

Municipal Research News

Municipal Research and Services Center of Washington

Winter 2012



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Interest-Based Bargaining

Negotiate a Labor Contract and Repair Relationships at the Same Time

By Eric Svaren, Principal, Groupsmith, Inc.

The last three years have been tough on local governments. Unemployment in Washington State is up. The real estate market has corrected. Construction is down. Sales tax revenue has plummeted. Health care costs keep going up and up. State and federal government cuts are hitting local government. No one expected revenues to fall as much as they have, while demands for services increased.

Despite those problems, agencies still have to function, deliver service, and take care of on-going responsibilities – like hiring, managing IT, and negotiating labor contracts. In fact, most agencies are trying to change how they do business, because they doubt that revenues will return anytime soon to the levels we saw earlier in the decade.

I worked with one such agency in 2009 and 2010. They were feeling the pinch of declining revenues and demands to improve service. They also had very difficult relationships with the labor union that represented a majority of their staff – and their current contract had already expired.

In this situation, both management and labor wanted a different working relationship. The distrust and negativity were taking too great a toll on everyone. In light of their difficult relationship and the external pressures on the agency, they decided to try something different in negotiating a new contract: interest-based bargaining.

What is interest-based bargaining?

Interest-based bargaining (IBB) is a negotiation technique where management and labor identify their unique and shared interests and together create proposals for addressing those interests. In IBB, the parties work together to identify and address issues; it's an approach based on collaboration, rather than combat.

In traditional (adversarial) bargaining, the goal is to give as little and to get as much as possible. You come up with positions that you want the other party to agree to. Many are unrealistic positions that you plan to later concede. In IBB, the goal is to address the interests of each party. You identify the interests that you want addressed in the bargaining process. Any positions that emerge from discussion are explored to reveal the underlying interests.

Adversarial bargaining is characterized by bargaining across the table with breaks for caucus meetings – where bargaining teams meet separately from each other to have private discussions and to revise positions. In IBB, the two bargaining teams work together, as one team, to explore and understand interests and develop options. More work is done in joint meetings, and less is done in caucus.

In IBB, negotiation opens with discussion of an issue or topic, followed by each party's interests concerning that topic. Then, both

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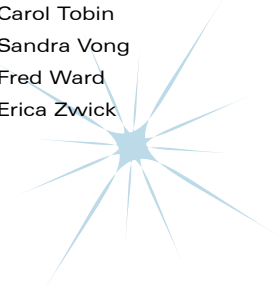
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teams work together to come up with ideas and solutions to address the issue or topic. Contrast that with adversarial bargaining, where negotiations begin with statements of position, which are followed by exchanges of offers and counteroffers, often with frequent deferrals and breakdowns.

From the get-go, adversarial bargaining amounts to an argument and sometimes even a fight. IBB is more like a conversation or dialogue.

Does IBB lead to bad deals? All bargaining can lead to bad deals, if the negotiators aren't prepared and don't know clearly what their goals are. In adversarial bargaining, you've got to know your bottom-line position. In IBB, you have to really understand what interests you want addressed.

Identifying interests is often very hard for negotiators who are used to adversarial bargaining. Let's look at how to distinguish interests from positions.

Interests vs. positions


Positions are demands about what should happen. You "take it or leave it." In effect, positions are statements about how a problem should be solved. Conversely, interests explain why an issue is being raised or a position is being taken. Interests are the concerns, needs, or principles behind an issue.

Here's an example. Suppose you are bargaining over what hours a utility customer service center will be staffed. Management's position might be that shifts need to be staggered so the center is open Saturdays and during lunchtime. Labor's position might be that staggered schedules are off-the-table and that management should add additional staff.

Their interests tell a different story. Labor's interests might be to maintain employees' safety at work, to preserve employees' time with families, and provide good service. Management's might be to satisfy customers (reduce complaints), respond to commissioners,

or to raise the percentage of utility accounts that are current. (Notice that both parties have at least one shared interest: customer service. Shared interests are very common in IBB.)

As I mentioned earlier, identifying interests can be difficult for a first-time IBB negotiator. It's not as easy as you might think. If you have high trust with the other side in bargaining, they can help you figure out what your interests are. In other situations, you may want help from an impartial party, like a colleague in another agency, or a professional mediator or facilitator.

