

City of Tenino

149 Hodgen Street South
Tenino, WA 98589

City Council Meeting
Tuesday, April 14, 2020 at 7:30 PM

Agenda

WORK SESSION

1. City Attorney Hughes cautions us that the items that can be on a virtual meeting agenda are limited and so that any items that can wait until later, should be deferred until after the emergency has concluded.

The two attached documents provide guidance as to how we can manage agenda items during the COVID-19 emergency. Agenda items that are both "necessary" and "routine" (such as voucher approval) should be included; those items that are necessary, but not routine (such as an Ordinance that changes Park Rules), or those items that are routine, but not necessary (like staff reports), should be omitted.

For these reasons, the draft agenda published on Thursday, April 9, 2020, has been amended to conform with the guidance provided.

2. In doing the research necessary to advise his Municipal Clients regarding their responses to the COVID-19 emergency, City Attorney Hughes advises that the City should adopt an Electronic Signature Policy.

Proposed Resolution 2020-02 would adopt such a policy, protecting the City's interests while conducting business using modern document technologies.

3. The COVID-19 emergency has highlighted the need to update our Financial and Personnel Policies in regard to paying City Employees during a health-related emergency that precludes employees from reporting to work, even though those employees may be ready, willing, and able to work.

Proposed Ordinance 906 would give the Mayor the authority to continue to pay City Employees who would otherwise report to work but for a "stay at home" order the full amount of their regular pay. This proposed ordinance has been reviewed and includes the changes suggested by City Attorney Hughes.

CALL TO ORDER

AGENDA APPROVAL

4. Proposed agenda for the April 14, 2020, regular meeting of the Tenino City Council.

Recommended action: Move to approve the proposed agenda for the April 14, 2020, regular meeting of the Tenino City Council as presented.

APPROVAL OF MINUTES - Deferred

CONSENT CALENDAR

5. Payroll and other EFT's in the amount of \$84,399.06, and Claims Checks #29011 through #29064 in the amount of \$65,779.03 for a Grand Total of \$150,178.09.
6. New Licenses: None
Renewals: None

EXECUTIVE SESSION - None

PRESENTATIONS - Deferred

PUBLIC COMMENTS

PUBLIC HEARING - None

PROCLAMATIONS - Deferred

OLD BUSINESS

7. Mr. Don Bowman, lead volunteer for the Caboose Restoration Project, identified a cast iron caboose stove of the exact type originally used in Caboose X549 on an on-line auction site in the amount of \$600. He asked the City if he could make the purchase on a reimbursable basis and, because there was only a single stove meeting the exact specification available, and because the price was reasonable, and because the opportunity to make such an acquisition at any price may not present itself in the future, the Administration approved the purchase.

Recommended action: Move to declare the existence of "special market conditions" and to ratify the purchase of the caboose stove as part of the restoration project.

8. Gibbs & Olson has proposed an amendment to our standing Engineering Services Agreement to authorized them to provide both Bid Phase and Construction Management Phase Engineering Services for the extension of the City's sewer and water infrastructure to the Ag Park. City Attorney Hughes is still reviewing.

Recommended action: Move to authorize Mayor Founier signing the amendment, provided that any issues identified by City Attorney Hughes are addressed to his satisfaction.

9. The Invitation to Bid for the extension of the City's sewer and water infrastructure to the site of the future SW WA Agriculture & Innovation Park yielded 13 bids. The bids were opened during an open public meeting conducted via "GoToMeeting" and the apparent low bidder was Barcott Construction, LLC. The City Engineer reviewed all documents submitted in the bid and concluded that "Barcott's bid is the low bid submitted and is properly filled out, including signatures, and is deemed to be responsive." He also verified that Barcott Construction is in good standing with the State of Washington and recommends they be awarded the contract. Please see attached Bid Tabulation and Award Recommendation.

Recommended Action: Move to approve Mayor Fournier entering into a contract with Barcott Construction for the extension of the City's sewer and water infrastructure to the future site of the SW WA Agriculture and Innovation Park, provided that such contract is first approved by the City Attorney.

NEW BUSINESS

[10.](#) Proposed Ordinance 906 would give the Mayor the authority to continue to pay City Employees who would otherwise report to work but for a "stay at home" order the full amount of their regular pay. This proposed ordinance has been reviewed and includes the changes suggested by City Attorney Hughes.

Recommended action: Move to accept as the first reading Proposed Ordinance 906 as presented.

RESOLUTIONS

[11.](#) Proposed Resolution 2020-02 would adopt an Electronic Signature Policy that would protect the City's interests while conducting business using modern document technologies.

Recommended action: Move to approve Resolution 2020-02 as presented.

ORDINANCES - None

REPORTS – Written Reports Only

[12.](#) Because "Reports" are not necessary, as defined in the AGO's Opinion of March 26, 2020, they are included only for the purpose of providing access as part of the City's efforts to make public records as accessible as possible.

PUBLIC COMMENTS 2

ANNOUNCEMENTS

13. Thursday, April 23, 2020, is the second annual #LibraryGivingDay across the nation. The Timberland Regional Library asks that those who are able please consider a donation to the District so that they may continue to expand their digital offerings.

ADJOURNMENT

Item Attachment Documents:

1. City Attorney Hughes cautions us that the items that can be on a virtual meeting agenda are limited and so that any items that can wait until later, should be deferred until after the emergency has concluded.

The two attached documents provide guidance as to how we can manage agenda items during the COVID-19 emergency. Agenda items that are both "necessary" and "routine" (such as voucher approval) should be included; those items that are necessary, but not routine (such as an Ordinance that changes Park Rules), or those items that are routine, but not necessary (like staff reports), should be omitted.

For these reasons, the draft agenda published on Thursday, April 9, 2020, has been amended to conform with the guidance provided.



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

**PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05**

20-28

Open Public Meetings Act and Public Records Act

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued amendatory Proclamations 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, 20-24, 20-25, 20-26, and 20-27, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting person to person contact; and

WHEREAS, to curtail the spread of the COVID-19 pandemic in Washington State and to protect our most vulnerable populations, it is necessary to limit person to person contact through social distancing and limiting the numbers of people who may gather in one location; and

WHEREAS, transparency in state government and all of its political subdivisions is an important state policy, such that all statutes related to open public meetings and public records are the business of the state; and

WHEREAS, there are a plethora of electronic, telephonic and other options that make it possible for the public to attend open public meetings remotely; and

WHEREAS, it is necessary to immediately waive any requirement in RCW 42.56, the Public Records Act, and RCW 42.30, the Open Public Meetings Act, that provides for any activity that necessitates an in-person setting; and

WHEREAS, the worldwide COVID-19 pandemic and its progression throughout Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health (DOH) continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of this ongoing incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the DOH and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the DOH in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of Washington, as a result of the above-noted situation, and under RCW 38.08, RCW 38.52 and RCW 43.06, do hereby proclaim that a state of emergency continues to exist in all Washington State counties, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended by waiving and suspending the portions of RCW 42.30 and RCW 42.56 that require in-person meetings or contact.

I again direct that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the Washington State Comprehensive Emergency Management Plan and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Also, I continue to direct the DOH, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Any public agency, subject to RCW 42.30, is prohibited from conducting any meeting, subject to RCW 42.30 unless (a) the meeting is not conducted in-person and instead provides an option(s) for the public to attend the proceedings through, at minimum, telephonic access,

and may also include other electronic, internet or other means of remote access, and (b) provides the ability for all persons attending the meeting to hear each other at the same time.

Remote meeting resources include the Department of Enterprise Services Master Contract for teleconferencing and web-based meeting platforms, which can be found here:

Software Resellers (06016):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/06016>

Cloud Solutions (05116):

<https://apps.des.wa.gov/DESContracts/Home/ContractSummary/05116>

Other resources can be found online by searching for free conference call services and for other e-based meeting services. Additional guidance for remote meetings may be found on at the Municipal Research and Services Center (MSRC, www.msrg.org).

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(1)(h), I find that RCW 42.30, as applied to all public agencies statewide, involves the conduct of state business, and to help preserve and maintain life, health, property or the public peace, I hereby amend Proclamation 20-05 to prohibit public agencies as follows:

Subject to the conditions for conducting any meeting as required above, agencies are further prohibited from taking “action,” as defined in RCW 42.30.020, unless those matters are necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak and the current public health emergency, until such time as regular public participation under the Open Public Meetings Act is possible.

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that strict compliance with the following portions of statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.30.030 – the following words only:
 - “and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter”
- RCW 42.30.040 – in its entirety; however, agencies are strongly encouraged to utilize a remote meeting option that complies, to the greatest extent possible, with this statute
- RCW 42.30.050 – as to the following word only: “room” in the first sentence
- RCW 42.30.070 – as to the following word only: the first usage of “site” - in the fourth sentence
- RCW 42.30.075 – as to the following words only:
 - “Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.”
- RCW 42.30.080(2)(c) – as to the following words only:
 - “Prominently displayed at the main entrance of the agency's principal location and the meeting site if it is not held at the agency's principal location.”

- RCW 42.30.090 – as to the following words only:
 - “on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held.”

