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THE ASSOCIATION OF WASHINGTON CITIES MAGAZINE



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- Published in conjunction with**
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Association of Washington Cities Inc.
1076 Franklin St. SE
Olympia, WA 98501
360-753-4137
800-562-8981
Fax: 360-753-0149
wacities.org



FROM THE PRESIDENT

Many of us in public office remember the housing and stock market crash of 2008 and the resulting Great Recession. Cities are the governments closest to the people, so we felt our residents' pain and shared in their woes. It was a difficult time as we worked to figure out how to serve our citizens and keep cities moving forward—and we did it largely without federal assistance. The result was that cities were some of the last governments to recover from the recession.

That's why when the pandemic recession loomed large, we were well positioned to point to our recently healed wounds and say, "not this time." Cities undertook extensive nationwide advocacy efforts, and ultimately, the federal government came through with the passage of the American Rescue Plan Act (ARPA) in 2021. All over the state, this unprecedented direct federal funding is helping cities and towns craft plans that address the unique challenges their communities faced during the COVID-19 pandemic. Cities are charting a path toward economic resiliency.

We're now dealing with new challenges. As we recover from the pandemic, many local governments face gaps in filling staff vacancies, covering expansive transportation and infrastructure costs, and making sure our residents are safe, healthy, and housed. But we're not doing it alone this time.

ARPA funding is streaming into projects and programs across the state that are as unique and diverse as each of our cities. These funds are helping cities address homelessness, business assistance, downtown revitalization, staffing, utility assistance, sewer and water updates, low-income assistance, mental health services, public safety, broadband, and so much more.

Read this issue of the magazine to find stories about how cities are thinking creatively to help our communities stay strong and resilient—now and into the future.

But that's not the end of the story. As Washington's legislative session kicks off in January, we're looking to the state to be a partner with cities to address our shared issues. Together, strong cities make a great state.

Rob Putaansuu
Mayor, Port Orchard

Cityvision

Winter 2023



1 WELCOME NOTE

5 CITYBEAT

How Washington cities are using ARPA funds to revitalize downtowns, support local businesses, and address housing needs. And in our popular **NOTED** feature, we take a comprehensive look at Coronavirus State and Local Fiscal Recovery Funds (SLFRF).

11 CITYSCOPE

Mabton Mayor Rachel Ruelas gives a first-term elected's take on addressing the needs of a Hispanic-majority rural community.

14 feature

RELIEF PICTURES

How ARPA is changing the economic trajectory and post-pandemic recovery of Port Angeles and Sultan.

BY DEVON O'NEIL

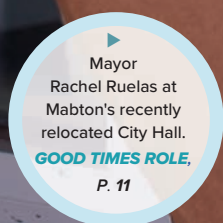
25 CITYWISE

Expert perspectives on strengthening the municipal workforce, the pandemic evolution of open public meetings, and using ARPA funding to address equity issues.

32 CITYSCAPE

What the past has taught us about economic resiliency.

Business Hours
Friday
m
days



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Citybeat

Direct Impact

The city of Stevenson aims to leverage pandemic lessons learned—and ARPA funding—to revitalize its downtown.

LAURA FURR MERICAS

LOCAL LEADERS IN STEVENSON SHARE a common point of pride: Not one downtown business was forced to close during the COVID-19 pandemic. They also all agree: targeted financial support from city government and the Stevenson Downtown Association (SDA) deserve much of the credit. Specifically, the city leveraged Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to create initiatives like Bricks and Clicks (which awarded local business owners \$1,000 micro-grants to spruce up storefront facades or websites). The SDA tapped funding from Washington state's Main Street Program to launch Stevenson Strong (a buy local campaign) and the Stevenson Sreatery Project (a public outdoor dining/gathering space). With \$450,000 in American Rescue

Plan Act (ARPA) funding, the city and the SDA are working together to build upon that success by investing in the next phase of downtown revitalization.

"We didn't want to spend the ARPA funds on traditional infrastructure projects, because we can get other financing for that," City Administrator Leana Kinley explains. "One of the things that we couldn't spend money on, or that would be more challenging to justify, is downtown businesses. Because we're a tourist destination, ARPA funding can be used to help revitalize tourism and businesses that were impacted by COVID."

To guide how the city will spend its ARPA funding, the city council expects to vote on recommendations submitted by the SDA and other partners in the 2023

CONTINUED ON P.10 ►

NOTED ► REPLACING LOST PUBLIC SECTOR REVENUE THE QUESTION ► HOW HAS ARPA FUNDING MADE A DIFFERENCE IN YOUR COMMUNITY? TRAINING ► CITY ACTION DAYS



Critical Lift

The city of Fife uses ARPA funds to help residents find a way out of homelessness.

LAURA FURR MERICAS

IN MARCH 2021, AN ESTIMATED 300 unhoused individuals were living in Fife’s parks and along its streets—close to a staggering 3% of the population in the community of only 11,000.

“Fife has more of a hurdle than neighboring cities because we have so much vacant land that’s owned by the Washington State Department of Transportation,” explains Fife Parks, Recreation, and Aquatics Director Megan Jendrick. “When the pandemic hit, a lot of the public lands started filling up with the homeless in the area.”

So, when then-City Manager Hyun Kim tasked Jendrick and Human Resources Director Beth Brooks with finding a solution,

they knew that while it felt “overwhelming,” it was a vital need in the community, and they vowed to get it done.

“Everyone identified homelessness as an issue and didn’t want to pass the buck to somebody else,” Jendrick says. “The easy thing to do would have been to hire an outside company or a nonprofit to come in.”

Instead, Fife took a hands-on approach. To get started, Jendrick and Brooks kept things simple. They went out to the parks and began conversations with the individuals living there, eventually bringing bimonthly meals to the encampments to continue the conversation and build trust. In late October 2021, the city tapped into

its \$2.8 million American Rescue Plan Act (ARPA) allotment and created Fife’s Jobs Program to provide shelter, food, hygiene, work, and job training for the city’s homeless population.

Since it launched, the program has spent \$180,000 in ARPA funds to develop a housing village for participants, located on land outside the police and public works departments. The village started with temporary tents and now consists of 10 tiny homes (built by Everett-based Pallet), each about 64 square feet. There are also three ADA-compliant units and a double restroom and shower unit. The city aims to build a more permanent village in 2023 with a full kitchen setup and onsite plumbing. Participants work about 16 hours a week for the city doing landscaping and event setup. They also receive job training and earn credentials—such as a food handlers’ certificate—to provide an entrée into stable careers.

“FOR THE PAST FIVE YEARS, WE’VE BEEN DEALING WITH THIS PROBLEM ONE WAY OR ANOTHER.”

Fife spent the additional \$350,000 in ARPA funds on staffing costs for the program, which includes participants’ paychecks and skill-based wage increases. So far, the city has worked with 20 individuals directly through the program. In addition, it has served hundreds of others with the help of a newly hired community navigator and case manager who provides other resources during open office hours, including referrals to addiction services, if needed. As a result, multiple residents have overcome addiction issues and have been placed in permanent housing. Other efforts like the development of a hotel or low-income housing for the purpose of housing homeless individuals are also underway using ARPA funds.

Jendrick attributes their success in part to bringing the issue of homelessness in house, which has allowed them to “[meet] people where they are” and be creative as the program has evolved.

“Not everyone is coming in at the same place,” she adds. “We’ve been able to be nimble.”



LET US COUNT THE WAYS

HOW CITIES HAVE USED FEDERAL COVID RELIEF FUNDING

Since 2020, Washington cities have received an unprecedented level of federal support to combat and recover from the COVID-19 pandemic—investing those dollars to ensure a strong return to normal.