 In IBB, the goal is to address the interests of each party.

The IBB process

In its most simple form, interest-based bargaining follows five basic steps. In practice, I have seen groups go back and forth on these steps, without necessarily following the sequence. Still, these steps help you understand what IBB looks like in action.

1. **Select an issue.** First, the group selects an issue or topic to work on. This might be "staffing levels," "absenteeism," or "vacation requests." The first task of the group is to make sure everyone understands what the issue is and why it needs to be addressed. You might be surprised how often a topic is "obvious" to one party but totally mystifying to the other. It's important here to take the time to understand the scope of an issue before trying to solve it. What are the boundaries of the issue? Who's affected by it? Does anyone have any relevant data (for example, absenteeism statistics) that illustrates the problem?
2. **Identify interests.** Here's where each party shares their interests. The goal here is to understand each other's interests, not to argue

them. Once you've heard from all parties, then the group can identify shared (mutual) interests. For example, in most cases, both parties want to ensure the financial solvency of the organization. If the organization closes, it can't serve its mission or provide jobs. Having shared interests is especially helpful for maintaining collaboration between both sides.

3. **Develop options.** In the spirit of joint problem-solving, the group works together to brainstorm options that would address the issue and also serve the interests of the parties. Now, a lot of people use brainstorming but use it badly. They interrupt the process to "correct" someone else's ideas. Other times, they won't share an idea of their own for fear of being criticized. It's essential to be open and suspend judgment in order for brainstorming to really work. Once you have a brainstormed list, the teams work on combining and refining options down to a short list. In some cases, you might decide to conduct research (e.g., benchmarking other organizations, or getting some expert advice) to better understand an option. One common research source is other agencies' labor contracts. Sometimes, it might make the most sense to adopt someone else's solution.
4. **Apply criteria to options.** In order to pick one option, you need to understand what criteria or standards the option needs to meet. Common criteria require that options are feasible (it can actually be implemented), beneficial (addresses interests), and acceptable (union members and management leaders will accept it). In bargaining, you might have criteria you apply to all options (regardless of topic), or you might come up with standards for a specific issue. Once you have the criteria, you rate each of the options against the criteria to see which come out best. You might go

back and revise or combine options to come up with the best one.

5. **Choose an option.** Once you have done the rating and further polished the options, it's time to make a decision. As with all groups, this can be tricky. Like a judge polling a jury, I like to go around the room and hear from everyone as to which option they like best and why. When I facilitate, the goal is usually to get consensus, which I define as everyone can "live with" the decision. As a last resort, you can call for a vote (if you have agreed in advance to allow votes). I don't find voting works too well in IBB because a lack of consensus can mean there is more to talk about (like an unidentified interest or a problem with the option).

The results

Remember the agency I mentioned at the beginning of this article? Where both labor and management wanted to negotiate a new contract and improve their working relationship using interest-based bargaining? Well, they reached a deal and improved their relationship. They agreed on a three-year contract. They also solved a whole bunch of operational and personnel problems in the process—including many that weren't part of the contract. People who were reticent and hesitant in the beginning opened up. Trust levels slowly grew higher and higher. It wasn't all peaches and cream, though. They had the tough conversations with each other. The group stayed together and on-task even when one side's constituency rejected the first deal. While there are still challenges, labor and management have a much better and productive relationship.

Growing up, I enjoyed a game called "Mastermind." On the box, there was a slogan, "A moment to learn, a lifetime to master." In a way, that sums up my experience with interest-based bargaining. While the idea is fairly simple and straight-forward, putting it into practice takes patience, motivation, and flexibility. At the end of the day, though, it's worth the effort because I believe IBB leads to more durable contracts, stronger relationships, and better communication.*

Nordby's Notes

Lessons and observations from a career in public service

By Lynn Nordby, Public Policy Consultant, Municipal Research and Services Center

Trash Talkin'

Something interesting always seems to turn up in the trash.

In a previous article, I discussed the pitfalls of implementing a new solid waste collection policy that happened to cause the greatest impact on a single section of the community. (See "Monday, Monday," *Municipal Research News*, Spring 2011) Sometimes you've got to recommend something that will affect all, or nearly all, your customers, and there's no way to avoid it.

