

Kelso City Council Agenda

Regular Meeting, 6:00 pm
March 1, 2016
City Hall, Council Chambers
203 South Pacific
Kelso, WA 98626



**Special accommodations for the handicapped and hearing impaired are available
by special arrangement through the City Clerk's Office at 360-423-0900**

Roll Call to Council Members:

Invocation:

Brian Cummings from New Song Worship Center

1. Approve Minutes:

1.1. February 16, 2016 – Regular Meeting

2. Consent Items:

3. Citizen Business:

4. Council Business:

- 4.1. Cowlitz County Public Facilities Fund Grant – 2016 Southwest Washington Regional Airport Projects
- 4.2. Discussion – Proposed Mineral Exploratory Drilling in the Gifford Pinchot National Forest
- 4.3. Discussion – Abandoned Shopping Carts Regulations
- 4.4. Workshop – City Charter
- 4.5. Discussion – 2016 Budget Goals and Actions Work Plan

5. Action/Motion Items:

- 5.1. Ordinance, 1st Reading
 - 5.1.1. Amending KMC 2.32 relating to the Authority to Appoint Limited Commission Police Officers
- 5.2. Ordinance, 2nd Reading
 - 5.2.1. Interfund Loan to Arterial Street Fund

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Other Items:

- City Manager Report
- Staff/Dept Head Reports
- Council Reports
- Other Business
- Executive Session

Pastor Nick Stumbo, East Hills Alliance Church, gave the invocation. Mayor David Futcher led the flag salute. The Regular Meeting of the Kelso City Council was called to order by Mayor Futcher. Councilmembers in attendance were Kim Lefebvre, Larry Alexander, David Futcher, Nancy Malone, Jim Hill, and Todd McDaniel. Councilmember Rick Roberson was absent.

Minutes: Upon motion by Councilmember Lefebvre, seconded by Councilmember Alexander, 'Approve the Minutes of the 2/2/16 Regular Meeting,' motion carried, all voting yes.

PRESENTATIONS:

2015 Annual Library Report: Library Manager Cindy Donaldson provided a presentation regarding the activities, events, partnerships, and patron statistics for the last year.

Certificate of Achievement for Excellence in Financial Reporting Award: City Manager Steve Taylor announced that the City of Kelso received the award, established by the Government Finance Officers Association, and presented it to Finance Director Brian Butterfield for his outstanding performance in reporting the City's finances.

CONSENT AGENDA:

1. **Auditing of Accounts:** \$2,876,117.25

Upon motion by Councilmember McDaniel, seconded by Councilmember Malone, 'Approve the Consent Agenda and the Auditing of Accounts in the amount of \$2,876,117.25,' motion carried, all voting yes.

CITIZEN BUSINESS:

Charlotte Persons, 2409 Bloyd St., spoke about a proposal for exploratory drilling on the north side of Mount St. Helens.

COUNCIL BUSINESS:

Interlocal Agreement with Cowlitz County for Reimbursable Work, Herbicide and Mechanical Vegetation Management, Striping, and Chip Seal: Upon motion by Councilmember McDaniel, seconded by Councilmember Hill, 'Approve interlocal agreement,' motion passed, all voting yes.

Contract with Otak, Inc. for Stormwater Low Impact Development Code and

Manual Update: Upon motion by Councilmember Lefebvre, seconded by Councilmember McDaniel, 'Approve the contract,' motion passed, all voting yes.

2016 Lodging Tax Advisory Committee Funding Request: Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Approve the funding to the Chamber of Commerce in the amount of \$1,111.50 for a City of Kelso ad in the 2016 Visitor's Guide and to the City of Kelso in the amount of \$2,000 for the rent and leasehold/excise tax required for the WSDOT Airspace Lease for the Visitor Center.' Motion passed, all voting yes.

MOTION ITEMS:

Ordinance No. (1st Reading) – Interfund Loan to Arterial Street Fund: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember McDaniel, seconded by Councilmember Lefebvre, 'Pass on 1st reading, 'AN ORDINANCE OF THE CITY OF KELSO AUTHORIZING THE TRANSFER OF FUNDS FROM THE DEBT SERVICE FUND TO THE ARTERIAL STREET FUND AND PROVIDING FOR THE REPAYMENT OF SUCH LOAN.' Discussion followed. Motion passed, all voting yes.

Ordinance No. 16-3866 – Conservation Easement Hart's Lake Property: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Malone, seconded by Councilmember Lefebvre, 'Adopt Ordinance No. 16-3866, 'AN ORDINANCE OF THE CITY OF KELSO GRANTING A CONSERVATION AND ACCESS EASEMENT OVER THE HART'S LAKE PROPERTY, PARCELS WI36-01-001 and 24125, TO FORTERRA NW.' Discussion followed. Motion passed, all voting yes.

Ordinance (2nd Reading) – Shopping Cart Regulations: The Deputy Clerk read the proposed ordinance by title only. Upon motion by Councilmember Lefebvre, seconded by Councilmember Alexander, 'Pass on 2nd reading, 'AN ORDINANCE OF THE CITY OF KELSO RELATING TO SHOPPING CART THEFT AND REGULATION AMENDING 9A.56.270 AND ADDING A NEW CHAPTER 9.62 SHOPPING CART CONTROL TO THE KELSO MUNICIPAL CODE.' Lengthy discussion followed. Councilmembers Lefebvre, Hill, and McDaniel voted yes. Councilmembers Fletcher, Malone, and Alexander voted no. Motion failed, 3 to 3.

Resolution No. 16-1151 – Renaming the Kelso Commons Park: The Deputy Clerk read the proposed resolution by title only. Upon motion by Councilmember Alexander, seconded by Councilmember McDaniel, 'Pass Resolution No. 16-1151, 'A RESOLUTION OF THE CITY OF KELSO, WASHINGTON, RENAMING KELSO COMMONS PARK TO KELSO VETERANS PARK.' Motion passed, all voting yes.

WORKSHOP:

Goals and Action Plan Update: City Manager Taylor facilitated the annual discussion. A review of the 2015 Budget Goals and Actions plan followed by Council deliberation provided staff direction to make current a new work plan for 2016.

