



## MEMORANDUM

TO: Mayor Roberts and City Councilmembers

FROM: Jessica Simulcik Smith, City Clerk

DATE: April 5, 2016

RE: Documents received at 4/04/16 Council Meeting

CC: Debbie Tarry, City Manager  
John Norris, Assistant City Manager

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Attached hereto are documents received from the public at your April 4, 2016 City Council Business Meeting.

- 1) Written comments regarding homelessness submitted by Brad Lancaster.
- 2) Written comments regarding 145<sup>th</sup> Street Light Rail Station submitted by Dave Lange.
- 3) Written comments regarding Public Records Policy submitted by Tom McCormick.

COUNCIL TALK  
4.4.16

My name is Brad Lancaster. I live in Shoreline.

I have suggested a series of changes to Shoreline law that might make Shoreline more hospitable to homeless persons. Two weeks ago, I told you of the Open Homes Initiative, in which Shoreliners welcome homeless persons into their empty rooms and basements.

I have been thinking how very much like Europe's refugee situation is Shoreline's homeless population. Our refugees are not coming from another country. They are home-grown refugees, fleeing collapsed economies and corrupt political schemes. Our local refugees flee the failure of imagination in Detroit, and endemic racism in Appalachia, or unemployment attending South Dakota's anemic fracking fields.

A journalist from Lebanon offers a lesson in absorbing refugees. This bit is from *The Week* magazine, April 1, 2016:

**LEBANON**

**Lessons in how to absorb refugees**

Nasser Yassin  
*The Daily Star*

4/1/16 *The Week*

Lebanon can teach Europe a thing or two about how to treat refugees, said Nasser Yassin. Denmark, home to some 5 million people, has taken in just 27,000 asylum seekers, and it is already panicking. Authorities there have actually started seizing cash amounts and individual valuables worth more \$1,450 from refugees to contribute to their housing and processing costs. Now look at Lebanon: We have a population similar to Denmark's, "but with an economy not nearly as advanced and a government that is nonfunctioning," with no president and a gridlocked parliament. Yet we have absorbed 1.5 million Syrians over the past

four years, the highest rate of refugees per capita in the world, with no public outcry or anti-migrant violence. The reason may be because we don't expect the government to deal with the new arrivals. Western countries have an "overreliance on formal channels for crisis response, such as government agencies," and that costs money and political capital. Here, since government is hapless, civic groups and individuals step up. Refugees find housing in the cities, renting out garages or rooms. Arab and Islamic charities donate "shadow aid." It's chaotic, but it works. Europeans should try "society-led initiatives." Trust your people to be generous.

Shoreline is not Lebanon, and our problem is not nearly so great as their problem with dislocated Syrians. But perhaps one part of any solution is their solution. To achieve a Lebanese degree of hospitality here in Shoreline, we will need to make changes. The zoning code must not tell Shoreliners we are not permitted to care. Our conversations will need to praise those who make a place for dislocated people. And we will need to think about homeless persons differently. They are brothers and sisters, not invading ne'er-do-wells.

So, tonight I ask Shoreline to take a lesson at the feet of Lebanese Muslims.

## Brazil: Rocked by political corruption

Brazil just experienced “something of a political coup,” said Roberto Macedo in *Estadão* (Brazil). The multibillion-dollar corruption scandal surrounding the state oil giant Petrobras—whose executives allegedly conspired with construction companies to inflate the value of contracts, with much of the extra money being funneled to political parties—has already implicated dozens of top politicians and business leaders. Now it has reached one of the nation’s most beloved figures, Luiz Inácio Lula da Silva, who oversaw an unparalleled period of economic growth while president from 2003 to 2011. Prosecutors indicted him for money laundering this month; he denies any wrongdoing. Rather than let justice take its course, our leftist President Dilma Rousseff gave Lula what amounts to immunity last week by naming him to her cabinet as chief of staff. Following this crass political move, we should stop calling Rousseff “president.” She obviously no longer wields the power of the office, if she ever really did. Her mentor and predecessor, Lula, has maneuvered himself back into the palace, kicking aside his puppet. No wonder hundreds of thousands of furious Brazilians demonstrated last week, calling for Rousseff’s impeachment.



Rousseff and Lula: A deal to avoid justice?

Rousseff really “shot herself in the foot,” said *Folha de São Paulo* (Brazil) in an editorial. Appointing Lula was “probably the grossest error committed yet by a government lavish with its deplorable decisions—politically, economically, and morally.” Polls show three-quarters of Brazilians disapprove of the “repulsive maneuver.” Yet it’s unclear whether Lula will actually be able to

take that cabinet position, said *O Globo* (Brazil). Rousseff claims that she appointed him because she needed his expert political guidance, not to shield him from the law. But a secretly recorded phone call between the two politicians—leaked by federal judge Sérgio Moro, the lead prosecutor in the Petrobras investigation, a few hours after Lula’s appointment—strongly implies the latter. Now the courts have issued an injunction against Lula assuming the post until a hearing can be called after Holy Week; the former president might well be in jail by then. Meanwhile, Rousseff is still under investigation for improperly moving money around in the budget to hide shortfalls. Her impeachment should proceed. “Let the legislative and judicial institutions work so that we can overcome this crisis without betraying the constitution.”