No Sticker Shock

For many years, our city had a policy of collecting weekly an unlimited amount of trash from our residential customers. Born out of pride in a clean community and supported by cheap tipping fees at a nearby landfill, our highly motivated crew picked up everything our residents put out, even implementing some ad hoc recycling in the process by installing bins under the truck's compactor for collecting containers of used motor oil and car batteries that were better off not going to the landfill. (This was long before recycling became the norm.)

Eventually, the unlimited collection policy became unsustainable. The cost for disposal at the landfill was rising as the county began to increase the tipping fees at the landfill in anticipation of its eventual closure. In addition, crews began to see evidence that residents from outside the city were avoiding the tipping fee by bringing their trash and yard waste into town and dropping it off with friends on the city's collection routes. Our city was one of the last municipal solid waste collection utilities with unlimited collection, and changing the policy was expected to be difficult. Not only would we face objections from our customers who would now be paying for added service, but we would have to develop a method of billing for this added

service. We wanted to have the billing details worked out before going to the city council with the change in policy, especially if there would be significant costs involved with the changes in billing.

Researching the billing methods of the municipal and private haulers in our area, we found that the most common system was for the utility to maintain route books, similar to the books carried by meter readers; the driver would note any additional containers of trash picked up at the address. The books were returned at the end of the shift, and the extras were added during the billing. This worked well for many private and public collection systems but would entail some cost to set up and operate. We also saw one hauler that sold cardboard tags with an attached wire that the homeowner bought in advance and attached to any extra trash they set out for collection. The crew removed the tags and took them back to the office for resale. No record keeping or billing was required. We liked the system, but didn't like the pile of soiled, mangled tags in the office waiting for resale. We devised the idea of a brightly colored sticker that the customer would buy and then apply to any extra bags or cans they set out. The sticker either got tossed into the truck with a trash bag or was simply scrapped off the can by the crew after they'd emptied it.

We settled on a two-can limit and included an explanation of the pre-paid sticker system to the city council. The new policy was approved with little or no opposition. With plenty of lead time, we prepared a clear explanation of the new system to our customers and mailed a flyer to every home that included the first two pre-paid stickers at no charge. The new system took effect very smoothly with no appreciable impact on billing, record keeping, or collection cost.

Lessons

When proposing a new policy or process, work it through to the likely conclusion to look for flaws that could derail it.

Imitation may be the sincerest form of flattery, but also look for ways to improve on what others are doing. Your colleagues in other jurisdictions are happy to share their experiences and appreciate learning if you've made improvements on their ideas as well.

Dumpster Diving

Several years before I arrived as city administrator, the city had purchased its first rolling trash containers in 1 and 1-1/2 cubic yard capacities to service its customers with larger volumes of solid waste.

Unbeknown to me, in the implementation process for this new service, the previous city administrator had negotiated the rates charged to a majority of the commercial customers based generally on the number of standard garbage cans they had, multiplied by the frequency of collection. The more containers put into service, the better price the city got for them, with the added benefit of significantly improving the collection process and overall appearance of the downtown alleys. Unfortunately, none of this was recorded anywhere or authorized by ordinance.

In the ensuing years, the utility billing clerks had approximated the rates for a single container with once-a-week collection and routinely quoted that to new customers who then were billed and who paid accordingly. They extrapolated this rate to calculate additional containers or more frequent collection as well.

Enter the new city administrator, me, and a requirement for a rate increase to support the solid waste utility. I could find the rates for single family collection in the city code, but when I asked for a copy of the most recent ordinance setting the rates for containers, I was told there wasn't one and that my predecessor had played "Let's Make

a Deal" to get the program off the ground. Oh boy!

I knew approximately how much money was necessary to keep the utility solvent, so I thought it would be easy to apply a modest rate increase across the board. However, when I got to the commercial accounts, I was in for a big surprise. Comparing the rates of most of our older commercial accounts to the rates the staff had been using for new customers, I discovered how drastic some of the discrepancies were. Applying the current rate quoted to new customers to one of our larger established accounts with one of the negotiated rates would have resulted in an increase of over 1000%! Not only was that politically impossible, but we simply didn't need that much money. We needed a fair rate that supported the operation and that was *legally* adopted.

