



ARTS COUNCIL REGULAR VIDEO MEETING

Wednesday, October 13, 2021 | 6:30pm

BOARD MEMBERS:

Chair Suzanne Skone
Vice Chair Amy Barnes
Board Members: Anumeha, Erik Gordon,
Elizabeth Mitchell, Rosemary Moore
City Council Liaison: Salim Nice

LOCATION & CONTACT

Mercer Island City Hall – Zoom Meeting
9611 SE 36th Street | Mercer Island, WA 98040
Phone: 206.275.7706 | www.mercerisland.gov

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the Staff Liaison at least 24 hours prior to the meeting at 206.275.7706.

Virtual Meeting Notice

The virtual meeting will be broadcast live on Zoom and recorded and saved on the City's [YouTube Channel](#)

Join by Telephone at 6:30 PM: To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **815 8159 6132** and Password **370163** when prompted.

Join by Internet at 6:30 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 **815 8159 6132**; Enter Password **370163**

For the safety and wellbeing of the public and staff, the City strongly recommends that community members attend the meeting by viewing the live feed on Zoom or watching the recording of the video conference on the City's [YouTube Channel](#), which will be available approximately 24 hours after the meeting.

CALL TO ORDER & ROLL CALL, 6:30 PM

APPEARANCES

REGULAR BUSINESS

1. Approval of Minutes: September 14, 2021, Regular Video Meetings
2. Code of Ethics Training
3. 2021 PROS Plan Update
4. Arts Reset Plan: 2022 City Arts Work Plan Update
5. 2021 Arts Council Officer Positions (No Staff Report – Discussion Only)

OTHER BUSINESS

ADJOURNMENT



ARTS COUNCIL MINUTES

SPECIAL VIDEO MEETING

Tuesday, September 14, 2021

CALL TO ORDER & ROLL CALL

Suzanne Skone called the meeting to order at 6:34pm. Vice Chair Amy Barnes appointed Skone to facilitate the meeting in her absence.

Anumeha, Elizabeth Mitchell, and Rosemary Moore participated remotely using Zoom (video teleconferencing platform).

City Council liaison Salim Nice; staff members Sarah Bluvus, Ryan Daly, Jessi Bon, Merrill Thomas-Schadt, and Paul West; and consultants Anna Spooner and Emily Moon also participated remotely via Zoom.

PUBLIC APPEARANCES

No public appearances.

MEETING AGENDA AMENDMENT

Sarah Bluvus, Economic Development Coordinator, requested that the board amend the agenda to move the 2021 Officer Elections discussion to the end of Regular Business. The board unanimously approved this request.

NEW MEMBER WELCOME + THANK YOU TO OUTGOING MEMBERS

The board welcomed new members Elizabeth Mitchell and Rosemary Moore and thanked outgoing Chair and member Erin Vivion.

REGULAR BUSINESS

1. Approval of Minutes – July 14 Regular Video Meeting Minutes

It was moved by Anumeha, seconded by Mitchell to:

Approve the July 14, 2021, Regular Video Meeting Minutes as presented.

Passed 4-0-2

FOR: Anumeha, Mitchell, Moore, Skone

ABSENT: Barnes, Gordon

2. 2021 PROS Plan Update

City Manager Jessi Bon presented Chapters 4 (Goals and Objectives) and 7 (Recreation, Arts, and Culture) of the Parks, Recreation, and Open Space (PROS) Plan and received feedback on the chapters from the board. Bon also requested that the board select a liaison to represent Arts Council interests at upcoming Parks & Recreation Commission discussions of the PROS Plan. The board should aim to appoint a liaison by the October meeting.

3. Luther Burbank Docks Repair and Reconfiguration: Public Art and Placemaking Opportunities

Capital Project Manager Paul West and Anna Spooner, landscape architect at Anchor QEA, presented an overview of the Luther Burbank Docks Repair and Reconfiguration project and facilitated a preliminary discussion of opportunities for public art and placemaking. Staff will return with a refined design based on board feedback in early 2022.

4. Arts Immediate Action Plan: Project Updates

Ryan Daly, Operations Transition Team Manager, updated the board on the Mostly Music in the Park concert series, *The Praire of Possibilities* temporary art installation, and plans for reopening the Mercer Island Gallery at the Mercer Island Community & Event Center.

5. Arts Reset Plan: Planning & Policy Updates

Board members received a draft of the proposed 2022 City Arts Work Plan in their agenda packet. Bluvas requested feedback via e-mail or the draft link. The Planning & Policy committee will review feedback and present a final draft for review and endorsement at the November meeting.

6. 2021 Arts Council Regular Meeting Schedule Changes

No meeting schedule changes were made.

7. 2021 Arts Council Officer Elections

Skone opened the floor for nominations for a Chair to serve through the end of 2021. Moore nominated Skone for the position, and Skone accepted the nomination. The board unanimously elected Skone as Chair by a voice vote.

OTHER BUSINESS

No other business.

ADJOURNMENT

The Regular Video Meeting adjourned at 8:46pm.



ARTS COUNCIL STAFF REPORT

Item 2
October 13, 2021
Regular Business

AGENDA ITEM INFORMATION

TITLE:	2021 Code of Ethics Training	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Receive Code of Ethics training.	

STAFF:	Ryan Daly, Operations Transition Manager
COUNCIL LIAISON:	Salim Nice
EXHIBITS:	<ol style="list-style-type: none"> MICC Chapter 2.60: Code of Ethics Chapter 42.23 RCW: Code of Ethics for Municipal Officers – Contract Interests

SUMMARY

On [June 1, 2021](#), the City Council adopted [Ordinance No. 21C-10](#), which amended MICC Chapter 2.60 to revise the Code of Ethics for officials. The standards and guidelines established by the Code of Ethics apply to the City Council as well as City board and commission members, and the City requires all board and commission members to attend a training on the revised code.

