

## Complaint Description

Glen Morgan (Fri, 6 Sep 2019 at 10:09 AM)

To whom it may concern,

It has come to my attention, once again that Debbie Bertlin of the Mercer Island City Council has violated Washington State's campaign finance laws (**RCW 42.17A**).

### **1) Use of Public Resources in support of a political campaign. (Violation of RCW 42.17a.555)**

I filed a complaint originally making this allegation with the PDC on July 21, 2019 (PDC Case #55282). However, additional evidence has come to light which further supports this allegation, which I have attached to this complaint.

According to state law (**RCW 42.17A.555**): "No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency."

According to Bertlin's original response to this allegation (see attached), and in her own words she stated:

**"In regard to filing 55282, I confirm I did not use any phones, computers, servers, and other public facilities owned and operated by the City of Mercer Island to support my election campaign."**

A similar supporting response was also made by the attorney's representing Bertlin in this matter (which is also attached).

However, these statements are false. In a recent investigation conducted by the City of Mercer Island's Ethics Board in regards to a similar ethics investigation by the Ethics Board, Bertlin was found to have misused City of Mercer Island resources in support of her campaign. Please see both the letter sent by the City of Mercer Island in regards to this ethics violation which was sent to Bertlin on August 20, 2019, and also the voting record by the Mercer Island City Council for their August 20, 2019 regular city council meeting, where you can find on the second to last item voted on by the council a unanimous vote (6-0) stating:

**“To find that Mayor Bertlin violated MICC 2.60.020, specifically the City's Code of Ethics requirement to comply with RCW 42.17A.555”**

It appears unambiguous that a violation of **RCW 42.17A.555** was committed by Bertlin. This was confirmed by an internal ethics investigation by City of Mercer Ethics Board. The findings were presented to the Mercer Island City Council, and they unanimously voted to find her in violation. It should be noted that Bertlin was at that council meeting and raised no objections to this vote.

**2) Providing false testimony (with malice) to the PDC (Violation of RCW 42.17A.750 (2)(c))**

It is apparent based on the investigation of the City of Mercer Island into this violation that both the letter from Bertlin and her legal council to the PDC as attached here were deceptive and provided in bad faith. It is equally apparent that Bertlin was willing to admit her violation after the investigation by the Ethics Board was completed, and this admission was made while at the same time Bertlin was denying the violation to the PDC, under the assumption that the PDC would never discover the results of the parallel investigation by the Mercer Island Ethics Board on the same issue.

This is a clear and unambiguous violation of **RCW 42.17A.750 (2)(c)**, and is clearly a far more serious violation of **RCW 42.17A** than the original violation of **RCW 42.17A.555**, which was detailed in the original complaint.

As an experienced long-term veteran politician (See was elected in 2011 and 2015 for this position), **she knew better than to lie to the PDC.**

While the PDC may not be inclined to pursue Class C felony charges, as allowed under this statute against Bertlin in this matter, some more tangible consequences than a “go and sin no more” letter might be in order if for no other reason than to discourage others from knowingly providing false information to the PDC.

Please don't hesitate to contact me if you need any additional information.

Best Regards,

Glen Morgan

**What impact does the alleged violation(s) have on the public?**

Politicians shouldn't be allowed to use public resources to help in their political campaigns. They shouldn't lie about the misuse of those resources to the PDC.

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| <b>List of attached evidence or contact information where evidence may be found.</b>  |
| see attached - voting log from August 20, 2019 Mercer Island City Council confirming unanimous vote to find Bertlin in violation of RCW 42.17A.555, and letter to Berlin confirming this fact.      |
| <b>List of potential witnesses with contact information to reach them.</b>  |
| Debbie Bertlin, the Mercer Island Ethics Board, and the Mercer Island City Council who voted to find her in violation of this statute on August 20, 2019  |
| <b>Complaint Certification:</b>   |
| I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief. |



**MERCER ISLAND CITY COUNCIL**  
**CITY OF MERCER ISLAND, WASHINGTON**

9611 SE 36<sup>th</sup> Street | Mercer Island, WA 98040-3732  
(206) 275-7600 | [www.mercergov.org](http://www.mercergov.org)

August 20, 2019

Mayor Debbie Bertlin  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

Mayor Bertlin,

Pursuant to MICC 2.60.040, the Deputy Mayor, City Manager and City Attorney (collectively, the "Investigative Group") caused to be investigated a Mercer Island Code of Ethics violation complaint filed on July 9, 2019 against you by Carv Zwingle. In pertinent, the complaint stated the following:

*"In accordance with Mercer Island City Code 2.60.040 I am respectfully requesting [...] an investigation of Mayor Bertlin's violation [of] RCW 42.17A.555 and City guidelines for her admitted use of City email account for her Campaign activities."*

Under the City's code of ethics, specifically MICC 2.60.020, elected officials are expected to comply with RCW 42.17A.555. RCW 42.17A.555 prohibits, in pertinent part, elective officials from using any facilities of a public office or agency for the purpose of assisting a campaign for election. During the course of investigating the complaint, the Investigative Group reviewed an email sent by you using your City-issued @mercergov.org account to Interim City Manager Bon and Assistant to the City Manager Spietz, which read as follows:

*"From: Debbie Bertlin <Debbie.Bertlin@mercergov.org>  
Sent: Sunday, June 30, 2019 1:12 PM  
To: Ali Spietz <Ali.Spietz@mercergov.org>  
Cc: Jessi Bon <jessi.bon@mercergov.org>  
Subject: MI Reporter candidate question*

*Primary candidates have been asked, " How do you plan to better involve residents in the decision making process within the city? " (responses due July 3)*

*You mentioned that you spoke to the City's limitations wrt NextDoor at the candidates' orientation. Would you please provide the same response to me in writing? Unfortunately I wasn't there and want to be sure anything I might write represents the City's position.*

*Thanks.*

*Debbie Bertlin  
Mayor, Mercer Island City Council*

*NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to Chapter 42.56 RCW, regardless of any claim of confidentiality or privilege asserted by an external party."*

A violation of RCW 42.17A.555 occurs when (1) an elected official (2) uses a facility of a public agency (3) to assist a campaign for election. As a councilmember, you are an elected official. A City email account is a facility of a public agency according to guidelines issued by the PDC for local government agencies, a copy of which can be found at [www.pdc.wa.gov/learn/guidelines-local-government](http://www.pdc.wa.gov/learn/guidelines-local-government). Lastly, based on a reasonable reading of the email, its purpose was intended to "assist a campaign for election." Consequently, the City Council finds that there was a violation of MICC 2.60.020, specifically the requirement to comply with RCW 42.17A.555, and issues this letter reminding you of your obligation as a City Official to comply with the same. Given that the financial impact of the email on the City is negligible, and it does not appear that the violation impacted the public interest in any material way or worked to the political or economic benefit or detriment to anyone, the City Council decided to take no further action.

Finally, the City Council also takes notice that it does not have jurisdiction to find an elected official in violation of RCW 42.17A.555 for purposes of civil remedies, sanctions or prosecution under chapter 42.17A RCW. Finding of violation herein is specifically limited only to the City's code of ethics.

Sincerely,

A handwritten signature in black ink that reads "SALIM NICE". The letters are bold and slightly slanted, with a casual, personal feel.