First, I determined the impact of a consistent rate uniformly applied. I had no intention of recommending it since I knew the impact it would have on some customers, as well as the fact that it would yield much more revenue than we needed. Then I calculated a new rate structure that was much more modest and, more importantly, consistent for all accounts.

Second, I got a list of all the accounts with negotiated rates and calculated their individual bills three ways: what they had been paying; what they would have paid based on what we'd been quoting new customers; and lastly, what they would pay according to the newly-proposed rate structure.

Finally, I made appointments with the owners of all the businesses that would be affected. I explained that, in the course of preparing the rate increase proposal, I had discovered that their current bill was significantly below what we were currently billing others for similar service. I showed them the numbers and then explained that the "good news" was with the new structure their bills would not be nearly that high and showed them the new "lower" (though actually quite a bit higher) bill.

Every customer responded positively. One – our largest customer, a commercial cabinet shop – found a way to recycle much of its waste, reducing their bill and our disposal costs in the process. Our crew appreciated it too, since they detested the wood dust and the fact that the material filled up the compactor trucks and wouldn't compress, requiring extra trips to the landfill.

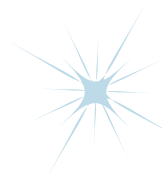
We implemented the new rates by ordinance.

Lessons

To paraphrase Forrest Gump – city hall "is like a box of chocolates. You never know what you're going to get." Policies and procedures are often unwritten. Hopefully you won't find something this glaring. Once you get the situation straightened out, commit it to writing in the appropriate form.

Communicate, be candid, but avoid blame. There's an old joke about blaming your predecessor, but it's generally not a good idea. If you've discovered criminal wrongdoing, that's another matter. But in this instance, as glaring as it was, I was aware that my predecessor was not an experienced public sector manager, and I didn't see anything other than his best efforts to get a new service started.

Communicate in person if you can. It's respectful and also allows you the opportunity to gauge the reaction to your message. You'll have a much better sense of whether there will be opposition to what you're proposing, or how strong the opposition might be. Most likely you will gain a measure of respect and trust and will diffuse opposition.*



Heads Up

Emerging information for local government

By Lynne De Merritt, Senior Research Consultant, Municipal Research and Services Center

Underage Drinking

According to the U.S. Surgeon General, alcohol is the most widely-used substance of abuse among America's youth and is a major public health problem. The publication, *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking*, recommends steps that may be taken by communities to help reduce underage drinking. In December, Mercer Island passed an ordinance addressing underage drinking that went into effect January 13, 2012. Often referred to as a "social host ordinance," this type of ordinance creates civil liability for property owners who either allow, or turn a blind eye to, underage drinking parties. This type of ordinance has been found effective in creating a safer environment for youth by reducing the number of gatherings where unsafe behaviors, like binge drinking, typically occur. For more information, see the article in the December 14, 2011 issue of MI Weekly titled "Underage Drinking Ordinance Goes into Effect January 13." The article contains a link to the ordinance. See <http://archive.constantcontact.com/fs031/1103777415492/archive/1108956567955.html> and <http://www.surgeongeneral.gov/topics/underagedrinking/index.html>.

Plastic Bags Update

Four Washington cities have now restricted the use of single, carry-out plastic bags. Edmonds was first and passed its ordinance in 2008. Bellingham, Mukilteo, and Seattle passed ordinances this year. The city of Bellingham passed Ordinance No. 2011-07-034 in July; Mukilteo passed Ordinance No. 1294 on December 12, 2011; and the city of Seattle Council Bill No. 117345 on December 19, 2011. This was the second attempt for Seattle. Its first ordinance was rejected in a city-wide referendum in 2009. Links to the ordinances and other information may be found on MRSC's website under "Plastic Bags and Styro-

foam Containers" at <http://www.mrsc.org/subjects/legal/nuisances/nu-litter.aspx#Plastic>.

Fundraising and Donations Update

The spring 2011 "Heads Up" column provided some examples of cities requesting community donations for programs threatened by cutbacks. One example was Mercer Island's Parks and Recreation Department. They placed a "help save community recreation programs and events" plea and a donation button on its Parks and Recreation webpage, along with a link to the press release explaining the need. In the December 14, 2011 issue of MI Weekly <http://archive.constantcontact.com/fs031/1103777415492/archive/1108956567955.html>, the city reported its success in obtaining community support. With donations and grants from the Mercer Island Community Fund, Cascade Kendo Kai, Friends of Luther Burbank Park, Lion's Club, Kiwanis Club, Rotary Club, Women's Club, Pre-School Association, and many private donations from Islanders, the community saved the Adventure Playground, Egg Hunt, Community Camp Out, and Fun Mobile.

