



MONROE CITY COUNCIL

Agenda Bill No. 20-015

SUBJECT:	<i>Selection of 2020 Mayor Pro Tem; Council Committees; and Various Council Appointments</i>
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DATE:	DEPT:	CONTACT:	PRESENTER:	ITEM:
01/14/2020	City Clerk	Elizabeth Adkisson	Deborah Knight	New Business #1

- Attachments:**
1. Summary of French Creek Flood Control District Board Requirements
 2. Snohomish County Tomorrow Steering Committee Information
 3. Community Transit Representative Information
 4. Board of Health Representative Information
 5. 2019 Council Legislative Committees List

REQUESTED ACTION:

- A. Move to appoint Councilmember _____ as Mayor Pro Tempore for 2020.
- B. Move to appoint Councilmember _____ as the Council representative to the French Creek Flood Control District Joint Board.
- C. Move to appoint Councilmember _____ as the Council representative to the Snohomish County Tomorrow Steering Committee.
- D. Move to appoint _____ (a City of Monroe elected official) to attend the Thursday, January 16, 2020, Community Transit Board Composition Review and Board Selection Meeting.
- E. Move to support the appointment of Snohomish Councilmember Linda Redmon to continue serving as the Snohomish County Board of Health District 5 Representative.
- F. Move to appoint Councilmembers _____ and _____ to review and sign bills for 2020.
- G. Move to assign Councilmembers _____, _____, and _____ to the 2020 Public Safety Committee.
- H. Move to assign Councilmembers _____, _____, and _____ to the 2020 Finance and Human Resources Committee.
- I. Move to assign Councilmembers _____, _____, and _____ to the 2020 Legislative Affairs Committee.
- J. Move to assign Councilmembers _____, _____, and _____ to the 2020 Transportation/ Planning, Parks and Recreation, and Public Works (P3) Committee.

POLICY CONSIDERATIONS

Pursuant to RCW 35A.13.035, and the Council Rules of Procedures, the City Council may appoint a Mayor pro tempore to preside over meetings in the absence or disability of the Mayor; and Councilmembers shall be assigned to Council Legislative Committees as determined by the City Council.

DESCRIPTION/BACKGROUND

- A. Mayor Pro Tempore** (2019 - Councilmember Hanford) Per the City Council Rules of Procedure, the Mayor Pro Tem shall be the presiding officer at meetings where the Mayor is not in attendance; and when the Mayor excuses themselves from meeting proceedings due to a conflict of interest. Duties include:
- 1) Preserve order and decorum in the Council Chambers.
 - 2) Observe and enforce all policies and procedures adopted by Council.
 - 3) Appoint Councilmembers to serve on ad-hoc committees, if necessary.
 - 4) Recognize Councilmembers requesting the floor in the order in which they operate their signal light. It is the policy of the Monroe City Council to encourage its members to:
 - Speak one time to an issue taking care not to reiterate previous comments or arguments.
 - Rebut opposing arguments only once.
 - Speak only twice on the same subject without permission of the presiding officer.
 - Wait for presentations to conclude before offering comments and asking questions.
 - Speak to the merits of an issue and avoid references to personalities.
- B. French Creek Flood Control District Joint Board** (2019 – Council: Kamp, Staff: Roberts and Hasart): The City drains stormwater via the French Creek Flood Control District (FCFCD) drainage system. The City’s Agreement with FCFCD provides for three City representatives (two staff members – the Operations & Maintenance Manager and the Finance Director, and one Councilmember), in order to give the City input in the District’s budget planning and to discuss funding to ensure that the District remains solvent (see Attachment 1).
- C. Snohomish County Tomorrow Steering Committee** (2019 – Councilmember Cudaback): Snohomish County Tomorrow (SCT) is a cooperative and collaborative public inter-jurisdictional forum. SCT’s mission is to adopt a publicly shared vision to guide effective growth management and to preserve Snohomish County’s unique quality of life (see Attachment 2).
- D. Community Transit Board Composition Review and Board Selection Meeting** (2019 – Mayor Thomas): The Community Transit Board of Directors for the 2020-2021 term will be selected at the Composition Review and Board Selection meeting on Thursday, January 16, 2020, 4 p.m. As a member of Community Transit’s service area, the Monroe City Council may appoint one elected official to represent the City at this meeting; where representatives from all of the service area cities will vote to select the 2020-2021 Board of Directors.
- E. Snohomish Health District Board of Health Representative** (2019 – Snohomish Councilmember Linda Redmon): Per the Health District Charter, the cities in District 5 select a single representative by majority vote of those cities. We received notice from Snohomish Mayor John Kartak that Councilmember Redmon wishes to continue service as the 2020 Board of Health Representative for District 5.
- F. Two Councilmembers to review and sign for approval of bills** (2019 – Council: Hanford and Rasmussen): The bills are on the Consent Agenda for approval at the two Council Business Meetings each month. Two Councilmembers are selected to review the bills and sign the Approval form.

G. Assign Council Committee Members: Currently, there are four (4) Council Committees that are each scheduled to meet once per month, as needed. Councilmembers can be on more than one committee, if interested. The committees are: (1) Public Safety; (2) Legislative Affairs; (3) Finance and Human Resources; and (4) Transportation/Planning, Parks and Recreation, and Public Works (P3) (*see Attachment 4*).

FISCAL IMPACTS

N/A

TIME CONSTRAINTS

As soon as possible to ensure City Council representation as needed.

ALTERNATIVES

1. Choose to defer selection of any or all positions until a later date.
2. Do not select councilmembers to fill any or all positions.

French Creek Joint Board

The City drains stormwater via the French Creek Flood Control District (FCFCD) drainage system. The FCFCD Board sets the rates that are charged to the City and other customers. The Agreement with FCFCD provides for three City representatives, in order to give the City input in the District's budget planning and to discuss funding to ensure that the District remains solvent. The City representatives are usually one staff member from Public Works, the City Finance Director, and one Councilmember.

The Joint Board meets four times per year (July, August, September, and October) at 7:00 a.m., at various locations in the Sky Valley area. The meetings are usually on the third Thursday of the designated months; but, may be changed, if there are scheduling conflicts, etc.