Deputy Mayor Salim Nice  
on behalf of the City Council

cc: Mercer Island City Council  
City Clerk Deborah Estrada

2019 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #   | Description/AB Title  | Motion  | Pass/Fail  | Anderl | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|--------|---|---|------------|--------|---------|---------|------|--------|-------------|------|
| 1/15/2019 | Regular      | AB5527 | Memorandum of Understanding ("MOU") for the Proposed Commuter Parking & Town Center Mixed-Use Project                             | Pass Resolution No. 1558, authorizing the City Manager to negotiate a Memorandum of Understanding (“MOU”) exclusively with MainStreet Property Group LLC for the Proposed Commuter Parking & Town Center Mixed-Use Project, which MOU will be subject to future Council review and approval.  | Passed 6-1 | N      | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/15/2019 | Regular      | AB5526 | Adoption of an Emergency Ordinance Establishing Interim Design and Concealment Standards for Deployment of Small Cell Facilities. | Motion #1: Declare that an emergency exists necessitating that Ordinance No. 19-02 take effect immediately upon passage by the City Council.  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/15/2019 | Regular      | AB5526 | Adoption of an Emergency Ordinance Establishing Interim Design and Concealment Standards for Deployment of Small Cell Facilities. | Motion #2: Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/15/2019 | Regular      | AB5526 | Adoption of an Emergency Ordinance Establishing Interim Design and Concealment Standards for Deployment of Small Cell Facilities. | Motion #3: Adopt Ordinance No. 19-02, establishing interim design and concealment standards for small cell facilities deployment  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/15/2019 | Regular      | AB5526 | Adoption of an Emergency Ordinance Establishing Interim Design and Concealment Standards for Deployment of Small Cell Facilities. | Motion #4: Schedule a public hearing on Ordinance No. 19-02 for March 5, 2019 at 7:00 p.m.  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/26/2019 | Special      | AB5531 | 2018 City Manager Performance Review and Evaluation Report  | Accept the City Manager’s 2018 performance review and evaluation report.  | Passed 5-0 | Y      | N/P     | Y       | Y    | Y      | N/P         | Y    |
| 3/5/2019  | Regular      | AB5537 | City Council Rules of Procedures Amendments   | Adopt the proposed amendments to the Council Rules of Procedure as presented in Exhibit 1 and as further modified by Council.   | Passed 5-0 | Y      | Y       | Y       | N/P  | N/P    | Y           | Y    |
| 3/19/2019 | Regular      | AB5542 | Community Planning & Development Temporary Records Assistant Appropriation  | Appropriate \$12,000 from the Technology Fee Reserve to extend the contract for the temporary Community Planning and Development Records Assistant.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 3/19/2019 | Regular      | AB5541 | Due Diligence Costs for the City's Proposed Commuter Parking Project  | Authorize the City Manager to enter into a professional services agreement with Heartland Consulting LLC to provide the evaluation, engagement and forthcoming negotiations work associated with developing a Memorandum of Understanding with MainStreet Property Group LLC and transfer \$304,838 from the Contingency Fund to the Town Center Parking Facilities Fund and appropriate \$304,838 for additional due diligence and negotiation costs related to the City’s proposed commuter parking project, which will be reimbursed by Sound Transit when the project is constructed. | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/2/2019  | Regular      | AB5549 | 2019-2020 City Council Priorities and Work Plan   | Adopt the 2019-2020 City Council Priorities and Work Plan.  | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/2/2019  | Regular      | AB5546 | 2018 Budget Carryover Requests  | Approve the 2018 budget carryover requests.   | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/2/2019  | Regular      | AB5545 | Proposed Deficit Spending Reductions to 2019-2020 General Fund Adopted Budget   | Approve the proposed deficit spending reductions in the General Fund to the 2019-2020 adopted budget and direct staff to prepare a budget amending ordinance as part of the next financial status report.   | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/30/2019 | Special      | AB5553 | Youth & Family Services (YFS) Department Funding History & Proposed Budget Adjustments to 2019-2020 YFS Fund Budget               | Motion #1: Decline the \$87,000 generous donation from the Mercer Island Youth and Family Services Foundation and the Mercer Island Schools Foundation restore the Elementary School Mental Health Counselors.  | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/30/2019 | Special      | AB5553 | Youth & Family Services (YFS) Department Funding History & Proposed Budget Adjustments to 2019-2020 YFS Fund Budget               | Motion #2: Approve the proposed YFS Fund deficit spending reductions in the amount of \$315,307 for 2020 by:<br>1. Increasing community-based counseling fees<br>2. Generating revenue from the proposed school counseling fees (pilot project)<br>3. Eliminating the Administrative Coordinator position (1.0 FTE)<br>4. Eliminating the pay-for-performance program<br>5. Adding back the Administrative Assistant (0.5 FTE) for 2020<br>6. Using \$61,360 in 2019 salary savings   | Passed 5-1 | Y      | Y       | Y       | Y    | Y      | N/P         | N    |
| 4/30/2019 | Special      | AB5553 | Youth & Family Services (YFS) Department Funding History & Proposed Budget Adjustments to 2019-2020 YFS Fund Budget               | Motion #3: Prepare budget adjustments as part of the First Quarter 2019 Financial Status Report to appropriate \$170,000 from 2018 YFS Fund Budget Savings to fully fund the Elementary School Counselors and Administrative Support in 2019 and 2020.  | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/30/2019 | Special      | AB5553 | Youth & Family Services (YFS) Department Funding History & Proposed Budget Adjustments to 2019-2020 YFS Fund Budget               | Mtoin #4: Set aside \$109,000 from the 2018 General Fund Budget Savings for the YFS Fund should the school counseling fees pilot project not come to fruition.  | Passed 5-1 | N      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 4/30/2019 | Special      | AB5554 | Planning Commission's Recommendation for Code Cleanup Amendments (1st Reading)  | Set Ordinance No. 19C-04 for second reading and adoption on the May 21, 2019 Consent Calendar.  | Passed 6-0 | Y      | Y       | Y       | Y    | Y      | N/P         | Y    |
| 5/7/2019  | Regular      | AB5557 | 2019 Arterial and Residential Street Overlay  | Award Schedules ‘A’, ‘B’, ‘C’, and ‘D’ of the 2019 Arterial and Residential Street Overlays project to Lakeside Industries in the amount of \$1,668,155. Set the total project budget to \$1,973,607.00 and direct the City Manager to execute the construction contract.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/7/2019  | Regular      | AB5562 | Soil Remediation Appropriation Request  | Appropriate \$152,399 for soil remediation at the 9555 Site with approximately 74% from the 2018 General Fund expenditure savings and approximately 26% allocated across the Utility Funds based on budgeted fleet M&O costs in 2019.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/7/2019  | Regular      | AB5564 | 2018 Year-end Financial Status Report & 2019 Budget Adjustment  | Adopt Ordinance No. 19-08, amending the 2019-2020 Budget.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/21/2019 | Regular      | AB5568 | Planning Commission's Recommendation for Code Cleanup Amendments (2nd Reading & Adoption)   | Adopt Ordinance No. 19C-04 amending Title 19 MICC to clarify development standards and rename the Development Services Group to the Community Planning and Development Department.  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |



2019 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #   | Description/AB Title  | Motion   | Pass/Fail  | Anderl | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|--------|---|--|------------|--------|---------|---------|------|--------|-------------|------|
| 5/21/2019 | Regular      | AB5559 | ARCH 2019 Administrative Budget and Work Program  | Approve the ARCH 2019 Administrative Budget and Work Program and authorize an expenditure of \$33,327 for Mercer Island’s contribution to the 2019 ARCH Administrative Budget.   | Passed 6-1 | N      | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/21/2019 | Regular      | AB5569 | First Quarter 2019 Financial Status Report & 2019-2020 Budget Adjustments   | Adopt Ordinance No. 19-09, amending the 2019-2020 Budget   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/21/2019 | Regular      | AB5566 | Planning Commission's Recommendation for Critical Areas code, Shoreline Master Program, SEPA, and Ancillary Amendments (1st Reading)          | Set Ordinance Nos. 19C-05, 19C-06, and 19C-07 for second reading and adoption on June 4, 2019  | Passed 5-0 | Y      | Y       | NP      | Y    | Y      | Y           | NP   |
| 5/21/2019 | Regular      | AB5572 | Interim City Manager Appointment Process and Timeline   | Motion #1: Affirm the appointment of Parks & Recreation Jessi Bon as Acting Interim City Manager by the Mayor and Deputy Mayor.  | Passed 5-0 | Y      | Y       | NP      | Y    | Y      | Y           | NP   |
| 5/21/2019 | Regular      | AB5572 | Interim City Manager Appointment Process and Timeline   | Motion #2: Direct the Mayor and Deputy Mayor to enter into agreement negotiations with Jessi Bon for the Interim City Manager position.  | Passed 5-0 | Y      | Y       | NP      | Y    | Y      | Y           | NP   |
| 6/4/2019  | Regular      | AB5576 | Adoption of 6-Year 2020-2025 Transportation Improvement Program   | Adopt the 2020-2025 Transportation Improvement Program as reflected in Exhibit 1 of AB 5576 and appropriate \$100,000 in 2020 for design of project E3 (PBF – I-90 Trail Crossing at Sunset Highway/77th Ave. SE), using Sound Transit Settlement Agreement funds.   | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/4/2019  | Regular      | AB5573 | Employee Wellness Program Support   | Approve Resolution No. 1559 demonstrating support of the City of Mercer Island Employee Wellness Program.  | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/4/2019  | Regular      | AB5577 | Critical Areas Code, Shoreline Master Program, SEPA, and Ancillary Amendments (2nd Reading)   | Incorporate the language in Exhibit 4 as corrected into Ordinance No. 19C-06, and set Ordinance Nos. 19C-05, 19C-06, and 19C-07 for third reading and adoption on June 18, 2019.   | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/4/2019  | Regular      | AB5570 | Thrift Shop Staffing Transition Plan Phase 3  | Appropriate \$76,878 by reallocating budgeted casual labor costs and increasing budgeted Thrift Shop sales in 2019 to increase two current 0.75 FTE positions to 1.0 FTE each and to add two new 1.0 FTE positions, encompassing a Donations Attendant and an Apparel Production Assistant beginning June 2019, all of which will be funded.   | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/4/2019  | Regular      | AB5574 | Interim City Manager Agreement Approval   | Authorize the Mayor to sign the attached agreement with Jessi Bon for Mercer Island Interim City Manager effective June 8, 2019.   | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/4/2019  | Regular      | AB5560 | 2019 Boards and Commission Appointments   | Appoint the Mayor and Deputy Mayor’s recommendations for appointments to the City’s advisory boards and commissions for positions expiring May 31, 2019 as detailed in Exhibit 1 to AB 5560.   | Passed 6-0 | Y      | Y       | NP      | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5581 | Third Amendment to Purchase and Sale Agreement with Parkway Management Group to Develop Long-Term Transit Commuter Parking in the Town Center | Authorize the Interim City Manager to execute the Third Amendment to the Purchase and Sale Agreement, in substantially the form attached as Exhibit 1 hereto, to extend the Due Diligence Period to Friday, November 1, 2019.  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5579 | Acceptance of Washington State Health Care Authority Funds for Trauma Informed Approaches   | Accept a grant of \$50,000 from the Washington State Health Care Authority, Division of Behavioral Health, to expand the Department’s work in Trauma Informed Approaches.  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5565 | Interim Design and Concealment Standards for a Small Cell Facilities Deployment Ordinance   | Adopt Ordinance No. 19-10, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5578 | Memorandum of Understanding with Mainstreet Property Group for the Proposed Commuter Parking and Mixed-Use Project.                           | Authorize the Interim City Manager to execute the Memorandum of Understanding with MainStreet Property Group, LLC, in substantially the form attached as Exhibit 1, for the proposed commuter parking and mixed-use project, and direct the Interim City Manager to prepare a Purchase and Sale Agreement, Development Agreement and related agreements for City Council consideration as soon as may be practical. This approval is contingent on adding new language that extends MICA’s Section 7.3 fundraising obligations and MainStreet’s Section 16 exclusivity option for each day of delay that the BP/ARCO settlement agreement extends beyond six months from the effective date of this MOU. | Passed 5-2 | N      | Y       | N       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5582 | Agreement to Terminate Memorandum of Understanding with the Mercer Island Center for the Arts (MICA)  | Authorize the Interim City Manager to execute the Termination Agreement, in substantially the form attached as Exhibit 2 hereto, to terminate the February 22, 2016 MOU with MICA..  | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5580 | Critical Areas Code, Shoreline Master Program, SEPA, and Ancillary Amendments   | Motion #1: Adopt Ordinance Nos. 19C-05 and 19-07 regarding critical area, shoreline and SEPA regulations in Title 19 of the Mercer Island City Code.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 6/18/2019 | Regular      | AB5580 | Critical Areas Code, Shoreline Master Program, SEPA, and Ancillary Amendments   | Motion #2: Adopt Ordinance No. 19C-06 regarding critical area, shoreline and SEPA regulations in Title 19, as amended to include the 50% dock threshold for repair of exterior services.   | Passed 7-0 | Y      | Y       | Y       | Y    | Y      | Y           | Y    |
| 7/16/2019 | Regular      | AB5584 | Due Diligence Costs for the City’s Proposed Commuter Parking & Mixed-Use Project  | Motion #1: Authorize the City Manager to (a) Enter into a professional services agreement with Aspect Consulting to provide a site delineation study at the former BP ARCO property; (b) Transfer \$139,899 from the Contingency Fund to the Town Center Parking Facilities Fund; and (c) Appropriate \$139,899 for additional due diligence and negotiation costs related to the environmental cleanup of the City’s proposed commuter parking project, which will be reimbursed by known contaminator BP/ARCO.   | Passed 5-0 | Y      | NP      | Y       | Y    | Y      | NP          | Y    |
| 7/16/2019 | Regular      | AB5584 | Due Diligence Costs for the City’s Proposed Commuter Parking & Mixed-Use Project  | Motion #2: Authorize the City Manager to (a) Transfer \$129,624 from the Contingency Fund to the Town Center Parking Facilities Fund; and (b) Appropriate \$129,624 for additional legal work to negotiate a development agreement with MainStreet, property rental costs related to the City’s proposed commuter parking project, and project management costs, which will all be reimbursed by Sound Transit when the project is constructed.  | Passed 5-0 | Y      | NP      | Y       | Y    | Y      | NP          | Y    |