RePower Bainbridge

An article titled "A magical meter and friendly competition help one community dial back energy use" relates the story of a Bainbridge Island community effort to monitor and cut back on electricity usage rather than having Puget Power build a new substation. Under the banner of Repower Bainbridge, a coalition of local residents, organizations, and government officials set out to cut the island's electricity use. The RePower organization, along with RePower Bremerton and RePower Kitsap, are all partners of the U.S. Department of Energy's Better Buildings Neighborhood Program. RePower Bainbridge was launched by Positive Energy: Bainbridge Alliance for Clean Energy. Its goals are to complete energy assessments in at least 4,000 homes

and 100 businesses; complete energy upgrades in 2,000 homes and 25 businesses, resulting in more than 15 percent energy savings in each home or business; create up to 65 jobs in the clean-energy industry; and reduce approximately 7,000 metric tons of greenhouse gas emissions. In collaboration with Puget Power, a Smart Power Program and an island-wide energy dashboard were developed. See <http://www.grist.org>, <http://repowerbainbridge.org>, <http://repowerbremerton.org>, and <http://repowerkitsap.org>.

Update on Volunteerism

In the summer 2010 edition of *Municipal Research News*, we devoted this column to volunteerism and provided 2009 statistics on Washington State citizen volunteerism from the Corporation for National and Community Service. The 2010 data for Washington is now available. Using 2008 to 2010 data and based on an average, Washington State had 1.7 million volunteers. This means 33.7 percent of our state's residents volunteer, ranking the state 11th among the 50 states and Washington, DC. Washington volunteers have provided 218.9 million hours of service, which equals 42.2 hours per resident and ranks the state 9th among the 50 states and Washington, DC. The value of the service is \$4.7 billion. For more information, see "Volunteering in Washington" at <http://www.volunteeringinamerica.gov/WA>.*

Ask MRSC

Summaries of recent inquiries answered by MRSC consultants

Is cash offered to an employee in place of a health care plan considered to be “reportable compensation”?

Yes. This conclusion is based on WAC 415-108-455, which provides in part:

Compensation received in any form under the provisions of a “cafeteria plan,” “flexible benefits plan,” or similar arrangement pursuant to section 125 of the United States Internal Revenue Code is reportable compensation if the employee has an absolute right to receive cash or deferred cash payments in lieu of the fringe benefits offered. In such an instance, the fringe benefits are being provided in lieu of cash and are considered reportable compensation, just as the cash would be. If there is no cash option, the value of the fringe benefit is not a salary or wage and is not reportable compensation, see WAC 415-108-475.

This means there must be withholding for income tax, social security, etc.

May a three-hour time limit on parking in the downtown area be applied to parking spaces reserved for vehicles with a disability placard or license plate?

The final two sentences of RCW 46.16.381(9) say that the minimum time limit for a person parking a car with a disability placard or license plate is four (4) hours, and that applies to all nonreserved, on-street parking spaces, whether they are marked as spaces reserved for vehicles with a disability placard or license plate or not.

When does a councilmember receive a salary decrease enacted by the council prior to the November election if the councilmember is in the middle of his term and is not on the ballot at the November election?

The state constitution provides that the salary of a councilmember cannot be increased or decreased during the term of office or after his election. So, for those positions whose term expired at the end of December 2011, the council may decrease the salary if the ordinance to do so was enacted prior to the election this past November. The decreased salary would take effect on January 1, 2012 for those positions.

This also means that those councilmembers in council positions that were not on the ballot in November 2011 are not subject to any official change in salary, increase or decrease, in January 2012. In fact, they must wait until January 2014 to receive any salary change, which is after they will have stood for election at the fall 2013 election. So, an increase or a decrease in salary cannot be applied to a councilmember who is in the middle of his term.

Must a local government have a small works roster to use the limited public works process authorized in state law?