\$184 million

Amount received in **Coronavirus Relief Funds (CRF)** under the CARES Act (2020)



\$65.5 million

CRF allocations **invested in local businesses**

\$1.2 billion

Amount of **ARPA funds received** (2021-2026)

AS OF APRIL 2022, CITIES HAVE INVESTED ARPA FUNDS IN SIX MAIN CATEGORIES:

- Public Health: **1.5%**
- Responding to Economic Impacts: **18%**
- Public Sector Capacity: **1%**
- Premium Pay: **1%**
- Infrastructure: **4%**
- Revenue Replacement: **74%**

TOP SPENDING CATEGORIES INCLUDE:

- Infrastructure: Water, Sewer, Broadband
- Business Loans & Grants
- COVID Mitigation & Prevention
- Utility Assistance
- Rent & Mortgage Assistance
- Police & Fire Funding

Sources: Association of Washington Cities, US Department of the Treasury, Washington State Department of Commerce

TOOL KIT

CAPITAL IDEA

How SeaTac's standard business survey helped shape its pandemic relief plan

LAURA FURR MERICAS

THIS PAST SEPTEMBER, SeaTac's city council approved a budget amendment that would dedicate nearly half of the city's \$8 million American Rescue Act (ARPA) allotment to assisting local businesses.

"We were hearing that small businesses need help," says SeaTac City Manager Carl Cole. "There were several programs before ARPA, but that money ran out, and it wasn't enough to go around in the first place."

Guided by the SeaTac Economic Development Division's Business Synergy Program, an annual outreach effort that in 2021 surveyed 142 businesses, the city will use \$3.5 million in ARPA funding to address three critical needs.

First, the city will invest \$1.8 million in developing its Regional FastTrack Childcare Initiative, which will provide start-up grants and mentorship to residents seeking to open home-based childcare enterprises. "It creates the businesses that were lost during the pandemic and an opportunity for the workforce to get back into working," Cole explains.

SeaTac will also use \$242,000 of its ARPA allotment to train business owners on how to sell online and support their efforts by creating a shared digital platform and a marketing campaign to drive users to local business websites; ARPA funds also will be used for digital literacy education and training on the new platform.

"Everybody started buying everything online and having it delivered to their home and a lot of businesses just weren't set up to do that," Cole adds. "And that seems to be sticking. There's less of the brick and mortar sort of business happening now. We're not 'back.' And so there's still a high need for that digital marketplace."

And lastly, \$1.5 million will be added to the city's Small Business Capital Access Program Fund, which aims to boost businesses' access to capital and create awareness of funding opportunities. ("Access to capital was a huge issue," says Cole.) In its first year, the program will focus on promoting the state's Small Business Flex Fund by working with other community organizations that specialize in such assistance.

"These three initiatives working together should improve our tax revenues over time, and that allows us to pay for parks and roads and all the other things that cities pay for," Cole explains. "This really was a larger plan not just to help the small companies, the owners, and the employees, but also to provide sustainability for our city. We always had this goal in mind, but everybody had to push pause for 18 to 24 months, and then the needs dramatically changed."

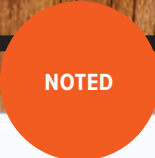
From the 2021 survey, the economic development team was able to glean specific information about how they could best support SeaTac's diverse business community, factoring in cultural nuances and addressing language barriers by offering a multilingual loan application process.

"It's super important to ask people," Cole says. "We asked our business community, 'What do you need?'" The city plans to coordinate a similar outreach program to determine how to use its remaining ARPA dollars by working with its community engagement specialist, Cole adds.

His advice for other city leaders? "Figure out what you need; address your needs. And don't necessarily get too concerned about what's happening over the fence."



For more information:
seatacwa.gov



REPLACING LOST PUBLIC SECTOR REVENUE

SLFRF is one of many funding programs created under the American Rescue Plan Act (ARPA) passed in March 2021.

Treasury provides further clarification on this point in the Frequently Asked Question document under point 32 and 33. Treasury states: "[E]very use that is eligible under other [SLFRF] eligible use categories is also eligible under revenue loss..."

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) provide needed fiscal relief for recipients that experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for "government services" in an amount equal to the revenue loss experienced by the recipient as a result of the COVID-19 public health emergency.

While federal reporting and compliance requirements are streamlined cities should be aware of and follow any Washington state specific guidelines or requirements for spending federal funds.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

The final chance for cities to make this choice between approaches is in the April 2023 Project & Expenditure Report.

In order to use funds under government services, recipients should first determine revenue loss. They may then spend up to that amount on general government services.

DETERMINING REVENUE LOSS

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

Electing the standard allowance does not increase or decrease a city's total SLFRF allocation. If your city received \$8 million, your city could elect to claim all \$8 million as revenue loss.

1. Recipients may elect a "standard allowance" of \$10 million to spend on government services through the period of performance.

Under this option, which is newly offered in the final rule, Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency. Therefore, recipients are permitted to use that standard amount (not to exceed the award amount) to fund "government services."

Most cities should consider claiming Option 1—the standard revenue loss allowance.

2. Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.

SPENDING ON GOVERNMENT SERVICES

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount, or the amount calculated using the above approach. Government services generally include any service traditionally provided by a government, unless Treasury has stated otherwise. Here are some common examples, although this list is not exhaustive:

The expansion by Treasury to include roads under Revenue Loss is a welcomed change. Cities can now invest in roads, water, wastewater, and broadband with streamlined reporting and compliance requirements.

- » Construction of schools and hospitals
- » Road building and maintenance, and other infrastructure
- » Health services
- » General government administration, staff, and administrative facilities
- » Environmental remediation
- » Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Treasury has provided five categories where ARPA funds cannot be used: 1. Offset a reduction in net tax revenue 2. Deposits into a pension fund 3. Debt servicing or replenishing reserves 4. Paying out settlements or judgments 5. Undermining federal rules related to COVID-19.

THE QUESTION

HOW HAS ARPA MADE A DIFFERENCE IN YOUR COMMUNITY?



A large amount of funds was granted to local businesses and nonprofits supporting the loss of revenue experienced during the pandemic. Another initiative was the creation of "Streeteries," which allowed businesses to expand into outside parking stalls and sidewalks. The city also worked with local agencies to support citizens with rent and utility payments as well as mental health services during the pandemic. Improvements to water and sewer infrastructure are also anticipated.

—DEBORAH BOOHER
Assistant City Administrator, Poulso



Our City Council unanimously approved a significant portion of ARPA funds to help our local food bank complete a new facility. They had operated for years in a space that was not conducive to their needs, or the community's - every service they provide was stretched to the limit. With ARPA funds, the food bank was able to overcome the obstacles created by the COVID-19 pandemic and achieve their mission - serving our residents with care, compassion, and nourishment.

—TRACIE MARKLEY
Mayor, Gig Harbor



The City of Milton owns and operates a water system that serves not only our city but portions of Fife, Federal Way, and Edgewood. A new deep well was slated for 2027-2030. With warmer summer months and a growing population, water demand has increased significantly, bringing to light the need for a new well sooner than later. Through ARPA funding we were able to move this project forward!

—SHANNA STYRON SHERRELL
Mayor, Milton

TRAININGS

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CITY ACTION DAYS

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Citybeat

Direct Impact *continued from page 5*

calendar year. One key contender is an SDA proposal to build upon the city's Bricks and Clicks program by awarding much larger grants—between \$20,000 and \$25,000—to core businesses wishing to undertake large-scale restoration projects.

"I know just from talking with business owners that some of them had remodeling projects that they had been saving and aiming for—all of that was erased with COVID," says SDA Executive Director Kelly O'Malley-McKee. She adds that the proposed exponential increase in Bricks and Clicks grants is warranted given the proven success of the program's initial phase, along with the expectation of a much larger return on investment: "One or two buildings, if they're the right buildings, can make a massive impact in our community," O'Malley-McKee says.