FURTHERMORE, based on the above noted situation and under the provisions of RCW 43.06.220(2)(g), I find that RCW 42.56, as applied to all public agencies statewide involves the conduct of state business and I also find that strict compliance with the following statutory and regulatory obligations or limitations will prevent, hinder, or delay necessary action for coping with the COVID-19 State of Emergency in responding to public records requests by bringing people in contact with one another at a time when the virus is rapidly spreading, and that the language of each statutory provision specified below is hereby waived and suspended as provided herein until midnight on April 23, 2020:

- RCW 42.56.080(2), as to the following words only:
 - “Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.”
 - “in person during an agency's normal office hours, or”
- RCW 42.56.090, as to the first sentence only
- RCW 42.56.100, as to the following word only in the first sentence: “full”
- RCW 42.56.520(1), as to the following words only in the second sentence: “Within five business days of receiving a public records request,”

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 24th day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

_____/s/_____
Jay Inslee, Governor

BY THE GOVERNOR:

_____/s/_____
Secretary of State

March 26, 2020



**UPDATED OPEN PUBLIC MEETINGS ACT GENERAL GUIDANCE
FROM THE OFFICE OF THE ATTORNEY GENERAL
REGARDING THE CORONAVIRUS DISEASE (COVID-19) EVENT**

Some state and local agencies may be considering their options for how to conduct public meetings under the state’s Open Public Meetings Act (OPMA) at [RCW 42.30](#), during the outbreak of coronavirus disease 2019 (COVID-19) in Washington State. See also [Governor’s Proclamation 20-05](#) declaring a state of emergency in all counties and directing state resources to affected political subdivisions. More proclamations are on the Governor’s Office website [here](#).

On March 6, 2020, the Office of the Attorney General provided some general guidance on how to conduct meetings during this event, under RCW 42.30.210. There have been developments since then. On March 24, 2020, the Governor issued [Proclamation 20-28 \(Open Public Meetings Act and Public Records Act\)](#) to, among other things, temporarily prohibit in-person public attendance at meetings subject to the OPMA. **This proclamation is in effect from March 24, 2020 through midnight April 23, 2020, unless extended beyond that date.** Therefore, the March 6, 2020 guidance is hereby updated for the period of time the proclamation is in effect. This guidance document revises some parts of some responses to the questions in the March 6 guidance for the period of time the proclamation is in effect and provides some non-exclusive suggestions and considerations for agencies.

This document is not legal advice or a legal opinion. An agency should consult with its assigned legal counsel if it has questions or needs legal advice or a legal opinion. State agencies should consult with their assigned Assistant Attorney General. This updated guidance document for agencies and their attorneys addresses only the OPMA, and as of the events on the date above. Other laws may apply to some meetings of some agencies. In addition, depending upon the agency and its governing statutes, or agency resources, other options might be available at a particular agency. This guidance provides information about the OPMA as of the date above. Later-enacted statutes, case law, or other legal developments may affect the analysis.

For more information about COVID-19, see this webpage of the Washington State Department of Health: <https://www.doh.wa.gov/Emergencies/Coronavirus>. Information about strategies to mitigate exposure is also available from many federal and local agencies.

The March 6, 2020 guidance included several questions. Here is updated guidance relevant to parts of responses to Questions ## 1, 2, 3, 4 & 7.

1. In light of this COVID-19 event, what questions should an agency be asking itself if it has concerns about virus transmissions and a public meeting and before it proceeds with holding a current meeting or schedules a future meeting, when the meeting is required to be open to the public under the OPMA?

In response to this question, the March 6 guidance described a series of questions we suggested that agencies should be considering. Those included questions such as whether they need to meet or meet on all matters or whether they can cancel or reschedule a meeting. We suggested agencies ask themselves if they could reduce agenda items to only those most urgent, time-sensitive or essential. We suggested agencies consider if they could distribute some information in writing to governing body members (such a staff briefing memo or an updated calendar of events), rather than convening a meeting to discuss those briefings. Put another way, in this unusual and urgent time when members of the public may not be attending agency meetings as they normally would, we asked, could agencies “hold” on some matters until life returns to more normal.

Revision. However, since March 6, state and local agencies have placed more restrictions on the public’s movements and activities as a means to help stem the spread of the virus. Consistent with the *general* approach in the March 6 guidance --- asking agencies to focus where possible on holding meetings only on those matters that must be considered --- under the proclamation agencies must now *specifically* ask two questions on those matters where they want to take “action”¹. They are, is the matter (1) **“necessary and routine,”** or (2) **“necessary to respond to the COVID-19 outbreak and current public health emergency”**? If the matter does not meet those criteria in (1) or (2) for the temporary time the proclamation is in effect, then the matter must wait.

• **(1) “Necessary and Routine”**

With respect to the first part of these criteria, the matter must both be “necessary” and “routine.”

Necessary. We suggest “necessary” has its ordinary meaning. For example, one dictionary defines “necessary” as “required to be done, achieved, or present; needed; essential.” What is “necessary” will be depend upon the agency. Some nonexclusive

¹ The OPMA defines “action” as “the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions.” RCW 42.30.020(3). "Final action" means “a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.” *Id.*

questions to help an agency decide whether a matter is “necessary” are inquiries to itself such as: Is there a requirement that the matter be considered at this time, and cannot wait? The requirement could come from a statute, a rule, a court order or court decision, a contract, a legal obligation, legal advice, or other authority. Is there a legal or financial consequence for not taking action? Is there some other reason the matter is essential to the agency to keep key agency operations or services intact at this time, and therefore cannot wait? (A nonexhaustive list of examples of those necessary meeting items might include actions affecting timely payment of payroll, vendor payments, addressing IT system failures, renewing contracts that might expire, providing essential public services to protect the health and welfare of constituents, and others.)

For example, depending upon the facts at a particular agency, it may be “necessary” for boards that approve payroll or vendor payments as part of a meeting to continue to so in order for agency staff and vendors to be timely paid during the time the proclamation is in effect. However, it may not be “necessary” for a board to decide, during the time the proclamation is in effect, whether it will hold its annual retreat next December. It may not be “necessary” for a board to hear regular oral reports or presentations from its committees or staff at a meeting during the time the proclamation is in effect, and instead, it can defer such presentations until a future meeting or have the reports submitted in writing to the governing body. Under the OPMA, individual members of a governing body can passively receive and individually review documents, so long as a majority (quorum) does not collectively intend to meet to take “action.” *See Equitable Shipyards, Inc. v. State of Wash.*, 93 Wn.2d 465, 611 P.2d 396 (1980).

Routine. With respect to what is “routine,” again, we suggest the word has its ordinary meaning. For example, one dictionary definition describes that it means, “performed as part of a regular procedure rather than for a special reason.” What is “routine” for an agency will depend upon the agency. Some nonexclusive questions an agency can ask itself to determine what is “routine” for it are, for example: Is this the kind of activity that we routinely undertake at a public meeting pursuant to our regular procedures or policies adopted by the governing body and that existed prior to the COVID-19 event? Do we have examples of where we have routinely considered such a matter under our current practices? In contrast, the agency might also ask itself: Is the reason for meeting on the matter unusual, special, and/or expected to be controversial and for which there will be a high public interest? Is this an exceptional or unique new project we want to launch? Is this an “out of the ordinary” matter?

Using the same illustrative example above, it may be “routine” for a particular governing body to approve payroll or vendor payments at its meetings. However, in contrast, perhaps only a “special reason” might prompt a governing body to discuss a potential new policy it might want to adopt later next year.

These factors, questions and examples are nonexclusive and are suggestions only, and do not bind any agency. There may be other considerations for a particular governing body. As noted, the facts at a particular agency will be pertinent to any such decisions.

The bottom line on criteria (1) (“necessary and routine”) is that, temporarily, agencies will need to defer “action” on matters that do not meet both these terms. We suggest the agency make a reasonable judgment that focuses on what is “necessary and routine” for it based on its role, its relevant authorities, and the facts; and, wait to meet on other matters until the public has its normal methods to attend.

- **(2) “Necessary to Respond to the COVID-19 Outbreak and Current Public Health Emergency”**

Even if the “necessary and routine” criteria of (1) is not met, an agency can still take “action” during the time the proclamation is in effect under (2) if the action is “necessary to respond to the COVID-19 outbreak and current public health emergency.” This analysis under (2) will again depend upon the agency.

As noted, we suggest the term “necessary” should be given its ordinary meaning and can be defined as “required to be done, achieved, or present; needed; essential.” What facts are present showing an action is “necessary” for an agency to “respond to” this event may vary from agency to agency.

Therefore, some nonexclusive questions we suggest that an agency may want to ask itself are inquiries such as: Given our agency and our agency’s authority, and the facts before us, is the action “necessary” (required, needed, essential) to “respond to” the event? What is it we will need to do, at our particular agency, to respond to the emergency? For example, what is “necessary” for one agency (a school district or a public health district) and may require its governing body to meet on a particular matter may not be “necessary” for a different agency (a drainage district).

These factors, examples and questions are nonexclusive and are suggestions only, and do not bind any agency. There may be other considerations for a particular governing body. As noted, the facts at a particular agency will be pertinent to any such decisions.

We suggest the agency make a reasonable judgment that focuses on what is “necessary to respond to the COVID-19 outbreak and current public health emergency” for that agency based on its role, its relevant authorities, and the facts; and, wait to meet on other matters until the public has its normal methods to attend.

- **Reminder on Both (1) and (2): OPMA Cornerstones**

Finally, it is useful to recognize that at this time public attendance at OPMA meetings is more restricted than normal as a consequence of the outbreak (see also revised answer to Question # 4 with respect to remote attendance only.) These COVID-19 response matters are outside the public’s control and may affect their otherwise robust ability to access and provide oversight of their government.

