anti-growth citizens group that organized itself into the city of Burien" halted the project and sat on it for a year, Ferguson said.

Westmark sued for delay and, in 1998, believed it had a settlement with the city. Westmark sued again when the city denied it had made a settlement. During that suit, Westmark found out the settlement was no good because the city had not followed open meeting laws.

The company sued again in 2003 over the original delay and the delay caused by the open meeting issue, which Burien officials knew about years before they told Westmark, Ferguson said.

"The city was just incorporated and didn't have enough experience," Sayani said. "Someone should have advised them to negotiate (with the company), rather than hiding the files and just not responding."

P-I reporter Jake Ellison can be reached at 206-448-8346 or jakeellison@seattlepi.com.

What Could Possibly Go Wrong?

SeaTac News (July 14, 2016)

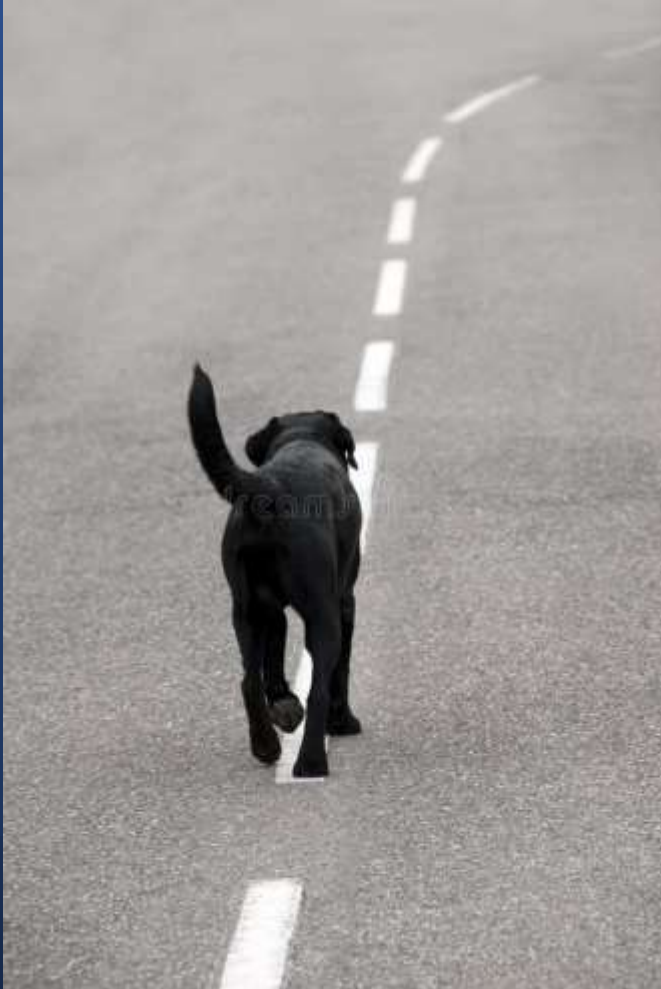
- City of SeaTac slapped with \$18.3 million judgment in land
- Use case; Judge calls for formal sanctions
- The trial judge also concluded the former SeaTac mayor wanted condos built on the site, believing they would price out Somalis who had moved into “his neighborhood”

Embarrassment - A Tongue Lashing By the Court of Appeals

What Could Possibly Go Wrong?

- “It is apparent that the Council gave **little consideration to the merits** of Maranatha's application, and that it **disregarded the facts** set forth in the examiner's findings. The Council seems to have heard **clearly the citizen complaints and the comments of one of its own members** while **disregarding the record**. We cannot escape the conclusion, in view of the evidence in support of Maranatha's application, that the Council **based its decision on community displeasure and not on reasons backed by policies and standards as the law requires.**”
- Maranatha was allowed to move forward with its claims against the county.

Maranatha Mining v. Pierce County



Practice

AGENDA ITEM 2.1

Context: City staff provide guidance subject to the standards of their license or profession and are employees of the City under the supervision of the City Manager and City administration.

Scenario: The City is considering a major street construction project. Randy is advocating for wider bike lanes as well as a lane solely designated for “pet walking.” Randy has met with engineering staff to discuss the design changes. He has researched online and discovered a report which questions the design to be presented by staff. Randy’s preferred design changes may not be consistent with the technical standards and may cause the City to lose access to grant funding.