"IF YOU HAVE A COUPLE OF BUSINESSES YOU CAN TALK TO, REACH OUT TO THEM. ... WE SOMETIMES THINK WE ARE THE EXPERTS. BUT THE EXPERTS ARE THOSE TRYING TO MAKE THEIR BUSINESS GROW."

The SDA is also proposing \$500 micro-grants to 20 downtown businesses for the installation of "blade signs," exterior signage that's mounted perpendicular to a storefront's facade. "Although you'd think signage would be a number one priority, it's not, especially when they're dealing with staffing and supply chain issues," O'Malley-McKee says, noting that a proliferation of well-designed uniform signage not only has the potential to beautify Stevenson's commercial core, but also has been shown to increase sales.

Working with the city and the SDA, Stevenson's chamber of commerce and the Skamania County Economic Development Council assisted businesses to apply for outside grants by providing needed information. The mayor also currently sits on the SDA's board, as does the chamber of commerce's executive director.

Kinley credits relationship-building between city leaders and local organizations as critical to downtown revitalization efforts. But even more crucial, she adds, was direct outreach to the business community. "If you have a couple of businesses you can talk to, or key community partners that are engaged, try to reach out to them to get input," she recommends. "We sometimes think we are the experts. But the experts are those trying to make their business grow or, sometimes, survive."

 For more information:
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Cityscope



Q&A

Good Times Role

Mayor Rachel Ruelas on ARPA funding, strong leadership, and reviving the city of Mabton.

INTERVIEW BY LAURA FURR MERICAS

Mabton Mayor
Rachel Ruelas

You were born in Texas, but raised in Mabton, Washington—a small town with barely 2,000 residents. What prompted you to run for mayor?

I love this town. My kids all went to school here and graduated here. I wanted a change. Growing up in Mabton, I knew what my community looked like—and these days it felt really run down. My focus was to get it up and going and on track, and to restore pride in the community.

In the 2021 election, you ran as a write-in candidate and won by more than double the uncontested candidate's votes. Why do you think people voted for you?

I went door to door, swallowing my pride even when people weren't fond of me, and had a conversation about why I was running. I said that if they wanted Mabton to change for the better, this was the time. It was me asking them what they wanted, not me telling them what I could do. I did seven straight weeks on foot, seven days a week.

What did you do before you became mayor?

Until three years ago, I worked as a seasonal farm laborer with my husband at a ranch. In 1998 I also started a boutique with \$1,500. We focused on bridal clothing, shoes, and accessories.

CONTINUED ON P.12 ►

Now I also plan events, weddings, baby showers, and even funerals. I remember just crying and crying in the beginning because there'd be three straight months that we wouldn't sell anything. But before we knew it, we had two stores and four full-time employees.

Has that experience helped you in your role as mayor?

Yes. I'm a people person. I don't shy away from it, and I'm not intimidated by anybody. I also had to learn how to hold myself and [maintain] my composure.

How is Mabton different now than when you were a kid?

When I was growing up you could walk the street here without having to worry if you were wearing red or blue and getting shot, having to walk by a trap house, seeing homeless and drug dealers and crossfire. Our little town needs a lot of work.

Starting with?

There has been a lot of turnover in public office, with staff, and with police officers. The community has been told one thing, and then the city sometimes goes and does the complete opposite. My administration started enforcing some ordinances that hadn't been previously, and some residents said, "this was never followed before." But I want them to know this is not my rule, it's an ordinance. I want them to know that there are goals for Mabton, and rules need to be followed.

Which ordinances are now being enforced that weren't before?

We've boarded up trap houses and houses where there were squatters living in them. We've put up no-trespassing signs. We're pulling RVs out of prop-

"GROWING UP IN MABTON, I KNEW WHAT MY COMMUNITY LOOKED LIKE—AND THESE DAYS IT FELT REALLY RUN DOWN. MY FOCUS WAS TO GET IT UP AND GOING AND ON TRACK, AND TO RESTORE PRIDE IN THE COMMUNITY."

erties where they should not be. We're getting junk cars removed from yards. And we've placed several homeless people in rehabilitation or programs that are helping them get back into the workforce.

What was one of the first things you vowed to do as mayor?

My goal was to bring on a new chief of police for the City of Mabton within my first 90 days. It was maybe 98 days, but I accomplished it. I brought on Chief Eduardo Garcia, who has almost 25 years of experience.

What was his mandate?

I told him he is going to have to cater to the Hispanic community—98% of the population is Hispanic—and have them gain trust in him. We have a lot of hardworking farm laborers here whose kids are left at home when they are at work, and [families] don't know what they are doing while they're away. Garcia is from a migrant family, so he understands. I want him to get to know the people and the culture. It was like the wild Wild West out here: everyone just doing their own thing. I want him to help get people back on track and let them know, not in a rude way, how things are done—while also letting them know we care.

And your mandate as mayor?

When I was campaigning, people told me, "We need more police officers." They want-

ed protection and coverage. Mabton used to have a bigger police force. Unfortunately, it dwindled down to one officer. Chief Garcia is bringing on more officers, including code enforcement—that's our priority right now.

What's your next top priority?

When I first became the mayor, we were in another building and the doors were closed due to COVID. There was no traffic coming in, and that upset me. The former mayor got funding to open a window so people could stand outside to pay their bills. But at that time, other businesses were open, other cities had already opened their city halls. On my first day, there was snowfall. There wasn't even an awning to protect people. [In my first week], I opened the doors back up.

You also relocated City Hall. Why? And where?

Our building was over 100 years old and very small. It was not wheelchair accessible and our staff was spread out throughout the building. It was like a maze. We moved down the street to a former bank. It has large windows and is more updated. We sit in cubicles and it's good for the employees and more than anything for my community. Our community and our residents deserve something nice to come to. Even before I was mayor, in the city council meetings people

would ask, "where is our tax money going?" Now they know.

Mabton received \$634,000 in American Rescue Plan Act funding. What's the city's plan for allocating that?

We have some new housing developments being planned, and in order for those developments to come in, we need to add new water lines. Once we get new water lines put in for the new housing, we will then start replacing the old copper water lines. Some people's water in parts of town comes out a rusty, orange color. Mine does. The lines will also allow us to get a new sprinkler system put in at Governor's Park. It used to be a beautiful park, where all of our events took place. We used to have carnivals on one side and car shows on the other. Now it's an eyesore—all dirt and weeds. People are saying, "we need to get something done." They're ready for our community to look nice.

What else does Mabton need?

We need businesses. We just got a brand-new Dollar General in April, which has been great for the community, but my goal is to bring in new businesses. I'm hopeful that the new housing development will attract new residents and bring businesses to town. People say there is nothing in Mabton and I get it. But Mabton is what you make of it. We have a lot of good people and I want to see good things happening here.

BY THE NUMBERS

Mabton

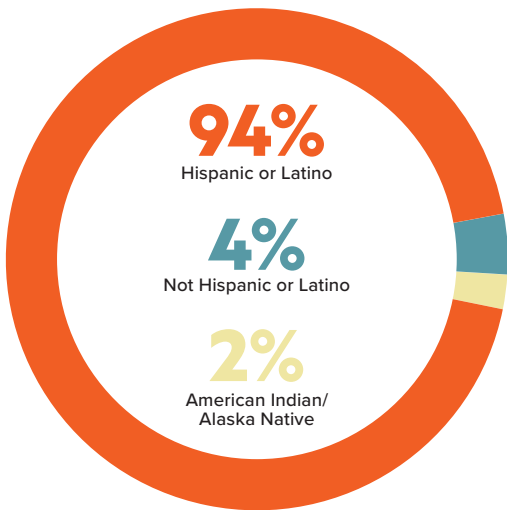
Cityvision takes the measure of how American Rescue Plan Act funding impacts the bottom line of one rural community.

