

# Municipal

Summer 2001

# Research News

Municipal Research & Services Center of Washington

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## Telecommunications Franchise Requirements Struck Down Franchise Fees Limited to Municipal Costs

In a sweeping decision issued April 24, 2001, the United States Court of Appeals for the 9th Circuit affirmed that Section 253 of the Communications Act severely limits the power of local governments to franchise or regulate the business of telecommunications providers, and preempts local requirements for the payment of any compensation that is unrelated to the government's costs of managing its public rights-of-way.

In *City of Auburn v. Qwest Corp.*, Qwest challenged the requirements contained in telecommunications ordinances adopted by several Washington municipalities, including the cities of Auburn, Olympia, and Tacoma, on the grounds they violated state and federal limitations on municipal franchising of telecommunications providers. In the ordinances, which are typical of those advanced by municipal consultants nationwide, the municipalities sought to require telecommunications providers to pay an application fee of up to \$5,000, file an application containing detailed information unrelated to the rights-of-way, obtain a franchise, negotiate certain terms of the franchise with the cities, undertake extensive reporting and approval processes for transfers of ownership and stock, provide the municipalities with network capacity, and offer the municipalities favorable rates.

The 9th Circuit's opinion provides the most authoritative statement to date regarding the limitations on municipal telecommunications franchising. The court held that Section 253 of the Communications Act is a "virtually absolute" preemption on municipal franchise requirements.

Section 253's "purpose is clear – certain aspects of telecommunications regulation are uniquely the province of the federal government and Congress has narrowly circumscribed the role of state and local governments in this arena." Accordingly, the court found that Section 253(c) "saves" only those municipal requirements that are "directly related to management of the rights of way."

Following the analysis contained in recent opinions of several lower courts, the 9th Circuit struck down many of the municipalities' application and substantive requirements such as:

- a lengthy and detailed application form, requiring disclosure of matters such as:
  - maps
  - corporate policies
  - documentation of licenses
  - financial, technical, and legal qualifications
  - a description of all services provided currently or in the future
  - and "[s]uch other and further information as may be requested by the City"
- application fees ranging from an undetermined amount to \$2,500 and \$5,000;
- a requirement for a public hearing on the application;
- discretionary factors that have nothing to do with the management or use of the right-of-way;
- regulations governing the transferability of ownership, and even stock sales;
- municipal reservation of discretion to grant, deny, or revoke the franchises, described by the court as "the ultimate cudgel";

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- reporting requirements regarding matters not directly related to management of the rights-of-way;
- “most favored community” status regarding rates, terms, and conditions of service.

The court rejected the cities’ claim that these and other requirements were related to the rights-of-way, stating that the cities’ argument was a “semantic two-step” under which “the safe harbor provisions would swallow whole the broad congressional preemption.”

On the critical issue of fees, the court concluded that Section 253 of the Act requires that non-tax franchise fees be limited to the municipalities’ actual costs incurred in managing the rights-of-way. In addition, the court held that Section 253 prohibits municipalities from requiring providers to give free fiber and conduit capacity. This holding puts the 9th Circuit in conflict with the 6th Circuit’s opinion in *TCG Detroit v. City of Dearborn* (March 7, 2000), the only other federal court of appeals decision that has considered the limits imposed by Section 253 on local telecommunications fees.

The court also held that the ordinances violated Washington state law, which limits municipalities to granting “master permits”

and exempts from even master permit requirements telecommunications providers, such as Qwest, holding state-wide franchises. Because the application and substantive requirements were so intertwined with portions of the ordinances that were not preempted, the court held that even the valid portions could not survive. Thus, the ordinances were struck down in their entirety.

*[The above case summary was first published on the Web site maintained by the Cole, Raywid & Braverman LLP law firm (offices in D.C. and in California). That law firm advises telecommunications companies, so they represent clients with interests adverse to local governments. Their case summary is typical for how the industry interprets this decision. It is reprinted here with permission.]*

Advice to Washington counties and cities: have your legal counsel review your telecommunications ordinances to see if any provisions violate the 9th Circuit’s interpretation of the federal Telecommunications Act. Cities and counties can still require the payment of fees that cover the regulatory costs, and can still coordinate the installation of telecommunications facilities in the rights-of-way. Standard indemnifi-

cation and bonding provisions are also clearly allowed.

The 9th Circuit decision contains broad language that will be fleshed out over time as additional cases work their way through the courts. The telecommunications industry is making huge investments in infrastructure, so there is a lot at stake, and there will be further litigation concerning local government requirements that are perceived by the industry to be an impediment to their fast and cost-effective build-out of wired and wireless facilities.

Keep in mind that though the installation of fiber in public rights-of-way has been troublesome in metropolitan areas, there are many rural communities that would love to have multiple providers of advanced telecommunications facilities knocking on their door. Rural communities often have a very different perspective on this issue.