Randy should:

- (a) Direct staff to make the design changes
- (b) Email staff and all council members with his position on the matter and indicate how he plans to vote on the issue when it comes before council
- (c) At the Council meeting, without notice, introduce the alternative design report and extensively question the City Engineer on the matter.
- (d) At the Council meeting, make a motion to terminate the City Engineer.

Conclusion

- You desire to do what you feel is best for the city
- But you can't do whatever you like
- Your authority and roles are legally prescribed and limited
- Stick to your roles, stay in your lane, work as a team and you will go far



Questions?

Prompts: What helps you be an effective, successful part of the Medina team? How can you be better supported?

Group 1:

- (1) Knowing my role
- (2) Support → trust in expertise
- (3) Collaboration → team, no surprises
- (4) Proper training/onboarding
- (5) Receiving clear direction
- (6) Getting a menu of options
- (7) Getting routine questions answered
- (8) Better communication
- (9) Building trust
- (10) Printed packets/delivered

Group 2:

What helps?

- (1) Coffee & compliments
- (2) BRAVING (in total)
- (3) Humor is the price of admission
- (4) Clarity of roles
- (5) Flexibility & collaboration
- (6) Constructive conversations
- (7) Information in all forms
- (8) Radical transparency & legal oversharing
- (9) Project tracking, communications, transparency → access to all
- (10) No surprises
- (11) Timely communication
- (12) Reliable, sense of ownership
- (13) Defined, aligned priorities

Group 3:

What helps?

- (1) Doing your homework
- (2) Clarity of roles/knowning your lane
- (3) Curiosity vs. judgement
- (4) Effective communication
- (5) What do you do when you don't know? (asking vs. assuming)
- (6) Being better supported? 500 page packets aren't helpful
- (7) Information flow → clear and direct
- (8) Leadership that understands roles of staff
- (9) Administration vs. change management → who leads with respect to each?
- (10) Respect, constructive argumentation

Prompts: What is Medina doing well with respect to providing services to its citizens? In what areas can the value of these services improve? What are the City's greatest policy challenges to be address?

Group 1:

- (1) What we do well → public safety, police department, events (shredder day), house watch; development services responsiveness (questions/answers); Parks are inviting;
- (2) Improvements → track progress of policies enacted and vision of progress over time; Availability, welcome and open...unified community identity; Communications and information (website and improved communications);
- (3) Greatest challenges → Proactive about regional growth and impacts; Tools to protect city character and preserve natural environment; Housing legislation; Rights of way; Enhance services/efficiency; Show value; Financial stability and sustainability

Group 2:

- (1) Public safety/police department; parks well kept
- (2) Design quality of new builds; Community noticing (newsletter and communications with friendly tone); Promote community events and participation; Trash services;
- (3) Solid waste services → franchise? Zoning code; Rights of way, parking, sidewalks, landscaping; Code enforcement

Group 3:

- (1) Vibe check; Languages? Rapid, targeted response → personalized service; Basic service delivery → close loops; Beauty = B grade, meeting expectations mostly;
- (2) Learn expectations → What is the baseline service at all price points, Consistent and equal approach;
- (3) What even are our challenges? Workplan sync between Council, staff, boards/commissions; Financial sustainability; Public infrastructure; Regional partnerships; Strengthen/utilize volunteer boards/commissions



Jeff Swanson, Facilitator

May 2, 2025

OPEN PUBLIC MEETINGS ACT (OPMA)

PUBLIC RECORDS ACT (PRA)