As a result, we suggest that an agency will want to keep in mind the OPMA’s open government cornerstones. These cornerstones would support reasons to temporarily limit a governing body’s usual business during this outbreak and for it to focus instead on only those matters necessary and routine, or those needed to deal with the outbreak, until the public can again fully attend all OPMA meetings, including in person if they choose. These cornerstones include the OPMA itself, which provides at RCW 42.30.010:

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

More OPMA cornerstones are grounded in its other provisions and in case law. The OPMA is to be “liberally construed” to effect its purpose. RCW 42.30.910. The State Supreme Court held that the purpose of the OPMA is to permit the public to “observe all steps” in the making of governmental decisions by a public agency board. *Cathcart v. Andersen*, 85 Wn.2d 102, 530 P.2d 313 (1975). The OPMA “employs some of the strongest language used in any legislation.” *Id.*

Finally, the proclamation also finds that “transparency in state government and all of its political subdivisions is an important state policy.”

2. **How does an agency reschedule or cancel a meeting under the OPMA?**

In response to this question, the March 6 guidance described procedures for rescheduling or canceling a meeting.

Revision. The reference to the requirement that state agencies submit changes to their regular meeting schedules to the Code Reviser (for publication in the *Washington State Register*) is not applicable during the time the proclamation is in effect. State agencies can change regular meeting locations to remote meetings only, without submitting a new notice to the Code Reviser, during this time.

3. Many governing bodies typically hold in-person meetings with most or all governing body members in physical (in-person) attendance at the agency designated meeting office or other meeting room. On occasion, some members participate by conference call. Can all governing body members participate by conference call?

In response to this question, the March 6 guidance described that all governing body members can attend by phone.

Revision. The proclamation language stating that meetings are “not conducted in-person” applies to the governing body members as well. Remember, the purpose of the temporary proclamation is to enhance social distancing and reduce person-to-person opportunities for virus transmission. This means board members will not want to place themselves or their agency staff in a position that potentially puts them in physical contact with each other in preparation for or during OPMA meetings. Such contacts could occur, for example, when staff are setting up a meeting room where some board members or the clerk would attend in person, or when board members attend in person even if the public does not. It is possible many governing bodies, even prior to the proclamation, had already arranged for all governing body members to attend remotely during the outbreak in order to implement social distancing.

4. If some or all of the governing body members are participating remotely by phone, how does the public attend the meeting to observe?

In response to this question, the March 6 guidance described that the OPMA permits members of the public to attend governing body meetings. RCW 42.30.030. Under normal circumstances, an agency cannot place conditions on attendance. RCW 42.30.040. Under normal circumstances, when one or more governing body members participate remotely by phone, the agency needs to have a speakerphone available at an agency meeting location (agency office or other designated physical location) where the public can attend to listen to the discussion. [AGO 2017 No. 4](#). The March 6 guidance described that under normal circumstances, while a speakerphone and a meeting physical location are needed, the agency can look at options for additional means for the public to attend to observe, such as through phone call-in numbers the public can use, or real time streaming of the meeting online, or remote means for the public to listen to the discussion.

Revision. However, under the proclamation and for the period covered by the proclamation, in order to reduce opportunities for virus transmissions, agencies cannot

conduct meetings where the public can attend in person. Statutes requiring agencies to have a physical location where the public can attend in person are temporarily suspended.

Instead, temporarily, agency meetings are “not conducted in-person” and must provide options for the public to attend remotely only. Those remote options are at minimum, telephone access, but may also include electronic, internet or other means of remote access. Those methods must provide the ability for all persons to hear each other at the same time. This means, for example, an agency cannot record the audio of a meeting and post that audio later on its website as a method for the public to “attend.” Instead, the public must be permitted to attend the meeting remotely while the meeting is underway and to hear the persons who are speaking. While the OPMA does not require public comment (see Question # 5), if the agency permits oral public comment at a meeting for other reasons, its remote participation arrangement will also need to have a means for each member of the public who is speaking to hear each other, not just to hear the members of the governing body who are speaking.

During the time the proclamation is effect, agencies are not required to post paper agendas or paper meeting notices at the physical locations where the meetings were to be held, describing that the meeting is now remote only. We suggest that the agency should provide public notice on its online agenda of how the public may remotely attend a meeting, listing the details such as a call-in phone number and access code, or login instructions. We suggest that the agency should also provide public notice of those remote participation means in other ways, particularly if this is a new remote meeting process at the agency. Those public notices could be made, for example, on the agency’s website, agency online meeting calendars, via email to stakeholders, social media postings, news releases, or other relevant or available means, depending upon the agency.

Under the proclamation, it will not be a violation of the OPMA for an agency to require the public to use a conference call-in or remote access login number or to comply with other similar conditions of remote attendance during the time the proclamation is in effect.

7. Doesn’t the OPMA have other meeting procedures when there is an emergency that, in effect, suspend some of these requirements?

In response to this question, the March 6 guidance reviewed OPMA emergency meeting requirements.

Revision. The references to remote meetings as a “supplemental” alternative and the need for a speakerphone at a physical location do not apply while the proclamation is in effect.

2.

Item Attachment Documents:

2. In doing the research necessary to advise his Municipal Clients regarding their responses to the COVID-19 emergency, City Attorney Hughes advises that the City should adopt an Electronic Signature Policy.

Proposed Resolution 2020-02 would adopt such a policy, protecting the City's interests while conducting business using modern document technologies.

RESOLUTION 2020-02

**A RESOLUTION OF THE CITY COUNCIL OF TENINO, WASHINGTON
ADOPTING AN ELECTRONIC SIGNATURE POLICY**

WHEREAS historically, the City’s important documents were signed with handwritten (wet) signatures and the original paper documents with wet signatures were retained by the City Clerk. As technology has advanced, these documents are now often executed remotely with electronic signatures or documents with wet signatures are transmitted with a facsimile signature; and

WHEREAS the Electronic Signature Act, RCW 19.360, provides that, unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by State Law or a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand; and

WHEREAS the Tenino City Council finds it to be in the public interest to allow the use of electronic records and electronic signatures for City business to the fullest extent allowed by law and encourages electronic transactions and the use of electronic signatures, and recognizes electronic signatures as legally binding and equivalent in force and effect as a handwritten or “wet” signature.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TENINO WASHINGTON that the use of Electronic Signatures may be used on any document permitted by federal or state law as follows:

Section I. Definitions.

- A. Electronic Signature means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.
- B. Digital Signature means a type of Electronic Signature applicable to higher risk transactions and is used to verify the authenticity of the signatory and to ensure a contract or other record is not modified while being routed for approval or after being signed through the use of specialized software for this purpose.
- C. Facsimile Signature means a type of Electronic Signature that is a handwritten signature copied or scanned from a document bearing an authorized original signature. A facsimile signature can be created when a document is copied on a copy machine, when it is scanned, or when it is transmitted via email or a facsimile (fax) machine.
- D. Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention,

preservation, or disclosure. Such records may be contracts, interlocal agreements, policy statements, or any document authenticated by a signature.

Section 2. Intent. The intent of this policy is to allow for the acceptance and submission of faxed, emailed, or scanned electronic and digital signatures on certain documents by means that are practical, secure, and that balance risk and cost. It is not the intent of this policy to eliminate all risk but rather to provide a process that gives parties assurance that appropriate analysis was completed prior to the acceptance or submission of faxed, emailed, or scanned electronic or digital signatures, and that the level of user authentication used is reasonable for the type of transaction conducted.

Section 3. Policy.

- A. All City contracts, interlocal agreements, or other documents obligating the City to some sort of actions shall be reduced to writing and signed by authorized representatives of the parties to the instrument.
- B. The Mayor or the Clerk/Treasurer may authorize the use or acceptance of facsimile or electronic signatures in lieu of original (wet) signatures on such instruments, unless an original handwritten signature is required by law or separate policy.
- C. Electronic signatures should not be required to participate in City programs if such requirement unreasonably prevents those with limited access to technology from accessing City programs.
- D. All executed instruments shall be routed to and retained by the Clerk/Treasurer or otherwise retained according to directions of the Clerk/Treasurer.
- E. Authorization to use or accept facsimile or electronic signatures must be limited to instances where the authenticity of the signatures are deemed reliable.
- F. In order to accept facsimile, emailed, or scanned electronic or digital signatures in lieu of an original written signature, the authenticity of the facsimile, emailed, or scanned electronic or digital signature must be verified by the receiving party. Such means of verification may include:
 - a) The receipt of a faxed signature from a facsimile number verified as belonging to or traceable to the party that did so sign and transmit the document.
 - b) The receipt of an emailed signature from an email address verified as belonging to the party that did so sign and transmit the document.
 - c) The receipt of electronic signature from a verifiable system as belonging to the party that did so sign the document.

2.

G. Information that is necessary to verify the authenticity of an electronic or facsimile signature must be transmitted to and retained by the Clerk/Treasurer with the instrument. This retained information may include, but is not limited to, an electronic file with metadata saved from commercial e-signature software, an email to which a facsimile signature was attached, or a fax coversheet or other record verifying who sent the record.

ADOPTED by the Tenino City Council at a regularly scheduled meeting this 14th day of April, 2020.

Wayne Fournier, Mayor

ATTEST:

John C. Millard, Clerk/Treasurer

Approved as to form:

Richard L. Hughes, City Attorney

3.

Item Attachment Documents:

3. The COVID-19 emergency has highlighted the need to update our Financial and Personnel Policies in regard to paying City Employees during a health-related emergency that precludes employees from reporting to work, even though those employees may be ready, willing, and able to work.

