

Special City Council Meeting Wednesday, May 20, 2020

Minutes

WORK SESSION

Mayor Fournier called the Work Session to order at 7:00 pm.

PRESENT

Councilmember Linda Gotovac
Councilmember Dave Watterson
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

Mayor Fournier brought the Work Session to a close at 7:29 pm.

1. Council approval of Ordinance 910, City of Tenino COVID-19 Recovery Grant Program, was contingent upon State Auditor's Office (SAO) "approval" which meant they would review the proposed program and provide any concerns about legal and audit requirements. On Thursday, May 7, 2020, a conference call between C/T Millard and several members of the SAO, including their legal manager, indicated the SAO has concerns about the program. C/T Millard prepared a brief email (attached) summarizing the conversation and provided the email to both Mayor Fournier and City Attorney Hughes.

Mayor Fournier has acknowledged the SAO's concerns and wishes to move forward with the grant program as conceived, provided the ordinance is amended to make clear the Council's finding that COVID-19 Recovery assistance provided by the City is a function of providing for the "poor and infirm" as authorized by the Constitution of the State of Washington. City Attorney Hughes is willing to certify the ordinance complies with the required form with respect to the gift of funds question **provided the City Council:**

1. Votes to approve the program only after the Council discusses each of the SAO's concerns, and the risks associated with each concern after full disclosure,
2. Is satisfied that each concern is or will be adequately addressed by the City, including any potential conflicts of interest,
3. That the City Attorney's approval as to form only relates to the language of the ordinance being satisfactory to address the gift issue, not whether the program as administered will ultimately satisfy gift issue since this depends on successful implementation of financial controls assuring city funds are spent in accordance with the program,
4. Understands the City Attorney does not offer any opinion about financial controls needed administer the program, as this is outside his area of expertise,
5. And the Council is updated about the program at each council meeting not less than monthly, including the concerns raised by SAO.

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Ordinance 910A is the Administration's attempt to address the nexus issue, the unfunded liability issue, and to include the ability to apply the grant proceeds to a Citizen's utility account.

A robust discussion ensued regarding the proposed wooden scrip-based COVID-19 Recovery Grant proposed by the Administration.

All prior coordination measures were reviewed by the Administration for the benefit of the Council and then each Councilmember made comments and asked questions.

C/T Millard then explained the grant process and procedures, emphasizing the internal control mechanisms at each step of receiving, storing, issuing, redeeming, and final disposition of the scrip; he then entertained questions.

CALL TO ORDER

Mayor Fournier called the meeting to order at 7:30 pm.

PRESENT

Councilmember Linda Gotovac
Councilmember Dave Watterson
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

AGENDA APPROVAL

Motion to approve the agenda as presented made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

Motion passes.

CONSENT CALENDAR

Motion to approve the consent calendar as presented made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

Motion passes.

2. Payroll EFT's in the amount of \$52,413.21 and Claims Checks #29091 through #29121 and other EFT's in the amount of \$488,567.06 for a grand total of \$540,980.27.

Recommended action: Move to approve payroll EFT's in the amount of \$52,413.21 and Claims Checks #29091 through #29121 and other EFT's in the amount of \$488,567.06 for a grand total of \$540,980.27, as presented.

3. Liquor & Cannabis Board Applications/Renewals

Applications: None

Renewals: Landmark Tavern.

OLD BUSINESS

4. RCW 90.50, Shoreline Management Act of 1971, requires cities with shorelines to develop and implement a Shoreline Master Program (SMP) in order to "insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The City's SMP is due for its periodic review in June of 2020. The State Department of Ecology has authorized grants in an amount to cover the necessary time and materials to complete the required review. Applying for such a grant is also a request to extend the time required for review by one (1) year. Tenino's contracted Planning Agency, SCJ Alliance, has a qualified individual who has assisted other municipalities within the state of Washington to complete the reviews using the proceeds of the Ecology grant.

Recommended action: Move to authorize the Administration to submit a grant application for the purpose of completing the required Periodic Review of the City of Tenino's Shoreline Master Program.

Motion to approve submission of grant request to pay for the Shoreline Master Program update made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

Motion passes.

ORDINANCES

5. Ordinance 910, COVID-19 Recovery Grant, was duly adopted on April 28, 2020. However, subsequent events have shown the need to amend the Recovery Grant Program to more clearly describe the nexus between COVID-19, economic hardship, and the performing of fundamental government functions in order that the grant not be considered a gifting of public funds; and to authorize the use of the grant funds to credit grant recipient's utility accounts.

Ordinance 910A would repeal and replace Ordinance 910 in its entirety and should be subjected to the same scrutiny as Ordinance 910 relative to addressing the concerns of the City Attorney and State Auditor's Office.

Motion to adopt Ordinance 910-A as presented made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

Motion passes.

EXECUTIVE SESSION

Mayor Fournier, at the advice of Councilmembers O'Callahan & Gotovac, adjourned the Business Meeting and announced the Council's retirement into Executive Session for the purpose set forth, below, at 7:36 pm.

PRESENT

Councilmember Linda Gotovac
Councilmember Dave Watterson
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

Also present was City Attorney Richard L. Hughes.

This executive session was held under the provisions of RCW 42.30.110 (1) (a) (ii), To consider, if in compliance with any required data security breach disclosure under RCW **19.255.010** and **42.56.590**, and with legal counsel available, information regarding the infrastructure and security of computer and telecommunications networks, security and service recovery plans, security risk assessments and security test results to the extent that they identify specific system vulnerabilities, and other information that if made public may increase the risk to the confidentiality, integrity, or availability of agency security or to information technology infrastructure or assets.

The session will not begin until all other business has been conducted and will last approximately 30-45 minutes. No "final action" (as that term is defined by RCW 42.30.020) shall be taken.

Mayor Fournier brought the Executive Session to order at 7:40 pm. He and Attorney Hughes explained the reasons for the session and C/T Millard introduced a proposed set of policies and procedures to address concerns related to the security of the City's information management system, including, but not limited to, data security and procedural protocols.

No final disposition was made as to any subject discussed during this session.

Mayor Fournier adjourned the Executive Session at 8:13 pm.

ADJOURNMENT

Mayor Fournier adjourned the Business Meeting at 7:36 pm and adjourned the Executive Session at 8:13 pm.