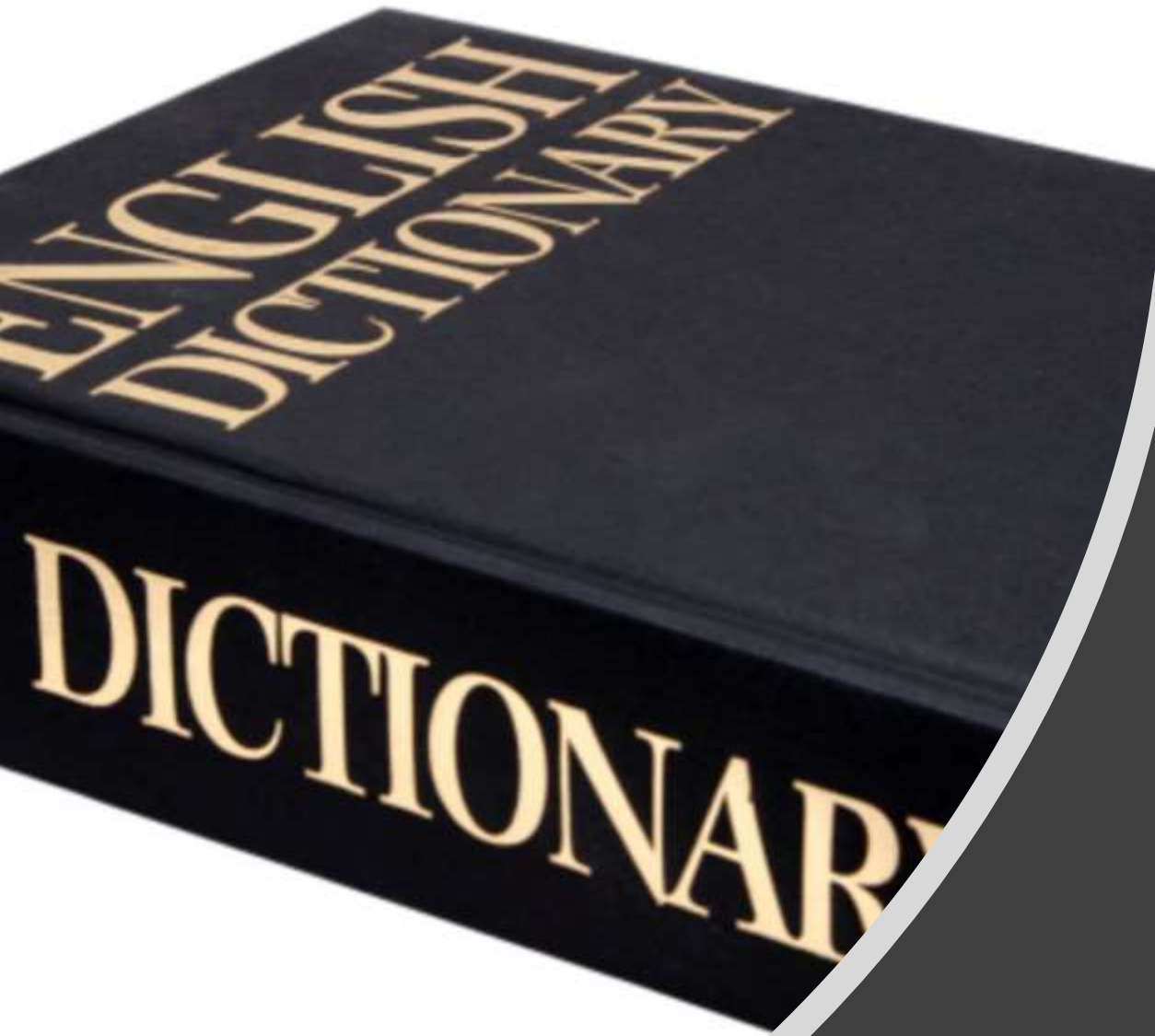
Meetings

The people insist on remaining informed so that they retain control over the instruments they have created.



RCW 42.30.205 (enacted 2014)

Open meetings and public records training is mandatory for all members of governing bodies, boards and must be completed within 90 days of taking office and every four years.



Legislative Declaration

RCW 42.30.030

- Meetings declared open and public
- 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... except as otherwise provided in this chapter

It's all about the definitions . . .

“Meeting”:
meetings of a
quorum at
which action
is taken

“Action” is broadly defined as “the transaction of the official business of a public agency by a governing body including but not limited to”:

- receipt of public testimony
- deliberations
- ***discussions***
- ***considerations***
- reviews
- evaluations
- final actions



Examples of Meetings

Traditional types of Meetings

- Regular and special meetings
- Workshops
- Trainings
- Retreats

But can be informal discussions

Meetings

AGENDA ITEM 2.1

- “Meeting” does not require members to be present in one location
 - or even interact simultaneously
- Conference call with a majority
- Email exchange that includes substantive input from a majority
- “Serial” meetings such as a phone tree
- “Rolling” a topic along in repeated discussions

BUT simply receiving information without comment is not a meeting



Did We Just Have a Meeting?