Snohomish County Tomorrow

Snohomish County Tomorrow (SCT) is a cooperative and collaborative public inter-jurisdictional forum consisting of representatives from the county and nineteen of the cities as well as the Tulalip Tribes. SCT's goal for Snohomish County, the cities and tribes in Snohomish County is to partner and work together for the betterment of all citizens in Snohomish County and the region. SCT's primary function is to oversee the [Countywide Planning Policies](#) (CPP) which are written policies used solely for the purpose of establishing a countywide framework from which the county and cities' comprehensive plans are developed.

Steering Committee

Regular Meetings

- 6 - 8 p.m.
- Fourth Wednesday of every month.
- Snohomish County Administration Building, 3000 Rockefeller Ave, Everett, WA 98201

Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval.

[Most Recent Agenda \(PDF\)](#) | [View All Agendas and Minutes](#)

Members

- [Current Members \(PDF\)](#)

About the Committee

The Snohomish County Tomorrow Steering Committee is the policy advisory body of the Snohomish County Tomorrow planning process. The Steering Committee membership is comprised of one elected representative from each of the cities and towns in the county, the Tulalip Tribes, and three elected representatives from Snohomish County. The county representatives include the Snohomish County executive and two county council members. All of these members are called the elected official representatives.

These members select six additional members who are Snohomish County citizens at large.

These six members are called citizen representatives. One member from the Community Advisory Board is also seated at Steering Committee meetings. The Steering Committee operates by general powers and authority granted to each municipal entity to participate in cooperative inter-jurisdictional planning efforts and specifically by the following:

- Snohomish County Motion 89-159, adopting the Snohomish County Tomorrow Planning Process, including the Steering Committee
- Resolution to Participate in Snohomish County Tomorrow, as adopted by participating jurisdictions
- Revised Code of Washington (RCW) 36.70A.210, as amended; laws of the State of Washington making comprehensive and inter-jurisdictional planning for growth management a mandatory requirement for cities, towns and the county

SCT Membership

[Arlington](#)
[Bothell](#)
[Darrington](#)
[Edmonds](#)
[Everett](#)

[Gold Bar](#)
[Granite Falls](#)
[Index](#)
[Lake Stevens](#)
[Lynnwood](#)

[Marysville](#)
[Mill Creek](#)
[Monroe](#)
[Mountlake Terrace](#)
[Mukilteo](#)

[Snohomish](#)
[Stanwood](#)
[Sultan](#)
[Tulalip Tribes](#)
[Woodway](#)

Snohomish County Tomorrow Steering Committee

Agenda Bill
Action Item 4.a.

Date: January 22, 2020
Subject: 2020 Work Program
Exhibit: (1) 2020 SCT Work Program

Summary Statement:

The 2020 SCT Work Program removes nine items from the previous year's Work Program and includes eight additional projects.

Background:

The Snohomish County Tomorrow (SCT) Draft Work Program lists the projects that SCT intends to consider in 2020, by month. Specifically, the Work Program shown in Exhibit (1) lists GMA/CPP-required subjects as well as other projects that the county and the cities will be bringing to SCT committees.

The following items from the 2019 Work Program have been removed in 2020 (followed by the reason why in italics):

- Annexation Policy and Annexation Report (*not slated for 2020*)
- SWUGA Boundary Planning Study (*Study completed*)
- PSRC Regional/Subregional Centers Framework Update (*Update completed*)
- Rural Town Centers & Corridors Call for Projects (*Occurs every other year*)
- Dept. of Commerce; BLR (*This stage of the BLR was completed*)
- Arlington/Marysville Manufacturing Industrial Center Designation (*Designation approved*)
- Implement Sustainability & Climate Change policies in Vision 2050 & MPPs (*Will be incorporated into Countywide Planning Policy Update*)

New or revised projects for 2020 include:

- 2021 Buildable Lands Report (*Research finished in 2019; study begins in 2020*)
- 2019 Growth Monitoring Report (*Carry over from 2019*)
- Countywide Planning Policy Update (*Update of CPPs in advance of Comp. Plan updates*)
- 2043 Initial Growth Targets (*Draft targets for population and employment growth*)
- 2023 GMA Update and Compliance Review (*Update of Comprehensive Plan*)
- Housing Affordability Regional Taskforce (*5-year action plan identifying priorities to accelerate ability to meet affordable housing needs of all County residents*)
- Regional STP/CMAQ Call for Projects (*Occurs every other year*)
- Countywide STP/CMAQ Call for Projects (*Occurs every other year*)

Executive Committee Recommended Action:

The Executive Committee recommends that the Steering Committee adopt the 2020 Work Program.

Contact Person: Cynthia Pruitt, (425) 388-3185

Exhibit (1)

PAC, MAG – Recommended 2020 SCT Work Program with County-Suggested Input (Italicized)													
DRAFT 1-8-20													
NOTE: This Work Program has not been confirmed by PDS; further changes are possible.													
Task	Frequency	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
									No PAC	No PAC			No PAC
SCT Administration													
Budget	Annually					E	ES	ES					
Work Program	Annually	ESI											PC
Gen. Assembly/Annual Report	Annually									ES			
Election of Officers	Annually		ECIM PS										
Legislative													
Legal & Legislative Briefing	Annually	ES											ES
GMA/CPP Requirements													
2021 Buildable Lands Report	Every 8 years	P	ESP	ES	MP	P	P	P		M	P	P	
2019 Growth Monitoring Report	Annually	P	P	ES	M								
Countywide Planning Policy Update	Periodically	ES	C	M		PI	ES				PI	M	ES
2043 Initial Growth Targets	Every 8 years			M	P	P							P
County Projects													
Snohomish County Light Rail Communities	Periodically	P	C	M	PSE	C							PC
2023 GMA Update and Compliance Review	Periodically		ECIPS		M	ECIP							ECIP S
Housing Affordability Regional Taskforce	TBD		M										

Contact Person: Cynthia Pruitt, (425) 388-3185

Snohomish County Tomorrow Steering Committee

Agenda Bill Action Item 4.a.