Proposed Ordinance 906 would give the Mayor the authority to continue to pay City Employees who would otherwise report to work but for a "stay at home" order the full amount of their regular pay. This proposed ordinance has been reviewed and includes the changes suggested by City Attorney Hughes.

ORDINANCE 909

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON
REGARDING COMPENSATION FOR EMPLOYEES OF THE CITY OF TENINO
DURING CERTAIN DECLARED EMERGENCY HEALTH CRISES**

WHEREAS, the Tenino City Council duly adopted Resolution 2019-01 on May 28, 2019, outlining the basic personnel policies for City employees; and

WHEREAS, under the provisions of RCW 35A.33.105, the City Council may, by ordinance, change the wages, hours, and conditions of employment of any or all of its employees; and

WHEREAS, the City has reviewed the Washington State Attorney General Opinions of August 2, 2006, and March 17, 2010 in which it states that individual cities may adopt specific policies regarding payment of employees during times of public health crises declared by public health agencies with jurisdiction over the City, such as pandemic flu or the COVID-19 virus; and

WHEREAS, the City Council of the City of Tenino desires to establish a policy whereby full-time regular employees who are ready, willing, and able to work, but for health and safety reasons are precluded from doing so due to social distancing requirements imposed by the State of Washington, Thurston County Department of Public Health, or the City of Tenino due to risk of contagion, would receive their normal compensation.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TENINO WASHINGTON as follows:

Section I. The City of Tenino hereby adopts a policy where, in the event of an emergency health crisis in which the State of Washington, Thurston County Department of Public Health, or the City of Tenino requires social distancing to reduce the likelihood of contagion, full-time regular City employees shall receive their normal compensation, consistent with applicable law and audit standards, provided:

- A. When the tasks normally performed by an employee can be performed from a remote location, the employee may be required by their supervisor to perform those tasks from their remote location where the City has provided the employee with the technologies to do so.
- B. On a daily basis, no employee shall be required to perform more hours of work from a remote location than they would if they reported to work for their regularly scheduled shift(s) unless they are paid (or choose to accept Compensatory Time) at the rate specified by the City Official Handbook, as amended.

Section 2. This policy applies to those employees who are ready, willing and able to work, but for health and safety reasons would be precluded from doing so by the requirement for social distancing. The Mayor is further authorized to implement this Ordinance and execute any administrative policies and procedure deemed necessary and appropriate.

Section 3. With respect to each declared emergency public health crisis, the Mayor is authorized to provide the compensation provided herein until withdrawn by the Mayor, or until the particular public health crisis is declared over by the public health agency, or until withdrawn by the City Council.

Section 4. Effective Date. This Ordinance shall be effective 5 days after publication as required by law.

ADOPTED by the City Council at a regularly scheduled meeting this 14th day of April, 2020.

Wayne Fournier, Mayor

ATTEST:

John C. Millard, Clerk/Treasurer

Approved as to form:

Richard L. Hughes, City Attorney

Item Attachment Documents:

7. Mr. Don Bowman, lead volunteer for the Caboose Restoration Project, identified a cast iron caboose stove of the exact type originally used in Caboose X549 on an on-line auction site in the amount of \$600. He asked the City if he could make the purchase on a reimbursable basis and, because there was only a single stove meeting the exact specification available, and because the price was reasonable, and because the opportunity to make such an acquisition at any price may not present itself in the future, the Administration approved the purchase.

Recommended action: Move to declare the existence of "special market conditions" and to ratify the purchase of the caboose stove as part of the restoration project.

7.

BILL OF SALE

03/16/2020

I Oliver Funk sold one caboose stove in the amount of \$600.00 cash to Don Bowman on 03/16/2020.

Olive Funk 360-904-2339

8.

Item Attachment Documents:

8. Gibbs & Olson has proposed an amendment to our standing Engineering Services Agreement to authorized them to provide both Bid Phase and Construction Management Phase Engineering Services for the extension of the City's sewer and water infrastructure to the Ag Park. City Attorney Hughes is still reviewing.

Recommended action: Move to authorize Mayor Founier signing the amendment, provided that any issued identified by City Attorney Hughes are addressed to his satisfaction.

AMENDMENT NO. 1

This Amendment No. 1 modifies the Agreement for Engineering Services (Agreement) between Gibbs & Olson, Inc., Longview, Washington (Engineer) and the City of Tenino, Washington (Client) executed on August 27, 2019, for a project known as the Ag Park Water & Sewer Extension Project.

The following modifications are made to the Agreement. All other terms and conditions of the Agreement remain unchanged.

SCOPE OF WORK

The Scope of Work to be performed by the Engineer is modified as identified below. This Amendment incorporates the following bidding and construction phase engineering services for the project. The following specific tasks are added to the Engineer's Scope of Work:

BID PHASE ENGINEERING SERVICES

Work under this task includes Bidding Phase Engineering Services for the project as follows:

- a) Engineer will make arrangements to provide the contract documents, drawings and specifications for bidding to the Client.
- b) Assist in obtaining bids for construction through public advertisement.
- c) Receive contract questions from plan holders and prospective bidders and prepare appropriate answers.
- d) Issue addenda as appropriate to interpret, clarify, amend, or expand the Bidding Documents.
- e) Assist Client with scheduling a pre-bid meeting.

Bidding and Award Phase Deliverables include:

- Two (2) hardcopy sets and one .pdf electronic set of bidding documents for construction of the water and sewer system improvements for the Client's use.
- Addenda that have been issued.

CONSTRUCTION MANAGEMENT PHASE ENGINEERING SERVICES

Work under this task includes Construction Phase Engineering for the project as follows:

- a) Consult with and advise the Client and act as the Client's representative as required by the Construction Contract Documents. As the Client's representative, all of the instructions to Contractor(s) will be issued through Engineer who will have authority to act on behalf of the Client to the extent provided in the Contract Documents. Engineer shall prepare monthly narrative progress reports and submit them to the Client. Construction is expected to take three months.
- b) Visits to Site and Observation of Construction. In connection with observations of the work of the Contractor(s) while it is in progress:

- 1) Engineer shall make six (6) visits to the site at intervals appropriate to the various stages of construction as Engineer deems necessary in order to observe as an experienced and qualified design professional the progress and quality of the various aspects of Contractor(s)' work. In addition, Engineer shall provide the services of a Resident Project Representative (and assistants as agreed) at the site to assist the Engineer and to provide more continuous observation of such work. Based on information obtained during such visits and on such observations, Engineer shall endeavor to determine in general if such work is proceeding in accordance with the Contract Documents and Engineer shall keep the Client informed of the progress of the work.
 - 2) The Resident Project Representative (RPR) (and any assistants) will be Engineer's agent or employee and under Engineer's supervision. The RPR shall provide written daily reports to Engineer's project manager utilizing Engineer's standard report forms. Copies of all daily RPR reports will be provided to Client for their permanent project file. RPR is budgeted for approximately 1/3 of full-time (a total of 400 hours) over the three-month construction period with more onsite time anticipated to occur during critical bridge and highway crossing operations.
 - 3) The purpose of Engineer's visits to and representation by the RPR (and assistants, if any) at the site will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by exercise of Engineer's efforts as an experienced and qualified design professional, to provide for the Client a greater degree of confidence that the completed work of Contractor(s) will conform generally to the Contract Documents and that the integrity of the design concept as reflected in the Contract Documents has been implemented and preserved by Contractor(s). On the other hand, Engineer shall not, during such visits or as a result of such observations of Contractor(s)' work in progress, supervise, direct or have control over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected by Contractor(s), for safety precautions and programs incident to the work of the Contractor(s) or for any failure of Contractor(s) to comply with laws, rules, regulations, ordinances, codes, or orders applicable to Contractor(s) furnishing and performing their work. Accordingly, Engineer can neither guarantee the performance of the construction contracts by Contractor(s) nor assume responsibility for Contractor(s)' failure to furnish and perform their work in accordance with the Contract Documents.
- c) Defective Work. During such visits and on the basis of such observations, Engineer may disapprove of or reject Contractor(s)' work while it is in progress if Engineer believes that such work will not produce a completed Project that conforms generally to the Contract Documents or that it will prejudice the integrity of the design concept of the Project as reflected in the Contract Documents.
 - d) Interpretations and Clarifications. Engineer shall issue necessary interpretations and clarifications of the Contract Documents and in connection therewith prepare work directive changes and change orders as required.
 - e) Shop Drawings. Engineer shall review and take appropriate action in respect of Shop Drawings, samples and other data, which Contractor(s) are required to submit for

compliance with the Contract Documents. Such reviews and approvals or other action shall not extend to means, methods, techniques, sequences or procedures of construction or to safety precautions and programs incident thereto.