- Meetings may take place in person, by phone, by email, by text, etc.
- Travel & social gatherings excepted only if no “action” is taken
- Texting during meetings is not an “open” discussion

Serial Meetings



This Photo by Unknown Author is licensed under [CC BY-SA-NC](#)

Wood v. Battle Ground School Dist. 107 Wn. App. 550 (2001)

- Exchange of emails between school district board members regarding the performance of two employees
- “...the active exchange of information and opinions in these e-mails, as opposed to the mere passive receipt of information, suggests a collective intent to deliberate and/or to discuss Board business”

Serial Meetings

Citizens Alliance v. San Juan County 184 Wn.2d 428, 359 P.3d 753 (2015)

- There must be a “collective intent” to meet
- Where there was no evidence that commissioners were aware that communications included a majority of the commission, there was no “collective intent”

Serial Meetings

City of Seattle v. Kasberg 13 Wn. App. 2d 322 (2018)

- Council was considering condemning beach front property for public access
- Emails sent between councilmembers and members of the public
- Communications between individual councilmembers and members of the public do not trigger serial meeting concerns
- No evidence in *Kasburg* that a majority of the governing body communicated with each other



Serial Meetings



Egan v. City of Seattle *Division 1 Ct. App. (2020)*

- Illustrates the potential complexity of serial meeting scenarios
- Council was considering repeal of Seattle's head tax of employees
- Multiple communications over 3 days via multiple methods
 - In-person meetings, phone calls, emails, texts, distribution of draft press releases
- Court found that a meeting could occur if a majority of the council members were aware of communications among a quorum even if a majority is not; serial approval of a draft press release could be sufficient to show collective intent
- Returned to trial court for further proceeding

What is a Governing Body?

“Governing body” means...

The council, or other policy or any committee thereof when the committee acts on behalf of the council or conducts hearings or takes testimony or public comment.

RCW 42.30.020(2)

