



# CITY OF MERCER ISLAND

## CITY COUNCIL REGULAR VIDEO MEETING

Tuesday, June 15, 2021 at 5:00 PM

### COUNCIL MEMBERS:

Mayor Benson Wong, Deputy Mayor Wendy Weiker,  
Councilmembers: Lisa Anderl, Jake Jacobson,  
Salim Nice, Craig Reynolds, David Rosenbaum

### LOCATION & CONTACT:

Mercer Island City Hall - Council Chambers  
9611 SE 36th Street | Mercer Island, WA 98040  
Phone: 206.275.7793 | [www.mercerisland.gov](http://www.mercerisland.gov)

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 206.275.7793.

### Virtual Meeting Notice

The virtual meeting will be broadcast live on MITV Channel 21 and live streamed on the City Council's [YouTube Channel](#)

**Registering to Speak:** Individuals wishing to speak live during Appearances will need to register their request with the City Clerk at **206.275.7793** or email the [City Clerk](#) and leave a message before 4 PM on the day of the Council meeting. Please reference "Appearances" on your correspondence. Each speaker will be allowed three (3) minutes to speak. A timer will be visible online to speakers, City Council, and meeting participants. Please be advised that there is a time delay between the Zoom broadcast and the YouTube or Channel 21 broadcast.

**Public Appearances:** Notify the [City Clerk](#) in advance that you wish to speak on camera and staff will be prepared to permit temporary video access when you enter the live Council meeting. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be [Emailed to Council](#).

**Join by Telephone at 5 PM:** To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **829 6383 3586** and Password **363432** if prompted.

**Join by Internet at 5 PM:** To watch the meeting over the internet via your computer, follow these steps:

- 1) Click this [link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **829 6383 3586**; Enter Password **363432**
- 4) The City Clerk will call on you by name or refer to your email address when it is your turn to speak. Please confirm that your audio works prior to participating.

**Submitting Written Comments:** Written comments may be submitted at the Mercer Island [Let's Talk Council Connects](#) page. Written comments received by 3 PM on the day of the meeting will be forwarded to all Councilmembers and a brief summary of the comments will be included in the minutes of the meeting.

### CALL TO ORDER & ROLL CALL, 5 PM

### PLEDGE OF ALLEGIANCE

### AGENDA APPROVAL

### SPECIAL BUSINESS

1. AB 5895: Healthy Youth Initiative Year in Review  
**Recommended Action:** Receive report. No action necessary.

### CITY MANAGER REPORT

### APPEARANCES

## CONSENT AGENDA

2. Approve **Accounts Payable** Reports for the period June 3, 2021 in the amount of \$945,694.59
3. Claims Reporting for **Electronic Funds Transfer** for the months ending:
  - A) April 30, 2021 in the amount of \$2,203,962.58
  - B) May 31, 2021 in the amount of \$2,256,114.63
4. AB 5891: 6/4/2021 Payroll Certification  
**Recommended Action:** Approve the 6/4/2021 Payroll Certification (Exhibit 1) in the amount of \$790,677.80 and authorize the Mayor to sign the certification on behalf of the entire City Council.
5. Approve **Minutes:**
  - A) May 18, 2021 Special Video Meeting
  - B) June 1, 2021 Regular Video Meeting

## REGULAR BUSINESS

6. AB 5898: Code of Ethics Revisions (Ordinance No. 21C-10, Third Reading)  
**Recommended Action:** Move to adopt Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials.
7. AB 5899: American Rescue Plan Act Funds Update  
**Recommended Action:** Receive report.
8. AB 5890: Youth & Family Services (YFS) Levy Discussion  
**Recommended Action (Alternatives):**
  - Option 1:** Provide direction to the City Manager to prepare a ballot measure ordinance for a YFS Levy for first reading on July 6, 2021 for the November 2, 2021 General Election and confirm the following:  
Programmatic elements, Exemptions, and Length of levy
  - Option 2:** Take no further action.
9. AB 5889: Wireless Communications / Small Cell City Code Amendment (ZTR19-004)  
**Recommended Action:** Review Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities, and set second reading for July 6, 2021.
10. AB 5886: Emergency Medical Transport Policy Update  
**Recommended Actions:**
  - 1) Adopt Resolution No. 1599 (Exhibit 1) updating the City's emergency medical transport billing fee;
  - 2) Adopt the Emergency Medical Billing policy substantially in the form as presented in Exhibit 2; and
  - 3) Adopt the Finance Assistance Form substantially in the form as presented in Exhibit 3.
11. AB 5893: Review Arts Council Membership  
**Recommended Action:** Adopt Ordinance No. 21C-13 amending MICC 3.55.030(B) reducing the size of the Arts Council and revising term limits.
12. AB 5896: Providing Flexibility Regarding Utility Board Term Limits  
**Recommended Action:** Adopt Ordinance No. 21C-14 amending MICC 3.52.030(B) regarding Utility Board term limits.

## OTHER BUSINESS

13. Planning Schedule
14. Councilmember Absences & Reports

## EXECUTIVE SESSION

15. Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 45 minutes.

## ADJOURNMENT



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5895**  
**June 15, 2021**  
**Special Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5895: Healthy Youth Initiative Year in Review	<input checked="" type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Receive report. No action necessary.	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Youth and Family Services
<b>STAFF:</b>	Ali Spietz, Chief of Administration Tambi Cork, YFS Administrator
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Healthy Youth Initiative Year in Review Slides
<b>CITY COUNCIL PRIORITY:</b>	n/a

### SUMMARY

The purpose of this agenda bill is to update the City Council on the grant-funded Healthy Youth Initiative program. Since the authorization of grant funds in November 2019 (see [AB 5615](#)), the MIYFS Healthy Youth Initiative has expanded grant-funded services while adapting to new challenges presented by the COVID-19 pandemic.

#### HEALTHY YOUTH INITIATIVE IMPACT 2020-2021

The Healthy Youth Initiative (HYI) fills a gap in the Youth & Family Services Department's (YFS) services portfolio by targeting community-level health risk factors. Focusing data-driven substance use prevention and mental health promotion efforts "upstream," reduces the frequency and severity of problems that would otherwise involve more costly and intensive "downstream" intervention by YFS mental health counselors and social workers. Substance use prevention and mental health promotion continue to be important during the COVID-19 pandemic as public health projections include significantly elevated risks in these areas for the next two years and beyond.

YFS staff worked with federal funders to modify the HYI strategic plan to adapt to pandemic realities, resulting in the following efforts and partnerships from March 2020 to June 2021:

- Check In with Yourself Mercer Island in partnership with UW Center for Health & Risk Behaviors
- Mental Health First Aid in partnership with Jewish Family Services
- Be Kind to Your Mind mental health promotion campaign with National League of Young Men
- Most Steer Clear radio campaign with KMIH 89.9 The Bridge
- Med Take Back Day with Mercer Island Police Department
- Incredible Years Attentive Parenting
- Be Real for Young Adults Mercer Island in partnership with UW Center for Child & Family Wellbeing
- Launched [www.mihealthyyouth.com](http://www.mihealthyyouth.com) (including new branding)

Finally, the Healthy Youth Initiative would like to take this opportunity to thank the Mercer Island High School student leaders of the mental health promotion and substance use prevention clubs – Minds Matters and S.A.F.E (Super Awesome Fun Events) Clubs. Joyce Zhang, Noah Hendelman, Hunter Evans, Nima Taherzadeh, and Sabrina Hubbel have been advocates for health and well-being during their time at the High School, and we wish them all the best as they launch into new adventures.

## RECOMMENDATION

Receive report. No action necessary.



# Mercer Island Healthy Youth Initiative Year in Review



1

## High School Student Leaders: Mental Health Promotion and Substance Abuse Prevention

*Recognizing MIHS student leaders in the YFS Healthy Youth Initiative-supported  
Minds Matter and Safe Awesome Fun Events (S.A.F.E.) Clubs.*



Nima Taherzadeh



Sabrina Hubbel



Hunter Evans



Joyce Zhang and Noah Hendelman

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# Check In With Yourself Mercer Island

Young Adult Health and  
Emotions

[uwstudy.com/  
COVID\\_MI](http://uwstudy.com/COVID_MI)



3



## #BeTheDifference

on Mercer Island

- ★ Partner with Jewish Family Service in Seattle
- ★ Completed two Youth, and two Adult trainings.
- ★ Certified 23 residents in Mental Health First Aid.



4



5

# MOST STEER CLEAR campaign at KMIH 88.9 The Bridge

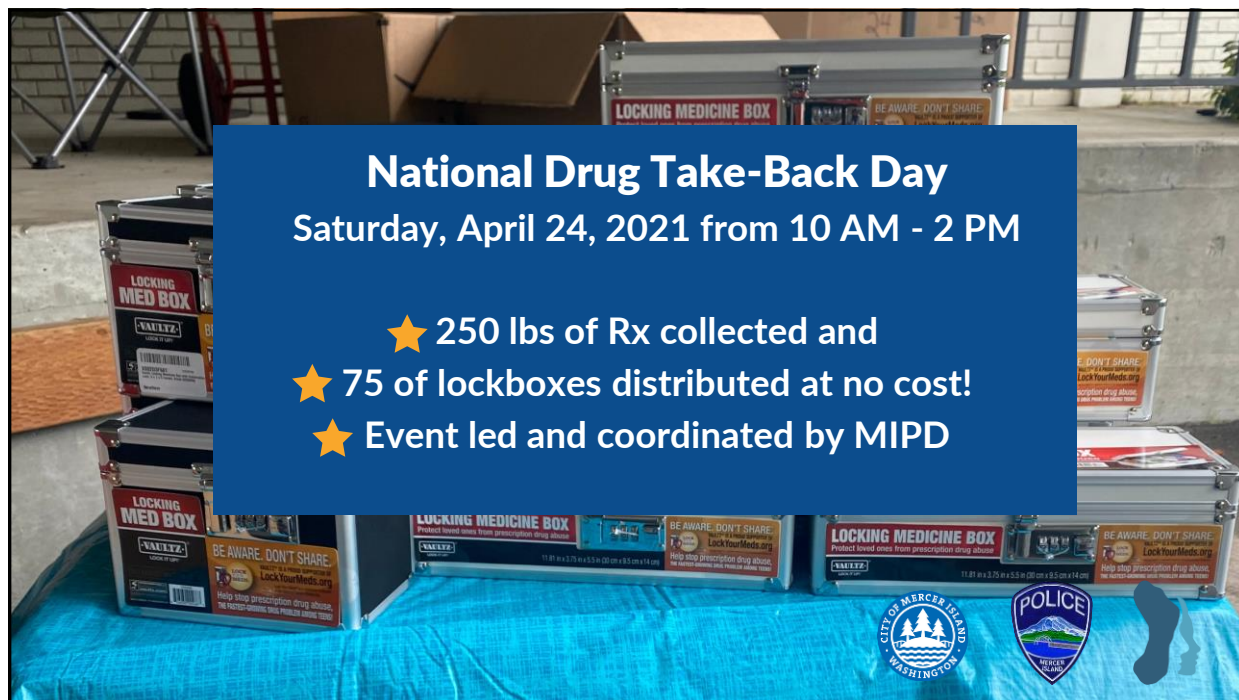
- ★ In partnership with MIHS students from KMIH The Bridge and Neighborhood House Seattle.
- ★ Youth created testimonials to reach a youth audience.



6

7





7



8



## for Young Adults from Mercer Island



- ★ Partner with the University of Washington Center for Child and Family Well-Being.
- ★ First pilot in a community.
- ★ Already launched with 24 young adults registered.
- ★ Young adult's priority population.

 Find connection near me 

9




<https://www.mihealthyyouth.com>

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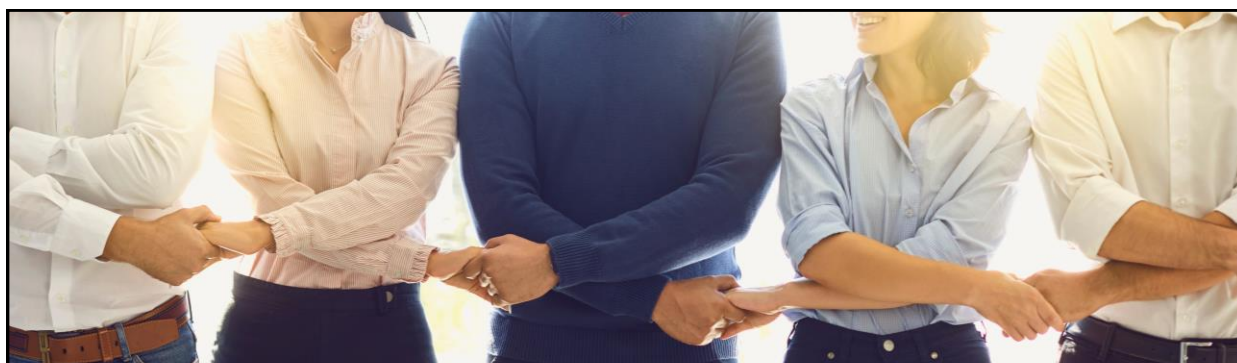
# GUIDING GOOD CHOICES

★ Offer support to parents with children transitioning into adolescence.

★ Partner with local expert, Melissa Benaroya

**FALL 2021**

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## Parents of Adolescents and Teens Program

Program for Early Parent Support (PEPS)

12





We need to stop  
just pulling people  
out of the river.

We need to go  
upstream and *find*  
out *why they're*  
*falling in.*

-Desmond Tutu



# Mercer Island Healthy Youth Initiative

## Year in Review





# High School Student Leaders: Mental Health Promotion and Substance Abuse Prevention

*Recognizing MIHS student leaders in the YFS Healthy Youth Initiative-supported Minds Matter and Safe Awesome Fun Events (S.A.F.E.) Clubs.*



Nima Taherzadeh



Sabrina Hubbel



Hunter Evans



Joyce Zhang and Noah Hendelman



# Check In With Yourself Mercer Island

Young Adult Health and  
Emotions

[uwstudy.com /  
COVID\\_MI](http://uwstudy.com/COVID_MI)





# #BeTheDifference

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## on Mercer Island

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# Improve your mental health

What you can do

- Communicate your feelings
- Eat and Drink well
- Stay active
- Take breaks
- Keep in touch
- Be yourself

## May is Mental Health Awareness Month

### Walk Run Ride

Simply Getting Outside Can Improve Your Mental Health

## Mental Health Awareness Month

### It's Always Ok To Reach Out For Help

Mercer Island Youth And Family Services: 206-275-7657

## May is Mental health awareness month

### Mental health needs support. Reach out when you need help

MIYFS is here for you.

Confidential Intake line : (206)-275-7657

Healthy Youth Initiative

Item 1.

## Be Kind to Your Mind

### May is mental health awareness month!

MIYFS is always here for you

FIND OUT MORE AT [MERCERISLAND.GOV/YFS](http://MERCERISLAND.GOV/YFS)

## BE KIND TO YOUR MIND

May is Mental Health Month! Mental Health problems have become more prevalent due to COVID, but there are many strategies that we can use to prevent and deal with mental health issues and stigma around mental health

### Symptoms

Physical Pain  
Bruising  
Immobility  
Reduced pain at rest  
Tenderness

### Treatment

Rest  
Sling  
Stabilization  
Ice  
Painkiller

Broken Arm

It may be painful to interact with other people when you are feeling anxious or to move with a broken arm. Oftentimes you may feel hypersensitive and you may not want to put yourself into a situation that might hurt your arm or hurt your feelings.

It's perfectly fine to distance yourself from a stressful situation briefly, or to rest your broken arm. Also, it is important to accept what is going on; try to move forward and create a plan to feel better in the future. Also, keeping a clear and calm mind can help with both mental and physical issues.

### Anxiety

Restless  
Fear of interaction  
Feeling tense  
Lack of Concentration  
Emotional Sensitivity

Adequate Sleep  
Physical Exercise  
Counseling  
Healthy Diet  
Medication

Mental health is just as important as physical health. If you are experiencing Mental Health problems, you are not alone! If you are in need of any resources, try contacting your counselor, using one of the sites below, or calling the confidential help line.

[MHAScreening.org](http://MHAScreening.org)  
[betterhelp.com](http://betterhelp.com)  
[psychhub.com](http://psychhub.com)

YFS Confidential Intake Line  
(206) 275-7657

LEARN MORE AT [MHANATIONAL.ORG/MAY](http://MHANATIONAL.ORG/MAY)

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# MENTAL HEALTH IS NO DIFFERENT THAN PHYSICAL HEALTH

MERCER ISLAND Healthy Youth Initiative

MAY IS MENTAL HEALTH AWARENESS MONTH

May is Mental Health Awareness Month

Be Kind to Your Mind

## SYMPATHY

Aw that sucks, but at least...

## EMPATHY

I know how you feel, I'm here for you...

## UNDERSTAND THE DIFFERENCE

MERCER ISLAND Healthy Youth Initiative

MAY IS MENTAL HEALTH AWARENESS MONTH



# MOST STEER CLEAR campaign at KMIH 88.9 The Bridge

- ★ In partnership with MIHS students from KMIH The Bridge and Neighborhood House Seattle.
- ★ Youth created testimonials to reach a youth audience.





# National Drug Take-Back Day

Saturday, April 24, 2021 from 10 AM - 2 PM

- ★ 250 lbs of Rx collected and
- ★ 75 of lockboxes distributed at no cost!
- ★ Event led and coordinated by MIPD



# VIRTUAL INCREDIBLE YEARS ATTENTIVE PARENTING

- ★ Completed three series and served over 30 families.
- ★ First virtual pilot in 2020
- ★ Referrals from MI Pediatrics, MIPA, and local childcare facilities.







# for Young Adults from Mercer Island



- ★ Partner with the University of Washington Center for Child and Family Well-Being.
- ★ First pilot in a community.
- ★ Already launched with 24 young adults registered.
- ★ Young adult's priority population.



Find connection near me







<https://www.mihealthyyouth.com>



# GUIDING GOOD CHOICES

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★ Partner with local expert,  
Melissa Benaroya

FALL 2021







# Parents of Adolescents and Teens Program

Program for Early Parent Support (PEPS)





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just pulling people  
out of the river.

We need to go  
upstream and *find*  
*out why they're*  
*falling in.*

-Desmond Tutu

## CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



\_\_\_\_\_  
Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	207827-207920	6/3/2021	\$945,694.59
			\$945,694.59

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0111235	00207912	SEATTLE PUBLIC UTILITIES	MAY 2021 SPU CHARGES FOR RETAI	8,569.00
	00207857	Lin, Melina	WATER METER UPSIZE NOT NEEDED	7,949.98
P0111153	00207848	FERGUSON ENTERPRISES LLC	INVENTORY PURCHASES	7,195.39
	00207857	Lin, Melina	WATER METER UPSIZE NOT NEEDED	3,826.00
	00207851	HALEY, JEFFREY	NO LONGER REQ FOR METER UPSIZE	3,744.00
	00207851	HALEY, JEFFREY	NO LONGER REQ FOR METER UPSIZE	1,925.17
P0111133	00207850	GRAINGER	INVENTORY PURCHASES	124.47
P0111213	00207914	STAPLES ADVANTAGE	INVENTORY PURCHASES	95.52
P0111157	00207870	STAPLES ADVANTAGE	INVENTORY PURCHASES	68.12
<i>Org Key: 814074 - Garnishments</i>				
	00207917	UNITED STATES TREASURY	PAYROLL EARLY WARRANTS	864.32
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00207902	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	237.50
<i>Org Key: CA1100 - Administration (CA)</i>				
P0111193	00207881	Clark Nuber PS	Professional Services INV #990	19,000.00
P0111237	00207910	RELX INC DBA LEXISNEXIS	Invoice 3093274439 Legal	349.02
<i>Org Key: CA1150 - Attorney-Litigation</i>				
P0111230	00207900	McNaul Ebel Nawrot	Invoice #99411 Professional	25,528.75
<i>Org Key: CM1200 - City Clerk</i>				
P0111137	00207838	CODE PUBLISHING CO	Web interface update (inv. 699	132.12
<i>Org Key: CM1400 - Communications</i>				
	00207874	US BANK CORP PAYMENT SYS	Annual subscription	132.12
<i>Org Key: CO6100 - City Council</i>				
P0111231	00207888	FALCONER GROUP, THE	City Mgr Review Professional	3,493.75
P0111148	00207862	MORGAN SOUND INC	COUNCIL CHAMBERS SERVICE CALL	1,408.13
P0111168	00207842	DANIEL, KAMARIA	MITV 5/4 Council Meeting	420.00
P0111168	00207842	DANIEL, KAMARIA	MITV 5/18 Council Meeting	330.00
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	126.23
P0111168	00207842	DANIEL, KAMARIA	Transportation	80.00
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	30.76
<i>Org Key: CR1100 - Human Resources</i>				
	00207874	US BANK CORP PAYMENT SYS	Annual SHRM membership for L.G	219.00
	00207874	US BANK CORP PAYMENT SYS	Recruitment advertisement	130.00
	00207874	US BANK CORP PAYMENT SYS	Recruitment advertisement	130.00
	00207874	US BANK CORP PAYMENT SYS	Recruitment advertisement	45.00
	00207874	US BANK CORP PAYMENT SYS	Webinar Registration - Spietz	25.00
	00207874	US BANK CORP PAYMENT SYS	Certified mail fees	11.55
<i>Org Key: CT1100 - Municipal Court</i>				
P0111151	00207854	INTERCOM LANGUAGE SERVICES INC	Intercom invoice #21-229	682.50
P0111258	00207885	DIRECT MATTERS	Direct Matters invoice 56620	363.32
<i>Org Key: DS0000 - Development Services-Revenue</i>				
	00207827	16D LLC	Refund	3,304.22
	00207869	SHRYOCK, MELISSA	REFUND	2,904.83

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00207837	CHAN REVOCABLE	WITHDRAWN #ADU21-004	1,125.21
	00207859	MERCER BUILDERS LLC	DID NOT NEED FULL DEPOSIT	696.78
	00207857	Lin, Melina	WATER METER UPSIZE NOT NEEDED	523.47
	00207851	HALEY, JEFFREY	NO LONGER REQ FOR METER UPSIZE	502.40
	00207871	STEWART BUILDERS LLC	REFUND 80% DUE TO ADMIN TIME	459.20
	00207868	SEABORN PILE DRIVING CO	DID NOT USE FULL DEPOSIT	362.91
	00207833	BLUE FLAME	CANCELLED JOB #2104-113/114	283.20
	00207843	DAVEY TREE EXPERT CO, THE	CANCELLED WORK #2104-137	170.40
	00207847	FATON ELECTRIC LLC	CANCELLED JOB #2104-256	141.60
	00207851	HALEY, JEFFREY	NO LONGER REQ FOR METER UPSIZE	15.07

**Org Key: DS1100 - Administration (DS)**

P0111179	00207840	COMMUNITY ATTRIBUTES INC.	Town center economic analysis	2,918.75
P0111177	00207846	ESA	Peer review for CAO20-005	1,950.92
P0111177	00207846	ESA	Peer review for CAO20-004	1,656.00
P0111177	00207846	ESA	Peer review for SHL19-001	1,604.25
	00207874	US BANK CORP PAYMENT SYS	Services - Technology Fee	1,314.58
P0111177	00207846	ESA	Peer review for Treehouse prop	1,262.25
	00207874	US BANK CORP PAYMENT SYS	Licenses/Certifications/Exams	185.00
P0111177	00207846	ESA	Peer review for CAO21-001	153.00
	00207874	US BANK CORP PAYMENT SYS	Services - Bankcard Fees	54.10
	00207874	US BANK CORP PAYMENT SYS	Supplies-Employee Recognition	20.00

**Org Key: DS1200 - Bldg Plan Review & Inspection**

P0111183	00207828	COOPER ZIETZ ENGINEERS INC	on call inspector services	4,762.48
P0111184	00207867	SAFEBUILT WASHINGTON LLC	Plan review services	3,672.19
P0111182	00207855	KOLKE CONSULTING GROUP INC	Review of 2007-070	750.00
	00207874	US BANK CORP PAYMENT SYS	Licenses/Certifications/Exams	105.00

**Org Key: FN1100 - Administration (FN)**

P0111143	00207849	Government Finance	MUNICAST FORECASTING & TREND	1,995.00
	00207874	US BANK CORP PAYMENT SYS	Tuition & Registrations	100.00
P0111228	00207918	VERIZON WIRELESS	CITY CELL PHONES, AC, OH, LT,	47.03
P0111228	00207918	VERIZON WIRELESS	CITY CELL PHONES, AC, OH, LT,	42.03
P0111135	00207858	MASTERMARK	NEW NOTARY STAMP FOR ANALISA	41.28
	00207874	US BANK CORP PAYMENT SYS	Dues & Subscriptions	30.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	1.99
	00207874	US BANK CORP PAYMENT SYS	Postage	0.55

**Org Key: FN4501 - Utility Billing (Water)**

P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	90.58
P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	87.44
P0111228	00207918	VERIZON WIRELESS	CITY CELL PHONES, AC, OH, LT,	47.03
P0111228	00207918	VERIZON WIRELESS	CITY CELL PHONES, AC, OH, LT,	42.03

**Org Key: FN4502 - Utility Billing (Sewer)**

P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	90.58
P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	87.44

**Org Key: FN4503 - Utility Billing (Storm)**

P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	90.57
P0111225	00207901	METROPRESORT	MAY 2021 PRINTING & MAILING OF	87.44

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<b>Org Key: FR1100 - Administration (FR)</b>				
P0111202	00207919	WALTER E NELSON CO	Household Supplies/Station 92	1,441.35
	00207874	US BANK CORP PAYMENT SYS	Dues/Mandella	500.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	198.00
	00207874	US BANK CORP PAYMENT SYS	Bluetooth Keyboard/Judd	33.02
	00207874	US BANK CORP PAYMENT SYS	Monthly Subscription Fee	14.30
	00207874	US BANK CORP PAYMENT SYS	Shop Tool/Station & Grounds	5.05
<b>Org Key: FR1200 - Fire Marshal</b>				
	00207874	US BANK CORP PAYMENT SYS	Canned Smoke for Fire Alarm In	154.08
<b>Org Key: FR2100 - Fire Operations</b>				
P0109773	00207905	NORCOM 911	2021 Quarterly Norcom Fee - Fi	41,480.05
P0110537	00207880	CASCADE FIRE EQUIPMENT	Bunker Gear Sets	18,239.17
P0111204	00207887	EASTSIDE FIRE & RESCUE	Parts/Labor - 8614	692.06
P0111195	00207879	AT&T MOBILITY	Cell Charges/Fire	281.63
	00207874	US BANK CORP PAYMENT SYS	Stock Batteries	172.65
P0111197	00207897	KROESENS UNIFORM COMPANY	Uniforms/Guttu	118.50
P0111196	00207882	COMCAST	Internet Charges/Fire	110.22
P0111194	00207882	COMCAST	Internet Charges/Fire	90.27
P0111200	00207882	COMCAST	Internet Charges/Fire	11.33
<b>Org Key: FR2400 - Fire Suppression</b>				
P0111199	00207899	LN CURTIS & SONS	MSA Parts	156.94
<b>Org Key: FR2500 - Fire Emergency Medical Svcs</b>				
P0111198	00207898	LIFE ASSIST INC	Stock Aid Supplies	373.50
P0111198	00207898	LIFE ASSIST INC	Stock Aid Supplies	143.13
P0111201	00207878	AIRGAS USA LLC	Oxygen/Fire	44.39
P0111201	00207878	AIRGAS USA LLC	Oxygen/Fire	14.80
P0111201	00207878	AIRGAS USA LLC	Oxygen/Fire	4.93
<b>Org Key: FR4100 - Training</b>				
	00207874	US BANK CORP PAYMENT SYS	MCO Drill Fencing (Reimburseab	1,512.10
P0110940	00207904	MINUTEMAN PRESS - BELLEVUE	EMTG Signage	40.74
	00207874	US BANK CORP PAYMENT SYS	On-line training video	20.00
	00207874	US BANK CORP PAYMENT SYS	On-line training video	20.00
	00207874	US BANK CORP PAYMENT SYS	On-Line Training	20.00
<b>Org Key: FR5100 - Community Risk Reduction</b>				
	00207874	US BANK CORP PAYMENT SYS	Thumb Drive for JCC (Pub Ed Pr	19.37
<b>Org Key: GB0107 - Honeywell Site Remediation</b>				
P0111015	00207889	FARALLON CONSULTING LLC	PROJECT 1292-002 2021 SOIL	16,610.65
<b>Org Key: GGM001 - General Government-Misc</b>				
P0111181	00207852	Hardwick Research	First half of contracted servi	4,800.00
P0111178	00207866	POT O' GOLD INC	Coffee supplies	261.30
P0111170	00207839	COMCAST	COMCAST MAY 22, 2021 TO JUNE 2	101.46
P0111178	00207866	POT O' GOLD INC	water cooler	27.50
<b>Org Key: GGM004 - Gen Govt-Office Support</b>				
P0111185	00207883	CONFIDENTIAL DATA DISPOSAL	City Shredding Service - 05/25	200.00



**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0111259	00207877	ADOCS	Copier Service Fees May 2021 I	55.05
<i>Org Key: GGM005 - General Govt-L1 Retiree Costs</i>				
P0111189	00207856	KUHN, DAVID	LEOFF Retiree Medical Expenses	153.00
P0111188	00207845	ELSOE, RONALD	LEOFF1 Retiree Medical Expense	57.74
<i>Org Key: GT0108 - Technology Equipment Replaceme</i>				
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	165.10
	00207874	US BANK CORP PAYMENT SYS	Capital-Computer Equipment	44.03
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	35.06
<i>Org Key: IGMA02 - Alcoholism Program</i>				
P0111221	00207895	KC FINANCE	Liquor Profits	1,766.44
<i>Org Key: IGV012 - MW Pool Operation Subsidy</i>				
P0111166	00207861	MI SCHOOL DISTRICT #400	MI POOL OPERATION SUBSIDY 2021	72,627.00
<i>Org Key: IGVO11 - Chamber of Commerce</i>				
P0111180	00207860	MI CHAMBER OF COMMERCE	First quarter payment per 2021	3,600.00
<i>Org Key: IS1100 - IGS Mapping</i>				
	00207874	US BANK CORP PAYMENT SYS	Services - Technology Fee	25.00
<i>Org Key: IS2100 - IGS Network Administration</i>				
	00207874	US BANK CORP PAYMENT SYS	Services-Information Security	1,394.00
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	400.00
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	330.10
P0111227	00207918	VERIZON WIRELESS	IGS, LOANERS, WIFI & ON CALL	162.10
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	106.18
	00207874	US BANK CORP PAYMENT SYS	Tuition & Registrations	75.00
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	46.96
P0111228	00207918	VERIZON WIRELESS	CITY CELL PHONES, AC, OH, LT,	40.01
	00207874	US BANK CORP PAYMENT SYS	Professional Services	24.97
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	11.02
	00207874	US BANK CORP PAYMENT SYS	Computer Supplies	9.90
	00207874	US BANK CORP PAYMENT SYS	Professional Services	5.87
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0111211	00207894	HOME DEPOT CREDIT SERVICE	300-WATT EQUIVALENT CORN COB L	557.55
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	104.78
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT2200 - Vegetation Maintenance</i>				
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	29.30
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	566.05
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT3000 - Water Service Upsizes and New</i>				
P0111155	00207835	CADMAN INC	5/8"-MINUS ROCK (66.17 TONS)	544.22
<i>Org Key: MT3100 - Water Distribution</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	1,765.48
P0111155	00207835	CADMAN INC	5/8"-MINUS ROCK (66.17 TONS)	544.22