POPULATION



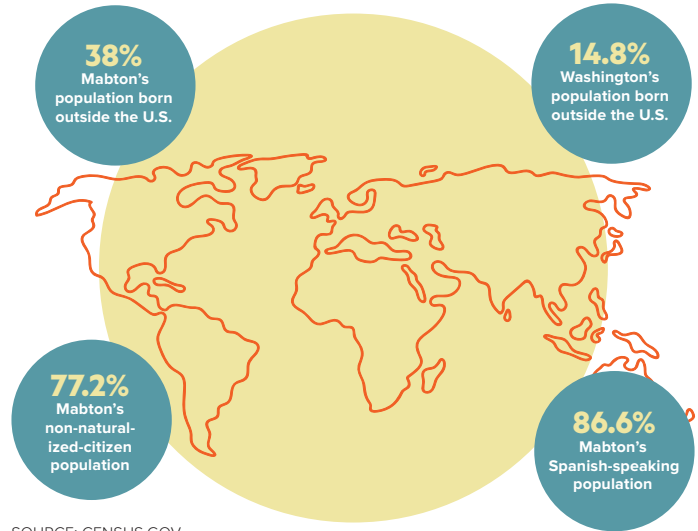
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DEMOGRAPHICS



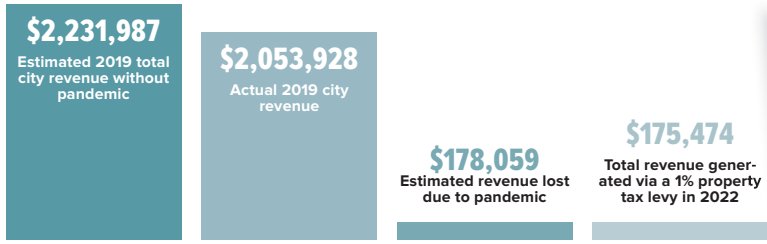
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OVERSEAS CENSUS

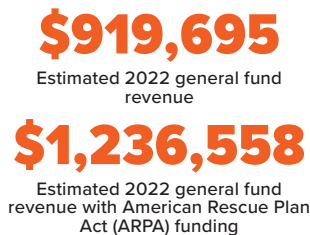


SOURCE: CENSUS.GOV

PANDEMIC IMPACT

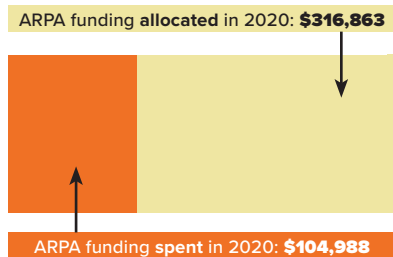


RESCUE REVENUE



SOURCE: CITY OF MABTON

ARPA BOTTOM LINE



ARPA LINE ITEMS

2020 EXPENDITURES

FIREFIGHTER TURNOUT COATS	\$22,400
LAWN MOWER	\$15,525
SECURITY CAMERAS	\$14,944
INDUSTRIAL TANK MIXER	\$13,000
SCBA BOTTLES	\$12,600
TRENCH BOX	\$6,748
WELL PUMP REPAIR	\$4,811
CONVECTION OVEN	\$3,303
SUMP PUMP	\$2,947
DEPUTY WORKSTATION	\$2,600
TWO-WAY RADIOS (10 UNITS)	\$2,450
UV METER	\$1,995
DECHLORINATION DIFFUSER	\$1,665
TOTAL	\$104,988

SOURCE: CITY OF MABTON



Port Angeles City Manager
Nathan West

RELIEF

Pictures

HOW TWO SAVVY CITIES LEVERAGED ARPA FUNDING FOR POST-PANDEMIC SUCCESS

STORY BY DEVON O'NEIL

THE CITY OF PORT ANGELES, on the North Olympic Peninsula, prides itself on being independent and economically self-sufficient. As a gateway to Olympic National Park and Canada's Vancouver Island, this community of 20,000 people depends on tourism and the easy, consistent transportation flow between it and Victoria, the capital city of British Columbia. So, when the COVID-19 pandemic closed the border for a year and a half, the tourism and transportation cutoff forced Port Angeles to endure more complex problems than those of other cities.

Now, nearly three years since the pandemic upended routines, it is fair to consider how and why the roots of normalcy remain in places like Port Angeles that endured so much upheaval. As in thousands of cities across America, much of the answer lies in the support the city received from the American Rescue Plan Act of 2021, or ARPA—an unprecedented \$1.9 trillion economic stimulus bill that allocated \$130.2 billion to local governments, split evenly between counties and municipalities. For the first time in history, every city in America received federal funding without stipulations on how to spend it.



ARPA WAS DESIGNED TO KICKSTART CITIES AND TOWNS

across the country, smoothing the transition to—or just making possible—their post-pandemic lives. Of the \$65 billion granted to U.S. municipalities in 2021 and 2022, 276 Washington cities are projected to receive \$1.1 billion, with the state's 39 counties getting another \$1.4 billion. Cities have spent the money on everything from childcare and mental healthcare to housing, transit, and small-business assistance. Kent built a park in a park-deficient neighborhood. Fife started a job-training program for people experiencing houselessness. Walla Walla committed \$3.2 million to improve its public outdoor areas. Kenmore pledged the same amount to a new affordable housing development—and provided \$1 million in direct cash assistance to residents living at or below 50 percent of the area's median income. ARPA's only restrictions are that costs must have been incurred after March 2021 and funds must be obligated by the end of 2024—then spent by the end of 2026.

Port Angeles City Manager Nathan West says local leaders “really wanted to make sure we were focused externally” with their \$5.6 million in ARPA funding. “We turned this federal relief back out to the community in support of their needs.”

That meant a lot of things, but of the first \$2.8 million that Port Angeles allocated, almost 20 percent—\$500,000—went to a for-profit local company that was vital to the community. Black Ball Ferry Line is one of the only privately operated ferry services on the West Coast. In pre-COVID times, the company shuttled around 120,000 vehicles and 470,000 people between the U.S. and Canada annually. Its 340-foot flagship can fit 115 vehicles and 1,000 people on each trip, and had a daily schedule that started at 6 am in Victoria and finished at 11 pm. Anyone who lives or does business in Port Angeles knows the 62-year-old operation is the lifeblood of the community and local economy. In fact, Black Ball's annual economic impact on Port Angeles is estimated to be \$64 million.

The ferry had always operated with fiscal responsibility and was well-positioned to sustain itself during an economic downturn. However, no one foresaw that the ferry wouldn't be able to operate at all for 20 months, losing an estimated \$20 million in revenue. Its public service value, one could argue, was no different from a bridge connecting communities that rely on each other. But since there aren't many similar businesses, and thus no clear avenue for government funding to sustain it, ARPA—and its more flexible rules around allocations—was critical. The city's half-million-dollar grant—its largest to any single entity, including nonprofits and government agencies—augmented the \$4.9 million that Black Ball received from the state and the \$1.2 million it obtained from Clallam County. “It was important to us to step up locally and help a business that has been so important to the community,” says West.



Port Angeles City Hall

Ryan Burles, Black Ball's president, says the grants allowed the ferry service to keep its 75 full-time staff employed, and to maintain their uninterrupted health insurance. Many of the company's employees are the second or third generations in their families to have worked on the ferry. “Not having to replace their knowledge and expertise helped us so much,” says Burles, who started working for Black Ball as a student in 1981. “We worked hard at making our argument for funding,” he adds, “but it turned out that whether it was city, county, or state, they all had local knowledge of what our service was and our importance to the region. There seemed to be a real desire to help however they could.”

The same could be said of a lot of Washington's municipalities, including a much smaller drive-through city where, like in Port



Port Angeles, ARPA has helped the community move forward in ways that could make it more livable and prosperous for decades to come.