2019 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #   | Description/AB Title   | Motion   | Pass/Fail  | Anderl | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|--------|--|--|------------|--------|---------|---------|------|--------|-------------|------|
| 7/16/2019 | Regular      | AB5585 | Mercer Island Transit Interchange Guiding Values   | Authorize staff to spend up to \$50K to reassess the bus intercept configuration including 1) Concern about loss of intersection capacity; 2) Concern about pedestrian volume, pedestrian safety, and volume of crossings on North Mercer Way, 3) Bike safety, 4) Landscaping, 5) Public safety and concerns about crime; and report back to Council at the August 20, 2019 meeting. | Passed 5-0 | Y      | NP      | Y       | Y    | Y      | NP          | Y    |
| 7/16/2019 | Regular      | AB5585 | Mercer Island Transit Interchange Guiding Values   | To confirm Deputy Mayor Nice and Councilmember Wong to the short-term working group.   | Passed 5-0 | Y      | NP      | Y       | Y    | Y      | NP          | Y    |
| 8/20/2019 | Regular      | AB5600 | 2019-2021 Fire (IAFF) Collective Bargaining Agreement  | Authorize the City Manager to sign the IAFF Collective Bargaining Agreement and Memorandum of Understanding with the IAFF Bargaining Unit for the period of January 1, 2019 through December 31, 2021, in substantially the form attached hereto as Exhibit 1.   | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/20/2019 | Regular      | AB5601 | Sound Cities Association Public Issues Committee Position Regarding the King County Charter Regional Committees                                | Support the Sound Cities Association Public Issues Committee’s policy position to retain the current structure of the King County Charter regional committees.   | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/20/2019 | Regular      | AB5589 | Code Amendment to Update School Impact Fees (1st Reading and Adoption)   | Adopt Ordinance No.19C-11 amending Mercer Island City Code 19.17.070(A) to change the amount of School Impact Fees collected by the City for the Mercer Island School District.  | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/20/2019 | Regular      | AB5596 | Confirm Approach to Engagement in Regional Growth and VISION 2050 Comment  | Confirm the approach for City staff and Mayor Bertlin (as SCA Caucus Chair on the Growth Management Planning Council), Councilmember Bassett (as a Sound Cities Association Board Member) and Councilmember Wong (as Sound Cities Association Public Issues Committee member) to engage in the regional growth discussions and comments on the PSRC VISION 2050 plan.                | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/20/2019 | Regular      | N/A    | Executive Session - to receive and evaluate complaints or charges brought against a public officer or employee pursuant to RCW 42.30.110(1)(f) | To find that Mayor Bertlin violated MICC 2.60.020, specifically the City's Code of Ethics requirement to comply with RCW 42.17A.555  | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/20/2019 | Regular      | N/A    | Executive Session - to receive and evaluate complaints or charges brought against a public officer or employee pursuant to RCW 42.30.110(1)(f) | To authorize Deputy Mayor Nice to send a letter on behalf of the City Council to Mayor Bertlin reminding her of her obligation as a City Official to comply with MICC 2.60.020   | Passed 6-0 | NP     | Y       | Y       | Y    | Y      | Y           | Y    |