Tonight, Eileen Keiffer, outside legal counsel from Madrona Law, will present the training. Staff recommend that Arts Council members review MICC Chapter 2.60: Code of Ethics (Exhibit 1) and Chapter 42.23 RCW: Code of Ethics for Municipal Officer- Contract Interests (Exhibit 2) prior to participating in the training.

RECOMMENDATION

Receive Code of Ethics training.

2.60.010 - Purpose and intent.

A. *Preamble.* The city of Mercer Island's residents and businesses 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:

1. Honor and respect the principles and spirit of representative government and comply with 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;
3. Be independent, impartial, and fair in their judgment and actions;
4. Use the power and resources of public office to advance the best interests of the city of Mercer Island and its residents, not for personal gain;
5. Conduct public deliberations and processes 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 that shall govern the conduct of all officials.

B. *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 RCW Chapter 42.23, the United States and Washington State Constitutions, laws pertaining to conflicts of interests and elections campaigns, and city ordinances.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

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 non-salaried 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.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

2.60.030 - Prohibited conduct.

In addition to the requirements applicable under RCW Chapter 42.23, 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 recuse themselves from participation in government deliberations or decisions where they have a conflict of interest.
- 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.
- 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.
- 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.

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.

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. 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, 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;
 - 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.

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.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

2.60.040 - Signed acknowledgment.

All officials, upon taking office or being appointed, shall sign a statement acknowledging they have received, read, and agree to be bound by this code of ethics and RCW Chapter 42.23. 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.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

2.60.050 - Ethics officer.

- A. The position of ethics officer is hereby created. The city manager 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 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.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

2.60.060 - Advisory opinions.

- A. Officials subject to this code of ethics may request, and the ethics officer may render at the city's expense, written advisory opinions concerning the applicability of MICC 2.60.030 to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer 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 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 shall endeavor, except for good cause shown, to respond to requests for advisory opinions within 45 days of submission of the request, 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 city 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.

Item 2.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

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. The complaint must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with RCW Chapter 9A.72.
2. *Finding of sufficiency.* Based on the contents of the written complaint, the ethics officer shall make a determination of sufficiency within 30 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 MICC 2.60.030, including RCW Chapter 42.23. 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.
5. *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. No reconsideration or appeal of a finding of insufficiency or dismissal of a complaint is available through the ethics officer or the city.
 - 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. No reconsideration or appeal of a finding of sufficiency of a complaint is

available through the ethics officer or the city. Following the initial notice, the city clerk shall schedule the hearing and give notice of the hearing which will be held to determine if a violation has occurred. Notice shall be provided at least 30 days prior to the date set for the hearing. Item 2.

6. *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.* 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. To that end, upon a showing of reasonable necessity, the hearing examiner 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.* Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a final decision in writing, including findings of fact, conclusions of law, and a determination of whether any violation of MICC 2.60.030, including RCW Chapter 42.23, 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 copies of the final decision to the person who made the complaint, the official complained against, the ethics officer, and the city council.
- D. *City council action.* The city council in consultation with the city attorney shall, within 30 days of receipt of the hearing examiner's final decision or at the next regularly scheduled city council meeting following that 30-day

period, determine what, if any, of the hearing examiner's recommended remedial actions or sanctions adopt. Final city council action to decide upon the ethics officer's recommended stipulation or 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 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 shall not attend or participate in any executive session and shall not vote in open session on any matter involving themselves.

- E. *Disposition.* The city council may take one or more of the following actions in disposition of the complaint. The city council's action must afford deference to the ethics officer's recommended stipulation or, in the event a violation is found by the hearing examiner, the hearing examiner's recommended remedial actions or sanctions.
 1. *No sanctions or penalties.* 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 20 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 \$1,000.00. Any monetary penalty assessed civilly shall be placed in the city's general fund.
- F. *Appeal.* Either the complaining party or the official complained against may, within 30 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 RCW Chapter 7.16.
- G. *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 Chapter 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.
- I. *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 relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the hearing examiner. The hearing examiner shall determine the amount of the reasonable fee award.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

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.

(Ord. No. 21C-10, § 1(Exh. A), 6-15-2021)

Chapter Listing

Chapter 42.23 RCW

CODE OF ETHICS FOR MUNICIPAL OFFICERS—CONTRACT INTERESTS

Sections

- 42.23.010** Declaration of purpose.
- 42.23.020** Definitions.
- 42.23.030** Interest in contracts prohibited—Exceptions.
- 42.23.040** Remote interests.
- 42.23.050** Prohibited contracts void—Penalties for violation of chapter.
- 42.23.060** Local charter controls chapter.
- 42.23.070** Prohibited acts.
- 42.23.900** Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

NOTES:

Cities, free passes, services prohibited: RCW 35.17.150.

County officers, general provisions: Chapter 36.16 RCW.

Ethics in public service act: Chapter 42.52 RCW.

Public employment, civil service: Title 41 RCW.

State officers, general provisions: Chapter 43.01 RCW.

RCW 42.23.010

Declaration of purpose.

It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in chapter 268, Laws of 1961, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

[1961 c 268 § 2.]

RCW 42.23.020**Definitions.**

For the purpose of chapter 268, Laws of 1961:

- (1) "Municipality" shall include all counties, cities, towns, districts, and other municipal corporations and quasi municipal corporations organized under the laws of the state of Washington;
- (2) "Municipal officer" and "officer" shall each include all elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer;
- (3) "Contract" shall include any contract, sale, lease or purchase;
- (4) "Contracting party" shall include any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with a municipality.

[1961 c 268 § 3.]

RCW 42.23.030**Interest in contracts prohibited—Exceptions.**

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, 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. This section shall not apply in the following cases:

- (1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;
- (2) The designation of public depositaries for municipal funds;
- (3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;
- (4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;
- (5) The employment of any person by a municipality for unskilled day labor at wages not exceeding one thousand dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a first-class school district;
- (6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.
 - (b) However, in the case of a particular officer of a second-class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW 36.32.240, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.
 - (c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW 70.44.460, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.