For additional information concerning telecommunications issues, visit the MRSC telecommunications page on our Web site: <http://www.mrsc.org/legal/telecomm/tcpage.htm>.▶

By Jim Doherty, Legal Consultant  
Municipal Research & Services Center

## Publication Updates Scheduled

**Washington State Small Works Roster Manual for Local Governments (First Edition)**, Report No. 51, June 2000. The small works rosters is a process through which there is competition for construction contracts following notification to some or all public works contractors who have requested placement on a roster kept by a local government agency. This publication is intended to present basic steps needed to implement a small works roster program for all units of local government. In addition, it attempts to summarize purchasing and bidding statutes for local government in order to show the context of the small works roster process.

**Washington State Local Improvement District Manual**, (Fourth Edition), Report No. 36, October 1996. This manual provides an overall perspective of detailed LID procedures, focuses on a chronological order of responsibilities, and describes routine processes from initiation to the conclusion of financing.

These publications are being updated and possibly revised. We invite you to submit comments, corrections, suggested updates or revisions, and/or sample documents to John Carpita, MRSC Public Works Consultant ([jcarpita@mrsc.org](mailto:jcarpita@mrsc.org)). When completed, both publications will be available on our Web site.

# New Legislation of Interest

There are several new laws enacted at the 2001 legislative session that may be of particular interest to cities, towns, and counties. The Association of Washington Cities and the Washington State Association of Counties will provide a comprehensive review of all new legislation after the session is completed, but four bills will be briefly highlighted here. The effective dates for all four of these provisions will be July 22, 2001.

## Open Public Meetings Act (SHB 1384)

A new bill was enacted clarifying that governing bodies of public agencies may not hold an executive session solely because the attorney representing the agency is present. State law already provides that such bodies may meet in executive session to discuss with legal counsel litigation or potential litigation to which the city or county is, or is likely to become, a party, if public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the city or county.

The new law does not prohibit meeting in executive session with legal counsel to discuss potential litigation, but it does define potential litigation in a manner that somewhat restricts the use of this exception to the open meetings requirement. Potential litigation is defined to mean matters protected by the attorney-client privilege concerning (a) litigation that has been specifically threatened to which the city or county is, or is likely to become, a party; (b) litigation that the city or county "reasonably believes" may be commenced by or against the city or county; or (c) litigation or legal risks of a proposed action or current practice when public discussion could result in adverse legal or financial consequences.

The Office of the Attorney General is specifically authorized in the law to provide information and assistance in implementing the law.



## Change in Form of Government (SB 5057)

A significant change in the procedure for changing the form of government for code cities was adopted. Prior to this legislation, if a code city changed from the mayor-council plan to the council-manager plan, or vice versa, a new election of officers was required. The new legislation allows the incumbent mayor and councilmembers to serve out the remainder of their terms before an election of new officers is required. If the change is from the mayor-council plan of government to the council-manager plan, the mayor is to serve as a councilmember for the remainder of his or her term.

## Municipal Courts (SSB 5472)

State law currently provides that any city terminating its municipal court under ch. 3.50 RCW may not reestablish another municipal court until at least ten years have elapsed. The new legislation removes the ten-year time stipulation and reduces the time period to allow reestablishment to coincide with the end of the four-year district court judicial term, as long as proper notice is given. Also, if the county wishes to terminate a court contract with a city, notice of at least one year prior to execution of the contract is required.

## Salary Commissions (HB 1084)

Several cities in the state have been utilizing salary commissions to set salaries for elective officials. This legislation clarifies the authority of all classes of cities or towns to utilize such independent citizen commissions to establish salaries for elective positions. Also, the legislation authorizes salaries for county commissioners and county councilmembers to be set by an independent salary commission established in accordance with the new law. Increases in salaries may be made effective during the terms of office of the elective officials, although decreases can only be made effective at the commencement of the subsequent term of office. Salary increases and decreases are subject to citizen referendum petitions and a potential election.■

# Now Is the Time

It's almost time. Maybe you're a mayor or councilmember right now. You've enjoyed the work, and you're debating with yourself whether or not to run for another term. Or maybe you're really unhappy with the directions the present city or town council seems headed, and you want to take over one of those council seats to try to do a better job. Or perhaps you have a friend who seems really well qualified who you'd like to convince to become a candidate for city or town council. Or . . . you choose the scenario.

Elections for county commissions and county councils in home rule counties are normally held in even numbered years. So if that's your interest, you'll have a year to wait.

In any case, the time for filing for election for city or town elected office is almost here. There are several things to be aware of.

## Qualifications

In a first class charter city, you'll need to consult the individual charter to determine eligibility for elective office. The city clerk should be able to answer your questions. (See box on page 6.)

In a noncharter or a charter code city, to be eligible to hold elective office, you must be a registered voter and have been a resident of the city for at least one year preceding the election. RCW 35A.12.030.