2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date       | Meeting Type | AB #            | Description/AB Title   | Motion  | Pass/Fail   | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|------------|--------------|-----------------|--|---|---|-------|---------|---------|------|--------|-------------|------|
| 12/18/2018 | Regular      | AB 5522         | Resolution Amending Resolution No. 1547 to support a RCO Grant Application for Planning Work Related to the Future Configuration of the Docks at Luther Burbank Park | Approve Resolution No. 1557 amending Resolution No. 1547, to support a RCO Grant Application for planning work related to the future configuration of the docks at Luther Burbank Park.   | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/18/2018 | Regular      | AB 5519         | Boards & Commissions Council Ad Hoc Committee Recommendations and Boards & Commissions Code Amendments (1st Reading)   | Set Ordinance No. 19C-01 and the revised boardcs and commissions application to January 15, 2019 for second reading and adoption on the Consent Calendar.   | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/18/2018 | Regular      | AB 5518         | Second Amendment to Purchase and Sale Agreement with Parkway Management Group to Develop Long-Term Transit Commuter Parking in the Town Center                       | Authorize the City Manager to execute the Second Amendment to the Purchase and Sale Agreement, in substantially the form attached as Exhibit 1 to AB 5518.  | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/18/2018 | Regular      | AB 5517         | Acceptance of Mercer Island Youth and Family Services Foundation Funds for 2019 Youth and Family Services Staffing   | Accept a donation of \$69,570 from the Mercer Island Youth and Family Services Foundation to fund the half-time reduction in the Geriatric Specialist position from January 1, 2019 through December 31, 2019 and to fund the half-time reduction in the Administrative Assistant position from January 1, 2019 through June 30, 2019.  | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/18/2018 | Regular      | AB 5515         | Third Quarter 2018 Financial Status Report & Budget Adjustments  | Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance and Adopt Ordinance No. 18-20, amending the 2017-2018 Budget.   | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/18/2018 | Regular      | AB 5510         | General Sewer Plan Adoption  | Approve Resolution No. 1556 adopting the General Sewer Plan.  | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/11/2018 | Special      | AB5514          | New Solid Waste Contract   | Main Motion: Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service, as amended.   | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/11/2018 | Special      | AB5514          | New Solid Waste Contract   | Motion #2: Amend the main motion as follows: Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service, <u>and include contract language that would give the City an option to shift to a weekly recycling service at a later date.</u> | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/11/2018 | Special      | AB5514          | New Solid Waste Contract   | Motion #3: Amend the main motion as follows: Set the sustainability/administrative fee at 2.1% and cap it at a maximum of 3.5% for the duration of the contract.  | Failed 3-3  | V     | Y       | Y       | N    | N      | N           | Y    |
| 12/11/2018 | Special      | AB5514          | New Solid Waste Contract   | Motion #4: Amend the main motions as follows: Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, <u>to cap it at 3.5% for the life of the contract</u> , direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service.  | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/11/2018 | Special      | AB5516          | City Council Position No. 4 Vacancy - Candidate Appointment  | Round 1:<br>Wisenteiner: Lisa Anderl/Jonathan Conradt<br>Bassett: Craig Reynolds/Jonathan Conradt<br>Nice: Lisa Anderl/Heather Cartwright<br>Bertlin: Craig Reynolds/Lisa Anderl<br>Wong: Craig Reynolds/Jonathan Conradt<br>Weiker: Heather Cartwright/Lisa Anderl   | First choice receives 2 points; second choice 1 point |       |         |         |      |        |             |      |
| 12/11/2018 | Special      | AB5516          | City Council Position No. 4 Vacancy - Candidate Appointment  | Round 2:<br>Wisenteiner: Lisa Anderl/Jonathan Conradt<br>Bassett: Craig Reynolds/Jonathan Conradt<br>Nice: Lisa Anderl/Heather Cartwright<br>Bertlin: Craig Reynolds/Lisa Anderl<br>Wong: Craig Reynolds/Jonathan Conradt<br>Weiker: Heather Cartwright/Lisa Anderl   | First choice receives 2 points; second choice 1 point |       |         |         |      |        |             |      |
| 12/11/2018 | Special      | AB5516          | City Council Position No. 4 Vacancy - Candidate Appointment  | Final Round: Lisa Anderl selected to fill Position No. 4<br>Wisenteiner: Lisa Anderl<br>Bassett: Craig Reynolds<br>Nice: Lisa Anderl<br>Bertlin: Lisa Anderl<br>Wong: Craig Reynolds<br>Weiker: Lisa Anderl   | Passed 4-2  |       |         |         |      |        |             |      |
| 12/6/2018  | Special      | No action taken | (Council Vacancy, Position No. 4 - Candidate Speeches)   |   |   |       |         |         |      |        |             |      |
| 12/4/2018  | Regular      | AB 5512         | First Amendment to Purchase and Sale Agreement with Parkway Man  | Authorize the City Manager to execute the First Amendment to the Purchase and Sale Agreement, in  | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5511         | First Amendment to Purchase and Sale Agreement with Twenty-Four I  | Authorize the City Manager to execute the First Amendment to the Purchase and Sale Agreement, in substantially the form attached as Exhibit 1 hereto, between the City of Mercer Island and Twenty Four Eleven, LLC to extend the due diligence period to allow more time to negotiate a Development Agreement.   | Passed 6-0  | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5508         | Approve New Solid Waste Contract   | Move the solid waste contract to the December 11 meeting for second reading and adoption.   | Passed 5-0  | V     | A       | Y       | Y    | Y      | Y           | Y    |

2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date       | Meeting Type | AB #   | Description/AB Title   | Motion  | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|------------|--------------|--|--|---|------------|-------|---------|---------|------|--------|-------------|------|
| 12/4/2018  | Regular      | AB 5507  | 2019-2020 Final Budget Adoption  | Motion #1: Suspend City Council Rules of Procedure 6.3 requiring a second reading of an ordinance.  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5507  | 2019-2020 Final Budget Adoption  | Motion #2: Adopt Ordinance No. 18C-19, which removes the spending restrictions on B&O tax and closes the Beautification Fund.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5507  | 2019-2020 Final Budget Adoption  | Motion #3: Adopt Ordinance No. 18-18, which encompasses the biennial budget for the City of Mercer Island, Washington for fiscal years 2019-2020.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5507  | 2019-2020 Final Budget Adoption  | Motion #4: Direct the City Manager to develop a plan to reduce the amount of one-time resources used to balance the 2019-2020 General Fund budget by \$1.20 million following the Guiding Principles for Budget Reductions and to present this plan to the Council as early as reasonably possible and no later than at its Mini-Planning Session in June 2019.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5503  | Interlocal Agreement with NORCOM for iBase Crime Analysis Application                                | Authorize City Manager to sign the Interlocal Agreement with Northeast King County Regional Public Health District  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5472  | Code Amendment to Update School Impact Fees (1st Reading and Adoption)                               | Motion #1: Suspend City Council Rules of Procedure 6.3 requiring a second reading of an ordinance.  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 12/4/2018  | Regular      | AB 5472  | Code Amendment to Update School Impact Fees (1st Reading and Adoption)                               | Motion #2: Adopt Ordinance No. 18C-10 amending Mercer Island City Code 19.17.070(A) to change the amount of School Impact Fees collected by the City for the Mercer Island School District.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/26/2018 | Special      | No final action was taken on Regular Business items. |  |   |            |       |         |         |      |        |             |      |
| 11/20/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #8: 1. Approve Resolution No. 1553, which approves NORCOM’s 2019 budget allocation to the City of Mercer Island.<br>2. Approve Resolution No. 1549, which establishes classifications of water users and a schedule of charges for water usage, a schedule of rates for fire service, a schedule of special service charges, meter and service installation charges, and connection charges effective January 1, 2019 and thereafter.<br>3. Approve Resolution No. 1550, which establishes rates and connection charges for sewerage disposal services provided by the City of Mercer Island effective January 1, 2019 and thereafter.<br>4. Approve Resolution No. 1551, which establishes the bi-monthly service charge for storm and surface water services provided by the City of Mercer Island effective January 1, 2019 and thereafter.<br>5. Approve Resolution No. 1552, which establishes the bi-monthly utility fee for the emergency medical and ambulance services supplied by the City of Mercer Island effective January 1, 2019 and thereafter.<br>6. Approve Resolution No. 1555, which adjusts development and construction permit fees effective January 1, 2019 and thereafter.<br>7. Suspend the City Council Rules of Procedure 6.3, requiring a second reading for an ordinance.<br>8. Adopt Ordinance No. 18-16, which establishes the total amount of property taxes to be levied for the year 2019.<br>9. Adopt Ordinance No. 18-17, which identifies the dollar and percent increases of the total property tax levy for the year 2019 relative to the total property tax levy for the year 2018. | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/20/2018 | Regular      | AB 5501  | 2018 Comprehensive Plan Amendments (3rd Reading & Adoption)  | Motion #1: Adopt Ordinance No. 18-13 with Attachments A and B amending the Comprehensive Plan and Land Use Map.   | Passed 5-1 | V     | Y       | Y       | Y    | Y      | N           | Y    |
| 11/19/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #7: Reduce the General Fund contribution to the YFS Fund (Thrift Shop Project) by \$137,000 to support a police patrol officer position.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/18/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #6: Adopt the \$145,000 Network Communications Infrastructure budget as proposed by staff.   | Passed 4-0 | V     | Y       | Y       | Y    | N      | N           | Y    |
| 11/17/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #5: Adopt the Alternative Budget Proposal with 4% inflation only.  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/16/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #4: Use \$150,000 from contingency fund to support mental health school counselors.  |            | V     |         |         |      |        |             |      |
| 11/15/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #3: Strike \$55,000 from 2020 Organizational Assessments   | Failed 4-2 | V     | N       | N       | N    | Y      | N           | Y    |
| 11/14/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #2: Raise the Utility Tax from 5.3% to 6.1% to fund school counselors for 2019-2020 biennium.  | Failed 4-2 | V     | N       | N       | N    | Y      | N           | Y    |
| 11/13/2018 | Regular      | AB 5500  | 2019-2020 Proposed Budget: Finalize Changes and Approve 2019 Resolutions and Property Tax Ordinances | Motion #1: Direct the City Manager to reduce deficit spending by an additional \$1.2M which would leave \$800K in deficit spending within the 2019-2020 biennium and that further reductions shall be based on Guiding Budget Reduction Principles which shall be developed, reviewed, and approved by the Council before the Second Quarter 2019 Financial Status Report and Budget Adjustments.   | Passed 5-1 | V     | Y       | Y       | Y    | N      | Y           | Y    |
| 11/12/2018 | Regular      | AB 5501  | 2018 Comprehensive Plan Amendments (3rd Reading & Adoption)  | Motion #2: Adopt Ordinance No. 18C-14 with Attachment A amending chapter 19.11 MICC and the Mercer Island Zoning Map.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/11/2018 | Regular      | AB 5502  | 2019 Comprehensive Plan Amendment Final Docket   | Approve Resolution No. 1554, establishing the 2019 Comprehensive Plan amendment final docket.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |

Please note: Not all agenda items are included on this log. Agenda items without a motion, Proclamations, Minutes, Payables, Payroll, and Other Business have been excluded.