(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to:

(i) A sale or lease by the municipality as the seller or lessor;

(ii) The letting of any contract by a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing more than fifty thousand acres; or

(iii) Contracts for legal services, except for reimbursement of expenditures.

(e) The municipality shall maintain a list of all contracts that are awarded under this subsection

(6). The list must be made available for public inspection and copying;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a second-class school district if the terms of such contract are commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a second-class school district that has three hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the written policy under RCW **28A.330.240**, that there is a shortage of substitute teachers in the school district;

(10) The letting of any employment contract to the spouse of an officer of a school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW **28A.330.240**, that there is a shortage of substitute teachers in the school district;

(11) The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee with the school district before the date in which the officer assumes office and the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district. However, in a second-class school district that has less than two hundred full-time equivalent students enrolled at the start of the school year as defined in RCW **28A.150.203**, the spouse is not required to be under contract as a certificated or classified employee before the date on which the officer assumes office;

(12) The authorization, approval, or ratification of any employment contract with the spouse of a public hospital district commissioner if: (a) The spouse was employed by the public hospital district before the date the commissioner was initially elected; (b) the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district for similar employees; (c) the interest of the commissioner is disclosed to the board of commissioners and noted in the official

minutes or similar records of the public hospital district prior to the letting or continuation of the contract; and (d) and the commissioner does not vote on the authorization, approval, or ratification of the contract or any conditions in the contract.

A municipal officer 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 municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

[2020 c 69 § 1; 2007 c 298 § 1; 2006 c 121 § 1; 2005 c 114 § 1; 1999 c 261 § 2; 1997 c 98 § 1; 1996 c 246 § 1. Prior: 1994 c 81 § 77; 1994 c 20 § 1; 1993 c 308 § 1; 1991 c 363 § 120; 1990 c 33 § 573; 1989 c 263 § 1; 1983 1st ex.s. c 44 § 1; prior: 1980 c 39 § 1; 1979 ex.s. c 4 § 1; 1971 ex.s. c 242 § 1; 1961 c 268 § 4.]

NOTES:

Findings—Intent—1999 c 261: "The legislature finds that:

(1) The current statutes pertaining to municipal officers' beneficial interest in contracts are quite confusing and have resulted in some inadvertent violations of the law.

(2) The dollar thresholds for many of the exemptions have not been changed in over thirty-five years, and the restrictions apply to the total amount of the contract instead of the portion of the contract that pertains to the business operated by the municipal officer.

(3) The confusion existing over these current statutes discourages some municipalities from accessing some efficiencies available to them.

Therefore, it is the intent of the legislature to clarify the statutes pertaining to municipal officers and contracts and to enact reasonable protections against inappropriate conflicts of interest." [1999 c 261 § 1.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Purpose—Statutory references—Severability—1990 c 33: See RCW 28A.900.100 through 28A.900.102.

Severability—1989 c 263: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 263 § 3.]

Severability—1980 c 39: "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 39 § 3.]

RCW 42.23.040

Remote interests.

A municipal officer is not interested in a contract, within the meaning of RCW 42.23.030, if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or

similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "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;
- (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section are applicable to any officer interested in a contract, even if the officer's interest is only remote, if the officer influences or attempts to influence any other officer of the municipality of which he or she is an officer to enter into the contract.

[1999 c 261 § 3; 1961 c 268 § 5.]

NOTES:

Findings—Intent—1999 c 261: See note following RCW [42.23.030](#).

RCW [42.23.050](#)

Prohibited contracts void—Penalties for violation of chapter.

Any contract made in violation of the provisions of this chapter is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.

[1999 c 261 § 4; 1961 c 268 § 6.]

NOTES:

Findings—Intent—1999 c 261: See note following RCW [42.23.030](#).

RCW [42.23.060](#)

Local charter controls chapter.

If any provision of this chapter conflicts with any provision of a city or county charter, or with any provision of a city-county charter, the charter shall control if it contains stricter requirements than this

chapter. The provisions of this chapter shall be considered as minimum standards to be enforced by municipalities.

[1999 c 261 § 5; 1961 c 268 § 16.]

NOTES:

Findings—Intent—1999 c 261: See note following RCW [42.23.030](#).

RCW [42.23.070](#)

Prohibited acts.

(1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

(2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

(3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

(4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

[1994 c 154 § 121.]

NOTES:

Effective date—1994 c 154: See RCW [42.52.904](#).

RCW [42.23.900](#)

Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.



ARTS COUNCIL STAFF REPORT

Item 3
October 13, 2021
Regular Business

AGENDA ITEM INFORMATION

TITLE: RECOMMENDED ACTION:	PROS Plan: Confirm Chapter 4 revisions and assign Arts Council liaison <hr/> Confirm revisions made to PROS Plan Chapter 4 (Goals and Objectives). Assign an Arts Council member to serve as the liaison to the Parks and Recreation Commission to represent Arts Council interests in the ongoing review and development of the PROS Plan.	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
STAFF: COUNCIL LIAISON: EXHIBITS:	Sarah Bluvas, Economic Development Coordinator Salim Nice 1. Matrix of Arts Council Feedback 2. UPDATED Draft: PROS Chapter 4 – Goals & Objectives	

SUMMARY

On [September 14, 2021](#), City Manager Jessi Bon presented drafts of Chapters 4 and 7 of the Parks, Recreation, and Open Space (PROS) Plan and sought feedback from the Arts Council on these documents (Exhibit 1). Tonight, staff will share an updated version of Chapter 4: Goals and Objectives (Exhibit 2) and will ask for confirm that revisions made are aligned with board member feedback.