Brazil’s corporate, right-leaning media may be united against Rousseff, said *The Observer* (U.K.), but ordinary Brazilians are not so sure. Yes, rich white Brazilians have taken to the streets to protest corruption, but the poor who first ushered Lula into power in 2003 are “convinced that the scandal is all a plot.” They suspect the country’s old elite wants to reverse the left-wing policies first introduced by Lula, which helped lift millions from poverty. The danger is that escalating anti- and pro-government protests could degenerate into violence, “risking intervention by the army.” Brazil cast off military rule only in 1985, and the shadow lingers. “Rousseff’s duty is plain: If she cannot restore calm, she must call new elections—or step aside.”

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### ISRAEL

## Pandering to the Israeli right wing

Asher Schechter  
*Ha’aretz*

The big winner at AIPAC this year was Israeli Prime Minister Benjamin Netanyahu, said Asher Schechter. The American Israel Public Affairs Committee is the largest Jewish lobbying group in the U.S., and its annual conference always draws fawning politicians. But this year “the word ‘pandering’ doesn’t even begin to describe it.” Presidential candidates Donald Trump, Ted Cruz, and Hillary Clinton gave nearly identical speeches. They denounced Iran, Palestinian terrorism, and any U.N.-imposed peace deal and praised the unbreakable, non-negotiable bond between the U.S. and Israel. Trump talked about his daughter’s

“beautiful Jewish baby,” while Clinton cast herself as Esther in the Purim story and Cruz concluded his speech by hollering “*Am Yisrael chai!*”—“The people of Israel live!”—“as if his life depended on it.” Every word out of their mouths could have been scripted by Netanyahu. Not one of them mentioned the occupation of the West Bank, “or the unremitting humanitarian crisis that is Gaza.” Bernie Sanders, who didn’t attend AIPAC, did give a speech elsewhere criticizing the occupation, but he got practically no U.S. media coverage. So congratulations, Netanyahu. You have thoroughly defined “the limits of American discourse on Israel.”

Dave Lange, Shoreline

I'll try to keep this short.

The Shoreline Currents mailed recently has a picture of the 145<sup>th</sup> street station from the Sound Transit Draft EIS with the pedestrian loop under 145<sup>th</sup> as I mentioned last week I hope the city has an updated drawing. What was hanging on the board at the Shoreline/ST meeting was this same wrong picture. It fails to show the length of the pedestrian walkway the city is asking for.

I went to the work session of the 522 Transit Now! Organization last week and surprisingly they don't want BRT spending approximately 6 minutes <sup>buses</sup> tip toeing through traffic lights and <sup>3</sup> stops in the station area, especially when buses start every 10 minutes. Their solution is to adjust traffic signal timing, what we can do to keep cars in the picture and significantly cut the 6 minutes is beyond my paygrade. They did say we should have a chance to lengthen the 522 run after the vote this fall.

The Planning Commission is holding a special session tomorrow night, for all the better solutions I have mentioned apparently a lack of funds for the favored pedestrian bridge is all that gets special attention.

As far as I can tell this eliminates all the special interests for the current station design, can we please move it where it can serve Shoreline's future? <sup>Can we get action</sup>  
to move the station over 145<sup>th</sup> tonight?

From: **Tom McCormick** tommccormick@mac.com  
Subject: Proposed Ordinance 742 - Public Records Policy  
Date: April 4, 2016 at 6:53 PM  
To: Deputy Mayor Shari Winstead swinstead@shorelinewa.gov, Keith Scully kscully@shorelinewa.gov, Doris McConnell dmccconnell@shorelinewa.gov, Will Hall whall@shorelinewa.gov, Mayor Chris Roberts croberts@shorelinewa.gov, Jesse Salomon jsalomon@shorelinewa.gov, Keith McGlashan kmcglashan@shorelinewa.gov  
Cc: Jessica Simulcik Smith jsimulcik@shorelinewa.gov, Debbie Tarry dtarry@shorelinewa.gov



Council Members:

Public records in our state are sacred documents. The Public Records Act declares:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. This chapter shall be liberally construed and its exemptions narrowly construed to promote this public policy and to assure that the public interest will be fully protected. ... RCW 42.56.030.

The Act further provides:

Courts shall take into account the policy of [the Act] that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. RCW 42.56.550(3).