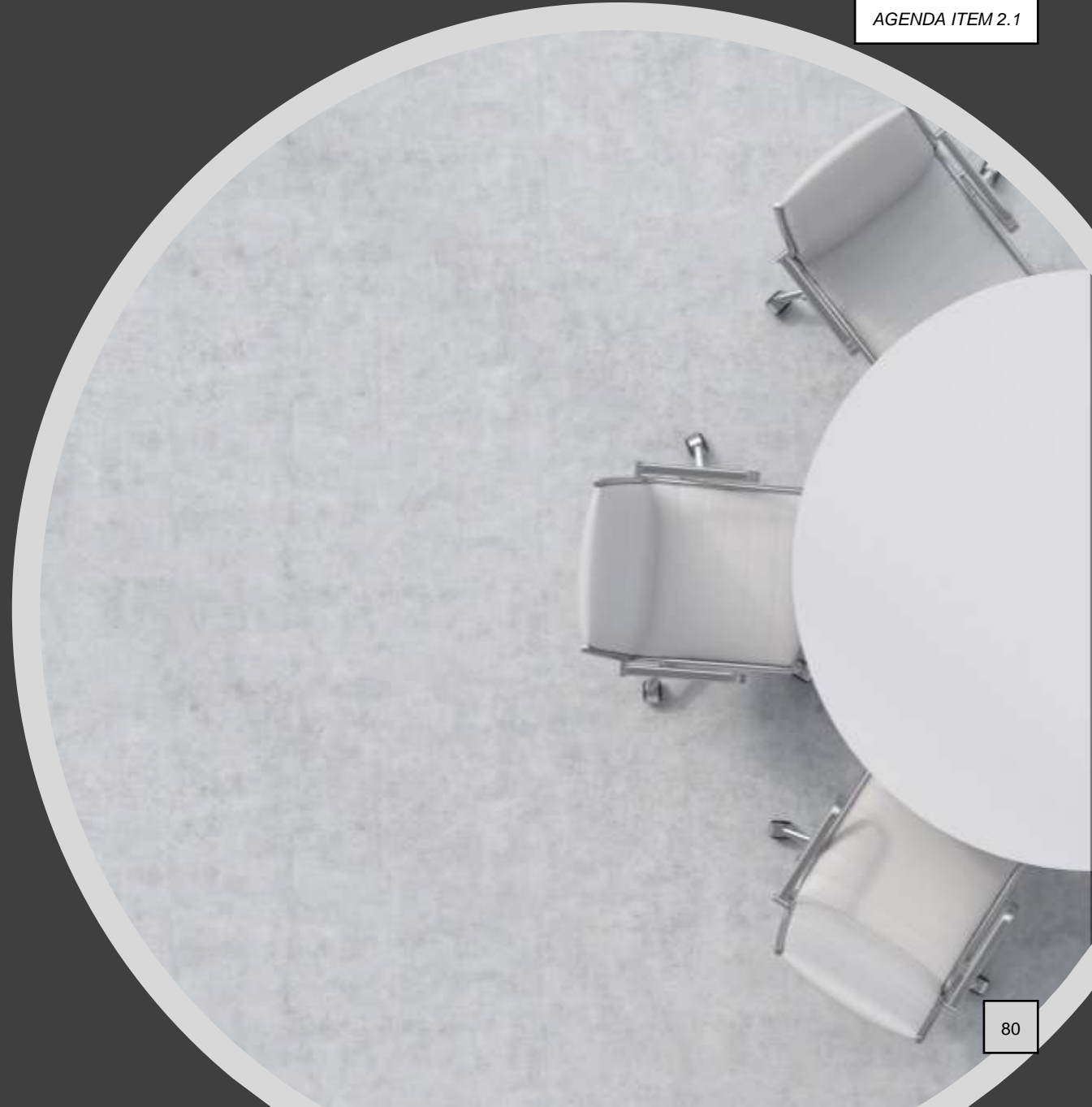
Acts on Behalf Of

A committee acts on behalf of governing body

- NOT simply because the committee provides advice or recommendations
- Only “when it exercises actual or . . . decision-making authority for the governing body”
- Although, even if advisory, meetings can be open as a policy choice



Meetings Are Regular or Special



Timing and Notice for Meetings

Regular Meetings

- Established by board ordinance, resolution, bylaw, or other rule

Special Meetings

- Called by presiding officer or majority of board members
- 24-hour notice to board members and media
- Notice must include meeting time, location, agenda
- Notice and Agenda must be posted at meeting location and online no later than 24 hours in advance of the meeting start
- Members can waive notice by attending or submitting a written waiver
- Final action may be taken only on items listed in the notice

Advance Posting of Meeting Agendas

- Post regular meeting agendas online at least 24 hours in advance
- Agendas may be amended after posting
- Failure to post agenda does not invalidate an otherwise legal action



Executive Sessions

Common Grounds

- Acquisition of real estate
- Sale/lease of real estate* (final decision in open meeting)
- Evaluate charges against a public officer or employee

*Must be focused on price, not factors affecting value

Columbia Riverkeepers v. Port of Vancouver USA,
188 Wn.2d 421 (June 8, 2017)

Executive Sessions (*cont.*)

- To evaluate the qualifications of, review applicant / performance
- To evaluate the qualifications of a candidate for appointment to elective office (interviews and selection in public)
- To discuss with legal counsel enforcement action or potential litigation
- Discussion of labor negotiations is not subject to the OPMA

Confidentiality of Executive Session

- Legal obligation to not disclose information discussed in properly convened executive session
- Disclosure would violate Code of Ethics of Municipal Officers; could also constitute
 - Misdemeanor offense under RCW 42.20.100,
 - Official misconduct under RCW 9A.80.010, and
 - Forfeiture of office and grounds for recall. RCW 42.23.050



So,
We Took
Action
in a
Closed
Meeting,
Now what?

Unintentional Violation?

- Nullification of action RCW 42.30.060.
- Attorney's fees and costs go to prevailing party RCW 42.30.120(4)

Knowing violation?