N = No | Y = Yes | A = Abstained | N/P = Not present | R = Recused | V = Vacant

2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date       | Meeting Type | AB #            | Description/AB Title  | Motion  | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|------------|--------------|-----------------|---|---|------------|-------|---------|---------|------|--------|-------------|------|
| 11/8/2018  | Special      | No action taken | (Joint Meeting with MISD Board)   |   |            |       |         |         |      |        |             |      |
| 11/5/2018  | Regular      | AB 5496         | Draft 2019 State Legislative Priorities   | Adopt the draft 2019 State Legislative Priorities as presented.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/5/2018  | Regular      | AB 5495         | Code of Ethics (2nd Reading and Adoption)   | Motion #1: Strike the words "...and refrain from participating in that portion of city business or activity related to the conflict."   | Failed 1-5 | V     | Y       | N       | N    | N      | N           | N    |
| 11/5/2018  | Regular      | AB 5495         | Code of Ethics (2nd Reading and Adoption)   | Motion #2: Amend the last sentence to read "Should a conflict arise, Officials shall take proactive steps to disclose all relevant information and refrain from participating in that portion of city business or activity related to the conflict."  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 11/5/2018  | Regular      | AB 5495         | Code of Ethics (2nd Reading and Adoption)   | Motion #3: Adopt Ordinance No. 18C-15, creating a new chapter 2.60 MICC, Code of Ethics and pass Resolution No. 1548 adopting a Code of Ethics Statement, as amended.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 10/23/2018 | Special      | No action taken | (2019-2020 Budget Review)   |   |            | V     |         |         |      |        |             |      |
| 10/16/2018 | Regular      | AB 5491         | Code of Ethics (1st Reading)  | Set Ordinance No. 18C-15 and Resolution No. 1548 as amended to November 5, 2018 for second reading and adoption on the Consent Calendar.  | Passed 4-0 | V     | N/P     | Y       | Y    | Y      | N/P         | Y    |
| 10/16/2018 | Regular      | AB 5490         | 2018 Comprehensive Plan Amendments and Accompanying Zoning Code Amendments (2nd Reading)                            | Set Ordinance Nos. 18-13 and 18C-14 to November 20, 2018 for adoption on the Consent Calendar.  | Passed 4-0 | V     | N/P     | Y       | Y    | Y      | N/P         | Y    |
| 10/16/2018 | Regular      | AB 5486         | Resolution to Support a RCO Grant Application   | Adopt Resolution No. 1547 authorizing application for planning and designing the future configuration of the docks at Luther Burbank Park.  | Passed 4-0 | V     | N/P     | Y       | Y    | Y      | N/P         | Y    |
| 10/2/2018  | Regular      | AB 5487         | City Council Vacancy Process and Timeline for Position #4   | Approve the proposed process and timeline for appointment to vacant Position #4 on the Mercer Island City Council as outlined in AB 5487 and direct staff to begin advertising.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 10/2/2018  | Regular      | AB 5483         | 2018 Comprehensive Plan Amendments and Accompanying Zoning Code Amendments (1st Reading)                            | Set Ordinance Nos.18-13 and 18C-14 for second reading on October 16, 2018.  | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 10/2/2018  | Regular      | AB 5482         | Code Amendment Regarding Transportation Concurrency (2nd Reading)   | Motion #2: Amend the previous motion to:<br>Amend the following sections of the ordinance as follows:<br>1. MICC 19.20.050(A): change "subsection D" to "subsection C"<br>2. MICC 19.20.050(B): add to (B)(1): "A project shall be deemed abandoned by the City, if an applicant does not proceed under subsection 2 or 3 below."<br>3. MICC 19.20.050(C)(1)(a): change "may" to "shall"<br>4. MICC 19.20.050(C)(2): change "may" to "shall"<br>5. MICC 19.20.050(C)(2): (a): add "schedule that is satisfactory to the code official." at the end and (b): add "performance that is satisfactory to the code official." at the end.<br>6. MICC 19.20.070(B): add "to" between "impact" and "other"<br>7. MICC 19.20.080(B): change "shall" to "should" and delete ", provided funding for the update is available" | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 10/2/2018  | Regular      | AB 5482         | Code Amendment Regarding Transportation Concurrency (2nd Reading)   | Motion #1: Adopt Ordinance No. 18C-12 establishing a new Chapter 19.20 and amending Chapters 19.15 and 19.16 of the Mercer Island City Code to provide for a Transportation Concurrency Management System as required by the Growth Management Act.   | Passed 6-0 | V     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/17/2018  | Regular      | AB 5480         | Receive Public Comments and Consider a Resolution in Support of State Initiative 1631, Carbon Emissions Fee Measure | Approve Resolution No. 1546, endorsing Initiative No. I-1631, Carbon Emissions Fee Measure, scheduled for the November 6, 2018 General Election.  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/17/2018  | Regular      | AB 5479         | Title 19 Procedural Code Amendments (2nd Reading & Adoption)  | Adopt Ordinance No. 18C-08 amending Title 19 of the Mercer Island City Code to clarify land use review and approval procedural requirements.  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/17/2018  | Regular      | AB 5478         | 81st Avenue SE Backyard Sewer Project Bid Award   | Reallocate \$126,732 from the Sewer Special Catch Basins project to the Backyard Sewer System Improvement project within the Sewer Fund and direct the City Manager to execute the construction contract.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/17/2018  | Regular      | AB 5475         | Code Compliance Code Amendments (2nd Reading & Adoption)  | Adopt Ordinance No. 18C-06 amending Mercer Island City Code Titles 1, 8, 15, 17 and 19 and adopting Chapter 6.10 MICC to consolidate and improve code compliance provisions.  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/17/2018  | Regular      | AB 5474         | Second Quarter 2018 Financial Status Report & 2018 Budget Adjustments   | Adopt Ordinance No. 18-11, amending the 2017-2018 Biennial Budget.  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/17/2018  | Regular      | AB 5468         | Business License Model Ordinance Code Amendments (2nd Reading & Adoption)   | Adopt Ordinance No. 18C-09, updating chapter 5.01 MICC to include amendments required under chapter 35.90 RCW for business licensing.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 9/4/2018   | Regular      | AB 5471         | Design Commission Vacancies Appointments  | Affirm the Mayor and Deputy Mayor's appointments of Claire McPherson and Thomas Soeprono to the City's Design Commission.   | Passed 6-1 | N     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/4/2018   | Regular      | AB 5470         | Planning Commission's Recommendation for Title 19 Procedural Code Amendments (1st Reading)                          | Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar.   | Passed 6-1 | N     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/4/2018   | Regular      | AB 5463         | Interlocal Agreement with the Mercer Island School District for Counseling Services                                 | Authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District for Counseling Services during the 2018-2019 school year.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/4/2018   | Regular      | AB 5461         | Business License Model Ordinance Code Amendments (1st Reading)  | Set Ordinance No. 18C-09 to September 17, 2018 for second reading and adoption on the Consent Calendar.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/4/2018   | Regular      | AB 5460         | Accepting Funds from MIYFS Foundation   | Approve AB 5460 and accept a donation of \$50,500 in funds from the MIYFS Foundation to fund three one-time projects to enhance the work of the YFS Department.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 9/4/2018   | Regular      | AB 5452         | Planning Commission's Recommendation for Code Compliance Code Amendments (1st Reading)                              | Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar and delete all references to the ability to serve notices on the responsible person's place of employment.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |



2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #    | Description/AB Title  | Motion   | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|---------|---|--|------------|-------|---------|---------|------|--------|-------------|------|
| 8/28/2018 | Special      | AB 5465 | Lincoln Landing Stormwater and Park Improvements Project Appropriation Request  | Appropriate \$170,300 from the Sewer Fund for the design of sewer utility line replacements within the Lincoln Landing Stormwater and Park Improvements Project.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 8/28/2018 | Special      | AB 5462 | 2019-2020 Biennial Budget: Council Direction  | Adopt the 1.5 months Contingency Fund target as outlined in staff’s budget balancing recommendation.   | Passed 4-1 | N     | Y       | Y       | Y    | N/P    | Y           | N/P  |
| 8/28/2018 | Special      | AB 5459 | Finalize RFQ for Transit Commuter Parking and Public-Private, Mixed-Use Development Project on the Tully’s/Parcel 12 Site | Approve the Request for Qualifications and selection process for the proposed transit commuter parking and public-private, mixed-use project on the Tully’s/Parcel 12 site, including a mandatory element of parking and revising the order of preferences accordingly.  | Passed 5-0 | Y     | Y       | Y       | Y    | N/P    | Y           | N/P  |
| 7/24/2018 | Special      | AB 5458 | City's Financial Challenges: Levy Lid Lift Ordinance (2nd Reading & Adoption)   | Motion #1: Adopt Ordinance No. 18-07, providing for the submission on the November 7, 2018 General Election ballot, a proposition authorizing the City to lift the levy limit established in RCW 84.55.010 to sustain current service levels for Public Safety, Youth, Family, & Senior Services, and Parks & Recreation.  | Passed 5-2 | N     | Y       | Y       | Y    | N      | Y           | Y    |
| 7/24/2018 | Special      | AB 5458 | City's Financial Challenges: Levy Lid Lift Ordinance (2nd Reading & Adoption)   | Motion #2: Appoint the pro and con committee members as recommended: Pro Committee: Leslie Meagley, Alan Merkle, and John Stewart, Con Committee: Lisa Anderl, Mike Cero, and Heather Cartwright   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 7/17/2018 | Regular      | AB 5457 | Public Hearing: City's Financial Challenges: Levy Lid Lift Ordinance (1st Reading)  | Set Ordinance No. 18-07 to July 24, 2018 for second reading and adoption.  | Passed 5-1 | N     | N/P     | Y       | Y    | N/P    | Y           | Y    |
| 7/17/2018 | Regular      | AB 5456 | Code Cleanup Code Amendment (2nd Reading & Adoption)  | Adopt Ordinance No. 18C-05 amending Mercer Island City Code Titles 17 and 19 to clarify development standards  | Passed 4-0 | N/P   | N/P     | Y       | Y    | N/P    | Y           | Y    |
| 7/17/2018 | Regular      | AB 5453 | Development Services Group Temporary Records Clerk  | Appropriate \$12,000 from the Technology Fee Reserve to hire a temporary Development Service Group Records Clerk.  | Passed 4-0 | N/P   | N/P     | Y       | Y    | N/P    | Y           | Y    |
| 7/17/2018 | Regular      | AB 5451 | Island Crest Way Crosswalk Enhancement – SE 32nd Project Close Out  | Accept the completed Island Crest Way Crosswalk Enhancement project and authorize staff to close out the construction contract.  | Passed 4-0 | N/P   | N/P     | Y       | Y    | N/P    | Y           | Y    |
| 7/17/2018 | Regular      | AB 5449 | 1% For Art Project: Arts Council Town Center Banner Project Artist Approval   | Approve the Arts Council's recommendation to select Artist Pamela Edwards for the Town Center Public Art Banner Project  | Passet 4-0 | N/P   | N/P     | Y       | Y    | N/P    | Y           | Y    |
| 7/10/2018 | Special      | AB 5450 | Due Diligence Costs for the City’s Proposed Commuter Parking Project  | Authorize the City Manager to enter into a professional services agreement with Aspect Consulting, LLC to conduct a Phase II Environmental Site Assessment at the Former Fuji Auto property located at 7810 SE 27th Street and in a portion of Sunset Highway (the north, adjacent right-of-way) in Mercer Island.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 7/10/2018 | Special      | AB 5450 | Due Diligence Costs for the City’s Proposed Commuter Parking Project  | Appropriate \$225,750 from the Sound Transit Settlement Funds to be used for due diligence work such as surveys, appraisals, environmental assessment, legal fees, etc. and allocate the funds from the REET surplus balance until the long-term commuter parking project is constructed and the City is reimbursed by Sound Transit.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 7/10/2018 | Special      | AB 5448 | City's Financial Challenges: Continued Discussion and Review of City’s Forecasting Model                                  | Direct staff to construct an ordinance in the amount of \$1.25/1,000 AV beginning in 2019 through 2024 with a 5% increase year-over-year, with an additional requirement of establishing a financial sustainability plan (as described by Management Partners), establishing a mechanism for the savings achieved by that plan to fund the Contingency Fund, and to end the six-year levy period with a Contingency Fund balance of two months or 17%. | Passed 6-1 | n     | y       | y       | y    | y      | y           | y    |
| 6/26/2018 | Special      | AB 5447 | First/Last Mile Solutions: Free-Floating Bike Share Pilot Proposal  | Authorize staff to proceed with Option A (monthly Cost = \$1,300 to \$1,625, 20-25 bikes, all electric fleet, daily rebalancing Monday to Friday) for a free-floating bikeshare pilot program to launch summer of 2018.  | Passed 3-2 | N     | Y       | Y       | N    | N/P    | N/P         | Y    |
| 6/26/2018 | Special      | AB 5441 | Planning Commission's Recommendation for Code Cleanup Amendment (1st Reading)   | Set Ordinance No. 18C-05 for a second reading on July 17, 2018.  | Passed 5-0 | Y     | Y       | Y       | Y    | N/P    | N/P         | Y    |
| 6/19/2018 | Regular      | AB 5442 | Sunset the Community Advisory Board   | Adopt Ordinance No. 18C-05, repealing chapter 3.42 MICC and sunseting the Community (Youth, Senior and Family Services) Advisory Board.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |

2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #            | Description/AB Title  | Motion   | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|-----------------|---|--|------------|-------|---------|---------|------|--------|-------------|------|
| 6/6/2018  | Regular      | AB 5435         | Resolution to Authorize a Purchase and Sale Agreement between the City of Mercer Island and Parkway Management Group et al. to Develop Long-Term Transit Commuter Parking in the Town Center  | Motion #2: Approve Resolution No. 1545, initiating a proposed, out of cycle Comprehensive Plan amendment to change the land use designation and zoning of a portion of the land known as Parcel 12 and a portion of the adjoining WSDOT property from Public Institution (P) to Town Center (TC) with a five-story height limit. With the following amendments:<br>1. Amend the third Whereas statement on page two of Resolution No. 1545 as follows: WHEREAS, the City Council requires wants the right to consider the re-designation and re-zone of the City’s Property to Town Center, prior to closing on the Tully’s Property; and<br>2. Amend the third Whereas statement on page two of Resolution No. 1545 as follows: WHEREAS, based on the foregoing, the City Council determines it is necessary to expedite the consideration of, and a possible decision on, the any proposed re-designation and re-zone of the City’s Property, and potentially a portion of the adjoining WSDOT property, to promote timely completion of a long-term, transit commuter parking facility within the City of Mercer Island’s Town Center near the East Link Light Rail Station while still ensuring early and continuous public participation; and<br>3. Amend the Resolution language as follows: The City Council directs City staff and the Planning Commission to analyze, study, and make recommendations to the City Council by September 18, 2018 on the proposed, out of cycle Comprehensive Plan amendment and rezone of the portion of land known as Parcel 12 (the City’s Property) and potentially a portion of the adjoining WSDOT property from Public Institution to Town Center as approximately shown on Exhibit A. | Passed 6-1 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5439         | 2017 Year-End Financial Status Report & Budget Adjustments  | Suspend the City Council Rules of Procedure 6.3, requiring a second reading for an ordinance and adopt Ordinance No. 18-03, amending the 2017-2018 Budget.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5437         | 2018 Arterial and Residential Chip Seals Bid Award  | Award Schedules ‘A’, ‘B’, ‘C’, and ‘D’ of the 2018 Arterial and Residential Chip Seals project to Doolittle Construction Company in the amount of \$354,775.60. Set the total project budget to \$560,706 and direct the City Manager to execute the construction contract.  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5434         | Resolution to Authorize a Purchase and Sale Agreement between the City of Mercer Island and Parkway Management Group et al. to Develop Long-Term Transit Commuter Parking in the Town Center  | Motion #1: Approve Resolution No. 1544, authorizing the City Manager to execute the Purchase and Sale Agreement between the City of Mercer Island and Parkway Management Group, et al. in substantially the form attached as Exhibit A to Resolution No. 1544.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5433         | Resolution to Authorize a Purchase and Sale Agreement between the City of Mercer Island and Twenty Four Eleven, LLC to Develop Long-Term Transit Commuter Parking in the Town Center, Including Declaring Part of Parcel 7 Surplus Property | Approve Resolution No. 1543, declaring Parcel 7 surplus to the needs of the City and authorizing the City Manager to execute the Purchase and Sale Agreement and the Parking Agreement between the City of Mercer Island and Twenty Four Eleven, LLC, in substantially the form attached as Exhibits A and B to Resolution No. 1543.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5432         | Adoption of the 2019-2024 Transportation Improvement Program  | Adopt the 2019-2024 Transportation Improvement Program as reflected in Exhibit 1 of AB 5432.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 6/5/2018  | Regular      | AB 5431         | Summer Celebration Fireworks Display Permit   | Approve the permit application from Western Display Fireworks, LDT for the <i>Summer Celebration!</i> Fireworks Display  | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 5/22/2018 | Special      | No action taken | (Joint Meeting withPlanning Commission)   |  |            |       |         |         |      |        |             |      |
| 5/17/2018 | Special      | No action taken | (Joint Meeting with MISD Board)   |  |            |       |         |         |      |        |             |      |
| 5/15/2018 | Regular      | AB 5414         | Arts Council 2017 Annual Report and 2018 Work Plan  | Accept report and work plan.   |            |       |         |         |      |        |             |      |
| 5/1/2018  | Regular      | AB 5427         | SE 40th Street Corridor Improvements Bid Award  | Award Schedules ‘A’, ‘B’, and ‘C’ of the SE 40th Street Corridor Improvements project to Kamins Construction in the amount of \$1,528,951.42. Allocate \$733,165 from the Street Fund, set the total project budget to \$2,033,049 and direct the City Manager to execute the contract.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/1/2018  | Regular      | AB 5426         | 2018 Arterial and Residential Street Overlays Bid Award   | Award Schedules ‘A’, ‘B’, and ‘C’ of the 2018 Arterial and Residential Street Overlays project to Watson Asphalt Paving Company in the amount of \$497,839.30. Set the total project budget to \$675,242 and direct the City Manager to execute the construction contract.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/1/2018  | Regular      | AB 5424         | Groveland Park Repair and Shoreline Improvements Bid Award  | Award the Groveland Park Repair and Shoreline Improvements project to American Construction Co in the amount of \$704,550. Set the project budget to \$981,655, with a budget reallocation of \$179,000 from other Park projects and a new appropriation of \$70,000 from available fund balance in the CIP Fund and \$302,500 from available fund balance in the General Fund. Direct the City Manager to execute the construction contract.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/1/2018  | Regular      | AB 5421         | Application for Heritage Capital Grant - Luther Burbank Boiler Building Renovation Phase 1  | Application for Heritage Capital Grant - Luther Burbank Boiler Building Renovation Phase 1   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 5/1/2018  | Regular      | AB 5420         | Arts Council Town Center Public Art Banner Project - Artist Selection Panel Approval  | Approve the proposed Artist Selection Panel for the Town Center Public Art Banner project as listed in AB 5420.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/24/2018 | Special      | No action taken | (Executive Session)   |  |            |       |         |         |      |        |             |      |