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0111212	00207892	H D FOWLER	1" CARBIDE CUTTER TIP 351-01-1	338.60
P0111138	00207850	GRAINGER	SAND BAGS	238.43
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
P0111164	00207850	GRAINGER	MARKING FLAGS (BLUE)	15.48
P0111215	00207890	GRAINGER	MARKING FLAGS (BLUE)	15.48
<i>Org Key: MT3150 - Water Quality Event</i>				
P0110185	00207829	AM TEST INC	2021 WATER QUALITY SAMPLES	300.00
<i>Org Key: MT3200 - Water Pumps</i>				
	00207836	CENTURYLINK	FIRE VHF RADIO @ RESV. CL	59.74
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	29.30
<i>Org Key: MT3300 - Water Associated Costs</i>				
	00207874	US BANK CORP PAYMENT SYS	Application Fee, CDL School Sk	250.00
	00207874	US BANK CORP PAYMENT SYS	Application Fee, CDL School Sk	5.25
<i>Org Key: MT3400 - Sewer Collection</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	856.78
P0111156	00207835	CADMAN INC	8' X 1-3/8' X 1-3/4 RED SNAP H	136.52
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
P0111164	00207850	GRAINGER	MARKING FLAGS (GREEN)	16.44
P0111215	00207890	GRAINGER	MARKING FLAGS (GREEN)	16.44
<i>Org Key: MT3500 - Sewer Pumps</i>				
P0111210	00207891	Griffin Commercial Parts	FIBER SHEET GASKETING & PACKIN	189.23
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P0111136	00207876	WHISTLE WORKWEAR	MISC. WORK CLOTHES	163.48
<i>Org Key: MT3800 - Storm Drainage</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	83.85
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0111214	00207884	CRYSTAL AND SIERRA SPRINGS	PW WATER DELIVERY	52.55
<i>Org Key: MT4200 - Building Services</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	8,375.89
P0111251	00207909	RAINIER BUILDING SERVICES	CITY HALL JANITORIAL SER MAY 2	2,757.00
P0111149	00207832	Bellingham Lock & Safe	ID/BADGES INV#291951	1,421.20
P0111251	00207909	RAINIER BUILDING SERVICES	PW JANITORIAL SER MAY 2021	1,087.65
P0111245	00207915	THYSSENKRUPP ELEVATOR CORP	6/1/21-8/31/2021 ELEVATOR	954.92
	00207874	US BANK CORP PAYMENT SYS	vacuum cleaners	855.49
P0111216	00207890	GRAINGER	JANITOR SUPPLIES	691.16
P0111234	00207915	THYSSENKRUPP ELEVATOR CORP	FS#92 ELEVATOR MAINT	244.41
	00207874	US BANK CORP PAYMENT SYS	microfiber towels	121.80
	00207874	US BANK CORP PAYMENT SYS	replacement tank for electrost	70.89
	00207874	US BANK CORP PAYMENT SYS	light bulbs	63.75
	00207874	US BANK CORP PAYMENT SYS	protective earmuffs	41.77
	00207874	US BANK CORP PAYMENT SYS	safety glasses	33.01
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	29.30

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00207874	US BANK CORP PAYMENT SYS	pressure washer solution	17.22
P0111218	00207890	GRAINGER	DOOR BARRICADE SIGN	18.43
<i>Org Key: MT4300 - Fleet Services</i>				
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	1,178.07
P0111142	00207830	AMERIGAS-1400	2021 PROPANE DELIVERY	1,121.65
P0111127	00207908	PRIORITY MARINE	Patrol 11 Maintenance -	696.18
P0111187	00207906	NORTH LAKE MARINA-	Patrol 11 Haul-out for repower	424.44
P0111187	00207906	NORTH LAKE MARINA-	Patrol 11 Haul-out for repower	424.44
P0111174	00207911	SEATTLE BOAT COMPANY	Patrol 11 Fuel - 5/16/2021 -	378.74
	00207874	US BANK CORP PAYMENT SYS	Commander Vehicle Fuel	88.65
	00207874	US BANK CORP PAYMENT SYS	Fuel for Commander Vehicle	80.69
P0111217	00207890	GRAINGER	ENVELOPES (25 PK)	49.24
	00207874	US BANK CORP PAYMENT SYS	Fuel - MI495	41.04
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	29.30
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	6.57
<i>Org Key: MT4403 - Customer Response - Water</i>				
	00207893	HEATH, SCOTT C	call out locate 811 request	53.03
<i>Org Key: MT4502 - Sewer Administration</i>				
P0109806	00207896	KING COUNTY TREASURY	JAN-DEC 2021 MONTHLY SEWER CHA	411,929.52
<i>Org Key: MT6100 - Park Maintenance</i>				
P0111229	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	2,117.98
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	46.67
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
	00207874	US BANK CORP PAYMENT SYS	Certified mail postage - memo	4.15
<i>Org Key: MT6200 - Athletic Field Maintenance</i>				
P0111229	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	3,801.73
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT6500 - Luther Burbank Park Maint</i>				
P0111229	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	2,987.67
P0111159	00207853	HORIZON	TRIMMERS, LINE & TRIMMER HEADS	712.11
P0111147	00207864	PART WORKS INC., THE	REPAIR KIT CARTRIDGE & REGAL R	390.27
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	46.75
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.18
<i>Org Key: MT6600 - Park Maint School Fields</i>				
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	29.30
<i>Org Key: MT6800 - Trails Maintenance</i>				
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	500.18
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	128.50
<i>Org Key: MT6900 - Aubrey Davis Park Maint</i>				
P0111229	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	8,317.60
P0111159	00207853	HORIZON	TRIMMERS, LINE & TRIMMER HEADS	712.12
P0111219	00207920	ZEE MEDICAL	FIRST AID SUPPLIES	34.10
P0111154	00207872	T-MOBILE	monthly Service charges 4/9/21	20.00
<i>Org Key: PA0123 - Luther Burbank Minor Capital L</i>				

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0109261	00207831	ANCHOR QEA LLC	Luther Burbank Shoreline Aquat	1,861.00
<i>Org Key: PA0129 - Pioneer Park/Engstrom OS Fores</i>				
P0111155	00207835	CADMAN INC	5/8"-MINUS ROCK (66.17 TONS)	725.62
P0111145	00207873	UNITED SITE SERVICES	PIONEER PARK STANDARD	151.66
<i>Org Key: PO1100 - Administration (PO)</i>				
P0111176	00207879	AT&T MOBILITY	Police Cell Bill - March 2021	754.63
	00207874	US BANK CORP PAYMENT SYS	recognition - shadow box	408.37
	00207874	US BANK CORP PAYMENT SYS	recognition - shadow box	380.87
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	329.09
	00207874	US BANK CORP PAYMENT SYS	patrol materials	237.59
<i>Org Key: PO1350 - Police Emergency Management</i>				
P0111226	00207913	SKYLINE COMMUNICATIONS INC	EOC INTERNET SERVICE JUNE 2021	206.55
<i>Org Key: PO1800 - Contract Dispatch Police</i>				
P0109773	00207905	NORCOM 911	2021 Quarterly Norcom Fee - Po	134,778.51
<i>Org Key: PO2100 - Patrol Division</i>				
	00207874	US BANK CORP PAYMENT SYS	Food for staff while working e	208.00
	00207874	US BANK CORP PAYMENT SYS	patrol materials	198.12
P0111173	00207897	KROESENS UNIFORM COMPANY	Uniform Supplies - Levinson an	134.30
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	86.97
	00207874	US BANK CORP PAYMENT SYS	P&T supplies - Personnel File	70.36
	00207874	US BANK CORP PAYMENT SYS	Food for staff working extende	57.23
	00207874	US BANK CORP PAYMENT SYS	Supplies for retirement	50.99
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	48.99
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	41.73
	00207874	US BANK CORP PAYMENT SYS	out of service tags	30.77
	00207874	US BANK CORP PAYMENT SYS	Phone case for Records Cell Ph	20.88
	00207874	US BANK CORP PAYMENT SYS	Supplies for Retirement	17.37
	00207874	US BANK CORP PAYMENT SYS	Door name plates - promotions	12.98
	00207874	US BANK CORP PAYMENT SYS	Key rings for patrol car key s	8.80
P0111173	00207897	KROESENS UNIFORM COMPANY	Uniform Supplies - Levinson an	8.75
<i>Org Key: PO2201 - Dive Team</i>				
P0111175	00207916	UNDERWATER SPORTS INC.	Dive Team Equipment - Invoice	1,117.40
P0111129	00207916	UNDERWATER SPORTS INC.	Dive Team Supplies - Invoice #	213.87
<i>Org Key: PO2350 - Bike Patrol</i>				
	00207874	US BANK CORP PAYMENT SYS	patrol bike light	99.08
<i>Org Key: PO3100 - Investigation Division</i>				
	00207874	US BANK CORP PAYMENT SYS	Late payment for West Investig	863.94
	00207874	US BANK CORP PAYMENT SYS	Blood Analysis for case work	795.00
	00207874	US BANK CORP PAYMENT SYS	Professional Services	0.05
<i>Org Key: PO4100 - Firearms Training</i>				
	00207874	US BANK CORP PAYMENT SYS	Membership Fee to maintain Cer	60.00
	00207874	US BANK CORP PAYMENT SYS	Membership Fee to maintain cer	35.00
<i>Org Key: PO4300 - Police Training</i>				
P0111186	00207907	OVENS, THOMAS F	Use of Force Core Principles	320.00

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00207874	US BANK CORP PAYMENT SYS	Hotel for Background Investiga	115.12
	00207874	US BANK CORP PAYMENT SYS	Hotel for Background Investiga	115.12
	00207874	US BANK CORP PAYMENT SYS	Hotel For Less Lethal, Hotel r	101.00
	00207874	US BANK CORP PAYMENT SYS	Gas for travel from Walla Wall	33.80
<i>Org Key: PR4100 - Community Center</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	3,447.11
P0111251	00207909	RAINIER BUILDING SERVICES	CCMV JANITORIAL SER MAY 2021	1,872.60
P0111245	00207915	THYSSENKRUPP ELEVATOR CORP	6/1/21-8/31/2021 ELEVATOR	954.95
	00207874	US BANK CORP PAYMENT SYS	handheld electrostatic sprayer	740.94
P0111141	00207839	COMCAST	COMCAST COMMUN. CENTER MAY 21-	586.95
	00207874	US BANK CORP PAYMENT SYS	Repair & Maintenance Services	241.74
P0111222	00207886	EASTSIDE EXTERMINATORS	EXTERMINATING SERIVCES COMM CN	241.74
<i>Org Key: ST0020 - ST Long Term Parking</i>				
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	184.54
<i>Org Key: VCP432 - CIP Storm Drainage Salaries</i>				
	00207874	US BANK CORP PAYMENT SYS	Tuition & Registrations	35.00
<i>Org Key: WS713T - SCADA System Upgrade</i>				
P0111152	00207850	GRAINGER	HAMMER DRILL BITS	388.37
P0111146	00207850	GRAINGER	U-BOLT, CUSHIONED,	73.33
<i>Org Key: WS901E - Sewer Sys Emergency Repairs</i>				
P0108457	00207844	DAVID EVANS & ASSOC INC	EMERGENCY SEWER REPAIR DESIGN	354.30
<i>Org Key: WS901G - Sewer System Generator Repl</i>				
P0108458	00207844	DAVID EVANS & ASSOC INC	LIFT STATION #11 GENERATOR	295.48
<i>Org Key: WU0102 - SCADA System Replacement-Water</i>				
P0103284	00207834	BROWN AND CALDWELL CONSULTANTS	PH1 SCADA EQUIPMENT REPLACEMEN	11,477.65
<i>Org Key: WU0103 - Water Reservoir Improvements</i>				
P0110227	00207863	MURRAYSMITH INC	DOH SANITARY SURVEY	3,827.50
<i>Org Key: WU0119 - Reservoir Generator Replacemen</i>				
P0110228	00207863	MURRAYSMITH INC	GENERATOR REPLACEMENT AT THE	14,938.12
<i>Org Key: XP710R - Luther BB Minor Capital LEVY</i>				
P0109261	00207831	ANCHOR QEA LLC	Luther Burbank Shoreline Aquat	2,250.00
<i>Org Key: YF1100 - YFS General Services</i>				
	00207874	US BANK CORP PAYMENT SYS	Electronic EHR platform monthl	686.00
P0111140	00207875	VERIZON WIRELESS	VERIZON YFS MAR 24 - APR 23	682.78
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	150.00
	00207874	US BANK CORP PAYMENT SYS	Ally to Antiracist training	150.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	62.26
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	59.45
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	55.05
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	35.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	35.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	25.00
<i>Org Key: YF1200 - Thrift Shop</i>				

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0111245	00207915	THYSSENKRUPP ELEVATOR CORP	6/1/21-8/31/2021 ELEVATOR	954.92
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	356.21
P0111252	00207903	MI UTILITY BILLS	MAY 2021 PAYMENT OF UTILITY BI	347.84
P0111251	00207909	RAINIER BUILDING SERVICES	THRIFT STORE JANITORIAL SER MA	263.94
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	237.10
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	126.58
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	99.00
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	66.05
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	29.67
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	23.68
<b>Org Key: YF2600 - Family Assistance</b>				
P0111163	00207865	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	760.66
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	500.00
P0111162	00207865	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	448.72
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	407.20
P0111160	00207865	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	406.38
P0111158	00207841	CREATIVE LEARNING CENTER	Preschool scholarship for EA c	390.00
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	357.00
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	263.33
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	242.80
P0111161	00207865	PEBBLE @ MIPC, THE	Preschool scholarship for EA c	236.80
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	176.37
	00207874	US BANK CORP PAYMENT SYS	For emergency assistance clien	44.04
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	11.01
	00207874	US BANK CORP PAYMENT SYS	Operating Supplies	11.01
Total				<u>945,694.59</u>

**Accounts Payable Report by Check Number**

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00207827	06/01/2021	16D LLC Refund		DSR21-004	05/22/2021	3,304.22
00207828	06/01/2021	COOPER ZIETZ ENGINEERS INC on call inspector services	P0111183	21006-001	05/12/2021	4,762.48
00207829	06/01/2021	AM TEST INC 2021 WATER QUALITY SAMPLES	P0110185	121506	05/20/2021	300.00
00207830	06/01/2021	AMERIGAS-1400 2021 PROPANE DELIVERY	P0111142	3122081393	05/13/2021	1,121.65
00207831	06/01/2021	ANCHOR QEA LLC Luther Burbank Shoreline Aquat	P0109261	01224	03/30/2021	4,111.00
00207832	06/01/2021	Bellingham Lock & Safe ID/BADGES INV#291951	P0111149	291951	01/01/2021	1,421.20
00207833	06/01/2021	BLUE FLAME CANCELLED JOB #2104-113/114		2104-113/114	05/10/2021	283.20
00207834	06/01/2021	BROWN AND CALDWELL CONSULTANTS PH1 SCADA EQUIPMENT REPLACEMENT	P0103284	14408540	05/13/2021	11,477.65
00207835	06/01/2021	CADMAN INC 5/8"-MINUS ROCK (66.17 TONS)	P0111155	5762682/5762683	05/19/2021	1,950.58
00207836	06/01/2021	CENTURYLINK FIRE VHF RADIO @ RESV. CL		2633-JUN21	05/16/2021	59.74
00207837	06/01/2021	CHAN REVOCABLE WITHDRAWN #ADU21-004		ADU21-004	05/10/2021	1,125.21
00207838	06/01/2021	CODE PUBLISHING CO Web interface update (inv. 699)	P0111137	69958	05/21/2021	132.12
00207839	06/01/2021	COMCAST COMCAST MAY 22, 2021 TO JUNE 2	P0111141	0057728-MAY21	05/11/2021	688.41
00207840	06/01/2021	COMMUNITY ATTRIBUTES INC. Town center economic analysis	P0111179	3089	04/30/2021	2,918.75
00207841	06/01/2021	CREATIVE LEARNING CENTER Preschool scholarship for EA c	P0111158	8829	04/20/2021	390.00
00207842	06/01/2021	DANIEL, KAMARIA MITV 5/4 Council Meeting	P0111168	49	05/18/2021	830.00
00207843	06/01/2021	DAVEY TREE EXPERT CO, THE CANCELLED WORK #2104-137		2104-137	05/10/2021	170.40
00207844	06/01/2021	DAVID EVANS & ASSOC INC EMERGENCY SEWER REPAIR DESIGN	P0108458	487871	05/18/2021	649.78
00207845	06/01/2021	ELSOE, RONALD LEOFF1 Retiree Medical Expense	P0111188	OH014567	05/27/2021	57.74
00207846	06/01/2021	ESA Peer review for CAO20-005	P0111177	163993	05/18/2021	6,626.42
00207847	06/01/2021	FATON ELECTRIC LLC CANCELLED JOB #2104-256		2104-256	05/10/2021	141.60
00207848	06/01/2021	FERGUSON ENTERPRISES LLC INVENTORY PURCHASES	P0111153	0977652	04/13/2021	7,195.39
00207849	06/01/2021	Government Finance MUNICAST FORECASTING & TREND	P0111143	MI-0521-01	05/20/2021	1,995.00
00207850	06/01/2021	GRAINGER INVENTORY PURCHASES	P0111146	9907664404	05/20/2021	856.52
00207851	06/01/2021	HALEY, JEFFREY NO LONGER REQ FOR METER UPSIZE		2104-021	05/22/2021	6,186.64
00207852	06/01/2021	Hardwick Research First half of contracted servi	P0111181	31-1065	04/28/2021	4,800.00

**Accounts Payable Report by Check Number**

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00207853	06/01/2021	HORIZON TRIMMERS, LINE & TRIMMER HEADS	P0111159	3M390830	05/18/2021	1,424.23
00207854	06/01/2021	INTERCOM LANGUAGE SERVICES INC Intercom invoice #21-229	P0111151	21-229	05/14/2021	682.50
00207855	06/01/2021	KOLKE CONSULTING GROUP INC Review of 2007-070	P0111182	1236	04/30/2021	750.00
00207856	06/01/2021	KUHN, DAVID LEOFF Retiree Medical Expenses	P0111189	OH014566	05/27/2021	153.00
00207857	06/01/2021	Lin, Melina WATER METER UPSIZE NOT NEEDED		1910-102	05/21/2021	12,299.45
00207858	06/01/2021	MASTERMARK NEW NOTARY STAMP FOR ANALISA	P0111135	2792128	05/19/2021	41.28
00207859	06/01/2021	MERCER BUILDERS LLC DID NOT NEED FULL DEPOSIT		ADU21-002	05/22/2021	696.78
00207860	06/01/2021	MI CHAMBER OF COMMERCE First quarter payment per 2021	P0111180	FIRSTQTR2021	03/31/2021	3,600.00
00207861	06/01/2021	MI SCHOOL DISTRICT #400 MI POOL OPERATION SUBSIDY 2021	P0111166	JAN21-JUN21	06/01/2021	72,627.00
00207862	06/01/2021	MORGAN SOUND INC COUNCIL CHAMBERS SERVICE CALL	P0111148	MSI105970	05/18/2021	1,408.13
00207863	06/01/2021	MURRAYSMITH INC DOH SANITARY SURVEY IMPROVEMEN	P0110228	19-2659.00-17	05/13/2021	18,765.62
00207864	06/01/2021	PART WORKS INC., THE REPAIR KIT CARTRIDGE & REGAL R	P0111147	INV67735	05/21/2021	390.27
00207865	06/01/2021	PEBBLE @ MIPC, THE Preschool scholarship for EA c	P0111160	MAY21/JUN21TAI	05/26/2021	1,852.56
00207866	06/01/2021	POT O' GOLD INC Coffee supplies	P0111178	0300386	05/12/2021	288.80
00207867	06/01/2021	SAFEBUILT WASHINGTON LLC Plan review services	P0111184	0077698-IN	04/30/2021	3,672.19
00207868	06/01/2021	SEABORN PILE DRIVING CO DID NOT USE FULL DEPOSIT		PRE-004	05/22/2021	362.91
00207869	06/01/2021	SHRYOCK, MELISSA REFUND		DSR21-003	05/22/2021	2,904.83
00207870	06/01/2021	STAPLES ADVANTAGE INVENTORY PURCHASES	P0111157	3477024441	05/13/2021	68.12
00207871	06/01/2021	STEWART BUILDERS LLC REFUND 80% DUE TO ADMIN TIME		1903-010	05/22/2021	459.20
00207872	06/01/2021	T-MOBILE monthly Service charges 4/9/21	P0111154	519850018-MAY21	05/25/2021	20.00
00207873	06/01/2021	UNITED SITE SERVICES PIONEER PARK STANDARD RESTROOM	P0111145	114-11903698	04/29/2021	151.66
00207874	06/01/2021	US BANK CORP PAYMENT SYS Annual subscription		5539MAY21	05/06/2021	21,236.80
00207875	06/01/2021	VERIZON WIRELESS VERIZON YFS MAR 24 - APR 23	P0111140	9878269318	04/23/2021	682.78
00207876	06/01/2021	WHISTLE WORKWEAR MISC. WORK CLOTHES	P0111136	223813	04/03/2021	163.48
00207877	06/03/2021	ADOCS Copier Service Fees May 2021 I	P0111259	AR12256	06/02/2021	55.05
00207878	06/03/2021	AIRGAS USA LLC Oxygen/Fire	P0111201	9113452517	05/19/2021	64.12



**Accounts Payable Report by Check Number**


Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00207879	06/03/2021	AT&T MOBILITY Cell Charges/Fire	P0111176	X05192021	05/11/2021	1,036.26
00207880	06/03/2021	CASCADE FIRE EQUIPMENT Bunker Gear Sets	P0110537	115427/115426	05/14/2021	18,239.17
00207881	06/03/2021	Clark Nuber PS Professional Services INV #990	P0111193	99037503	05/24/2021	19,000.00
00207882	06/03/2021	COMCAST Internet Charges/Fire	P0111200	0081371-JUN21	05/11/2021	211.82
00207883	06/03/2021	CONFIDENTIAL DATA DISPOSAL City Shredding Service - 05/25	P0111185	205870	05/26/2021	200.00
00207884	06/03/2021	CRYSTAL AND SIERRA SPRINGS PW WATER DELIVERY	P0111214	14555831-051521	05/15/2021	52.55
00207885	06/03/2021	DIRECT MATTERS Direct Matters invoice 56620	P0111258	56620	05/18/2021	363.32
00207886	06/03/2021	EASTSIDE EXTERMINATORS EXTERMINATING SERVICES COMM CN	P0111222	571517	05/29/2021	241.74
00207887	06/03/2021	EASTSIDE FIRE & RESCUE Parts/Labor - 8614	P0111204	4019	05/25/2021	692.06
00207888	06/03/2021	FALCONER GROUP, THE City Mgr Review Professional	P0111231	21-013	06/02/2021	3,493.75
00207889	06/03/2021	FARALLON CONSULTING LLC PROJECT 1292-002 2021 SOIL	P0111015	0039657	05/17/2021	16,610.65
00207890	06/03/2021	GRAINGER MARKING FLAGS (BLUE)	P0111217	9917522584	05/31/2021	790.75
00207891	06/03/2021	Griffin Commercial Parts FIBER SHEET GASKETING & PACKIN	P0111210	IN659585	05/31/2021	189.23
00207892	06/03/2021	H D FOWLER 1" CARBIDE CUTTER TIP 351-01-1	P0111212	I5788472	05/21/2021	338.60
00207893	06/03/2021	HEATH, SCOTT C call out locate 811 request		OH014568	05/11/2021	53.03
00207894	06/03/2021	HOME DEPOT CREDIT SERVICE 300-WATT EQUIVALENT CORN COB L	P0111211	5765639	05/07/2021	557.55
00207895	06/03/2021	KC FINANCE Liquor Profits	P0111221	2134125	05/24/2021	1,766.44
00207896	06/03/2021	KING COUNTY TREASURY JAN-DEC 2021 MONTHLY SEWER CHA	P0109806	30031729	06/01/2021	411,929.52
00207897	06/03/2021	KROESENS UNIFORM COMPANY Uniforms/Gutttu	P0111173	63814	05/26/2021	261.55
00207898	06/03/2021	LIFE ASSIST INC Stock Aid Supplies	P0111198	1100988	05/17/2021	516.63
00207899	06/03/2021	LN CURTIS & SONS MSA Parts	P0111199	INV488031	05/10/2021	156.94
00207900	06/03/2021	McNaul Ebel Nawrot Invoice #99411 Professional	P0111230	99560	05/19/2021	25,528.75
00207901	06/03/2021	METROPRESORT MAY 2021 PRINTING & MAILING OF	P0111225	IN633611	05/28/2021	534.05
00207902	06/03/2021	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		060421	06/04/2021	237.50
00207903	06/03/2021	MI UTILITY BILLS MAY 2021 PAYMENT OF UTILITY BI	P0111252	OH014571	05/31/2021	32,957.30
00207904	06/03/2021	MINUTEMAN PRESS - BELLEVUE EMTG Signage	P0110940	53010	05/10/2021	40.74

**Accounts Payable Report by Check Number**

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00207905	06/03/2021	NORCOM 911 2021 Quarterly Norcom Fee - Fi	P0109773	0001106	06/01/2021	176,258.56
00207906	06/03/2021	NORTH LAKE MARINA- Patrol 11 Haul-out for repower	P0111187	5383	05/13/2021	848.88
00207907	06/03/2021	OVENS, THOMAS F Use of Force Core Principles	P0111186	052721	05/27/2021	320.00
00207908	06/03/2021	PRIORITY MARINE Patrol 11 Maintenance -	P0111127	043021	04/30/2021	696.18
00207909	06/03/2021	RAINIER BUILDING SERVICES CITY HALL JANITORIAL SER MAY 2	P0111251	18-1533	05/24/2021	5,981.19
00207910	06/03/2021	RELX INC DBA LEXISNEXIS Invoice 3093274439 Legal	P0111237	3093274439	05/31/2021	349.02
00207911	06/03/2021	SEATTLE BOAT COMPANY Patrol 11 Fuel - 5/16/2021 -	P0111174	993-19495-50942	05/16/2021	378.74
00207912	06/03/2021	SEATTLE PUBLIC UTILITIES MAY 2021 SPU CHARGES FOR RETAI	P0111235	OH014570	05/31/2021	8,569.00
00207913	06/03/2021	SKYLINE COMMUNICATIONS INC EOC INTERNET SERVICE JUNE 2021	P0111226	IN46130	06/01/2021	206.55
00207914	06/03/2021	STAPLES ADVANTAGE INVENTORY PURCHASES	P0111213	3475524456	04/27/2021	95.52
00207915	06/03/2021	THYSSENKRUPP ELEVATOR CORP FS#92 ELEVATOR MAINT	P0111245	3005976530	06/01/2021	3,109.20
00207916	06/03/2021	UNDERWATER SPORTS INC. Dive Team Equipment - Invoice	P0111129	20022484	05/18/2021	1,331.27
00207917	06/03/2021	UNITED STATES TREASURY PAYROLL EARLY WARRANTS		060421	06/04/2021	864.32
00207918	06/03/2021	VERIZON WIRELESS CITY CELL PHONES, AC, OH, LT,	P0111228	9880414636	05/23/2021	380.23
00207919	06/03/2021	WALTER E NELSON CO Household Supplies/Station 92	P0111202	808841	05/19/2021	1,441.35
00207920	06/03/2021	ZEE MEDICAL FIRST AID SUPPLIES	P0111219	68415490	06/01/2021	488.22
					Total	<u>945,694.59</u>

# CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



\_\_\_\_\_  
Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

<u>Report</u>	<u>Date</u>	<u>Amount</u>
EFT Payments	April 2021	<b>\$2,203,962.58</b>
	May 2021	<b>\$2,256,114.63</b>

# Accounts Payable EFT Report

Item 3.

Date	Type	Vendor Name/Description		Amount
Apr 01, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll	949.70
Apr 01, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	12.35
Apr 01, 2021	Preauthorized ACH Debit	MERCHANT SVCS MERCH FEE 000000000259217	Merchant Fee - CPD	1,923.36
Apr 02, 2021	Preauthorized ACH Debit	DIRECT DEPOSIT BANKCARD 948908660000035	Merchant Fee - Utility Billing	4,398.94
Apr 02, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING	Merchant Processing Fee	21.72
Apr 02, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING	Merchant Processing Fee	25.00
Apr 02, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING	Merchant Processing Fee	30.00
Apr 02, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	3.80
Apr 02, 2021	Preauthorized ACH Debit	MERCHANT SERVICE MERCH FEES 930553411164783	Merchant Fee - Thrift Shop	825.52
Apr 05, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE	Merchant Processing Fee	6.45
Apr 05, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE	Merchant Processing Fee	6.45
Apr 05, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE	Merchant Fee - CPD	79.83
Apr 05, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE	Merchant Fee - Boat Launch	175.31
Apr 05, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	10.45
Apr 05, 2021	Outgoing Money Transfer	VEBA	Employee Insurance Premiums	78,619.31
Apr 06, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	0.95
Apr 06, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	9.50
Apr 06, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	68.40
Apr 06, 2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLNG 295483290884	Merchant Fee - Parks	394.77
Apr 06, 2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLNG 295483291882	Merchant Fee - Parks	56.85
Apr 06, 2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLNG 295483292880	Merchant Fee - Parks	31.90
Apr 07, 2021	Outgoing Money Transfer	ADP Payroll	Net Payroll	497,343.60

## Accounts Payable EFT Report

Item 3.

Date	Type	Vendor Name/Description	Amount
Apr 07, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility TRX FEES Billing	1.90
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP Tax Payroll Taxes ADP Tax	182,926.87
		Employee (payroll withholding) \$134,160.94 Employer Portion \$48,765.93	
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Merchant Fee - Utility INVOICE CLOUD INVOICE CL Billing	105.40
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA Employee BENEFIT SOFLEXIBLE B Withholding - Payroll	128.65
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA Employee BENEFIT SOFLEXIBLE B Withholding - Payroll	3,243.08
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility MONTH END Billing	10.00
Apr 08, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility TRX FEES Billing	7.60
Apr 09, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Employee NATIONWIDE PAYMENTS Withholding - Payroll	1,050.00
Apr 09, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Employee NATIONWIDE PAYMENTS Withholding - Payroll	18,323.59
Apr 09, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility TRX FEES Billing	7.60
Apr 09, 2021	Outgoing Money Transfer	FF Dues Employee Withholding - Payroll	2,332.89
Apr 09, 2021	Outgoing Money Transfer	ICMA Employee Withholding - Payroll	35,687.71
Apr 09, 2021	Outgoing Money Transfer	KROGER Emergency Assistance - Food	9,600.00
Apr 09, 2021	Outgoing Money Transfer	VEBA Employee Withholding - Payroll	5,978.36
Apr 12, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility TRX FEES Billing	14.25
Apr 12, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Vimly Employee Insurance Benefit SoVimly Bene Premiums	154,300.28
		Employee (payroll withholding) \$22,946.30 Employer Portion \$131,353.98	
Apr 12, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Employee WASHINGTON-DSHS Withholding - Payroll	599.99
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - CPD REJECT FEE	15.00
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA NSF Return - CPD REJECTS	319.00
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA Merchant Fee - Utility TRX FEES Billing	0.95

## Accounts Payable EFT Report

Item 3.

Date	Type	Vendor Name/Description		Amount
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	1.90
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	9.50
Apr 13, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	63.65
Apr 14, 2021	Deposited Item Returned	CHARGEBACK	NSF Return - YFS	100.00
Apr 14, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	7.60
Apr 15, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA	Employee BENEFIT SOFLEXIBLE B Withholding - Payroll	788.86
Apr 15, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	7.60
Apr 16, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	38.95
Apr 16, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA	Remit Retirement DEPT RET SYS DRS EPAY Contribution	132,766.34
		Employee (payroll withholding)	\$60,841.76	
		Employer Portion	\$71,924.58	
Apr 19, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	6.65
Apr 19, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA	License Fee - DEPT REVENUE BLS PYMT Underground Tanks	555.49
Apr 19, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA	Remit Q1 Leasehold DEPT REVENUE TAX PYMT Excise Tax	5,862.32
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL CAYAN	Merchant Fee - Thrift HOLDINGS LPAYMENT Shop	101.68
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	1.90
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	3.80
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	8.55
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	10.45
Apr 20, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	30.40
Apr 21, 2021	Outgoing Money Transfer	ADP Payroll	Net Payroll	501,787.70
Apr 21, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA	Merchant Fee - Utility TRX FEES Billing	3.80
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP Tax	Payroll Taxes ADP Tax	175,197.66
		Employee (payroll withholding)	\$128,672.96	
		Employer Portion	\$46,524.70	

# Accounts Payable EFT Report

Item 3.

Date	Type	Vendor Name/Description		Amount
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll	202.14
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll	396.77
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing	15.00
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - Utility Billing	344.10
Apr 22, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	59.85
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP PAYROLL FEESADP - FEES	ADP Payroll Services	1,610.46
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP PAYROLL FEESADP - FEES	ADP Payroll Services	2,124.06
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll	1,050.00
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll	17,850.99
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - CPD	15.00
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - CPD	145.00
Apr 23, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	11.40
Apr 23, 2021	Outgoing Money Transfer	FF Dues	Employee Withholding - Payroll	2,332.89
Apr 23, 2021	Outgoing Money Transfer	ICMA	Employee Withholding - Payroll	35,985.02
Apr 23, 2021	Outgoing Money Transfer	VEBA	Employee Withholding - Payroll	5,978.36
Apr 26, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	6.65
Apr 26, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WASHINGTON-DSHS	Employee Withholding - Payroll	599.99
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AFLAC INSURANCE	Employee Withholding - Payroll	777.39
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Cayan LLC EDI PYMNTS	Merchant Fee - Thrift Shop	4.95
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	3.80
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	6.65
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	10.45

## Accounts Payable EFT Report

Item 3.