- f) Inspections and Tests. Engineer shall have authority, as the Client's representative, to require special inspections or testing of the work, and shall receive and review all certificates of inspections, tests and approvals required by laws, regulations, ordinances, codes, orders or the Contract Documents but only to determine generally that their content complies with the requirements of, and the results certified indicate compliance with, the Contract documents.
- g) Disputes between Client and Contractor. Engineer shall act as initial interpreter of the requirements of the Contract Documents and judge of the acceptability of the work thereunder and make decisions on all claims of the Client and Contractor(s) relating to the acceptability of the work or the interpretation of the requirements of the Contract Documents pertaining to the execution and progress of the work. Engineer shall not be liable for the result of any such interpretations or decisions rendered in good faith and made in conformance with the Standard of Practice identified in Exhibit C, Item B.
- h) Applications for Payment. Based on Engineer's on-site observations as an experienced and qualified design professional, on information provided by the Client and on review of applications for payment and the accompanying data and schedules:
 - 1) Engineer shall determine the amounts owing to the Contractor(s) and recommend in writing payments to Contractor(s) in such amounts. Such recommendations of payment will constitute a representation to Client, based on such observations and review, that the work has progressed to the point indicated, and that, to the best of Engineer's knowledge, information and belief, the quality of such work is generally in accordance with the Contract Documents (subject to an evaluation of such work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents and to any other qualifications stated in the recommendation). In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of such work subject to any subsequent adjustments allowed by the Contract Documents.
 - 2) By recommending any payment Engineer will not thereby be deemed to have represented that exhaustive, continuous or detailed reviews or examinations have been made by Engineer to check the quality or quantity of Contractor(s)' work as it is furnished and performed beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Engineer's review of Contractor(s) work for the purposes of recommending payments will not impose on Engineer responsibility to supervise, direct or control such work or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto or Contractor(s) compliance with laws, rules, regulations, ordinances, codes, or orders applicable to their furnishing and performing the work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes any Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any of the work, materials or equipment has passed to Client

free and clear of any lien, claims, security interests or encumbrances, or that there may not be other matters at issue between Client and Contractor that might affect the amount that should be paid.

- i) Inspections. Engineer shall conduct an inspection to determine if the work is substantially complete and a final inspection to determine if the completed work is acceptable so that the Engineer may recommend, in writing, final payment to Contractor(s) and may give written notice to Client and the Contractor(s) that the work is acceptable (subject to any conditions therein expressed), but any such recommendation and notice will be subject to the limitations expressed in paragraph "h-2" above.
- j) Prepare a set of reproducible record prints of Drawings showing those changes made during the construction process, based on the marked-up prints, drawings and other data furnished by Contractor(s) to Engineer and which Engineer considers significant.
- k) Limitations of Responsibility. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractor or supplier, or any of the Contractor(s)' or subcontractor's or supplier's agents or employees or any other persons (except Engineer's own employees and agents) at the site or otherwise furnishing or performing any of the Contractor(s)' work; however, nothing contained in paragraphs "a" through "i" above, shall be construed to release Engineer from liability for failure to properly perform duties and responsibilities assumed by Engineer in the Contract Documents.

SCHEDULE:

Construction contract award is anticipated to occur in early May 2020 with construction to anticipated to occur from mid-June through September with contract close out in November 2020.


BUDGET

The budget for the additional Scope of Work presented above is \$69,100 as detailed in the attached Exhibit A.

Original Agreement Amount	\$ 42,600.00
<u>Amendment No. 1.....</u>	<u>\$ 69,100.00</u>
Total Agreement Amount	\$111,700.00

GIBBS & OLSON, INC.

CITY OF TENINO, WASHINGTON

By: 
Richard A. Gushman, President

By: _____
Wayne Fournier, Mayor

Date: March 30, 2020

Date: _____

Attachment: Exhibit A - Budget Estimate
File: 0751.5023



EXHIBIT A - BUDGET - AMENDMENT NO. 1
City of Tenino
Ag Park Water & Sewer Extension Project - Construction Management
March 30, 2020

Budget Estimate	Prin.	Proj. Mgr.	Engr. VI	RPR	CAD Technician	Word Processor	Survey	Soils Testing	Total Budget
Task 1 Bid Phase Services	0	12	2	0	1	2	0	\$0	\$2,765
Task 2 Construction Phase Engineering Services	4	48	4	400	2	2	\$5,500	\$3,200	\$59,684
Task 3 Project Administration	2	8	0	0	0	0	0	\$0	\$1,866
Mileage - 7,500 @ \$0.58/mile									\$4,350
Reproduction									\$115
10% Mark-up on Subconsultants									\$320
TOTAL CONSTRUCTION PHASE BUDGET	6	68	6	400	3	4			\$69,100
AMOUNT OF ORIGINAL AGREEMENT									\$42,600
TOTAL CONTRACT AMOUNT WITH AMENDMENT NO. 1									\$111,700
2020 RATES	\$201	\$183	\$165	\$101	\$97	\$71			

Item Attachment Documents:

9. The Invitation to Bid for the extension of the City's sewer and water infrastructure to the site of the future SW WA Agriculture & Innovation Park yielded 13 bids. The bids were opened during an open public meeting conducted via "GoToMeeting" and the apparent low bidder was Barcott Construction, LLC. The City Engineer reviewed all documents submitted in the bid and concluded that "Barcott's bid is the low bid submitted and is properly filled out, including signatures, and is deemed to be responsive." He also verified that Barcott Construction is in good standing with the State of Washington and recommends they be awarded the contract. Please see attached Bid Tabulation and Award Recommendation.

Recommended Action: Move to approve Mayor Fournier entering into a contract with Barcott Construction for the extension of the City's sewer and water infrastructure to the future site of the SW WA Agriculture and Innovation Park, provided that such contract is first approved by the City Attorney.



Memorandum

To: John Millard - City of Tenino
From: Michael Marshall, PE
Date: April 8, 2020
Re: Tenino Ag Park Water & Sewer Extension Project Contract Award Recommendation

The City advertised for bids for the Tenino Ag Park Water & Sewer Extension Project on March 18, 2020 to extend water and sewer lines to the new Ag Park. The City opened thirteen bids that were submitted on April 7, 2020 at 1:00 PM. The bids ranged from \$236,222.77 to \$527,424.91 including sales tax. The low bid was offered by Barcott Construction, LLC and is less than the Opinion of Probable Cost which is \$452,101 including sales tax.

Barcott's bid is the low bid submitted and is properly filled out including signatures and is deemed to be responsive. Due to the current Coronavirus situation, contractors are submitting more competitive bids.

I have attached the bid tabulation.

I have verified that Barcott Construction is in good standing with the state of Washington. I have also checked their references which were all good. I worked with them on a project for Chehalis a few years ago and they are a very good contractor.

We recommend that the City award the contract for Tenino Ag Park Water & Sewer Extension to Barcott Construction, LLC.

CITY OF TENINO AG PARK WATER & SEWER EXTENSION PROJECT

Bidder's Tabulation

Bid Open 7, 2020 - 1:00 pm

9.