MANAGER’S REPORT:

Steve Taylor: No report.

COUNCIL REPORTS:

Todd McDaniel: No report.

Jim Hill: No report.

Nancy Malone: Spoke about her ride along with the police department and a tour of the city with the Public Works Facility Operations Manager.

Larry Alexander: No report.

Kim Lefebvre: No report.

David Futcher: Spoke about the Port of Longview providing notice to withdraw from the Airport Board.

At 8:07 p.m., the Mayor adjourned the regular meeting. The Council convened into a closed meeting to discuss labor negotiations. The city attorney was not present and there was no action taken.

MAYOR

CITY CLERK

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Interlocal Agreement with Cowlitz County for Rural Public Facilities Funds – Southwest Washington Regional Airport Projects

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: March 1, 2016 _____

Originator: Steve Taylor _____

City Attorney: Janean Parker

City Manager: Steve Taylor

PRESENTED BY:

Steve Taylor

Agenda Item Attachments:

Interlocal Agreement
Application for Rural Public Facilities Funds

SUMMARY STATEMENT:

The City has entered into agreements with the engineering firm Reid Middleton, Inc., for design of three projects to be constructed at the Southwest Washington Regional Airport. These are the perimeter fencing and gate on Talley Way, beacon replacement, and Sullivan Hangar demolition.

Total costs for all three projects is estimated at \$703,000.00. We have received grant monies from FAA in the amount of \$632,700.00 and from WSDOT Aviation in the amount of \$35,150.00.

In order to assist with grant matches from FAA and from WSDOT Aviation for these projects we applied for and were granted rural public facilities funds from Cowlitz County in the amount of \$35,150.00.

Total Funding	
FAA -	\$632,700.00
WSDOT Aviation -	\$35,150.00
County -	<u>\$35,150.00</u>
	\$700,000.00

RECOMMENDED ACTION:

Move to approve the Agreement with Cowlitz County for Rural Public Facilities Funds.

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made and entered into pursuant to Chapter 39.34 of the Revised Code of Washington, by and between Cowlitz County, Washington, a political subdivision of the State of Washington, acting by and through its Board of Commissioners, (the “County”) and the City of Kelso, a municipal corporation organized under the laws of the State of Washington, and wholly situated in Cowlitz County, Washington, (the “City”), on the date shown below.

RECITALS

1. County is eligible for and receives sales and use taxes for rural counties authorized in RCW 82.14.370 and imposed in Cowlitz County Code Chapter 3.21, as amended. Such tax is authorized for the purpose of financing public facilities serving economic development purposes in rural areas. County has agreed to pay over to the City a portion of the proceeds of said tax revenues to assist the City finance three critical airport safety and infrastructure improvements at the Southwest Washington Regional Airport, namely, perimeter fencing and gate on Talley Way, beacon tower replacement and hangar demolition. Specifically the tax revenues will fund the local match required to receive FAA grants. Said improvements are more particularly described in the Project Information Sheet for Rural County Public Facility Funds, submitted by the City, dated February 12, 2016. The contribution to the City from County tax proceeds for this project will be in the amount of \$35,150.00.

The City’s project is listed in the SW Regional Airport Master Plan 2011 and the SW Regional airport Capital Improvement Plan 2016. The project was previously listed in the Comprehensive Economic Development Strategy for Cowlitz and Lewis Counties 2009-2013 as developed by the Cowlitz and Lewis County Economic Development District (CLEDD).

2. The City has the appropriate statutory authority pursuant to RCW Title 35A.11, and is ready, willing, and able to complete the project described herein, and the parties are entering into this Agreement to carry out such purpose.

3. Entry into this Agreement is authorized under Chapter 39.34 of the Revised Code of Washington, the Interlocal Cooperation Act.

AGREEMENT

For and in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. Effective Date/Duration: This Agreement shall be effective upon execution by both parties.

2. Purpose: The purpose of this Agreement is to allow the County to provide funds for a grant match to assist the City finance three critical airport safety and infrastructure improvements at the Southwest Washington Regional Airport, namely, perimeter fencing and gate on Talley Way, beacon tower replacement and hangar demolition. Specifically the tax revenues will fund the local match required to receive FAA grants. Said improvements are more particularly described in the Project

Information Sheet for Rural County Public Facility Funds, submitted to the County by the City, dated February 12, 2016 (the “project”).

3. Construction: The City agrees to design, construct and complete the project described herein, no later than December 31, 2016. The County shall have no responsibility for the design, construction or management of said project. The City shall have the sole authority to determine its design, construction and project management, and to enter into partnerships, contracts, or other legal arrangements with potential investors and/or users thereof to assist in financing and/or construction and permitting, in the manner allowed by law.

4. Financing: Pursuant to this Agreement, County shall pay to the City the sum of \$35,150.00 on or before April 16, 2016. Such funds shall be invested by the City until needed for project costs. All funds distributed to the City pursuant to this agreement, including interest accruing on the investment of such funds, shall be restricted solely for payment of costs incurred in connection with the project.

5. Budget: The total estimated cost for the project is \$667,850. The project is anticipated to be completed not later than December 31, 2016. Actual construction costs will be based upon contracts let for public bid pursuant to law. The City has developed a budget for said project, will maintain the budget, and will account for all expenditures made for the project. In consideration of the above described transfer of funds, the City hereby warrants and guarantees that the said project shall be completed for use as described herein notwithstanding any cost overruns incurred in the course of design, construction or project management.

6. Repayment Guarantees: In the event that tax proceeds have been disbursed to the City and the project does not proceed or is not completed as anticipated, the City hereby guarantees that it will refund to the County all such proceeds disbursed to it, together with accrued interest at the same rate as if the funds had been invested with the Washington State Local Government Investment Pool, provided that the City may deduct such amounts as it shall have applied to the project through the date on which a decision is made not to proceed with or to abandon the project.

7. Termination: Neither the County nor the City may terminate this Agreement until the project is complete and payment for said project is fully satisfied.