Yes. The limited public works process is a type of small works roster process, but it applies only to contracts estimated to cost less than \$35,000. To use this process, a local government must solicit electronic or written quotations from a minimum of three contractors from the appropriate small works roster. Other procedural requirements in RCW 39.04.155(3) must also be

followed. Note that the local government may then waive the payment and performance bond requirements of Chapter 39.08 RCW and the retainage requirements of Chapter 60.28 RCW.

Are home-grown agricultural sales subject to sales tax?

While it is true that the sale of home-grown fruits and vegetables does not require a local business license (see RCW 36.71.090), that does not necessarily mean that the sale is tax exempt. Here is an excerpt from the *Department of Revenue’s Agriculture Tax Guide*:

Retail Sales Tax

If the product sold at retail is not an exempt food product or is not otherwise exempt from sales tax, retail sales tax must be collected. (For more information, see sales and use tax exemptions.) Sellers that fail to collect and remit sales tax can be held liable for the tax. Sellers must collect the tax based on the rate in effect where the buyer receives the goods or services. The following are examples of agricultural products and other items sold by farmers that are subject to retail sales tax:

- Turf
- Flowers
- Plants, including fruit and vegetable starts
- Trees
- Shrubs
- Vines
- Moss
- Plantation or other Christmas Trees
- Soap from goats’ milk
- Candles
- Decorative items

Reference: RCW 82.08.020

Is it acceptable to provide copies (rather than originals) of public records when an agency is asked by a requester to inspect (not copy) public records?

It is our opinion that an agency should provide the originals for inspection, although it could first ask whether the requester objected to seeing unredacted copies. The requirement that original records, rather than copies, be made available for inspection is nowhere specifically stated in the Public Records Act, but it is, in our opinion, clearly implied. RCW 42.56.070(1) provides in part that "Each agency, in accordance with published rules, shall make available for public inspection and copying all public records" We interpret this language to mean that the originals of public records should be available for inspection and possible copying. Otherwise, a requester really can't be sure that the record has not been manipulated in some way.*

Ask MRSC

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3
Research Request:

www.mrsc.org/research/request

New Acquisitions

New resource materials now available

Economic Development

"Using Your Web Site to Grow Jobs and Tax Revenues," by John L. Gann, Jr.; *Ohio Cities & Villages*, January/February, 2011 [ED 4.3000]

Energy Resources and Conservation

"Energy Audits: A First Step," by Donald R. Voigt; *The Municipality* [Wisconsin], October 2011 [EC 3.2000]

Governance

"To Tweet or Not to Tweet: Legal Issues in Social Media," by Stacy V. Pollock; *Ohio Cities and Towns*, January/February 2011 [G 1.6100]

Housing

"The Economics and Fiscal Benefits of Affordable Housing," by Rebecca Cohen and Keith Wardrip; *Planning Commissioners Journal*, Summer 2011 [HO 4.4000]

Personnel

"Exercise Caution in Using Social Media in the Hiring Process," by Jerry L. Pigsley; *Nebraska Municipal Review*, July 2011 [PE 2.4500]

Planning

"The Next Zoning Battleground: Trends and Challenges in Local Regulation of Medical Marijuana," by Deborah M. Rosenthal and Alfred Fraijo, Jr.; *Zoning Practice*, July 2011 [PL 8.3700]

"The Relaxed Zoning Overlay: A Tool For Addressing The Property Vacancy Cycle," By Stephen Pantalone And Justin B. Hollander. *Zoning Practice*, September 2011 [PL 8.3181]

"Teardowns: Up with the Old and Down with the New?" by Beth Humstone; *Planning Commissioners Journal*, Summer 2011 [PL 5.6200]

"Time For Another Look At Housing Prices And Smart Growth," By Patrick L. Dugan. *Western Planner* (Planning And Finance Series), September 2011 [PL 8.6270]

Property Management

"Advertising on Municipal Property Requires Guidelines and Enforcement," by Claire Silverman; *The Municipality* [Wisconsin], January 2011 [PP 3.7100]

Utilities

"Green Infrastructure: Building a Path Toward Clean Water and Vibrant Communities," by Liz Garland Deardorff; *Mainstreetnow*, July/August 2011 [US 5.0510]

2011 Local Ballot Box Recap

In 2011, MRSC started tracking results of local government ballot measures. We will be tracking election results annually to provide information on trends and to share success stories that may be helpful to local governments that may be considering seeking voter support for local funding measures.

