

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
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CONVENE: 3:00 p.m.

PRESENT: Chair Michael Althausen and Councilmembers Leatta Dahlhoff and Peter Agabi.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Communications Manager Ann Cook, and Planning Manager Brad Medrud.

SELECTION OF CHAIR: City Administrator Doan invited nominations for Chair.

Councilmember Dahlhoff nominated Councilmember Althausen to serve as Chair of the General Government Committee for a two-year term.

With there being no other nominations, City Administrator Doan closed nominations for Chair.

VOTE: **A unanimous vote elected Councilmember Althausen to serve as Chair of the General Government Committee for a two-year term.**

**APPROVAL OF MINUTES –
DECEMBER 8, 2021:**

MOTION: **Councilmember Dahlhoff moved, seconded by Chair Althausen, to approve the minutes of December 8, 2021 as presented. Motion carried unanimously.**

**CABLE FRANCHISE
AGREEMENT AND
DESIGNATED SERVICE
PROVIDER UPDATE:**

City Administrator Doan reported the update is on the status of negotiations for a cable franchise agreement. Historically, cable television is essentially replacing broadcast television provided over public airways. Federal laws enable cities to collect a franchise fee similar to a utility tax providing revenue to the general fund. Another provision in the agreement allowed for access to cable television for public, educational, and government (PEG) television. The City engaged in an update of a new franchise agreement with Comcast over a multi-year process and adopted in 2021. The agreement is effective for 10 years; however, provisions for PEG service are still under negotiation.

Manager Cook said the new franchise agreement with Comcast included Thurston County and all cities with an interlocal agreement to enable all the jurisdictions to be involved in the negotiations. As the technology landscape is changing rapidly between broadcast, cable, and streaming services, cable subscribers are declining. The rate of decline of subscribers in Tumwater is less than in neighboring

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jurisdictions because of the addition of new homes in the City. Comcast's Xfinity delivers both cable and streaming services. Comcast may be preparing to shift to streaming service only. It is likely the franchise agreement will be the final agreement with the City because of all options available.

During the term of the agreement and in conjunction with the pandemic, representatives from the jurisdictions negotiated the contract with assistance from a consultant and realized the importance of each jurisdiction to consider declining revenues from franchise fees and the allocation for PEG television. Because of technology a number of platforms are available for live streaming and broadcasting various services to include television.

TC Media offering public access services closed its studio during the pandemic. Public access across the country is slowly disappearing. The Thurston County region is one of a few areas in the state and the country that provides public access television with most jurisdictions only offering education and government television services. The reason for the decline of public television is cell phones with video, editing, and free distribution platforms through YouTube, Facebook, Instagram, Twitter, and other services enabling the public to be a broadcaster, sponsor a television show, or offer a free website without the need of studio and cameras. Consequently, the jurisdictions considered other technologies and the demand for public access television.

When the FCC initially enabled funding for the local jurisdictions through a franchise agreement, TCMedia formed a local station supported by the four largest jurisdictions in Thurston County with each jurisdiction renewing a service contract with TCMedia each year with the jurisdiction paying a fee to TCMedia to provide broadcasting services for City meetings.

With the advent of changes in technology and numerous competitive venues, the jurisdictions agreed to create an interlocal agreement to release a Request for Proposal (RFP) for either EG services or PEG services. Manager Cook noted the political environment surrounding cable television and the franchise fee has resulted in then loss of revenue to jurisdictions during the previous Administration that has not been recouped with cable companies retaining a larger share of the fees. The ability of jurisdictions to regulate is limited.

Chair Althausen questioned the purpose of the interlocal agreement. Manager Cook explained that the ILA would enable the jurisdictions to solicit bids as a collective unit increasing competitiveness to service

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providers as one large umbrella comprised of four jurisdictions. The selection of a service provider provides each jurisdiction with the opportunity to separately contract with the service provider.

Chair Althausen asked whether TCMedia would be able to submit a bid on the RFP. Manager Cook affirmed TCMedia would be encouraged to submit a proposal as well. The previous process was an automatic renewal of the contract without the benefit of opening the process to the industry. However, based on changes in the industry, technology, and benefits to the public, the jurisdictions elected to open the process for competitive bidding.