SOME 180 MILES EAST OF PORT ANGELES, SULTAN SITS inland at the confluence of the Sultan and Skykomish rivers on U.S. Highway 2, one of two main east-west thoroughfares in the state. It's a bucolic town in beautiful Snohomish County, and a frequent quick-stop for recreationists zipping by on their weekend drive to Leavenworth. More than 28,000 cars pass through each weekend, and with eight restaurants, Sultan's biggest economic driver before the pandemic was the service industry. That changed during COVID-19, when the lure of small-town life drew

“WE WANT TO BRING PEOPLE DOWNTOWN NOT JUST AS A PUBLIC GOOD, BUT ALSO TO DRIVE ECONOMIC ACTIVITY. THAT ECOSYSTEM OF COMMUNITY AND LOCAL BUSINESSES SUPPORTING EACH OTHER IS REALLY KEY.”

—Russell Wiita, City of Sultan Mayor



Sultan Mayor Russell Wiita

people out of cities. “A lot of Seattleites sold their \$800,000 homes and got a better house here for half the money,” says Will Ibershof, Sultan’s city administrator.

The city’s population grew from 5,000 to 6,300 between 2020 and 2022—a leap of 26 percent. Nonetheless, events ceased, and programs nose-dived. Those who’d migrated to Sultan were hibernating, leaving leaders wondering how to jumpstart their community-at-a-crossroads.

Early on, the city used \$50,000 of its \$240,000 allocation from the March 2020 Coronavirus Aid, Relief, and Economic Security Act (a.k.a. the CARES Act) to give 20 local businesses each a \$2,500 grant, keeping them afloat when other towns were losing local shops (to receive the grant, the business was required to show that it had experienced a revenue loss over the last year). But that didn’t solve all the city’s problems. Once ARPA money arrived in 2021, Sultan invested \$200,000 to hire an economic development director, Melody Daizey, at the Sky Valley Chamber of Commerce—with the intention of funding the position for at least three years. One of Daizey’s most urgent charges was to fill the empty storefronts where shops had closed in Sultan’s commercial core—a precursor to the broader goal of revitalizing the downtown area. She had no problem finding tenants, including a potential new grocery store, but soon came up against a lack of available space.

With the overarching goal of revitalizing the downtown core becoming ever more important, Daizey and city leaders like Ibershof faced a host of intertwining considerations. For example, how could the city serve its newcomers and still maintain a healthy growth trajectory? Or, how could the city encourage hikers heading home from popular attractions to stop and eat on their way through Sultan?

Luckily, Ibershof, now in his fourth year as administrator, was recruited in 2005 in part because of his previous work as three-term mayor of Duvall, a half hour southwest of Sultan. There, he brought energy and commerce back to downtown Duvall, despite the Great Recession and the significant growth in the years that followed. “Duvall became more of a destination place once we had a revitalized downtown,” Ibershof says. “And Sultan has a much larger traffic count than we did in Duvall.” Which means the potential for positive impacts on the economy is high if the city can figure out how to unlock it.

Soon after hiring Daizey, Sultan invited students from the University of Washington’s Evans School of Public Policy and Governance to consult on its vision for a fresh downtown. Students engaged the local business community, asking key questions such as, ‘What do businesses need from the city? What are businesses willing to do?’ and ‘How do we make the partnership between entrepreneurs and local government work?’ Then the city engaged UW’s architecture school to create a Storefront Studio Book (online at sfs.be.uw.edu/locations/sultan-2022), which sketched out the infrastructure that might be built to bring the visioning plan to life. The city spent \$12,000 on its visioning outreach and \$3,500 on the studio book. “We saw it as great bang for our buck,” Ibershof says.

Mayor Russell Wiita describes it all as a confluence of timing, since residential growth is often followed by commercial growth. “We want to bring people downtown not just as a public good, but also to drive economic activity,” he says. “That ecosystem of community and local businesses supporting each other is really key.”

Which, of course, is where ARPA comes in. “These funds provide a one-time, historic opportunity,” Wiita says. “Our ideas aren’t

BOTTOM DOLLAR

A NATIONAL LEAGUE OF CITIES LEGISLATIVE LOBBYIST EXPLAINS HOW ARPA BECAME A SECRET SAUCE FOR CITIES.



For cities large and small across the country, the most important things about the American Rescue Plan Act of 2021 (ARPA) were not just that Congress allocated enormous sums of money to municipalities, but also that it didn’t dictate how those funds could be spent as heavily as it had in the past. Neither element was an accident, of course. The National League of Cities (NLC) played a key role in educating Congress and advocating for the money—as well as the freedom to use it on locally determined needs. New York City received the most with \$4.2 billion, while Seattle ranked 27th (\$232 million) and Spokane was 83rd (\$81 million). One of NLC’s key voices was Michael Wallace, legislative director for housing, community, and economic development, and member of the organization’s federal advocacy team. Here, Wallace brings us behind the scenes to explain how ARPA came to be and why the biggest payoff may be yet to come.

How and why did you lobby to get cities funding from ARPA?

We studied what happened to cities and towns a decade ago with the subprime mortgage crisis and housing bubble. Primarily due to foreclosures and the impact on property taxes, lots of cities saw their revenues decline, and it took about ten years to restore the reserves they had before the recession. Then, just as they were getting back to a good fiscal position, COVID hit. We didn’t want to see the unanticipated loss of revenue set cities back again. That’s why we went to Congress and

said, “Look, we know what’s going to happen here because we saw it a decade ago.”

The other lesson we learned was that prior federal economic recovery efforts have been very top-down directed. The decision-makers in charge of expending those funds were mostly Washington bureaucrats. Local leaders were not empowered to direct resources to residents in need. We thought, and I think the evidence has borne out, that ARPA money would be much more efficiently allocated via local governments than through a top-down Washington program.

CONTINUED ON P.21 ▶



Sultan City Hall

necessarily new; they've been talked about a lot, but we just haven't had the resources to do it. So, the ARPA funds have given us an opportunity to do things that otherwise we just wouldn't have been able to do." For example, the city has looked at acquiring a piece of downtown property multiple times over the years, but it's difficult for private businesses to operate in because it floods almost annually. Now, the city is in conversations to buy it and turn it into a chameleon of sorts: During non-flooding seasons, Wiita says, it could be used for indoor market or community events, then as a business incubator to let home-based shops see what a retail or service front would look like. "We're talking with the chamber to set that up if we get the space," Wiita says, who adds that the space would be built to be "flood ready" so that fixtures and equipment could be easily removed when needed.

Sultan has only spent \$400,000 of its \$1.5 million allotment, and leaders are trying to figure out what to do with the rest (collectively Washington's cities had spent or obligated approximately

half of their \$1.1 billion ARPA money as of April 2022). Regardless of specific expenditures, Sultan's remaining money is likely going to enhance the downtown core even more. "I really want to make it an inviting place to come, day or night," Ibershof says. "[So] you go to your friends or family and say, 'Hey, I hear Sultan's got some new things going on, let's go downtown and take a look.'"

SULTAN EPITOMIZES THE TREND BEING BORNE OUT AS municipalities emerge from the pandemic. Younger leaders are shaping their cities' futures more often, a particularly salient trend when those cities are at a crossroads. Consider the career path of Wiita, Sultan's 28-year-old mayor, who was born and raised in the city. As class president in high school, he served as a student representative on city council, a non-voting position the city created to encourage input from younger perspectives. His senior year, Wiita earned an Association of Washington Cities Center for Quality Communities scholarship—a program that provides post-second-



ary scholarships for young leaders who get involved in community service or local government. Wiita majored in political science at UW, served in the student senate, and spent a legislative session in Olympia interning for the Washington State House of Representatives. After graduating college in 2015 he returned to Sultan and moved in with his dad, a union millwright who works on luggage conveyor belts at Seattle-Tacoma International Airport. When one of the council seats came open, the outgoing member called Wiita and encouraged him to run.

