

Municipal Research News

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SUCCESS

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About MRSC

Municipal Research and Services Center (MRSC) is a nonprofit organization dedicated to proactively supporting the success of local governments through one-on-one consultation, research tools, online and in-person training, and timely, unbiased information on issues impacting all aspects of local governments.

For 90 years, local governments in Washington State have turned to MRSC for assistance. Our trusted staff attorneys, policy consultants, and finance experts have decades of experience and provide personalized guidance through Ask MRSC and our extensive online resources. Every year we help thousands of staff and elected officials research policies, comply with state and federal laws, and improve day-to-day operations through best practices.

Municipal Research News is published biannually to inform, engage, and educate readers about ongoing and emerging issues. In print and online at the MRSC Insight blog, we cover such major topics as the Growth Management Act and the ever-evolving complexities of the Public Records Act, to name a few. When the legal landscape changes, we are here to clarify the issues and help local government leaders access the information they need to better serve their communities.



Washington Trivia Question

Which county, when changing its namesake in 2005, left the county name intact but changed the logo image, which was phased in over five years starting in 2007? **Answer on page 10**

Your ideas and comments are appreciated. If you have news you would like to share, please contact the editor, Leah LaCivita, at llacivita@mrsc.org

Municipal Research News

LOCAL GOVERNMENT SUCCESS

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MRSC HIGHLIGHTS

MRSC's Expanding Training Program

At MRSC, we're proud of the many ways we support local governments—and one area where we've seen exciting growth is our training program. Over the past few years, we've significantly expanded both the quantity and quality of our offerings, increasing from 39 trainings in 2020 to 58 in 2024.

In response to the COVID-19 pandemic, we quickly pivoted to virtual formats and have continued to build a diverse catalog of online events. At the same time, we recognize the value of in-person learning and set a new MRSC record in 2024 by hosting 14 in-person trainings across Washington State.

Our training program is shaped by the needs of our audience. Feedback from local governments highlighted a strong demand for finance-related education, especially for new clerks/treasurers and finance directors. In response, we launched the **Municipal Finance Bootcamp**—an intensive five-day, in-person training that covers key procedures, laws, and reporting requirements for local government finance staff. Since its debut a year and a half ago, we've held 10 sessions. In 2025, we also introduced a new full-day in-person course focused on the fundamentals of budgeting for cash-basis cities and counties.

Our training program is shaped by the needs of our audience.

Procurement has been another major focus. In 2024, we offered 19 trainings related to procurement and public works. Building on that momentum, we recently launched **Procurement Fundamentals**, a full-day in-person course that covers the essentials of local government procurement—from public works projects to contracting for goods and services, including architecture and engineering (A&E) services.

Looking ahead to the remainder of 2025 and into 2026, we're excited to continue expanding our training program. We'll offer additional sessions of both the **Municipal Finance Bootcamp** and **Procurement Fundamentals**, while continuing to cover other high-demand topics such as public records, planning, land use, climate, leadership, and more. Notably, we're soon piloting a new open-ended virtual webinar dedicated entirely to answering questions about the Public Records Act.

Our growth is driven by the support and input of our participants. Your feedback helps us innovate, refine, and deliver training that meets the evolving needs of local governments. We look forward to seeing you at an upcoming session!



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LEGAL REQUIREMENTS

For Hosting Government Open Houses or Coffee Chats



BY JULIE NICOLL, LEGAL CONSULTANT

Government open houses and coffee chats with elected officials are frequently used as public engagement tools. When planning this type of event, it is important to work closely with your agency's legal counsel to discuss applicable legal requirements to avoid potential violations of state law and audit findings from the Washington State Auditor (SAO).

Since agency rules can vary, begin by checking your agency's rules of procedure and policies. Other considerations include determining which elected officials will be in attendance, what records to maintain, and how public funds are used. This article will explore these topics along with common questions agencies have when planning open houses or coffee chats.

IS THE EVENT CONSIDERED A "MEETING" UNDER THE OPEN PUBLIC MEETINGS ACT?

If a quorum (majority) of the governing body plans on attending the event, the agency must provide advanced public notice of the event as a special meeting under the Open Public Meetings Act (OPMA), RCW 42.30.080. If there is any risk that a gathering might be considered a "meeting" for OPMA purposes, then the recommended course of action is to follow the notice and minute requirements for a special meeting.