Additionally, the PROS Plan project team still requests that an Arts Council member be appointed to serve as a liaison to the Parks & Recreation Commission (PRC) and represent Arts Council interests in the ongoing review and development of the PROS Plan. The Arts Council liaison will be invited to attend all Parks and Recreation Commission meetings where PROS plan items are reviewed, which is likely to be a commitment of four or five meetings between now and the end of 2021. The PRC will next review draft elements on Thursday, October 14, at 5:30pm, which would be the first meeting the Arts Council liaison is asked to join.

RECOMMENDATION

Confirm revisions made to PROS Plan Chapter 4 (Goals and Objectives). Assign an Arts Council member to serve as the liaison to the Parks and Recreation Commission to represent Arts Council interests in the ongoing review and development of the PROS Plan.

PROS Plan: Chapter 4

Feedback from Arts Council as of 10.08.21

Section	Comment / Question	Chapter Text	Staff Follow-Up
Goal 5: Recreation Facilities & Programming	The objectives under Goal 5 include programs for youth, teens and seniors but do not expressly reference adults. I agree that youth/teens and seniors have the greater need, but I think programs for all adults should not be completely forgotten.	5.4 Continue work to restore and expand youth and teen programs to provide engaging, affordable, enriching, inclusive, and safe options for children on Mercer Island. Identify programs and activities that provide for whole-family participation. 5.6 Work to restore and expand opportunities for seniors to engage in social, recreational, educational, nutritional, and health programs designed to encourage social connections, independence, physical fitness, and overall well-being.	Comment shared with PROS Plan project team
Goal 6: Arts & Culture	Consider adding “performing arts” to 6.3 or in another place.	6.3 Identify and implement opportunities for integrating arts and culture into parks and open space areas, including through permanent and temporary public art installations; arts performance and events ; engaging interpretive strategies; and other dynamic expressions.	Section in bold added to existing objective.
Goal 6: Arts & Culture	Add an objective that reflects the facility/venue/space component of the Arts & Culture Plan.	6.4 Collaborate with local artists, arts and culture organizations, and other community groups to confirm and implement opportunities to provide space for art making and presenting.	New Objective 6.4 added to reflect policy identified in Arts and Culture Plan.
Goal 6: Arts & Culture	Certified Creative District - Where does this belong? PROS Plan or Work Plan?		Won't be included in PROS Plan. Sufficiently described in the Arts and Culture Plan and needs to be added back into work plan when/if appropriate- 2023-24 budget cycle, perhaps.
Goal 7: Community Engagement & Partnerships	Make sure Goal 7 doesn't exclude partnerships with arts organizations.	7.3 Identify and implement partnerships with other public, private, non-profit, and local community organizations to support capital projects, community events, programs, and other special initiatives.	Section in bold added to existing objective.
Goal 8: Administration & Fiscal Sustainability	Make sure Objective 8.6 includes an economic development component that is reflective of arts and culture as well as parks and recreation.	8.6 Collaborate with the Community Planning and Development Department to develop initiatives to support local businesses and evaluative metrics to track the economic impact of parks, recreation, and arts programs and services on the local community. Seek opportunities to buy local when procuring products and services as well as other opportunities to partner with Mercer Island small businesses in the delivery of programs and services.	Section in bold added to existing objective.

Mercer Island PROS

Goals & Objectives

Chapter 4

READER'S NOTE: This chapter was drafted prior to the September 28, 2021 Virtual Public Meeting and prior to receiving results from the second community survey. With support from the Parks and Recreation Commission, the Arts Council, and the Open Space Conservancy Trust, the staff will review outcomes of both public engagement opportunities and further refine the goals and objectives in this chapter.

Included in this chapter and at the heart of the PROS Plan is the establishment of goals and objectives that provide strategic direction for the Mercer Island Parks and Recreation system. The goals and objectives from past plans have been reorganized, enhanced, and arranged to align with the common themes noted by the community during the planning process. These goals and objectives will guide the delivery of parks and recreation services for the next six years and beyond.

Goals & Objectives

The Growth Management Act (GMA), adopted by the Washington State Legislature in 1990, provided a foundation for land use planning in selected cities and counties throughout the state, including King County and the City of Mercer Island. The GMA's purpose is to help communities deal efficiently with growth challenges to ensure long-term sustainability and a high quality of life. The GMA identifies 14 planning goals to guide the creation of comprehensive plans and development regulations (codified in Chapter 36.70A of the Revised Code of Washington). Four of these goals directly affect the development and implementation of this plan.

- “Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.” RCW 36.70A.020(9)
- “Protect the environment and enhance the state’s high quality of life, including air and water quality, and the availability of water.” RCW 36.70A.020(10)
- “Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.” RCW 36.70A.020(13)
- “Carry-out the goals of the Shoreline Management Act with regards to shorelines and critical areas.” RCW 36.70A.020(14)

Furthermore, the Mercer Island Comprehensive Plan, previous parks and recreation plans, other City plans, and county-wide planning policies provide a framework for this PROS Plan.

Goals and Objectives

A goal is a general statement that describes the overarching direction for the parks and recreation system. Objectives are more specific and describe an outcome or a means to achieve the stated goals. Recommendations are specific and measurable actions intended to implement and achieve the goals

and objectives and are contained in the Needs Assessment and Capital Planning chapters of the PROS Plan. Action items not related directly to capital projects are prioritized and adopted as part of the City of Mercer Island biennial budget.

A summary of the PROS Plan goals is provided below.

Goal 1 – Planning, Acquisition & Access: Provide a high quality, welcoming, and inclusive parks and recreation system that meets community needs now and in the future.

Goal 2 – Maintenance & Operations: Provide the Mercer Island community with safe, well-maintained parks and recreation facilities.

Goal 3 – Environment & Sustainability: Provide a high quality, diversified open space system that preserves and enhances urban forests, critical habitat, and other environmental resources. Incorporate sustainability practices into operations, maintenance, and planning.