In a second class city, to be eligible to hold elective office, you must be a resident and a registered voter in the city. RCW 35.23.031.

In a town, to be eligible to hold an elective office, you must be a resident and registered voter in the town. RCW 35.27.080.

## Filing

Filing, or declaration of candidacy, for city and town elective office is no earlier than the fourth Monday in July and no later than the following Friday. RCW 29.15.020. That means between July 23 and July 27, 2001.

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# Ask MRSC

Summaries of recent inquiries answered by MRSC consultants

## **Family and Medical Leave Act (FMLA) • Must a local government employer count FMLA-qualifying leave as FMLA leave when it knows or could know that it qualifies, but where the employee does not request FMLA leave?**

No, although the employee would nevertheless be protected by the FMLA. FMLA regulations, specifically 29 C.F.R. §825.208(2)(c), provides in part as follows:

If the employer has the requisite knowledge to make a determination that the paid leave is for an FMLA reason at the time the employee either gives notice of the need for leave or commences leave and fails to designate the leave as FMLA leave (and so notify the employee in accordance with paragraph (b)), the employer may not designate leave as FMLA leave retroactively, and may designate only prospectively as of the date of notification to the employee of the designation. *In such circumstances, the employee is subject to the full protections of the Act*, but none of the absence preceding the notice to the employee of the designation may be counted against the employee's 12-week FMLA leave entitlement.

(Emphasis added.) While it is doubtful that an employer would voluntarily choose not to count the leave as FMLA leave, the situation may arise because of an inadvertent failure to designate the leave as FMLA leave, despite the availability of knowledge that it qualified.

## **Fireworks • What cities and counties have banned fireworks?**

According to our records, the following jurisdictions have banned all discharge of fireworks: Bellevue, Burien, Clyde Hill, Federal Way, Issaquah, Lake Forest Park, Redmond, Seattle, Shoreline, Tukwila,

Tacoma, Edmonds, Mukilteo, Mill Creek, Othello, Kennewick, Prosser, Morton, Okanogan County, Oroville, Gold Bar, Woodway, Nespelam, Spokane County, Millwood, the city of Spokane, Marcus, Colton, Naches, the city of Yakima, and Wapato. This is not necessarily a comprehensive list but is based on information from MRSC's databases.

For more information on the regulation of fireworks, see MRSC's new Web page at <http://www.mrsc.org/pubsafe/firewk.htm>.

## **Impact Fees • Is it legal to charge impact fees on new development of existing lots when some lots in the same subdivision were not charged the fees?**

The short answer is "no." All lots within a subdivision must be treated the same. This means that if some lots within a subdivision were not subject to an impact fee, impact fees may not be charged for development on lots occurring after the effective date of a new impact fee ordinance.

## **Open Public Meetings • May a governing body go into executive session even if it is not on the meeting agenda?**

Yes. There is no requirement in the Open Public Meetings Act that an executive session must be listed on the agenda in order for a governing body to go into executive session. A decision may be made at the meeting to go into executive session, and this may be done legally as long as the requirements in the Open Public Meetings Act are followed concerning executive sessions. There is a requirement in RCW 35A.12.160 that the public be made aware of the preliminary agenda of a meeting in advance of the meeting. This does not mean that an item arising after the preliminary agenda has been posted cannot be discussed at the meeting, even in executive session. Final action on the matter would not be taken at the executive session.

## **Open Public Meetings • Does the Open Public Meetings Act apply to training sessions or team-building exercises involving a governing body?**

A "meeting" as defined in the Open Public Meetings Act does not occur simply because a quorum of a governing body is gathered together. A training or team-building session would not be a meeting under the Open Public Meetings Act if the governing body (e.g., city council, board of county commissioners) does not discuss city or county business, as the case may be, or otherwise take action as defined in the Act. Receiving training or engaging in team-building exercises does not inherently require the discussion of city or county business. If the governing body is not going to open such a session to the public, it should be made clear that the members of the governing body are not to discuss business at the session.

## **Prevailing Wage • Is a local government required to pay increased labor costs if, after a public works project is completed, it is discovered that the prevailing wage rates that were paid and that were contained in the bid specifications were amended by L&I prior to the bid opening?**

The wage rates in effect on the date when bids are due apply, except if there is a delay of more than six months between the bid due date and the awarding of the contract. These rates remain in effect for the duration of the contract.

## **Public Disclosure • How are the five business days calculated in RCW 42.17.320, which relates to responding to public record requests?**

RCW 42.17.320 provides that a response to a request for public records must be made by the agency within five business days. The question is whether the day the request is received counts as one of the

five days. MRSC's position is that the day the request is received does not count as one of the five days. As support for that conclusion, RCW 1.12.040 provides: "The time within which an act is to be done, as herein provided, shall be computed by excluding the first day, and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded." The general statute appears to be of application throughout the state statutes.