Additionally, if members of the governing body discuss the event with each other afterwards, this could be considered a "serial meeting." A serial meeting occurs when a majority of members of a governing body have a series of smaller gatherings or communications that results in a majority of the body collectively taking "action" under OPMA, even if a majority is never part of any one communication.

Elected officials may share insights they received during the event at a subsequent regular meeting of the governing body.

SHOULD MINUTES BE TAKEN?

If the event is considered a "meeting" under OPMA, minutes must be taken pursuant RCW 42.30.035. Taking minutes in an open house format can be tricky, especially if there is no formal agenda. Sometimes the best an agency can do is

If an agency plans to offer food and drinks to encourage community participation in an event, be sure to have a policy in place before implementing such a program.

note when the meeting starts/ends and the general topics discussed. If the participants split into groups, an agency could possibly indicate what topics were discussed by each group. Formal question and answer (Q&A) sessions can be noted in the minutes.

SHOULD REMOTE PARTICIPATION BE ALLOWED?

Pursuant to RCW 42.30.030, public agencies are encouraged to provide for the increased ability of the public to observe and participate in meetings through real-time telephonic, electronic, internet, or other readily available means of remote access. However, each agency can determine what format is most suitable for each event.

If remote participation is allowed, MRSC highly recommends making the meeting link available to everyone, not a select group of invited participants. Just like with other online meetings, someone must manage the attendees and account.

While there is no legal requirement to record a remote meeting, if it is recorded, the recording must be retained as a public record. An agency may also consider providing notice to attendees that the meeting is being recorded (though this is not specifically required by state law).

SHOULD A SIGN-IN SHEET BE USED?

Under the OPMA, members of the public are not required to enter their names on sign-in sheets. RCW 42.30.040 specifically states: "a member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his or her name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance." However, participants may voluntarily sign-in to the event. Additionally, agencies should consider including

a statement on the sign-in sheet that it is subject to disclosure under the Public Records Act, chapter 42.56 RCW.

CAN FOOD AND DRINKS BE SERVED?

If public funds are used to pay for food and drinks, then an agency must consider the prohibition against the gift of public funds. Under Article VIII, Section 7 of the Washington State Constitution, a local government entity is prohibited from bestowing a gift or lending money, property, or the entity's credit to a private party.

In assessing whether a gift has been bestowed to a private entity, the courts have used a two-step process. First, they determine whether the funds are being expended to carry out a fundamental purpose of the government. If so, then no gift of public funds has been made. Otherwise, the court analyzes whether the government entity had a "donative intent" and whether it received an adequate return for the transfer.

MRSC suggests reviewing applicable agency reimbursement policies to ensure compliance. If an agency plans to offer food and drinks to encourage community participation in an event, be sure to have a policy in place before implementing such a program. If an agency is developing such a policy, MRSC suggests making a specific finding regarding the use of food and drinks to attract public engagement.

Where the expenditure could become more problematic is if there are restrictions on who can attend the event, so only a select group of participants are being singled out as recipients. Also, it would raise concerns if the cost of the refreshments becomes a significant expense or if other free prizes or gifts were being distributed that were less related to the nature and purpose of a "meet and greet" open house. This type of situation could give rise to concerns that certain private

individuals are being given gifts in violation of the state constitutional provision.

CAN A PUBLIC MEETING SPACE BE USED FOR FREE?

If an agency is utilizing a publicly owned meeting space to host these gatherings, consider whether this is allowed under the agency's policies. Otherwise, if an agency is using the space without charge (and other users are charged), and it is not considered part of an elected official's or employee's official duties, it might be considered a gift of public funds to allow use of the space without charge.

Remember that public facilities cannot be used to support or oppose a candidate or a ballot measure. There are very limited exceptions to this rule. For example, if the agency regularly hosts these types of candidate forum events, it may be able to take the position that it is part of the "normal and regular conduct" of the agency under RCW 42.17A.555(3). Be sure to discuss these exceptions in advance with your agency's legal counsel.

ENSURE YOUR EVENT IS LEGALLY COMPLIANT

In conclusion, if your agency plans on hosting an open house or coffee chat, make sure it complies with your agency's local rules and policies, especially when it comes to providing food, drinks, and meeting space. It is also critical to confirm with your agency's legal counsel whether or not the event will be subject to OPMA.