SCT Projects										
	Periodically	EMP S	PES	MI	EMP S	ES	P	EMP S	ES	EMP S
Sound Transit 2 & 3 Alliance for Housing Affordability	Quarterly Briefings	EMP S			EMP S			EMP S		
Public Works Assistance Fund Call for Projects	Periodically at Exec. Comm.	I								M
Regional STP/CMAQ Call for Projects				MI	I	I				
Countywide STP/CMAQ Call for Projects				MI	I	I				
Vision 2050 Update				M	P	P				M
Regional Transportation Plan										MP
CPP JP-2 Alt. Dispute Resolution Update	TBD									
MAG Mission Statement Update	TBD									
City Projects										
Main Focus:										
Transportation, including:										
• Community Transit: Prepared for 2024	Jan	MP								
• Eastside Rail/Trail Corridor	Quarterly Briefings	EM		EM				EM		
• Federal Funding Update & infrastructure financing			EMS	I						I
• MAP-21										
• Co. Public Works Assistance Fund (briefings)	Periodically at Ex. Cmt.									
• CPP Implementation: Transportation (CPP TR-14)	TBD									



October 29, 2019

Mayor Thomas and City Council Members
 City of Monroe
 806 W. Main St.
 Monroe, WA 98272

Dear Mayor Thomas and City Council Members:

In January, the Community Transit Board of Directors for the 2020-2021 term will be selected. We are including information in this letter that explains the selection process and invite you to participate in this important opportunity.

Community Transit Board Composition Review and Board Selection Meeting

Thursday, January 16, 2020 at 4:00 p.m.

Community Transit Board Room

7100 Hardeson Rd. | Everett, WA 98203

This meeting includes a Board composition review, which is conducted every four years, and Board selection for the new two-year term, 2020-2021. As a member of Community Transit's service area, your City Council may appoint one elected official to represent your city at this meeting. At this meeting, representatives from all of the cities will vote to select the 2020-2021 Board of Directors. Please place this item on an upcoming City Council meeting agenda.

This is an exciting time for transportation in Snohomish County and for Community Transit as service expands and our agency prepares for the arrival of Link Light Rail in 2024. We look forward to your participation in this meeting.

MEETING AGENDA

I. Board Composition Review

The Board of Directors consists of 10 members, 9 of whom are elected officials and voting members of the Board. The composition of the Board of Directors is reviewed every four years per RCW 36.57A.055.

CURRENT POPULATION CLASSIFICATIONS:

- (2) members and (1) alternate from the component cities with population of 35,000 or more (Edmonds, Lynnwood, Marysville);
- (3) members and (2) alternates from the component cities with population between 15,000 and 35,000 (Arlington, Bothell, Lake Stevens, Mill Creek, Monroe, Mountlake Terrace, and Mukilteo);

- (2) members and an (1) alternate from the component cities with population less than 15,000 (Brier, Darrington, Gold Bar, Granite Falls, Index, Snohomish, Stanwood, Sultan and Woodway);
- (2) members and their alternate from the Snohomish County Council; and
- (1) non-voting labor representative

During the composition review, attendees consider whether these population classifications provide the appropriate representation on the board. Population figures are determined by the state [Office of Financial Management's official figures](#). Each elected official representative attending the meeting is a voting member and will represent your city with one vote. Those present shall be deemed a quorum.

II. Board Selection

Immediately following the Board composition review, an election will be held to determine the 2020-2021 Board of Directors and Board alternates. Representatives within the same population classification will meet as a group and select their Board member(s) and alternate(s). Board selection takes place every two years.

RSVP AND ENCLOSURES

Please contact Rachel Woods, Executive Board Administrator, at rachel.woods@commtrans.org or 425-438-6158 by **January 8, 2020**, with the name, email, and phone number of the selected elected official that will be attending this meeting on behalf of your city. Your representative will then receive a meeting notice and other required information.

To further understand the Board's role, please reference the enclosed Board member roles and responsibilities, key facts, and agency bylaws. Those being considered for the Board member role must disclose any personal situation which may give the appearance of having a conflict of interest as stated in the agency bylaws (section 3.1.i).

Thank you for your participation in this meeting. It is an important opportunity for your city to be represented in the selection of the Community Transit Board of Directors.

Sincerely,



Emmett Heath
Chief Executive Officer

Enclosures

BOARD MEMBER ROLES & RESPONSIBILITIES

The Board of Directors are the governing body of the Snohomish County Public Transportation Benefit Area Corporation, Community Transit. There are 9 voting members and one non-voting member of the Board who provide policy, fiduciary, and legislative direction for the corporation and administrators.

Term: January 16, 2020—January 2022

Qualifications

- Elected official selected by and serving on behalf of respective governing bodies of the component cities and county within the area OR (1) non-voting member representing the collective bargaining units
- Current Open Public Meetings Act training (can be obtained after being selected to the Board)
- No conflict of interest or appearance of conflict

Summary Responsibilities¹

- Acting in the best interests of Community Transit advocating issues that promote the corporation's financial, operational and organizational well-being
- Abiding by state and local laws with regard to Board member conduct and protocol and the corporation's bylaws, procedures, and board resolutions
- Regularly attending all scheduled Board meetings, workshops, and retreats
- Representing Community Transit's position to the public, in the Legislature and the community
- Selecting and evaluating the performance of the chief executive officer
- Ensuring strong fiduciary oversight and financial management, approving expenditures over \$150,000
- Directing requests that involve significant research or staff time to the chief executive officer
- Disclosing potential conflicts before meetings and actual conflicts during meetings

Meetings

- New Board Member Orientation (February or March 2020 date to be announced)
- 12 Regular Board Meetings per year
 - First Thursday of the month, 3-5 p.m.
 - The first Board meeting for the newly selected Board is scheduled for February 6, 2020
- 4 Quarterly Board Workshops per year
 - Third Thursday of January, April, July and fourth Thursday of October, 3-5 p.m.
- 12+ Board Standing Committee Meetings per year
 - Each Board member is expected to serve on up to 2 Committees (determined by Chair) that meet monthly
 - Executive Committee (Chair, Vice-Chair, Secretary, Past Chair)
 - Strategic Alignment and Capital Development Committee
 - Finance, Performance and Oversight Committee
- Board Retreat/Planning Meeting as determined by Chair
- Special meetings may be called from time to time as necessary

Compensation

- Each Board member is eligible to receive mileage and meal reimbursement. Board members who are not full-time elected officials are eligible to receive [\\$90 per diem](#).

¹ See sec. 3.1 of Community Transit's Board Bylaws



Key Facts

Community Transit is Snohomish County’s public transportation provider, created by voters in 1976. The agency:

- Provides local bus service within Snohomish County.
- Runs commuter bus service to the University of Washington and downtown Seattle.
- Offers Dial-a-Ride Transportation (DART) paratransit service for eligible people with disabilities.
- Has one of the largest vanpool ridesharing fleets in the nation.
- Operates Sound Transit Regional Express bus service between Snohomish and King Counties.