He was elected at age 21, earning 74 percent of the vote against a male opponent who was 54 years his senior. Four years later, he ran for mayor and won handily at age 25. In his day job, he works as a legislative aid for Snohomish County Councilmember Nate Nehring, 27, who was appointed at age 21 (and who happens to be the son of Marysville Mayor John Nehring).

Ibershof noticed Wiita's efficiency and new ideas right away. "The mayor who hired me was a 67-year-old retired guy who had

▶ CONTINUED FROM P.19

Who did you talk to? Were any conversations particularly contentious or productive?

When the pandemic started, another obstacle we encountered was there not being a great amount of institutional knowledge within Congress about local government operations, what the day-to-day jobs are, and how they impact residents. So, we worked closely with state municipal leagues and local leaders across the country to bombard Congress with information about local governments in their states—what they were up against and what their budgets look like—because there's no single resource at the federal level where one can look at local budget data.

We did that intensive education effort for about a year, and after we started seeing some success, we keyed in on House and Senate leaders to start pitching solutions, —specifically, our idea of an allocation of funds to every municipal government, regardless of size.

Did you talk to anyone in Washington state?

Absolutely. Senators Murray and Cantwell both voted in support of ARPA and were critical to our efforts. The local officials were extremely helpful, too. Tacoma Mayor Victoria Woodards was one of the key people tasked with doing outreach and briefings to Congress about municipal governments.

How have cities leveraged their funds?

It's happened in so many ways. For some cities, COVID was primarily a fiscal crisis. For others, it

was a health crisis. It certainly exposed longstanding inequities in a major way. Year One funds went as we expected—ensuring uninterrupted local government operations and services. Cities used them to keep people in the workforce, bring staff back from furloughs, and resume infrastructure or capital projects. The funds got cities through the depths of the crisis.

Year Two funds are being used to help cities chart their post-pandemic economic recovery and what they want their cities to look like. We're seeing lots of resident engagement, particularly with those who haven't participated in the past. We're seeing cities spend on public safety more equitably, on workforce programs, and a lot on affordable housing.

What have you learned from this initiative that can inform future debates about whether to allocate state and federal funding to cities?

Once the program winds down and we're able to look at the expenditures and see the outcomes, I think the evidence will show that this approach—empowering local leaders to be part of the solution to a nationwide problem—yields much faster outcomes than a top-down method that tries to solve everyone's problems from the nation's capital. That said, Congress has to have a high level of trust in the ability of local elected officials and government leaders, and that only comes with very clear and constant communication between the different levels of government.

a tiny dog, loved paper, and didn't want to see anything on the screen." Ibershof chuckled. "Now I work for a 28-year-old guy with a giant dog who prefers that everything we do is electronic."

Ibershof started carrying around a notebook to ensure he didn't miss any of Wiita's suggestions. He cites the "positive energy" that younger government workers have brought to the job. "It's not, 'Woe is me, this isn't going to work,' it's, 'Hey, let's find a way to make it work.' They provide a fresh perspective, especially on how to reach people. I just assumed when I started in politics that if I post things on the city website it's enough. But that's not the case." Sultan is using social media more often to engage its new (and often younger) residents. The city has brought in a series of interns on a project basis to help with everything from post-pandemic finances to communications. Many municipalities are now hiring management analysts—jacks of all trades who are often recent graduates of master's programs or former city interns. "People are used to doing things a certain way," Ibershof says. "No disrespect to [veteran] city employees, but [new employees] come in and say, maybe there's a better way."

BACK IN PORT ANGELES, WHERE THE CITY AT PRESS TIME HAD allocated about \$3.1 million of its \$5.8 million ARPA funds, the focus with the remaining money remains to make the city a more livable place—one that is more resilient to calamities like a pandemic. Nowhere is that more evident than its housing and social programs investments.

Port Angeles has long been recognized as a leader statewide on affordable housing (the city provided a one-pager summarizing its success to the governor's office last year), but a 2019 study found it would need an additional 2,941 units by 2030—and that was *before* COVID made teleworking the norm and spawned a real estate boom that exacerbated the problem. "We've seen a growth in those experiencing homelessness, but more generally, the wages in our community don't cover the costs of housing," City Manager Nathan West says. "A migration of people moving here due to the pandemic has priced our residents out. Landlords have increased rents...and we're also seeing an impact from short-term rentals due to increases in tourism."



Black Ball
Ferry Line's MV
Coho at the
Port Angeles
ferry terminal

Port Angeles has already obligated more than \$1 million from ARPA on housing internally and externally. The city hired a housing coordinator on a temporary two-year position (cost: \$225,000, including benefits); gave Peninsula Behavioral Health \$337,500 to help purchase an old motel on a prime arterial street and turn it into 27 new housing units; contributed \$250,000 to the Peninsula Housing Authority to buy a multifamily property; and granted Habitat for Humanity \$100,000 to help retain and rehabilitate existing housing stock, allowing members of the community's substantial elderly population to age in place. "For other cities, these numbers might seem small," West says, "but for our jurisdiction, they're a really big deal."

Childcare was also a focal point. The city's most recent ARPA allocation last spring was \$250,000 to the Olympic Peninsula YMCA to build a new childcare facility that will serve local families for years to come. That followed a \$106,000 grant in late 2021 to the Boys & Girls Clubs of the Olympic Peninsula's morning camp and a \$98,700 award to the Shore Pool Spark Club after-school program. For the Boys & Girl's Club, Port Angeles

covered two years of subsidies that allowed the camp to continue charging the reduced rate offered during the pandemic. "It was a win-win because our families kept being able to enjoy that discount, and we no longer had to absorb the cost," says Resource Development Director Janet Gray. "It was vital to our sustainability. It also helped keep our staff employed."

West rattles off a list of other social programs the city has supported, from food banks to utility relief to a \$40,000 contribution to the Center for Inclusive Entrepreneurship, whose mission is to help people with limited resources in marginalized rural communities start a business, earn a living, and thrive. "We want to do everything we can to make sure they survive and feel supported," West says.

You could argue that same vision applies to the rest of Port Angeles's actions, as well as those in Sultan. It is a vision shared by communities across Washington, and it's no stretch to say it fulfills the mission of ARPA itself.



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“

ARPA offers cities the opportunity to be innovative in addressing the recovery needs of marginalized or underserved parts of their communities—and to be more successful as a result.

—CITY 101 P.26 ▶

”

26 STRENGTHENING MUNICIPAL WORKFORCES **28** USING ARPA FUNDS TO ADDRESS EQUITY
30 HOW THE OPEN PUBLIC MEETINGS ACT EVOLVED DURING THE PANDEMIC



LABOR PAINS

The challenge and importance of strengthening municipal workforces

JACOB GOTTLIEB AND JULIA BAUER

When allocating their SLFRF funds, local leaders should consider ways to improve public sector workforce outcomes. Here are six considerations to incorporate into decision-making:

- **Employee representativeness:** Does the city's workforce look like the residents it serves? What voices are missing from decisions? What data does the city have to determine workforce trends?
- **Hiring policies:** What is the city's current method for attracting and retaining workers? What benefits can the city provide to attract non-traditional workers? How is the city attracting and retaining workers from different backgrounds?
- **Workforce development:** What pathways does the city have to transition workers up the organizational ladder? What training opportunities does the city offer to advance employee knowledge?
- **External support:** How does the city support workers outside the office? Does the city offer mental health support for employees, especially those in public safety roles?
- **Employee feedback:** How does the city receive feedback from its employees? After receiving feedback, what is done to ensure concerns are addressed and rectified? How often does the city request employee feedback? What topics does the city request feedback on?
- **Organizational culture:** What kind of culture does the city reinforce? Do employees feel comfortable discussing any concerns they have?