Date	Type	Vendor Name/Description		Amount
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL UNUMGROUP955	Employee Withholding - Payroll	190.50
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL UNUMGROUP955	Employee Withholding - Payroll	202.40
Apr 27, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA DEPT REVENUE TAX PYMT	Remit Excise Tax	58,073.57
		Water Utility	\$28,275.87	
		Sewer Utility	\$23,740.67	
		Stormwater Utility	\$3,523.43	
		Thrift Shop	\$2,138.68	
		General	\$394.92	
Apr 28, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	1.90
Apr 28, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA DEPT RET SYS DRS EPAY	Remit Retirement Contribution	135,290.33
		Employee (payroll withholding)	\$62,245.77	
		Employer Portion	\$73,044.56	
Apr 29, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL LABOR&INDUSTRIESL&I ELF	Workers Compensation Insurance	119,785.38
Apr 29, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll	3,309.70
Apr 29, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	57.95
Apr 30, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing	15.00
Apr 30, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - Utility Billing	500.00
Apr 30, 2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing	2.85
Total				2,203,962.58



# Accounts Payable EFT Report

Item 3.

Date	Description	Vendor Name/Description	Dollar Amount
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE Merchant Processing Fee	6.45
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE Merchant Processing Fee	6.45
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	12.35
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE Merchant Fee - Utility Billing	15.00
5/3/2021	Preauthorized ACH Debit	MERCHANT SVCS MERCH FEE 8037460410 Merchant Fee - Boat Launch	24.11
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE Merchant Fee - CPD	157.51
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL FISERV MERCHANT FEE Merchant Fee - Boat Launch	174.15
5/3/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS NSF Return - CPD	177.00
5/3/2021	Preauthorized ACH Debit	MERCHANT SERVICE MERCH FEES930553411164783 Merchant Fee - Thrift Shop	731.80
5/3/2021	Preauthorized ACH Debit	MERCHANT SVCS MERCH FEE 000000000259217 Merchant Fee - CPD	1,954.12
5/3/2021	Preauthorized ACH Debit	DIRECT DEPOSIT BANKCARD 9489086600000035 Merchant Fee - Utility Billing	4,927.26
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	2.85
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	8.55
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	9.50
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA MONTH END Merchant Fee - Utility Billing	10.00
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING Merchant Processing Fee	25.00
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING Merchant Processing Fee	30.00
5/4/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AUTHNET GATEWAY BILLING Merchant Processing Fee	33.54
5/5/2021	Outgoing Money Transfer	ADP Net Payroll	513,675.84
5/5/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	3.80
5/5/2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLING 295483292880 Merchant Fee - Parks	31.90

# Accounts Payable EFT Report

Item 3.

Date	Description	Vendor Name/Description	Dollar Amount
5/5/2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLING 295483291882	Merchant Fee - Parks <b>56.85</b>
5/5/2021	Preauthorized ACH Debit	VANTIV_INTG_PYMTBILLING 295483290884	Merchant Fee - Parks <b>317.21</b>
5/6/2021	Outgoing Money Transfer	KROGER	Emergency Assistance Food Pantry <b>9,600.00</b>
5/6/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>60.80</b>
5/6/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll <b>157.00</b>
5/6/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP Tax ADP Tax	Payroll Taxes <b>177,485.59</b>
		<i>Employee (payroll withholding)</i>	<i>\$130,723.67</i>
		<i>Employer Portion</i>	<i>\$46,761.92</i>
5/7/2021	Outgoing Money Transfer	FF Dues	Employee Withholding - Payroll <b>2,332.89</b>
5/7/2021	Outgoing Money Transfer	VEBA	Employee Withholding - Payroll <b>5,978.36</b>
5/7/2021	Outgoing Money Transfer	ICMA	Employee Withholding - Payroll <b>33,500.75</b>
5/7/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>3.80</b>
5/7/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll <b>1,050.00</b>
5/7/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll <b>18,067.89</b>
5/10/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>2.85</b>
5/10/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL INVOICE CLOUD INVOICE CL	Merchant Fee - Utility Billing <b>114.90</b>
5/10/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll <b>128.65</b>
5/10/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WASHINGTON-DSHS	Employee Withholding - Payroll <b>599.99</b>
5/11/2021	Outgoing Money Transfer	US BANK SAFEKEEPING	Interest on long term debt outstanding <b>107,152.50</b>
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>1.90</b>
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>2.85</b>

# Accounts Payable EFT Report

Item 3.

Date	Description	Vendor Name/Description	Dollar Amount
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>13.30</b>
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing <b>15.00</b>
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - CPD <b>1,079.37</b>
5/11/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Vimly Benefit SoVimly Bene <i>Employee (payroll withholding)</i> <i>Employer Portion</i>	Employee Insurance Premiums \$23,106.70 \$132,592.95 <b>155,699.65</b>
5/12/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>35.15</b>
5/13/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>5.70</b>
5/13/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll <b>222.41</b>
5/14/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>11.40</b>
5/17/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP Tax ADP Tax	Payroll Taxes <b>17.81</b>
5/17/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>46.55</b>
5/17/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL CAYAN HOLDINGS LPAYMENT	Merchant Fee - Thrift Shop <b>101.68</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>3.80</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>3.80</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>6.65</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing <b>15.00</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - CPD <b>20,584.27</b>
5/18/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA DEPT RET SYS DRS EPAY <i>Employee (payroll withholding)</i> <i>Employer Portion</i>	Remit Retirement Contribution \$62,519.02 \$73,231.30 <b>135,750.32</b>
5/19/2021	Outgoing Money Transfer	ADP	Net Payroll <b>583,637.17</b>
5/19/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>1.90</b>

# Accounts Payable EFT Report

Item 3.

Date	Description	Vendor Name/Description	Dollar Amount
5/20/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing <b>15.00</b>
5/20/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>46.55</b>
5/20/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - Utility Billing <b>899.35</b>
5/20/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B	Employee Withholding - Payroll <b>1,052.55</b>
5/20/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP Tax ADP Tax	Payroll Taxes <b>216,817.04</b>
		<i>Employee (payroll withholding)</i>	<i>\$161,778.16</i>
		<i>Employer Portion</i>	<i>\$55,038.88</i>
5/21/2021	Outgoing Money Transfer	FF Dues	Employee Withholding - Payroll <b>2,332.89</b>
5/21/2021	Outgoing Money Transfer	VEBA	Employee Withholding - Payroll <b>5,978.36</b>
5/21/2021	Outgoing Money Transfer	ICMA	Employee Withholding - Payroll <b>34,023.63</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>1.90</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing <b>15.00</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECT FEE	Merchant Fee - Utility Billing <b>30.00</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - CPD <b>319.00</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA REJECTS	NSF Return - CPD <b>354.00</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll <b>1,050.00</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP PAYROLL FEESADP - FEES	ADP Payroll Services <b>1,585.81</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL ADP PAYROLL FEESADP - FEES	ADP Payroll Services <b>2,235.26</b>
5/21/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NATIONWIDE PAYMENTS	Employee Withholding - Payroll <b>17,723.20</b>
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>0.95</b>
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES	Merchant Fee - Utility Billing <b>5.70</b>
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL UNUMGROUP955 INSURANCE	Employee Withholding - Payroll <b>190.50</b>

# Accounts Payable EFT Report

Item 3.

Date	Description	Vendor Name/Description	Dollar Amount
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL UNUMGROUP955 INSURANCE Employee Withholding - Payroll	239.80
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WASHINGTON-DSHS Employee Withholding - Payroll	599.99
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B Employee Withholding - Payroll	2,507.88
5/24/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL STATE OF WA-ESD ESD ACH 6 Remit Unemployment	9,156.79
5/25/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	0.95
5/25/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	3.80
5/25/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	4.75
5/25/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	11.40
5/25/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL AFLAC INSURANCE Employee Withholding - Payroll	777.39
5/27/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	12.35
5/27/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL NAVIA BENEFIT SOFLEXIBLE B Employee Withholding - Payroll	239.65
5/27/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA DEPT REVENUE TAX PYMT Remit Excise Tax	43,312.15
		Water Utility	\$22,377.00
		Sewer Utility	\$16,019.68
		Stormwater Utility	\$2,692.11
		Thrift Shop	\$1,935.61
		General	\$287.75
5/28/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL Cayan LLC EDI PYMNTS Merchant Fee - Thrift Shop	5.00
5/28/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL PAYA TRX FEES Merchant Fee - Utility Billing	8.55
5/28/2021	Preauthorized ACH Debit	DIRECT WITHDRAWAL WA DEPT RET SYS DRS EPAY Remit Retirement Contribution	138,674.60
		Employee (payroll withholding)	\$63,500.05
		Employer Portion	\$75,174.55
Total			\$ 2,256,114.63



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5891**  
**June 15, 2021**  
**Consent Calendar**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5891: 6/4/2021 Payroll Certification	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Approve the 6/4/2021 Payroll Certification in the amount of \$790,677.80	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Human Resources
<b>STAFF:</b>	Ali Spietz, Chief of Administration
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. 6/4/2021 Payroll Certification
<b>CITY COUNCIL PRIORITY:</b>	n/a

### SUMMARY

This is an approval of the payroll certification for the City of Mercer Island for the period from May 15, 2021 through May 28, 2021 in the amount of \$790,677.80 (see Exhibit 1).

### BACKGROUND

[RCW 42.24.080](#) requires that all claims presented against the City by performing labor must be certified by the appropriate official to ensure that the labor was performed as described, and that the claims are just, due, and unpaid obligations against the City, before payment can be made. [RCW 42.24.180](#) allows the payment of claims to occur prior to City Council approval to expedite processing of the payment of claims, provided, however, that review and approval of the claims' documentation occurs at the next regularly scheduled public meeting.

The Certification of Payroll details the total payment to employees for labor performed and benefits payments made for each payroll. The City is on a bi-weekly payroll schedule with payments on every other Friday.

### PAYROLL INFORMATION

Each payroll varies depending on a number of factors (i.e., number of employees, pay changes, leave cash outs, overtime, etc.) In addition to regular pay for employees, the 6/4/2021 payroll has variants that are outlined on page two:



**Additional payments:**

- \$827.93 in employee recognition awards.
- \$12,285.21 in leave cash outs for current employees.
- \$4,938.92 in retroactive pay and/or allowances for current employees.
- \$57,493.42 in overtime earnings (see chart for overtime hours by department).

**Overtime hours by department:**

Department	Hours
Administrative Services	
City Attorney's Office	
City Manager's Office	
Community Planning & Development	5.00
Finance	
Fire	555.25
Municipal Court	
Police	182.25
Public Works	106.00
Recreation	
Youth & Family Services	
Thrift Shop	
<b>Total Overtime Hours</b>	<b>774.50</b>

**FTE/LTE COUNTS**

The table below shows the budgeted versus actual counts for Full Time Equivalents (FTEs) and Limited Term Equivalents (LTEs) for the current payroll. Temporary and seasonal employees are not included.

Full Time Equivalents (FTEs)	2021 Budgeted	6/4/2021 Actual
Administrative Services	13.50	12.00
City Attorney's Office	2.00	2.00
City Manager's Office	3.50	3.50
Community Planning & Development	16.00	15.50
Finance	7.00	7.00
Fire	32.00	31.00
Municipal Court	3.30	3.30
Police	37.50 <sup>1</sup>	32.50
Public Works	61.80	53.05
Recreation	0.75	0.75
Youth & Family Services	10.07	11.43 <sup>2</sup>
Thrift Shop	1.0	1.0
<b>Total FTEs</b>	<b>188.42</b>	<b>173.03</b>

Limited Term Equivalents (LTEs)	2021 Budgeted	6/4/2021 Actual
Community Planning & Development	1.00	1.00
Recreation	2.00	2.00
Youth & Family Services	1.60	0.80
<b>Total LTEs</b>	<b>4.60</b>	<b>3.80</b>

<b>Total FTEs &amp; LTEs</b>	<b>193</b>	<b>176.8</b>
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<sup>1</sup> 5/18/2021: Council authorized hire ahead of two officers ([AB 5874](#))

<sup>2</sup> 1/5/2021: Council authorized increase of 1.39 FTE in YFS ([AB 5795](#))

**RECOMMENDATION**

Approve the 6/4/2021 Payroll Certification (Exhibit 1) in the amount of \$790,677.80 and authorize the Mayor to sign the certification on behalf of the entire City Council.



# CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

**PAYROLL PERIOD ENDING**  
**PAYROLL DATED**

**5.28.2021**  
**6.4.2021**

Net Cash	\$	522,094.79
Net Voids/Manuals	\$	-
<b>Net Total</b>	<b>\$</b>	<b>522,094.79</b>
Federal Tax Deposit - Key Bank	\$	82,368.19
Social Security and Medicare Taxes	\$	45,082.03
Medicare Taxes Only (Fire Fighter Employees)	\$	2,649.28
State Tax (Massachusetts)	\$	213.39
Public Employees Retirement System 2 (PERS 2)	\$	27,837.08
Public Employees Retirement System 3 (PERS 3)	\$	6,254.95
Public Employees Retirement System (PERSJM)	\$	885.68
Public Safety Employees Retirement System (PSERS)	\$	218.00
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	27,245.74
Regence & LEOFF Trust - Medical Insurance	\$	10,655.66
Domestic Partner/Overage Dependant - Insurance	\$	316.24
Group Health Medical Insurance	\$	819.58
Health Care - Flexible Spending Accounts	\$	1,647.83
Dependent Care - Flexible Spending Accounts	\$	430.76
ROTH - IRA	\$	525.00
ICMA Deferred Compensation	\$	31,779.41
Fire 457 Nationwide	\$	15,274.71
Roth - Nationwide	\$	1,050.00
401K Deferred Comp	\$	472.60
Tax Levy	\$	864.32
Child Support	\$	599.99
Mercer Island Employee Association	\$	237.50
Cities & Towns/AFSCME Union Dues	\$	-
Police Union Dues	\$	-
Fire Union Dues	\$	2,172.89
Fire Union - Supplemental Dues	\$	160.00
Standard - Supplemental Life Insurance	\$	-
Unum - Long Term Care Insurance	\$	252.55
AFLAC - Supplemental Insurance Plans	\$	388.71
Coffee Fund	\$	132.00
Transportation	\$	62.50
HRA - VEBA	\$	5,982.88
Nationwide Extra	\$	2,000.00
Oregon Transit Tax and Oregon Benefit Tax	\$	3.54
<b>Tax &amp; Benefit Obligations Total</b>	<b>\$</b>	<b>268,583.01</b>

<b>TOTAL GROSS PAYROLL</b>	<b>\$ 790,677.80</b>
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I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



# CITY COUNCIL MINUTES SPECIAL VIDEO MEETING May 18, 2021

Item 5.

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## EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 4:01pm pm from a remote location to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(i) for approximately 60 minutes.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

City Manager Jessi Bon and City Attorney Bio Park participated in the executive session from a remote location using Microsoft Teams.

City Clerk Estrada notified those participants watching the meeting that the Executive Session would be extended to 6:15 pm

Mayor Wong adjourned the executive session at 6:15 pm

## CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 6:31 pm from a remote location.

Mayor Wong, Deputy Mayor Wendy Weiker, and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a video teleconferencing platform by Zoom.

City Manager Bon participated remotely from City Hall, 9611 SE 36th Street, Mercer Island, Washington. The City Attorney and Mercer Island City Leadership Team participated from remote locations.

## PLEDGE OF ALLEGIANCE

Mayor Wong delivered the Pledge of Allegiance.

## AGENDA APPROVAL

It was moved by Nice; seconded by Reynolds to:

**Approve the agenda.**

Passed 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker and Wong)

## CITY MANAGER REPORT

City Manager Bon reported on the following items:

- COVID-19 Update
  - Youth 12+ Eligible for Vaccine
  - MI Leading Vaccinations
  - Updated CDC Masking Guidance
  - State Set to Reopen June 30
  - City of Mercer Island – Re-Opening Plans (In development)
- City Council & Board & Commissions Virtual Meetings
- City Service Updates
  - Vehicle Prowls

- Tips for Keeping Your Vehicle Safe from Prowlers
- Transportation Improvement Program
- Annual Backflow Assembly Tests due Soon
- Thrift Shop Update, Donation Event, and Closed May 30
- BeREAL Young Adult Program
- Incredible Years Parenting Program
- YFS Program: Most Steer Clear
- Some Good News:
  - Mercer Island Farmers Market
  - MIFS & Local Partners Successfully Rescue Worker
  - Closed for Memorial Day

## APPEARANCES

Addie Smith, Mercer Island – Explained that she and her daughter are hate crime survivors. She further explained that the Mercer Island Police refused to write police reports and insisted that the FBI must investigate the City of Mercer Island.

John Hamer, Mercer Island – Expressed his gratitude to staff and Council for ensuring that the new Mercerdale Park playground equipment is accessible to everyone.

## CONSENT CALENDAR

### Approve Accounts Payable Reports for the periods ending:

- A) April 30, 2021 in the amount of \$326,838.91
- B) April May 7, 2021 in the amount of \$592,142.97

**Recommended Action:** Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

### Certification of Payroll dated May 7, 2021 in the amount of \$784,301.77

**Recommended Action:** Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

### Approve the Minutes of the April 27, 2021 City Council Planning Session.

**Recommended Action:** Approve the minutes as written.

### AB 5871: 2021 East Mercer Way Emergency Roadway Repair

#### Recommended Actions:

- 1) Appropriate \$337,872 from the existing Street Fund balance to complete the emergency roadway repair.
- 2) Award the 2021 East Mercer Way Landslide Repair contract to Neptune General Contractors in the amount of \$233,266.50. Set the total project budget to \$337,872 and direct the City Manager to execute the construction contract.

### AB 5869: City Facility Security Upgrades

**Recommended Action:** Appropriate \$29,182 from the available fund balance in the Capital Improvement Fund for site security upgrades at the Luther Burbank Administrative Building and Mercer Island Thrift Shop.

### AB 5877: Asian Pacific American Heritage Month, Proclamation No. 271

**Recommended Action:** Mayor Wong proclaims May 2021 as Asian Pacific American Heritage Month.

It was moved by Jacobson; seconded by Rosenbaum to:

**Approve the Consent Calendar and the recommendations contained therein as amended.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

## REGULAR BUSINESS

## **AB 5872: Scoping Session on Town Center Parking Study**

Jeff Thomas, Interim Community & Development Director, explained that the City Council approved a 2021-2022 budget proposal to conduct a Town Center Parking Study to review the current code, review existing parking restrictions, and identify opportunities for parking improvements within the Town Center. He further explained that three studies (2008 KPG Study, 2015 BP Squared, and 2016 BERK Study) attempted to address concerns related to Town Center parking supply vs. demand and potential impacts of future Town Center development on parking supply.

The following topics relative to the parking study were discussed:

- 2016 Parking Inventory
- Past Analysis Comparison
- Parking Supply and Parking Usage
- Parking Regulations and Management
- Walkability and Wayfinding

Sarah Bluvus, Economic Development Coordinator, asked City Council a series of questions to understand what City Council hoped to receive as a result of the 2021 study and its expectations for community engagement. There was **Council Consensus** to include in the study walkability, wayfinding, viability of angled parking, and to include a community engagement process.

Staff will return in July with a draft project scope for City Council approval.

## **AB 5874: First Quarter 2021 Financial Status Update & 2021-2022 Budget Amendments (Ord. No. 21-11).**

Matt Mornick, Finance Director, reviewed the 2021 First Quarter Financial Status Update, which included financial actuals for revenue and expenditure categories through March 31, 2021. He also explained that Ordinance No. 21-11 outlined budget amendments in the current biennium, which involved grant revenues, efforts to restart the Thrift Shop and Recreation services, water system improvements, and City Council approved uses of the FY 2020 year-end General Fund surplus. The budget reflected in the financial status update did not include any budget amendments adopted by ordinance for the 2021-2022 biennial budget.

It was moved by Jacobson; seconded by Reynolds to:

**Suspend the City Council Rules of Procedure 6.3, requiring a second reading for an ordinance.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Nice; seconded by Jacobson to:

**Adopt Ordinance No. 21-11, amending the 2021-2022 Biennial Budget.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

## **AB 5868: Luther Burbank Park Docks and Adjacent Waterfront Concept Design Recommendation**

Jason Kintner, Chief of Operations and Public Works Director, introduced Peter Struck, Parks and Recreation Commission, who explained that the Parks and Recreation Commission had prepared a recommendation on the preferred concept design for the Luther Burbank Docks and Adjacent Waterfront project.

It was explained that the Department of Natural Resources owned the land and that the existing docks were deteriorating. Extensive public engagement was involved over a five-week period and an online survey produced 131 responses. The concept design and project design were reviewed with Council.

Staff further explained that of the \$219,000 approved budget for the Luther Burbank Dock Repair and Reconfiguration Project in the 2021-2022 capital budget, \$42,000 was solely for 30% design of the docks. The project did not include funding for design of the adjacent waterfront and therefore an appropriation of \$113,000 was needed to complete the remaining 30% design work for the adjacent waterfront.

It was moved by Jacobson; seconded by Anderl to:

**Approve the Luther Burbank Dock and Adjacent Waterfront concept design recommendation as**

**presented by the Parks and Recreation Commission.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Jacobson; seconded by Nice to:

**Appropriate \$113,000 from the available fund balance in the Capital Improvement Fund to complete the 30% project design for the adjacent waterfront elements with the understanding that staff is pursuing grant reimbursement for a portion of the design costs.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Reynolds; seconded by Jacobson to:

**Direct the Parks and Recreation Commission to review the preliminary 30% design and make a recommendation to the City Council on the final scope of the project.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

### **AB 5876: Mercedale Park Playground Renovation Appropriation Request**

Jason Kintner, Chief of Operations and Public Works Director, and Paul West, CIP Project Manager outlined the proposed project scope for the Mercedale Park Playground Renovation Project. They went onto explain that the Mercedale Park Playground Renovation Project was originally scheduled for a "like for like" replacement and it was anticipated that the aging play structure would be replaced with similar equipment. Public input received throughout the design process, however, strongly favored a playground design that expanded ADA accessibility and would provide for a more inclusive play environment.

The playground replacement proposal was reviewed by the Parks and Recreation Commission. The approved project budget was \$490,000 and the current proposal was estimated at \$843,000, exceeding the project budget by \$353,000. Staff recommended an appropriation of funds from the Capital Improvement Fund Balance and Park Impact Fees to cover the additional project costs.

It was moved by Rosenbaum; seconded by Weiker to:

**Accept the proposed project design for the Mercedale Park Renovation Project and approve the amended project budget of \$843,000.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Anderl; seconded by Rosenbaum to:

**Accept the \$20,000 donation from the Mercer Island Preschool Association and appropriate the donated funds to the Mercedale Park Renovation Project. Authorize the City Manager to direct additional donations to the project.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Jacobson; seconded by Reynolds to:

**Direct the City Manager to complete the park impact fee funding evaluation for this project and authorize the appropriation of the maximum amount of eligible park impact fees to this project.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Nice; seconded by Reynolds to:

**Authorize the remaining project funds to be drawn from the available fund balance in the Capital Improvement Fund.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

### **AB 5870: City Council Rules of Procedure Amendment (Resolution No. 1597)**

Jessi Bon, City Manager, and Deborah Estrada, City Clerk, explained that at the April 27, 2021 City Council



Planning Session, the Council identified a number of proposed changes to the City Council Rules of Procedure.

Amendments addressed the following:

- City Advisory Boards & Commissions Appointments
- Remote Meeting Changes
- Order of Regular City Council Meeting Agenda
- Duties of Officers
- Duties of the Mayor and Presiding Officer were clarified.
- Housekeeping

Council requested additional amendments:

- Removing "Statement" from Code of Ethics
- Grammatical changes

It was moved by Reynolds; seconded by Rosenbaum to:

**Approve Resolution No. 1597 amending the City Council Rules of Procedure as set forth in Exhibit A.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

## OTHER BUSINESS

### Planning Schedule

City Manager Bon reported on the June 1 agenda, noting that the Town Center discussion was pushed out to the July 6 meeting. Bon also briefly described the status of hybrid meetings with Council.

### Councilmember Absences

There were no absences reported.

### Councilmember Reports

Deputy Mayor Weiker reported that the King County Climate Cities Coalition is meeting on June 3 at 2 o'clock

Councilmember Jacobson reported that the Transportation Partnership met virtually the Friday prior.

Mayor Wong addressed King County's Clear Water Plan that might have impacts on utility rates for several years.

## ADJOURNMENT

The regular Council Meeting adjourned at 10:27 pm.

\_\_\_\_\_  
Benson Wong, Mayor

Attest:

\_\_\_\_\_  
Deborah A. Estrada, City Clerk



# CITY COUNCIL MINUTES REGULAR VIDEO MEETING June 1, 2021

Item 5.

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## EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 5:00 pm from a remote location to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(i) for approximately 60 minutes.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

City Manager Jessi Bon and City Attorney Bio Park participated in the executive session from a remote location using Microsoft Teams.

At 6:00 pm, the City Clerk extended the Executive Session to 6:15 pm.

Mayor Wong adjourned the executive session at 6:14 pm

## CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 6:16 pm from a remote location.

Mayor Benson Wong, Deputy Mayor Wendy Weiker, and Councilmembers Lisa Anderl, Jake Jacobson (5:34 pm), Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a video teleconferencing platform by Zoom.

Jessi Bon, City Manager, participated remotely from City Hall, 9611 SE 36th Street, Mercer Island, Washington. The City Attorney and Mercer Island City Leadership Team participated from remote locations.

## PLEDGE OF ALLEGIANCE

Councilmember Anderl delivered the Pledge of Allegiance.

## AGENDA APPROVAL

It was moved by Nice; seconded by Rosenbaum to:

**Approve the agenda.**

Passed 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

## CITY MANAGER REPORT

City Manager Bon reported on the following items:

- City Council and Boards & Commissions Meeting Schedule
- City Service Updates
  - Eat Out to Help Out – June 8
  - IFIT Community Representatives
  - Welcome Firefighter Campbell
  - Boat Launch Payment System
  - Median Renovation Project Update
  - Road Construction Season

- MI Youth Learn to Be Kind to Your Mind
- City Instagram

## APPEARANCES

Dan Glowitz, Mercer Island, spoke in support of funding Youth and Family Services on the Island and urged the Council to support a levy.

Addie Smith, Mercer Island, explained that she and her daughter were victims of hate crimes and stated that the police department refused to report it.

Ira Appelman, Mercer Island, requested that the Council postpone the Youth and Family Services levy discussion for another year due to its current fund balance. He further indicated that he was not supportive of Agenda Bill 5883 and the focus on infrastructure funding.

## CONSENT CALENDAR

### Approve Accounts Payable Reports for the periods ending:

- A) May 14, 2021 in the amount of \$718,983.38
- B) May 21, 2021 in the amount of \$487,226.03

### Approve Minutes of the May 4, 2021 Regular Meeting

#### AB 5888: 5/21/2021 Payroll Certification

**Recommended Action:** Approve the 5/21/2021 Payroll Certification (Exhibit 1) in the amount of \$891,429.19 and authorize the Mayor to sign the certification on behalf of the entire City Council.

#### AB 5885: Juneteenth Proclamation No. 272

**Recommended Action:** Mayor Wong proclaims June 19, 2021 as Juneteenth in Mercer Island.

#### AB 5887: Gun Violence Awareness Day, Proclamation No. 273

**Recommended Action:** Mayor Wong proclaims June 4, 2021 as Gun Violence Awareness Day in Mercer Island.

#### AB 5882: King County Sewer North Mercer Enatai Interceptor Interagency Agreement

**Recommended Action:** Authorize the City Manager to sign the interagency agreement with King County.

#### AB 5881: 2021 Arterial and Residential Street Overlays Bid Award

**Recommended Action:** Award Schedules 'A' and 'B' of the 2021 Arterial and Residential Street Overlays project to Watson Asphalt Paving Company in the amount of \$1,063,567.00. Set the total project budget to \$1,346,559 and direct the City Manager to execute the construction contract.

#### AB 5879: Mercer Island School District Easement Encroachment

**Recommended Action:** Authorize the City Manager to sign the Easement Encroachment License Agreement substantially in the form of Exhibit 2.

#### AB 5880: Accept Public Drainage Easements for Watercourse Improvement Projects

**Recommended Action:** Accept the public drainage easements for watercourse improvement projects SW0100 and SW0101 as reflected in Exhibits 2 and 3.

It was moved by Jacobson; seconded by Anderl to:

**Approve the Consent Calendar and the recommendations contained therein.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

## REGULAR BUSINESS

## **AB 5853: Public Hearing: continued from May 4 meeting, 2022-2027 Six-Year Transportation Improvement Program (TIP) Review**

Mayor Wong opened the Public Hearing at 6:42 PM.

Steven Hanna, Mercer Island, explained that he lives on a small cul-de-sac and expressed concern that other streets with seemingly less issues were repaved sooner. He requested that his subdivision be prioritized and accelerated for repaving.

Ted Weinberg, Mercer Island, addressed the prioritization of repaving the 5600 block of 19<sup>th</sup> Avenue explaining that he had observed several dips and depressions in the pavement. He expressed concern for the condition of the pavement and the risk that it might deteriorate significantly between now and when it is scheduled to be addressed in the TIP.

Ira Appelman, Mercer Island, opposed the corridor safety studies, explaining that the City had spent huge amounts of money on it already. He further expressed his opposition to the I90 funds being used to fund bike lanes on the south end of the Island.

Mayor Wong closed the Public Hearing at 6:51 PM

## **AB 5849: Code of Ethics Revisions (Ordinance No. 21C-10, Second Reading)**

Staff reported that at the January 19, 2021 Council Meeting, the City Council directed the City Manager to prepare an ordinance amending chapter 2.60 MICC – the City's Code of Ethics. Matthew Segal and Sarah Washburn of Pacifica Law Group were hired to assist the City and evaluate and recommend revisions to the current Code of Ethics.

Pacifica reviewed current and prior versions of the Code of Ethics as well as relevant background information and documents, including examples of recent complaints filed under the Code. In March, Pacifica interviewed each member of the City Council to gain insight into procedural and substantive issues that had arisen in applying the Code of Ethics. The results of that analysis, as well as the Councilmembers' input, guided Pacifica's work and informed the recommendations regarding the Code of Ethics, which addressed the following:

- Policy Section
- Prohibited Conduct
- Advisory Opinion
- Complaint, Hearing, and Enforcement Procedures
- Fees and Costs
- Confidentiality Provisions

Councilmembers Jacobson and Reynolds introduced several amendments for Council consideration. The proposed revisions were discussed and those items that received Council Consensus moved forward. Staff and Pacifica Law recommended that the proposed amendments be brought back for a third reading prior to Council approval.

It was moved by Rosenbaum; seconded by Reynolds to:

**Place the adoption of Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials for a third reading (the date to be determined by City Manager).**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Rosenbaum; seconded by Nice to:

**Amend the agenda and go into Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 60 minutes. No action was taken.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

Mayor Benson Wong called the Executive Session to order at 8:31 pm from a remote location to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 60 minutes. No action will



be taken.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

Mayor Wong adjourned the executive session at 9:31 pm

## **REGULAR BUSINESS CONT.**

### **AB 5884: 2021 Board and Commission Appointments**

Mayor Wong explained that there would be two parts to the Board and Commission Appointment Process. The first part would address filling the vacancies on the Open Space Conservancy Trust ("OSCT"), noting that the OSCT members are appointed by the Mayor and approved by a majority vote of the City Council as outlined in Article III of Ordinance No. 96-002.

Mayor Wong recommended the following appointments to the Open Space Conservancy Trust:

<b>Position</b>	<b>Expiring Term</b>	<b>Appointment</b>	<b>New Term</b>
5	2021	Marie Bender	2025
7	2021	Geraldine Poor	2025

#### **Open Space Conservancy Trust.**

It was moved by Weiker; seconded by Nice to:

**Approve the Mayor Wong's recommendations for appointment to the Open Space Conservancy Trust for the positions expiring May 31, 2025**

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Weiker, and Wong)

ABSENT: 1 (Rosenbaum)

Mayor Wong explained that the applicants that receive the most votes, provided they received a minimum of four votes, would be appointed to the open seats on the board or commission. The names of the applicants would then be added to Resolution No. 1598 with final approval by a vote of the City Council.

**Arts Council** – Four (4) open positions; no timely applications received.

**Design Commission** – Two (2) open positions; two (2) applications received.

Mayor Wong explained that while two applications were received, it did not appear that the applicants qualified for the "specialist" positions in accordance with the City Code. Staff acknowledged that the recruitment process did not satisfactorily identify the qualifications needed to meet the requirements of city code and intend to improve the recruitment process and revise the application to specifically identify the qualifications required to serve on the Design Commission.

It was moved by Weiker; seconded by Reynolds to:

**Direct the City Manager to open the process for soliciting candidates for consideration for the Design Commission who have the specialties called for in the Code and to include the current two applicants in the pool of candidates to be considered.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

**Parks & Recreation Commission** - Two (2) open positions; one (1) application received.

City Clerk Estrada emailed the ballot to each Councilmember. The ballots were tallied, and Sara Marxen received seven (7) votes to be appointed to the Parks & Recreation Commission.

**Planning Commission** – Three (3) open positions; four (4) applications received.

Mayor Wong explained that there were three open positions on the Planning Commission that would expire in 2025, 2024, and 2022. He suggested splitting the election into three elections based on the term expiration. There was Council consensus to support this recommendation.