A Diversity of Issues and an Overall 61 Percent Success Rate

This past November, 110 local government measures were put before

voters in 30 counties. Sixty-seven measures passed and 43 failed, for an overall success rate of 61 percent. There were 83 funding measures, 51 passed and 32 failed – again, a 61 percent success rate.

The local proposals reflect the variety of issues facing local governments today. To give you the flavor of the diversity of measures: Seattle renewed funding to fund city services related to families and education support; Monroe voters were in favor of setting

term limits for the mayor and council; Tukwila residents wanted the city to continue to allow gambling in the form of card rooms; Olympia voters wanted to restrict fireworks; Colville residents did not want to relocate the airport; and Tacoma voters approved of making marijuana offenses the lowest enforcement priority.

The table includes a summary of the results by type of ballot measure.

Local Government Election Recap: How the Measures Fared

All Measures

Total Number of Measures	Number of Special District (SPD) Measures	Number of City & Town Measures	Number of County Measures	Number of Measures Passed	Number of Measures Failed	% Passage Rate
110	43	56	11	67	43	61%
Measures to Fund Parks and Recreation						
18	13	5	0	14	4	78%
Measures to Fund EMS Services						
13	5	6	2	11	2	85%
Measures to Fund Fire Services						
12	9	3	0	4	8	33%
Measures to Fund Transportation Improvements						
12	1	11	0	6	6	50%
Measures to Fund Criminal Justice and Public Safety						
8	0	6	2	4	4	50%
Measures to Fund Cemetery Districts						
7	7	0	0	6	1	86%

Trends and Success Stories

The War on Red-Light Cameras

It's no surprise that red-light cameras aren't popular with voters. But November's ballot results and a recent council action in the city of Redmond point toward citizen acceptance of red-light cameras, if limited to school zones. Whether that acceptance will broaden in future years is subject to debate. What is clear is that the current war on red-light cameras nationwide is spreading to communities in Washington.

The cities of Bellingham, Monroe, and Longview each had red-light camera advisory votes on the ballot and, by and large, voters weighed in against camera enforcement. By a 65-35 percent margin, voters in Monroe advised the city to discontinue the use of the cameras. By the same margin, Bellingham voters advised removal of cameras and endorsed a requirement for a majority vote of the people for any future installations. While Longview voters rejected red-light cameras at intersections (60-40 percent margin), they endorsed the continued use of camera enforcement in school zones (58-42 percent margin).

This public support of a more limited use of red-light cameras in school zones was also evident in Redmond, where the city council voted in November to discontinue red-light camera intersection enforcement, but to continue camera use in school zones. The Redmond City Council also voted unanimously to terminate the city's traffic-enforcement camera contract with the vendor, American Traffic Solutions (ATS). The *Redmond Reporter* reported that all seven councilmembers agreed that the police department's citation and collision data was too inconclusive to justify extending the contract with ATS for another four years. While this means the city will end its pilot red-light camera program, Redmond intends to renegotiate the ATS contract to retain its school zone camera safety program.

Voters Happy with City Form of Government

In the last 41 years (1970-2011), there have been 30 changes in the form of government of the state's cities, averaging less than one a year (.73 to be exact). The results of the November 2011 elections will drive that average down still further. Three cities submitted propositions to the voters to change their present form of government to one of the alternative forms authorized by state statutes. Added to that was a proposition to abandon the mayor/council form of government in favor of the council/manager plan in the town of Langley on the 2011 primary election ballot, which also failed.

In the November general election, Lynnwood and Liberty Lake voters opted to retain the mayor/council form of government; in SeaTac, the voters chose to retain the council/manager plan.

Fifty-six percent of Lynnwood's voters expressed satisfaction with their current mayor/council government while Liberty Lake voters were even more emphatic, voting 70 percent for the status quo. Meanwhile, a proposition to abandon the council/manager form in SeaTac and adopt the mayor/council form failed, with over 53 percent opposed.

Lynnwood has long operated under the mayor/council plan of government. Liberty Lake adopted the form with its incorporation in 2001, the only incorporation under the mayor/council form in the last 41 years. SeaTac incorporated in 1990 as a council/manager city. A 2009 proposal to abandon the council/manager plan failed, as well, in a somewhat closer contest.