2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #            | Description/AB Title   | Motion  | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|-----------------|--|---|------------|-------|---------|---------|------|--------|-------------|------|
| 4/17/2018 | Regular      | AB 5416         | Soil Remediation Appropriation Request   | Approve the transfer of \$282,935 from General Fund savings to the Equipment Rental Fund and appropriate \$282,935 for soil remediation.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/17/2018 | Regular      | AB 5397         | Thrift Shop Staffing Transition  | Pass Resolution No. 1543, which approves the Luther Burbank Boiler Building Renovations Phase 1, authorizes the City Manager to apply for Heritage Capital Grant Funding for the project, and provides conditional funding for the City's matching portion of the grant.  | Failed 2-5 | N     | Y       | Y       | N    | N      | N           | N    |
| 4/3/2018  | Regular      | AB 5410         | Adoption of 2018-2019 City Council Goals and Work Plan   | Motion #1: Adopt the 2018-2019 City Council Goals and Work Plan as amended.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/3/2018  | Regular      | AB 5410         | Adoption of 2018-2019 City Council Goals and Work Plan   | Motion #2: Amend the main motion to add:<br>Goal 7. Create Policies that Support an Accessible and Healthy Business Ecosystem on Mercer Island<br>In order to make the City a more sustainable and livable community, it is essential that it has thriving businesses that meet the needs of Island residents.<br>Action Items:<br>1.Support local businesses by working closely with the Mercer Island Chamber of Commerce to evaluate and address parking in the Town Center.<br>2.Review the permitting process for commercial development/tenant improvements to ensure that best practices are used.<br>3.Develop a strategic planning process with the Mercer Island Chamber of Commerce and community to identify possible actions to improve the business environment, including, but not limited to, exploring the applicability of an Economic Gardening program and National Main Street program relative to Mercer Island.<br>4.Hold regular sessions with Mercer Island Chamber of Commerce to discuss potential actions that generation opportunities for business growth and expansion.<br>5.Conduct periodic business environment surveys to identify current conditions and actions. | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/3/2018  | Regular      | AB 5410         | Adoption of 2018-2019 City Council Goals and Work Plan   | Motion #3: Amend the previous motion to:<br>Strike 3-5 above and add a new #3 that reads "Staff to meet with Chamber and businesses with intent to bring a proposed plan to the Mini-Planning Session."   | Failed 1-6 | N     | Y       | N       | N    | N      | N           | N    |
| 4/3/2018  | Regular      | AB 5410         | Adoption of 2018-2019 City Council Goals and Work Plan   | Amend the previous motion to:<br>Amend #3 to read: "Develop a strategic planning process with the Mercer Island Chamber of Commerce and community to identify possible actions to improve the business environment" and Delete #4 and #5.   | Passed 6-1 | Y     | Y       | Y       | Y    | Y      | N           | Y    |
| 4/3/2018  | Regular      | AB 5410         | Adoption of 2018-2019 City Council Goals and Work Plan   | Amend the previous motion to:<br>Include additional action steps of:<br>4.Reevaluate investment in the Chamber of Commerce.<br>5.Create an economic development plan.   | Failed 1-6 | N     | N       | N       | N    | N      | Y           | N    |
| 4/3/2018  | Regular      | AB 5405         | EMW 5400-6000 Block Water System Improvements Project Bid Award                                | Award the EMW 5400-6000 Water System Improvements project to B & B Utilities in the amount of \$1,283,570.75. Set the project budget to \$1,895,870, with a budget reallocation of \$509,870 from the SE 22nd Street/SE 22nd Place Water System Improvements project (within the Water Fund) and direct the City Manager to execute the construction contract.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 4/3/2018  | Regular      | AB 5404         | Acquisition and Lease Purchase Financing of One Pierce Enforcer Pumper Ordinance (1st Reading) | Adopt Ordinance No. 18-02, which authorizes the purchase and lease financing of one Enforcer Pumper fire truck.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 3/20/2018 | Regular      | AB 5406         | First/Last Mile Solutions – Lyft and Uber Pilot Project  | Direct the City Manager to enter into agreements with Lyft and Uber for \$10,000 each to provide first/last mile solutions rides between the Sound Transit Mercer Island Park & Ride and a location on Mercer Island for a six month rideshare pilot project.   | Passed 6-0 | N/P   | Y       | Y       | Y    | Y      | Y           | Y    |
| 3/20/2018 | Regular      | AB 5402         | Interlocal Agreement with King County Fire Departments for Automatic Aid                       | Authorize the City Manager to sign the Martin Luther King County Interlocal Agreement for Automatic Aid.  | Passed 6-0 | N/P   | Y       | Y       | Y    | Y      | Y           | Y    |
| 3/20/2018 | Regular      | AB 5391         | Groveland Beach Park Repairs - Authorization to Bid  | Authorize the City Manager to solicit and receive bids for the construction of the Groveland Beach Park Repairs Project.  | Passed 6-0 | N/P   | Y       | Y       | Y    | Y      | Y           | Y    |
| 3/12/2018 | Special      | No action taken | (Executive Session)  |   |            |       |         |         |      |        |             |      |
| 3/6/2018  | Regular      | AB 5401         | Review Charter for Boards & Commissions Appointment Process Ad Hoc Committee                   | Motion #3: Adopt the proposed charter, and replace the "Purpose" section with the following: <ul style="list-style-type: none"><li>Revise the application form and cover page</li><li>Develop membership criteria for Planning Commission, Design Commission and Utility Board</li><li>Develop membership criteria for Arts Council, Community Services Board, &amp; Open Space Conservancy Trust</li><li>Propose amendments to the code for all boards and commissions for consistency</li></ul> In addition, amend the "Meeting Schedule" section to add a sunset date of December 31, 2018.  | Passed 5-1 | Y     | N       | Y       | Y    | Y      | N/P         | Y    |