**Redistricting • Which statutes provide the method for redrawing the boundaries of city wards after the federal census?**

The pertinent statutory provisions are in chapter 29.70 RCW, Local Government Redistricting. RCW 29.70.100 provides some time frames and other details on redistricting by local governments.

**Water Rights • Can a municipal water right under a water right certificate be extinguished?**

Yes. Although the statutory provision for relinquishment of water rights does not apply to water rights relating to a municipal water supply (RCW 90.14.140(2)(d)), the common law doctrine of abandonment, under which a water right can be extinguished, does apply. *Okanogan Wilderness League v. Town of Twisp*, 133 Wn.2d 769, 781 (1997).<sup>1</sup>

**How to "Ask MRSC."** Assistance from MRSC may be obtained by **Phone** (206) 625-1300 or 1-800-933-6772 for long-distance calls; **Letter** 1200 5th Avenue, Suite 1300, Seattle, WA, 98101-1159; **Fax** (206) 625-1220; or **E-mail** [mrsc@mrsc.org](mailto:mrsc@mrsc.org). Telephone inquiry service is available from 7:30 a.m. to 5:00 p.m. If a consultant is not immediately available, you can record a detailed request on voice mail 24-hours a day, and a staff member will call back as soon as possible.

**Now Is the Time** continued from page 4

Declaration of candidacy for city or town elective office must be filed with the county auditor. If the area from which the candidate is running for office is in more than one county, the declaration is filed with the county auditor of the county having the largest number of registered voters who would be voting for that position. RCW 29.15.030 (3).

**Primary Election**

Primary elections are held on the third Tuesday of the preceding September for a general election being held in November. RCW 29.13.070. For 2001, the date is September 18. No primary election is held if there are only two candidates for a given elected position. RCW 29.21.015.

**General Election**

All city and town general elections are held on the first Tuesday following the first Monday in November in the odd-numbered

years. RCW 29.13.020. For 2001, the date is November 6.

**Taking Office**

In most cases, city and town officials elected at the general election may take office immediately after December 31 of the election year. RCW 29.04.170.

There is an exception. Anyone elected to less than a full term assumes office as soon as the election returns have been certified and he or she is qualified in accordance with RCW 29.01.135.<sup>1</sup> RCW 29.13.050.

<sup>1</sup>"Qualified" when pertaining to a winner of an election means (1) the election results have been certified, (2) a certificate of election has been issued, (3) any required bond has been posted, and (4) the winner has taken and subscribed to the oath of office. RCW 29.01.135.♦

By Ron Bartels, Public Policy & Management Consultant  
Municipal Research & Services Center

Please check with the city clerk of any first class charter city to determine specific qualifications for elective office. A summary of requirements for each of those cities is as follows:

- Aberdeen** Must be a qualified elector and a resident for at least thirty days. Aberdeen City Charter, §4.<sup>2</sup>
- Bellingham** Must be a registered voter and a resident for at least one year. Must hold no other office or employment within the city government. Bellingham City Charter, §2.05.
- Bremerton** Must be a resident for at least one year and may not hold any other elective office or be employed by the city. Bremerton City Charter, Article II, §6.
- Everett** Must be a registered voter and a resident for at least one year. Must hold no other public office or employment. Everett City Charter, Article II, §2.2.
- Richland** Must be a registered elector and a resident for at least two years; shall not be employed by the city. Richland City Charter, Article II, §2.02.
- Seattle** Must be a citizen of the United States, a qualified elector of the state of Washington, and registered voter of the city of Seattle. Seattle City Charter, Article IV, §2B.<sup>2</sup>
- Spokane** Must be a qualified elector and a resident for at least two years. Spokane City Charter, Article II, §006.<sup>2</sup>
- Tacoma** Must be a qualified elector and a resident for at least two years. Must not hold any other elective office. Tacoma City Charter, Article II, §2.2.<sup>2</sup>
- Vancouver** Must be a qualified elector and a resident for at least two years, and shall hold no other public office or employment under the city government. Vancouver City Charter, Article II, §2.2.<sup>2</sup>
- Yakima** Must be a qualified elector and a resident. Yakima City Charter, Article II, §§1 and 4.<sup>2</sup>

<sup>2</sup>A qualified elector is a person who possesses all of the qualifications and meets all of the requirements to be registered to vote but need not actually be so registered.

# WEB TALK

News and information about [www.mrsc.org](http://www.mrsc.org)

## What's New?

We have recently added a series of pages on "Drought Management" covering energy conservation, fireworks regulations, water conservation, and wildfire prevention. We have also added the results of our "2001 Information Technology Survey," which this year focused on online government services (see article on page 12).

The city of Vancouver, Washington has set up a "Civil Case Management" software program that it is sharing with city and county attorneys. Download the program from the MRSC home page by clicking on the "Legal" page link in the right-hand column.

Our new page on "Forms of Official Action" differentiates the options for taking legislative action including ordinances, resolutions, rules, regulations, motions, and orders.