The agency’s primary revenue source is a voter-approved 1.2 percent sales tax (12 cents on a \$10 purchase). The agency also receives federal and state funding.

All figures shown represent service at the end of 2018.

Agency

- 10.7 million passenger boardings in 2018.
- 24 local routes, 22 commuter routes, 6 Sound Transit routes (operated under contract).
- 748 direct employees.
- Service area: 1,309 square miles. Service area population: 587,366.
- 23 Park & Ride lots with 7,800 spaces.
- 15 Park & Pool lots with 500 leased parking spaces.
- \$142.5 million operating expense budget.
- 635,000 revenue service hours: 402,000 fixed route bus; 145,000 vanpool; 88,000 DART.

Fleet

- 288 total fixed-route buses
 - 30-foot buses: 13
 - 40-foot buses: 114
 - 60-foot buses: 80
 - 60-foot *Swift* BRT buses: 19
 - Double Tall double decker buses: 62
- Vanpool vans: 470
- DART paratransit vehicles: 52

Ridership

- Average weekday ridership: 33,400 passengers.
- Average Saturday ridership: 11,800 passengers.
- Average Sunday ridership: 7,700 passengers.
- *Swift* Blue Line
 - *Swift* Blue Line served more than 1.8 million passengers in 2018, about 5,500 each weekday.
 - 1 in 6 weekday bus riders is on the *Swift* Blue Line.
 - 1 in 3 weekend bus riders is on the *Swift* Blue Line.
 - *Swift* Blue Line has four times the ridership of our next highest ridership route, Route 115.
 - *Swift* Blue Line buses transport about 400 riders per hour.
- 79% of weekday bus boardings occur on six major corridors
- 71% of weekday boardings occur during peak hours.
- 45% of Snohomish County residents who work in downtown Seattle commute by bus.



Adopted Feb. 11, 1976
Amended Dec. 14, 1983
Amended September 13, 1989
Amended February 1, 1996
Amended September 11, 2003
Amended February 3, 2005

Amended August 7, 2008
Amended September 2, 2010
Amended September 1, 2011
Amended March 6, 2014
Amended January 21, 2016

Bylaws of the
Snohomish County Public Transportation
Benefit Area Corporation

Article I. Name, Powers, Rights and Liabilities

Sec. 1.1 Name. The name of the municipal corporation duly established pursuant to laws of the State of Washington shall be "Snohomish County Public Transportation Benefit Area Corporation" hereinafter referred to as the "Corporation" or as Community Transit.

Sec. 1.2 Powers, Rights and Liabilities. By and in the corporate name, the Corporation shall have and exercise all powers, functions, rights and privileges now and hereafter given or granted to, and shall be subject to all the duties, obligations, liabilities and limitations now and hereafter imposed upon municipal corporations of the same class by the Constitution and laws of the State of Washington, and shall have and exercise all other powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like character and degree. The Corporation shall have all powers possible to have under the Constitution and laws of this state.

Article II. The Governing Body - Board Composition

Sec. 2.1 Voting Members. The governing body of the Corporation shall be a Board that includes nine voting members, all of whom shall be elected officials selected by and serving at the pleasure of the respective governing bodies of the component cities and county within the area. The voting membership of the Board shall be composed of the following members:

- a. Two (2) members and their alternate who are elected officials of the governing body of the County.
- b. The remaining seven (7) voting members of the Board shall be selected as follows:
 - i. Two (2) members and one (1) alternate from the component cities with populations of 35,000 or more.

- ii. Three (3) members and two (2) alternates from the component cities with populations between 15,000 and 35,000.
- iii. Two (2) members and an alternate from the component cities with populations less than 15,000.
- iv. Such voting representatives to the Board shall be elected officials selected by the governing body of the respective representative cities. The selection of such members shall be elected by the elective representatives of the same size cities the Board member is to represent. Such selections shall be made during the months of January or February of each even-numbered year as determined by the Chairperson. Such selected members of the Board shall begin their term of office as a Board member at the first meeting following their selection.

At the aforementioned January or February meeting, alternate Board members shall be selected to serve on the Board in the event of a vacancy on the Board or the absence of one of the regular Board members selected pursuant to this subsection.

In the event of a vacancy on the Board created by one of the members selected pursuant to this subsection, the representatives of cities which were so represented on the Board by the vacant position on the Board shall meet as soon as it is feasible and select a representative to fill the vacancy. In the interim, an alternate selected pursuant to this subsection may fill the vacancy until a regular Board member is selected. Each such member of the Board shall hold office until his successor has been selected as provided herein unless such person has been ineligible to hold such position.

c. **Cities Excluded from Direct Membership.** Those cities within the boundaries of the Corporation and excluded from direct membership on the Board are authorized to designate a member of the Board who shall be entitled to represent the interest of such city which is excluded from direct membership on the Board. The legislative body of such city shall notify the Board as to the determination of its authorized representative on the Board.

Sec. 2.2 Non-voting Board Member. There shall be one (1) non-voting member who shall represent the collective bargaining units representing the public employees of the Corporation. The bargaining units shall select the non-voting member as prescribed in RCW 36.57A.050. Such selections shall be made during the months of January or February of each even-numbered year as determined by the Chairperson: provided however the

selection of the initial non-voting member shall take place as soon as possible after the effective date of the statutes providing for such non-voting member. Such selected non-voting member of the Board shall begin their term of office at the first meeting following their selection.

In the event of a vacancy on the Board created by the aforementioned non-voting member, the aforementioned procedure for selecting the non-voting member shall be followed to fill the vacancy as soon as it is feasible.