In a decision last month by the Washington Supreme Court, the Court said this about the the Public Records Act (PRA):

The PRA is a strongly worded mandate for disclosure of public records. The purpose of the act is "nothing less than the preservation of the most central tenets of representative government, namely, the sovereignty of the people and the accountability to the people of public officials and institutions." [citations omitted] To effectuate the PRA's purpose, the legislature declared that the PRA "shall be liberally construed and its exemptions narrowly construed." RCW 42.56.030. The language of the PRA must be interpreted in a manner that furthers the PRA's goal of ensuring that the public remains informed so that it may maintain control over its government. [citations omitted]

For at least the following reasons, Proposed Ordinance 742 should not be adopted in its current form.

1. The City's rules relating to public records are currently contained in Shoreline's Municipal Code. Given the importance of these rules to the public, the rules should continue to be housed only in Shoreline's Municipal Code. Council should resist any attempt to shift to the City Manager the responsibility and authority to adopt the City's public records policy and rules. The Council should adopt the City's policy and rules, not the City Manager. State law regarding public records has rarely changed. When the law does change, Council can take action to amend the SMC if needed.

Proposed City Manager Policy 1.4 illustrates why the Council should never let the City Manager set the City's public records policy. Proposed City Manager Policy 1.4 provides:

Disclaimer of Liability. Except where these guidelines reflect a statutory mandate, the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply and interpret this Policy as it sees fit, and to revise or change the Policy at any time. Failure to comply with any provision of this Policy shall not result in any liability imposed upon the City other than that required in the Act.

This reckless, "blank check" language is not in the public's best interest. The text, "the guidelines in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply and interpret this Policy as it sees fit, and to revise or change the Policy at any time," lets the City Manager make any policy changes that the City Manager wants to make, at any time, without the City Council's involvement.

The City Council, not the City Manager, must be the body that sets the important policy and rules regarding public records. We elect the City Council to do this, not the City Manager.

2. RCW 42.56.100 provides that rules and regulations regarding public records "shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information." And WAC 44-14-01002 provides that, therefore, "an agency must adopt "reasonable" regulations providing for the "fullest assistance" to requestors and the "most timely possible action on requests."

— Proposed Ordinance 742 fails to adhere to the mandate in WAC 44-14-01002 when it amends SMC 2.35.010, saying that any public records rules that the City Manager may adopt shall provide for "fullest assistance and most timely response." This watered-down timing language does not conform to State law. To conform to State law, this language needs to be revised to say that the City shall provide the "fullest assistance to requestors and the most timely possible action on requests."

— Proposed Ordinance 742 fails again to adhere to the mandate in WAC 44-14-01002 when it amends SMC 2.35.020, saying that any public records Policy that the City Manager may adopt shall provide for "fullest assistance to requestors and timely action." This watered-down timing language does not conform to State law. To conform to State law, this language needs to be revised to say that the City shall provide the "fullest assistance to requestors and the most timely possible action on requests."

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— Proposed City Manager Policy 1.3 fails to adhere to the mandate in WAC 44-14-01002, saying that the City will provide the public full access to public records with "fullest assistance and most timely response." This watered-down timing language does not conform to State law. To conform to State law, this language needs to be revised to say that the City shall provide the "fullest assistance to requestors and the most timely possible action on requests." (But see above regarding my objection to letting the City manager set the policy and rules for public records disclosure.)

3. Proposed City Manager Policy 1.4 provides that, "When a requestor uses the phrase "all records relating to", the PRO/designee will interpret the request to be for records which directly and fairly address the topic, and not for all the records that contain the topic." Not only is this language ambiguous, but it contains the wrong presumption — it is contrary to the public's best interest. When the phrase "all records relating to" is used, then the presumption should be that all public records that contain or address the topic should be provided. If the PRO/designee has concerns about the breath of the request, and that the request may require the furnishing of records that the requestor is not seeking, then the PRO/designee should contact the requestor, working with the requestor to narrow the request if appropriate. Note that this revision will also help insulate the City from liability should a requestor who seeks all records related to a certain topic be denied any records that the requestor would have expected to receive. (See above regarding my objection to letting the City manager set the policy and rules for public records disclosure.)

4. The Staff Report says that, "the Clerk's Office has explored is implementing a time limitation on the amount of resources the City devotes to public disclosure," then concludes that "at this time, staff does not feel it is necessary to implement a limit to public disclosure resources." Please be advised that with a City the size of Shoreline, it is not excessive if the City Clerk's office has to spend 136 hours per month or even substantially more hours to process public records requests. As the Washington Supreme Court has said, "The PRA is a strongly worded mandate for disclosure of public records." I believe that it is appropriate for the City Clerk's office to employ at least one FTE staff dedicated solely to the processing of public records requests. The Staff Report speaks of "a recommendation during the 2017 process for continued funding of the half-time Public Disclosure Specialist position, or a recommendation to amend the Public Records Policy to include a limit on public disclosure resources." I support funding of a full-time Public Disclosure Specialist position, not merely a half-time position.

Thank you.

Tom McCormick