## How Do I?

You may now sign up for online software training through the MRSC Web site.

MRSC has partnered with Learn2.com to bring Washington local government officials and employees this affordable training alternative.

The site features hundreds of interactive, self-paced courses covering all of the most widely used office software applications. You have six months to complete a tutorial either from your office or home computer.

To sign up, click on the learn2 icon in the right hand column of the MRSC home page ([www.mrsc.org](http://www.mrsc.org)) or go to the site directly at [mrsc/learn2.com](http://mrsc/learn2.com).

## What's Coming?

MRSC is now completing our digital government strategic plan. The goal of the plan is to assist cities and counties statewide to implement such applications as online RFPs, small works rosters, online business licensing, and online permitting. For additional information about the plan, please contact Fred Ward at MRSC.▶

## Web Site Index

For complete information on these topics, go to [www.mrsc.org](http://www.mrsc.org).

- ▼ Automated traffic enforcement: red light cameras
- ▼ Bid law changes: 2001 legislative session
- ▼ Civil case management: download free software
- ▼ Drought management: fire prevention and water conservation
- ▼ Forms of official action: ordinances, resolutions, rules, etc.
- ▼ Information technology survey results: 2001
- ▼ Online software training: [learn2.com](http://learn2.com)

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## Press Release

### Seattle Launches Online Auction Pilot Program

The city of Seattle is pleased to announce a new Internet distribution and auction program for governmental agencies throughout Washington. The city has made arrangements with GovDeals.com, an online auction service provider to provide the auction site that gives government agencies and non-profits first opportunity to acquire surplus items initially from the city of Seattle, and in the immediate future from any governmental agency in Washington.

During each auction, government agencies throughout Washington State will have exclusive rights to bid on items offered for sale on a restricted section of the GovDeals site during a three-week "preview period." Following that, local nonprofits will have exclusive rights to bid on items still offered for sale during a two-week "preview period." Items still available after this preview period will be posted for sale on the public portion of the GovDeals site.

To logon, register, view, and purchase from GovDeals main Web site, follow the step-by-step instructions by going to this site [www.govdeals.com](http://www.govdeals.com) and select the state of Washington logo to register.

If you have any questions with the online auction procedures call the GovDeals Help Desk at (800) 613-0156 or the city of Seattle surplus warehouse at (206) 684-0827.▶

# LIBRARY LISTINGS

New resource materials now available

## New Acquisitions

This list contains new publications, ordinances, and other materials recently received by the MRSC library. We also prepare a more comprehensive list of new acquisitions each month which is posted on our Web site at [www.mrsc.org/library/newacq.htm](http://www.mrsc.org/library/newacq.htm). If you would like to borrow one or more of these publications, please contact Sarah Sordt in our library at (206) 625-1300.

### ▼Construction

*ADA & Accessibility: Let's Get Practical*, by Michele S. Ohmes, 2000

### ▼Economic Development

*How to Market your City: Guide and Case Studies*, by Camille Kellogg and Richard Lillquist, 2000

### ▼Energy Conservation

*Community Energy Workbook: A Guide to Building a Sustainable Economy*, by Alice Hubbard and Clay Fong, 1995

### ▼Finance

*2001 Debt Manual*, City of Renton, 2001

*2001 Revenue Manual*, City of Renton, 2001

*Local Government Budgeting: A Managerial Approach*, by Gerasimos A. Gianakis and Clifford P. McCue, 1999

### ▼Governance

*City Council Protocol Manual*, City of Bothell, 2000

*Getting the Most Out of your Consultant: A Guide to Selection Through Implementation*, by Gordon W. Fuller, 1999

*The Reinventor's Fieldbook: Tools for Transforming your Government*, by David Osborne and Peter Plastrik, 2000

### ▼Information Services

*Communication and Design with the Internet*, by Jonathan Cohen, 2000

*Digital Places: Building our City of Bit*, by Thomas A. Horan, 2000

*Powering Up: How Public Managers Can Take Control of Information Technology*, by Katherine Barrett and Richard Greene, 2001

### ▼Licensing and Regulation

*Everything You Always Wanted to Know About Regulating Sex Businesses*, by Eric Damian Kelly and Connie Cooper, 2000

### ▼Parks

*Trails for the Twenty-First Century: Planning Design, and Management Manual for Multi-Use Trails*, by Charles A. Flink, II, Robert M. Searns, and Kristine Olka, 2001

### ▼Personnel

*Listening to Conflict: Finding Constructive Solutions to Workplace Disputes*, by Erik J. Van Slyke, 1999

### ▼Planning/Land Use

*Alternative Techniques for Managing Growth*, by Irving Schiffman, 1999

*Main Street Success Stories*, by Suzanne G. Dane, 1997

*Monitoring Land Supply with Geographic Information Systems: Theory, Practice, and Parcel-Based Approaches*, edited by Anne Vernez and Michael Hubner, 2000