Article III. Duties of the Board and Board Meetings

Sec. 3.1 Duties of the Board.

i. Duties of Voting Members of the Board

The voting members of the Board of the Corporation shall provide the policy and legislative direction for the Corporation and its administrators. The voting Board Members shall also abide by the following performance standards:

- a. Voting members shall exercise their fiduciary duties through responsible use of the Corporation's assets. Voting members shall transact the Corporation's business promoting wise expenditures, prompt payment of debts, and in other ways safeguarding the Corporation's assets from waste, abuse, theft, or other physical loss.
- b. Voting members shall attend all scheduled Board meetings, workshops, and retreats, unless excused. Three consecutive unexcused absences constitutes removal from the Board. Voting members shall be informed and aware of issues affecting the Corporation.
- c. Voting members shall effectively represent the Corporation's position to the public, in the Legislature, and in the community. Voting members should not represent their own opinion as the official position of the Corporation.
- d. Voting members shall act in the best interests of the Corporation, supporting the agency as Snohomish County's primary public transportation provider. Voting members shall advocate issues that promote the Corporation's financial, operational, and organizational well-being.
- e. Voting members shall abide by all state and local laws with regard to Board member conduct and protocol, as well as the Corporation's by-laws, resolutions, and procedures.
- f. All voting member requests for information that require significant research or staff time shall be directed to the Chief Executive Officer (CEO). All requests shall be courteous and concise. Voting members should clearly state the goal of their request so the appropriate information can be supplied. Should the request be ambiguous in nature or

require substantial time or resources, the item shall be brought to the Executive Committee.

- g. There shall be no communication between voting members and Corporation employees or the non-voting member regarding negotiations or other personnel issues, except for the staff of the Corporation who are responsible to represent the Corporation and the Board in labor relations. If a Board Member is approached by an employee, the Board member shall refer the individual to the CEO. There shall also be no contact between Board Members and vendors or potential vendors that might create the impression of a conflict of interest or any other inappropriate conduct. Contact includes, but is not limited to, the receipt of gratuities and/or gifts of value.
- h. A Board Member shall direct any allegation that another Board Member or the non-voting member has violated these performance standards to the Chairperson of the Board of Directors who shall direct the investigation of the allegation. The Chairperson of the Board shall present the findings to the Executive Committee of the Board. If the Executive Committee finds that a violation has been committed, it may, in its sole discretion, present the issue to the full voting members of the Board of Directors for action. Action may include a reprimand or dismissal from the Board of Directors. If the allegation is against the Chairperson of the Board, the Vice-Chairperson shall direct the investigation as provided above. If the allegation is against a member of the Executive Committee, the Executive Committee member shall be excused from the Executive Committee's deliberations to determine whether the issue is submitted to the full Board of Directors.
- i. A Board member, when being considered for selection to the Board of Directors of Community Transit, shall disclose any personal situation which may give the appearance of having a conflict of interest. A conflict of interest may include, but is not limited to, having a family member working for Community Transit, past employment with Community Transit or contracting with Community Transit.

ii. Duties of The Non-Voting Member of the Board

The non-voting member shall abide by the following performance standards:

- a. The non-voting member shall exercise their fiduciary duties through responsible use of the Corporation's assets.
- b. The non-voting member shall effectively represent the Corporation's position to the public, in the Legislature and in the community. The non-voting member should not represent their own opinion as the official position of the Corporation.

- c. The non-voting member shall attend all scheduled Board meetings, workshops, and retreats unless excused. Three consecutive unexcused absences constitutes removal from the Board. The non-voting member shall be informed and aware of issues affecting the Corporation as provided in these Bylaws.
- d. Such non-voting member shall act in the best interests of the Corporation, supporting the agency as Snohomish County's primary public transportation provider. Such non-voting member shall advocate issues that promote the Corporation's financial, operational, and organizational well-being.
- e. Such non-voting member shall abide by all state and local laws with regard to the representative's conduct and protocol, as well as the Corporation's by-laws, resolutions, and procedures.
- f. Such non-voting member's requests for information that require significant research or staff time shall be directed to the Chief Executive Officer (CEO). All requests shall be courteous and concise. Such non-voting member should clearly state the goal of their request so the appropriate information can be supplied. Should the request be ambiguous in nature or require substantial time or resources, the item shall be brought to the Executive Committee.
- g. There shall be no communication between voting members and the non-voting member regarding negotiations or other personnel issues. There shall also be no contact between the non-voting member and vendors or potential vendors that might create the impression of a conflict of interest or any other inappropriate conduct. Contact includes, but is not limited to, the receipt of gratuities and/or gifts of value.
- h. A voting member or non-voting member of the board shall direct any allegation that another voting member or non-voting member has violated these performance standards to the Chairperson of the Board of Directors who shall direct the investigation of the allegation. The Chairperson of the Board shall present the findings to the Executive Committee of the Board. If the Executive Committee finds that a violation has been committed, it may, in its sole discretion, present the issue to the full voting members of the Board of Directors for action. Action may include a reprimand or dismissal from the Board of Directors. If the allegation is against the Chairperson of the Board, the Vice-Chairperson shall direct the investigation as provided above.
- i. A non-voting member of the board, when being considered for selection to the Board of Directors of Community Transit, shall disclose any personal situation which may give the appearance of having a conflict of interest.

Sec. 3.2 Board Offices. The majority of the whole voting membership of the Board shall select a Chairperson, a Vice Chairperson, and a Secretary from the voting members. The officers shall hold office until the first Board meeting in the month of February of each year. These officers may, if re-elected, serve more than one term.

Sec. 3.3 Meetings and Meeting Notice.

- a. Regular Meetings. The time and place of regular meetings of the Board shall be established by a resolution of the Board. Such resolution may also specify the appropriate notification of such meetings.
- b. Special Meetings. Special meetings may be called at any time by the Chairperson or by a majority of the voting members of the whole Board. The notification of such meetings must be delivered to each Board member and others requiring notification under the State Statute (RCW 42.30.080) at least twenty-four (24) hours before the time of such meeting unless otherwise provided for under the laws of the State of Washington. The requirements of RCW 42.30.080 now and as hereafter amended shall be adhered to regarding such meetings.
- c. Executive Sessions (Meetings). The Board may hold executive sessions if such sessions are not otherwise prohibited by State Statutes.

The Chairperson or the Acting Chairperson shall exclude the nonvoting member of the Board from attending any executive session held for the purpose of discussing negotiations with labor organizations. The Chairperson or the Acting Chairperson may allow the nonvoting member to attend any other executive session. The decision of the Chairperson or Acting Chairperson shall be final and binding. If the non-voting member attends an executive session of the Board of Directors, such non-voting member shall not disclose any information obtained in such executive session to anyone and shall not use such information to further the interest, either directly or indirectly, of any collective bargaining unit or employee(s) of the Corporation.

Sec. 3.4 Quorum. A majority of all the voting members of the Board shall constitute a quorum for the transaction of business.