RESEARCH BY THE National League of Cities (NLC) highlights how cities, towns, and villages are leveraging American Rescue Plan Act's (ARPA) State and Local Fiscal Recovery Fund (SLFRF) dollars to bolster their staff. The COVID-19 pandemic created significant labor loss across all sectors. After more than two years, some areas have experienced employment recovery, but local governments have struggled to retain workers.

From March 2020 to March 2022, local government employment (excluding education) declined by 4.48 percent—about 18 times more than nonfarm employment. During that same period, all government employment (excluding education) in Washington state declined by 3.20 percent. It is the hard work of municipal employees that truly makes cities operate. Without adequate staffing, vital services like trash collection and emergency response may be delayed.

Workforce Challenges

Employees are leaving municipal jobs for a variety of reasons. For one, retirements accelerated during the pandemic more than in other sectors. As many retirement-age municipal workers begin transitioning out of the workforce, local governments will struggle to fill various mid-to-upper management roles with qualified candidates because of historical underinvestment in talent pipelines into local government roles. Other factors identified by municipal employers, such as non-competitive pay and a lack of advancement opportunities, have made it harder for local governments to attract and retain workers.

The Biden administration has encouraged local governments to use their SLFRF allocations to rebuild their workforces. While some communities have made significant investments, others could be doing

LOCAL GOVERNMENTS NEED TO INVEST MORE IN BOTH THE GENERAL PUBLIC-SECTOR WORKFORCE, AND IN YOUTH AND YOUNG PROFESSIONAL DEVELOPMENT PROGRAMS TO COMBAT LEADERSHIP LOSS AND IMPROVE SERVICE DELIVERY.

more. An NLC analysis of SLFRF spending data from large metropolitan governments found that of the nearly \$8.68 billion in SLFRF funding allocated for use by December 2021, local governments invested about \$1.25 billion (approximately 15 percent) into their workforces. Local governments designated most of those funds towards short-term hiring and pay bonuses.

These short-term investments are crucial to getting local government services back on track. However, they must consider developing long-term, sustainable talent pipelines. Local governments need to invest more in both the general public-sector workforce and youth and young professional development programs to combat leadership loss and improve service delivery.

A Focus on Youth

Some cities across the nation are already taking action. For example, St. Louis, Missouri, allocated \$2.7 million in ARPA funds to the St. Louis Agency on Training and Employment (SLATE) "to support ongoing efforts to connect city youth with jobs in summer." SLATE partners with the city's youth jobs program to connect 16- to 24-year-olds with paid public and non-profit positions, provides mentoring and networking opportunities, and helps them


develop public speaking skills and complete job readiness and financial literacy training. There are currently hundreds of interested participants on the waitlist and the program needs additional staff.

Similar programs can be implemented for early or mid-level professionals who are interested in advancing their skillset or changing their career path. As municipalities continue bolstering their workforces, providing opportunities and resources for everyone interested in public-sector work is critical to improving local government service delivery, local and regional economic development, and resident outcomes.

Additionally, implementing programs that provide pathways for youth and nontraditional applicants can strengthen municipal retention and recruitment. Youth engagement programs have the added benefit of increasing diversity in the workforce to more closely match the community it serves, as younger generations are more diverse across the US than their older counterparts. Additionally, historically underserved communities are less likely to know how to get involved.

Looking forward, rebuilding public workforces after the pandemic will continue to impact municipal recovery and service delivery, especially as inflation rises and the potential for a recession looms. Local leaders should use the federal lifelines they have to innovatively address longstanding issues around their workforce and consider new ways to improve retention and recruitment strategies.

Julia Bauer and Jacob Gottlieb are research specialists within the NLC's Center for City Solutions. To learn more about the strategies local governments are using to bolster their cities' staff, check out NLC's brief "The Municipal Workforce Through the Pandemic: Where Are We Now?" available online at nlc.org/resource

 For more information:
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WITH JUSTICE FOR ALL

How cities are utilizing ARPA funds to address equity

BY JACOB EWING

Numbers Gain

A STATISTICAL GLIMPSE AT DIVERSITY, EQUITY, AND INCLUSION (DEI)

▼ DIVERSE CITIES

City councils that are considering or have made a formal commitment to supporting DEI efforts: **59%**

Cities that have created or are considering creating a DEI plan: **51%**

Cities that have leadership actively participating in and supporting conversations about DEI: **56%**

Source: 2022 AWC City Conditions Survey, 62 responses

▼ STATE OF DIVERSITY

Washington State 2020 population: **7,738,692**

Median household income (2020 dollars): **\$77,006**

Statewide population in poverty (all ages): **10.2%**

Population age 65 and over: **16.2%**

Population born outside of the country: **14.5%**

Population where a language other than English is spoken at home: **20%**

Population that completed high school or equivalent: **91.7%**

Population with a bachelor's degree or higher: **36.7%**

Source: U.S. Census Bureau, Washington State Office of Financial Management

FOR MANY MARGINALIZED and underserved populations, the pandemic only exacerbated existing problems. The passage of the American Rescue Plan Act (ARPA) in March 2021 provided \$1.2 billion in direct funding to Washington cities that have since mobilized—using their broad discretion—to spend ARPA recovery funds to address equity in their communities.

Opportunities to serve these groups through the lens of pandemic recovery led to local investments in low-income housing, support for houseless individuals, infrastructure improvements, and in education and information services. Some cities hired an equity officer or contracted specific outreach services to help identify and get feedback from impacted members of the community. Quite a few also focused part of their funding on finding new ways to address language or technology barriers.

Here are select examples of how cities used ARPA funds around issues of equity:

City of Lakewood

Lakewood began to consider ways to identify needs through early outreach efforts. As a result, they developed an internal plan to further engage with cultural groups and organizations, faith-based communities, public partners, neighborhood councils, the military community, and human and social services partners through surveys, stakeholder meetings, and one-on-one interviews. The feedback they received was vital to inform and identify the needs of heavily impacted people and to guide the city's decisions on how funds should be spent.

City of Kenmore

Kenmore identified that their low-income population had grown due to the pandemic, whether through job loss or other hardships. They used recovery funding to launch “Kenmore Cares,” in partnership with the Northshore Schools Foundation, to identify households negatively impacted by the pandemic and provide an application for one-time cash assistance for households making 50 percent or less of the area median income. This direct cash assistance to qualifying local residents was a way of addressing clear and urgent local needs.

City of Walla Walla

Walla Walla determined that local seniors were being heavily impacted by the pandemic. Early on, they invested in providing help—including daily food distribution through the senior center, which became a lifeline for many. As a result of the increased activity at the center, the city found that infrastructure improvements, such as resurfacing the parking lot to improve ADA access, were needed to allow pandemic support activities to continue.

With the population of Washington growing and becoming increasingly more diverse, there's clear urgency for cities to be explicit about addressing equity. ARPA offers cities the opportunity to be innovative in addressing the recovery needs of marginalized or underserved parts of their communities—and to be more successful as a result.

Jacob Ewing is a special projects coordinator at AWC.



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WE CALL THIS MEETING TO ORDER

How the Open Public Meetings Act evolved during the pandemic and how to comply now

ADRIAN URQUHART WINDER

ENACTED IN 1971, Washington's Open Public Meetings Act (OPMA) has seen some updates over the past five decades—but none so significant as the changes made during the last two years. With in-person meetings largely off the table during the COVID-19 pandemic, and governments trying to figure out how to make Zoom work for them, it was time for the OPMA to break into the 21st century. Let's look at where cities sit in 2023.

Where We've Been

In March 2020, less than one month after declaring a state of emergency due to COVID-19, Governor Inslee issued Proclamation 20-28, waiving and suspending the OPMA's rules. Remote public meetings were mandated and any existing requirements for in-person contact were waived. These restrictions relaxed over time, allowing cities the option to hold in-person meetings if certain conditions were met (such as applicable masking requirements).