Goal 4 – Trails: Develop and promote an interconnected community through safe, accessible, and attractive trails and pathways easily accessed by a variety of trail users.

Goal 5 – Recreation Facilities & Programming: Provide a variety of recreation programs, services, and facilities that promote the health and well-being of residents of all ages and abilities.

Goal 6 – Arts & Culture: Facilitate and promote comprehensive and engaging arts and culture experiences.

Goal 7 – Community Engagement & Partnerships: Encourage and support community engagement and pursue collaborative partnerships to strengthen and grow parks and recreation programs and services.

Goal 8 – Administration & Fiscal Sustainability: Provide leadership and sufficient resources to maintain and operate a welcoming, efficient, safe, and sustainable parks and recreation system.

Planning, Acquisition & Access

Goal 1: Provide a high quality, welcoming, and inclusive parks and recreation system that meets community needs now and in the future.

Objectives:

- 1.1. Retain publicly owned parks and open spaces in perpetuity. Actively pursue options to permanently protect parks and open space areas through conservation easements, zoning changes, or other strategies. Evaluate the transfer of some or all open space areas to the Open Space Conservancy Trust.
- 1.2 Update the Parks, Recreation & Open Space (PROS) Plan periodically and approximately every six years to ensure facilities and services meet current and future community needs and maintain eligibility for State grants. Incorporate the PROS Plan as an appendix to the Citywide Comprehensive Plan during the next update process.

- 1.3 Periodically review and update level of service standards for parks, trails, open space areas, playgrounds, and athletic fields. Include accompanying standards for maintenance and operations.
- 1.4 Identify and prioritize the need for master plans to guide all significant park development projects, achieve cohesive designs, and ensure phasing of projects is efficient and in alignment with community needs and priorities. Utilize management plans or other adopted strategies to guide the stewardship and maintenance of parks, open space areas, and trails.
- 1.5 Update the six-year Capital Improvement Plan at least every two years and use prioritization criteria, financial guidelines, and other factors to sequence projects. Maintain and publish a companion twenty-year capital project list at least every two years to capture long-term capital project needs and to guide the development of long-term funding strategies.
- 1.6 Design and maintain parks and facilities to offer universal accessibility for residents of all physical capabilities, skill levels, and ages as appropriate and in compliance with the Americans with Disabilities Act (ADA) Standards for Accessible Design. Seek opportunities to eliminate barriers at existing facilities and address goals identified in the Citywide ADA Transition Plan.
- 1.7 Strive to provide a distributed network of parks, such that all Mercer Island residents live within one-half mile of a developed neighborhood or community park.
- 1.8 Pursue and implement strategies to maximize use of existing park and recreation assets.
- 1.9 Prepare a Land Acquisition Strategy to prioritize property acquisition to meet the future parks, trails, open space, and facility needs of the Mercer Island community.
- 1.10 Maintain a minimum standard of XX acres of developed neighborhood or community park land per 1,000 residents. [Objective under review, per PRC direction.]
- 1.11 Partner with public, private, and non-profit organizations and donors to acquire land for park and recreation needs.
- 1.12 When evaluating the vacation of any right-of-way, consider its appropriateness for use as public park or open space.
- 1.13 Plan for a range of play types, universal access, and a phasing plan when replacing or upgrading playground equipment. Identify partnerships, grants, sponsorships, and other funding opportunities for playground replacement projects.
- 1.14 Improve and upgrade developed and undeveloped street ends where appropriate to enhance public access to waterfront facilities. Identify opportunities where achieving ADA access is feasible and improve parking options.
- 1.15 Ensure public safety is included in all development and planning projects by coordinating with police and fire services and applying crime prevention through environmental design (CPTED) techniques.

- 1.16 Integrate public art and park design from the onset of facility planning to create compelling, engaging, and captivating public places. Prioritize experiences that are interactive and allow for dynamic sensory exploration.

Maintenance & Operations

Goal 2: Provide the Mercer Island community with safe, well-maintained parks and recreation facilities.

Objectives:

- 2.1 Maintain all parks and facilities in a manner that keeps them in a safe and attractive condition.
- 2.2 Continue to improve the City's comprehensive risk management program to ensure regular safety inspections and assess the likelihood and consequence of the failure of its assets in terms of financial, community, and environmental impact.
- 2.3 Track and monitor costs of maintaining parks and recreation facilities, including quantity, location, condition, and expected useful life. Utilize data to inform maintenance and capital investment decisions, including the timing of asset replacement.
- 2.4 Estimate the maintenance costs and staffing levels associated with land acquisition, development, or renovation of facilities, parks, open space areas, or trails, and ensure adequate ongoing funding is available prior to action.
- 2.5 Provide amenities at parks, trails, open space areas, and facilities where appropriate and when feasible to improve the user experience and access.

Environment & Sustainability

Goal 3: Provide a high quality, diversified open space system that preserves and enhances urban forests, critical habitat, and other environmental resources. Incorporate sustainability practices into operations, maintenance, and planning.

Objectives:

- 3.1 Preserve and protect open space areas with significant environmental features such as wetlands, forests, steep slopes, and plant and animal habitats from development impacts.
- 3.2 Provide appropriate public access (e.g., trails, viewpoints, and wildlife viewing areas) within open space areas to support passive recreation. Provide environmental education

opportunities in open space areas with creative and interactive interpretation strategies, such as hands-on displays, self-guided walks, and other engaging experiences.