8. Indemnification: The City shall be solely responsible for administration of the project. In further consideration of the above described transfer of tax proceeds, the City shall defend, indemnify and hold harmless the County from and against all claims, whether sounding in contract or in tort, arising out of or in any way related to the project. This paragraph shall survive the completion, expiration, and/or termination of this Agreement

9. Amendments: No provision of this agreement may be amended or modified except by a further written document signed by the County and the City.

10. Duty to Submit Agreement to Jurisdictional State Officer or Agency: The requirements of R.C.W. 39.34.050 do not apply to this Agreement as no State Officer or Agency have control over the subject matter of this Agreement.

BOARD OF COMMISSIONERS OF
COWLITZ COUNTY, WASHINGTON

CITY OF KELSO

Michael A. Karnofski, Commissioner

Stephen Taylor, City Manager

Dennis P. Weber, Commissioner

Attest:

Joe Gardner, Commissioner

Brian Butterfield, Clerk/Treasurer

Attest:

Approved as to form:

Tiffany Ostreim,
Clerk of the Board

Janean Parker, City Attorney

Approved:

Douglas E. Jensen, Chief Civil
Deputy Prosecuting Attorney

RECEIVED OAS
FEB 12 2016

Return completed application to:
Cowlitz County
Office of Administrative Services
Attn: Katrina Harris
207 Fourth Avenue North #308
Kelso, WA 98626

DUE NOT LATER THAN:
_____ @ 4:30 p.m.

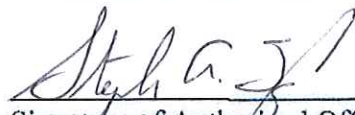
*Project Information Sheet:
Rural County Public Facility Funds*

Telephone: (360) 577-3065, ext. 2786
FAX: (360) 423-9987

SUBMIT AN ORIGINAL AND SIX (6) COPIES

SECTION 1: APPLICANT

Project Title	Sullivan Hangar Demolition Project, Replace Beacon Tower and Install Perimeter Fencing Talley Way
Applicant	Southwest Washington Regional Airport/City of Kelso
Contact Person	Steve Taylor
Title	Airport Manager/City of Kelso-City Manager
Mailing Address	City of Kelso – PO BOX 819, Kelso, WA 98626 SWRA – 2222 South Pacific Ave., Kelso, WA. 98626
Capital Facilities Plan where Project is Listed	SWRA Masterplan 2011 and SWRA CIP
Telephone	(360) 577-3301 (City of Kelso Office) or (360) 261-8268 (Airport Office)
Fax	n/a
E-mail	staylor@kelso.gov and swraairport@kelso.gov
Federal Tax I.D.:	(City of Kelso) Fed Tax I.D. # 91-6001252



Signature of Authorized Official:

2-12-2016
Date

SECTION 2: PROJECT ELIGIBILITY

Money collected under RCW 82.14.370 shall be used on public facilities and for economic development purposes.

Select the type of public facility that applies to your project:

X AIRPORT

- Bridge
- Road
- Domestic or industrial water facility
- Sanitary sewer facility
- Earth stabilization
- Storm sewer facility
- Railroad
- Electricity

- Natural gas
- X Buildings**
- X Structures**
- Telecommunications infrastructure
- Transportation infrastructure
- Commercial infrastructure
- Port facilities
- Economic Development Office (CEDC Only)

Amount requested \$ _____
Stop here; information requested on the project proposal form is not required if requesting funds for personnel.

Identify the area(s) in Cowlitz County where this project will be located.
Provide a site map, reproducible in black and white in 8 ½ x 11 format.

See Attached Airport Aerial Map with project site location

Airport Priority Projects: Sullivan
Hangar Demolition, Replace
Beacon Tower and Install Perimeter
Fencing Talley Way.

PROJECTS EXHIBIT A



1. **The Beacon Tower Replacement:** Includes removal of the existing rotating beacon structure and construction of a new tower in the same footprint location at the North end of the Runway along Pacific Avenue.
2. **The Talley Way Fencing and Security Gate:** Includes a security fence along Talley Way beginning at the southern corner of an existing chain link fence (Watkins Material Yard) and running south along the Airport's property line and Talley Way. The project includes a new electronic security gate on the west side of the Airport along Pacific Avenue.
3. **The Demolition of the Sullivan Hangars:** Includes the demolition of the existing Sullivan Hangars which is part of the larger "Westside Hangar development project".

Is the project currently listed in one or more of the following plans (check all that apply):

Comprehensive Economic Development Strategy Report

County's Capital Facilities Plan

Your agency comprehensive or capital facilities plan –

These Airport priority projects were identified in the February 2011 Southwest Washington Regional Airport (SWRA) Masterplan Final document and the SWRA Capital Improvement Program (2016).

Other; please specify: _____

If no, will the project be listed in one or more of the plans prior to start of construction?

Date of plan: _____

Which Plan: _____

SECTION 3: PROJECT BUDGET ESTIMATES

What is the estimated budget for this project? Indicate whether the budget is based on preliminary estimates, engineers' estimates, feasibility studies or public bids; include administration, design and construction costs.

\$ 378,000 (Sullivan Hangar) \$ 325,000 (Beacon Tower and Fencing)

List all funding sources for this project. Indicate the amount and status of the funding, i.e. grant application pending, grant secured, loan application pending, loan secured, L.I.D., R.I.D., bonds sold or to be sold.

Will rural county public facility funds be used to leverage other funds?

<u>Source</u>	<u>Status</u>	<u>Date</u>	<u>Amount</u>
Federal <u>FAA</u>	Sullivan Hangar	2016	\$ <u>340,200 (90%)</u>
Federal <u>FAA</u>	Beacon and Fencing	2016	\$ <u>292,500 (90%)</u>
State <u>WSDOT</u>	Sullivan Hangar	2016	\$ <u>18,900 (5%)</u>
State <u>WSDOT</u>	Beacon and Fencing	2016	\$ <u>16,250 (5%)</u>
Local/Public _____	_____	_____	\$ _____
Private _____	_____	_____	\$ _____
Other _____	_____	_____	\$ _____
Total Resources:			\$ _____

If in-kind or volunteer contributions for this project are planned, please describe.