City Administrator Doan said the decline in franchise fees within the City and its impact on the budget has been overshadowed by the quantity of new homes developed in the City. Without new home construction in the City, the budget would reflect a continual decrease in franchise fees. At some point, franchise fees will no longer exist. Streaming services in the area are available from nearly 50 different venues enabling the public to access content.

Councilmember Dahlhoff encouraged the process to consider how many elders in the community continue to rely on cable services as their only source of television service. Manager Cook said the franchise agreement includes provisions that speak to a designated service provider affording some flexibility and with access to a Comcast channel. The option would enable the City to be the service provider of the channel. The channel offered through cable during the last 10 years would continue until cable companies elect not to offer the service.

**2022 LONG RANGE
PLANNING WORK
PROGRAM:**

Manager Medrud recommended the committee forward a recommendation to the City Council to adopt the 2022 Long Range Planning Work Program on January 18, 2022 based on the results of the joint worksession with the Planning Commission in December. He invited any comments or questions on the work program.

Councilmember Dahlhoff said that based on the assumption that the City would hire the sustainability and economic development positions, the level of effort required in the work program would be possible. Manager Medrud affirmed the work program is based on a level of staffing that includes both the sustainability and economic development positions. Senior Planner Ginther has returned full-time, which has also increased resources. Staff is also seeking grant funding for consultant assistance for the Urban Forestry Management Plan actions.

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CONSENSUS:

The General Government Committee supported scheduling the 2022 Long Range Planning Work Program for consideration by the City Council on January 18, 2022.

**TUMWATER HOUSING
ACTION PLAN –
POTENTIAL MEASURES
FOR ADDRESSING
TENANT PROTECTIONS:**

Manager Medrud briefed the committee on the status of discussions on potential tenant protections. At this point, staff believes the information is at a point to present to the City Council for further direction on next steps. The proposal is not tied to an ordinance at this point but is a summary of what actions could be pursued.

The initial discussions began in 2018 and evolved with adjustments to account for the booming housing market followed by the pandemic. The state has acted over the last three years to address some of the options that were under consideration. The next step is determining which measures should move forward for development of an ordinance this year.

Manager Medrud noted that the committee's agenda packet includes a summary of the City of Olympia's process to date. The City of Olympia elected to move forward separate from a regional process. However, some of the provisions would be more effective at a regional level to avoid implementing different requirements across the jurisdictions creating confusion to landlords and renters. Some provisions would be more effective as a regional effort.

Manager Medrud presented a table of a series of measures to consider for amendments to the Tumwater Municipal Code. The initial committee was comprised of City Attorney Kirkpatrick, Director Matlock, City Administrator Doan, Councilmember Althausen, Housing Consultant Paul Knox, and Manager Medrud. The committee reviewed each of the initial measures in terms of any changes in the landscape since initially considered.

Manager Medrud reviewed a list of proposed measures:

1. Prohibit use of online bidding platforms. Bidding platforms are typically promoted and available in high-density urban areas. The committee recommends no action at this time.
2. Require landlords to distribute certain housing related information, including rights and responsibilities to tenants. The proposed measure is a summary of the state requirements and any local requirements the City believes landlords and tenants should have access to and information about. The proposal would require an amendment to Title 5. *Councilmember Dahlhoff asked how the City could track the engagement to ensure both parties are utilizing the*

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information. Manager Medrud replied that the committee identified potential negatives of each measure. Under this measure, the committee identified the potential difficulty to communicate or enforce as the City lacks any involvement in a rental agreement. The measure would require some educational efforts by the City to ensure landlords and tenants are aware of the new requirement, as well as providing the information on the City's website.