- 3.3 Incorporate sustainable practices into management, maintenance, and operations activities. Maintain equipment in good working order, purchase green equipment when feasible (e.g., battery-powered or low-emissions), replace existing lighting with high-efficiency fixtures, and keep systems (irrigation, lighting, HVAC, etc.) updated and fully functional for maximum performance. Pursue pilot programs to field test sustainable alternatives and to implement demonstration projects.
- 3.4 Pursue sustainable design alternatives and include in the project scope of work for construction projects and major maintenance activities, when feasible and appropriate.
- 3.5 Continue to support the Open Space Conservancy Trust and the planning, development, and management of Pioneer Park and Engstrom Open Space.
- 3.6 Actively work to improve the condition of City-owned parks, trails, and open space areas through invasive species removal, planting of native species, and restoration of urban forests, creeks, wetlands, and other habitat areas. Pursue opportunities to limit or reduce impervious surfaces. Anticipate climate trends and foster climate-resilient landscapes in parks and open space areas. Seek opportunities for community education on invasive species and their safe removal to help reduce their spread on Mercer Island. Maintain an Integrated Pest Management Program that maximizes ecological benefits while minimizing environmental, social, and economic impacts.
- 3.7 Develop a Citywide Urban Forestry Management Plan to articulate a long-term strategy for tree protection, urban forestry management, and public education and outreach. Include forest health, canopy replacement, wildfire, climate change, and general risk planning for City parks and open space areas as part of the overall strategy. Continue to gather and maintain Island-wide data on tree canopy coverage.
- 3.8 Encourage conservation opportunities to buffer and enhance the built environment. Pursue low-cost and non-purchase options to preserve open space, including the use of conservation easements and development covenants. Promote and encourage private property owners to enroll in the King County Current Use taxation programs, emphasizing properties contiguous to existing open space areas.
- 3.9 Promote and expand recycling opportunities at all park facilities and in association with all public and private special events. Include composting options at special events when food vendors are present.
- 3.10 Conserve and reduce water use through sustainable landscape design and maintenance practices.
- 3.11 Design and restore parks, trails, and open space areas to naturally capture and filter stormwater to improve water quality, increase water infiltration and recharge, and promote a healthy watershed and lake environment. Where feasible, coordinate park,

trail, and open space projects with stormwater and utility projects for efficiency and to reduce environmental impacts.

- 3.12 Steward waterfront and shoreline properties with the goal of protecting and enhancing critical shoreline habitat while preserving safe water access for recreational use.
- 3.13 Maintain Tree City USA designation with continued review of tree policy and management. Ensure that City-owned properties are viewed as leading proponents of the Tree City USA designation.
- 3.14 Continue to facilitate volunteer programs that enhance park improvement and restoration efforts, promote environmental education, support ongoing maintenance efforts, and engage the community in stewardship opportunities.
- 3.15 [Impervious surface/sustainability objective under development per PRC direction.]

Trails (Section 4 to be revised and condensed per PRC Direction)

Goal 4: Develop and promote an interconnected community through safe, accessible, and attractive trails and pathways easily accessed by a variety of trail users.

Objectives:

- 4.1 Develop and implement a trail system hierarchy to accommodate different user types and different user experiences. Publish an Island-wide map of City trails.
- 4.2 Support the planning and prioritization of Transportation Improvement Program projects for pedestrian and bicycle connections and improvements that safely link parks to other city destinations including other parks, schools, neighborhoods, the library, transit stops, the Eastlink Light Rail Station, commercial areas, and regional trail networks.
- 4.3 Expand and link the pedestrian and bicycle circulation system by acquiring rights-of-way and easements for trails and trail connections. Prioritize project implementation to address gaps between existing paths, create longer, more usable connections, improve safety, and coordinate trail projects with utility and transportation projects.
- 4.4 Integrate the siting of proposed trail segments into the development review process; require development projects along designated trail routes to be incorporated as part of the development project.
- 4.5 Utilize and implement park or open space site master plans to guide the development of trails within existing properties to provide maintenance and recreational access and to connect to external trail networks.
- 4.6 Design and construct new trails with consideration of and attention to users' safety and a priority to accommodate multiple trail uses.
- 4.7 Develop clear and consistent wayfinding signage and information materials for trails and associated facilities.
- 4.8 Continue to support use of non-motorized small craft along the Mercer Island shoreline via the "water trail." Seek opportunities to integrate and enhance water trail use through upgrades to access points, including at street ends.

Recreation Facilities & Programming

Goal 5: Provide a variety of recreation programs, services, and facilities that promote the health and well-being of residents of all ages and abilities.

Objectives:

- 5.1 Refine the City's role as a provider of recreation programs and services by implementing the Recreation Reset Strategy's cost recovery and resource allocation philosophy. Revisit and update business planning goals at least every six years to address changing community needs and to revisit performance goals. Provide annual updates on work progress and implementation.
- 5.2 Enhance the diversity of recreation programs offered, focusing on programs that are in high demand or serve a wide range of users and adhere to the guidelines established in the Recreation Reset Strategy.
- 5.3 Expand service offerings for water-oriented .
- 5.4 Continue work to restore and expand youth and teen programs to provide engaging, affordable, enriching, inclusive, and safe options for children on Mercer Island. Identify programs and activities that provide for whole-family participation.
- 5.5 Identify and address recreation and service accessibility barriers (socio-economic, language, physical, mental health, geographic, transportation). Seek to reduce access barriers and expand inclusive opportunities. Implement diversity, equity and inclusion policies and a priority matrix to guide the allocation of resources to address known service gaps over time.
- 5.6 Work to restore and expand opportunities for seniors to engage in social, recreational, educational, nutritional, and health programs designed to encourage social connections, independence, physical fitness, and overall well-being.
- 5.7 Review and establish a funding strategy for the Mercer Island Community and Event Center to sustain annual operating needs to include periodic review of the fee policy for programs, indoor facility uses, and rental rates to meet operational requirements and cost recovery goals.
- 5.8 Maintain and enhance program scholarships and other mechanisms to support and promote recreation access for low-income community members.
- 5.9 Evaluate the City's role and function in community events and pursue sponsorships, partnerships, and outside funding to support existing or additional events and festivals.
- 5.10 Leverage City resources by forming and maintaining partnerships with other public, non-profit, and private recreation providers to deliver recreation programs and services and secure access to existing facilities for community recreation.
- 5.11 Conduct periodic evaluations of program offerings. Utilize data to inform program and service planning decisions.