BID ITEM No.	BID ITEM NAME	TOTAL UNITS	Engineers Opinion of Cost		Barcott Construction		OSG Dozing		NOVA Contracting		Baker Underground		C & R Tractor		Rognlin's, Inc.		
			COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	
1	MISCELLANEOUS CONSTRUCTION	1	FA	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
2	MOBILIZATION	1	L.S.	\$ 30,000.00	\$ 30,000.00	\$ 17,500.00	\$ 17,500.00	\$ 20,000.00	\$ 20,000.00	\$ 29,000.00	\$ 29,000.00	\$ 18,300.00	\$ 18,300.00	\$ 18,000.00	\$ 18,000.00	\$ 52,000.00	
3	TEMPORARY TRAFFIC CONTROL INCL. TCS	1	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 6,100.00	\$ 6,100.00	\$ 10,000.00	\$ 10,000.00	\$ 4,400.00	\$ 4,400.00	\$ 2,200.00	\$ 2,200.00	\$ 36,204.57	\$ 36,204.57	\$ 15,000.00	
4	FLAGGERS AND SPOTTERS	550	HOUR	\$ 75.00	\$ 41,250.00	\$ 61.60	\$ 33,880.00	\$ 59.00	\$ 32,450.00	\$ 50.00	\$ 27,500.00	\$ 55.00	\$ 30,250.00	\$ 92.84	\$ 51,062.00	\$ 55.00	
5	SAWCUTTING	500	LF	\$ 5.00	\$ 2,500.00	\$ 2.53	\$ 1,265.00	\$ 2.00	\$ 1,000.00	\$ 3.00	\$ 1,500.00	\$ 2.91	\$ 1,455.00	\$ 5.22	\$ 2,610.00	\$ 3.00	
6	UTILITY POTHOLING	20	CY	\$ 30.00	\$ 600.00	\$ 55.00	\$ 1,100.00	\$ 115.00	\$ 2,300.00	\$ 100.00	\$ 2,000.00	\$ 108.00	\$ 2,160.00	\$ 159.64	\$ 3,192.80	\$ 150.00	
7	TRENCH SAFETY SYSTEMS	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,000.00	\$ 5,000.00	
8	IMPORTED TRENCH BACKFILL	125	TON	\$ 30.00	\$ 3,750.00	\$ 11.00	\$ 1,375.00	\$ 23.00	\$ 2,875.00	\$ 10.00	\$ 1,250.00	\$ 18.00	\$ 2,250.00	\$ 41.43	\$ 5,178.75	\$ 12.00	
9	NATIVE TRENCH BACKFILL	1800	CY	\$ 12.00	\$ 21,600.00	\$ 11.00	\$ 19,800.00	\$ 4.00	\$ 7,200.00	\$ 10.00	\$ 18,000.00	\$ 27.04	\$ 48,672.00	\$ 13.46	\$ 24,228.00	\$ 8.00	
10	CONTROLLED DENSITY FILL	20	CY	\$ 200.00	\$ 4,000.00	\$ 283.00	\$ 5,660.00	\$ 140.00	\$ 2,800.00	\$ 150.00	\$ 3,000.00	\$ 189.00	\$ 3,780.00	\$ 204.24	\$ 4,084.80	\$ 150.00	
11	CRUSHED SURFACING TOP COURSE	20	TON	\$ 30.00	\$ 600.00	\$ 110.00	\$ 2,200.00	\$ 75.00	\$ 1,500.00	\$ 50.00	\$ 1,000.00	\$ 18.00	\$ 360.00	\$ 62.06	\$ 1,241.20	\$ 100.00	
12	TRENCH EXCAVATION	2000	CY	\$ 15.00	\$ 30,000.00	\$ 10.45	\$ 20,900.00	\$ 1.00	\$ 2,000.00	\$ 5.00	\$ 10,000.00	\$ 27.04	\$ 54,080.00	\$ 8.97	\$ 17,940.00	\$ 5.00	
13	HMA CLASS 1/2-INCH - PG58H-22	30	TON	\$ 160.00	\$ 4,800.00	\$ 195.00	\$ 5,850.00	\$ 360.00	\$ 10,800.00	\$ 400.00	\$ 12,000.00	\$ 208.00	\$ 6,240.00	\$ 200.93	\$ 6,027.90	\$ 450.00	
14	8-INCH PVC WATER MAIN	2530	LF	\$ 75.00	\$ 189,750.00	\$ 20.55	\$ 51,991.50	\$ 42.00	\$ 106,260.00	\$ 40.00	\$ 101,200.00	\$ 20.66	\$ 52,269.80	\$ 30.68	\$ 77,620.40	\$ 40.00	
15	CONNECT TO EXISTING WATER MAIN	1	EACH	\$ 3,000.00	\$ 3,000.00	\$ 4,620.00	\$ 4,620.00	\$ 3,000.00	\$ 3,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,665.00	\$ 2,665.00	\$ 3,095.93	\$ 3,095.93	\$ 3,500.00	
16	8-INCH GATE VALVE FOR WATER	5	EACH	\$ 2,000.00	\$ 10,000.00	\$ 1,570.00	\$ 7,850.00	\$ 2,000.00	\$ 10,000.00	\$ 2,000.00	\$ 10,000.00	\$ 1,614.20	\$ 8,071.00	\$ 1,863.10	\$ 9,315.50	\$ 1,500.00	
17	FIRE HYDRANT ASSEMBLY	1	EACH	\$ 6,500.00	\$ 6,500.00	\$ 5,000.00	\$ 5,000.00	\$ 5,500.00	\$ 5,500.00	\$ 6,000.00	\$ 6,000.00	\$ 5,244.00	\$ 5,244.00	\$ 5,750.44	\$ 5,750.44	\$ 7,000.00	
18	WATER SERVICE CONNECTION 1-INCH AND 3/4-INCH	2	EACH	\$ 1,500.00	\$ 3,000.00	\$ 1,500.00	\$ 3,000.00	\$ 2,500.00	\$ 5,000.00	\$ 2,000.00	\$ 4,000.00	\$ 2,587.00	\$ 5,174.00	\$ 3,346.93	\$ 6,693.86	\$ 4,000.00	
19	WATER BLOW OFF ASSEMBLY	1	EACH	\$ 5,000.00	\$ 5,000.00	\$ 1,375.00	\$ 1,375.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 1,428.00	\$ 1,428.00	\$ 1,562.11	\$ 1,562.11	\$ 2,000.00	
20	2-INCH HDPE SDR 12 SEWER COLLECTION PIPE	333	EACH	\$ 50.00	\$ 16,650.00	\$ 17.00	\$ 5,661.00	\$ 40.00	\$ 13,320.00	\$ 30.00	\$ 9,990.00	\$ 25.15	\$ 8,374.95	\$ 21.94	\$ 7,306.02	\$ 50.00	
21	2-INCH PLUG VALVE	1	EACH	\$ 1,000.00	\$ 1,000.00	\$ 600.00	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,507.00	\$ 1,507.00	\$ 1,390.80	\$ 1,390.80	\$ 500.00	
22	HYDROSEEDING	2500	SY	\$ 4.00	\$ 10,000.00	\$ 0.88	\$ 2,200.00	\$ 1.00	\$ 2,500.00	\$ 1.00	\$ 2,500.00	\$ 1.00	\$ 2,500.00	\$ 1.03	\$ 2,575.00	\$ 1.00	
				\$	-					\$	-		\$	-		\$	
SUBTOTAL CONSTRUCTION COSTS					\$419,000.00		\$218,927.50		\$264,005.00		\$270,640.00		\$277,480.75		\$306,080.08		\$320,000.00
SALES TAX AT 7.9%					\$33,101.00		\$17,295.27		\$20,856.40		\$21,380.56		\$21,920.98		\$24,180.33		\$25,280.00
SUBTOTAL CONSTRUCTION COSTS & SALES TAX					\$452,101.00		\$236,222.77		\$284,861.40		\$292,020.56		\$299,401.73		\$330,260.41		\$345,280.00

\$178.34

\$93.18

\$112.37

\$115.20

BID ITEM No.	BID ITEM NAME	TOTAL UNITS	Johnson & Maddox Construction		Northwest Cascade, Inc.		Advanced Excavating Specialists		Iverson & Sons		Pape and Sons Construction		Midway Underground		Black Hills Excavating		
			COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	COST PER UNIT	TOTAL COST	
1	MISCELLANEOUS CONSTRUCTION	1	FA	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	
2	MOBILIZATION	1	L.S.	\$ 22,000.00	\$ 22,000.00	\$ 33,000.00	\$ 33,000.00	\$ 41,485.00	\$ 41,485.00	\$ 35,000.00	\$ 35,000.00	\$ 26,500.00	\$ 26,500.00	\$ 40,000.00	\$ 40,000.00	\$ 46,000.00	
3	TEMPORARY TRAFFIC CONTROL	1	L.S.	\$ 4,000.00	\$ 4,000.00	\$ 30,000.00	\$ 30,000.00	\$ 15,000.00	\$ 15,000.00	\$ 35,000.00	\$ 35,000.00	\$ 8,500.00	\$ 8,500.00	\$ 25,000.00	\$ 25,000.00	\$ 20,625.00	
4	FLAGGERS AND SPOTTERS	550	HOUR	\$ 80.00	\$ 44,000.00	\$ 59.00	\$ 32,450.00	\$ 55.00	\$ 30,250.00	\$ 55.00	\$ 30,250.00	\$ 62.00	\$ 34,100.00	\$ 60.00	\$ 33,000.00	\$ 68.00	
5	CSTC	500	LF	\$ 2.00	\$ 1,000.00	\$ 3.00	\$ 1,500.00	\$ 5.00	\$ 2,500.00	\$ 5.00	\$ 2,500.00	\$ 1.75	\$ 875.00	\$ 4.00	\$ 2,000.00	\$ 3.50	
6	SAWCUTTING	20	CY	\$ 400.00	\$ 8,000.00	\$ 575.00	\$ 11,500.00	\$ 150.00	\$ 3,000.00	\$ 150.00	\$ 3,000.00	\$ 250.00	\$ 5,000.00	\$ 75.00	\$ 1,500.00	\$ 950.00	
7	TRENCH EXCAVATION	1	LS	\$ 500.00	\$ 500.00	\$ 29,800.00	\$ 29,800.00	\$ 1,000.00	\$ 1,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	
8	IMPORTED TRENCH BACKFILL	125	TON	\$ 35.00	\$ 4,375.00	\$ 69.00	\$ 8,625.00	\$ 35.00	\$ 4,375.00	\$ 18.00	\$ 2,250.00	\$ 37.50	\$ 4,687.50	\$ 36.00	\$ 4,500.00	\$ 32.00	
9	NATIVE SOIL TRENCH BACKFILL	1800	CY	\$ 1.00	\$ 1,800.00	\$ 4.15	\$ 7,470.00	\$ 7.00	\$ 12,600.00	\$ 15.00	\$ 27,000.00	\$ 2.50	\$ 4,500.00	\$ 18.00	\$ 32,400.00	\$ 36.00	
10	HOT MIXED ASPHALT	20	CY	\$ 200.00	\$ 4,000.00	\$ 205.00	\$ 4,100.00	\$ 310.00	\$ 6,200.00	\$ 100.00	\$ 2,000.00	\$ 200.00	\$ 4,000.00	\$ 350.00	\$ 7,000.00	\$ 215.00	
11	CDF	20	TON	\$ 35.00	\$ 700.00	\$ 90.00	\$ 1,800.00	\$ 100.00	\$ 2,000.00	\$ 100.00	\$ 2,000.00	\$ 37.50	\$ 750.00	\$ 42.00	\$ 840.00	\$ 105.00	
12	CONCRETE CURB AND GUTTER	2000	CY	\$ 6.00	\$ 12,000.00	\$ 8.30	\$ 16,600.00	\$ 17.50	\$ 35,000.00	\$ 22.00	\$ 44,000.00	\$ 5.25	\$ 10,500.00	\$ 24.00	\$ 48,000.00	\$ 28.50	
13	CONCRETE DRIVEWAY	30	TON	\$ 400.00	\$ 12,000.00	\$ 160.00	\$ 4,800.00	\$ 375.00	\$ 11,250.00	\$ 250.00	\$ 7,500.00	\$ 400.00	\$ 12,000.00	\$ 300.00	\$ 9,000.00	\$ 210.00	
14	14" HDPE SDR 11 PIPE AND FITTINGS	2530	LF	\$ 57.00	\$ 144,210.00	\$ 37.00	\$ 93,610.00	\$ 43.00	\$ 108,790.00	\$ 48.00	\$ 121,440.00	\$ 80.00	\$ 202,400.00	\$ 45.00	\$ 113,850.00	\$ 59.00	
15	TUNNELING AND STEEL CASING	1	EACH	\$ 4,000.00	\$ 4,000.00	\$ 4,750.00	\$ 4,750.00	\$ 2,900.00	\$ 2,900.00	\$ 3,000.00	\$ 3,000.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00	\$ 3,500.00	
16	12" DIP FOR BRIDGE CROSSING	5	EACH	\$ 2,500.00	\$ 12,500.00	\$ 1,900.00	\$ 9,500.00	\$ 1,450.00	\$ 7,250.00	\$ 1,300.00	\$ 6,500.00	\$ 1,600.00	\$ 8,000.00	\$ 2,500.00	\$ 12,500.00	\$ 2,800.00	
17	LOCATOR BOX	1	EACH	\$ 5,000.00	\$ 5,000.00	\$ 5,800.00	\$ 5,800.00	\$ 5,698.00	\$ 5,698.00	\$ 4,800.00	\$ 4,800.00	\$ 5,500.00	\$ 5,500.00	\$ 7,500.00	\$ 7,500.00	\$ 5,800.00	
18	LOCATOR POST	2	EACH	\$ 1,250.00	\$ 2,500.00	\$ 2,250.00	\$ 4,500.00	\$ 2,000.00	\$ 4,000.00	\$ 2,200.00	\$ 4,400.00	\$ 2,650.00	\$ 5,300.00	\$ 2,500.00	\$ 5,000.00	\$ 2,100.00	
19	AIR/VACUUM VALVE ASSEMBLY	1	EACH	\$ 1,500.00	\$ 1,500.00	\$ 2,900.00	\$ 2,900.00	\$ 1,400.00	\$ 1,400.00	\$ 2,000.00	\$ 2,000.00	\$ 2,900.00	\$ 2,900.00	\$ 3,500.00	\$ 3,500.00	\$ 4,550.00	
20	ISOLATION VALVE	333	EACH	\$ 50.00	\$ 16,650.00	\$ 30.00	\$ 9,990.00	\$ 59.00	\$ 19,647.00	\$ 15.00	\$ 4,995.00	\$ 55.00	\$ 18,315.00	\$ 75.00	\$ 24,975.00	\$ 58.00	
21	HYDROSEEDING	1	EACH	\$ 500.00	\$ 500.00	\$ 1,200.00	\$ 1,200.00	\$ 650.00	\$ 650.00	\$ 15.00	\$ 15.00	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 650.00	
22	TRENCH SAFETY SYSTEMS	2500	SY	\$ 2.00	\$ 5,000.00	\$ 0.80	\$ 2,000.00	\$ 1.00	\$ 2,500.00	\$ 1.00	\$ 2,500.00	\$ 0.84	\$ 2,100.00	\$ 3.00	\$ 7,500.00	\$ 1.10	
				\$	-		\$	-		\$	-		\$	-		\$	
SUBTOTAL CONSTRUCTION COSTS					\$326,235.00		\$335,895.00		\$337,495.00		\$362,650.00		\$383,427.50		\$408,565.00		\$488,809.00
SALES TAX AT 7.9%					\$25,772.57		\$26,535.71		\$26,662.11		\$28,649.35		\$30,290.77		\$32,276.64		\$38,615.91
SUBTOTAL CONSTRUCTION COSTS & SALES TAX					\$352,007.57		\$362,430.71		\$364,157.11		\$391,299.35		\$413,718.27		\$440,841.64		\$527,424.91