- Personal liability RCW 42.30.120(1) and (2)
- \$500 civil fine for first violation
- \$1,000 civil fine for any subsequent violation
- Potential forfeiture of office or recall



Curing an OPMA Violation

- Later action in OPMA compliance will “cure” the violation
- But the subsequent action must be open, otherwise conform to the OPMA, and not simply be a “summary approval” of the earlier discussions
- Approval in “consent agenda” insufficient
Feature Realty v. Spokane, 331 F.3d 1082 (9th Cir. 2003)
- Must provide opportunity for community / opposing party input
OPAL v. Adams County, 128 Wn.2d 869 (1996)

Meetings by Remote Access

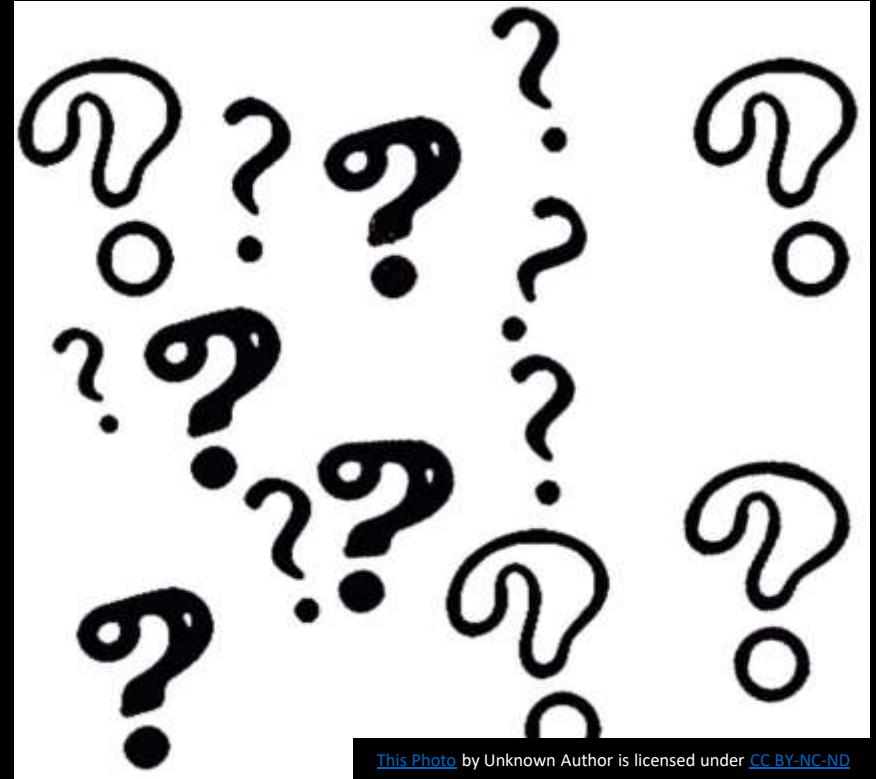
- Remote meetings are allowed but there must be a physical location for the public to attend.
- Fully remote meetings are allowed where a local, state, or federal emergency has been declared and the public agency determines it cannot hold an in-person meeting with reasonable safety as a result. RCW 42.30.230.
 - If both criteria are met, the public agency can either fully prohibit or limit in-person attendance at the meeting.
 - If the meeting is held remotely or public attendance is prohibited, the public agency must provide a cost-free option to attend the meeting remotely in real time.



Questions on OPMA?

Resources

- MRSC: Knowing the Territory
<https://mrsc.org/getmedia/1e641718-94a0-408b-b9d9-42b2e1d8180d/Knowing-The-Territory.pdf.aspx?ext=.pdf>
- Attorney General's Office: Open Government Training -
<https://www.atg.wa.gov/open-government-training>



This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)




Public Records

Roots of the PRA

In 1972 Initiative 276 was favored by 72% of Washington voters

It gave rise to the PRA which states, “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know”

- *(continued...)*



Agencies Must Make Documents Available

An agency shall make available for inspection and copying all public records, unless covered by a specific exemption

No Particular Form of Request Required

Agencies shall honor requests received by mail for identifiable public records (unless exempted)

Including:

In Writing

By Email (2017)

Verbally

RCW 42.56.080

(continued)