Advanced planning and coordination with your elected officials and legal counsel is essential to avoiding potential violations of state law and audit findings from the SAO.



Julie Nicoll, Legal Consultant, writes about a variety of issues impacting local government. She started her career in private practice advising clients on environmental and land use matters. jnicoll@mrsc.org

ASK MRSC

Residency Requirements

Every month, Ask MRSC receives hundreds of inquiries from Washington cities, towns, counties, and certain special purpose districts. The following is a sample of these inquiries and the answers provided by our skilled legal and policy consultants.

One of our water-sewer district commissioners owns two homes: one within the boundaries of our district and one outside of the boundaries. The commissioner spends more than half their time at the home outside of district boundaries. Can they still continue to serve on the board?

If an official owns or rents more than one place, then it becomes a question of which place the official considers to be their primary residence. The official's intent can be established by both direct and indirect evidence. In terms of direct evidence, it is simple enough to ask the official which location they consider to be their permanent residence. For indirect evidence, look at the address the official uses on their voter registration, driver's license, tax records, children's school enrollment forms, memberships in public parks and recreation programs, utility bills, and similar documents.

Would a non-resident be eligible to serve on our parks and recreation board (which acts as an advisory board to our county council)?

While state law sets forth some membership requirements for advisory boards, commissions, and committees, it is usually silent on residency requirements. (With some important exceptions, including civil service commission members who must be electors of the county in which they reside.)

In most cases, local governments are free to adopt local policies addressing residency for their advisory boards, commissions, and committees. Given that these boards are advising the governing body on local policy, some may determine that requiring residency for members make sense. However, some agencies expand advisory committee membership to nonresidents, believing it can broaden the feedback the agency may receive about its programs.

For a candidate to be eligible to serve as a councilmember, must they be a resident of our city for a certain length of time?

In order to hold any elective public office in Washington State, a person must meet the qualifications in RCW 42.04.020 and RCW 29A.24.075 and be an "elector" (as defined in the Washington State Constitution, Article VI, Section 1) of the city, county, or special purpose district in which they are running for office. To summarize these various requirements: at the time a candidate *files their declaration of candidacy with the county elections office*, the candidate must:

- Be a United States citizen,
- Be 18 years of age or older,
- Be a registered voter within the jurisdiction/district they seek to represent,
- Be a resident of the state, county, and precinct for at least 30 days before they file the declaration of candidacy, and
- Not be currently incarcerated for a felony.

Some offices may have additional requirements in state law or local charter, so consult your local government and county elections office to confirm the requirements.

One of our councilmembers has permanently moved to a house just outside the town limits. Can they still continue to serve on the council?

An individual may only have one permanent residence at any one time, which their voter registration is then tied to. Under RCW 29A.08.010(2), city and town councilmembers, county commissioners, and special purpose district commissioners must be residents and legally registered voters of the city, town, county or district they serve. Once an individual *permanently* moves out of the jurisdictional boundaries of the municipality they serve, they are no longer qualified to serve on the governing body of that municipality.

Have a Question? Ask MRSC. Call us at (206) 625-1300 or (800) 933-6772 or submit your question online at mrsc.org

Ask MRSC

Benefits and Challenges of Non-Traditional Work Schedules in Local Government

San Juan County recently made headlines with its one-year report on implementing a 32-hour workweek (32 HWW) for county employees. After launching their program in October 2023, the county now offers one of the most comprehensive datasets on shortened workweeks in American local government.

At the one-year assessment, the results were striking—the number of applicants increased by more than 85.5%, and the time it took to fill positions dropped by 23.75%. Voluntary separations (including quitting and retiring) decreased by 48%.

“For small, remote counties like San Juan County, improvements to recruitment and retention efforts have had a significant impact on our workforce and ability to provide consistent services,” said Erin Andrews, Communications Coordinator for San Juan County.

The altered workweek seems to have solved some of the issues that led the county to implement this schedule in the first place, including recruitment, retention, and a limited budget for wage and salary increases. The increased flexibility and free time was enough of a draw for employees.

“The 32HWW allows me to spend more time with my family, which is so important while they are young. I feel empowered at work to accomplish what I can in 32 hours, and feel it is sufficient time to complete my job tasks. If the 32HWW were repealed, I would immediately begin looking for new employment,” said one county employee.