Item Attachment Documents:

10. Proposed Ordinance 906 would give the Mayor the authority to continue to pay City Employees who would otherwise report to work but for a "stay at home" order the full amount of their regular pay. This proposed ordinance has been reviewed and includes the changes suggested by City Attorney Hughes.

Recommended action: Move to accept as the first reading Proposed Ordinance 906 as presented.

ORDINANCE 909

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON
REGARDING COMPENSATION FOR EMPLOYEES OF THE CITY OF TENINO
DURING CERTAIN DECLARED EMERGENCY HEALTH CRISES**

WHEREAS, the Tenino City Council duly adopted Resolution 2019-01 on May 28, 2019, outlining the basic personnel policies for City employees; and

WHEREAS, under the provisions of RCW 35A.33.105, the City Council may, by ordinance, change the wages, hours, and conditions of employment of any or all of its employees; and

WHEREAS, the City has reviewed the Washington State Attorney General Opinions of August 2, 2006, and March 17, 2010 in which it states that individual cities may adopt specific policies regarding payment of employees during times of public health crises declared by public health agencies with jurisdiction over the City, such as pandemic flu or the COVID-19 virus; and

WHEREAS, the City Council of the City of Tenino desires to establish a policy whereby full-time regular employees who are ready, willing, and able to work, but for health and safety reasons are precluded from doing so due to social distancing requirements imposed by the State of Washington, Thurston County Department of Public Health, or the City of Tenino due to risk of contagion, would receive their normal compensation.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TENINO WASHINGTON as follows:

Section I. The City of Tenino hereby adopts a policy where, in the event of an emergency health crisis in which the State of Washington, Thurston County Department of Public Health, or the City of Tenino requires social distancing to reduce the likelihood of contagion, full-time regular City employees shall receive their normal compensation, consistent with applicable law and audit standards, provided:

- A. When the tasks normally performed by an employee can be performed from a remote location, the employee may be required by their supervisor to perform those tasks from their remote location where the City has provided the employee with the technologies to do so.
- B. On a daily basis, no employee shall be required to perform more hours of work from a remote location than they would if they reported to work for their regularly scheduled shift(s) unless they are paid (or choose to accept Compensatory Time) at the rate specified by the City Official Handbook, as amended.

Section 2. This policy applies to those employees who are ready, willing and able to work, but for health and safety reasons would be precluded from doing so by the requirement for social distancing. The Mayor is further authorized to implement this Ordinance and execute any administrative policies and procedure deemed necessary and appropriate.

Section 3. With respect to each declared emergency public health crisis, the Mayor is authorized to provide the compensation provided herein until withdrawn by the Mayor, or until the particular public health crisis is declared over by the public health agency, or until withdrawn by the City Council.

Section 4. Effective Date. This Ordinance shall be effective 5 days after publication as required by law.

ADOPTED by the City Council at a regularly scheduled meeting this 14th day of April, 2020.

Wayne Fournier, Mayor

ATTEST:

John C. Millard, Clerk/Treasurer

Approved as to form:

Richard L. Hughes, City Attorney

11.

Item Attachment Documents:

11. Proposed Resolution 2020-02 would adopt an Electronic Signature Policy that would protect the City's interests while conducting business using modern document technologies.

Recommended action: Move to approve Resolution 2020-02 as presented.

RESOLUTION 2020-02

**A RESOLUTION OF THE CITY COUNCIL OF TENINO, WASHINGTON
ADOPTING AN ELECTRONIC SIGNATURE POLICY**

WHEREAS historically, the City’s important documents were signed with handwritten (wet) signatures and the original paper documents with wet signatures were retained by the City Clerk. As technology has advanced, these documents are now often executed remotely with electronic signatures or documents with wet signatures are transmitted with a facsimile signature; and

WHEREAS the Electronic Signature Act, RCW 19.360, provides that, unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by State Law or a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand; and

WHEREAS the Tenino City Council finds it to be in the public interest to allow the use of electronic records and electronic signatures for City business to the fullest extent allowed by law and encourages electronic transactions and the use of electronic signatures, and recognizes electronic signatures as legally binding and equivalent in force and effect as a handwritten or “wet” signature.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TENINO WASHINGTON that the use of Electronic Signatures may be used on any document permitted by federal or state law as follows:

Section I. Definitions.

- A. Electronic Signature means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.
- B. Digital Signature means a type of Electronic Signature applicable to higher risk transactions and is used to verify the authenticity of the signatory and to ensure a contract or other record is not modified while being routed for approval or after being signed through the use of specialized software for this purpose.
- C. Facsimile Signature means a type of Electronic Signature that is a handwritten signature copied or scanned from a document bearing an authorized original signature. A facsimile signature can be created when a document is copied on a copy machine, when it is scanned, or when it is transmitted via email or a facsimile (fax) machine.
- D. Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention,

preservation, or disclosure. Such records may be contracts, interlocal agreements, policy statements, or any document authenticated by a signature.

Section 2. Intent. The intent of this policy is to allow for the acceptance and submission of faxed, emailed, or scanned electronic and digital signatures on certain documents by means that are practical, secure, and that balance risk and cost. It is not the intent of this policy to eliminate all risk but rather to provide a process that gives parties assurance that appropriate analysis was completed prior to the acceptance or submission of faxed, emailed, or scanned electronic or digital signatures, and that the level of user authentication used is reasonable for the type of transaction conducted.

Section 3. Policy.