No Statement of Reasons is Necessary

- A person making a public records request is not required by the Act to state a reason for the request. The only limitation is that the Act may not be employed to obtain “lists of individuals requested for commercial purposes”
- RCW 42.56.070(9). *See also* AGO 1988 No. 12; and *SEIU Local 925 v. Freedom Found.*, 197 Wn. App. 203 (2016) (interpreting commercial purposes exception)

Responding to Public Records Requests

- Initial response – within 5 business days (RCW 42.56.520)
- 4 initial responses: Provide records, provide reasonable estimate of time, seek clarification, or deny
- Installments
- Exemption logs
- Brief explanation of *how* exemptions apply to the record
- Don't simply cite the statute
- Third-party notice

Records, Not Information



REQUEST

- An important distinction must be drawn between a request for information and a request for the records themselves
- The act does not require agencies to **create records**, but only to **make those records accessible to the public**

“Public Records” Defined

Broadly
defined at
RCW

1) “any writing . . . regardless
of physical form or
characteristics”

42.56.010 -
Three
Elements:

2) “containing information
relating to the conduct of
government or the performance
of any governmental or
proprietary function”

3) “prepared, owned, used, or
retained by any state or local
agency”

Questions about whether something is a
“public record” are usually about (2) or
(3), not (1)

Public Records on Personal Devices

- Location is not the only test; public records can be located on personal devices, with third-party contractors, etc.
- “Scope of employment” test intended to address 3rd prong (prepared, owned, used, or retained) for personal devices
 - 1) The job requires it;
 - 2) The employer directs it; or
 - 3) It furthers the employer’s interests
- Scope of employment test does not apply to records on agency devices. *SEIU Local 925 v. University of Washington*, 193 Wn.2d 860 (2019)

Searches of Personal Devices

- Right of privacy versus duty to produce public record
- If a request is made for emails, texts or Facebook postings on personal devices or accounts, you **MUST**:
 - Perform a diligent good faith search;
 - Describe in a sworn statement how you searched and what you found;
 - Produce responsive records to the City; and
 - Identify any records not produced and the reason.



Fees for Responding to Requests



- Cannot charge for inspection of records
- Cannot charge for time to prepare records for production (e.g., redaction time)
- Statutory default fee schedule (addresses electronic records)

Exempt Records?

There are 46 exemptions to disclosure
in the PRA

There are also exemptions in other state
and federal statutes on many subjects
(everything from license plates to child support
to criminal records)

*Courts enforce the duty to
disclose broadly and the
exemptions narrowly*

Privacy Under the Public Records Act

There is no stand-alone “privacy” exemption in the PRA

The PRA *does* exempt some records from disclosure if disclosure would be an invasion of privacy; E.g. personal information in files of employees and officials; taxpayer information; investigative records

There is only an invasion of privacy when information is

- Highly offensive to a reasonable person; and
- Not of legitimate concern to the public RCW 42.56.050

Privacy Under the Public Records Act

- RCW 42.56.250(4) exempts specified **personal information of employees** without needing to show violation of right to privacy (e.g., residential addresses and phone numbers, personal cell phone numbers and email addresses, social security numbers, driver's license numbers, emergency contact information, dependent information)
- Legislative amendment in 2020: photographs and month and year of birth in the personnel files of employees or volunteers of a public agency are now exempt (RCW 42.56.250(6))
- HB 1934 (2025): Exempts employee identifying information in workplace harassment or discrimination investigation records.

Exempt Records – Response

- Redact, if possible, rather than withhold entirely
 - Claiming an exemption requires
 - Brief description and explanation of how the exemption applies to the record
- (More than just citing the statute)*



Agency Record Retention

Multiple retention schedules available -
Washington State Archivist

- Local Government Common Records Retention Schedule (CORE) – Version 6.3 (October 2024)
- Communications to/from council unless covered by another specific schedule

Technology: Manage Risk

- Dedicated e-mail accounts and devices for agency business
- Central servers and other electronic document sharing solutions
- Email and telecommute policies
- Disable features (such as text) on agency devices
- Be consistent in your practices
- Use the records retention schedules to appropriately delete records in timely manner

Disposition of Public Records

Public records may be destroyed or transferred only in accord with the instructions and approval of the State of Washington's Local Records Committee.