Identify specifically the elements of the project for which the rural county public facility funds are requested. Rural county funds needed for the Sullivan Hangar, Beacon Tower Replacement, and Fencing Talley Way Construction Contractor and Construction Administration.

RURAL COUNTY PUBLIC FACILITY FUNDS REQUESTED

\$ 35,150 (18,900 5% + 16,250 5%)

SECTION 4: GRANT OR LOAN?

The Board has developed a self-sustaining program to make funds available for economic development even after the County is no longer eligible to receive the sales tax rebate. Therefore, the Board of Commissioners will give favorable attention to projects that propose to treat County funds as a loan.

Are you applying for:

 X Grant
 Loan
 Combination; give percentage or dollar amount of each:

 % Grant or \$ 35.150 Grant

 % Loan or \$ Loan

If a loan is proposed, please provide the following details:

- a) Proposed terms: n/a
- interest rate %
- term of loan (in years)
- # of payments
- schedule of payments:
- monthly
- quarterly
- semi-annual
- annual
- other (specify)
- date payments would commence

- b) Other financial information helpful in evaluating your proposal:

SECTION 5: PROJECT SUMMARY

DESCRIPTION OF PUBLIC FACILITY PROJECT:

Briefly describe the project, including, among other things, the following items:

- a) Type, size, location and use of public facility.

Project Description:

The Southwest Washington Regional Airport (SWRA) has priority projects that are currently underway. These Airport projects include: Sullivan Hangar Demolition Project, Replace Beacon Tower and Install Perimeter Fencing Talley Way. See Attached Exhibits.

The Hangar demolition project consists of the demolition and removal of existing T-hangar buildings (referred to as the Sullivan Hangars). They are located on the Westside of the Airport, penetrate the FAA Part 77 surface, and will be replaced with new hangars that comply with Part 77 restrictions under a future project. The first phase of this project will include the Hangar demolition and removal which is scheduled for 2016.

The Replacement Beacon Tower and Installation Perimeter Fencing Talley Way project include construction of a security fence system along Talley Way beginning at the southern corner of an existing chain link fence at the Watkins material yard, and running south along the Airport's southern property line and Talley Way. Currently the Airport is not completely fenced in and the additional 2,200 feet of fence and one electric double swing security gate will help to assist in deterring wildlife and adding security.

Reid Middleton (consultant) is to provide additional hazardous material evaluation, investigation, plans, technical specification, project quantities, engineer's opinion, construction costs, and other documents in accordance with FAA AIP project requirements.

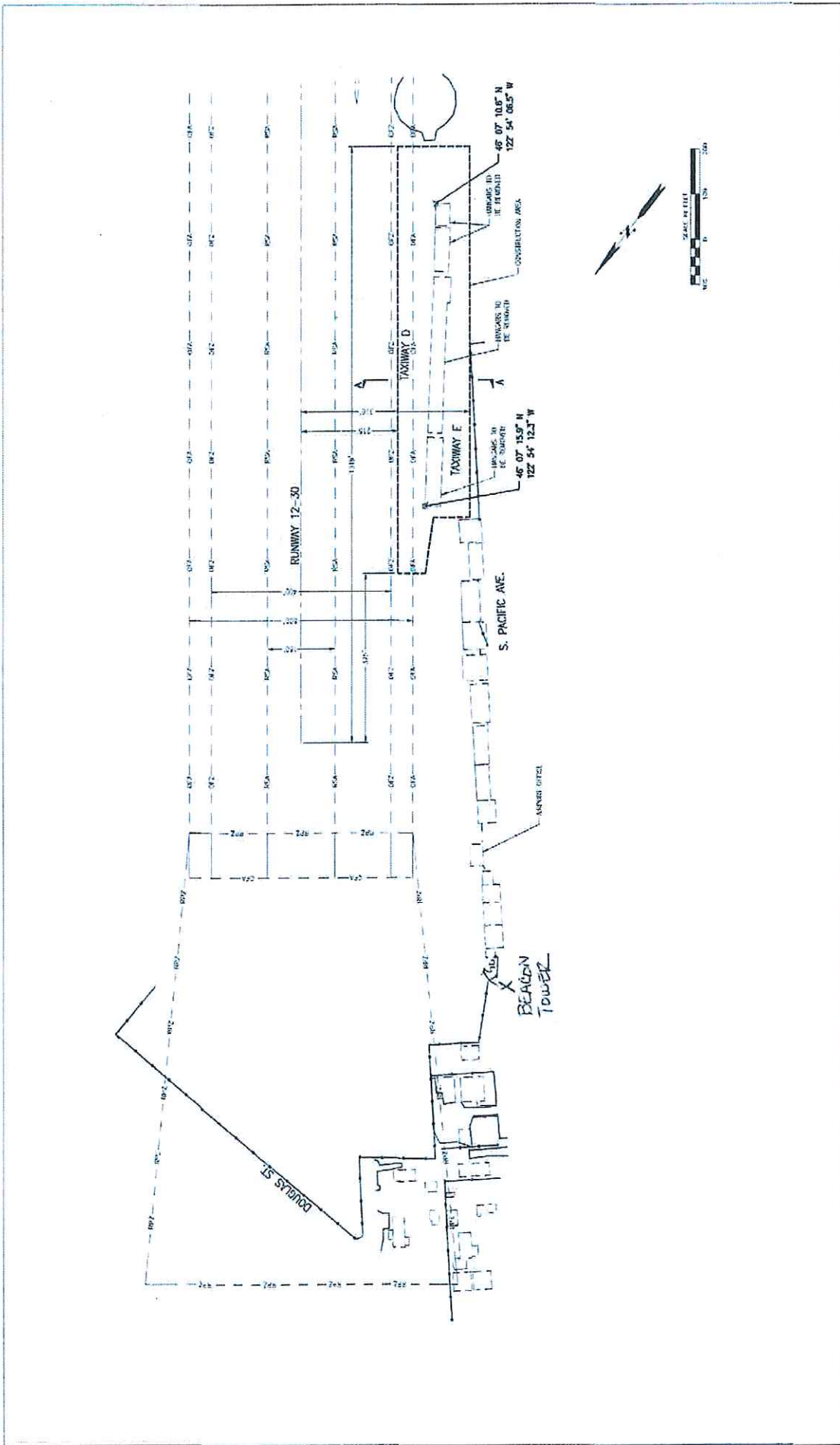
- b) Indicate why the rural county public facility funds are necessary for the project to succeed.