3. Require that deposits, as well, as recurring and one time fees be in written agreements. Recent changes occurred as part of the Renter Landlord Tenant Act for deposits and securities; however, the measure includes additional provisions to address one-time fees that are not addressed by state law.
4. Make landlord failure to comply a renter defense to eviction and the landlord subject to liability and penalties. The measure is partly addressed in RCW 59.18 but not at the level the City would prefer. The committee recommends including the provision in any code changes. *Chair Althausen agreed the provision is important to include as an amendment to ensure the provisions within the code are enforceable when instances occur. Councilmember Dahlhoff commented on the difficulty of tracking measures and connecting measures by adding an additional column reflective of compliance by a landlord.*
5. Prohibit waiving of city requirements. The committee recommends retaining prohibiting waiving of City requirements as part of a rental agreement.
6. Prohibit retaliation. The measure has been addressed by state law.
7. Require notification a set number of days prior to eviction due and of no-cause eviction. State law requires a 60-day notice prior to eviction. The committee discussed increasing the notice to 90 days. *Councilmember Dahlhoff questioned whether the provision could affect a military family serving as the landlord receiving orders to transfer as most provisions can address anomalies or exceptions. Manager Medrud offered to conduct an additional review of specific conditions included in state law. Chair Althausen offered that evictions occurring for good cause, such as a military transfer, could include providing relocation assistance because the tenant is not at fault if a military landlord either transfers back to the property or transfers from the area. Councilmember Dahlhoff cited another instance where the death of the landlord occurs and the family sells the property to pay off the mortgage. Chair Althausen said he is unsure whether the tenant/landlord contract would be transferrable to another individual, which might require some additional research by staff.*

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8. Require notification a set number of days prior to any rent increase. Currently, state law requires a 60-day notice. The committee discussed extending the notice to 90 days.
9. Require a landlord to allow a tenant to pay the deposit and move in and administrative fees over a period of up to a number of months and allow tenants the ability to pay security and last month rent over a period of three months after moving in lieu of upfront so there is less initial barrier to entry. The committee recommends not including the provision as state law provisions address the concerns.
10. Add source of income protections in housing rental code. Recent changes in state law have addressed the issue.
11. Add citizenship status protections in housing rental code. Recent changes in state law have addressed the issue.
12. Limit fees a landlord could charge. The committee advises against the measure as it extends into the economic decisions of landlord/tenant decisions.
13. First-in-time tenancy required. The City of Seattle has enacted a similar provision. The committee engaged in a long discussion on whether the proposal would accomplish the intent and agreed not to recommend the measure.
14. Add criminal conviction status protections in housing rental code. The committee believes the measure should be addressed at the state level and not at the local level.
15. Require landlords to show good cause to terminate a month-to-month tenancy and to refuse to renew a fixed term tenancy. Some new provisions in state law address some of the concern. The committee agreed not to recommend inclusion of the measure.
16. Tenant relocation assistance fund. The committee supports delaying consideration of the measure on the outcome of the recent court challenge to the surcharge. Additionally, the provision should be part of the efforts for consideration by the Regional Housing Council as the City has limited funds and any measures should be comprehensive across the region.
17. Provide relocation payment for any low-income tenant displaced by the reasons in Measure #7. The committee supports consideration of the measure regionally by the Regional Housing Council.

Manager Medrud reviewed recommended measures focused on education:

1. Create a list of landlords for communication regarding notices and enforcement. The committee recommends the action to

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ensure everyone receives the same information, as well as for enforcement purposes.

2. Contract with Dispute Resolution Center for tenant and landlord conflict resolution services. The committee recommends the action.

Manager Medrud reviewed strategies and actions related to landlords, tenants, and rentals approved by the Council within the Housing Action Plan. He asked members to provide feedback on whether some actions should be considered for further discussion during the year or as part of the budgeting process next year:

- **Strategy 1: Increase the supply of permanent, income-restricted affordable housing.**
 - Action 1.k. Enhance enforcement of property maintenance codes to keep housing in good repair. The action ensures housing is maintained. Staff supports the action and recommends some discussion as the current process is reactive-based enforcement initiated by citizen complaints. Councilmember Dahlhoff asked whether the City receives reports from the Department of Health on complaints. Manager Medrud advised that he receives information on rental housing but not reports on complaints for specific properties in Tumwater. He offered to follow up with the department. The Housing Action Team Rental Group is actively engaged in specific actions. The City could collaborate with the group to receive information.
- **Strategy 2: Make it easier for households to access housing and stay housed.**
 - Action 2.a. Have developers provide tenants displaced by redevelopment with relocation assistance.
 - Action 2.c. Adopt short-term rental regulations to minimize impacts on long-term housing availability. *Manager Medrud reported the City of Olympia completed a similar action last year. At the staff level, the jurisdictions have discussed whether the issue is applicable to the City of Tumwater versus the City of Olympia. He asked members to advise staff if the City is experiencing any issues as staff could begin efforts to address the issue.*
 - Action 2.d. Support down payment assistance programs for homeownership and programs that assist people entering the rental market. *Manager Medrud advised that the action is broad and it would be more effective at the regional or state level.*
 - Action 2.e. Identify and implement appropriate tenant protections that improve household stability. *Manager Medrud advised that the purpose of the actions is to keep*

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people housed to avoid creating the larger issue of homelessness.