- 5.12 Coordinate facility scheduling, in partnership with other public and private organizations, to maximize usage and programming of limited recreational assets (e.g., athletic fields, gymnasiums, sport courts, etc.) Develop and implement indoor and outdoor facility use and scheduling protocols and policies based on principles of fairness and equity, supporting diverse and emerging uses, reflecting good stewardship and sustainability principles, and adhering to cost recovery goals. **[Objective under review, per PRC direction.]**

Arts and Culture

Goal 6: Facilitate and promote comprehensive and engaging arts and culture experiences.

Objectives:

- 6.1 Foster the City's role as a convenor of artists, arts organizations, and community groups to facilitate collaboration and efficiently serve the community through arts and culture programs and experiences.
- 6.2 Support the priorities of the Mercer Island Arts Council and the goals and initiatives of the Comprehensive Arts & Culture Plan.
- 6.3 Identify and implement opportunities for integrating arts and culture into parks and open space areas, including through permanent and temporary public art installations; arts performances and events; engaging interpretive strategies; and other dynamic expressions.; ~~interpretive strategies, and other dynamic expressions.~~ Collaborate with diverse groups to ensure incorporation of any art in public space occurs through a lens of diversity, equity, and inclusion.
- 6.4 Collaborate with local artists, arts and culture organizations, and other community groups to confirm and implement opportunities to provide space for art making and presenting.
- 6.5 Partner with the community and local organizations to foster a variety of cultural events and support community cultural celebrations.
- 6.6 Develop a long-range project plan for the 1% for Art in Public Places Fund that articulates the City's vision for the public art program and includes integration with the Capital Improvement Program, strategies for engaging the community in public art acquisition, and updated policies for public art acquisition, siting, security, maintenance, and deaccession.
- 6.7 Encourage private contributions and donations for the arts, consistent with City gift and donation policies, and the City's pursuit of grant funding to enhance widespread public access to arts, culture, and heritage.

- 6.8 Encourage the collaboration of arts and culture marketing and communication efforts through shared event calendars, social media management, and other cohesive strategies.

Community Engagement & Partnerships

Goal 7: Encourage and support community engagement and pursue collaborative partnerships to strengthen and grow parks and recreation programs and services.

Objectives:

- 7.1 Involve the community in system-wide planning and site design. Use a variety of communication tools and engagement strategies to solicit community input, facilitate project understanding, and build community support.
- 7.2 Enhance and strengthen the Mercer Island School District partnership, seeking opportunities to collaborate on facility use, maintenance, programs, and other services. Review and update existing Interlocal Agreements regularly, approximately every two years.
- 7.3 Identify and implement partnerships with other public, private, ~~and~~ non-profit, and local community organizations to support capital projects, community events, programs, and other special initiatives.
- 7.4 Support the Parks & Recreation Commission as the forum for public discussion of parks and recreation issues and ensure collaboration with the Open Space Conservancy Trust and the Arts Council. Conduct periodic joint sessions between the Parks & Recreation Commission, other standing City boards, and the City Council to improve coordination and discuss policy matters of mutual interest.
- 7.5 Provide informative, timely and consistent communication, informational materials, and signage to help community members connect with and fully utilize the many parks and recreation facilities, programs, and services. Maintain a consistent brand identity through marketing campaigns, social media presence, and other communication mediums. Adapt community outreach efforts to ensure a broad reach.
- 7.6 Track and evaluate recreation trends, park use patterns, and park user needs.

Administration & Fiscal Sustainability

Goal 8: Provide leadership and sufficient resources to maintain and operate a welcoming, efficient, safe, and sustainable parks and recreation system.

Objectives:

- 8.1 Promote a welcoming and inclusive environment, seeking opportunities to address barriers and expand program and service offerings to meet a diverse audience. Provide diversity, equity, and inclusion training opportunities for staff, volunteers, and appointed officials.
- 8.2 Plan for and recommend sufficient resources to maintain, preserve, and protect the parks and recreation system consistent with best practices and established levels of service and to protect the public investment. [Objective under review, per PRC direction.]
- 8.3 Pursue alternative funding options and dedicated revenues for the acquisition and development of parks and facilities.
- 8.4 Periodically review and update the Park Impact Fee rates and methodology approximately every 5 to 7 years and utilize impact fees to accommodate growth through the expansion of the parks system.
- 8.5 Develop a recommendation for City Council consideration to renew the Parks Maintenance and Operations Levy, scheduled to end in 2023.
- 8.6 Collaborate with the Community Planning and Development Department on to develop economic development initiatives to support local businesses and evaluative metrics to track the economic impact of parks, recreation, and arts programs and services on the local community. ~~and other opportunities to support local businesses.~~ Seek opportunities to buy-local when procuring products and services as well as other ~~and other~~ opportunities to partner with Mercer Island small businesses in the delivery of programs and services. [Objective under review, per PRC direction.]
- 8.7 Stay abreast of best practices in technology and implement systems and tools to improve customer service and support efficient operations.
- 8.8 Continue to use part-time, seasonal, and contract employees for select functions to meet peak demands and respond to specialized or urgent needs. Maintain flexibility in the staffing structure to address changing program and service needs.
- 8.9 Promote volunteerism to involve individuals, groups, organizations, and businesses in the development and stewardship of the park and recreation system.
- 8.9 Promote professional development opportunities that strengthen the core skills and engender greater commitment from staff, advisory board members, and volunteers. Include trainings, materials, and/or affiliation with the National Recreation & Park Association (NRPA), Washington Recreation & Park Association (WRPA), and others.