Through additional cost estimate refinement, it was identified by Reid Middleton that additional funding is necessary for completion of the Airport projects.

- c) Is the project ready to proceed?

Yes, underway. Removal of Sullivan Hangars, remove obstructions, demo hangars and pavement 2016. Beacon Tower and Fencing projects were combined. Replace Beacon Tower and install perimeter fencing and gate on westside 2016.

If the project is not ready to proceed, describe what must be completed before the project is ready and estimate a start date. N/A



Construction Area Exhibit
Sullivan Hangar Demolition and Removal
January 2016

d) If applicable, list all permits and environmental reviews required and give their current status (applied for, permit issued, etc.)

Reid Middleton (consultant) is to provide additional hazardous material evaluation, investigation, plans, technical specification, project quantities, engineer's opinion, construction costs, and other documents in accordance with FAA AIP project requirements. Additionally, all necessary review, SEPA checklist preparation, SEPA process, Clean air Agency Permit, submittal of drawings to the City for permit review, permits will be obtained and approved through City of Kelso.

e) Estimate the date for project completion.

Southwest Washington Regional Airport (SWRA) Sullivan Hangar Demolition project schedule Construction completion (estimate) – August 2016.

Southwest Washington Regional Airport (SWRA) Replace Beacon Tower and Install Perimeter Fencing Talley Way project schedule Construction completion (estimate) – August 2016.

f) Does this proposed project duplicate existing capacity in the community-either public or private? i.e. who are your partners and/or competitors?

Southwest Washington Regional Airport is a general aviation airport located in Kelso, WA and has several local, regional and national users/partners. These include (not limited to):

- o Airport Operating Board Members (List of members pg. 10 of application)
- o Airport Tenants and Pilots
- o SWRA Fixed Base Operator – Kelso Aviation
- o NW Air Tech Service
- o Experimental Aircraft Association (EAA) Flying Club
- o Civil Air Patrol
- o Aviation Marine & Auto (AMA) Upholstery Service
- o Long-Air Service
- o Additional Businesses – Les Schwab, John Deere, Foster Farms, Clary Chevrolet, U Haul, JH Kelly, Weyerhaeuser, Kapstone, Port of Kalama, Port of Longview, Port of Woodland, Hydraulic Services, Signature Transport, Woods Logging, Life Flight Emergency Services, Cowlitz 2 Fire and Rescue, Swanson Wood and Bark Products, Hillsboro Aviation, Columbia Helicopters, PGE, Pacific Laser, Air Methods.

SECTION 6: PROJECT GOALS

Describe how your public facility project meets the goals identified in R.C.W. 82.14.370, as amended, namely financing of public facilities serving economic develop purposes in rural counties.

“Economic development purposes” is defined in the statute as “those purposes that facilitate the creation or retention of businesses and jobs in a county.” Check and discuss any or all that apply, specifically:

- X Promote the ongoing operation of business in rural distressed areas;
- Promote the expansion of existing business in rural distressed areas;
- X Attract new businesses to rural distressed areas;
- Assist in the development of new businesses from within rural distressed areas;
- X Provide family wage jobs to the citizens of rural distressed areas.

Specifically identify the number and type of family wage jobs that will be created or retained as a result of your project:

- | | |
|--|--|
| X Construction | No. of jobs: <u>15 construction jobs</u> |
| <input type="checkbox"/> Permanent full time | No. of jobs: _____ |
| <input type="checkbox"/> Permanent part-time | No. of jobs: _____ |
| <input type="checkbox"/> Seasonal | No. of jobs: _____ |
| <input type="checkbox"/> Other (specify) | No. of jobs: _____ |

Promote the development of communities of excellence in rural distressed areas;

X Other (be specific).

In the near future, when the Westside Redevelopment Project phases are completed, new Aircraft Hangars will be built at the Southwest Washington Regional Airport. The addition of new Hangars at the Airport will attract new tenants and new businesses for our community and the Region. The Airport currently has successful Aviation business tenants that have been expanding their business and looking for additional hangar space. The Airport’s current Hangar occupancy rate (not including Sullivan Hangars) is at approximately 92%.

SECTION 7: APPLICANT CAPACITY

Identify the organization(s) and individual(s) involved in the project activities described in this application. Explain how the project is coordinated between involved parties.

The Southwest Washington Regional Airport Operating Board is currently comprised of the following.

Members

- City of Kelso
David Futcher (Board Chair)
- City of Longview
Chet Makinster
- Cowlitz County
Dennis Weber
- Port of Longview
Jeff Wilson
- Member at Large Position
Norm Krehbiel (until March 1, 2016)

SECTION 8: PROJECT TIME LINE

Provide estimated schedule for this project (s).	Estimated Completion Date (month/year)
35 Percent Design	<u>October – November 2015</u>
90 Percent Design All Required Permits Obtained	<u>January – March 2016</u>
Final Design and Construction Documents Engineering	<u>March 2016</u>
Environmental and Permitting	<u>January – April 2016</u>
Prepare Bid Documents	<u>April 2016</u>
Award Construction Contract(s)	<u>June 2016</u>
Begin Construction	<u>June/July 2016</u>
Construction Completion	<u>August 2016</u>

SECTION 9: PROJECT DYNAMICS

Provide other information, or special and unique features of the project that merit attention.

As these projects are located at the Southwest Washington Regional Airport (SWRA), Airport Management has been working closely with Federal Aviation Administration (FAA) and Reid Middleton (Consultant) to develop the project scope, schedule, and budget for the delivery of several of the Airport's Capital Improvement Projects. Additionally, this includes engineering and permitting that is required, along with FAA coordination on the construction safety and phasing plan, and the preparation of necessary FAA required 7460 forms.