In March 2022, the governor signed En-grossed Substitute House Bill (ESHB) 1329, enacting more permanent changes to the OPMA. Most of the changes took effect on June 9, 2022, with a few that became effective immediately. So where are we now?

Physical Location Required for Most Meetings

During the pandemic, remote meetings were required, even if a city had reinstated an in-person option when restrictions relaxed. Now, however, a physical location is required. Cities no longer have to offer a remote option for attendance but are still encouraged to do so. Many cities continue to use a hybrid meeting approach.

There is an exception to the physical location requirement for emergencies, which under the updated OPMA includes when a city cannot safely hold an in-person meeting. This will allow for greater consideration of public health emergencies than the OPMA previously recognized. Another



Key OPMA Revisions at a Glance

What follows are central changes to the Open Public Meetings Act from house bill 1329:

- Requiring a physical location for most meetings
- Allowing council members to attend meetings remotely
- Further limiting the exceptions to the online posting of agendas and notices
- Encouraging audio/video recording of meetings and online posting
- Requiring public comment at regular meetings
- Requiring meeting minutes to include executive session purposes
- Many areas of revision have exceptions and quirks, and all cities are advised to understand how their policies might be affected by the changes. Remember that the OPMA can apply beyond your city council, such as to city committees or commissions that include a quorum of the council.

exception—for governing bodies that held regular remote meetings prior to March 1, 2020—applies to only a few small public agencies.

Governing Bodies Need Not Attend Physically

While meetings must have a physical location for the public, the OPMA now expressly permits remote attendance of governing body members, even absent an emergency. Remote access must allow for real-time verbal communication. Consider what policies your city may want to enact, or amend, regarding remote attendance of city council members.

Online Posting of Agendas and Special Meetings Notices

The OPMA requires that cities post their regular meeting agendas at least 24 hours in advance. Originally, cities that did not have websites, or had fewer than 10 full-time employees, were exempt from this requirement. Under ESHB 1329, this exception became much stricter. Now a city may only opt out of posting the agenda if certain requirements are met regarding property tax base, population, and budget.

ESHB 1329 also narrowed the exception to posting special meeting notices online at least 24 hours in advance, but many cities must have a website to comply with the posting requirement for regular meetings. If that is a challenge for your city, the revised OPMA expressly permits an agency to share a website with, or have its website hosted by another public agency.

Recording of Meetings

The updated OPMA encourages, but still does not require, cities to record their regular meetings by audio or video and make the recordings available online for at least six months. Many cities already post recordings indefinitely, along with meeting

agendas and minutes, which reduces public records requests for those items.

Public Comment Required at Regular Meetings

The OPMA now requires acceptance of public comment at any regular meeting where final action is taken—which is likely most, if not all, of your city’s regular meetings. Public comments can be written rather than oral, and a city can set reasonable deadlines for accepting written comments. Any written comments received must be distributed to the governing body. The new legislation does not specify when during the meeting oral comments must occur, but there must be an option for remote comments if requested and where feasible. Public comment is not required during emergencies or for special meetings, but offering the option is recommended.

Cities can still impose reasonable regulations on meeting conduct. This is usually

best accomplished with adopted rules of procedure and conduct for meetings, which can be enforced on the public as well as members of the governing body. However, cities should be mindful of First Amendment considerations. Limiting comments to a particular subject matter (assuming those limits are viewpoint-neutral) is likely permissible, but consider whether other opportunities are being provided for general public comment. Cities should not physically remove a member of the public or disconnect a remote participant unless the person is actually disrupting the meeting—a high threshold. It is, however, acceptable to mute a remote participant when appropriate, such as if a commenter is past the allotted comment time, preferably following a warning.

Executive Session Purpose and Notice of Adjournment

It is now expressly required that a city include the purpose of executive sessions in its meeting minutes. Many cities already do this, but the OPMA did not previously require it. The OPMA also requires posting a notice of adjournment conspicuously on or near the door of the meeting location, but the new legislation clarifies that this is not required for fully remote meetings.

Next Steps

Examine each of these changes to the OPMA and ensure your city complies. Consult with knowledgeable legal counsel as needed to assist with updating the city’s policies or practices to align with the recent updates.

Adrian Urquhart Winder is a principal at Foster Garvey with nearly 15 years of experience representing public clients in trial and appellate litigation. She focuses her practice on municipal and real estate law, including Public Records Act matters and eminent domain.



Cityscape

Ever After

Historic lessons learned in economic resiliency.

IN 1971, AT THE HEIGHT OF a regional economic downturn dubbed the “Boeing Bust,” plummeting demand compelled the region’s largest employer to more than halve its workforce—igniting a local recession. In response, a pair of Seattle realtors posted a now infamous tongue-in-cheek billboard on Pacific Highway near Seattle-Tacoma International Airport: “Will the last person leaving SEATTLE —Turn out the lights.”

While the Boeing Bust briefly caused the local unemployment rate to skyrocket to 13.8 percent—nearly triple the national average—and the Emerald City’s population to dip below 500,000 (from 565,000 in 1965), it proved to be a cautionary tale illustrating the inherent danger of putting too much reliance on a single employer or business sector to drive the local and regional economy. Statewide, diversification became a mantra of economic development.

Nearly four decades later in 2008, the housing bubble burst, and Seattle lender Washington Mutual collapsed in the largest bank failure in US history. With little in the way of federal assistance, local governments were largely left to fend for themselves during the Great Recession—which ultimately became the longest economic downturn since World War II. So, when the COVID-19 pandemic triggered a global recession, cities nationwide collectively rallied for the passage of the American Rescue Plan Act. These ARPA funds are now helping local jurisdictions chart self-determined paths toward economic resiliency.



The infamous “Boeing Bust” billboard on Pacific Highway near Sea-Tac in 1971

As we enter a new year seemingly fraught with a fresh wave of economic challenges—not the least being the alarming contraction of a once-booming tech sector, including Seattle-based Amazon, which shed 10,000 employees in 2022 and anticipates more layoffs in 2023—we take hope and inspiration from the past. Thanks in no small part to ARPA, and local leadership, the lights still shine bright in Seattle, and in cities across the state. **C**

5 City Legislative Priorities in 2023

Washington's 281 cities ask the Legislature to partner with cities and act on the following priorities:



Find more information and legislative fact sheets at wacities.org



Respond to the *Blake* decision

Support clarification around the crime of possessing a controlled substance so that individuals, law enforcement, and treatment providers can respond appropriately. Revise the current system of two referrals prior to criminal charges, so it can be more effectively administered across the state. Support additional investments to help cities with the costs stemming from the *Blake* decision on how possession of controlled substances is handled by the criminal justice system.



Address vehicle pursuits for public safety

Clarify the ability for law enforcement to conduct vehicle pursuits using a reasonable suspicion standard in specific circumstances. This is essential to allow for effective and safe pursuit of suspects when there is an immediate threat to public safety. Cities will continue to support safety standards and training for officers who engage in vehicle pursuits.



Ensure basic infrastructure funding

Fully fund the Public Works Assistance Account (PWAA), allow the current revenue diversions to sunset at the end of fiscal year 2023, and refrain from further fund transfers or diversions to other infrastructure programs or non-infrastructure accounts. Expand state funding opportunities to assist with maintenance and operations of local infrastructure.



Increase housing availability & affordability

Support a proactive approach that creates new tools, incentives, and revenues that cities can use to help increase housing supply and address affordability. Cities need resources to encourage development of housing at all income levels—especially for our lowest-income residents.



Provide behavioral health resources

Create greater access to community-based behavioral health services to include substance use disorder treatment and dual diagnosis treatment facilities. Support continued state funding to help communities establish alternative response programs like co-responder programs, diversion programs, and others that provide options beyond law enforcement for responding to situations that involve individuals suffering from behavioral health issues.

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