**Round 1, Position 5 - Term 2025** - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Carolyn Boatsman
- Jordan Friedman
- Matt Goldbach
- Victor Raisys

The ballots were tallied and Carolyn Boatsman and Victor Raisys advanced to Round 2:

- Carolyn Boatsman (3) – Reynolds, Rosenbaum, and Wong
- Jordan Friedman (1) – Weiker
- Matt Goldbach (0)
- Victor Raisys (3) – Anderl, Jacobson, and Nice

**Round 2, Position 5 - Term 2025** - City Clerk Estrada emailed the ballots to each Councilmember:

The ballots were tallied and Victor Raisys' name was placed on Res. No. 1598 for a vote by the City Council:

- Carolyn Boatsman (3) – Reynolds, Weiker, and Wong
- Victor Raisys (4) – Anderl, Jacobson, Nice, and Rosenbaum

**Round 1, Position 4 - Term 2024** - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Carolyn Boatsman
- Jordan Friedman
- Matt Goldbach

The ballots were tallied and Carolyn Boatsman and Matt Goldbach advanced to Round 2:

- Carolyn Boatsman (3) – Reynolds, Weiker, and Wong
- Jordan Friedman (1) – Rosenbaum
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

**Round 2, Position 4 - Term 2024** - City Clerk Estrada emailed the ballots to each Councilmember.

The ballots were tallied and Carolyn Boatsman's name was placed on Res. No. 1598 for a vote by the City Council:

- Carolyn Boatsman (4) Reynolds, Rosenbaum, Weiker, and Wong
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

**Round 1, Position 6 - Term 2022** - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Jordan Friedman
- Matt Goldbach

The ballots were tallied, and Jordan Friedman's name was placed on Res. No. 1598 for a vote by the City Council.

- Jordan Friedman (4) – Reynolds, Rosenbaum, Weiker, and Wong
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

**Utility Board** - Three (3) open positions; one (1) application received.

City Clerk Estrada emailed the ballot to each Councilmember. The ballots were tallied, and George Marshall received seven (7) votes to be re-appointed to Position 4 on the Utility Board.

**Mayor Wong read the appointments listed in Resolution No. 1598 into the record.**

It was moved by Weiker; seconded by Nice to:

**Adopt Resolution No. 1598**

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Weiker, and Wong)

ABSENT: 1 (Rosenbaum)

It was moved by Jacobson; seconded by Nice to:

**Direct the City Manager to commence a recruitment process to fill the remaining vacancies on the Arts Council, Parks & Recreation Commission and Utility Board.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

**AB 5878: Adoption of 2022-2027 Six-Year Transportation Improvement Program (Public Hearing continued from May 4 Meeting and Adoption).**

Patrick Yamashita, Deputy Public Works Director, briefly reviewed the Transportation Improvement Program (TIP) timeline. Yamashita explained that the following changes were made to the draft TIP:

- West Mercer Way Chip Seal
  - Remove HMA overlay option for now.
  - Survey the public to solicit feedback on use of HMA vs chip seal for roadway resurfacing.
  - Provide results to Council prior to proceeding with the chip seal project (scheduled in 2023). Gives Council time to decide how to proceed with the project.
- Add a new project – Island Crest Way Corridor Safety Analysis
  - ICW from 90th Ave. SE, south through SE 68th Street
  - Focus on safety related items and present results to Council in Q1 2022
  - \$75,000 in 2021 and \$25,000 in 2022 (estimate)
- North-South Bike Route
  - Shift the start of this project by one year from 2022 to 2023 to account for timing of ICW Corridor Safety Analysis.
  - Analysis will inform the future scope of this project.

It was moved by Nice; seconded by Jacobson to:

**Adopt the 2022-2027 Transportation Improvement Program, as reflected in Exhibit 2.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

It was moved by Nice; seconded by Jacobson to:

**Appropriate \$100,000 from the Fund Balance in the Street Fund for the Island Crest Way Corridor Safety Analysis.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

**AB 5883: American Rescue Plan Funds Update**

Matthew Mornick, Finance Director, discussed with City Council the latest information and guidance for American Rescue Plan Act funding as of May 26, 2021. Staff explained eligible and ineligible uses of the funds based on the rules set forth by the U.S. Treasury Department and sought clarification from the City Council on potential funding priorities. Staff committed to return to the City Council later this year to share more detailed project information and a recommendation for appropriating the City's share of these funds.

**AB 5875: City Council Voting Delegates for the 2021 AWC Business Meeting**

It was moved by Jacobson; seconded by Anderl to:

**Appoint Deputy Mayor Weiker and Councilmember Rosenbaum as the City of Mercer Island voting delegates for the Association of Washington Cities Business Meeting on June 24, 2021.**

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

**OTHER BUSINESS**

### **Councilmember Absences**

There were no absences reported.

### **Planning Schedule**

Due to the late time, City Manager Bon explained that she would provide a Planning Scheduled update via email.

### **Councilmember Reports**

Councilmember Reynolds addressed the importance of Gun Violence Awareness Month and his personal experience with gun violence.

Councilmember Nice reported that the King County Growth Management Planning Council met last week.

Deputy Mayor Weiker reminded everyone that June is Pride Month and recognized City Manager Jessi Bon for speaking to SCA in support of the Women's Leadership Academy.

Mayor Wong encouraged everyone to wear orange on June 4 in support of Gun Awareness Month.

### **ADJOURNMENT**

The regular Council Meeting adjourned at 11:15 PM.

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Benson Wong, Mayor

Attest:

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Deborah Estrada, City Clerk



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5898**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5898: Code of Ethics Revisions (Ordinance No. 21C-10, Third Reading)	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Council
<b>STAFF:</b>	Jessi Bon, City Manager
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 21C-10 2. Exhibit A to Ord. No. 21C-10 (amendments to chapter 2.60 MICC revising the Code of Ethics)
<b>CITY COUNCIL PRIORITY:</b>	n/a

### SUMMARY

At the January 19, 2021 Council Meeting, the City Council directed the City Manager to prepare an ordinance amending chapter 2.60 MICC – the City’s Code of Ethics. Matthew Segal and Sarah Washburn of Pacifica Law Group were hired to assist the City and evaluate and recommend revisions to the current Code of Ethics. A draft ordinance with potential revisions to the Code of Ethics proposed by Pacifica was presented to City Council for a first reading and discussion at the May 4, 2021 Council Meeting. Background information and the potential revisions presented to the City Council for a first reading can be reviewed in [AB 5849](#).

At the May 4, 2021 Council Meeting, the City Council provided feedback to Pacifica on edits to the draft ordinance for second reading. Based on the City Council’s suggestions, and continuing to take into account state law and other municipal jurisdictions’ approaches to common issues, Pacifica presented to the City Council a revised draft ordinance for second reading on June 1, 2021. Potential revisions presented for a second reading can be reviewed in [AB 5873](#).

At the June 1, 2021 Council Meeting, the City Council again provided additional feedback on edits to the revised draft ordinance for third reading. As before, based on the City Council’s suggestions and the same considerations taken on previous drafts, the draft ordinance for third reading includes the following edits:

First, changes were made to MICC 2.60.010. The title of this section has been changed from “policy” to “purpose and intent” to more accurately reflect its aspirational content. For the same reason, subsection (A) of this section has been retitled “preamble.” A handful of wordsmithing changes were also made in subsection A per the City Council’s suggestions.



Second, the conflicts of interest provision (MICC 2.60.030(A)) has been revised to state that officials shall “recuse” themselves from participation in government deliberations or decisions where they have a conflict of interest.

Third, the signed acknowledgment section (MICC 2.60.040) has been streamlined to clarify that the acknowledgment indicates an official has received, read, and agrees to be bound by the code of ethics and state law (chapter 42.23 RCW).

Fourth, the ethics officer section (MICC 2.60.050) has been revised to confirm that the position of ethics officer is created. This section has also been changed to provide that the city manager “shall” contract with one or more agencies to fill the ethics officer position and that the ethics officer shall be responsible for the prompt and fair enforcement of the code of ethics “when called upon to do so.”

Fifth, the discretionary advisory opinion section (MICC 2.60.060) was revised to provide that the ethics officer, if he or she agrees to provide an advisory opinion, “shall endeavor, except for good cause shown,” to respond to requests for advisory opinions within 45 days. Minor wordsmithing changes were also made to this section per the City Council’s suggestions. Per consensus at the June 1, 2021 meeting, the language adopting a discretionary advisory opinion process was maintained.

Finally, further changes were made to the complaint, hearing, and enforcement procedures section (MICC 2.60.070). In subsection (A)(2), language describing the purpose of sufficiency determinations was removed. In subsection (A)(5)(b), a provision granting the official complained against the right to file a written answer, appear at the hearing, submit testimony, and examine/cross examine witnesses was removed as duplicative given prior edits to the hearing procedures. In subsection (B), the term “as needed” was removed from the sixth sentence per the City Council’s suggestion. The following sentence allows the parties to request that the hearing examiner issue subpoenas. Consistent with common administrative practice, issuance remains discretionary on the part of the hearing examiner upon a showing of reasonable necessity. Given the changes to MICC 2.60.010, language in MICC 2.60.070 referring to the “policy section” was changed to “purpose and intent section.” Minor wordsmithing changes were also made to this section per the City Council’s suggestions, and an erroneous cross reference was corrected.

The amendments to chapter 2.60 MICC revising the Code of Ethics proposed by Pacifica, including edits proposed by the City Council at previous readings, is attached as Exhibit 2.

## **NEXT STEPS**

At Tuesday’s Council Meeting, Pacifica will present the proposed revisions including edits requested by the City Council at the second reading. The City Council will then have an opportunity to ask questions and discuss the revisions as part of the third reading of Ordinance No. 21C-10. If the City Council is satisfied with the proposed revisions, Ordinance No. 21C-10 may be adopted at Tuesday’s Council Meeting.

## **RECOMMENDATION**

Move to adopt Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials.

**CITY OF MERCER ISLAND  
ORDINANCE NO. 21C-10**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON  
AMENDING CHAPTER 2.60 OF THE MERCER ISLAND CITY CODE TO  
REVISE THE CODE OF ETHICS FOR OFFICIALS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the residents and businesses of Mercer Island are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, a Code of Ethics strengthens the quality of government through ethical principles that shall govern the conduct of the City's elected and appointed officials; and

WHEREAS, a Code of Ethics has been adopted and codified in chapter 2.60 of the Mercer Island City Code (MICC) since 2018; and

WHEREAS, the Code of Ethics in chapter 2.60 MICC was amended in 2019; and

WHEREAS, the amendments to the Code of Ethics currently proposed further strengthen and clarify prohibited conduct regarding conflicts of interest, appearance of conflict, misuse of public position or resources, representation of third parties, gifts and favors, and confidential information; and

WHEREAS, the proposed amendments provide a process that is improved for complaints, investigations, hearings and enforcement related to violations of the Code of Ethics.

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

**Section 1.** **Chapter 2.60 MICC, Code of Ethics, Amended.** Chapter 2.60 MICC, Code of Ethics, is hereby amended as set forth in Exhibit A attached to this ordinance, and herein incorporated by this reference.

**Section 2.** **Severability.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality does not affect the validity of any other section, sentence, clause or phrase of this ordinance.

**Section 3.** **Effective Date.** This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the (DAY) day of (MONTH) 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Benson Wong, Mayor

Approved as to Form:

ATTEST:

\_\_\_\_\_  
Bio Park, City Attorney

\_\_\_\_\_  
Deborah A. Estrada, City Clerk

Date of Publication: \_\_\_\_\_

## CHAPTER 2.60 CODE OF ETHICS

### SECTION:

- 2.60.010 ~~Policy~~Purpose and Intent
- 2.60.020 Definitions
- 2.60.030 Prohibited Conduct
- 2.60.040 ~~Code of Ethics Statement~~Signed Acknowledgment
- 2.60.050 Ethics Officer
- 2.60.060 Advisory Opinions
- 2.60.070 Complaints, Investigations, Hearings and Enforcement
- 2.60.080 Limitation Period

### **2.60.010 ~~Policy~~Purpose and Intent**

A. ~~Purpose.~~ ~~The purpose of the city of Mercer Island code of ethics is to strengthen the quality of government through ethical principles which shall govern the conduct of members of the city council, the city's boards and commissions, and council-appointed task groups or committees.~~

~~B. Intent.~~ Preamble. The city of Mercer Island's residents and businesses ~~of Mercer Island~~ are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. To that end, the city encourages all city officials to:  
~~In keeping with the city of Mercer Island's commitment to excellence, the effective functioning of democratic government therefore requires that:~~

1. Honor and respect the principles and spirit of representative government and  
~~Officials~~ comply with ~~the~~ all laws and policies affecting the operations of government;
2. Conduct their official and personal affairs in such a manner as to maintain public confidence in city government and give the clear impression that they cannot be improperly influenced in the performance of their official duties;
23. ~~Officials~~ be independent, impartial, and fair in their judgment and actions;
34. Use the power and resources of ~~P~~public office ~~be used for only to advance~~ the best interests of the City of Mercer Island and its residents ~~public good~~, not for personal gain; ~~and~~
45. Conduct ~~P~~public deliberations and processes ~~be conducted~~ openly, unless legally confidential, in an atmosphere of respect and civility; ~~and~~.
6. Be honest, fair, and respectful and avoid conduct creating an appearance of impropriety.

In recognition of these goals, the city of Mercer Island has adopted this code of ethics to strengthen the quality of government through ethical principles which shall govern the conduct of all officials.

**EB.** Liberal Construction. This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

C. Supplemental to Existing Law. This chapter is intended to supplement Washington State law, including but not limited to chapter 42.23 RCW, the United States and Washington State Constitutions, laws pertaining to conflicts of interests and elections campaigns, and city ordinances.

## **2.60.020 Definitions**

For the purpose of this Chapter:

BENEFICIAL INTEREST means any direct or indirect monetary or material benefit accruing to an official as a result of contracts or transactions which are or may be the subject of an official act or action by or with the city, except contracts or transactions which confer similar benefits to all other persons and/or property similarly situated.

CONFIDENTIAL INFORMATION means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. Information obtained during properly convened executive sessions and information subject to the attorney-client and/or work product privilege is deemed confidential.

CONFLICT OF INTEREST exists when any of the following stands to incur financial gain or loss related to a government decision: (1) the official, (2) the official's spouse, (3) an individual with whom the official resides, or (4) an entity that the official serves as an employee, officer, director, trustee, partner or owner. An "owner" for purposes of this definition is an individual who owns one percent or more of the entity.

CONTRACT includes any contract, sale, lease, or purchase.

CONTRACTING PARTY includes any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with the city.

FINANCIAL GAIN OR LOSS means any material financial gain or loss that an individual or entity stands to incur as a result of a decision under consideration by the city. FINANCIAL GAIN OR LOSS does not include (1) payment of generally applicable taxes or fees or (2) financial interests shared with more than ten percent of the city's population.

OFFICIAL means all members of the city council, the city's boards and commissions, and other council-appointed task groups or committees of the city of Mercer Island who are currently serving their positions.

REMOTE INTEREST means: (1) that of a nonsalaried officer of a nonprofit corporation; (2) that of an employee or agent of a contracting party where the compensation of such



employee or agent consists entirely of fixed wages or salary; (3) that of a landlord or tenant of a contracting party; or (4) that of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

### **2.60.030 Prohibited conduct**

In addition to the ~~code of ethics set forth in~~ requirements applicable under chapter 42.23 RCW, which establishes the minimum standards for officials, officials shall be subject to the following:

A. Conflicts of Interest. In order to ensure their independence and impartiality, officials shall ~~not recuse themselves from participate participation~~ in government deliberations or decisions where they have a conflict of interest. ~~A conflict of interest exists when any of the following has a financial interest that relates to a government decision: (1) the official, (2) the official's spouse, (3) an individual with whom the official resides, or (4) an entity that the official serves as an employee, officer, director, trustee, partner or owner. An "owner" for purposes of this subsection is an individual who owns 1% or more of the entity. Officials shall abstain from participating in deliberations and decision-making where conflicts of interest exist. Financial interests broadly held by Mercer Island residents shall not be deemed to be conflicts. A financial interest shall be deemed to exist when the individual or entity stands to incur material financial gain or loss as a result of a decision under consideration by the City.~~

B. Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment could be impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

~~A.C.~~ Interest in Contracts. Officials shall not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such person, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein. The foregoing shall not apply to the exemptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth. An official may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the official must be disclosed and noted in the city's official minutes or similar records before the formation of the contract. RCW 42.23.040 shall apply to conflicts or potential conflicts with respect to remote interests in city decisions involving the awarding of a contract.

~~B.D.~~ Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the

public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

~~C.E.~~ E. Representation of Third Parties. Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. Furthermore, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

~~D.F.~~ F. Gifts and Favors.

1. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in their official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. ~~They~~ Officials shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by subsection (2).

2. For the purposes of this code of ethics, ~~t~~The following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted:

- a. Unsolicited flowers, plants, and floral arrangements;
- b. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d. Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;
- e. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- f. Food and beverages consumed at hosted receptions where attendance is related to the official's official duties;
- g. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
- h. Unsolicited gifts from dignitaries from another city, state or a foreign country which are intended to be personal in nature; ~~and~~
- i. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; ~~and~~
- j. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters.

3. The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

~~E.G.~~ Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. ~~“Confidential information” means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law.~~

#### **2.60.040 ~~Code of ethics statement~~ Signed Acknowledgment.**

~~A. The city council shall adopt a code of ethics statement regarding conduct for officials. The statement shall be set by resolution by the city council, from time to time, and shall be on file with the city clerk.~~

~~B. All officials, upon taking office or being appointed, shall sign the code of ethics a~~ statement acknowledging ~~having they have received,~~ read, and ~~understood agree to be bound by the contents thereof~~ this code of ethics and chapter 42.23 RCW. This requirement shall also apply to currently-serving officials at the time of adoption of this code of ethics and any time there are material changes thereto.

#### **2.60.050 Ethics Officer.**

~~A. The city council creates the position of ethics officer.~~ The position of ethics officer is hereby created. The city manager ~~will~~ shall contract with one or more agencies to fill this position. The ethics officer shall be responsible for the prompt and fair enforcement of this code of ethics when ~~necessary~~ called upon to do so.

B. The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics if requested by the city manager or city council.

#### **2.60.060 Advisory opinions.**

~~An official may request an informal opinion from the city attorney concerning the applicability of MICC 2.60.030, including chapter 42.23 RCW, to hypothetical circumstances and/or situations solely related to the official making the request. The city attorney may, instead of providing an informal opinion, refer the official to the ethics officer for an advisory opinion as follows:~~

~~A. Officials subject to this code of ethics may request, and the ethics officer may render at the city's expense. The ethics officer shall render~~ written advisory opinions concerning the applicability of MICC 2.60.030, ~~including chapter 42.23 RCW,~~ to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer ~~will~~ shall not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the

city's public records officer, ~~et~~ et al. The ethics officer retains sole discretion to determine in which cases an advisory opinion will be issued. Factors the ethics officer may consider when determining in which cases an advisory opinion will be issued include, but are not limited to, whether the issue presented has been recently addressed by the ethics officer, whether the issue presented is likely to be the subject of controversy or dispute, and the extent to which the requesting official has made prior requests for advisory opinions. The advisory opinion process is not intended to serve as a substitute for an official's own understanding of, and exercise of reasonable judgment with respect to, the prohibitions addressed in MICC 2.60.030.

B. The ethics officer ~~will~~ shall endeavor, except for good cause shown, to respond to requests for advisory opinions within forty-five days of submission of the request, ~~or~~ and may respond more rapidly if the requester expresses urgency in the request.

C. An official's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer to said official shall not be found to violate this code of ethics to the extent that this code is enforced by the cCity as a civil matter, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the official's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact.

## **2.60.070 Complaints, investigations, hearings and enforcement.**

### **A. Complaint Process.**

1. Complaint Requirements—Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official, by filing it with the city clerk. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency and must set forth the specific subsection(s) of MICC 2.60.030 that the complaining party believes have been violated. ~~It~~ The complaint must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

2. Finding of Sufficiency. Based on the contents of the written complaint, the ethics officer shall make a determination of sufficiency within thirty days of receipt of the complaint. A complaint shall be sufficient if it precisely alleges and reasonably describes acts that constitute a prima facie showing of a violation of ~~the allegations, if established, would violate~~ MICC 2.60.030, including chapter 42.23 RCW. ~~The ethics officer's determination is final, and no reconsideration or appeal is available through the ethics officer or the City.~~ In rendering sufficiency determinations under this subsection, the

ethics officer shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010.

3. Confidentiality. Except as otherwise provided by law, and subject to MICC 2.60.070(H), the city will maintain as confidential the fact that a complaint has been filed, the contents of the complaint, the identity of the person making the complaint, and the identity of the official complained against during the open and active investigation conducted by the ethics officer until such time as the ethics officer has made a determination of sufficiency.

4. Dismissal. The complaint shall be dismissed if the ethics officer determines that (1) the complaint is not sufficient, (2) the complaint provided too little detail for the ethics officer to reach a determination, or (3) a violation has or may have occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct. ~~In the event of dismissal, the official who was the subject of the complaint shall receive the protections under the Public Records Act afforded to a "not sustained" determination of alleged misconduct. A complaint dismissed by the ethics officer under this subsection shall be deemed to be dismissed with prejudice and will not be reconsidered if resubmitted by the complainant unless factual allegations not present in the original complaint are presented.~~

45. Notice. Notice of action by the ethics officer shall be provided as follows:

a. Within seven days of the ethics officer rendering a finding of insufficiency or dismissal of a complaint, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. ~~A finding of insufficiency or dismissal of a complaint by the ethics officer is final, and n~~No reconsideration or appeal of a finding of insufficiency or dismissal of a complaint is available through the ethics officer or the cCity.

b. Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. ~~A finding of sufficiency of a complaint by the ethics officer is final and n~~No reconsideration or appeal of a finding of sufficiency of a complaint is available through the ethics officer or the cCity. Following the initial notice, the city clerk shall schedule and give notice of the hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. ~~The official complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross-examine witnesses.~~

56. Stipulations. Prior to, and in-lieu-of the hearing, the ethics officer and the official complained against may upon agreement jointly submit a recommended stipulation to the city council. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is



appropriate, an admission of the violation by the official complained against, a promise by the official complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and forwarded to the city council for action.

#### B. Conduct of Hearings.

~~4.~~—All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The official complained against shall have the right to file a written answer to the charge. Each party may appear at the hearing in person or through legal counsel. Each party may present and cross examine witnesses on any matter relevant to the issues raised in the complaint and give relevant evidence before the hearing examiner. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence ~~as needed~~. To that end, upon a showing of reasonable necessity, the hearing examiner ~~shall~~ may issue subpoenas and subpoenas duces tecum at the request of the complaining party, the official complained against, or on his or her own initiative. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

#### C. Final Decision and Recommendations.

~~2.~~—Within thirty days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a ~~final decision with~~ final decision in writing, including findings of fact, conclusions of law, and ~~recommended disposition a~~ determination of whether any violation of MICC 2.60.030, including chapter 42.23 RCW, has been established. The final written decision shall be signed and dated by the hearing examiner. In rendering a final decision, the hearing examiner shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010. If the hearing examiner determines that the alleged code of ethics violation(s) have not been proven, the hearing examiner shall dismiss the complaint with prejudice and no further action shall be taken. If the hearing examiner determines that one or more code of ethics violation(s) are proven, the final decision shall also contain any recommendations of the hearing examiner to the city council for any remedial action or sanction that the council may find appropriate and lawful. The hearing examiner may recommend any one or more of the following remedial actions or sanctions as further described below in subsection (E): No sanctions or penalties, referral, admonition, reprimand, censure, removal, and/or civil penalties. Within fifteen days of the hearing examiner's final decision, the city clerk shall deliver ~~A copy~~ copies ~~of the findings,~~

~~conclusions, and recommended disposition~~ the final decision shall be sent to the person who made the complaint, ~~and to the official complained against,~~ the ethics officer, and the city council. ~~Additional copies of the findings, conclusions, and recommendations~~ final decision shall be forwarded to the ethics officer and city council.

~~ED.~~ City Council Action. The city council in consultation with the city attorney shall, within thirty days of receipt of the hearing examiner's final decision or at the next regularly scheduled city council meeting following that thirty-day period, determine what, if any, of the hearing examiner's recommended remedial actions or sanctions to adopt. Final city council action to decide upon the ethics officer's recommended stipulation ~~from the ethics officer or findings, conclusions, and recommendations from~~ the hearing examiner's recommended remedial actions or sanctions shall be by majority vote in a public meeting. However, if the proceeding involves a member of the city council, deliberations by the ~~city~~ council may be in executive session pursuant to RCW 42.30.110(1)(f). The member of the city council against whom the complaint was made ~~will~~ shall not attend or participate in any executive session and shall not vote in open session on any matter involving themselves.

~~DE.~~ Disposition. The city council may take ~~any one or more~~ of the following actions in disposition of the complaint. The city council's action must afford deference to ~~based on~~ the ethics officer's recommended stipulation ~~from the ethics officer or, in the event a violation is found by the hearing examiner, the hearing examiner's findings, conclusions, and recommendations~~ recommended remedial actions or sanctions from the hearing examiner, as appropriate. ~~The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided below in subsection (E).~~

1. ~~Dismissal~~ No sanctions or penalties. ~~Dismissal of the~~ The city council may dispose of the complaint without imposing sanctions or penalties.

2. Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

3. Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.

4. Reprimand. A reprimand shall be administered to the official by a letter of reprimand by the city council. The letter shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.

5. Censure. A letter of censure shall be a letter read to the official in public. The letter shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The official shall appear at a city

council meeting at a time and place directed by the city council to receive the letter of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed letter of censure shall be provided to the official. The letter of censure shall be read publicly, and the official shall not, at the time of reading, make any statement in support of, or in opposition thereto, or in mitigation thereof. The letter of censure shall be read at the time it is scheduled whether or not the official appears as required.

6. Removal—Member of Board or Commission or Other Appointed Task Group or Committee. If the official against whom the complaint was made is currently a member of a city board or commission or other city task group or committee, [the city council](#) may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote remove the official from such board or commission effective immediately. [Nothing in this subsection limits the city council's removal authority under title 3 of the MICC.](#)

7. Removal—Councilmember Appointments. In addition to taking any actions above, if the official against whom the complaint was made is a member of the city council who serves on any city board or commission, other city task group or committee, regional or multijurisdictional body as a representative of the city, whether appointed by the mayor, mayor and deputy mayor, council, or regional body, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote [the city council may](#) remove the official from such body effective immediately.

8. Removal—Mayor or Deputy Mayor Appointment. In addition to taking any actions above, if the official against whom the complaint was made serves as mayor or deputy mayor, the city council may remove said appointment.

9. Civil Penalties. In addition to taking any actions above, the city council may also assess a civil penalty of up to one thousand dollars. Any monetary penalty assessed civilly shall be placed in the city's general fund.

~~EF.~~ [Appeal. Either the complaining party or the official complained against may, within thirty days of the city council's action on \(1\) the ethics officer's recommended stipulation or \(2\) the hearing examiner's final decision, appeal to the King County superior court by writ of certiorari pursuant to Chapter 7.16 RCW.](#)

~~Review of Civil Penalty Amount. If the city council orders an official to pay a civil penalty, the official may seek a reconsideration from the city council of the amount assessed within thirty days of the city council's order.~~

~~FG.~~ Protection Against Retaliation. Neither the city nor any official may take or threaten to take, directly or indirectly, any action that constitutes personal attack, harassment, or intimidation, against any person because that person files a complaint with the ethics officer.

H. Public Records. Records filed with the ethics officer and/or hearing examiner, and written decisions or recommendations of the ethics officer and/or hearing examiner, become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. If the city receives a request under the Public Records Act, RCW 42.56, to inspect or copy such information and reasonably determines that such information may be exempt from disclosure, including upon the grounds stated in MICC 2.60.070(A)(4), it will notify the complaining party and the official complained against of the request and of the date that such information will be released to the requester unless any party obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. The city will provide such notice at least ten days prior to the date that the information will be released. If no party timely obtains a court order enjoining disclosure, the city may release the requested information on the date specified.

G. Recovery of Fees or Costs. No attorney's fees or other costs related to matters covered by this chapter incurred by any official or complainant shall be recoverable from the City, except as follows: The City shall reimburse reasonable legal fees incurred by the official, up to \$5,000, relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the city council without penalties subsequent to a hearing by the hearing examiner. The hearing examiner shall determine the amount of the reasonable fee award.

### **2.60.080 Limitations**

Complaints based on this code of ethics may only be brought against current officials and must be submitted within two years from the date of the alleged violation. If the official against whom the complaint was brought resigns or their term ends before the disposition of the complaint, no further action pursuant to MICC 2.60.080 shall be taken. This section shall only apply for purposes of enforcement of this code of ethics pursuant to MICC 2.60.080.



# Mercer Island Ethics Code Revisions

## Third Reading – June 15, 2021

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**Matt Segal**  
Pacifica Law Group LLP

**Sarah Washburn**  
Pacifica Law Group LLP

# Overview

**Based on City Council feedback, proposed edits to the draft ordinance for third reading fall into the following categories:**

- **Purpose and intent**
- **Ethics officer position**
- **Advisory opinions**
- **Complaint, hearing, and enforcement procedures**
- **Minor wordsmithing/streamlining changes throughout**



# Purpose and Intent

Item 6.

- Title of first Ethics Code section (MICC 2.60.010) was changed from “policy” to “purpose and intent,” and subsection A was retitled “preamble,” to more accurately reflect that these provisions are aspirational and do not constitute additional enforceable provisions of the Code.

# Ethics Officer Position

Item 6.

- **MICC 2.60.050 was revised to confirm that the ethics officer position is created.**
- **Additional minor changes were made, including that the city manager “shall” contract with one or more agencies to fill the ethics officer position and that the ethics officer shall be responsible for the prompt and fair enforcement of the code of ethics “when called upon to do so.”**

# Advisory Opinions

Item 6.

- MICC 2.60.060 was revised to provide that where the ethics officer agrees to provide an advisory opinion, he or she shall endeavor, except for good cause shown, to respond to the request within 45 days.
- Per consensus at the June 1, 2021 meeting, the language establishing a discretionary advisory opinion process was maintained.

# Complaint, Hearing, and Enforcement

Item 6.

- Language describing the purpose of sufficiency determinations was removed.
- Duplicative language regarding official's right to file a written answer, appear at the hearing, etc. was removed.
- Upon additional consideration and analysis, and consistent with common administrative practice, issuance of subpoenas remains discretionary on the part of the hearing examiner upon a showing of reasonable necessity.

# Additional Minor Changes

Item 6.

- Per consensus at the June 1, 2021 meeting, several non-substantive wordsmithing and/or streamlining changes were made in MICC 2.60.010 (purpose and intent), 2.60.030(A) (conflicts of interest/recusal), 2.60.040 (signed acknowledgment), 2.60.060 (advisory opinions), and 2.60.070 (complaint, hearing, and enforcement procedures).



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5899**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5899: American Rescue Plan Act Funds Update	<input checked="" type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Receive report.	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>DEPARTMENT:</b>	Finance	
<b>STAFF:</b>	Matt Mornick, Finance Director	
<b>COUNCIL LIAISON:</b>	n/a	
<b>EXHIBITS:</b>	n/a	
<b>CITY COUNCIL PRIORITY:</b>	2. Articulate, confirm, and communicate a vision for effective and efficient city services. Stabilize the organization, optimize resources, and develop a long-term plan for fiscal sustainability.	

### SUMMARY

This purpose of this agenda bill is to update the City Council on the latest information and guidance for receipt of American Rescue Plan Act funding. As of June 9, 2021, the Washington State Office of Financial Management confirmed Mercer Island will receive \$7.23 million in ARPA funding. The presentation will expand upon any additional findings received between now and June 15, 2021, from both the U.S. Department of Treasury and the State of Washington Office of Financial Management.

### BACKGROUND

On June 1, staff provided background in [AB 5883](#) on the American Rescue Plan Act (ARPA), the Federal economic stimulus package in response to the economic and public safety impacts of the COVID-19 Pandemic. Staff explained eligible and ineligible uses of the funds based on the rules set forth by the U.S. Treasury Department and sought clarification from the City Council on potential funding priorities. Staff committed to return to the City Council later this year to share more detailed project information and a recommendation for appropriating the City's share of these funds.

At the time, the U.S. Treasury Department directed cities with less than 50,000 residents in Washington – known as “Non-Entitlement Units” (NEU) – to coordinate with the State of Washington Office of Financial Management (OFM) regarding the timing and distribution of ARPA allocations. As of the June 1 City Council meeting, the ARPA allocation amount for Mercer Island was unknown. OFM confirmed Mercer Island's allocation would be proportionate to the Island's local population relative to the total resident population of all non-entitlement cities within the state.