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Commenting on
Proposed Mineral Exploration Drilling in
Gifford Pinchot National Forest

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ March 1, 2016 _____

PRESENTED BY:

Originator: _____ Steve Taylor _____

Steve Taylor

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Kelso Council resolution 06-923

News articles re: current and previous efforts to conduct mineral exploration drilling in Gifford Pinchot National Forest

Environmental Assessment link: https://eplanning.blm.gov/epl-front-office/projects/nepa/52147/66795/72638/Goat_Mountain_MEA_20151217_FINAL.pdf

SUMMARY STATEMENT:

Councilmembers Malone and Alexander asked that Charlotte Persons be allowed time to make a presentation to Council regarding proposed mineral exploration efforts in the Gifford Pinchot National Forest near Goat Mountain north of the Mt. St. Helens National Volcanic Monument. The Council approved a resolution in opposition to the proposed drilling in this area in 2006, and Ms. Persons would like the Council to issue a new resolution and include it as a public comment for the Environmental Assessment submitted by Ascot USA, the company seeking to explore for minerals in the area.

Staff is seeking Council direction on whether to proceed with the new resolution, which would need to be brought forward for consideration at the March 15th meeting to meet the public comment deadline for the EA of March 18th.

RECOMMENDED ACTION:

Provide direction to staff on whether or not to proceed with resolution regarding mineral exploration efforts in the Gifford Pinchot National Forest near Goat Mountain.

RESOLUTION NO. 06-923

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KELSO DECLARING ITS OPPOSITION TO THE PROPOSED 3,000 ACRE MINE AT GOAT MOUNTAIN.

WHEREAS, Idaho General Mines, Inc. (IGMI) has applied for a lease from the BLM and U.S. Forest Service to 900 acres of land below Goat Mountain in the Gifford Pinchot National Forest and adjacent to the boundaries of the internationally renown Mount St. Helens Volcanic Monument; and

WHEREAS, IGMI likely intends to combine this lease area with existing mineral claims it holds to the north of Goat Mountain in the Quartz Creek watershed; and

WHEREAS, IGMI wants the lease so that they can pursue the development of a 3,000 acre copper, gold, silver, and molybdenum mine at the site; and

WHEREAS the sulfide ore present below Goat Mountain is highly correlated with the release of acid rock drainage; and

WHEREAS, a Washington Department of Ecology report from 2002 found that streams on the south slope of Goat Mountain demonstrated chemical signs of existing acid rock drainage; and

WHEREAS, the U.S. Forest Service's 2003 Lower Cispus Watershed Analysis states that there are also subtle hints of acid rock drainage north of Goat Mountain in Red Spring Creek of the Quartz Creek watershed; and

WHEREAS, acid rock drainage is a chemical process that occurs when ore containing sulfide is exposed to air and water and which releases highly toxic substances

such as cadmium, lead, mercury, and manganese into surrounding ground and surface water; and

WHEREAS, acid rock drainage once begun can last hundreds and even thousands of years and is very difficult to manage; and

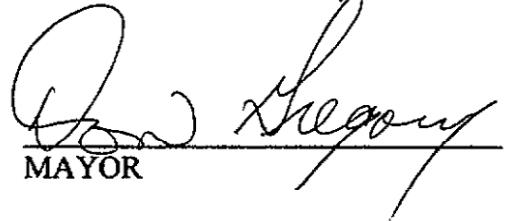
WHEREAS, the proposed mine at Goat Mountain has the potential to generate a very large amount of acid rock drainage; and

WHEREAS, the City of Kelso withdraws hits drinking water supply from the Cowlitz River downstream from the proposed mine site; and

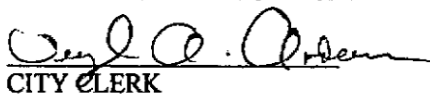
WHEREAS, the residents of the City of Kelso fish, hunt, hike, and generally recreate in the area of the proposed mine and therefore risk exposure to toxic releases from the mine; now, therefore,

THE CITY COUNCIL OF THE CITY OF KELSO DOES HEREBY RESOLVE that the City of Kelso opposes the proposed IGMI mine development at Goat Mountain.

ADOPTED by the City Council and **SIGNED** by the Mayor this 15 day of August, 2006


MAYOR

ATTEST/AUTHENTICATION:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



Feds seeks comment on volcano area minerals exploration

FEBRUARY 18, 2016 1:17 PM • [THE DAILY NEWS](#)

The federal government is seeking public comment on a revised plan to do exploratory drilling for copper and other minerals north of Mount St. Helens.

This is the second time that Ascot USA has attempted to get federal approval for exploratory drilling on 900 acres in the Goat Mountain area, which is at the northern boundary of the 110,000-acre Mount St. Helens National Volcanic Monument. The project has met fierce opposition, but its potential to boost employment has won it the support of the Lewis County commissioners.

The U.S. Bureau of Land Management and the U.S. Forest Service announced Thursday they will decide whether to issue an exploratory permit in part based on public comment they get on an environmental assessment submitted by Ascot.

An environmental assessment — often called an “EA” — is a much shorter and far less complex document than a full environmental impact statement. Ascot would have to go through a separate and likely much longer permitting process if it wanted to do full-fledged mining.

Since 2010, Ascot has been trying to prove that mining claims in the Goat Mountain area are rich enough to warrant extraction of gold, copper, molybdenum and other minerals. The company drilled 10 test holes in 2010, but it halted work when it was required to submit to an environmental review and get approval from the BLM and U.S. Forest Service.

The agencies approved a permit for exploratory drilling. But in 2014 a U.S. District Court Judge ruled that the environmental analysis of the drilling plan was inadequate and that a “finding of no significant impact” was not justified. Ascot, the BLM and Forest Service appealed the decision, but they withdrew the appeal late in 2014, essentially putting the project on ice.

Ascot recently revived the project.