RCW 40.14.070

Enforcement and Penalties

- Court can impose statutory penalties to be awarded to requester
- Court will order payment of requester's attorneys fees & costs
- Court can also order disclosure of all or part of withheld record, or non-disclosure of part or all of record
- Paid from General Fund, not insurance

RCW 42.56.550., 565





Practice

Violation?

- (1) The city manager sends an email to all City Council members with a summary of a contractor bid dispute up coming up for a vote at the next City Council meeting.
- (2) Heija and Jessica email each other on this topic.
- (3) Mac and Joseph are now part of this email discussion chain.
- (4) Harini sends a group email to City Council with information from a conference she attended on this topic noting “Do Not Reply All.”
- (5) During the City Council meeting Randy and Michael communicate by text about what is being presented on the issue.



Practice

Context: RCW 42.52.010 Prohibits the disclosure of confidential information and its use for personal gain or benefit. “Confidential information” is specific information not available to the general public. Elected officials have a duty of loyalty to the City and a fiduciary duty which may limit actions otherwise available to a private citizen to take.

AGENDA ITEM 2.1

Scenario: Michael works as a realtor and is representing a property owner. Sale of their property is contingent on City approval of a subdivision application to be considered before the City’s Hearings Examiner. Michael has met with City staff and been informed of various concerns about the proposal.

Michael should:

- (a) Meet individually with opponents of the subdivision to convince them of the merits of the development.
- (b) Promise supporters of the development that it will be approved.
- (c) Send an email to the Hearings Examiner expressing support for the application.
- (d) Share City staff’s concerns with the property owner.

Extra credit:

The proposal is approved and a LUPA action is filed by a neighbor opposing the decision. An executive session is held to update City Council and Michael relates the legal strategy the City intends to pursue to the property owner and ot

Resources:

- MRSC: Knowing the Territory
<https://mrsc.org/getmedia/1e641718-94a0-408b-b9d9-42b2e1d8180d/Knowing-The-Territory.pdf.aspx?ext=.pdf>
- Attorney General's Office:
Open Government Training
<https://www.atg.wa.gov/open-government-training>

Specific questions about Medina's records request fulfillment process can be addressed by City staff.





Strategy Session



Strategy Session

1 Year



20 Year

Budget

Comp Plan

- Much public policy takes more than a single budget cycle to fully develop and enact
- Strategic plans provide the bridge between short term tactical direction found in a budget and long-term vision attainment found in a Comprehensive Plan

Annual Workflow

- January → City Council Retreat: start of year orientation; confirm priorities
- Jan – Mar → AWC events and legislative action activities
- June → Budget retreat; AWC Annual Conference
- July – Dec → Budget development and adoption
- Aug – Oct → City legislative agenda development and adoption

Group Discussion

Groups

- (1) Mayor Rossman, Deputy Mayor Reeves, Jeff Swanson, Chief Sass
- (2) Councilmember Brazen, Councilmember Luis, Ryan Osada, Ryan Wagner
- (3) Councilmember Nunn, Councilmember Johnston, Aimee Kellerman, Steve Wilcox



Discussion Prompts

15-minute group discussion, 5-minute report

- What is Medina doing well with respect to providing services to its citizens?
- In what areas can the value of these services improve?
- What are the City's greatest policy challenges to be address?

Group Discussion



Groups

- (1) Mayor Rossman,
Councilmember
Johnston, Ryan
Wagner, Jeff Swanson
- (2) Deputy Mayor Reeves,
Councilmember Luis,
Aimee Kellerman, Ryan
Osada
- (3) Councilmember
Brazen,
Councilmember Nunn,
Chief Sass, Steve
Wilcox

Discussion Prompts

20-minute group discussion, 15-minute report

- What makes the Medina community unique? What assets, qualities, and characteristics make Medina special and desirable?
- What should Medina focus on to enhance its uniqueness and desirability?
- What do you envision the City becoming in the future? What amenities and services should the City have and/or provide in the future?
- What does the City need to accomplish to attain this vision in the next two years? Five years? Ten years? Twenty years?

Strategic Priorities – The List



- Each to the full group: What are the most important initiatives Medina needs to address in the next 3 – 5 years?
- Where do we see central tendency?
- What do we need to know to decide as a group what the most important issues and initiatives are to prioritize and address?
- How should we organize and prioritize these?



Next Steps...