Sec. 3.5 Parliamentary Procedure. All Board meetings shall be conducted pursuant to the Rules of Order established by the presiding officer; provided that a majority of the quorum may require that "Roberts Rules of Parliamentary Procedure" be applied to the meeting procedures unless other procedures are required by these Bylaws or the laws of the State of Washington.

Sec. 3.6 Board Acting as a Body. The Board shall take official action as a body in making its decisions and announcing them. No member shall represent or act for the Board without prior authorization of the Chairperson, the Executive Committee, or the Board except as otherwise provided for in these Bylaws.

Sec. 3.7 Records of Board Meetings.

- a. **Minutes.** The proceedings of the Board meetings shall be recorded and maintained. The minutes shall consist primarily of a record of the action taken. Prior to the adoption of the minutes, copies of the proposed minutes shall be forwarded to all Board members prior to the next regular meeting for their reference and/or correction. At the next regular meeting, the Board shall consider the minutes for adoption or necessary corrections. A recording secretary will be present at all open Board meetings unless otherwise directed by the Chairperson, in which event the Chairperson shall designate another Board or staff member to keep a record of the meeting. Copies of the adopted minutes shall be forwarded to all Board members and to the component cities and county.
- b. **Resolution.** Every action of the Board of a general permanent nature and every action otherwise required by State Statute shall be by Resolution or Ordinance.

Sec. 3.8 Committees. The Chairperson, from time to time, shall appoint Board members to serve on standing or special committees. If a non-voting member is appointed to a committee, that non-voting member shall also be a non-voting member of the committee. At the time of the appointment of such Board members, the Chairperson shall state the objective of the committee and the date upon which a report shall be issued to the Board. The Chairperson shall be an ex-officio member of all such committees. There shall be one permanent standing committee, that committee to be the Executive Committee. The membership of the Executive Committee shall consist of the Chairperson, the Vice Chairperson, the Secretary, and the immediate past Chairperson. In the event there is no immediate past Chairperson, the Chairperson shall select another Board member to be on the Executive Committee.

Article IV. Duties of the Chairperson, Vice Chairperson, and Secretary

Sec. 4.1 Duties of the Chairperson. The Chairperson shall preside at all meetings of the Board. In the event of the Chairperson's absence or inability to preside, the Vice Chairperson shall assume the duties of presiding over the meetings of the Board;

provided, however, if the Chairperson is to be permanently unable to preside, the Board shall select a new Chairperson for the remainder of the Chairperson's term. The Chairperson shall also exercise the duties set forth in Article III, Sections 3.1.i.h and 3.1.ii.g above.

Sec. 4.2 Chairperson as Spokesperson. The Chairperson shall act as spokesperson for the Board and shall act as its representative at meetings with other organizations, committees, and other such activities unless such representative shall otherwise be authorized by the Board; provided, however the Chairperson may delegate to any voting Board member the duty of being a spokesperson or representative for the Board. The Chairperson or his/her designated Board member acting as a spokesperson or representative shall make no pronouncements that will obligate or commit the Board except as provided by these Bylaws or pursuant to the authorization of the Board.

Sec. 4.3 Vacancy of Chief Executive Officer. In the event the position of Chief Executive Officer is vacant, the Chairperson shall select an interim replacement subject to approval by the voting members of the Board. Such interim replacement shall not be a Board member and may or may not be a current employee. As soon as practicable following the vacancy, the voting Board members shall initiate a recruitment process to select a new Chief Executive Officer.

Sec. 4.4 Duties of Vice Chairperson. The Vice Chairperson shall perform the duties and have the power of the Chairperson during the absence of the Chairperson. The Vice Chairperson shall perform other duties and have other powers as might be delegated to him or her by the Chairperson. The Vice Chairperson shall be a member of the Executive Committee of the Board. The Vice Chairperson shall also exercise the duties set forth in Article III, Section 3.1.i.h and 3.1.ii.g above.

Sec. 4.5 Duties of Secretary. The Secretary shall cause a record to be made of all open meetings and to sign all documents requiring the Secretary's signature. The Secretary shall be a member of the Executive Committee.

Article V. Chief Executive Officer

Sec. 5.1 Appointment and Removal of Chief Executive Officer. The Board may appoint and remove the Chief Executive Officer with the affirmative vote of sixty percent (60%) of the whole voting membership of the Board of Directors. The Chief Executive Officer shall perform such administrative duties specified in these Bylaws and such other administrative duties as may be designated from time to time by the Chairperson.

Sec. 5.2 Duties of the Chief Executive Officer. The powers and duties of the Chief Executive Officer of the Corporation shall be:

- a. To have general supervision over the administrative affairs of the Corporation.
- b. To appoint and remove all department heads.
- c. To appoint and remove all other employees of the Corporation. However, the voting Board members may cause an audit to be made of any department or office of the Corporation and may select the persons to make it, without the advice and consent of the Chief Executive Officer.
- d. To attend all meetings of the Board at which his/her attendance may be required by that body.
- e. To recommend for adoption by the Board such measures as he/she may deem necessary or expedient.
- f. To prepare and submit to the Board such reports as may be required by the Board or as he/she may deem it advisable to submit to the Board.
- g. To keep the Board fully advised of the financial condition of the Corporation and its future needs.
- h. To prepare and submit to the Board a proposed budget for the fiscal year and to be responsible for its administrative adoption.
- i. To develop and implement policies and procedures to ensure compliance with State public disclosure laws. Due to the size of Community Transit it would be unduly burdensome to maintain an index as provided in RCW 42.17.260.
- j. To perform such other duties as the Chairperson or Board may determine.
- k. To determine conjointly with the Board appropriate performance measurements/standards by which said Chief Executive Officer is to be evaluated at least on an annual basis.

Article VI. Attorney. The Board shall make provision for legal counsel to the Board and the Corporation by any reasonable contracted arrangement for such professional services.

Article VII. Severability. If any provision of these Bylaws, or its application to any person or circumstance is held invalid, the remainder of these Bylaws, or the application of the provisions to other persons or circumstances, is not affected.

Article VIII. Amendments. These amended Bylaws, as adopted by the Board of the Snohomish County Public Transportation Benefit Area Corporation, may be revised or amended at any regular or special meeting of the Board by a vote of a two thirds (2/3rds) of the whole voting membership of the Board; provided that copies of proposed revisions or amendments shall be available to each Board member at least one (1) week prior to the regular or special meeting at which proposed revisions or amendments are to be acted upon.