- Action 2.f. Develop a technical assistance or education program for small landlords. *The issue is important and should be discussed as the larger landlord associations and larger landlord groups are well informed and have information to share between members. However, the City has a number of smaller landlords who rent homes or smaller properties who could benefit from shared education and technical assistance to help avert situations before they become issues. Chair Althaus recommended adding technical assistance for landlords to assist them in interacting with various rental subsidy programs to reduce barriers to entry. Councilmember Dahlhoff recommended convening a focus group of small landlords. She asked whether there are any plans to follow-up with landlords who participated in the Thurston Regional Planning Council survey to receive an update or pursue a relationship with those landlords completing the survey. Manager Medrud affirmed he would follow up with TRPC. Councilmember Dahlhoff said many of her friends are smaller landlords and many feel like they have been left out and their voices are not being considered.*

- Action 2.g. Assist non-profits in the process of acquiring mobile home parks to turn them into public trusts so that lot rental fees can be controlled. *Staff engaged in discussions with several non-profits prior to the pandemic on the process. Manager Medrud suggested it would be timely for staff to reconnect with non-profits to follow up on the discussions.*

- Action 2.h. Fund an energy assistance program for rental housing/make landlords do upgrades when the unit is sold. *Manager Medrud recommended the action is appropriate for a regional effort. He offered to contact the City of Olympia and City of Lacey for additional information.*

- **Strategy 5: Continually build on resources, collaboration, and public understanding to improve implementation of housing strategies.**

- Action 5.b. Fund Housing Navigators to assist households, renters, homeowners, and landlords with housing issues. *The action is appropriate for discussion by the Regional Housing Council or another regional entity.*

- Action 5.d. Establish a rental registration program to improve access to data and share information with landlords.

Manager Medrud asked about timing to schedule the issues for a discussion by the City Council and whether any additional information would be required for the City Council.

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Chair Althausen questioned whether the actions would be added to the work program over the next 24 months or whether existing resources are available to ensure adequate capacity is available to address some of the actions. Manager Medrud advised that the Council discussion would identify some priorities and staff would develop information on the resources and timing required to accomplish the actions to enable the Council to select priorities with the understanding resources would be available. He supported actions related to rental, registration, and inspections and recommended following up with other municipalities of similar size with successful programs.

Councilmember Dahlhoff said that her goal is to avoid evictions as it affects a person's rental record and can hamper securing housing. She also supports working closely with and receiving information other programs and activities currently in place to obtain some insights on whether some of the proposals would be possible for the City to pursue or whether the City could support the actions through other programs and activities in place through local non-profits and organizations.

Manager Medrud said he would follow up with local organizations prior to the Council's discussion to learn about potential options or how it might affect decisions by the Council.

Chair Althausen noted that the table lacks all the conversations and work staff has invested in reaching out to tenants and landlords in the community. He agreed on the importance of following up with non-profits while acknowledging the City has done a good job of different forms of outreach and contact with the community.

Councilmember Dahlhoff said her preference is to receive a draft ordinance of the supported measures for the Council's review.

Councilmember Agabi supported moving the discussion to the Council and agreed a draft ordinance with language would be helpful to assist the Council in its review. Manager Medrud offered to forward a draft of prior language to provide more information on the direction of a proposed ordinance. He suggested scheduling the Council's worksession in late March or in April based on current work items.

Chair Althausen inquired about the possibility of receiving a draft ordinance in February prior to the Council's worksession. Manager Medrud advised that he could provide either a draft ordinance or an update on the status of the discussions and the questions remaining open.

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ADDITIONAL ITEMS:

Councilmember Agabi acknowledged the meeting was his first and last meeting and he found the information to be very helpful and informative. He has been reassigned to the Public Health and Safety Committee.

ADJOURNMENT:

With there being no further business, Chair Althausen adjourned the meeting at 4:12 p.m.

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