According to the Forest Service, the new environmental assessment seeks to address concerns raised in the 2014 court ruling. It also reviews additional issues: Is drilling consistent with area land use plans? Will it affect groundwater or critical habitat for northern spotted owls? And will it damage Cowlitz Indian archaeological sites?

Copies of the EA are available at <http://www.blm.gov/or/programs/minerals>; <http://1.usa.gov/1NFp1eT> or <http://www.fs.usda.gov/project/?project=46996>.

Conservation groups have contended that mining would threaten the Green River, salmon and steelhead fisheries and municipal water supplies farther downstream and the scenery north of Mount St. Helens.

A 30-day comment period started Thursday. Comments can be submitted by email at *BLM_OR_Prospecting_EA@blm.gov* or mailed to the Bureau of Land Management, Oregon/Washington State Office, Attn: Goat Mtn. Project (OR-936.2), P.O. Box 2965, Portland, Oregon 97208-2965.

Agencies reissuing environmental review of drilling project

Public will be able to comment on proposed plan near Mount St. Helens



(http://www.columbian.com/wp-content/uploads/2016/01/0127_met_st-helens-mine.jpg)

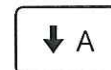
In this 2011 photo, Jessica Walz, with Bob Dingethal, right, both from the Gifford Pinchot Task Force, points to the area where Ascot Resources wants to do exploratory drilling above the Green River and on the border of the Mount St. Helens National Volcanic Monument.

By **Dameon Pesanti (/author/dpesanti)**, Columbian staff writer

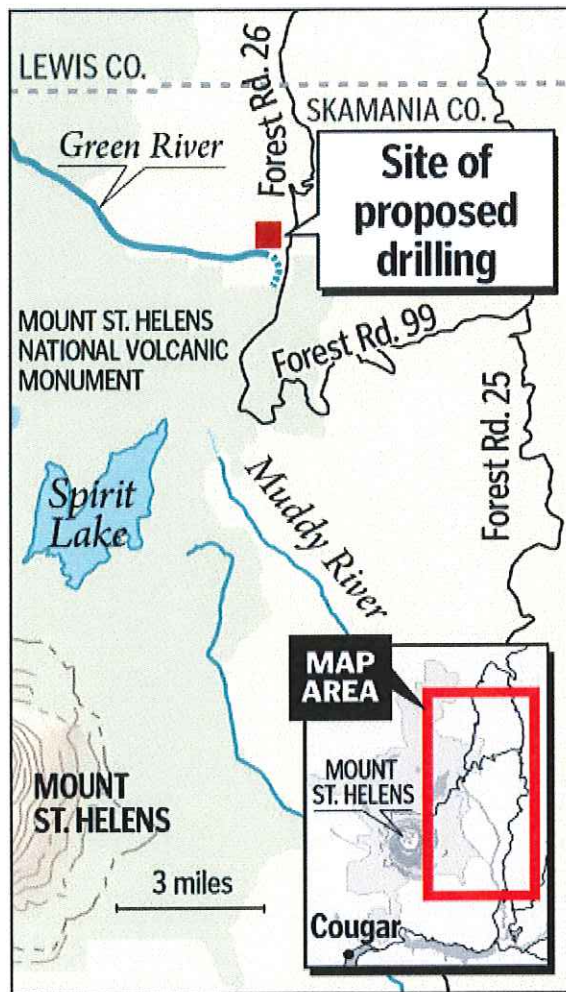
Published: February 11, 2016, 9:15 PM



The public will have another opportunity to comment on a proposed exploratory drilling permit near Mount St. Helens.



The Bureau of Land Management and the U.S. Forest Service plan to re-release the environmental review of the Ascot Resources Goat Mountain exploratory drilling permit application, probably next week, bureau spokesman Michael Campbell said. The final day for public comment on the environmental assessment was Feb. 4, but the move will open another 30 day public comment period.



The Columbian

<http://www.columbian.com/wp-content/uploads/2016/02/02-11-16-St.-Helens-mine.jpg>

click to enlarge

Goat Mountain project

Instructions for making public comments about the Goat Mountain project are available at:

www.blm.gov/or/programs/minerals/prospecting
<http://www.blm.gov/or/programs/minerals/prospecting>

resources around the proposed drilling site. Half of the mineral resources below ground are controlled by the bureau; the other half is controlled by Ascot.

Leading up to the new environmental assessment, Campbell said the bureau went through the court's opinion "with a fine-toothed comb" to make changes.

Ascot plans to search for copper, silver, gold and other minerals by drilling 63 holes at 23 different sites just north of the Mount St. Helens National Volcanic Monument boundary near the headwaters of the Green River.

The bureau uses several channels of communication to alert the public to the release of certain documents, but an error with the bureau's printer led to a failure to adequately inform all interested parties to the fact that the environmental review was out and the comment period was open, Campbell said.

Forest Service regulations don't allow comment periods on proposed projects with an environmental assessment to be extended, so the agencies opted to start the process over and re-release the assessment.

"We'll reissue it, effectively having the same net effect as extending the comment period," Campbell said, noting the forthcoming assessment will be identical to the previous one. "We'll honor the old comments. Those will all factor into our final analysis."

The Bureau of Land Management and the Forest Service have received about 2,000 comments to date.

"We are happy that the comment period has been extended, but disappointed that they waited until after the comment period to let us know" that the document would be re-released, said Matt Little, executive director of the Gifford Pinchot Task Force, which opposes the project. "Many of our groups rushed our comments in order to get them in by deadline."

The Gifford Pinchot Task Force, 20 other conservation and environmental groups and U.S. Sen. Patty Murray, D-Wash, sent letters to the Oregon and Washington state offices of the bureau asking for an extension. Indie rock band Modest Mouse even stepped into the fray with a banner on its website urging fans to oppose the project.

The Gifford Pinchot Task Force previously sued to block the drilling and claims the new document is identical to the one struck down in court in July 2014. That proposal had been approved by both the Forest Service and the Bureau of Land Management in 2012.

In the fall of 2014, Ascot, the bureau and the Forest Service filed notice to appeal but dropped the motion that December.