Of the 30 changes in form since 1970, the trend has favored the council/manager plan, with more cities adopting the form (17) than abandoning it (8), and the majority of the new incorporations (16/1) opting for the council/manager form of government.

Since 1970, 47 Washington cities have made a choice as to their form of government, either in selecting a form upon incorporation or in choosing to abandon one form in favor of another. The year 2011 will pass as the year of the status quo.

Public Safety Sales Tax

The towns of Twisp and Winthrop were the first cities or towns ever to pass the .1 percent public safety sales tax. Cities were authorized to levy this tax beginning January 1, 2011, as long as the county had not already levied a tax of more than 0.2 percent. (RCW 82.14.450.)

The public safety sales tax is enabled by RCW 82.14.450 and must be approved by a majority of voters at a primary or general election. At least one-third of the revenues from this tax must be spent for criminal justice purposes, fire protection purposes, or both, with no restrictions on the use of the remaining two-thirds.

Persistence Pays Off in Criminal Justice

The third time was the charm for Franklin County in passing the local option public safety sales tax this past November. Voters in Franklin County, which includes the city of Pasco, approved a .3 percent sales tax by a 61-39 percent margin. It was the county's third attempt since 2005 to pass a ballot measure to fund criminal justice projects, including a critical jail expansion project.

On the first ballot try, the criminal justice funds were not earmarked for a specific project, and voters felt that they did not get enough specifics on how the money would be spent. "On the second try, we told our jail designers 'here's what we want,' and the price tag turned out to be too high for voter support," said County Administrator Fred Bowen. "The third time we said, 'Here's how much we can afford,' and we got a jail plan that the people supported," added Bowen.

The need for the jail expansion project was well-documented. The current jail

was built in 1982 to accommodate a jail population of 103. In the ensuing years, as the county's population more than doubled to 78,000 residents, the average daily jail population climbed to 200 – resulting in severe overcrowding. Over the years of refining their criminal justice proposal, Franklin County learned the blueprint for a successful ballot measure:

- articulate a clear problem statement;
- communicate a specific, effective solution to the problem;

- have a concrete plan for implementing the solution; and
- educate the community to garner support for the solution.

While these principles may seem obvious, unsuccessful local ballot measures usually fail to achieve one or more of these guiding principles.

“It takes a community coming together to get this done,” said Bowen. The county's education efforts included informational jail tours and presentations by Sheriff Richard Lathim to

community and business groups about jail overcrowding and gang activity problems and the consequences of inaction.

The funding will be split between the county and cities for an expanded county jail, the Pasco police station, improved municipal court space and anti-gang initiatives.

MRSC's Budget Suggestions for 2012 (<http://www.mrsc.org/publications/bs12.pdf>) includes a section on **RCW 82.14.450** and gives guidelines for calculating the potential revenues from the public safety sales tax.*



Washington State Per Diem Travel Rates

Last summer the state did not adopt the mid-year increase to the mileage reimbursement rate for privately owned vehicles (POV) announced by the Internal Revenue Service (IRS). While the IRS is maintaining the increased rate into calendar year 2012, due to continued economic concerns, the state is retaining its current POV mileage reimbursement rate of \$0.51. (See <http://www.ofm.wa.gov/resources/travel.asp>).



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256 Washington Agencies Use MRSC Rosters

Local governments have a lot of construction- and consultant-oriented obligations, many of which are small scale. To complete these projects efficiently, there are now 123 cities, 7 counties, and 126 special districts across the state utilizing MRSC Rosters, our small public works and consultant rosters service. Members have reported great satisfaction with the program because it saves staffing time and offers them a broader pool of businesses, leading to more cost-effective projects. Based on a member survey, over half of the current members have joined based on recommendations.

MRSC Rosters is a great value. For only a nominal membership fee,

beginning at \$100 based on total capital expenditures, MRSC maintains members' individual rosters within the shared database and posts the required annual roster legal notices so that agencies may simply use their rosters.

To begin using the service in June, agencies must join prior to May 1st . Businesses also appreciate the services because they are able to apply for free at anytime and may register with one or more of the participating agencies in their one online application. For more information, visit www.mrscrosters.org and click on the "Watch MRSC Rosters Webinar" button.*