As local governments face increasing competition for talent, traditional 9-to-5, five-day workweeks are being reconsidered. Recruitment challenges, employee burnout, and changing worker expectations are driving exploration of alternative scheduling models across the public sector. Local governments are increasingly exploring innovative approaches to workforce management, with non-traditional work schedules gathering momentum across Washington State and beyond.

NON-TRADITIONAL WORKWEEK MODELS

Several approaches to shortened workweeks have emerged. San Juan County opted for a true 32-hour model, maintaining full compensation while reducing weekly hours from 40 to 32. In response to a chronic police staffing shortage, the City of Golden, Colorado implemented a 32-hour workweek for its police department. However, most state and local agencies have not actually limited work hours but rather added more flexibility.

The Town of Plainville, Connecticut also recently adopted a 4-day/40-hour workweek for specific departments while excluding certain public-facing services like public safety and public works. The town extends service hours Monday–Thursday, with Thursday operations until 6:00 PM, creating more accessible hours for residents who work traditional 9-to-5 schedules.

The City of Los Altos, California offers employees three schedule options: traditional five-day workweeks, nine-day schedules with

alternating Fridays off, or a 4-day/10-hour schedule—the most popular choice. This flexibility-focused approach allows the city to maintain five-day service availability while accommodating diverse employee needs.

SUCCESSSES

The data reveals several concrete benefits. Staff recruitment and retention show measurable improvement—San Juan County experienced a 46% drop in voluntary separations.

Employee well-being represents perhaps the most consistent success. San Juan County found 83% of employees reported improved work-life balance and 78% better mental health. Los Altos City Clerk Melissa Thurman emphasized the benefits: “I think it brings a lot of help for mental health, it brings just clarity for the employee to just know their employer cares enough to offer that situation.”

Fiscal benefits have also emerged alongside workforce improvements. The Golden Police Department reported an 80% reduction in overtime spending during its six-month pilot, saving approximately \$115,000. As public sector budgets face ongoing constraints, these financial advantages take on increased significance.

As local governments face increasing competition for talent, traditional 9-to-5, five-day workweeks are being reconsidered.

CHALLENGES

Despite these successes, significant challenges emerge. Service continuity tops the list for most communities. Reporting on the six-month compressed workweek trial, Golden notes that its approach means “working less hours and doing work differently,” not doing less.

At the one-year check-in, San Juan County departments reported challenges including balancing employee schedules, offering sufficient office hours and front desk coverage, re-organizing priorities, and maintaining productivity.

Employees also reported feelings of stress to complete their workloads in fewer hours, worries about understaffed programs, interdepartmental communication, and managing time-intensive and seasonal projects.

“Yet despite these identified challenges, 67% of exempt employee respondents somewhat or strongly agree that the 32HWW has improved their work-life balance. (And an additional 24% say that their work-life balance has not changed),” Erin told me.

Labor market realities present additional hurdles. Employers may struggle to find enough workers to fill positions needed to switch to a four-day workweek during periods of low unemployment. This concern

extends to the public sector, which already faces recruitment challenges.

Public perception creates another hurdle. San Juan County faced criticism about fairness from taxpayers working traditional schedules.

TAKEAWAYS

For local governments considering non-traditional work schedules, several key lessons emerge. First, measurement systems provide the foundation for success. The city of Golden tracked 100 specific municipal service metrics, enabling data-driven adjustments. This commitment to data collection helps overcome skepticism from both elected officials and community members by demonstrating that service quality remains.

Second, jurisdictions should consider the scheduling needs of all departments.

“For most departments, staggering staff across five days has maintained existing hours of operation. Smaller offices in the financial wing (assessor, auditor, and treasurer) are utilizing a four-day work schedule to ensure that services continue uninterrupted even when employees are sick or are unexpectedly absent,” said Erin Andrews of San Juan County.