**DISCUSSION**

On June 8, Washington's OFM announced ARPA allocation amounts for NEU cities, along with specific instructions to acknowledge the desire for and facilitate the transfer of ARPA funds. Mercer Island was estimated to receive \$5.64 million. The OFM confirmed the City of Mercer Island will receive \$7.23 million in ARPA funds. The City is required to commit the funds by December 2024, and fully expend the funds no later than December 2026.

Staff will complete the requisite requirements to ensure the first half of the funds will be transferred by OFM to the City by June 27, 2021, contingent upon the OFM taking receipt of these funds from the U.S. Treasury Department. The second half of the funds will be received within twelve months thereafter. Any funds declined by NEU cities will transfer to the state.

As stated above, staff will return to the City Council later this year to share detailed project information and a recommendation for appropriating the City's share of ARPA funds.

**RECOMMENDATION**

Receive report.



# American Rescue Plan Funds Update

AB 5899

June 15, 2021

# What has Changed since June 1?

ARPA allocation and timing of receipt is now verified.

Estimate was \$5.64 million

Actual allocation is \$7.23 million.



# What has Changed since June 1?

- ❑ First half of allocation due end of June. Second half a year later.
- ❑ Clarified deadline to expend ARPA funds.
  - ❑ Funds must be committed by Dec 2024, spent by Dec 2026.





# Next Steps

- ❑ Completed OFM paperwork to take receipt of first tranche of funds by the end of June.
- ❑ Early action items include:
  - ❑ Parks Maintenance 'catch-up' to address backlog of work.
  - ❑ Tech improvements to accommodate hybrid public meetings.
- ❑ Emphasis to accelerate critical capital investments.



# Questions & Discussion





## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5890**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5890: Youth & Family Services (YFS) Levy Discussion	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Provide direction, if any, on the program and service components of a potential YFS Levy, exemptions, levy length, and direct staff to prepare a ballot measure ordinance for first reading.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Manager
<b>STAFF:</b>	Jessi Bon, City Manager
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. YFS Levy Presentation 2. Youth & Family Services Program Evaluation Proposal
<b>CITY COUNCIL PRIORITY:</b>	2. Articulate, confirm, and communicate a vision for effective and efficient city services. Stabilize the organization, optimize resources, and develop a long-term plan for fiscal sustainability.

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### SUMMARY

The purpose of this agenda bill is to review the revised list of potential Youth & Family Services (YFS) programs and services that could be included in a levy lid lift. Deanna Gregory of Pacifica Law Group will provide an overview of the levy lid lift process, identify additional decisions to be made, and provide preliminary financial modeling for two levy scenarios (see Exhibit 1). Should the City Council desire to pursue a levy in November 2021, staff will need direction to proceed with development of a ballot measure ordinance for City Council consideration in July.

### BACKGROUND

Following the closure of the Mercer Island Thrift Shop in March 2020 due to the COVID-19 pandemic, YFS and Thrift shop staff were laid off and furloughed due to the lack of revenues and funding for the YFS Department. In May 2020, the City Council established the YFS Working Group, comprised of representatives from the MIYFS Foundation Board, the City Council, and staff, to evaluate short-term and long-term funding options to stabilize the YFS Department. Although the Group reviewed four levy scenarios for long-term funding, a formal recommendation was not made, and the Group concluded its work in January 2021.

In February 2021 (see [AB 5809](#)), Ms. Gregory presented the City Council with information regarding voter considerations and the financial impact of a measure based on preliminary staffing scenarios. Levy lid lift considerations based upon lift options of (1) a one-time increase above 1% limit and (2) a multiple year increase above 1% limit for up to six years were considered. The City Council directed the City Manager to research and provide additional information regarding a single year levy lid lift option for consideration on the November ballot and to prepare the financial modeling related to a levy term.

At the April 27, 2021, City Council Planning Session, the City Council reviewed a list of potential programmatic elements to be included in a future YFS levy (see [AB 5865](#)). This included the school-based mental health counseling program (staff and supervision), along with a list of six alternative programs for consideration. The City Council discussed the options and provided direction to the staff to return with a revised list.

#### YFS LEVY POTENTIAL PROGRAMMATIC ELEMENTS

Staff has prepared a revised list of programmatic elements for consideration as part of a YFS levy based on feedback provided at the April 27 Planning Session, see table below.

#	PRIORITY	ACTION	OPTION	COST*
A	Base	STABILIZE	School-Based Counseling Program	\$682,000
B	Base	STABILIZE	Supervision for School-Based Counseling Program	\$54,000
C	1	RESTORE	Programs Assistant to Full-Time (0.5 FTE)	\$32,000
D	2	RESTORE	Second Middle School Counselor (0.83 FTE)	\$98,000
E	3	RESTORE	Individual, Family and Geriatric Counselor (1.0 FTE)	\$112,000
F	4	DATA	Comprehensive Evaluation Program for YFS Services	\$15,000
G	5	DATA	Senior Needs Assessment – every four years	\$30,000

#### Levy Base Proposal (Options A & B)

The two items identified as the “base proposal” include staff and supervision for the school-based counseling program.

##### Option A/Base: Stabilize long-term funding for MIYFS School Based Counseling Program:

- **Include:** Salaries and benefits for 7 positions:
  - 1 counselor at Northwood, Island Park, West Mercer, and Lakeridge elementary schools
  - 1 counselor at Islander Middle School
  - 1 counselor at Mercer Island High School
  - 1 substance use prevention/intervention professional at Mercer Island High School
- **Annual Cost:** \$682,000 (2022 salaries and benefits)
- **Benefits:** Securing long-term funding for this program ensures that youth mental health needs are met through ability to access mental health professionals in every public school on Mercer Island.

##### Option B/Base: Stabilize clinical supervision of MIYFS School Based Counseling Program:

- **Include:** Salaries and benefits for 0.45 FTE management staff
- **Annual Cost:** \$54,000 (2022 salaries and benefits)
- **Benefits:** Clinical ethics and best practices stipulate clinical supervision of formal therapeutic mental health care. The clinical supervisor reviews the practice of counselors including confirming and supporting client progress towards treatment goals, compliance with pertinent RCW and HIPAA



guidelines, and adherence to ethical standards of practice. Including funding for the clinical supervision for school-based counselors captures the full cost of the administration of the program.

The following additional options are included for consideration as part of a future YFS Levy.

Option C: Restore Programs Assistant (0.5 FTE)

In May 2020, the 1.0 FTE YFS Administrative Assistant position was eliminated due to the COVID-19 pandemic. In September 2020, a 0.5 FTE YFS Programs Assistant position was reinstated.

- **Restore:** 0.5 FTE Programs Assistant
- **Annual Cost:** \$32,000 (2022 salary and benefits)
- **Benefit:** Restoring the capacity of this position will allow YFS staff to meet the administrative and program support needs of the Emergency Assistance, Community-Based Counseling, and Senior Support programs, all of which are facing increased demand and reduced resources. Program support efforts include coordinating the financial workflow of emergency fiscal supports for income qualified households and senior clients related to rent, food, and other efforts to help resolve short-term financial crises.

Option D: Restore Second IMS Counselor (0.83 FTE)

In 2000, a second counselor was added to Islander Middle School as the school population was growing. In 2017, the position was eliminated due to lack of funding.

- **Restore:** Second Island Middle School Counselor position (0.83 FTE)
- **Annual Cost:** \$98,000 (2022 salary and benefits)
- **Benefit:** Current Islander Middle School enrollment exceeds the capacity of one YFS Counselor; restoring and increasing capacity will align with enrollment figures and allow the YFS school-based team to better meet the mental health demands of this age group. Middle school students continue to demonstrate need for intervention with 20.5% of 8th graders reporting clinically significant signs of depression and 14.4% of 8th graders (13.7% of 6th graders) reporting having seriously considered attempting suicide (2018 Healthy Youth Survey data).

Option E: Restore Individual, Family, and Geriatric Counselor Position (1.0 FTE)

The Geriatric Specialist position was reduced by 50% (from 1.0 FTE to 0.5 FTE) as part of the 2019 budget reductions. Senior services include two core functions: case management and mental health care. Case management includes providing information, referral, and systems navigation in areas including residential/supported living, Medicare, and rent/utility assistance. Senior mental health care focuses on grief/loss, lifecycle transitions, and end of life matters. At the time of reductions, case management services to the most vulnerable senior citizens were prioritized for the remaining 0.5 FTE, leaving a shortage of mental health support resources for this population in YFS community-based services.

In 2020, the community-based counseling program was reduced from 1.9 FTE to 1.1 FTE due to the COVID-19 pandemic, further exacerbating this shortage of mental health resources overall.

This option was revised since the April 27 discussion, combining the need for additional geriatric services and community-based counseling services into one position. This position provides flexibility to serve a range of age groups.

- **Restore:** Individual, Family, and Geriatric Counselor (1.0 FTE)
- **Annual Cost:** \$112,000 (2022 salary and benefits)

- **Benefit:** Increased capacity for senior-specific mental health care and support, including grief/loss groups, low-barrier home-based meetings and functional assessments, and support for mood, behavioral and substance use issues. In addition, this position will provide additional capacity for outreach and collaboration with the City's first responders and MIH program.

#### Option F: Comprehensive Program Evaluation – Data Collection and Assessment

This option was added at the direction of the City Council to provide resources for YFS data collection and evaluation. The YFS Department currently relies on data from the Healthy Youth Survey, which is a Statewide assessment of students. This option would provide for a Mercer Island-specific data assessment tool.

- **Include:** Funding for a Comprehensive Evaluation Program for YFS Services
- **Annual Cost:** \$15,000
- **Benefit:** Annual evaluation of YFS services to update and reinstate client surveys will track client satisfaction, progress, and efficacy of treatment plans. The evaluation program will update and streamline outputs tracking, service request and waitlist tracking and provide an annual report. This work will likely be performed by contract.

#### Option G: Senior Needs Assessment

This option was identified by staff in response to the recommendation in Option F and will provide a tool to collect and assess data related to the senior population on Mercer Island. Currently, there are few tools available to YFS to measure and evaluate the needs of this population.

- **Include:** Funding for a Senior Needs Assessment every four years.
- **Annual Cost:** \$7,500
- **Benefit:** In order to understand the needs of the senior population on Mercer Island, a consultant would administer a survey of senior residents and establish a focus group of key stakeholders and residents to assess needs and produce a key findings report. This information will assist staff in future planning for senior programming in the community.

A summary of potential outcomes that would be derived from Options F and G is attached as Exhibit 2. This data collection strategy would allow YFS staff to evaluate and report out to the community on services both from an output perspective (number of people served) and also an outcome perspective (effectiveness of programming).

### **LEVY DECISION POINTS**

Should the City Council desire to include a levy as part of the November 2, 2021 General Election, a decision will need to be made to allow sufficient time to meet the August 3, 2021 filing deadline with King County. Meeting this deadline will require adoption of a ballot measure ordinance in July 2021, with the first reading anticipated on July 6 and the second reading on July 20.

Ms. Gregory has prepared a presentation to review additional decisions the City Council will need to make to inform development of a ballot measure ordinance (see Exhibit 1). Staff are currently assuming, based on prior City Council discussions, that the potential YFS Levy is for a single-year lift option.

Additional decisions related to the levy include:

- Programs and services to be funded by the levy
- Exemptions for qualifying seniors and persons with disabilities from the levy
- A permanent or temporary levy, and if temporary the length of the levy

Each of these decision items will be presented by Ms. Gregory as part of the Tuesday's City Council meeting. Direction from the City Council is needed on each item in order to prepare the ballot measure ordinance.

## RECOMMENDATION

Alternatives:

Option 1: Provide direction to the City Manager to prepare a ballot measure ordinance for a YFS Levy for first reading on July 6, 2021 for the November 2, 2021 General Election and confirm the following:


- Programmatic elements
- Exemptions
- Length of levy

Option 2: Take no further action.




1

## Background: Annual Levy Limitations



**Regular property taxes are limited by how much (the total amount to be collected) the taxing district can levy one year to the next**

- Taxing district with a population of over 10,000 may increase its total regular property tax amount by
  - 101% of the amount levied in the prior year or the rate of inflation, whichever is lower, plus new construction and limited other additions
    - Eyman limit (Initiative 747 established a “101% levy limit”; Supreme Court struck down the initiative in 2007; State Legislature reinstated it)
- Impact is to restrict revenue growth year over year
- Limit is on the levy *amount* (total dollar amount levied); not levy *rate* (rate/\$1,000 of assessed value)
  - Levy rate per \$1,000 may fluctuate depending on the total amount to be collected and the assessed value of property in that year
- 101% cap is referred to as the “levy lid”



2

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## Background: Levy Lid Lift - Single Year Lift Option



**Voter approval of a “levy lid lift” permits a city to increase its regular property tax levy above the 101% limit from one year to the immediately following year**

- Temporarily removes the 101% “levy lid”

### “One-Bump” increase

#### Regular property tax levy is increased above 101% in the first year only

- Authorized in RCW 84.55.050 (see also WAC 458-19-045)
- Requires simple majority voter approval (50% plus one); no validation requirements
- Authorizes an increase in the city's regular property tax (not an excess property tax levy)
  - Amount collected continues to be part of the city's regular property tax levy and collections
  - Subject to constitutional and statutory rate limitations
  - Can be authorized for any city purpose or a specific purpose
  - Revenue can be used for any lawful governmental purpose
  - Ballot measure must state the total regular property tax rate in the first year
  - No supplanting restrictions
  - Can be temporary or permanent



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## Considerations for Funding Youth and Family Services



Decision Points for Levy Lid Lift	Considerations
Determine programs to be funded and amount of funding gap	Programmatic and financial need
Exempt certain qualifying seniors and persons with disabilities from paying incremental increase?	If yes, must be included in ballot title and approved by voters
How long does the City need revenue from the levy lid lift?	Levy lid lift and resulting benefit to City can be permanent or temporary
Select election date for ballot measure	Election dates and ordinance filing deadlines set by State law
Adopt ballot measure ordinance detailing purpose of the levy lid lift, the terms, and the form of ballot proposition	Adopted ordinance to be filed with County prior to filing deadline



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## Considerations for Funding Youth and Family Services



### Determine programs to be funded and amount of funding gap

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TOTAL				\$1,023,000



5

5

## Considerations for Funding Youth and Family Services



### Financial impact of measure\*

- Assumptions:
  - 2021 City Assessed Value of \$15,291,040,335
  - Scenario #1 (Base 1 Priority) (\$682,000)
    - Approximately \$5.17/month based on a median home value of \$1,393,000
  - Scenario #2 (All Priorities) (\$1,023,000)
    - Approximately \$7.75/month based on a median home value of \$1,393,000

\* Preliminary, subject to change. Actual results will vary depending on a variety of factors including assessed value and value of median home.



6

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## Considerations for Funding Youth and Family Services



### Options Related to Length of Levy Lid Lift

Temporary	Permanent
<ul style="list-style-type: none"> <li>Levy lid is lifted above 101% in the first year</li> <li>Incremental increase from the levy lid lift will continue for a set number of years, and will be subject to 101% cap for any annual increase</li> <li>At the end of the levy lid lift term, the City's levy will drop back down to what it would have been had the levy lid lift never been approved</li> <li>Provides temporary funding for program or project</li> </ul>	<ul style="list-style-type: none"> <li>Levy lid is lifted above 101% in the first year</li> <li>Incremental increase from the levy lid lift will continue permanently and will be subject to usual 101% cap for any annual increase</li> <li>Provides potentially permanent source of revenue for program or projects</li> </ul>



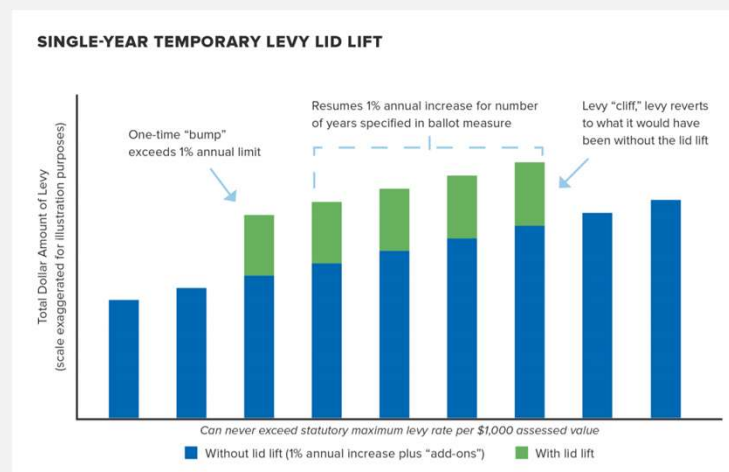
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## Considerations for Funding Youth and Family Services



### Options Related to Length of Levy Lid Lift



Source: Municipal Research Services Center, available at <https://mrsc.org/Home/Explore-Topics/Finance/Revenues/Levy-Lid-Lift.aspx>

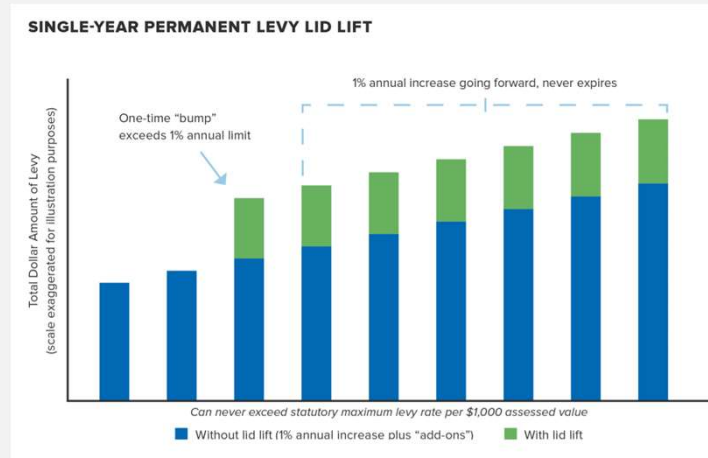
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## Considerations for Funding Youth and Family Services



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## Levy Lid Lift Process and Election Dates



### City Council adopts a ballot measure ordinance

- Ordinance includes background and reason/need for increase above levy limit
- Contains proposed ballot measure
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**Single-year lid lifts (temporary or permanent) may be submitted to voters at any special, primary, or general election**

**Ballot measure may be submitted no more than 12 months before the tax will be imposed**



Election Date	Ordinance/Resolution Filing Deadline
November 2, 2021 (general)	August 3, 2021
February 8, 2022 (special)	December 10, 2021



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Questions?



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Youth & Family Services Program Evaluation Proposal					
Item 8.					
Metric	Output	Output Measure (Easy)	Outcome	Outcome Measure (Difficult)	Impact Measure (Hard)
SCHOOL-BASED COUNSELING					
Depression Rates	Client Count/Session Count	Staff Reports	Decrease Dep	HYS Depression Rates	Increase Youth Wellbeing NEW Biannual Epi Study*
Anxiety Rates	Client Count/Session Count	Staff Reports	Decrease Anxiety	HYS Anxiety Rates	Increase Youth Wellbeing (Attribution for the outcomes)
Suicide Ideation (S.I.) Rates	Client Count/Session Count	Staff Reports	Decrease S.I.	HYS S.I. Rates	Increase Youth Wellbeing *
Hope/ Resiliency	Client Count/Session Count	Staff Reports	Increase Hope/ Resiliency	HYS Hope Scale Rates	Increase Youth Wellbeing *
Substance Use	Info/ training Count	Staff Reports	Decrease Use Rates (youth)	HYS Use/Behavior Rates	Increase Youth Wellbeing *
COMMUNITY-BASED COUNSELING					
Global Assessment of Functioning (score)	Client Count/Session Count	Staff Reports	Increase/Decrease Score	GAF Score	Increase Wellbeing *
Children’s Global Assessment of Functioning (score)	Client Count/Session Count	Staff Reports	Increase/Decrease Score	CGAS score	Increase Child Wellbeing *
SENIORS					
Global Assessment of Functioning (score)	Client Count/ Session Count	Staff Reports	Increase/Decrease Score	GAF Score	Increase Senior Wellbeing *
Social Connectivity	Client & Info/ resources linked	Staff Reports	Increase linkage to social support services	Linkage Count	Increase Senior Wellbeing *
EMERGENCY ASSISTANCE					
Residential Stability	Client count/ resources linked/ Rent Assistance provided (\$)	Staff Reports/ Financial Reports	Decrease evictions	Linkage Count/Financial Count	Increase housing stability *
Food Security	Client count/ resources linked/ Food Assistance provided (\$)	Staff Reports/ Financial Reports	Increase Food Security	Decrease Intake Referrals for Food Security	Increase Resident Wellbeing *
Employment	Client count/ resources linked	Staff Reports	Increase Employment Security	Decrease Intake Referrals for Employment Security	Increase Resident Wellbeing *





# City of Mercer Island

## Levy Lid Lift for Youth and Family Services

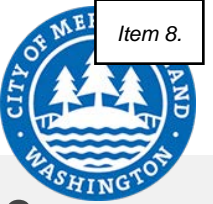
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June 15, 2021

**Deanna Gregory**  
Pacifica Law Group LLP



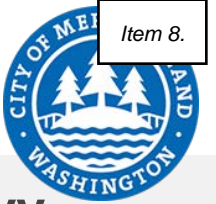
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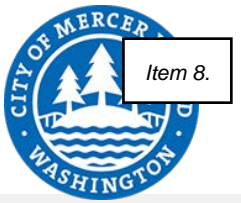
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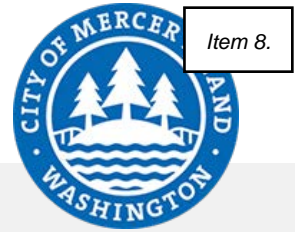
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Decision Points for Levy Lid Lift	Considerations
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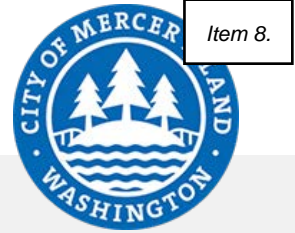
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## Determine programs to be funded and amount of funding gap

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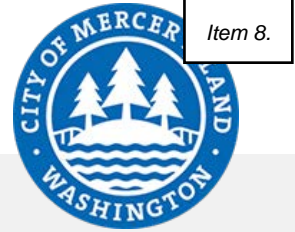


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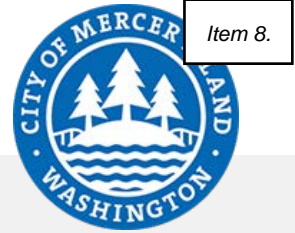
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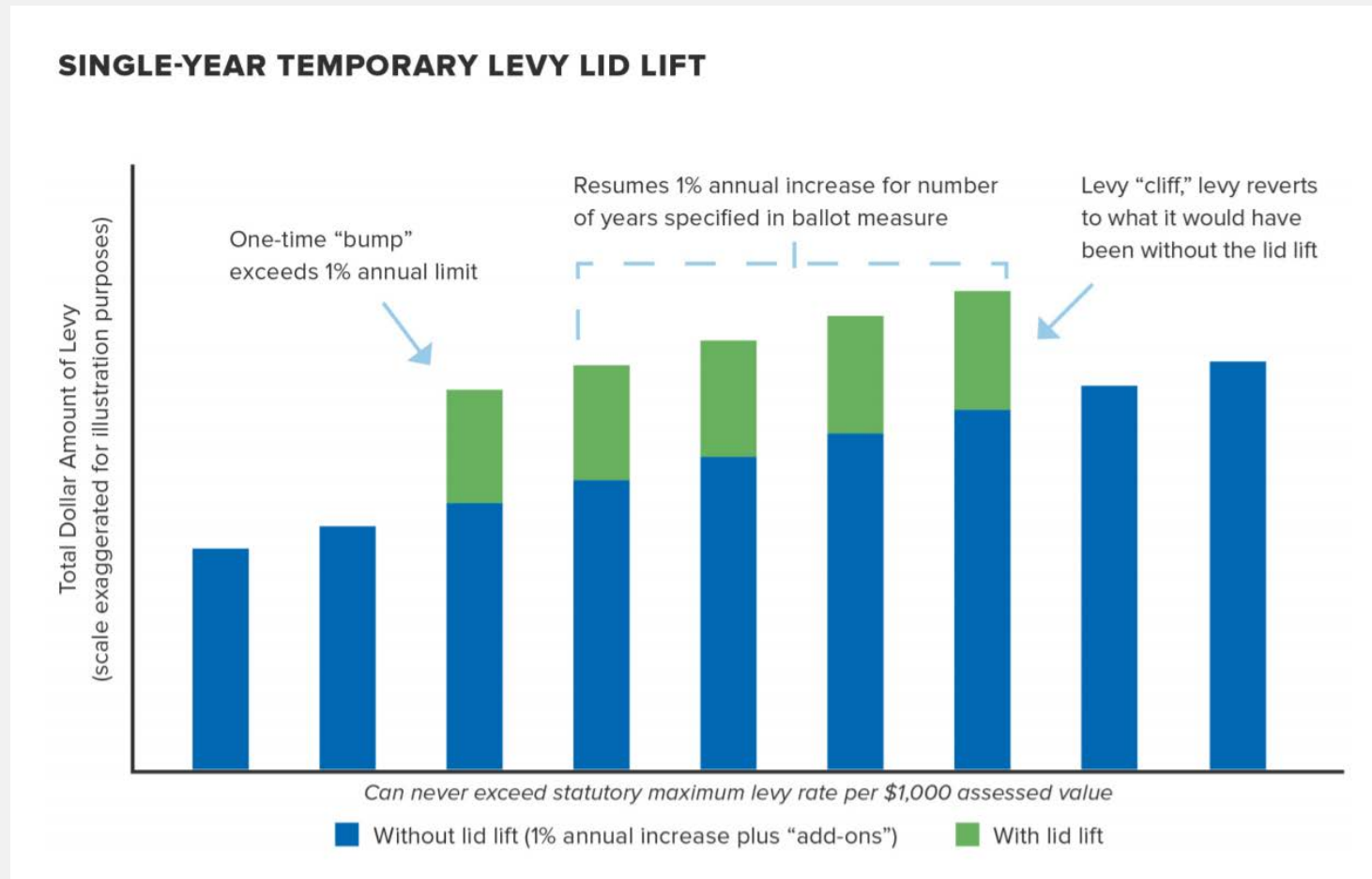
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# Considerations for Funding Youth and Family Services



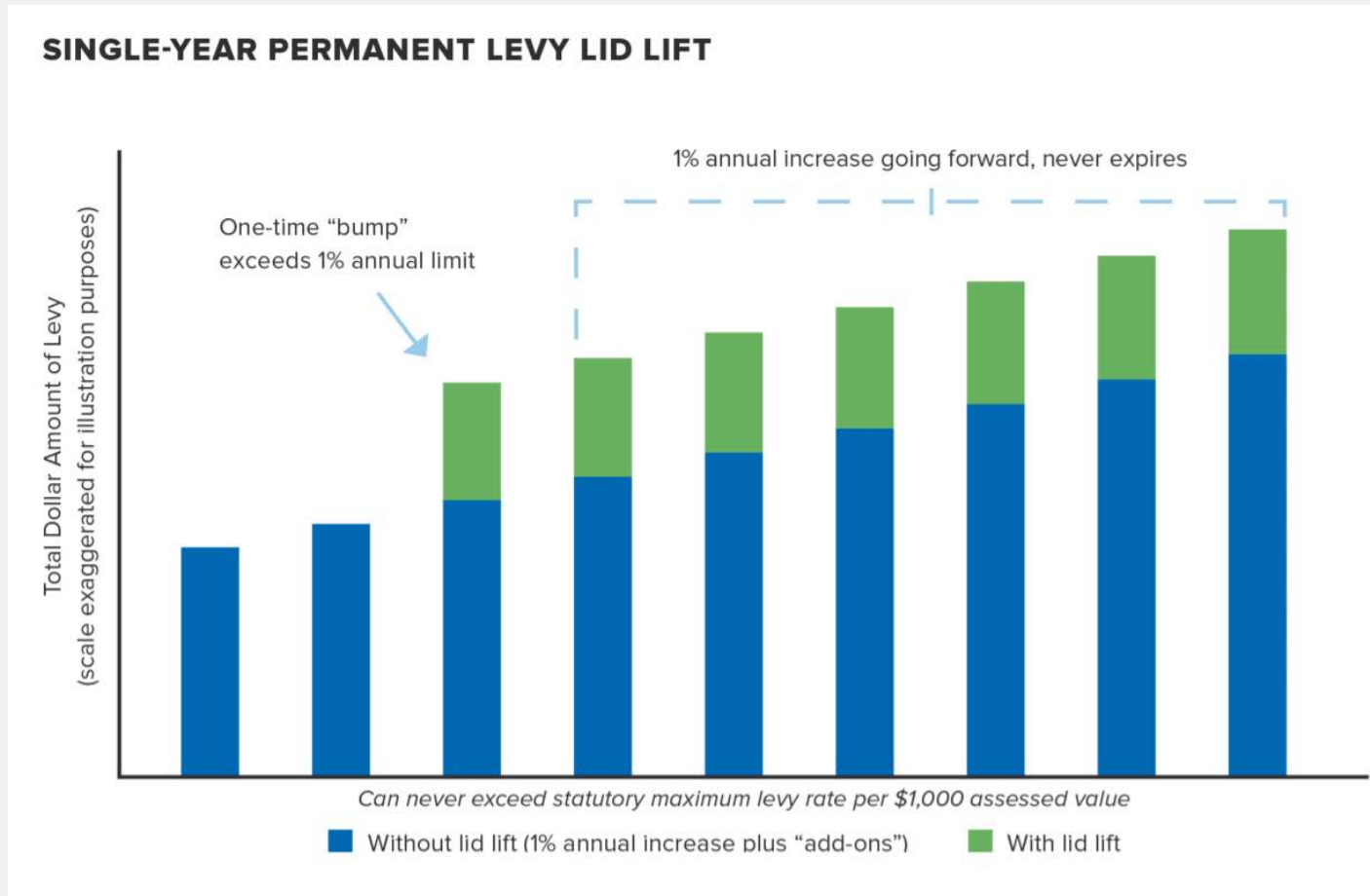
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# Considerations for Funding Youth and Family Services

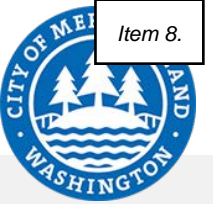
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# Questions?





## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5889**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5889: Wireless Communications / Small Cell City Code Amendment (ZTR19-004)	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Review Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities, and set second reading for July 6, 2021.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>DEPARTMENT:</b>	Community Planning and Development	
<b>STAFF:</b>	Jeff Thomas, Interim Director Alison Van Gorp, Deputy Director Daniel Hubbell, Planning Commission Chair Eileen Keiffer, Madrona Law Group	
<b>COUNCIL LIAISON:</b>	n/a	
<b>EXHIBITS:</b>	1. Planning Commission Staff Memos dated March 17, April 9, and May 13 2. Planning Commission Recommendation 3. Ordinance No. 21C-12	
<b>CITY COUNCIL PRIORITY:</b>	n/a	

### SUMMARY

The Planning Commission recommends approving the proposed code amendment to repeal the existing interim wireless communications and small cell regulations contained in Mercer Island City Code (MICC) [19.06](#) and replace with permanent regulations.

### BACKGROUND

This code amendment was brought forward by city staff as a part of the annual docket submittal process in the fall of 2020, and the City Council later added it to the final docket. The proposed code amendment amends [MICC 19.06](#) updating the code sections related to wireless communications and small cell regulations. The City has had interim regulations in place since early 2019, and this update is intended to adopt permanent regulations that are consistent with recent changes to federal regulations and that are responsive to modern cellular technology and facilities. The proposed amendment repeals the existing interim regulations, and replaces them with updated permanent regulations including provisions to:

- Update language and definitions to comply with the latest regulatory developments;
- Add provisions allowing for amateur radio facilities (ham radio antennas);
- Clarify requirements for undergrounding of wires and equipment; and
- Add clarity and more objective standards to provisions related to regulating noise, design, and concealment of small wireless facilities.

City staff followed the procedures in MICC [19.15.230](#) and [19.15.260](#) related to the review of code amendment proposals that have been placed on the final docket by the City Council. On March 17, 2021, public notice was provided for the public hearing scheduled on April 21, 2021. Public notice was provided in the newspaper and the weekly permit bulletin. A SEPA determination of non-significance was issued by staff on April 7, 2021. Staff memos (three in total) were prepared in advance of each Planning Commission meeting summarizing the proposal and providing a staff recommendation as provided in Exhibit 1.

On March 17, 2021, the Planning Commission reviewed the proposed code amendment during a public meeting. On April 21, 2021, the Planning Commission held a public hearing on the revised amendment. The Public hearing was continued to the May 19 meeting. Following the hearing on April 21, the Planning Commission requested further revisions to the proposed amendment. The Planning Commission held their final review of the proposed amendment on May 19, 2021. During this meeting, the Planning Commission completed and closed the public hearing, then deliberated on the draft code amendment, agreeing to several additional revisions. Finally, by a unanimous vote the Planning Commission recommended the City Council approve the proposed amendment as revised. The Planning Commission's May 21 recommendation is attached as Exhibit 2. The recommended code amendment is included in Exhibit 3 as Ordinance No. 21C-12.