*Shopping Center Development Handbook*, Urban Land Institute, 1999

*The Smart Growth Tool Kit: Community Profiles and Case Studies to Advance Smart Growth Practices*, by David J. O'Neill, 2000 (includes videocassette)

*Taming Wireless Telecommunications Towers*, by Ray Foote and Scenic America Staff, 2000

*Welcome to the Commission: A Guide for New Members*, edited by Wayne M. Enville, 2000

### ▼Public Works/Utilities

*Plain Talk About Drinking Water: Questions and Answers About the Water You Drink*, by James M. Symons, 1997

### ▼Streets and Sidewalks

*Maintenance and Dust Control for Gravel Roads*, compiled by John Carpita, 2001

*Roadway Maintenance Guide*, by James D. Thorne, 2000

### ▼Transportation

*Kitsap County Bicycle Facilities Plan*, Kitsap County Public Works, 2000

## Resource Sharing

The *Information Partnership Program* seeks and collects current materials from Washington local governments. The materials received provide answers and support to the challenges faced by cities and counties every day. You may order the materials below by contacting the MRSC library at (206) 625-1300 or 1-800-933-6772 or e-mail us at [mrsc@mrsc.org](mailto:mrsc@mrsc.org). Due to space limitations, the list below may not be complete. A comprehensive list of IP materials received may be requested from the library or viewed on our Web site at [www.mrsc.org/library/rshare.htm](http://www.mrsc.org/library/rshare.htm).

### ▼Planning Application Forms

(Note: We received a large response to this request. The following serves as an example of the types of forms we received.)

*Anacortes* Conditional use application, 2 p.; *Auburn* Surface mining permit application, 39 p.; *Dayton* Variance application, 3 p.; *Colville* Application to encroach upon public right-of-way, 1 p.; Application for amendment to the zoning map, 2 p.; *Des Moines* Rezone application, 2 p.; ESA development exception application, 2 p.; *Friday Harbor* Exemption from Shoreline Management Act substantial development permit requirement, 3 p.; *Kennewick* Land use permit for home occupation, 5 p.; *Omak* Land use permit application, 3 p.; *Poulsbo* Planned unit development application, 8 p.; *Port Angeles* Wetlands determination request, 2 p.; *Stanwood* Short subdivision application, 6 p.; *Walla Walla* Application for development authorization, 1 p.; *Westport* Application for master site plan review, 3 p.; *Winthrop* Westernization permit application, 3 p.

### ▼Parks and Recreation Policy and Procedure Manuals

*Anacortes* Washington Park policies, 28 p., 1999; *Auburn* Parks and Recreation Board Manual of Policies and Procedures, looseleaf, 2001 (P 1.2050); *Colville* Aquatics facilities manual, 61 p., n.d. (P 6.5100)

### ▼Police Policy Manuals/Law Enforcement SOP Manuals

*Anacortes* Police Department code of ethics and department manual, 50 p., n.d.; *Auburn* Police Department manual of standards, looseleaf, 2000; *Gig Harbor* Police Department policy manual, looseleaf, 1998; *Kennewick* Police Department rules and regulations, 160 p., n.d.; *Omak* Police Department policy manual, 184 p., 2001; *Port Angeles* Police Department manual, looseleaf, n.d.; *Westport* Police Department policy and procedures manual, looseleaf, n.d.

### ▼Contracts for Criminal Justice Services

*Friday Harbor* Interlocal agreement establishing district court filing fees for certain actions, 4 p., 1999 (PS 2.1100); *Port Angeles* Agreement for prisoner confinement services, 4 p., 1998 (PS 7.5100)

### ▼Interlocal Agreements with Special Districts

*Anacortes* Service agreement with SCPHD#2 to provide occupational health services, 8 p., 1998 (H 2.0000); *Colville* Interlocal cooperation agreement with Stevens County Rural Library District, 5 p., 2001 (LIB 5.1000); Memorandum of agreement, watershed planning initiative, Colville River Watershed-WRIA 59, 18 p.,

2000 (UW 7.2000); Agreement with Colville School District No. 115 to prepare district's forestry program students in the skills and competencies in the science of forestry (PL 5.7050); Cooperative agreement with Weeman Memorial and Colville School District for skate park, 2 p., 1998 (LR 83.000); *Des Moines* Interlocal agreement with Highline School District No. 401 for the replacement of sidewalks on Midway Intermediate School property, 5 p., 2000 (S 4.2000); Interlocal agreement with Highline School District No. 401 for development and use of Olympic Elementary School soccer field, 11 p., 1999 (P 1.5000); *Gig Harbor* Interlocal agreement with Gig Harbor School District for the purposes of setting forth the duties and responsibilities of the parties with regard to the school impact fee program, 8 p., 2001 (PL 7.4300); *Kennewick* agreement with Kennewick School District for school resource officer program, 7 p., 1996 (PS 6.5200); *Omak* Building use and maintenance agreement with North Central Regional Library District, 7 p., 2000 (LIB 5.1000); *Poulsbo* Moorage agreement with Port of Kingston, 5 p., 2000 (LR 56.0000); *Port Angeles* Agreement with Port Angeles School District No. 121 for school resource officer program, 5 p., 2000 (PS 6.5200); Real property lease agreement with North Olympic Library System, 5 p., 1999 (LIB 5.1000)■