Communication strategies also help determine public acceptance. Commissioner

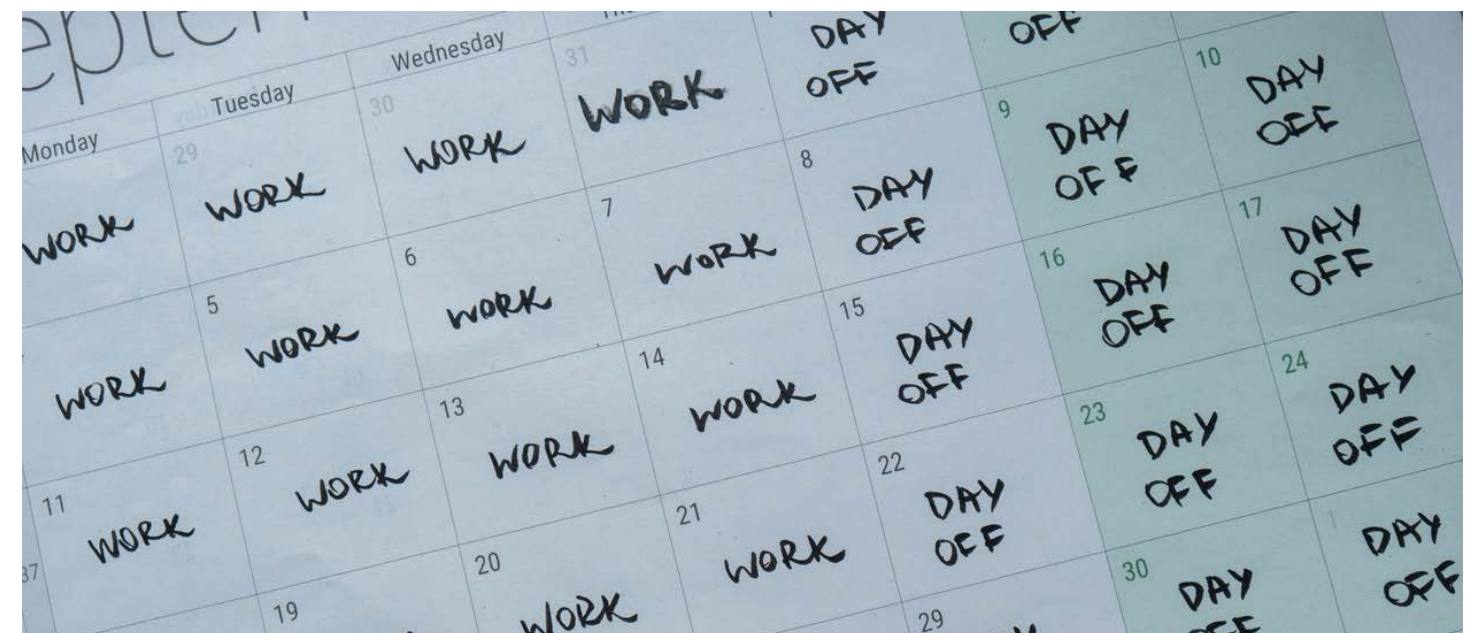
Tye Menser of Thurston County, which is also considering moving to a 32-hour workweek, recognized the need to shift a deeply ingrained work-centric “paradigm” through carefully framed messaging.

Customization by department proves essential. Plainville explicitly excluded critical public-facing services from their shortened workweek model. This nuanced approach recognizes that local governments perform diverse functions with varying operational requirements and public expectations.

As we have seen over the last few years, local governments are testing new work schedules. These experiments could help balance employee needs with public service requirements. Alternative work arrangements might solve ongoing challenges while keeping critical services running. Time will tell if these changes are temporary or a lasting transformation in how public sector jobs operate.



Alicia Bones, Research Analyst and Writer, writes about a variety of issues that impact local governments in Washington State. abones@mrsc.org





Navigating Intentions and Affidavits for Prevailing Wages

When your procurement adventure involves requires prevailing wages (i.e., the minimum hourly wages that must be paid to workers on public works and applicable maintenance contracts), in the eyes of the Washington State Department of Labor & Industries (L&I) your agency becomes an “Awarding Agency.”

As an Awarding Agency, your procurement adventure now includes confirming that prevailing wage filing requirements are met for what are commonly referred to as the “intent” and the “affidavit.” This blog will define intent and affidavit and the distinct filing requirements that an Awarding Agency should understand and follow when navigating the requirements for each.

BY JOSH KLIKA, PROCUREMENT & CONTRACTING CONSULTANT

INTENTS

Every contractor and subcontractor on contracts subject to prevailing wages are required by RCW 39.12.040 to file a Statement of Intent to Pay Prevailing Wages (Intent), which should be filed with L&I immediately after the contract has been awarded to the contractor and before work begins, if possible.