Please note: The Planning Commission reviewed draft code amendment language that used the existing interim regulations as a starting point. Thus, the version included in the Commission's recommendation (Exhibit 2) used redlines to show the recommended revisions to the interim regulations. Ordinance No. 21C-12 includes an updated version that includes a full redline of the code as it existed prior to the adoption of the interim regulations in 2019. This is necessary so that when the interim regulations are repealed, all the code revisions (inclusive of those already included the interim regulations and those now recommended by the Planning Commission) are incorporated into the code amendment to be adopted by City Council.

#### **NEXT STEPS**

The City Council will review the proposed code amendment at the June 15 meeting and schedule the second reading and adoption for July 6. If approved on July 6, the code amendment would take effect 5 days after publication by the City Clerk.

#### **RECOMMENDATION**

Review Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities, and set second reading for July 6, 2021.

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

**To:** Planning Commission  
**From:** Alison Van Gorp, CPD Deputy Director  
**Date:** March 17, 2021  
**RE:** ZTR19-004 Wireless Code Update

### SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

### BACKGROUND

City staff recommended through the annual docketing process and the City Council placed on the final docket a proposed code amendment to MICC 19.06, to update the code sections related to wireless communications and small cell regulations. The City has had temporary regulations in place since early 2019, and this update is intended to adopt permanent regulations that are consistent with recent changes to federal regulations and that are responsive to modern cellular technology and facilities.

The Planning Commission initially began consideration of this code amendment in late 2019 and early 2020, however this work was suspended last year due to the pandemic. The City is now ready to resume consideration of this code amendment. City staff have reviewed notes and documents related to the Commission's previous work, and at this time the staff propose revisions to the following code sections:

- Edits to MICC 19.06.040 to comply with the latest regulatory developments
- Moving the Eligible Facilities Requests (6409 Request) Provisions from MICC 19.06.075 to MICC 19.06.040(I).
- Adding a provision to MICC 19.06.040 to address amateur radio facilities (ham radio antennas)
- Edits to MICC 19.06.070 to clarify intent to require as much undergrounding as technically possible
- Edits to MICC 19.06.070 to address federal permit processing timelines
- Edits to MICC 19.06.075 to address noise issues
- Edits to MICC 19.06.075 to comply with the latest regulatory developments
- Edits to MICC 19.06.075 to make the design and concealment standards more objective and easier for Staff to administer
- Cleanup of associated definitions in MICC 19.16.010



At the March 17 meeting, staff will review each of these items in further detail and either provide recommended code language, or options for consideration and direction from the Commission. Wireless and small cell facilities are heavily regulated by the Federal Communications Commission (FCC), preempting local control in many areas. The City is extremely limited in how it can regulate these facilities and this will be reflected in the recommendations presented during the meeting. In areas where there is limited local authority, Eileen Kieffer has worked to develop recommended code language that aligns with federal regulations. In areas where there is more room for local control, we will present options for Commission's consideration and feedback.

Staff would like to review and get feedback from the Commission on all of these items during the March 17 meeting. This will be the main opportunity for the Commission to give feedback and direction on the code amendment. Staff will prepare the draft code based on this feedback and make it available for review in advance of the public hearing scheduled on April 20, 2021.

#### **NEXT STEPS**

At the March 17 meeting, City staff and contract attorney Eileen Keiffer will provide an overview of the proposed code amendments, suggesting revisions and new code language and outlining options for the Commission's feedback. The Commission will have the opportunity to discuss the proposal and provide direction to staff on the drafting of the code amendment. A Public Hearing is scheduled during the Planning Commission's April 20 meeting. After hearing public comments on the proposal, the Commission will make a recommendation to the City Council.

#### **ATTACHMENTS**

1. Proposed amendment to MICC 19.06.110(A)(5)

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## PLANNING COMMISSION

**To:** Planning Commission  
**From:** Alison Van Gorp, CPD Deputy Director  
**Date:** April 9, 2021  
**RE:** ZTR19-004 Wireless Code Update

### SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

### BACKGROUND

At the March 17 Planning Commission meeting city staff and contract attorney Eileen Kieffer provided an overview of the areas of code where revisions are proposed. The Commission had the opportunity to ask questions and provide initial input. Staff have integrated this initial guidance into the attached draft code amendment.

Please take a close look at the design and concealment standards in MICC 19.06.075, including the noise standards in MICC 19.06.075(A)(2). Staff would appreciate detailed feedback on this section, since it is the area where the city is not pre-empted by federal regulations and we have the ability to make adjustments to how we regulate these aspects of wireless facility design.

At the April 21 meeting, the Planning Commission will hold a public hearing on the draft wireless code amendment. The Commission may choose to keep the public hearing open to receive additional public input at the May meeting. After the public hearing, staff will provide an overview of the draft code amendment and address any questions from the Commission. The Commission should begin discussion of the draft code amendment and provide feedback to staff, including any revisions the Commission would like to make.

### NEXT STEPS

Staff will incorporate the Commission's feedback into an updated draft code amendment. Final deliberation on this amendment and a recommendation are planned for the May 19 meeting. It is anticipated that the Planning Commission's recommendation would be transmitted to City Council for review in the June-July timeframe.

## ATTACHMENTS

1. Draft amendment to MICC 19.06

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## PLANNING COMMISSION

**To:** Planning Commission  
**From:** Alison Van Gorp, CPD Deputy Director  
**Date:** May 13, 2021  
**RE:** ZTR19-004 Wireless Code Update

### SUMMARY

The proposed code amendment amends MICC 19.06, updating the code sections related to wireless communications and small cell regulations and adopting permanent regulations that are consistent with recent updates to federal regulations.

### BACKGROUND

At the April 21 Planning Commission meeting, the commission held a public hearing, and continued the hearing to the May 19 meeting. After the hearing, staff guided the Commission through a review of the recommended code revisions. The Commission had the opportunity to provide detailed input. Staff have integrated this guidance into the attached updated draft code amendment (new revisions shown in red and blue). The updated draft includes the following revisions:

- Consistent usage of the term “Director” rather than “code official”
- Consistent usage of the term “feasible” without modifiers such as “physically”, “technically” or “technologically”.
- Consistent usage of the terms “wireless communications facility”, “WCF” and “small wireless facility”
- Remove from 19.06.040(M) a 90-day cap on emergency temporary wireless communication facilities (instead providing director discretion on length of deployment during emergencies).
- Rewording provisions for equipment in the ROW in 19.06.075(A)(1) to allow the placement of generators in the ROW in the case of emergency or natural disaster.
- Rewording of noise provisions in 19.06.075(A)(2) to provide additional clarity.
- Rewording of replacement/new pole provisions in 19.06.075(A)(4) and 19.06.075(A)(5) to provide additional specificity about meeting ADA requirements.
- Rewording sign provisions in 19.06.075(A)(6) to provide additional clarity.
- Rewording provisions related to secondary use of a pole in 19.06.075(B)(7) and 19.06.075(C)(12) to clarify the process for re-applying to keep a pole in the current location after the nonwireless use of the pole is abandoned. Note that poles would only be allowed to remain if they meet all current

code requirements, including the provisions related to ADA and clear and safe passage through the ROW. Thus, poles that are non-conforming (such as those that obstruct the ROW) would need to be removed and relocated.

Staff are not recommending any revisions to section 19.06.070(C) related to replacement of utility poles and street lighting. We understand that Commissioner Boatsman had concerns about the potential for proliferation of additional street lighting on neighborhood streets related to this provision. However, after discussing the matter in detail with the City Engineer, staff believe that flexibility and staff discretion is desirable related to providing the option to replace or add street light standards when utility poles are replaced. This will enable staff to require that existing lighting be replaced. It will also provide flexibility to require new lighting when it is requested by neighbors, or when staff believe additional illumination is needed near arterial intersections. The City is not pursuing additional illumination on neighborhood streets, unless requested by the neighborhood through a petition process or as part of the review of an individual wireless facility. The City currently receives such requests about once every year or two.

At the May 19 meeting, the Planning Commission will continue the Public Hearing on the draft wireless code amendment. After the public hearing, staff will provide an overview of changes to the draft code amendment and the Commission will have the opportunity to propose any additional refinements.

#### **NEXT STEPS**

Final deliberation on this amendment and a recommendation are planned for the May 19 meeting. It is anticipated that the Planning Commission's recommendation will be transmitted to City Council for review at the June 15 and July 6 meetings.

#### **ATTACHMENTS**

1. Draft amendment to MICC 19.06



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## PLANNING COMMISSION

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**To:** City Council  
**From:** Daniel Hubbell, Planning Commission Chair  
**Date:** May 21, 2021  
**RE:** ZTR19-004 Wireless Code Amendment

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On behalf of the Planning Commission, I am pleased to present our recommendation on ZTR19-004, the wireless code amendment.

City staff proposed this code amendment as a part of the annual docket submittal process in the fall of 2020, and the City Council later added it to the final docket. The Planning Commission resumed work on this amendment this spring, after it was first started in 2019 and then paused in early 2020 due to the Pandemic. The proposed code amendment updates the wireless and small cell regulations in MICC 19.06, providing "permanent" regulations to replace the interim regulations that are currently in place.

This matter came before the City of Mercer Island Planning Commission first on March 17, 2021 and then on April 21, 2021 for an open record public hearing. No public comment was received related to this amendment. The Planning Commission considered the staff reports dated March 11 and April 9 as well as the decision criteria for code amendments found in MICC 19.15.250(D) in making its recommendation.

In its deliberations the Commission noted that there is an apparent error in MICC 19.06.040(A)(1). In the second sentence of this subsection, it is not indicated whether WCF's with support structures should or should not be allowed in the business zone. As the business zone was apparently inadvertently omitted from this sentence, the Commission was not able to determine the original intent of the Council on this matter, nor was it able to recommend a correction to the code section. The Planning Commission recommends that the City Council further consider this matter.

The Planning Commission also recommends that the City Council approve ZTR19-004 as drafted.

   
\_\_\_\_\_  
Daniel Hubbell  
Planning Commission Chair  
City of Mercer Island

Date

**CITY OF MERCER ISLAND**  
**ORDINANCE NO. 21C-12**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, RELATING TO WIRELESS COMMUNICATIONS; AMENDING MERCER ISLAND CITY CODE (MICC) SECTION 19.06.040, WIRELESS COMMUNICATIONS; AMENDING MICC SECTION 19.06.070, SMALL CELL FACILITIES DEPLOYMENT; AMENDING MICC SECTION 19.06.075, SMALL CELL DEPLOYMENTS—DESIGN AND CONCEALMENT STANDARDS; REPEALING MICC SECTION 19.15.190, PERMIT REVIEW FOR 6409 ELIGIBLE WIRELESS COMMUNICATIONS FACILITIES; AMENDING MICC SECTION 19.16.010, DEFINITIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order (“New Rules”) relating to small cell facilities, which became effective January 15, 2019; and

**WHEREAS**, the New Rules significantly preempt the City’s ability to regulate the installation of small cell facilities on City-owned public rights-of-way; and

**WHEREAS**, Ordinance 19C-02 adopted interim design and concealment standards for the deployment of small cell facilities; and

**WHEREAS**, Ordinance 20-28 extended the interim design and concealment standards; and

**WHEREAS**, the City Council finds that deployment of small cell facilities with unregulated design and concealment standards may result in uncoordinated installations, visual blight, noise, interference with public facilities and equipment, and traffic dangers that pose harm to public health, safety, property, and welfare; and

**WHEREAS**, the City Council desires to adopt permanent design and concealment standards for the deployment of small cell facilities; and

**WHEREAS**, upon drafting of permanent design and concealment standards, City Staff identified additional areas of the Mercer Island City Code that required amendments to comply with the latest regulatory developments in the area and to clarify standards relating to processing of applications for both applicants and staff; and

**WHEREAS**, the City Council hereby finds that the amendments are necessary to preserve the public peace, health, safety, and welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

- Section 1. Amendment of MICC Section 19.06.040, Wireless Communications.** MICC Section 19.06.040, Wireless Communications, is hereby amended in the form provided in the attached Exhibit A, which is incorporated herein by reference.
- Section 2. Amendment of MICC Section 19.06.070, Small cell facilities deployment.** MICC Section 19.06.070, small cell facilities deployment, is hereby amended in the form provided in the attached Exhibit B, which is incorporated herein by reference.
- Section 3. Amendment of MICC Section 19.06.075, Small cell deployments—Design and concealment standards.** MICC Section 19.06.075, small cell deployments—design and concealment standards, is hereby amended in the form provided in the attached Exhibit C, which is incorporated herein by reference.
- Section 4. Repeal of MICC Section 19.15.190, Permit review for 6409 eligible wireless communications facilities.** MICC Section 19.15.190, Permit review for 6409 eligible wireless communications facilities, is hereby repealed in its entirety.
- Section 5. Amendment of MICC Section 19.16.010, Definitions.** MICC Section 19.16.010, Definitions, is hereby amended in the form provided in the attached Exhibit D, which is incorporated herein by reference. All other definitions contained in current MICC Section 19.16.010 that are not listed in Exhibit D, shall remain unchanged from how currently written.
- Section 6. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.
- Section 7. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON \_\_\_\_\_, 2021.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Benson Wong, Mayor

ATTEST:

\_\_\_\_\_  
Deborah A. Estrada, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Bio Park, City Attorney

Date of publication:



## Exhibit A

### 19.06.040 Wireless communications

This section is intended to apply to macro wireless communications facilities and other facilities that do not qualify as small wireless facilities, which are governed by MICC 19.06.070 and 19.06.075.

#### A. *Town Center, Commercial/Office, Business and Planned Business Zones.*

1. *Permitted Use.* Attached wireless communications facilities (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office and planned business zone districts, and are not permitted in the Town Center district.

a. *Town Center Zone (TC).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 15 feet. Wireless support structures are not allowed in the TC zone.

b. *Commercial/Office Zone (C-O).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within front yard setbacks. Structures in the side and rear yards must be set back from adjacent property a distance equal to the height of the pole. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

c. *Planned Business Zone (PBZ) and Business Zone (B).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within the setbacks. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

2. *Performance Standards.* ~~Wireless communications facilities~~ WCFs shall comply with the standards in subsection E of this section.

#### B. *Public Institution Zone (I-90 Corridor).*

1. *Permitted Use.* Wireless communications facilities, including antenna support structures and equipment cabinets, are permitted. Facilities must meet all of the following criteria:

a. Antennas shall not project more than two feet in height over the nearest I-90 retaining wall, unless they are located on an existing structure, and must be screened as much as possible from public views;

b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed underground if feasible and shall be completely screened from pedestrian and park activities with landscaping;

c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless they are located on an existing structure. Facilities may be located between the retaining walls in the traffic corridor;

d. Facilities shall be at least 300 feet from any single-family dwelling, unless located between and below the top of the retaining walls in the traffic corridor;

e. Applicants shall demonstrate that they have attempted to collocate on existing structures such as other wireless support structures, rooftops, light poles, utility poles, walls, etc.

2. Performance Standard and Location. Wireless communications facilities shall comply with the standards in subsection E of this section. No wireless communications facilities are allowed along the Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90 between 76th Avenue SE and 80th Avenue SE.

*C. Island Crest Way Corridor.*

1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to and in line with existing utility poles, with minimal overhang. WCF antennas shall not exceed 96 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the height of the pole, but a pole with a height of up to 70 feet may replace an existing pole, or a pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated with another WCF consistent with subsection F of this section. All WCFs shall be set back from adjacent residential structures by a minimum of 40 feet.

2. Performance Standards. Wireless communications facilities shall comply with the standards in subsection E of this section. Proponents shall provide an agreement with the utility pole owner granting access to the pole.

*D. Residential Districts.*

1. Permitted Use. WCFs are prohibited in single-family and multifamily residential zones; provided, WCFs are permitted as stated below on the following public and utility properties:

- a. South Mercer Island Fire Station, 8473 SE 68th Street. Maximum height: 60 feet;
- b. Puget Sound Energy Power Substation, 8477 SE 68th Street. Maximum height: 60 feet;
- c. Mercer Island Water Reservoir, 4300 88th Avenue SE. Maximum height: 60 feet;
- d. Island Crest Park, if the WCF is either (i) attached to an existing ballfield light standard, or (ii) attached to a new stealth designed replacement ballfield light standard located along the eastern border of Island Crest Park.

- i. Maximum number of support structures: A maximum of two support structures (existing or replacement ballfield light standards) with up to three [antennas WCFs](#) on each such support structure, [unless the proposed new antenna\(s\) qualify as a 6409 Eligible Facility](#);

- ii. Maximum height: 110 feet; and

e. Certain rights-of-way adjacent to Clise Park.

- i. Maximum number of support structures: One stealth support structure with up to three ~~antennas~~ ~~WCFs~~ on such support structure located within the rights-of-way at the intersection of Island Crest Way, 84th Avenue SE and SE 39th Street, in a location at such intersection abutting trees and having the least visual impact while ensuring the maximum protection of mature trees.
- ii. Maximum number and location of equipment cabinets: Three equipment cabinets associated with such support structure located in that portion of the SE 39th Street or 84th Avenue SE rights-of-way adjacent to Clise Park, except that if such location does not permit the proper functioning of the WCF as determined by the ~~code official~~ Director of Community Planning and Development ("Director") then the equipment cabinet shall be located in the Island Crest Way right-of-way adjacent to Clise Park.
- iii. Maximum height: 110 feet.

WCFs on the above properties may be attached or have a monopole structure. Except as to the Puget Sound Energy Substation referred to above, equipment cabinets shall be placed underground if ~~physically feasible~~. In Island Crest Park, 84th Avenue SE or SE 39th Street right-of-way, the Director may allow or require the equipment cabinets ~~may to~~ be placed aboveground if ~~the parks director~~ Director of community planning and development determines there is a significant benefit to the parks by either the retention of trees and/or vegetation or the improvement of park uses. Any aboveground equipment cabinet must be properly screened consistent with subsection (E)(3) of this section. The setback of the support structure from any adjacent residential property line shall be equal to the height of the support structure except in Island Crest Park or those rights-of-way described in subsection (D)(1)(e) of this section, where the setback of the support structure shall be 40 feet from any residential structure.

#### E. Performance Standards.

1. Attached WCFs. Attached WCFs which are visible to the traveling public and/or neighboring residences shall be designed to blend in with the existing structure and be placed in a location which is as unobtrusive as possible to the traveling public and/or neighboring residences consistent with the proper functioning of the WCF, and use ~~compatible or neutral~~ color matching to blend in with the structure to which it is attached. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.
2. WCFs with Support Structures. WCFs with support structures shall be designed to blend into the existing site and be placed in a location which is as unobtrusive as possible consistent with the proper functioning of the WCF, and use ~~compatible or neutral~~ colors to blend into the existing site. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened with landscaping and/or fencing.
3. *Equipment Cabinets*. Equipment cabinets that are visible to the traveling public and/or neighboring residences shall be designed to blend in with existing surroundings, be placed underground if feasible, or placed in a location as unobtrusive as possible consistent with proper functioning of the WCF, and use ~~compatible or neutral~~ colors to blend in with the adjacent surroundings. Screening may be required using landscaping or fencing.

~~4. Engineer Review. The city shall require any WCF applicant to present engineering data showing the coverage of its existing WCFs and establish that the proposed WCF is required in order to prevent a significant gap in service coverage. The city may hire an independent engineer or other telecommunications consultant to review the applicant's data. If such review is required by the city, the applicant shall pay all costs associated with the city hiring an independent engineer or consultant.~~

5. Priority Locations. WCFs shall be located only in the zones and properties described in this chapter and a WCF applicant shall locate any WCF in the following siting priority consistent with proper functioning of the WCF:

- a. Public properties described in subsections B and D of this section;
- b. Town Center, commercial/office and planned business zones described in subsection A of this section; and
- c. Island Crest Way corridor described in subsection C of this section.

F. Shared Facilities and Collocation. Collocation is highly encouraged. The applicant shall collocate the WCF with an existing WCF site unless the applicant can demonstrate to the city's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The city also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCFs.

G. Electromagnetic Radiofrequency Emissions. The city recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency (RF) emissions and WCFs which meet FCC standards shall not be conditioned or denied on the basis of RF impacts. As part of a complete application under this chapter, applicants shall provide to the City an affidavit signed by a licensed RF engineer stating that the proposed installation is compliant with applicable federal RF regulations. In order to provide information to its citizens, the city shall maintain file copies of ongoing FCC information concerning WCFs and radiofrequency standards. Applicants for WCFs shall be required to provide the city information on the projected power density of the facility and compliance with the FCC requirements.

H. When there are more than six antennas at one site, the ~~code official~~ Director shall deem that site full and deny additional antennas, unless the antenna qualifies as a 6409 Eligible Facility.

I. 6409 Eligible Facilities. 6409 eligible facilities shall be reviewed in accordance with 47 CFR Section 1.6100 ~~1.40001~~, Wireless Facility Modifications, or as hereafter amended.

1. Time Frame for Review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by 47 CFR 1.6100 (or as hereafter amended).

2. Tolling of the Time Frame for Review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the city determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.

a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information only to the extent reasonably related to determining whether the request meets the requirements of 47 CFR Section 1.6100 or as hereafter amended. The city cannot require an applicant to submit any other documentation, including but not limited to: documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

c. Following a supplemental submission, the city will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (2)(a) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

3. Failure to Act. In the event the city fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

J. *Removal of WCFs.* If a WCF becomes obsolete or unused, it must be removed within six months of cessation of operation at the site.

K. *Amateur Radio Facilities.* Amateur Radio (ham) Towers shall be permitted by right in all zones, pursuant to the FCC Order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to Amateur Radio (ham) Towers may be waived by the Director upon a showing by the applicant that the proposed Amateur Radio (ham) Tower is the minimum necessary for the facility to function as proposed.

L. Any design criteria required to make a facility into a stealth facility (i.e. intended to make the facility look like something other than a wireless tower or base station) shall be considered concealment elements for purposes of future eligible facilities requests.

M. *Temporary Wireless Communications Facilities.* Temporary Wireless Communications Facilities shall be permitted in all zones and subject to the Type I land use review process pursuant to MICC Chapter 19.15. Temporary Wireless Communications Facilities may not be deployed for more than thirty (30) days except in case of emergency or natural disaster, in which case the Director may authorize a longer period of deployment.

## Exhibit B

19.06.070 Small wireless cell facilities deployment.



The following provisions establish standards for ~~small wireless facilities~~ ~~small cell facilities~~ deployments; provided, however, that any ~~small wireless facilities or small wireless facilities network~~ ~~small cell or small cell network~~ component which is not exempt from SEPA review shall also comply with Chapter ~~19.21~~ ~~19.07~~ MICC ~~or as hereafter amended~~:

A. Small ~~Wireless Cell~~ Facility Approval Required. Small ~~wireless cell~~ facilities are permitted in all zoning designations subject to a Type II land use review process pursuant to Chapter 19.15 MICC. In addition to the small ~~wireless cell~~ approval, one or more right-of-way use permits may also be required for small ~~cell~~ ~~wireless~~ deployment.

B. Previously Approved Small ~~Wireless Facilities Cells~~ on Existing or Replacement Utility Poles. Eligible small ~~wireless cell~~ facilities permitted under the provisions of a franchise approval prior to the adoption of these standards shall be considered to have satisfied the design and concealment standards when installed and maintained in accordance with the franchise agreement.

C. Hollow poles that can conceal equipment and appurtenances are preferred.

D. Replacement Pole – Street light standard. With the express permission of the city, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the city requirements in effect at the time. ~~Replacement Utility Pole – Street Lighting. With the express permission of the city, a replacement utility pole or a new utility pole may be permitted in the form of a new street light standard. The design of the street light standard shall be in accordance with the city lighting requirements in effect at the time of application.~~ Wherever ~~technologically~~ feasible, all equipment and cabling shall be internal to the replacement street lighting standard, or concealed through the design and implementation of a concealment plan.

~~DE.~~ Undergrounded Utility Areas. ~~An applicant service provider or infrastructure company~~ desiring to locate any aboveground infrastructure in an undergrounded utility area shall provide a separate, standalone pole. Pole design ~~must to~~ be approved by the city pursuant to MICC 19.06.075. However, notwithstanding the above, all backhaul, electricity, cabling and components of small wireless facilities other than antenna(s) and the pole shall be located underground to the extent technologically feasible and all wiring, cabling to the antenna(s) or other equipment that cannot be undergrounded shall be internal to the standalone pole or concealed through the design and implementation of a concealment plan.

F. Notwithstanding any provision of MICC 19.15.030, there shall be no appeal to the Hearing Examiner of permits issued pursuant to this Section, in order to comport with the permit processing timelines set forth in 47 CFR 1.6003 (or as hereafter amended). However, nothing in this section is intended to affect any potential right of any party to any applicable judicial appeal.

## Exhibit C

19.06.075 Small wireless facility ~~cell~~ deployments – Design and concealment standards.

Small wireless facility ~~cell~~ deployments, whether permitted on the right-of-way pursuant to a franchise or in accordance with this chapter, shall conform to the design standards set forth in this section.

A. Small ~~Cell~~ Wireless Facility Deployment Design Standards – General Requirements. All small wireless facility ~~cell~~ deployments shall comply with the following provisions:

1. Ground-mounted equipment in the rights-of-way is prohibited unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment plan pursuant to subsection G of this section. Generators located in the rights-of-way are prohibited, except in case of emergency or natural disaster.
2. Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible, then the facility with the lowest noise profile is required. In any event, no small wireless facility equipment shall be operated so as to produce noise in violation of Chapter 8.24 MICC.
3. Small wireless ~~cell~~ facilities are not permitted on traffic signal poles.
4. Placement of Rreplacement poles and new poles and any associated equipment shall comply with ~~the Americans with Disabilities Act (ADA), city construction and sidewalk clearance standards, and state and federal laws and regulations~~ including the Americans with Disabilities Act (ADA), city construction and sidewalk standards, and shall maintain the path of travel in order to provide a clear and safe passage within the rights-of-way.
5. Consistent with the provisions of subsection (4) above, Rreplacement poles shall be located as near as possible to the existing pole subject to approval by the city engineer ~~to the existing pole.~~ The applicant must with the requirement to remove the abandoned pole immediately upon installation of the replacement pole and restore the right of way, including paving and/or sidewalks to provide clear and safe passage.
6. ~~No signage, message or identification other than the manufacturer's identification or identification required by governing law is allowed to be portrayed on any antenna, and A~~any such signage on equipment enclosures shall be of the minimum size and number amount possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, ~~as~~ required by a federal or state authority, or unless approved as part of a concealment plan.
8. Side arm mounts for antennas or equipment are prohibited.
9. ~~The preferred location of a A~~small cell-wireless facility on a pole ~~is the location with~~ shall have the least possible visible impact by utilizing the smallest antenna(s) and equipment feasible.

10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable shall be located within the building or pole to the maximum extent feasible.

11. Antennas, equipment enclosures and ancillary equipment, conduit, and cable shall match the color and not adversely affect the aesthetic appearance or visual character of the building or pole upon which they are attached to the extent feasible.

12. The city may consider the cumulative visual effects of small wireless facilities-cells mounted on poles, together with existing utility equipment, within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

13. ~~The Any~~ design criteria required to make a facility into a stealth facility (i.e. intended to make a facility look like something other than a wireless tower or base station) as applicable to small cell facilities described herein shall be considered concealment elements for the purposes of future eligible facilities requests and such small wireless cell facilities may only be expanded upon an eligible facilities request described in this chapter, when the modification does not defeat the concealment elements of the facility.

B. Small Wireless-Cell Facilities Attached to Nonwooden Poles. Small wireless cell facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape by either:

- a. Fully concealing the antennas and associated equipment fully within the pole; or
- b. Through a concealment plan which provides an equivalent or greater impact reduction pursuant to subsection G of this section.

2. All conduit, cables, wires, and fiber must be routed internally in the light pole. Conduit, cables, wires, and fiber extending outside the pole to connect with externally mounted antennas or equipment shall be located within shrouds, canisters, or sleeves color matched with the support pole.

3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored, powder coated, or other permanent coloration, to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole and shall color match the pole.

4. In addition to the increased antenna height allowed in subsection (B)(3) of this section, the height of any replacement pole may not extend more than 10 feet above the height of the existing

pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.

5. Any replacement nonwooden pole shall substantially conform to the design of the pole it is replacing, or the applicable city pole design standards, if the pole to be replaced does not comply with the City pole design standards at time of application.

6. The diameter of a replacement pole shall comply with applicable setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the city's lighting requirements.

7. For facilities collocated with nonwireless uses, ~~The~~ use of the pole for the siting of a small wireless cell facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless cell facility and the small wireless cell facility and all associated equipment shall be removed.

C. Wooden Pole Design Standards. Small wireless cell facilities located on wooden poles shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless cell facility; provided, that the replacement pole shall not exceed a height that would exceed the height limits to qualify as a small wireless facility ~~is a maximum of 10 feet taller than the existing pole, unless a further height increase is required and confirmed in writing by the pole owner and such height extension is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.~~

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole by more than height that if such an extension would exceed the height limits to qualify as a small wireless facility ~~10 feet unless a further height increase is required and confirmed in writing by the pole owner and such height increase is the minimum extension possible to provide sufficient separation and/or clearance from electrical and wireline facilities.~~ The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, powder coated, or have other permanent coloration, to match the approximate color of the surface of the wooden pole on which they are attached.

5. Panel antennas shall not be mounted on the side of a pole more than 12 inches from the surface of the wooden pole, measured from the exterior surface of the pole to the furthest extent of the panel antenna.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not

be more than three cubic feet in volume, with a cumulative total antenna volume not to exceed 12 cubic feet.

7. In addition to the increased antenna height allowed in subsection (C)(2) of this section, a canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a wooden pole shall be consistent with the volume limit contained in the definition of small wireless facilities. Any canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole that is colored to match the wooden pole.

8. In addition to the increased antenna height allowed in subsection (C)(2) of this section, an omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

9. All related equipment including but not limited to: ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner. Further, all related equipment must be painted or color matched to the wooden pole.

10. Equipment for small wireless cell facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection A of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose but in no event can wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing equipment on the structure, exceed 28 cubic feet in volume. ~~The equipment enclosure may not exceed 17 cubic feet. Multiple equipment enclosures may be acceptable if designed to more closely integrate with the pole design and do not cumulatively exceed 17 cubic feet.~~ The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole if such banners or road signs are allowed by the pole owner.

11. Notwithstanding the dimensional standards above, the size visual effect of any ~~the~~ small wireless cell facility on ~~all other aspects of the appearance of~~ the wooden pole shall be as small as feasible ~~minimized to the greatest extent reasonably possible.~~

12. For facilities collocated with nonwireless uses, the use of the wooden pole for the siting of a small wireless cell facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless cell facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless cell facility and the small wireless cell facility and all associated equipment shall be



removed, [unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.](#)

13. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored, powder coated, or [have](#) other permanent coloration, to match the pole. The number and size of conduits shall be minimized to the number technically necessary to accommodate the small [wireless facility](#).

D. Small [Wireless cell](#)-Facilities Attached to Existing Buildings. Small [wireless facilities](#) cell facilities attached to existing buildings shall conform to the following design criteria:

1. Small [wireless cell](#)-facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
4. Small [wireless facilities-cells](#) shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building [and any brackets must match the color of the building](#).
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. [Such skirts or shrouds must also reasonably match the color of the building](#). Exposed cabling/wiring is prohibited.
6. Small [wireless cell](#)-facilities shall be painted, [colored](#), and textured to match the adjacent building surfaces.

E. Small [wireless cell](#)-facilities mounted on cables strung between utility poles shall conform to the following standards:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;
2. Only one strand-mounted facility is permitted per cable between any two existing poles;
3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than six feet from the pole unless a greater distance is technically necessary or required by the pole owner for safety clearance;
4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;
5. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;
6. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small [wireless facilities-cells](#); and

7. Such strand-mounted devices must be as small as technologically possible ~~installed to cause the least visual impact~~ and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

F. New Poles in the Rights-of-Way for Small Wireless Facilities.

1. New poles within the rights-of-way are only permitted if the applicant can establish that:

- a. The proposed small wireless cell facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;
- b. The proposed wireless communications facility receives approval for a concealment plan, as described in subsection G of this section;
- c. The proposed wireless communications facility also complies with the Shoreline Master Program and SEPA, if applicable; and
- d. No new poles shall be located in a critical area or associated buffer required by the city's critical areas ordinance, except when determined to be exempt pursuant to said ordinance.