ARTS COUNCIL STAFF REPORT

Item 4
October 13, 2021
Regular Business

AGENDA ITEM INFORMATION

TITLE:	Arts Reset Plan: 2022 City Arts Work Plan	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Receive report and provide feedback by October 20 as requested.	

STAFF:	Sarah Bluvas, Economic Development Coordinator	
COUNCIL LIAISON:	Salim Nice	
EXHIBITS:	1. 2022 City Arts Work Plan – DRAFT	

SUMMARY

On [September 14, 2021](#), the Arts Council received a draft of the 2022 City Arts Work Plan (Exhibit 1), which was developed by a Planning & Policy committee of Arts Council members, staff, and consultant Emily Moon. Staff request that Arts Council members provide final feedback on the draft plan by Wednesday, October 20, 2021.

Staff ask board members to provide feedback in the following ways:

- Comment directly on the draft using the link e-mailed to Arts Council members by staff
- Send edits to Sarah Bluvas via e-mail at sarah.bluvas@mercerisland.gov

The Planning & Policy committee will meet in late October to review feedback and finalize a 2022 work plan to present and seek endorsement of at the November Arts Council meeting.

RECOMMENDATION

Receive the report and provide feedback by October 20 as requested.

2022 City Arts Work Plan - DRAFT

PRIORITY 1. STABILIZE ARTS COUNCIL MEMBERSHIP, VOLUNTEERSHIP, AND OPERATIONS TO SUPPORT CITY ARTS WORK.

1.1 Maintain a full and engaged board membership.

- Develop and deploy an “elevator pitch” that succinctly describes the Arts Council, City arts work, and community benefits of arts & culture.
- Promote membership at in-person and virtual arts programs presented by the City.
- Leverage networks of community partners, past Arts Council members, and others to recruit new board members and arts volunteers.
- Conduct administrative needs and board member training related to facilitating Arts Council meetings, communications, and collaboration.

1.2 Review, update, and/or develop Arts Council board operating procedures to facilitate efficient meetings, communications, recruitment, and participation, including:

- Conduct annual Arts Council Bylaws review.
- Reconvene the annual Arts Council planning retreat.
- Update and/or develop the rules of procedure related to board meeting management and communication.
- Update the board committee structure to increase volunteer participation and create a board member pipeline.

1.3 Review, update, and/or develop policies and procedures related to City arts work as defined and prioritized in the “Policy & Procedure Needs for City Arts Work” list ([Appendix XX](#)).

PRIORITY 2. CONTINUE PLANNING WORK TO DEVELOP 2023-2024 CITY ARTS WORKPLAN.

2.1 Articulate City arts priorities, workplan items, metrics of success, and resourcing needs for 2023-2024 biennium budget.

2.2 Evaluate, update, and/or retire pre-Pandemic City arts programs and services to align with 2023-2024 City arts priorities (as defined by work completed for 2.1). Where relevant, leverage existing survey and other data collected by the Recreation team and other City sources.

PRIORITY 3. GARNER COMMUNITY INPUT ON AND SUPPORT OF CITY ARTS WORK.

3.1 Deliver City arts programming to the community, including:

- Mostly Music in the Park concert series in Mercerdale Park
- Shakespeare in the Park in Luther Burbank Park
- Mercer Island Gallery exhibits
- Public Art Collection stewardship
- Other programs as resources and capacity allow

3.2 Deploy an interim process for reviewing and approving project ideas brought forth by Arts Council members, City staff, and/or the community in 2022. The process should align with the articulated City arts priorities and consider current capacity and resources. Develop a permanent process per the “Policy & Procedure Needs for City Arts Work” list (**Appendix XX**) to use beginning in 2023.

3.3 Convene Mercer Island arts & culture groups, artists, creative businesses, and other community organizations to discuss needs, identify gaps in program & service delivery, and recommend ways to increase collaboration in the local arts & culture ecosystem. Use outcomes to define the role the City will play in the Mercer Island arts ecosystem as part of the 2023-2024 City Arts Roadmap.

PRIORITY 4. STRENGTHEN CONNECTIONS WITH CITY COUNCIL, OTHER CITY BOARDS & COMMISSIONS, AND CITY STAFF TO STRENGTHEN CITY ARTS WORK.

4.1 Collaborate with the City Council liaison to the Arts Council to identify ways to engage the entire City Council in City arts work as well as demonstrate the benefits of arts & culture to the community, economic, and social vitality of Mercer Island. If desired, resume developing and delivering an annual City arts report.

4.2 Identify and articulate the desired communication and collaboration outcomes for working with other boards and commissions.

4.3 Clearly define the roles & responsibilities of staff in delivering City arts work; articulate the necessary resources in the 2023-2024 City Arts Work Plan.

Appendix XX: Policy & Procedure Needs for City Arts Work

Strategic Plans / Goals to Develop

- 2023-2024 City Arts Work Plan
- 6-Year Spending Plan for 1% for Art in Public Places
- Strategic Plan for Greta Hackett Outdoor Sculpture Gallery
- Citywide Comprehensive Plan Updates (Arts & Culture Plan)

Policies/Procedures to Review/Update/Develop

1% for Art in Public Places Fund

- Review and Update
 - Ordinance
 - Guidelines for Acquisition/Commission – Permanent and Temporary Installations
 - Deaccession Policy
 - Donation Policy
 - Artist Agreement

Greta Hackett Outdoor Sculpture Gallery

- Review and Update
 - Guidelines for Exhibiting
 - Exhibit Agreement

Mercer Island Gallery

- Review and Update
 - Guidelines for Exhibiting
 - Exhibit Agreement

Arts Programs & Special Events

- Develop
 - Program / Project Proposal Process

Community Arts Support

- Review and Update
 - Proposal Evaluation Rubric
 - Program Application
 - Partnership Agreement

Art in Private Development

- Develop
 - Review / Collaboration Process with Planning & Design Commissions