The foregoing amended Bylaws of the Snohomish County Public Transportation Benefit Area Corporation, consisting of 10 pages, have been adopted and approved by the majority of the whole voting Board on the ___ day of _____, 2016, and shall supersede all past Bylaws or amended Bylaws of the Corporation.

Approved and passed this ___ day of _____, 2016 .

Councilmember Mike Todd, Chair

ATTEST:

Councilmember Stephanie Wright, Secretary

APPROVED AS TO FORM:

Allen J. Hendricks, Attorney

ATTACHMENT ' A'

Governing Body - Board Composition:

- A. **Voting Members** - Nine (9) voting members - all of whom shall be elected officials selected by and serving at the pleasure of the respective governing bodies of the component cities and county within the area composed as follows:

Two (2) council members and their alternate from Snohomish County;

Two (2) members and one (1) alternate from component cities with population of 35,000 or more - Edmonds, Lynnwood and Marysville.

Three (3) members and two (2) alternates from component cities with population between 15,000 and 35,000 - Arlington, Bothell, Lake Stevens, Mill Creek, Monroe, Mountlake Terrace, and Mukilteo

Two (2) members and an alternate from component cities with population less than 15,000 - Brier, Darrington, Gold Bar, Granite Falls, Index, Snohomish, Stanwood, Sultan, and Woodway.

- B. **Non-voting Members** - One (1) non-voting member of the Board of Directors selected by the bargaining units pursuant to RCW 36.57A.050.

Revised 1/21/16

Gina Pfister

Subject: FW: Appointment of 2020 Board of Health member

From: John Kartak (Mayor)
Sent: Monday, December 02, 2019 2:52 PM
To: norm.johnson@cityofindex.org; mayor@cityofgoldbar.us; 'russell.wiita@ci.sultan.wa.us' <russell.wiita@ci.sultan.wa.us>; Geoffrey Thomas <GThomas@monroewa.gov>
Cc: townhall@cityofindex.org; clerk.treasurer@cityofgoldbar.us; cityhall@ci.sultan.wa.us; eadkisson@monroewa.gov; lcarl@snohd.org; Linda Redmon (council) <redmon@snohomishwa.gov>; Steve Schuller <schuller@SnohomishWA.gov>
Subject: Appointment of 2020 Board of Health member

December 2, 2019

To my fellow East County small-city-and-town Mayors of Index, Gold Bar, Sultan, and Monroe,

Snohomish Council-member Linda Redmon wishes to continue the second year of her “full term” of service through 2020 as detailed in the attached letter from the Snohomish County Board of Health, “_02052019-872.pdf”. My request is an updated letter from each of your cities sent to the Snohomish County Board of Health.

Thank you for your consideration, and happy upcoming New Year!

Sincerely,



John T. Kartak | Mayor
City of Snohomish
(360) 282-3154 direct
www.snohomishwa.gov

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January 14, 2020

Shawn Frederickson
Interim Administrator
Snohomish Health District
3020 Rucker Avenue, Suite 306
Everett, WA 98201-3900

RE: Certification of Board of Health Representative

Dear Mr. Ketchel,

Please accept this letter as certification from the City of Monroe for the appointment of Linda Redmon, Snohomish City Council, Position No. 5, to serve as our 2020 representative to the Snohomish Health District's Board of Health.

If you have any questions or need further information, please do not hesitate to contact me at 360-863-4500.

Sincerely,

Geoffrey Thomas, Mayor
City of Monroe, Washington



SNOHOMISH
HEALTH DISTRICT
WWW.SNOHD.ORG

Administration Division

November 25, 2019

The Honorable Geoffrey Thomas
City of Monroe
806 W. Main St.
Monroe, WA 98272

Re: Annual Certification of Board of Health Representative

Dear Mayor Thomas:

Last year the Board of Health passed Res. 18-26 (attached) amending language to the Snohomish Health District Charter regarding membership and city representation. As noted in last year's letter dated December 12, 2018, the amended language establishes a more clearly defined process of selection and membership for Board of Health positions for smaller cities and towns. It also implements a rotation amongst the cities in each County Council district on an annual or semi-annual basis. Res. 18-26 became effective January 1, 2019, and the appointment of the 2019 representative was the start of the rotation cycle.

Per the Health District Charter, the largest city within each Council district appoints a Board of Health representative in accordance with that city's procedure for making such appointments. Lake Stevens is the largest city in District 5 and appoints its own representative.

For the remaining cities, the Charter now calls for the cities and towns in each Council district to select a single representative **by majority vote of those cities**. Monroe shares its representation on the Board with the other cities and towns in District 5 – Gold Bar, Index, Snohomish, and Sultan. The current representative for your city is Snohomish Councilmember Linda Redmon, who remains eligible to serve. Ms. Redmon also serves on the Public Health Program Policy Committee.

The Board sets local public health policy and oversees the operations of the Health District. In addition to attending monthly Board of Health meetings, Board members serve on one of three committees. These committees meet regularly and address topics such as budgeting, Board governance, and policy matters.

Certification must occur before representatives can assume their seat on the Board. It's our hope that Monroe, Gold Bar, Index, Snohomish, and Sultan can, by majority vote, certify their representative **by Monday, January 13**. If not, the incumbent continues as a voting member of the Board until the certification process is complete in District 5.

Please mail your certification letter signed by you or your city manager to me at the address below or via email to icarl@snohd.org. Thank you for your assistance with this process, Mayor Thomas. If you have any questions, please call me at (425) 339-8687.

Sincerely,

Shawn Frederick, Interim Administrator

Attach: Board of Health Res. 18-26
cc: Monroe City Council



SNOHOMISH HEALTH DISTRICT
RESOLUTION OF THE BOARD OF HEALTH

RESOLUTION NUMBER: 18-26

RESOLUTION SUBJECT: AMENDING ARTICLE III OF THE CHARTER OF THE
SNOHOMISH HEALTH DISTRICT ADDRESSING BOARD OF
HEALTH MEMBERSHIP AND CITY REPRESENTATION

WHEREAS, members of the Board of Health are selected to ensure geographic representation of the entire County, including one County Council member from each of the five County Council Districts, one city council member from the largest city in each of the five County Council Districts, and one elected representative selected from among the smaller cities and towns in each of the five County Council Districts; and

WHEREAS, smaller cities and towns in the county have not had a clear or consistent means of selecting a representative from each of the five County Council Districts that provides fair opportunities for representation; and

WHEREAS, the Board of Health desires to establish a more clearly defined process that includes fair and balanced representation and an opportunity for all smaller cities and towns to participate on the Board of Health;

NOW, THEREFORE, BE IT RESOLVED that the Board of Health for the Snohomish Health District does hereby amend Article III of its Charter as set forth in Exhibit A attached hereto relating to the Board of Health membership and establishing a more clearly defined process of selection and membership for Board of Health positions for smaller cities and towns in each of the five County Council Districts;

AND, BE IT FURTHER RESOLVED that this amendment takes effect January 1, 2019.