# HEADS UP

## Emerging information for local government

### Recent National Recognition

*Clark County's Youth Commission* received NACo's *Acts of Caring Award* given for youth service during ceremonies on April 26 in Washington, D.C. The awards are part of NACo's *Counties Serve America Campaign*, a national initiative to raise public awareness and understanding of what counties do and how they serve their communities. The Clark County Youth Commission was one of 20 programs selected from the 50 states for its outstanding achievement in improving their county's quality of life.

In March, the US Conference of Mayors' *Partner America Program* recognized the *City of Bellingham's Business Service Center* as an outstanding program for its success in promoting small business development in the community. This national program recognizes those innovative programs that represent "best practices" in aiding small business growth, visibility, and access to information and resources. The US Conference of Mayors promotes these best practices nationally as models for other communities to emulate. Bellingham's was one of only 37 programs recognized nationally. The Business Service Center is a partnership between the city of Bellingham, the Bellingham/Whatcom Chamber of Commerce, and Western Washington University's Small Business Development Center. The mission of the Center is to coordinate and provide community resources to new and existing businesses in order to enhance their ability to grow, prosper, and provide new jobs in Bellingham.

In April, *Walla Walla* was one of five cities in the United States chosen to receive the *Great American Main Street Awards* from the National Trust for Historic Preservation's Main Street Center. The *Great American Main Street Awards* recognize "exceptional accomplishments in revitalizing America's historic and traditional downtowns and neighborhood commercial districts."

### Effective Communications and Citizen Involvement

Many local governments are seeking new tools for better gauging and understanding

the preferences and needs of constituents in increasingly diverse communities. Polls indicate that the average citizen is acutely aware of government shortcomings, but far less conscious of the day-to-day benefits governments provide. Many feel that local officials do not listen to them, and that they have little influence on community decisions. MRSC has created a series of Web pages focusing on effective communications and citizen involvement. These pages include ideas and examples of successful communication tools that may be used by local governments to (1) keep citizens informed about community issues and services, (2) obtain feedback about citizen concerns, and (3) engage citizens in community decisions and improvements. Also presented are information and techniques for better communicating what local government is and what it does for us.

### What Citizens Get for Their Tax Dollar – Communicating Costs

It is a challenge communicating to the average citizen the costs of government services and how cost-effective programs are being employed. The task is to summarize complex costs, distill them into understandable formats, and show that costs are reasonable. One of MRSC's new Web pages on "Effective Communication" focuses on citizen involvement and government spending. Illustrations include Web presentations, newsletter articles, flyers, and budget presentations.

### Citizen Education about Local Government

• Marysville University • In 1998 the city of Marysville, in cooperation with the Marysville School District, created a forum called City University. It is a public outreach effort that offers city officials, staff, and the public an opportunity to come together for a seminar series to give citizens light-hearted civics lessons. It was modeled after a project in Sumner called Sumner University, which received an AWC Achievement award in 1994.

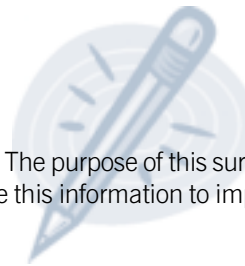
At its initiation, Mayor Dave Weiser called Marysville University an innovative concept that could help reconnect government and

citizens. It is a forum presented in a refreshing, informal classroom-style that brings people from the community together to gain a better understanding of how government functions, inspires them to become part of the solution-seeking process in the community, and informs them on timely municipal issues not usually discussed at length. Winter 2001 classes included, "From Patching Potholes to Laying Pipes: An Introduction to the Public Works Department" and "Sewerology 101: A Lesson in Sewer Service and Where All the Icky Stuff Goes After Flushing or Draining." Spring quarter 2001 classes were "The Changing Face of Local Government" and "Tips on Serving Your Community Through Volunteerism or as an Elected Official." Classes also appear on Marysville's cable access television station. For more information e-mail Doug Buell at [dbuell@mail.ci.marysville.wa.us](mailto:dbuell@mail.ci.marysville.wa.us) or call (360) 651-5021.

• Kirkland's Neighborhood U • Kirkland presented a six-week series of workshops in response to a request made by neighborhood association leaders. The series provided neighborhood leaders with information, resources, and tools to become effective participants in neighborhood and community affairs. It was designed to empower the individual to better understand local government and more effectively influence decisions. Contact Kari Page at (425) 828-7973 or e-mail [kpage@ci.kirkland.wa.us](mailto:kpage@ci.kirkland.wa.us) for more information.