- A. All City contracts, interlocal agreements, or other documents obligating the City to some sort of actions shall be reduced to writing and signed by authorized representatives of the parties to the instrument.
- B. The Mayor or the Clerk/Treasurer may authorize the use or acceptance of facsimile or electronic signatures in lieu of original (wet) signatures on such instruments, unless an original handwritten signature is required by law or separate policy.
- C. Electronic signatures should not be required to participate in City programs if such requirement unreasonably prevents those with limited access to technology from accessing City programs.
- D. All executed instruments shall be routed to and retained by the Clerk/Treasurer or otherwise retained according to directions of the Clerk/Treasurer.
- E. Authorization to use or accept facsimile or electronic signatures must be limited to instances where the authenticity of the signatures are deemed reliable.
- F. In order to accept facsimile, emailed, or scanned electronic or digital signatures in lieu of an original written signature, the authenticity of the facsimile, emailed, or scanned electronic or digital signature must be verified by the receiving party. Such means of verification may include:
 - a) The receipt of a faxed signature from a facsimile number verified as belonging to or traceable to the party that did so sign and transmit the document.
 - b) The receipt of an emailed signature from an email address verified as belonging to the party that did so sign and transmit the document.
 - c) The receipt of electronic signature from a verifiable system as belonging to the party that did so sign the document.

G. Information that is necessary to verify the authenticity of an electronic or facsimile signature must be transmitted to and retained by the Clerk/Treasurer with the instrument. This retained information may include, but is not limited to, an electronic file with metadata saved from commercial e-signature software, an email to which a facsimile signature was attached, or a fax coversheet or other record verifying who sent the record.

ADOPTED by the Tenino City Council at a regularly scheduled meeting this 14th day of April, 2020.

Wayne Fournier, Mayor

ATTEST:

John C. Millard, Clerk/Treasurer

Approved as to form:

Richard L. Hughes, City Attorney

12.

Item Attachment Documents:

12. Because "Reports" are not necessary, as defined in the AGO's Opinion of March 26, 2020, they are included only for the purpose of providing access as part of the City's efforts to make public records as accessible as possible.

EDC Board of Directors

Carrie Whisler, President
Olympia Federal Savings

Heather Burgess,
President-Elect
Phillips Burgess Law, PLLC

Michael McGauly, Treasurer
StraderHallett PS

Rozanne Garman, Secretary
RHD Enterprises

Perry Shea,
Immediate Past President
SCJ Alliance

Reid Bates
Express Employment
Professionals

Brian Fluetsch
Sunset Air, Inc.

Daryl Fournier
Ex Officio
CB&I Board President
Heritage Bank

Ann Freeman-Manzanares
Intercity Transit

Dr. Roy Heynderickx
St. Martin's University

Kelsey Hulse
Puget Sound Energy

John Hutchings
Commissioner
Thurston County

Jessica Jensen
Jensen Milner | Cap City
Law PS

Dan Jones
NorthAmericaTalk

Wayne Mannie
Columbia Bank

Neil McClanahan
Councilmember
City of Tumwater

Bill McGregor
Commissioner
Port of Olympia

Jace Munson
FORMA Construction

Evan Parker
Kidder Mathews

Nathaniel Jones
City of Olympia

Mark Steepy
KPFF

Tad Stillwell
Councilmember
City of Yelm

Dr. Timothy Stokes
South Puget Sound
Community College

Mark Turner
Capital Medical Center

Lynda Zeman
Councilmember
City of Lacey

March 23, 2020

City of Tenino
Attn: Mr. John Millard
PO Box 4019
Tenino, WA 98589

RE: 1st Quarter 2020 Activities, Invoice

Dear Mr. Millard,

Thank you for the City of Tenino's continued support of this organization, and the partnership between us. Please find enclosed our invoice for the recently completed 1st Quarter of 2020 as per our signed services agreement.

I have also enclosed a performance and activity report of our actions within the community. The report is tendered with details per task of the approved scope of work.


Know that in light of the current Covid-19 health crisis, the entire EDC staff has been pivoting our work-plans to respond to the needs of our business community by gathering and providing resources, adapting modes of communication and helping business to explore new methods and markets.

You know that our staff feels a special kind of commitment to the City of Tenino. Do not hesitate to reach out to us with specific needs, ideas, input or requests at this time.

If you have any questions regarding the enclosed, do not hesitate to contact me at (360) 754-6320.

On behalf of our entire Board of Directors, thank you for your continued support.

Sincerely,


Michael Cade
Executive Director

RECEIVED
APR 09 2020
CITY OF TENINO

EDC Board of Directors

Carrie Whisler, President
Olympia Federal Savings

Heather Burgess, President-Elect
Phillips Burgess Law, PLLC

Michael McGaully, Treasurer
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Community College

Mark Turner
Capital Medical Center

Lynda Zeman
Councilmember
City of Lacey

South Thurston Economic Development Initiative (STEDI). EDC staff has continued to convene, facilitate and support the efforts of STEDI to coordinate and drive economic development within Tenino and throughout the rural communities of Thurston County.

Agricultural Business Park. EDC staff has continued efforts to support the creation of an Agriculture-focused business park within the City of Tenino, including efforts to raise funds, build partnerships, attract business tenants and market the project.

Creative District. EDC staff has supported the City's efforts in regard to establishment and operation of a Creative District and the letter of interest was submitted to the Washington State Arts Commission and approved to apply for certification. Staff is in the process of completing the on-line application.

Business Retention and Expansion (BRE). EDC staff has continued to support Tenino business retention and expansion through support of and participation within the Tenino Area Chamber of Commerce, including the new First Friday Breakfasts, offering business training workshops and one on one counseling and marketing of Tenino area businesses through social media.

Tourism & Marketing. EDC staff has worked to help market Tenino through coordinating efforts such as the HGTV Small Town Make-over and through promotion of the Bountiful Byway.

Legislative Agenda. EDC staff shall has continued to advocate for the City with the state legislature, working to develop and strengthen legislative relationships.

Funding & Educational Opportunities. EDC staff has continued to identify and pursue funding sources and economic development educational programing opportunities.

Place Making. EDC staff has continued to assist and advise City staff and officials, where and when appropriate, on place-making and public works projects.

12. THURSTON COUNTY ECONOMIC
DEVELOPMENT COUNCIL
4220 6th Ave SE
LACEY, WA 98503



Invoice

DATE	INVOICE #
3/31/2020	1stQTR2020

City of Tenino
John Millard
P.O. Box 4019
Tenino, WA 98589

Terms
Net 30

DESCRIPTION	CHARGES	AMOUNT DUE
Local Government Grant Funding Q1, 2020 \$10,000 Contract from Jan. 1, 2020 through March 31, 2020	2,500.00	2,500.00

Total Due	\$2,500.00
Payments/Credits	\$0.00
Balance Due	\$2,500.00

Membership/Investment contributions to the Thurston Economic Development Council are not a charitable tax deduction but may be a business tax deduction. Please contact your financial advisor.

Federal Tax ID: 91-1183169

The EDC is a public/private partnership dedicated to stimulating a vital economy in Thurston County.



City of Tenino

Honorable Mayor and Town Council

Monthly Report of Wastewater Treatment Plant Operations & Maintenance

Month: March 2020

During the month of March, the treatment plant continues to perform optimally, except for effluent nitrogen levels that are above the permit limits. The supernatants from the biosolids lagoon that is returned into the plant is high in nitrogen and has triggered effluent violations.

System Maintenance

- Regular upkeep.
- Continue to protect plant and process equipment from freezing weather.
- Performed diffuser cleaning maintenance on the Pre-Air Basin.
- Hoses have been rehung for everyday use.
- #2 fine screen is offline, has been repaired and will be installed after the social distancing order has been lifted.

Process Changes

- Decanting Biosolids lagoon to minimal levels, in preparation for dewatering.

Call Outs-Emergencies

- There were no call outs or emergencies for the month of March.

Communications

- Influent sampling has been suspended by DOE during the COVID-19 outbreak.

Miscellaneous

Flows

- Influent total flow = 2.990 MG
- Average daily flow = 0.096 MG
- Max daily flow = 0.108 MG
- Total gallons wasted = 58,280 gallons

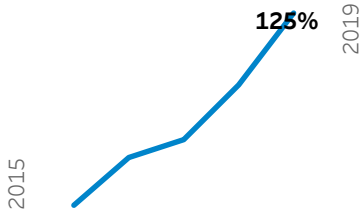
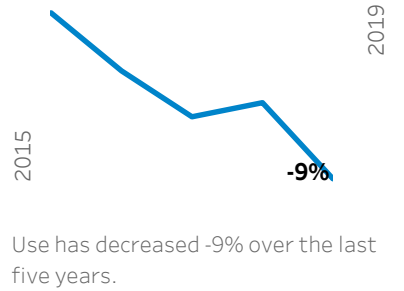


TENINO TIMBERLAND LIBRARY 2019

TENINO BORROWS

How much did Tenino patrons save in 2019 by borrowing books, movies, and other items? **\$732,470 dollars**. That's what it would have cost patrons to purchase the **33,124** items borrowed.

The library has **1,621 active library cards**, with a city population of **1,830** and an estimated service population is **7,249** residents. (Estimate based on school districts population and library card registrations).



Use has increased 125% over the past five years.

Tenino patrons often borrow digital materials including e-books and downloadable audiobooks. While it's harder to determine savings due to the nature of licensing costs, Tenino patrons borrowed **10,673 digital items** in 2019.

TENINO EVENTS

Tenino patrons attended **157 events** in 2019 including Reptile Man, Owls of the Northwest, Movies in the Park, Family Storytimes, Jeff Evan's Magic Show, and many more.

	Events for Adults	Events for Kids and Teens	Other	Totals
Events	45	49	63	157
Attendance	1,355	820	780	2,955

TENINO INTERNET USE

2,374
hours used in 2019
(Avg. 45 hours per week)

Tenino patrons take advantage of library **public internet stations**, providing access to vital services, ability to **print 100 pages free per week**, and premium paid subscriptions to information sources like Ancestry, Consumer Reports, Reference USA, and many more.