2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date      | Meeting Type | AB #            | Description/AB Title   | Motion   | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|-----------|--------------|-----------------|--|--|------------|-------|---------|---------|------|--------|-------------|------|
| 3/6/2018  | Regular      | AB 5400         | Review Charter for Boards & Commissions Appointment Process Ad Hoc Committee             | Motion #2: Change the process (as outlined in AB 5399) for appointments to include the Deputy Mayor in the application review and recommendation process and change the word decisions to recommendations as follows:<br>1. Advertise the available positions;<br>2. Send email to members whose positions are expiring asking if they would like to be reappointed (with statement acknowledging that reappointments are not automatic and are at the Mayor and Deputy Mayor’s discretion);<br>3. Send email to all current members asking for help in recruiting applicants;<br>4. Once the application deadline has passed, staff liaisons review the applications and requests for reappointments and make a recommendation to the Mayor and Deputy Mayor;<br>5. Staff liaison recommendations and all applications are forwarded to the Mayor and Deputy Mayor and the entire City Council;<br>6. Councilmembers communicate any recommendations for appointment to the Mayor and Deputy Mayor;<br>7. The Mayor and Deputy Mayor reviews the applications, staff liaison recommendations, and Councilmember recommendations and forwards appointment recommendations to the City Clerk;<br>8. The City Clerk prepares memo to Council on behalf of Mayor and Deputy Mayor stating the Mayor and Deputy Mayor’s recommendation for appointment and includes it in agenda packet;<br>9. At the next Council meeting, the Council confirms or modifies the Mayor and Deputy Mayor's recommendation for appointment by motion and vote; and<br>10. Once the appointments have been made, letters are sent to all applicants either informing them that they were appointed or thanking them for applying. | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 3/6/2018  | Regular      | AB 5399         | Review Charter for Boards & Commissions Appointment Process Ad Hoc Committee             | Motion #1: Adopt the proposed charter for Boards & Commissions Appointment Process Ad Hoc Committee.   | Failed 2-4 | Y     | N       | N       | N    | N      | N/P         | Y    |
| 3/6/2018  | Regular      | AB 5398         | Public Records Act Code Amendments (2nd Reading and Adoption)                            | Adopt Ordinance No. 18C-01, repealing and replacing Chapter 2.14 MICC, Public Records, to comply with EHB 1595 and other recent Public Records Act revisions.  | Passed 6-2 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 3/6/2018  | Regular      | AB 5394         | Open Space Conservancy Trust Board 2017 Annual Report & 2018 Work Plan                   | Receive report.  | Passed 6-1 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 3/6/2018  | Regular      | AB 5379         | Police 2018-2019 Collective Bargaining Agreement   | Authorize the City Manager to sign the Police and Police Support Collective Bargaining Agreements with the Mercer Island Police Association for the period of January 1, 2018 through December 31, 2020, in substantially the form attached hereto as Exhibit 1 and Exhibit 2.   | Passed 6-0 | Y     | Y       | Y       | Y    | Y      | N/P         | Y    |
| 2/20/2018 | Regular      | AB 5395         | Public Records Act Code Amendments (1st Reading)   | Set Ordinance No. 18C-01 to the March 6, 2018 Council Meeting for second reading and adoption.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/20/2018 | Regular      | AB 5392         | Authorize Expenditure of Federal Seizure Funds for Police Department Use.                | Authorize the appropriation of \$32,000 of the US Treasury Reserve in the Technology and Equipment Fund for the purchase of Police Department replacement rifles.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/20/2018 | Regular      | AB 5390         | Ratification of 2017 WRIA 8 Chinook Salmon Plan 10-Year Update                           | Pass Resolution No. 1542 ratifying the WRIA 8 Chinook Salmon Conservation Plan 10-Year Update (2017 Plan Update).  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/20/2018 | Regular      | AB 5387         | City Council Rules of Procedure Amendments   | Adopt the proposed amendments to the City Council Rules of Procedure as presented in Exhibit 1 and as amended.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/20/2018 | Regular      | AB 5384         | 1% for Art Project: West Mercer Way/I-90 Mural Project Authorization and Budget Increase | Authorize the City Manager to enter into a contract with artist Rachel Holloway for the West Mercer Way/I-90 Wall Mural Project and appropriate an additional \$5,000 from the 1% for Art Fund to increase the project budget from \$25,000 to \$30,000.   | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 2/6/2018  | Regular      | AB 5385         | Critical Areas Code Update - Scope of Work, Approach and Public Engagement Plan          | Approve the proposed scope of work and public engagement plan for the Critical Areas Code update.  | Passed 5-2 | N/P   | Y       | Y       | Y    | Y      | N/P         | Y    |
| 2/6/2018  | Regular      | AB 5383         | ARCH 2017 Housing Trust Fund Recommendations   | Approve the use of up to \$93,900 from the City’s share of the 2017 ARCH Housing Trust Fund and \$57,899 as a forward commitment of the City’s 2018 Housing Trust Fund contribution, as recommended by the ARCH Executive Board, and authorize execution of any related agreements and documents.  | Passed 5-1 | N/P   | Y       | Y       | Y    | Y      | N/P         | Y    |
| 2/6/2018  | Regular      | AB 5382         | ARCH 2018 Administrative Budget and Work Program   | Approve the ARCH 2018 Administrative Budget and Work Program and authorize expenditure of \$32,185 for Mercer Island’s contribution to the 2018 ARCH Administrative Budget.  | Passed 5-0 | N/P   | Y       | Y       | Y    | Y      | N/P         | Y    |
| 1/23/2018 | Special      | AB 5380         | City Manager 2017 Performance Review   | Approve a lump sum performance award in the amount of 4% of her annual base salary for City Manager Julie Underwood per her employment contract and based upon her 2017 performance evaluation.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/23/2018 | Special      | AB 5372         | 1% for Art Project: Town Center Banners Replacement Project                              | Authorize staff and the Arts Council to proceed with the Town Center banner replacement project and appropriate \$26,500 from the 1% for Art in Public Places Fund for the design, production, and installation of banners and banner hardware.  | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/16/2018 | Special      | No action taken | (Executive Session)  |  |            |       |         |         |      |        |             |      |

2018 CITY COUNCIL VOTING LOG

8/22/2019

| Date     | Meeting Type | AB #    | Description/AB Title   | Motion   | Pass/Fail  | Acker | Bassett | Bertlin | Nice | Weiker | Wisenteiner | Wong |
|----------|--------------|---------|--|--|------------|-------|---------|---------|------|--------|-------------|------|
| 1/9/2018 | Special      | AB 5374 | Councilmember Oaths of Office and Mayor and Deputy Mayor Elections | Select Debbie Bertlin as Mayor for 2018-2019   | Passed 4-3 | N     | Y       | Y       | N    | Y      | N           | Y    |
| 1/9/2018 | Special      | AB 5374 | Councilmember Oaths of Office and Mayor and Deputy Mayor Elections | Select Dave Wisenteiner as Mayor for 2018-2019   | Failed 3-4 | Y     | N       | N       | Y    | N      | Y           | N    |
| 1/9/2018 | Special      | AB 5374 | Councilmember Oaths of Office and Mayor and Deputy Mayor Elections | Select Salim Nice as Deputy Mayor for 2018-2019  | Passed 4-3 | Y     | N       | N       | Y    | Y      | Y           | N    |
| 1/9/2018 | Special      | AB 5374 | Councilmember Oaths of Office and Mayor and Deputy Mayor Elections | Select Benson Wong as Deputy Mayor for 2018-2019   | Failed 3-4 | N     | Y       | Y       | N    | N      | N           | Y    |
| 1/9/2018 | Special      | AB 5373 | 2018 State Legislative Priorities                                  | Motion #1 Adopt the final City of Mercer Island 2018 State Legislative Priorities (as amended).                            | Passed 7-0 | Y     | Y       | Y       | Y    | Y      | Y           | Y    |
| 1/9/2018 | Special      | AB 5373 | 2018 State Legislative Priorities                                  | Motion #2: Amend the main motion and remove the remainder of the sentence after the word “pollution” in priority 6 line 2. | Failed 3-4 | N     | Y       | Y       | N    | N      | Y           | N    |
| 1/9/2018 | Special      | AB 5373 | 2018 State Legislative Priorities                                  | Motion #3: Remove clause 1 regarding the 1% cap on property tax from priority 4.   | Failed 3-4 | Y     | N       | N       | Y    | N      | Y           | N    |
| 1/9/2018 | Special      | AB 5373 | 2018 State Legislative Priorities                                  | Motion #4: Amend the main motion and add “at least half of” to priority 6 line 2 after the word direct.                    | Passed 4-3 | N     | Y       | Y       | N    | Y      | N           | Y    |

Dear Sir, Madame;

In regard to filing 55282, I confirm I did not use any phones, computers, servers, and other public facilities owned and operated by the City of Mercer Island to support my election campaign.

I was out of the country and using my personal devices.

Because of a function Microsoft pushed out through the City's accounts, I lost functionality on my phone and hence the ability to use services for personal purposes.

Debbie Bertlin



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Seattle WA, 98119

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**MELISSA GREENBERG**

Associate

**DIR** (206) 257.6019

greenberg@workerlaw.com

*Via U.S. Mail  
And via email to fox.blackhorn@pdc.wa.gov*

August 13, 2019

Fox Blackhorn  
Compliance Officer  
Public Disclosure Commission  
711 Capitol Way S. #206  
P.O. Box 40908  
Olympia, WA 98504-0908

Re: Complaint from Glen Morgan  
PDC Case No. 55282

Dear Mx. Blackhorn:

We write to you on behalf of our client, Mayor Debbie Bertlin, in response to Glen Morgan's July 21, 2019, complaint. Glen Morgan alleges Mayor Bertlin used public resources, specifically her work email and/or city-provided computer, to manage her campaign and file documents on behalf of her campaign with the Public Disclosure Commission (PDC) in violation of RCW 42.17A.555. These allegations are based on Mayor Bertlin's response to Glen Morgan's complaint in now-resolved PDC Case No. 53323.

Glen Morgan's complaint in this case misunderstands Mayor Bertlin's response to the PDC. Mayor Bertlin did not use either her work computer or her work email in attempting to file documents on behalf of her campaign. Instead, she was working from her personal cell-phone and computer. Although Mayor Bertlin has an application on her personal phone that allows her to send and receive emails from her Mercer Island account, she was not attempting to use her official email to file campaign documents. Mayor Bertlin believes that the update to her Mercer Island email application, which is hosted on her personal device, altered her security settings globally, resulting in the malfunctioning of her personal email and text message applications while out of the country.

Mayor Bertlin understands that she is not allowed to use her city-provided email or computer for campaign purposes and did not attempt to use her city-provided email or computer to manage her campaign or file documents with the PDC while she was out of the country. Thus,

the PDC should find that Glen Morgan's complaint misunderstood Mayor Bertlin's response and dismiss PDC Case No. 55282.

If you have any questions or concerns please feel free to contact me at 206-257-6019 or via e-mail at [greenberg@workerlaw.com](mailto:greenberg@workerlaw.com).

Sincerely,

A handwritten signature in black ink that reads "Melissa Greenberg". The signature is written in a cursive, flowing style.

Melissa Greenberg  
*Counsel for Debbie Bertlin*