This is a unique requirement for Awarding Agencies to navigate because RCW 39.12.040 requires that the Intent for every contractor and subcontractor must be approved by L&I before any payments can be made by a local government. An Awarding Agency should clearly state in their contracts that the Intent must be submitted and approved by L&I before any payments can be made to the contractor.

For public works contracts in excess of \$10,000, contractors must post a copy of the Intent in a location readily visible to workers at the worksite (and this requirement must also be included in the Awarding Agency contract). However, it is the Awarding Agency’s responsibility to confirm that the contractor and all subcontractors have filed approved Intents prior to making payments on the contract. L&I’s Awarding Agency Portal or the Search Prevailing Wages Intents and Affidavits webpage at the L&I website can be used to confirm whether Intents were filed.

AFFIDAVITS

Every contractor and subcontractor on contracts subject to prevailing wages are also required by RCW 39.12.040 to file an Affidavit of Wages Paid (Affidavit) after the work has been completed. Once this occurs, a local government can release retainage to the contractor between 45 and 60 days after the “completion of all contract work,” assuming there are no claims or liens against the retainage (RCW 60.28.011).

The Awarding Agency may not release the retainage until all Affidavits filed by the contractor and subcontractors have been approved by L&I. If no retainage is held, the affidavit should be approved by L&I prior to acceptance and final payment.

Just like with the Intent, this requirement should be clearly stated in the contract, but it is still the Awarding Agency’s responsibility to confirm that the contractor and all subcontractors have filed Affidavits (and that these have been approved by L&I) prior to releasing retainage or making final payments on the contract. Again, L&I’s Awarding Agency Portal or the Search Prevailing Wages Intents and Affidavits webpage can be a resource to confirm Affidavits have been filed.

LIABILITY

If the Awarding Agency fails to follow these steps and makes payments to the contractor before the Intent is approved or releases retainage before the Affidavit is approved, it is liable to all workers for the full amount of wages due (see RCW 39.12.042).

DISTINCT FILING REQUIREMENTS

There are distinct filing requirements for contracts under \$5,000 (including tax), unit-priced contracts, janitorial contracts, and job order contracts.

For contracts less than \$5,000: For these contracts, a combined Intent/Affidavit form can be filed through L&I’s Awarding Agency portal and Contractor/Employers Portal with no form filing fee. The online system checks that the contractor is in good standing with L&I and verifies the wage rates being used are at least equivalent to the prevailing wage rates for the classifications the contractor plans to use.

If the combined Intent/Affidavit form is utilized, the Awarding Agency accepts liability for unpaid wages, no subcontractors are allowed, the project must be paid for in a single payment (i.e., there can be no dividing or splitting projects to avoid the maximum dollar limit), and no payments can be made to the contractor until the form is approved by Awarding Agency.

For unit-priced public works contracts: Unit-priced contracts, often used for on-call or indefinite-quantity work, require annual updates to prevailing wage rates. Intents and Affidavits must be filed for each contract year, and retainage can be released annually upon approval of the Affidavits.

For janitorial services contracts: Janitorial contracts require annual wage updates after the initial contract effective date. Intents and Affidavits must be filed annually, reflecting the prevailing wage rates in effect at the start of each contract year.

For job order contracts: Job order contracts use the issue date of each work

order, and Intents and Affidavits must be filed for each work order.

CONCLUSION

Understanding and adhering to Intent and Affidavit requirements is crucial for compliance with prevailing wage laws. These requirements not only confirm workers receive applicable prevailing wages but also protect agencies from audit and financial liabilities. By following the outlined steps and utilizing the tools provided by L&I, Awarding Agencies can smoothly navigate prevailing wage requirements.



Josh Klika, Procurement & Contracting Consultant, writes about procurement and contracting for public agencies. He has a broad public procurement background in state and local governments. jklika@mrcs.org

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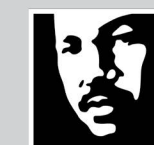
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King County



King County

Washington Trivia Answer

King County originally used a crown logo, but following efforts to honor Dr. Martin Luther King Jr., the county officially changed its logo in 2007 to reflect his image.



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