• Seattle's Neighborhood Leadership Program • *The Neighborhood Leadership Program*, sponsored by the Seattle Department of Neighborhoods, offers free workshops designed to help participants become effective advocates for their communities, coordinate neighborhood projects and neighborhood plans, mobilize assets, and build productive partnerships. Contact Randy Wiger at (206) 684-0719 x1, or e-mail [randy.wiger@ci.seattle.wa.us](mailto:randy.wiger@ci.seattle.wa.us). Course offerings are listed on the Web at <http://www.cityofseattle.net/don/upcoming%20wkshp.htm>. ■

# MRSC Newsletter Reader Survey



Please take a moment to fill out and return our “MRSC Newsletter Reader Survey.” The purpose of this survey is to learn more about how our readers receive and read MRSC’s print and electronic newsletters. We will use this information to improve the way we develop and deliver information to you.

Tear along perforation

1. **What type of government organization are you with?**

- City or Town
- County
- Special district
- State
- Federal
- Other (including non-U.S.)

2. **What type of position do you hold?**

- Elected official
- Management
- Staff

3. **What is your primary functional area?**

- Legislative
  - Health and Human Services
  - Finance
  - Environmental
  - Legal
  - Management/Administration
  - Parks and Recreation
  - Personnel
  - Planning
  - Public Safety
  - Public Works
  - Other (please specify)
- \_\_\_\_\_

4. **What is your jurisdiction's population?**

- Less than 5,000
- 5,000 to 9,999
- 10,000 to 24,999
- 25,000 to 49,999
- 50,000 to 100,000
- More than 100,000

5. **Do you read MRSC's quarterly print newsletter, *Municipal Research News*?**

- Always
- Most of the time
- Sometimes
- Rarely
- Never

6. **How do you obtain MRSC's newsletter? (check all that apply)**

- I receive a paper copy addressed to me
  - I receive a paper copy that is routed through my office
  - I receive it by e-mail sent directly to me
  - I receive it by e-mail routed through my office
  - I access it on MRSC's Web site
  - Other (please specify)
- \_\_\_\_\_

7. **How would you prefer to receive our newsletter?**

- Paper copy addressed to me
  - Paper copy that is routed through my office
  - Receive by e-mail
  - Access as needed on MRSC's Web site
  - Other (please specify)
- \_\_\_\_\_

8. **Do you read the *Focus/News* section on MRSC's Web site home page?**

- Always
- Most of the time
- Sometimes
- Rarely
- Never

9. **How do you read the *Focus/News* section on MRSC's Web site home page? (check all that apply)**

- When I visit MRSC's Web site
  - I receive it by e-mail in MRSC's "Web Site Update Notice"
  - Other (please specify)
- \_\_\_\_\_

10. **How do you prefer to read the *Focus/News* section on MRSC's Web site home page?**

- Access as needed on MRSC's Web site
  - Receive by e-mail
  - Other (please specify)
- \_\_\_\_\_

The mechanics of completing a survey as an insert to our newsletter do not permit us to pay for return postage without absorbing excessive cost. Please **mail** your completed survey to Municipal Research & Services Center, 1200 5th Avenue, Suite 1300, Seattle, WA 98101-1159, or **fax** it to us at (206) 625-1220, or, if you prefer, scan your completed survey and e-mail it to us at [mrcs@mrcs.org](mailto:mrcs@mrcs.org).

We thank you for your response and appreciate your cooperation!

## 2001 Information Technology Survey Results

Of Washington's 279 cities and towns, 207 (74%) responded to the 2001 (sixth annual) MRSC Information Technology Survey. For the first time, we also surveyed the 39 counties, of which 15 (38%) responded. Of the responding cities and towns, 30% are less than 1,000 in population, 37% between 1,000 and 5,000, 14% between 5,000 and 10,000, 9% between 10,000 and 25,000 and 10% more than 25,000 (compare to actual distribution of all cities: 31%, 33%, 13%, 11% and 12% in the respective categories from small to large).

Nearly all cities and towns (95%) have some form of Internet access, as does all but one county. This compares to 91% in 2000, 82% in 1999, 64% in 1998 and 55% in 1997. More than half of the cities and towns now maintain a Web site, as do 87% of the responding counties.

When asked about interest in implementing digital government (e-government) services through a consortium model, slightly more than half of the responding jurisdictions expressed an interest in online bid solicitation, RFPs and RFQs, and small works rosters. More than half also expressed an interest in citizen surveys and fully searchable public documents. About 40% expressed an interest in implementing online permitting, online licensing, and tax and fee payments through a consortium model.

For complete survey results, see <http://www.mrsc.org/infoserv/infoserv.htm>. If you would like a listing of cities and towns using particular software or responding in a certain way to any of the survey questions, please contact Fred Ward at MRSC.■

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