ADOPTED this 11th day of December 2018.

Adrienne Fraley-Monillas, Chair
Board of Health

ATTEST:

Jefferson S. Ketchel, MA, RS
Administrator

EXHIBIT A

ARTICLE III – MEMBERSHIP

1. Board Membership. The Board of Health shall be composed of a total of 15 members, with 3 members geographically from each of the 5 Snohomish County Council Districts.
 - (a) One Snohomish County Council member shall represent each of the 5 County Council Districts.
 - (b) The largest city within each of the 5 County Council Districts, as determined by the most recent official population numbers from the State of Washington, shall select one Board of Health representative from the city's council.
 - (c) The cities and towns within each of the 5 County Council Districts, other than the largest city, shall collectively select one Board of Health representative from among their elected mayors and Council members. Selection of the representative shall be in accordance with sections 3(b) below.
2. When any city has residents within more than one County Council District, that city shall be considered to belong to the Council District wherein the majority of the city's population resides.
3. Selection Procedure for City/Town Representatives/Certification
 - (a) The largest city within each County Council District shall appoint a Board of Health representative in accordance with each city's procedure for making such appointments. The representative appointed shall be certified annually by the mayor or city manager as properly appointed in a letter to the Health District.
 - (b) Cities and towns other than the largest within each County Council District jointly shall annually select a single representative by a ~~method of their choosing~~ majority vote of all cities and towns but excluding the largest city within the County Council District. If eligible, the Board position shall continue to be held by the incumbent until the appointment and certification for the ensuing year. In the event of a tie vote the Chair of the Board of Health shall cast the deciding vote by coin toss at a meeting that's open to the public. This representative shall be jointly certified annually by the mayors or city managers as properly appointed in a letter to the Health District. Provided, however, in County Council Districts where there is more than one small city or town, no representative of a city or town shall serve more than two consecutive years unless, where applicable, a majority plus one of the cities and towns eligible to vote (a super majority) agree to such additional year or years of service. Where a super majority is not applicable, because of the number of small cities and towns in a County Council District, a unanimous vote shall be required to authorize more than two consecutive years. The filling of a vacancy for a partial term of office shall be counted as one year of the two consecutive years maximum. Once a

representative of an eligible city or town has served on the Board of Health the next selection of a representative shall be from a different city or town within the County Council District until all cities and towns have had an opportunity to serve. Once all cities and towns within the Council District have had an opportunity for a representative of their city or town to serve, the order of selection from all cities and towns shall be repeated in the same order. If a city or town declines to offer an elected mayor or councilmember to serve on the Board of Health, a representative from another city or town shall be considered. No city or town shall have a representative appointed for subsequent terms to the Board of Health until all cities and towns within a County Council District have had an opportunity for a representative to serve.

- (c) Certification of representatives must occur before representatives can assume their seat on the Board of Health.

4. Terms of Office.

- (a) The term of office for Snohomish County Council members shall be that of each member's term of office on the County Council.
- (b) No specific term of office shall be established for representatives of ~~any city or group of cities or towns~~ the largest city within a County Council district .The term of office for the smaller cities and towns in each County Council District shall be as set forth in section 3(b) above. Such representatives to the Board of Health shall serve pursuant to appointments made by their respective cities and towns, and annual certification by the respective mayor(s) or city manager(s).
- (c) Membership on the Board of Health of an individual shall continue until the date on which the successor to the seat has been appointed or has assumed elected office and, in the case of representatives from cities and towns, certification as described in 3. above has been received by the Health District; PROVIDED, that should a member no longer hold the public office which qualifies such person for membership, or should a member resign from the Board of Health, membership ceases with the effective date of leaving office or resignation. In such cases, a representative from the same city or town from which the position on the Board of Health was vacated shall be appointed by that city or town to fill the remainder of the term on the Board of Health. If no representative from the same city or town offers to serve, the cities and towns shall by majority vote select a representative from another city or town. The filling of a vacancy for a partial term of office shall be counted as one year of the two consecutive years maximum.
- (d) Execution of an Oath of Office is required of each member of the Board of Health at the beginning of the term of office.



**City Council Legislative Committees
Assignments for 2019**

Members	Committee Purpose & Meeting Date
Cudaback Gamble Scarboro	<p>Finance and Human Resources:</p> <p>The primary purpose of the Finance and Human Resources Committee is to review and advise upon matters of policy assigned by the City Council involving city financial affairs, including budget development goals and major financial policies such as reserves and fund balance levels, grants and Interlocal agreements, personnel matters (e.g. union negotiations, employee benefits), and approval of warrants.</p> <p>Meets Second Tuesday – 6 p.m. (sometimes 5:30 p.m.)</p>
Davis Kamp Scarboro	<p>Legislative Affairs:</p> <p>The primary purpose of the Legislative Affairs Committee is to review and advise upon legislative matters at county, state, and federal levels of interest to the city council.</p> <p>Meets Third Tuesday – 6 p.m.</p>
Cudaback Davis Hanford	<p>Public Safety Committee</p> <p>The primary purpose of the Public Safety Committee is to review and advise upon matters of policy assigned by the City Council involving public health, welfare, and safety; including issues related to police, emergency management, public defense and prosecution, municipal court, nuisance abatement, and code enforcement issues.</p> <p>Meets First Tuesday – 6 p.m.</p>
Cudaback Davis Kamp Rasmussen	<p>Transportation/Planning, Public Works, Parks & Recreation, and Public Safety:</p> <p>The primary purpose of this committee is to review and advise upon matters of policy assigned by the City Council involving public health, welfare, safety, infrastructure, and economic development.</p> <p>Meets Fourth Tuesday – 6 p.m.</p>

Committees to appoint own chair per Council action 1/22/08.

Meeting Schedule per Rules, Sec 13A.6