G. The concealment plan shall include the design of the screening, fencing, or other concealment technology for a pole or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

1. The concealment plan shall ~~seek to~~ minimize the visual obtrusiveness of wireless communications facility installations to the extent feasible. The proposed pole or structure shall have similar designs to existing neighboring poles in the rights-of-way, including similar height, to the extent ~~technically~~ feasible, and similar coloration and shape ~~similar height~~. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture – or the appearance thereof – as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.
2. If the ~~code official~~ Director has already approved a concealment plan either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment plan, unless it can show that

such concealment plan is not ~~physically or technologically~~ feasible, or that such deployment would undermine the generally applicable design standards.

H. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts of the small wireless facility ~~to the streetscape~~.

## Exhibit D

MICC Chapter 19.16.010 Definitions.

....

**Antenna Array:** A single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

-

....

**Antenna Support Structure:** A vertical projection composed of metal or other material with or without a foundation that is designed for the purpose of accommodating antennas at a desired height. Types of support structures include the following:

-

1. Guyed antenna support structure - a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. Lattice antenna support structure - a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.
3. Monopole antenna support structure - a style of antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground. These facilities may also include flagpoles, monopines, or new utility poles and new miscellaneous poles.

...

**Collocation:** Mounting or installing an antenna facility on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. However, for the purposes of eligible facilities requests (6409 eligible facilities), the term shall mean as defined in 47 CFR 1.6100 (or as hereafter amended).

....

**Equipment Enclosure:** An enclosure used to house any wireless communication facility transmission related equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a utility pole, light pole, or other type of pole.

....

**Existing Wireless Communication Facility:** A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable City zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been

reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

....

**Macro Wireless Communications Facility:** Any wireless communication facility that does not meet the definition of small wireless facility. ~~Generally, macro wireless communications facility antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro wireless communications facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are generally capable of hosting multiple wireless service providers.~~

....

**Satellite Dish Antenna:** A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

“Small cell” shall mean “small cell facility.”

~~Small Cell Deployment: The construction and installation of either small cell facilities, small cell networks, or both small cell facilities and small cell networks, together with the installation of the fiber network supporting the small cell facility and small cell network.~~

~~“Small cell facility” and “small cell network” are defined in accordance with RCW 80.36.375.~~

....

Small wireless facility means a facility that meets each of the following conditions:

(1) The facility -

(i) Is mounted on a structure 50 feet or less in height including their antennas; or

(ii) Is mounted on a structure no more than 10 percent taller than other adjacent structures; or

(iii) Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facility does not require antenna structure registration with the Federal Communications Commission;

(5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and



(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

...

- **Small Wireless Facility Network:** a collection of interrelated small wireless facilities designed to deliver personal wireless services.

...

**Stealth Design:** Wireless communications facilities designed to resemble something other than a wireless facility ~~blend into the surrounding environment as determined by the code official~~. Examples of stealth design include architecturally screened roof-mounted antennas, facilities integrated into architectural elements, and facilities designed to blend with or be integrated into light poles, utility poles, trees, steeples, or flag poles.

....

**Substantial Change, Wireless Communication Facility:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.

- a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment

outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in 47 CFR Section ~~1.40001(b)(7)(i) through (b)(7)(iv)~~, 1.6100(b)(7)(i) through (b)(7)(iv) or as hereafter amended.

....

**Temporary Wireless Communications Facility:** Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are typically used for large-scale events, or to provide wireless coverage in the event an existing permanent WCF is removed to allow for construction activity at the underlying site.

...

**Tower:** Any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

...

**Traffic Signal Pole:** A Utility Pole that supports equipment used for controlling traffic including but not limited to traffic lights, rapid flashing beacons, speed radar, or school zones flasher.

...

**Utility Pole:** A structure designed and used primarily for the support of electrical wires, telephone wires, or television cable and may also include lighting. A new utility pole originally constructed for the purpose of providing support for a Wireless Communication Facility (WCF) shall be regulated as a new Antenna Support Structure.

...

**Wireless Communication Facility Site:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by

the City, or a State or other local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the 6409(a) Eligible Facilities process.

~~**Wireless Communication Facility Tower:** Any structure built for the sole or primary purpose of supporting any commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.~~

#### **Wireless Communications:**

1. Attached Wireless Communications Facility (Attached WCF): An antenna array that is attached to an existing building or structure, including utility poles, with any accompanying attachment structure, transmission cables, and an equipment cabinet which may be located either inside or outside of the attachment building or structure.

2. ~~Wireless Communications Antenna Array (Antenna Array): One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).~~

~~3.~~ Wireless Communications Facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency signals usually consisting of antennas, an equipment cabinet, transmission cables, and a support structure to achieve the necessary elevation.

~~34.~~ Wireless Communications Support Structure (Support Structure): means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services). A structure designed and constructed specifically to support an antenna array, and may include a monopole tower, lattice tower, guy-wire support tower or other similar structures. Any structure which is used to attach an attached WCF to an existing building or structure (hereinafter "attachment structure") shall be excluded from the definition of and regulations applicable to support structures.

~~5. Wireless communications do not include small cells for the purposes of this title.~~

**CITY OF MERCER ISLAND**  
**ORDINANCE NO. 21C-12**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING CHAPTERS 19.06, 19.15 AND 19.16 OF THE MERCER ISLAND CITY CODE TO REVISE STANDARDS AND REQUIREMENTS FOR SMALL AND OTHER WIRELESS COMMUNICATIONS FACILITIES; REPEALING ORDINANCE 21-08; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order (“New Rules”) relating to small cell facilities, which became effective January 15, 2019; and

**WHEREAS**, the New Rules significantly preempted the City’s ability to regulate the installation of small cell facilities on City-owned public rights-of-way; and

**WHEREAS**, Ordinance 19C-02 adopted interim design and concealment standards for the deployment of small cell facilities; and

**WHEREAS**, the interim design and concealment standards have been extended by City Council, most recently on May 4, 2021 through Ordinance 21-08, and the most recent extension extends the interim design and concealment standards into January 2022; and

**WHEREAS**, the City Council finds that deployment of small cell facilities with unregulated design and concealment standards may result in uncoordinated installations, visual blight, noise, interference with public facilities and equipment, and traffic dangers that pose harm to public health, safety, property, and welfare; and

**WHEREAS**, the City Council desires to adopt permanent design and concealment standards for the deployment of small cell facilities; and

**WHEREAS**, upon drafting of permanent design and concealment standards, City Staff identified additional areas of the Mercer Island City Code that required amendments to comply with the latest regulatory developments in the area and to clarify standards relating to processing of applications for both applicants and staff; and

**WHEREAS**, the City Council hereby finds that the actions set forth below are necessary to preserve the public peace, health, safety, and welfare; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1. Amendment of MICC 19.06.040, Wireless Communications.** MICC 19.06.040, Wireless Communications, is hereby amended in the form provided in the attached Exhibit A, which is incorporated herein by reference.

- Section 2. Repeal and replacement of MICC 19.06.070, Bonding and insurance.** MICC 19.06.070, bonding and insurance, is hereby repealed and replaced in the form provided in the attached Exhibit B, which is incorporated herein by reference.
- Section 3. Adoption of MICC 19.06.075, Small wireless facility deployments—Design and concealment standards.** MICC 19.06.075, small wireless facility deployments—design and concealment standards, is hereby adopted in the form provided in the attached Exhibit C, which is incorporated herein by reference.
- Section 4. Amendment of MICC 19.15.030, Land use review types.** MICC 19.15.030, land use review types, is hereby amended in the form provided in the attached Exhibit D, which is incorporated herein by reference.
- Section 5. Repeal of MICC 19.15.190, Permit review for 6409 eligible wireless communications facilities.** MICC 19.15.190, Permit review for 6409 eligible wireless communications facilities, is hereby repealed in its entirety.
- Section 6. Amendment of MICC 19.16.010, Definitions.** MICC 19.16.010, Definitions, is hereby amended in the form provided in the attached Exhibit E, which is incorporated herein by reference. All other definitions contained in current MICC Section 19.16.010 that are not listed in Exhibit E, shall remain unchanged.
- Section 7. Repeal of Interim Design and Concealment Standards.** Ordinance 21-08, the interim design and concealment standards for small cell facilities deployment, is hereby repealed in its entirety.
- Section 8. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.
- Section 9. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON \_\_\_\_\_, 2021.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Benson Wong, Mayor



ATTEST:

APPROVED AS TO FORM

\_\_\_\_\_  
Deborah A. Estrada, City Clerk

\_\_\_\_\_  
Bio Park, City Attorney

Date of publication:

## Exhibit A

### 19.06.040 Wireless communications

This section is intended to apply to macro wireless communications facilities and other facilities that do not qualify as small wireless facilities, which are governed by MICC 19.06.070 and 19.06.075.

#### A. Town Center, Commercial/Office, Business and Planned Business Zones.

1. *Permitted Use.* Attached wireless communications facilities (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office and planned business zone districts, and are not permitted in the Town Center district.

a. *Town Center Zone (TC).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 15 feet. Wireless support structures are not allowed in the TC zone.

b. *Commercial/Office Zone (C-O).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within front yard setbacks. Structures in the side and rear yards must be set back from adjacent property a distance equal to the height of the pole. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

c. *Planned Business Zone (PBZ) and Business Zone (B).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within the setbacks. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

2. *Performance Standards.* ~~Wireless communications facilities~~ WCFs shall comply with the standards in subsection E of this section.

#### B. Public Institution Zone (I-90 Corridor).

1. *Permitted Use.* Wireless communications facilities, including antenna support structures and equipment cabinets, are permitted. Facilities must meet all of the following criteria:

a. Antennas shall not project more than two feet in height over the nearest I-90 retaining wall, unless they are located on an existing structure, and must be screened as much as possible from public views;

b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed underground if feasible and shall be completely screened from pedestrian and park activities with landscaping;

c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless they are located on an existing structure. Facilities may be located between the retaining walls in the traffic corridor;

d. Facilities shall be at least 300 feet from any single-family dwelling, unless located between and below the top of the retaining walls in the traffic corridor;

e. Applicants shall demonstrate that they have attempted to collocate on existing structures such as other wireless support structures, rooftops, light poles, utility poles, walls, etc.

2. Performance Standard and Location. Wireless communications facilities shall comply with the standards in subsection E of this section. No wireless communications facilities are allowed along the Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90 between 76th Avenue SE and 80th Avenue SE.

*C. Island Crest Way Corridor.*

1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to and in line with existing utility poles, with minimal overhang. WCF antennas shall not exceed 96 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the height of the pole, but a pole with a height of up to 70 feet may replace an existing pole, or a pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated with another WCF consistent with subsection F of this section. All WCFs shall be set back from adjacent residential structures by a minimum of 40 feet.

2. Performance Standards. Wireless communications facilities shall comply with the standards in subsection E of this section. Proponents shall provide an agreement with the utility pole owner granting access to the pole.

*D. Residential Districts.*

1. Permitted Use. WCFs are prohibited in single-family and multifamily residential zones; provided, WCFs are permitted as stated below on the following public and utility properties:

- a. South Mercer Island Fire Station, 8473 SE 68th Street. Maximum height: 60 feet;
- b. Puget Sound Energy Power Substation, 8477 SE 68th Street. Maximum height: 60 feet;
- c. Mercer Island Water Reservoir, 4300 88th Avenue SE. Maximum height: 60 feet;
- d. Island Crest Park, if the WCF is either (i) attached to an existing ballfield light standard, or (ii) attached to a new stealth designed replacement ballfield light standard located along the eastern border of Island Crest Park.

- i. Maximum number of support structures: A maximum of two support structures (existing or replacement ballfield light standards) with up to three antennas WCFs on each such support structure, unless the proposed new antenna(s) qualify as a 6409 Eligible Facility;

- ii. Maximum height: 110 feet; and

e. Certain rights-of-way adjacent to Clise Park.

- i. Maximum number of support structures: One stealth support structure with up to three ~~antennas~~ ~~WCFs~~ on such support structure located within the rights-of-way at the intersection of Island Crest Way, 84th Avenue SE and SE 39th Street, in a location at such intersection abutting trees and having the least visual impact while ensuring the maximum protection of mature trees.
- ii. Maximum number and location of equipment cabinets: Three equipment cabinets associated with such support structure located in that portion of the SE 39th Street or 84th Avenue SE rights-of-way adjacent to Clise Park, except that if such location does not permit the proper functioning of the WCF as determined by the ~~code official~~ Director of Community Planning and Development ("Director") then the equipment cabinet shall be located in the Island Crest Way right-of-way adjacent to Clise Park.
- iii. Maximum height: 110 feet.

WCFs on the above properties may be attached or have a monopole structure. Except as to the Puget Sound Energy Substation referred to above, equipment cabinets shall be placed underground if ~~physically feasible~~. In Island Crest Park, 84th Avenue SE or SE 39th Street right-of-way, the Director may allow or require the equipment cabinets ~~may to~~ be placed aboveground if ~~the parks director~~ Director of community planning and development determines there is a significant benefit to the parks by either the retention of trees and/or vegetation or the improvement of park uses. Any aboveground equipment cabinet must be properly screened consistent with subsection (E)(3) of this section. The setback of the support structure from any adjacent residential property line shall be equal to the height of the support structure except in Island Crest Park or those rights-of-way described in subsection (D)(1)(e) of this section, where the setback of the support structure shall be 40 feet from any residential structure.

#### E. Performance Standards.

1. Attached WCFs. Attached WCFs which are visible to the traveling public and/or neighboring residences shall be designed to blend in with the existing structure and be placed in a location which is as unobtrusive as possible to the traveling public and/or neighboring residences consistent with the proper functioning of the WCF, and use ~~compatible or neutral~~ color matching to blend in with the structure to which it is attached. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.
2. WCFs with Support Structures. WCFs with support structures shall be designed to blend into the existing site and be placed in a location which is as unobtrusive as possible consistent with the proper functioning of the WCF, and use ~~compatible or neutral~~ colors to blend into the existing site. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened with landscaping and/or fencing.
3. *Equipment Cabinets*. Equipment cabinets that are visible to the traveling public and/or neighboring residences shall be designed to blend in with existing surroundings, be placed underground if feasible, or placed in a location as unobtrusive as possible consistent with proper functioning of the WCF, and use ~~compatible or neutral~~ colors to blend in with the adjacent surroundings. Screening may be required using landscaping or fencing.

~~4. Engineer Review. The city shall require any WCF applicant to present engineering data showing the coverage of its existing WCFs and establish that the proposed WCF is required in order to prevent a significant gap in service coverage. The city may hire an independent engineer or other telecommunications consultant to review the applicant's data. If such review is required by the city, the applicant shall pay all costs associated with the city hiring an independent engineer or consultant.~~

5. Priority Locations. WCFs shall be located only in the zones and properties described in this chapter and a WCF applicant shall locate any WCF in the following siting priority consistent with proper functioning of the WCF:

- a. Public properties described in subsections B and D of this section;
- b. Town Center, commercial/office and planned business zones described in subsection A of this section; and
- c. Island Crest Way corridor described in subsection C of this section.

F. Shared Facilities and Collocation. Collocation is highly encouraged. The applicant shall collocate the WCF with an existing WCF site unless the applicant can demonstrate to the city's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The city also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCFs.

G. Electromagnetic Radiofrequency Emissions. The city recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency (RF) emissions and WCFs which meet FCC standards shall not be conditioned or denied on the basis of RF impacts. As part of a complete application under this chapter, applicants shall provide to the City an affidavit signed by a licensed RF engineer stating that the proposed installation is compliant with applicable federal RF regulations. In order to provide information to its citizens, the city shall maintain file copies of ongoing FCC information concerning WCFs and radiofrequency standards. Applicants for WCFs shall be required to provide the city information on the projected power density of the facility and compliance with the FCC requirements.

H. When there are more than six antennas at one site, the ~~code official~~ Director shall deem that site full and deny additional antennas, unless the antenna qualifies as a 6409 Eligible Facility.

I. 6409 Eligible Facilities. 6409 eligible facilities shall be reviewed in accordance with 47 CFR Section 1.6100 ~~1.40001~~, Wireless Facility Modifications, or as hereafter amended.

1. Time Frame for Review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by 47 CFR 1.6100 (or as hereafter amended).

2. Tolling of the Time Frame for Review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the city determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.



a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information only to the extent reasonably related to determining whether the request meets the requirements of 47 CFR Section 1.6100 or as hereafter amended. The city cannot require an applicant to submit any other documentation, including but not limited to: documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.

c. Following a supplemental submission, the city will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (2)(a) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

3. Failure to Act. In the event the city fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**J. Removal of WCFs.** If a WCF becomes obsolete or unused, it must be removed within six months of cessation of operation at the site.

K. Amateur Radio Facilities. Amateur Radio (ham) Towers shall be permitted by right in all zones, pursuant to the FCC Order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to Amateur Radio (ham) Towers may be waived by the Director upon a showing by the applicant that the proposed Amateur Radio (ham) Tower is the minimum necessary for the facility to function as proposed.

L. Any design criteria required to make a facility into a stealth facility (i.e. intended to make the facility look like something other than a wireless tower or base station) shall be considered concealment elements for purposes of future eligible facilities requests.

M. Temporary Wireless Communications Facilities. Temporary Wireless Communications Facilities shall be permitted in all zones and subject to the Type I land use review process pursuant to MICC Chapter 19.15. Temporary Wireless Communications Facilities may not be deployed for more than thirty (30) days except in case of emergency or natural disaster, in which case the Director may authorize a longer period of deployment.

## Exhibit B

### 19.06.070 ~~Bonding and insurance~~ Small wireless facilities deployment.

The following provisions establish standards for small wireless facilities deployments; provided, however, that any small wireless facilities or small wireless facilities network component which is not exempt from SEPA review shall also comply with Chapter 19.21 MICC or as hereafter amended:

A. Small Wireless Facility Approval Required. Small wireless facilities are permitted in all zoning designations subject to a Type II land use review process pursuant to Chapter 19.15 MICC. In addition to the small wireless facility approval, one or more right-of-way use permits may also be required for small wireless facility deployment.

B. Previously Approved Small Wireless Facilities on Existing or Replacement Utility Poles. Eligible small wireless facilities permitted under the provisions of a franchise approval prior to the adoption of these standards shall be considered to have satisfied the design and concealment standards when installed and maintained in accordance with the franchise agreement.

C. Hollow poles that can conceal equipment and appurtenances are preferred.

D. Replacement Pole – Street light standard. With the express permission of the city, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the city requirements in effect at the time. Wherever feasible, all equipment and cabling shall be internal to the replacement street light standard, or concealed through the design and implementation of a concealment plan.

E. Undergrounded Utility Areas. An applicant desiring to locate any aboveground infrastructure in an undergrounded utility area shall provide a separate, standalone pole. Pole design must be approved by the city pursuant to MICC 19.06.075. However, notwithstanding the above, all backhaul, electricity, cabling and components of small wireless facilities other than antenna(s) and the pole shall be located underground to the extent technologically feasible and all wiring, cabling to the antenna(s) or other equipment that cannot be undergrounded shall be internal to the standalone pole or concealed through the design and implementation of a concealment plan.

F. Notwithstanding any provision of MICC 19.15.030, there shall be no appeal to the Hearing Examiner of permits issued pursuant to this Section, in order to comport with the permit processing timelines set forth in 47 CFR 1.6003 (or as hereafter amended). However, nothing in this section is intended to affect any potential right of any party to any applicable judicial appeal.

## Exhibit C

### 19.06.075 Small wireless facility deployments – Design and concealment standards.

Small wireless facility deployments, whether permitted on the right-of-way pursuant to a franchise or in accordance with this chapter, shall conform to the design standards set forth in this section.

A. Small Wireless Facility Deployment Design Standards – General Requirements. All small wireless facility deployments shall comply with the following provisions:

1. Ground-mounted equipment in the rights-of-way is prohibited unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is technically infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment plan pursuant to subsection G of this section. Generators located in the rights-of-way are prohibited, except in case of emergency or natural disaster.
2. Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible, then the facility with the lowest noise profile is required. In any event, no small wireless facility equipment shall be operated so as to produce noise in violation of Chapter 8.24 MICC.
3. Small wireless facilities are not permitted on traffic signal poles.
4. Placement of replacement poles and new poles and any associated equipment shall comply with state and federal laws and regulations including the Americans with Disabilities Act (ADA), city construction and sidewalk standards, and shall maintain the path of travel in order to provide a clear and safe passage within the rights-of-way.
5. Consistent with the provisions of subsection (4) above, replacement poles shall be located as near as possible to the existing pole subject to approval by the city engineer. The applicant must remove the abandoned pole immediately upon installation of the replacement pole and restore the right of way, including paving and/or sidewalks to provide clear and safe passage.
6. Any signage on equipment enclosures shall be of the minimum size and number possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment plan.
8. Side arm mounts for antennas or equipment are prohibited.
9. A small wireless facility on a pole shall have the least possible visible impact by utilizing the smallest antenna(s) and equipment feasible.
10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable shall be located within the building or pole to the maximum extent feasible.

11. Antennas, equipment enclosures and ancillary equipment, conduit, and cable shall match the color and-visual character of the building or pole upon which they are attached to the extent feasible.

12. The city may consider the cumulative visual effects of small wireless facilities mounted on poles, together with existing utility equipment, within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

13. Any design criteria required to make a facility into a stealth facility (i.e. intended to make a facility look like something other than a wireless tower or base station) shall be considered concealment elements for the purposes of future eligible facilities requests.

B. Small Wireless Facilities Attached to Nonwooden Poles. Small wireless facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape by either:

- a. Fully concealing the antennas and associated equipment fully within the pole; or
- b. Through a concealment plan which provides an equivalent or greater impact reduction pursuant to subsection G of this section.

2. All conduit, cables, wires, and fiber must be routed internally in the light pole. Conduit, cables, wires, and fiber extending outside the pole to connect with externally mounted antennas or equipment shall be located within shrouds, canisters, or sleeves color matched with the support pole.

3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored, powder coated, or other permanent coloration, to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole and shall color match the pole.

4. In addition to the increased antenna height allowed in subsection (B)(3) of this section, the height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.

5. Any replacement nonwooden pole shall substantially conform to the design of the pole it is replacing, or the applicable city pole design standards, if the pole to be replaced does not comply with the City pole design standards at time of application.

6. The diameter of a replacement pole shall comply with applicable setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the city's lighting requirements.

7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed.

C. Wooden Pole Design Standards. Small wireless facilities located on wooden poles shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that would exceed the height limits to qualify as a small wireless facility.

2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole if such an extension would exceed the height limits to qualify as a small wireless facility. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.

3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.

4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, powder coated, or have other permanent coloration, to match the approximate color of the surface of the wooden pole on which they are attached.

5. Panel antennas shall not be mounted on the side of a pole more than 12 inches from the surface of the wooden pole, measured from the exterior surface of the pole to the furthest extent of the panel antenna.

6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume, with a cumulative total antenna volume not to exceed 12 cubic feet.

7. In addition to the increased antenna height allowed in subsection (C)(2) of this section, a canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a wooden pole shall be consistent with the volume limit contained in the definition of small wireless facilities. Any canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be



concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole that is colored to match the wooden pole.

8. In addition to the increased antenna height allowed in subsection (C)(2) of this section, an omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

9. All related equipment including but not limited to: ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner. Further, all related equipment must be painted or color matched to the wooden pole.

10. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection A of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose but in no event can wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing equipment on the structure, exceed 28 cubic feet in volume. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole if such banners or road signs are allowed by the pole owner.

11. Notwithstanding the dimensional standards above, the size of any small wireless facility on the wooden pole shall be as small as feasible.

12. For facilities collocated with nonwireless uses, the use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.

13. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored, powder coated, or have other permanent coloration, to match the pole. The number and size of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

D. Small Wireless Facilities Attached to Existing Buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.

3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.

4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must match the color of the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted, colored, and textured to match the adjacent building surfaces.

E. Small wireless facilities mounted on cables strung between utility poles shall conform to the following standards:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;

2. Only one strand-mounted facility is permitted per cable between any two existing poles;

3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than six feet from the pole unless a greater distance is technically necessary or required by the pole owner for safety clearance;

4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic;

5. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;

6. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small wireless facilities; and

7. Such strand-mounted devices must be as small as technologically possible and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

F. New Poles in the Rights-of-Way for Small Wireless Facilities.

1. New poles within the rights-of-way are only permitted if the applicant can establish that:

a. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;

b. The proposed wireless communications facility receives approval for a concealment plan, as described in subsection G of this section;

c. The proposed wireless communications facility also complies with the Shoreline Master Program and SEPA, if applicable; and

d. No new poles shall be located in a critical area or associated buffer required by the city's critical areas ordinance, except when determined to be exempt pursuant to said ordinance.

G. The concealment plan shall include the design of the screening, fencing, or other concealment technology for a pole or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

1. The concealment plan shall minimize the visual obtrusiveness of wireless communications facility installations to the extent feasible. The proposed pole or structure shall have similar designs to existing neighboring poles in the rights-of-way, including similar height, to the extent feasible, and similar coloration and shape. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture – or the appearance thereof – as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.

2. If the Director has already approved a concealment plan either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment plan, unless it can show that such concealment plan is not feasible, or that such deployment would undermine the generally applicable design standards.

H. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts of the small wireless facility.

## Exhibit D

MICC Chapter 19.15.030 Land use review types.

There are four categories of land use review that occur under the provisions of the development code.

A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.

B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.

C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.

D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.

E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.

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**Table A. Land Use Review Type**

Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> <li>• Home business</li> <li>• Seasonal development limitation waiver</li> <li>• Nonmajor single-family dwelling building permits</li> <li>• Tree removal permit</li> <li>• Right-of-way permit</li> <li>• Special needs group housing safety determination</li> </ul>	<ul style="list-style-type: none"> <li>• Modified wireless communication facilities (6409 per 47 CFR 1.40001)</li> <li>• Lot line revision</li> <li>• Setback deviations</li> <li>• Final plat<sup>2, 3</sup></li> <li>• Code official design review</li> <li>• Accessory dwelling unit</li> </ul>	<ul style="list-style-type: none"> <li>• New and modified wireless (non-6409) eligible facility</li> <li>• SEPA threshold determination</li> <li>• Critical areas determination (wetland/watercourse buffer averaging/reduction)</li> <li>• Temporary encampment<sup>4</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary long plat approval</li> <li>• Conditional use permit</li> <li>• Variance</li> <li>• Critical areas reasonable use exception</li> <li>• Long plat alteration and vacations</li> <li>• Parking variances (reviewed by design commission)</li> </ul>

Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> <li>• Tenant improvement/change of use</li> <li>• Shoreline exemption<sup>1</sup></li> <li>• Critical areas determination (steep slope alteration)</li> <li>• Final short plat</li> <li>• Temporary commerce on public property</li> <li>• Site development permits</li> <li>• Transportation concurrency certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Parking variances (reviewed by city engineer)</li> <li>• <a href="#">Small Wireless Facility Deployment</a></li> </ul>	<ul style="list-style-type: none"> <li>• Short plat alteration and vacations</li> <li>• Preliminary short plat</li> <li>• Development code interpretations</li> <li>• Major single-family dwelling building permit</li> <li>• Shoreline substantial development permit<sup>1</sup></li> <li>• Shoreline revision (substantial development)<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Variance from short plat acreage limitation</li> <li>• Wireless communication facility height variance</li> <li>• Planned unit development</li> <li>• Design commission design review</li> <li>• Permanent commerce on public property</li> <li>• Shoreline conditional use permit (SCUP)<sup>5</sup></li> <li>• Shoreline variance<sup>5</sup></li> <li>• Shoreline revision (variance and SCUP)</li> </ul>

...



## Exhibit E

### MICC Chapter 19.16.010 Definitions.

...

**Antenna Array:** A single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

-

...

**Antenna Support Structure:** A vertical projection composed of metal or other material with or without a foundation that is designed for the purpose of accommodating antennas at a desired height. Types of support structures include the following:

-

1. Guyed antenna support structure - a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. Lattice antenna support structure - a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.
3. Monopole antenna support structure - a style of antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground. These facilities may also include flagpoles, monopines, or new utility poles and new miscellaneous poles.

...

**Collocation:** Mounting or installing an antenna facility on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. However, for the purposes of eligible facilities requests (6409 eligible facilities), the term shall mean as defined in 47 CFR 1.6100 (or as hereafter amended).

...

**Equipment Enclosure:** An enclosure used to house any wireless communication facility transmission related equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a utility pole, light pole, or other type of pole.

...

**Existing Wireless Communication Facility:** A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable City zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been

reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

...

**Macro Wireless Communications Facility:** Any wireless communication facility that does not meet the definition of small wireless facility. Generally, macro wireless communications facility antennas are mounted on ground-based towers, rooftops and other existing structures, at a height that provides a clear view over the surrounding buildings and terrain. Macro wireless communications facilities typically contain antennas that are greater than three cubic feet per antenna and typically cover large geographic areas with relatively high capacity and are generally capable of hosting multiple wireless service providers.

...

**Pole Extender:** An object affixed between a utility pole and pole top mounted equipment (e.g. a small cell antenna) for the purpose of increasing the height of the pole top mounted equipment above the pole.

...

**Regulated Improvements:** Any development of any property within the city, except:

1. Property owned or controlled by the city; or
2. Single-family dwellings and the buildings, structures and uses accessory thereto; ~~or~~
3. Wireless communications structures, including associated support structures and equipment cabinets; or
4. Small wireless facilities or small wireless facility networks.

...

**Satellite Dish Antenna:** A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

...

**Small wireless facility** means a facility that meets each of the following conditions:

(1) The facility -

- (i) Is mounted on a structure 50 feet or less in height including their antennas; or
- (ii) Is mounted on a structure no more than 10 percent taller than other adjacent structures; or

(iii) Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facility does not require antenna structure registration with the Federal Communications Commission;

(5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

...

**Small Wireless Facility Network:** a collection of interrelated small wireless facilities designed to deliver personal wireless services.

...

**Stealth Design:** Wireless communications facilities designed to resemble something other than a wireless facility ~~blend into the surrounding environment as determined by the code official~~. Examples of stealth design include architecturally screened roof-mounted antennas, facilities integrated into architectural elements, and facilities designed to blend with or be integrated into light poles, utility poles, trees, steeples, or flag poles.

...

**Substantial Change, Wireless Communication Facility:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.

- a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other

eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in 47 CFR Section ~~1.40001(b)(7)(i) through (b)(7)(iv)~~, 1.6100(b)(7)(i) through (b)(7)(iv) or as hereafter amended.

...

**Temporary Wireless Communications Facility:** Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are typically used for large-scale events, or to provide wireless coverage in the event an existing permanent WCF is removed to allow for construction activity at the underlying site.

...

**Tower:** Any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

...

**Traffic Signal Pole:** A Utility Pole that supports equipment used for controlling traffic including but not limited to traffic lights, rapid flashing beacons, speed radar, or school zones flasher.

...

**Undergrounded Utility Areas:** A geographic area where utilities that are commonly located aboveground (e.g. electrical power, cable and telephone lines, etc.) have been placed entirely

underground, and associated support structures (e.g. wooden utility poles or guy poles) have been removed.

...

**Utilities:** Facilities providing infrastructure services by a public utility or private utility regulated by the state through fixed wires, pipes, or lines. Such facilities may include water, sewer, storm water facilities (lines, ditches, swales and outfalls) and private utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. “Utilities” does not include wireless communication facilities, but do include small wireless facilities.

...

**Utility Pole:** A structure designed and used primarily for the support of electrical wires, telephone wires, or television cable and may also include lighting. A new utility pole originally constructed for the purpose of providing support for a Wireless Communication Facility (WCF) shall be regulated as a new Antenna Support Structure.

...

**Wireless Communication Facility Site:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, or a State or other local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the 6409(a) Eligible Facilities process.

~~**Wireless Communication Facility Tower:** Any structure built for the sole or primary purpose of supporting any commission licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.~~

#### **Wireless Communications:**

1. Attached Wireless Communications Facility (Attached WCF): An antenna array that is attached to an existing building or structure, including utility poles, with any accompanying attachment structure, transmission cables, and an equipment cabinet which may be located either inside or outside of the attachment building or structure.

~~2. **Wireless Communications Antenna Array (Antenna Array):** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip), directional antenna (panel), and parabolic antenna (dish).~~

~~3.~~ Wireless Communications Facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency signals usually consisting of antennas, an equipment cabinet, transmission cables, and a support structure to achieve the necessary elevation.

43. Wireless Communications Support Structure (Support Structure): means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

A structure designed and constructed specifically to support an antenna array, and may include a monopole tower, lattice tower, guy-wire support tower or other similar structures. Any structure which is used to attach an attached WCF to an existing building or structure (hereinafter "attachment structure") shall be excluded from the definition of and regulations applicable to support structures.





# AB5889:

## Wireless Code Amendment

June 15, 2021

# Code Amendment Process



# Recommended Code Amendment

- Ordinance No. 21C-12 amends MICC 19.06, 19.15 & 19.16
  - Repeals interim wireless communication and small cell regulations
  - Adopts permanent regulations that:
    - Update language and definitions to comply with latest federal regulations
    - Add provisions for ham radio antennas
    - Clarify requirements for undergrounding wires and equipment
    - Add clarity and more objective standards to for regulating noise, design and concealment of small wireless facilities



# Noise, Design and Concealment

- Preference for hollow poles that conceal equipment and cabling
- Requires noiseless facilities when feasible
- Replacement poles must be ADA compliant, and sidewalks/paving must be restored
- Equipment must be color matched to pole/building
- Must utilize smallest feasible antennas and equipment



# “Feasible”

- Defined term used throughout MICC Title 19.

Feasible: An action that is required to achieve project approval, such as a design requirement, development condition, mitigation, or preservation requirement, and that meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results.
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project’s primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames.



# Additional Revision Recommended

- Inadvertently omitted one of the PC's recommended revisions from the draft ordinance
- Recommend revising MICC 19.06.075(B)(6) as follows:

7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be removed, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.





# Planning Commission Recommendation

- Planning Commission conducted a detailed review of the proposed code amendment
- PC made a unanimous recommendation that the City Council approve the code amendment



# Apparent Error in Code

- 19.06.040 Wireless communications
  - A. *Town Center, Commercial/Office, Business and Planned Business Zones.*
    1. *Permitted Use.* Attached [wireless communications facilities](#) (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office and planned business zone districts, and are not permitted in the Town Center district.



# Apparent Error in Code – Staff Rec

- 19.06.040 Wireless communications
  - A. *Town Center, Commercial/Office, Business and Planned Business Zones.*
    1. *Permitted Use.* Attached [wireless communications facilities](#) (WCFs) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office, [business](#) and planned business zone districts, and are not permitted in the Town Center district.



# Council Comments/Questions

- Response matrix to Mayor Wong's questions
- Other Questions?



# Recommended Motion

- Move to direct staff to revise the draft code amendment as discussed and schedule second reading for July 6





## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5886**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5886: Emergency Medical Transport Policy Update	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Adopt Resolution No. 1599 updating the City's emergency medical transport billing practices and procedures.	<input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Finance and Fire
<b>STAFF:</b>	Jeff Clark, Interim Fire Chief Matthew Mornick, Finance Director
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Resolution No. 1599 2. Emergency Medical Billing Administrative Policy 3. Mercer Island Finance Assistance Application Form
<b>CITY COUNCIL PRIORITY:</b>	2. Articulate, confirm, and communicate a vision for effective and efficient city services. Stabilize the organization, optimize resources, and develop a long-term plan for fiscal sustainability.

### SUMMARY

The purpose of this agenda bill is to adopt a Resolution to update the BLS (Basic Life Support) ambulance transport fee and approve the administrative policy for administering emergency medical billing.

#### BACKGROUND

At the March 16, 2021 City Council Meeting, staff presented [AB 5833](#) seeking direction from the City Council on the policies guiding emergency medical transportation fees as follows:

1. What considerations would you suggest concerning the setting of the transport fees and an annual inflator?
2. What considerations would you suggest concerning the collection of co-payments and charges to residents versus non-residents? For patients who are insured versus those that are uninsured?
3. Should staff consider implementing a collections process?
4. Do you have any suggestions to improve the existing financial assistance program?

After receiving input from the City Council on March 16, 2021, staff evaluated King County area transport policies and fees to inform the policy recommendation for the Council. Staff attempted to meet three overarching objectives when determining the recommendation:

1. Uniformity and consistency of application.
2. Best business and financial practices.
3. Provide financial forgiveness if qualified.



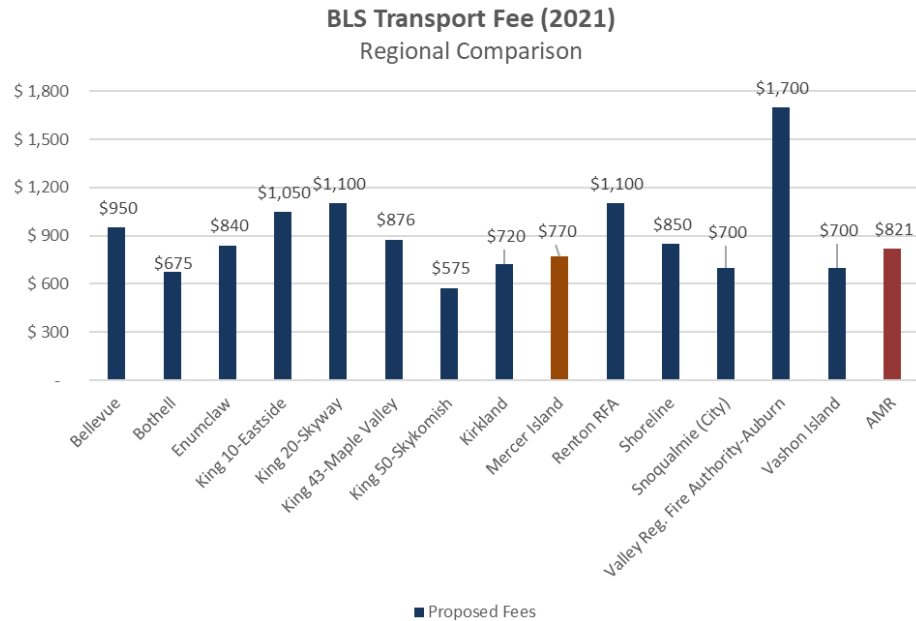
The feedback received from the City Council is captured within one or more of these objectives. Taken together, the staff recommendations listed below effectively address the three overarching objectives.

1. Recommended rates match the average rate in the immediate area ensuring regional consistency at a modest rate.
2. Adding an annual CPI driven inflator implements a best business and financial practice.
3. Linking the rates with American Medical Response (AMR) to ensure uniformity and consistency for all patients.
4. Billing all patients in an identical manner (resident, non-resident, insured or uninsured) to ensure uniformity and consistency for all patients.
5. Implementing a collections process is a best business practice and ensures all bills follow the same practice. The collection process will be treated as a last resort and the patient has an opportunity to file for financial forgiveness or to appeal to the Fire Chief and Finance Director for a waiver.
6. Reaffirming a forgiveness program that is consistent with regional fire departments and AMR provides for a reasonable forgiveness program for those who need it most.
7. Tracking uncollected fees and writing off as bad debt is a best business and financial practice ensuring the City's ability to utilize this at a future date if the opportunity presents itself.

Mercer Island City Code [4.60.010](#) imposes the Basic Life Support (BLS) transport user fee and states that "All persons transported for BLS by the city's fire department shall be charged and billed BLS transport fees by the City at rates set and adjusted as necessary by resolution of the City Council. The city manager or his/her designee shall establish a procedure to bill and collect BLS transport fees. The city may contract with a billing service and/or collection agency to bill and collect the same."

When the fee was established in 2012, there was no cost recovery target established and the policy did not include an annual inflationary factor. The fee was set to be consistent with fees charged by other local fire departments and private ambulance providers and sought to maximize reimbursements from the patient's insurance.

The \$770 base transport fee and \$15 per mile reimbursement for MIFD emergency medical transport have remained unchanged since 2012. Many agencies within the region raised emergency medical transport fees at the beginning of 2021. The table below provides a regional fee comparison.



## RECOMMENDATION

Based on the discussion and direction received, staff recommends adoption of Resolution No. 1599 (Exhibit 1), the Administrative Policy (Exhibit 2), and Financial Assistance Application Form (Exhibit 3). In so doing, the BLS (Basic Life Support) ambulance transport fee will be a base fee of \$1,033, plus a mileage reimbursement fee of \$17.00 per mile, effective August 1, 2021. This is based on the average of the closest neighboring public agencies who provide medical transport services. The base fee and mileage reimbursement shall increase annually, starting on January 1, 2023, by an inflator tied to Medical Care CPI or 3.0%, whichever is greater. These fees shall remain in place until amended by the City Council via resolution. Medical Care CPI refers to the medical care consumer price index (consisting of medical care services) for All Urban Consumers.

Additionally, staff is recommending that the City's contract with American Medical Response (AMR) be amended to link what AMR is permitted to charge with the Mercer Island rate so that all patients that receive a response from MIFD be billed the same. Many departments, and AMR, have an annual inflator linked to their transport rate. This change will ensure all Mercer Island patients are billed consistently.

All patients transported will be billed consistently, according to standard medical billing practices, which includes billing for co-payments and charges for insured and uninsured patients. Considering that the fees collected by Mercer Island are utilized to offset tax expenditures, staff views collections as a fundamental responsibility to ensure a standard and best practice is implemented to minimize the impact on tax dollars supporting other City services. When determining who to bill, most of the City's closest neighbors and AMR, bill residents and non-residents under the same policy.

A financial assistance program links to the federal poverty scale to determine eligibility. Additionally, the patient can ask the City to consider extenuating circumstances where the Fire Chief and Finance Director will have the authority to waive charges. There are legitimate reasons to offer a forgiveness program for those who meet the predetermined criteria. Criteria that are linked to the federal poverty rate, as well as an exception process for those truly unique circumstances that the City would vet through a team that consists of the Fire Chief and Finance Director. Patients would file all claims for forgiveness and petitions for waiver of

fees to Systems Design West. System Designs West will then seek final approval from the City on a case-by-case basis.

Finally, the policy includes going to collections if necessary. The collections process will be handled through a professional collections agency within industry norms and only as a last resort. All uncollected fees will be written off as bad debt and reported to the City Council quarterly.

Based on the recommended policy set forth in Resolution No. 1599, all patients who receive emergency medical transport on Mercer Island will be billed using the same practices, regardless of if MIFD, AMR, or Bellevue conduct the transport. The fees will be updated after going unchanged for ten years and an escalator will be added to keep pace with the transport market.

The proposed fees and practices will produce an increase in projected transport related revenue between \$20,000 – \$30,000 beginning in fiscal year 2022.

## **RECOMMENDATION**

1. Adopt Resolution No. 1599 (Ex. 1) updating the City's emergency medical transport billing fee;
2. Adopt the Emergency Medical Billing policy substantially in the form as presented in Exhibit 2; and
3. Adopt the Finance Assistance Form substantially in the form as presented in Exhibit 3.

**CITY OF MERCER ISLAND  
RESOLUTION NO. 1599**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCER ISLAND,  
WASHINGTON, AMENDING THE BASIC LIFE SUPPORT AMBULANCE  
TRANSPORT FEES**

WHEREAS, the City Council approved the establishment of Basic Life Support (BLS) transport fees; and,

WHEREAS, those fees are to be collected pursuant to a billing services contract with a third-party biller; and,

WHEREAS, the City Council wishes to establish reasonable fees for service consistent with private ambulance services, neighboring jurisdictions and fire agencies, as well as Medicare and Medicaid standards and limitations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, as follows:

**Section 1: Emergency Medical Services Transport Fees**

Effective August 1, 2021, the BLS ambulance transport fee shall be increased to a base fee of \$1,033, plus a mileage reimbursement fee of \$17.00 per mile. The base fee and mileage reimbursement shall increase annually starting on January 1, 2023, by an annual inflator tied to Medical Care CPI or 3.0%, whichever is greater. These fees shall remain in place until amended by the City Council by resolution.

**Section 2: Effective Date**

This resolution shall take effect and be in force at such time and date as passed by the City Council and signed by the Mayor.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON  
AT ITS REGULAR MEETING ON THE 15TH DAY OF JUNE 2021.

CITY OF MERCER ISLAND

\_\_\_\_\_  
BENSON WONG, MAYOR

ATTEST:

\_\_\_\_\_  
DEBORAH A. ESTRADA, CITY CLERK

## CITY OF MERCER ISLAND

### ADMINISTRATIVE POLICY AND PROCEDURE/GUIDELINES

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#### SUBJECT: Fee for Transport Billing

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#### 1 Purpose

- 1.1 To identify the billing policy and procedures for patients transported by the Mercer Island Fire Department's (MIFD) Basic Life Support (BLS) units.

#### 2 Reference

- 2.1 Medicare Regulations
- 2.2 Policy 3508 - Billing for Services
- 2.3 Policy 3410 - Incident Reports and Transport Documentation
- 2.4 Systems Design West Billing & Collection Procedures
- 2.5 Mercer Island Transport Financial Assistance Application

#### 3 Responsibility

- 3.1 All employees shall be familiar with and adhere to this policy.

#### 4 Policy

- 4.1 The MIFD shall bill for patients transported by the MIFD's Basic Life Support (BLS) units within our service area.
- 4.2 It is the policy of the MIFD that the ability to pay is never a condition of emergency medical service or transportation. All aspects of pre-hospital service will be provided to all patients without discrimination toward those with or without inadequate means to pay.

#### 5 Procedure/Guidelines

- 5.1 The MIFD shall bill:
  - 5.1.1 For all transports along the Interstate 90 and Interstate 405 corridor,
  - 5.1.2 If more than one patient is transported in a single unit, all patients are billed.
  - 5.1.3 If a member of the MIFD (unless on duty) or family member is transported as a patient, the patient shall be billed.
  - 5.1.4 The MIFD will only bill if the patient is directly transported to a medical facility, landing zone, or directly transferred to another transport agency (i.e., transfer from MIFD BLS to an ALS transport agency).
- 5.2 All paperwork and authorization forms shall be completed per this Policy.
- 5.3 The MIFD will conduct an internal audit to determine if all qualified transports have been processed.
  - 5.3.1 The City's third-party medical billing company, currently Systems Design West, will notify the Deputy Chief of missing paperwork. The Battalion Chiefs are responsible to follow up with the responsible crew.
  - 5.3.2 The City's Finance Department will be the designated liaison with the billing company.

- 5.4 The MIFD will direct the billing company to bill at a rate, to include a mileage rate, as approved by the Mercer Island City Council. (See Systems Design West Billing & Collection Procedures for detailed process.)
- 5.4.1 Private Insurance
- 5.4.1.1 Bill Private Insurance Company.
- 5.4.1.2 Case manager contacts patient, or representative, to collect missing information and/or attempt payment schedule of balance.
- 5.4.1.3 Send bill for balance.
- 5.4.2 Medicaid
- 5.4.2.1 Bill Medicaid.
- 5.4.3 Medicare
- 5.4.3.1 Bill Medicare.
- 5.4.3.2 Bill co-pay per federal guidelines.
- 5.4.4 Patients with no Insurance
- 5.4.4.1 Patient who received medical transport services or representative should contact MIFD or billing company to negotiate payment or payment plan (see 5.5 Financial Assistance).
- 5.4.4.2 The billing company case manager shall contact patients (or their representatives) to verify there is no insurance.
- 5.4.4.3 If no insurance is available, the case manager shall work with the patient to determine the ability to pay (payments, etc.), as well as possibly decreasing the bill due to the patient's income level or other circumstances.
- 5.4.5 Collections
- 5.4.5.1 If neither full payment for ambulance treatment/transport services nor notice of a payment plan to billing company is received within 120 days of initial billing, the patient's account will be considered delinquent and uncollectible and referred to a designated collections firm, approved by the City of Mercer Island, who will attempt to collect the balance due.
- 5.4.6 Any patient, or representative, may petition the City of Mercer Island for relief by completing the Transport Financial Assistance Application and submitting it to the billing company. All HIPAA and Patient Privacy regulations will be followed.
- 5.4.6.1 All disputes will be brought to the Fire Administration and Finance Department for investigation. The Fire Chief and Finance Director will agree on a final determination if a bill should be waived. All waived bills will be presented to the Finance Department as part of the quarterly write-off report.
- 5.4.7 The billing company will submit Authorization Waivers to the Finance Department, who will present the amount to be written off to the Finance Director on a quarterly basis.



- 5.5 Financial Assistance - The following criteria will be used in making fair, equitable, and consistent decisions regarding eligibility for financial assistance.
- 5.5.1 Ability to pay is never a condition of emergency medical service transportation.
  - 5.5.2 Financial assistance is secondary to all other financial resources available to the patient including insurance, government programs, or other third-party sponsorship.
  - 5.5.3 Full debt forgiveness will be provided to a responsible party with a gross family income at or below 100% the current published Federal Poverty Income Guidelines based on household size.
  - 5.5.4 Financial assistance will be provided according to Federal Poverty Income guidelines, to include household size, at the sliding scale below.

Debt Forgiveness and Financial Assistance	
Income as a Percentage of Federal Poverty Level	Percentage Discount
100% or Below	100%
101 to 133%	75%
134 to 166%	50%
167 to 200%	25%
Greater than 200%	0%

- 5.5.5 The MIFD will base the decision on eligibility upon the data submitted on the Transport Financial Assistance Application to the billing company.
- 5.6 Any payments received by the MIFD will be forwarded to the billing company for processing.
- 5.7 The MIFD, with assistance from the Finance Department, will conduct an internal audit of the third-party billing company once a biennium.
- 5.8 The MIFD will be responsible for all medical record requests. If the MIFD receives a request for the billing portion, as well as the medical, the MIFD will direct the billing company to release the billing information.



## CITY OF MERCER ISLAND

*Fire Department*  
C/O Billing Office  
PO Box 3510  
Silverdale, WA 98383-3510  
(206) 275-7607 | Fax: (206) 275-7970

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### Individual Written Notice of Financial Assistance

It is the policy of Mercer Island Fire Department that no person will be denied needed emergency medical care because of an inability to pay for such services.

The Fire Department will provide needed emergency services without charge or at a reduced charge and without discrimination to those persons with no or inadequate means to pay for needed care.

To be eligible to receive needed ambulance services without charge or at a reduced charge, you or your family's annual income must be at, or below, certain levels established by national poverty guidelines for this area.

If you think you may be eligible for Financial Assistance, please complete and sign the application **on the reverse side of this page**, attach documentation for any listed income or grant of "hospital charity," and send to the address below or email [mi\\_fire@mercerisland.gov](mailto:mi_fire@mercerisland.gov):

Mercer Island Fire Department  
PO Box 3510  
Silverdale, WA 98383-3510

You will be notified of any reduction in your bill once the Fire Department has reviewed your application.

<b>Patient's Name</b>	
Date of Service	
Transported to	

<b>Responsible Party</b>		Contact Phone:
Name		Mailing Address:
Relationship		
Current Employer		
Employed From		
Previous Employer		
Spouse Employer		
Employed From		
Previous Employer		

<b>Income</b>	Family Member 1	Family Member 2	Family Member 3	Family Member 4
Name				
Relationship				
Wages				
Self-Employment				
Public Assistance				
Social Security				
Unemployment				
Worker's Comp.				
Alimony				
Child Support				
Pension/Retirement				
Dividend Income				
Rental Prop. Income				
Other Income (detail)				
Total Income				

Please attach documentation of any listed income such as W-2's, pay stubs, tax returns, forms approving or denying eligibility from Medicaid and/or state funded medical assistance, forms approving or denying unemployment compensation or written statements from employers or welfare agencies.

Was charity care granted by the receiving medical facility? Yes ☐ No ☐

Please attach documentation of charity-care decision by the receiving medical facility.

The above information is correct to the best of my knowledge. I authorize City of Mercer Island to verify for the purpose of financial assistance eligibility determination.

\_\_\_\_\_  
Signature (Patient or Responsible Party)                      Date                      Family Size

Current account balance	Adjustment (by Fire Dist.)	New Balance

\_\_\_\_\_  
Signature (Fire Department)                      Date



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5893**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5893: Review Arts Council Membership	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 21C-13 amending MICC 3.55.030(B).	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Manager
<b>STAFF:</b>	Jessi Bon, City Manager Sarah Bluvas, Economic Development Coordinator Eileen Keiffer, Special Counsel
<b>COUNCIL LIAISON:</b>	Salim Nice
<b>EXHIBITS:</b>	1. Ordinance No. 12C-13, Amending MICC 3.55.030(B)
<b>CITY COUNCIL PRIORITY:</b>	n/a

### SUMMARY

The proposed ordinance would amend [MICC 3.55.030\(B\)](#) to reduce the size of the Mercer Island Arts Council ("Arts Council") from its current size of nine members to seven members. It would also provide flexibility regarding term limits to allow past members having served two full consecutive terms to serve again if there is a lack of applicants who have not yet served two full consecutive terms. However, the amendment would establish a preference for applicants who have not previously served two full consecutive terms.

### BACKGROUND

In 2018, through Ordinance No. 19C-01 ([AB 5519](#)), the City updated the code language for the City's boards and commissions (Planning Commission, Design Commission, Utility Board, Arts Council, and Parks & Recreation Commission). That update generally established the maximum board/commission size at seven members with the exception of the Arts Council. In 2018, the Arts Council had eleven members with two departing, and Ordinance No. 19C-01 reduced the size of the Arts Council from eleven members to nine members.

The City currently has four vacancies on the Arts Council, so City Staff believes now is the appropriate time to reduce the size of the Arts Council membership from nine members to seven members to be consistent with the other City boards and commissions.

Ordinance No. 19C-01 also established a two-term limit for Arts Council members. Because the City has had difficulty in recruiting new members, it is appropriate to amend the code to allow members who have served two full consecutive terms to serve again, in the absence of applicants who have not yet served two terms.

However, the code would provide a preference for applicants who have not yet served two full consecutive terms.

The Council is asked to adopt Ordinance No. 21C-13 at first reading to enable the supplemental recruiting for Arts Council members to begin timely for a planned September appointment. Any ordinance that the City Council determines require an effective date precluding a second reading may be adopted at first reading. Furthermore, under the City Council Rules of Procedure as most recently amended, a motion to suspend the Rules requiring a second reading for an ordinance is no longer required.

## **RECOMMENDATION**

Adopt Ordinance No. 21C-13 amending MICC 3.55.030(B) reducing the size of the Arts Council and revising term limits.

**CITY OF MERCER ISLAND  
ORDINANCE NO. 21C-13**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,  
AMENDING MERCER ISLAND CITY CODE 3.55.030(B) TO CHANGE THE  
MEMBERSHIP OF THE MERCER ISLAND ARTS COUNCIL; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, there is inconsistency in the codes that establish and govern each of the City's advisory boards and commissions with respect to the number of members; and

WHEREAS, the Mercer Island Arts Council currently has nine members, as opposed to other City boards and commissions which typically have seven members; and

WHEREAS, it is logical to reduce the number of members on the Mercer Island Arts Council from nine to seven members for consistency with other City boards and commissions; and

WHEREAS, the City Council desires to provide flexibility by establishing a preference for applicants to the Mercer Island Arts Council who have not yet served two full consecutive terms, but to allow those who have previously served two full consecutive terms to serve again in the absence of other applicants;

WHEREAS, the City Council considered the proposed amendments on June 15, 2021;

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

**Section 1: MICC 3.55.030(B) Amended.** Subsection (B) of MICC 3.55.030 is hereby amended as follows:

**3.55.030      Membership.**

**B.      Members.**

**1. Number.** The Mercer Island arts council shall consist of seven ~~nine~~ members, serving in non-partisan positions.

**2. Residency.** City residency is required.

**3. Terms.** The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed and qualified. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: Positions 1, 2 and 3; Positions 4 and 5; Positions 6 and 7; ~~Positions 8 and 9.~~

**4. Term Limits.** ~~No member shall serve more~~ Preference shall be given to applicants who have served fewer than two full consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit. In the event there are two or more applicants for a position, and an applicant has previously served two full consecutive terms,



preference shall be given to the applicant(s) who has not previously served two full consecutive terms.

**5. Staff Liaison.** The city manager shall appoint a staff liaison to assist with support services for the Mercer Island arts council. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.

**6. Council Liaison.** The mayor and deputy mayor shall annually designate one councilmember to serve as a liaison between the city council and the Mercer Island arts council.

**Section 2:** **Changes to Position Number.** To the extent necessitated by the amendments in Section 1, any Arts Council member currently holding Positions 8 or 9, shall be moved to a vacant position in Positions 1 through 7. The date on which their term ends for any Arts Council member who is moved shall be the same after the move as it was before it.

**Section 3:** **Severability.** If any section, sentence, clause or phrase of this Ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance or the amended code section.

**Section 4:** **Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 15th day of June 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Benson Wong, Mayor

Approved as to Form:

ATTEST:

/s/ Bio Park

\_\_\_\_\_  
Bio Park, City Attorney

\_\_\_\_\_  
Deborah A. Estrada, City Clerk

Date of Publication: \_\_\_\_\_



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5896**  
**June 15, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5896: Providing Flexibility Regarding Utility Board Term Limits	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 21C-14 amending MICC 3.52.030(B).	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Manager
<b>STAFF:</b>	Jessi Bon, City Manager Jason Kintner, Chief of Operations Eileen Keiffer, Special Counsel
<b>COUNCIL LIAISON:</b>	Lisa Anderl
<b>EXHIBITS:</b>	1. Ordinance No. 21C-14, Amending MICC 3.52.030(B)
<b>CITY COUNCIL PRIORITY:</b>	n/a

### SUMMARY

The proposed ordinance would amend MICC [3.52.030\(B\)](#) to provide flexibility regarding term limits for members of the Mercer Island Utility Board ("Utility Board"). The ordinance would allow past members having served two full consecutive terms to serve again if there is a lack of applicants who have not yet served two full consecutive terms. However, the amendment would establish a preference for applicants who have not previously served two full consecutive terms.

### BACKGROUND

In 2018, through Ordinance No. 19C-01 ([AB 5519](#)), the City updated the code language for the City's boards and commissions (Planning Commission, Design Commission, Utility Board, Arts Council, and Parks & Recreation Commission). That update generally established a two-term limit for boards and commissions, including the Utility Board. Because the City has had difficulty in recruiting new members, it is appropriate to amend the code to allow members who have served two full consecutive terms to serve again, in the absence of applications from applicants who have not yet served two full consecutive terms. However, the proposed amendments would provide a preference for applicants who have not yet served two full consecutive terms.

The City Council is asked to adopt Ordinance No. 21C-14 at first reading to enable the supplemental recruiting for Utility Board members to begin timely for a planned September appointment. Any ordinance that the City Council determines require an effective date precluding a second reading may be adopted at first reading. Furthermore, under the City Council Rules of Procedure as most recently amended, a motion to suspend the Rules requiring a second reading for an ordinance is no longer required.

### RECOMMENDATION

Adopt Ordinance No. 21C-14 amending MICC 3.52.030(B) regarding Utility Board term limits.

**CITY OF MERCER ISLAND  
ORDINANCE NO. 21C-14**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,  
AMENDING MERCER ISLAND CITY CODE 3.52.030(B) TO CHANGE TERM  
LIMITS OF UTILITY BOARD MEMBERSHIP; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Mercer Island City Code currently imposes a two term limit for those serving on the Mercer Island Utility Board; and

WHEREAS, over the years, the City has had less interest from residents and citizens to serve on the Mercer Island Utility Board, which frequently has open seats; and

WHEREAS, the City Council desires to provide flexibility by establishing a preference for applicants to the Mercer Island Utility Board who have not yet served two full consecutive terms, but to allow those who have previously served two full consecutive terms to serve again in the absence of other applicants; and

WHEREAS, the City Council considered the proposed amendments on June 15, 2021;

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

**Section 1: MICC 3.52.030(B) Amended.** Subsection (B) of MICC 3.52.030 is hereby amended as follows:

**3.52.030      Membership.**

**B.      Members.**

**1. Number.** The Mercer Island Utility Board shall consist of seven members, serving in non-partisan positions.

**2. Residency.** City residency is required.

**3. Terms.** The term of each member is four years and expires on May 31 of the last year of the term or until the member's successor is appointed and qualified. The year of expiration of the terms of the positions shall be staggered with the following groups of positions expiring in successive years: Positions 1, 2 and 3; Positions 4 and 5; Positions 6 and 7.

**4. Term Limits.** ~~No member shall serve~~ Preference shall be given to applicants who have served fewer more than two full consecutive terms. If a member is appointed to a vacancy with two or more years remaining on the term, that term will be deemed a full term. If a member is appointed to a vacancy with less than two years remaining in the term, that term will not count toward the two-consecutive-term limit. In the event there are two or more applicants for a position, and an applicant has previously served two full consecutive terms, preference shall be given to the applicant(s) who has not previously served two full consecutive terms.

**5. Staff Liaison.** The city manager shall appoint a staff liaison to assist with support services for the utility board. Such staff support shall include, but not be limited to, the development of work plans and schedules, guidelines and procedures, correspondence, and agenda preparation and distribution.

**6. Council Liaison.** The mayor and deputy mayor shall annually designate one councilmember to serve as a liaison between the city council and the Mercer Island Utility Board.

**Section 2:**     **Severability.** If any section, sentence, clause or phrase of this Ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance or the amended code section.

**Section 3:**     **Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 15th day of June 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Benson Wong, Mayor

Approved as to Form:

ATTEST:

/s/ Bio Park

\_\_\_\_\_  
Bio Park, City Attorney

\_\_\_\_\_  
Deborah A. Estrada, City Clerk

Date of Publication: \_\_\_\_\_



# 2021 PLANNING SCHEDULE

Item 13.

Please email the City Manager & City Clerk when an agenda item is added, moved, or removed.

NOTE - Regular Meetings begin at 5:00 pm from June 16, 2020 through December 31, 2021.  
Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

JULY 6		DD	FN	CA	Clerk	CM
ABSENCES:						
ITEM TYPE   TIME   TOPIC				STAFF		
STUDY SESSION						
60	AB xxxx: Town Center Discussion <b>HOLD</b>			Jeff Thomas/Sarah Bluvas		
SPECIAL BUSINESS						
CONSENT AGENDA						
--	AB xxxx: Development Code Amendment ZTR19-004 Small Cell / Wireless Facilities (Ord. No. 21C-xx Second Reading)			Jeff Thomas/Alison Van Gorp		
--	AB xxxx: Parks & Recreation Month Proclamation			Jason Kintner/Ryan Daly		
--	AB xxxx: 2021-2022 Counseling Services Interlocal Agreement with the Mercer Island School District			Ali Spietz/Tambi Cork		
REGULAR BUSINESS						
60	AB xxxx: Development Code Amendment ZTR21-xxx Signage (Ord. No. 21C-xx First Reading) <b>HOLD</b>			Jeff Thomas/Alison Van Gorp		
30	AB xxxx: Renew Interim Development Regulations for Outdoor Dining			Sarah Bluvas/Jeff Thomas		
30	AB xxxx: Mercer Island Community and Event Center & Recreation Programs and Services Strategy Adoption			Jason Kintner/Ryan Daly/Emily Moon		
15	AB xxxx: YFS Community-Based Counselor LTE Funding			Ali Spietz/Tami Cork		
15	AB xxxx: 2020 Citizen of the Year Nominations			Mayor Wong		
EXECUTIVE SESSION						
60	For planning or adopting the strategy or position to be taken by the City Council during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b)					

JULY 20 ABSENCES:			DD	FN	CA	Clerk	CM
ITEM TYPE   TIME   TOPIC					STAFF		
STUDY SESSION							
SPECIAL BUSINESS							
CONSENT CALENDAR							
	AB xxxx: Booster Chlorination System Bid Award				Rona Lin		
REGULAR BUSINESS							
30	AB xxxx: Development Code Amendment ZTR21-xxx Signage (Ord. No. 21C-xx Second Reading) HOLD				Jeff Thomas/Alison Van Gorp		

30	AB xxxx: Town Center Parking Study Project Scope Update	Sarah Bluvas/Jeff Thomas/Jason Kintner/Ed Holmes	Item 13.
EXECUTIVE SESSION			

AUGUST 3 (POTENTIALLY CANCELED)			DD	FN	CA	Clerk	CM
ABSENCES:							
ITEM TYPE   TIME   TOPIC					STAFF		
STUDY SESSION							
SPECIAL BUSINESS							
CONSENT CALENDAR							
REGULAR BUSINESS							
EXECUTIVE SESSION							

AUGUST 17 (POTENTIALLY CANCELED) ABSENCES:			DD	FN	CA	Clerk	CM
ITEM TYPE   TIME   TOPIC					STAFF		
STUDY SESSION							
SPECIAL BUSINESS							
CONSENT CALENDAR							
REGULAR BUSINESS							
EXECUTIVE SESSION							



AUGUST 31			DD	FN	CA	Clerk	CM
ABSENCES: Dave Rosenbaum (Remote)							
ITEM TYPE   TIME   TOPIC					STAFF		
STUDY SESSION							
SPECIAL BUSINESS							
CONSENT CALENDAR							
--	AB xxxx: Childhood Cancer Awareness Month, Proclamation No. XXX				Deb Estrada		
--	AB xxxx: Volunteer Appreciation, Proclamation No. XXX				Deb Estrada/Ryan Daly		
REGULAR BUSINESS							
	AB xxxx: 2021-2022 Work Plan Update				Jessi Bon		
	AB xxxx: First Reading: Financial Management Policies (Council Ad hoc Committee)				Matt Mornick		
	AB xxxx: Boards & Commission Appointments – Round 2 (Resolution No. XXXX)				Deb Estrada		
	AB xxxx: Potentially Dangerous Dog Ordinance (Ord. No. 21C-04 First Reading)				Bio Park		
EXECUTIVE SESSION							