The Forest Service is charged with managing the surface

“We did all those things to make sure every last issue raised during the scoping was addressed. First and foremost that it was scientifically consistent with the forest plan,” he said.



Dameon Pesanti (/author/dpesanti)

Columbian staff writer

 [Send an Email \(mailto:Dameon.Pesanti@columbian.com\)](mailto:Dameon.Pesanti@columbian.com)

0 Comments

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[BLOGS \(HTTP://BLOGS.COLUMBIAN.COM\)](http://blogs.columbian.com) 

MINUTES OF THE REGULAR SESSION
OF THE LONGVIEW CITY COUNCIL
HELD THURSDAY, SEPTEMBER 13, 2007

1. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Mayor Weber.

2. INVOCATION/FLAG SALUTE

The invocation was pronounced by Larry Russell of Father's House. The Pledge of Allegiance was recited.

3. ROLL CALL

Present:

Mayor Dennis Weber
Councilman Kurt Anagnostou
Councilman Andy Busack
Councilman Don Jensen
Councilwoman Ramona Leber (arrived 8:14 p.m.)
Councilman Chet Makinster
Councilwoman Mary Jane Melink
City Manager Bob Gregory
City Attorney Marilyn Haan
City Clerk Ann Davis

City Staff Present

David Campbell, Assistant City Manager; Richard Bemm, Director of Parks & Recreation; Robbie Berg, Human Resources Director; John Brickey, Director of Community Development; Jeff Cameron, Public Works Director; Judy Jones, Information Technology Director; Daryl McDaniel, Fire Chief; Don Barnd, Police Captain; and Kurt Sacha, Finance Director.

4. APPROVAL OF PREVIOUS MINUTES

On a motion duly made and passed, the reading of the minutes of the regular Council meeting held August 23, 2007, copies of which had been submitted to the Mayor and members of the City Council, was waived and the minutes were approved as if read.

5. CHANGES/REVISIONS TO THE AGENDA

No changes to the agenda were announced.

6. PRESENTATIONS & AWARDS

A. Proclamation: City-Wide Day of Play.

Mayor Weber declared September 22, 2007, "City Wide Day of Play" in the City of Longview. The Proclamation detailed the many healthful benefits of play.

Director of Parks and Recreation Rich Bemm accepted the Proclamation and told of activities planned for September 22. Events will take place at the Hemlock Plaza area of Lake Sacajawea

and will consist of children's games, public health information booth, free classes, and the community tribal walk. Other sponsors include Pathways 2020 and Cowlitz on the Move. Mr. Bemm said play keeps the kid in each of us alive.

B. Proclamation: Constitution Week.

September 17th, 2007, is the 220th anniversary of the framing of the Constitution. Mayor Weber read the Proclamation honoring the Constitution and the freedoms it provides to all Americans.

Two representatives from the Daughters of the American Revolution accepted the proclamation. Mrs. Sanders stated the DAR provides exhibition materials to communities to honor the "magnificent document" that grants us our civil liberties. She thanked Council for recognizing this wonderful document.

C. Idaho General Mines Presentation – Mt. St. Helens.

Mayor Weber announced he would provide ten minutes to representatives from the Federal Bureau of Land Management to talk about the proposed lease; twenty minutes to representatives from Idaho General Mines to talk about their planned activity; and twenty minutes to a representative from the Gifford-Pinchot Task Force to address environmental concerns.

Idaho General Mines has applied for a mineral lease right covering approximately 900 acres in the Green River Valley near Goat Mountain, north of Mt. St. Helens. This lease application is one of the steps required in a long process that may eventually lead to development and operation of a mine to remove minerals from the leased area. If determined feasible through the permitting and site exploration process, Idaho General Mines (IGMI) may mine for copper, gold, molybdenum, and silver.

Council has asked to be provided information regarding the proposed activity because it may affect the City's water supply. The mining operation would occur in the Cowlitz River watershed, which supplies drinking water to the citizens of Longview; mining operations have the potential to negatively impact water quality in the watershed.

Mayor Weber stated there is no proposal before Council at this time; this is a presentation for information only. Thus this is not a public hearing and no public comment on the issue will be entertained. At Councilman Jensen's request, Mayor Weber cautioned the audience to refrain from any demonstrations of support or opposition.

Bureau of Land Management (BLM) representative Eric Hoffman described the involvement of the BLM and the United States Forest Service (USFS). Mr. Hoffman was accompanied by Chris DeWitt, Section Chief of Minerals. Mr. Hoffman described the scope of the IGMI plan to mine an approximate 900-acre parcel in the area of the headwaters of the Green River. This mineral deposit is referred to as "Margaret Mountain" deposit. This property lies outside the boundaries of the Mt. St. Helens National Volcanic Monument, at the northern edge of the 1980's blast zone in the vicinity of Goat Mountain. At the time the Mt. St. Helens National Volcanic Monument was established, no provisions were made for buffering areas abutting the monument.

Mr. Hoffman stated IGMI has a 50% interest in the mineral rights to 217 of the subject acres. They sought rights to an additional 682 acres in their proposed lease area. He said that granting a mineral lease of public lands is discretionary on the part of BLM if it is found to be in the best public interest.

In order to grant a lease, a NEPA study was conducted. The public comment period has concluded. A finding of no significance was made, since this application was only for a lease right. Mr. Hoffman said "literally thousands" of comments were received, most of which went beyond the scope of the study, since this initial study was only to determine the impact of granting a lease right to the property which would only allow the applicant to study and evaluate whether mining is feasible in this location.

Andy Russell and Pat Rogers appeared on behalf of Idaho General Mines. Mr. Russell spoke about the modern mining industry in general and his company specifically. Idaho General Mines is a publicly traded company on the AMEX exchange. IGMI is a development company. The Margaret Mountain area is considered a first class copper deposit. However, they expect also to mine the alloy element molybdenum, which, among other uses, is essential in the stainless steel process and desulfurs diesel fuels.

Mr. Russell emphasized the fact that this preliminary lease only grants IGMI the right to travel over and around the property and do some minor testing to evaluate the minerals present and determine the best way to mine the minerals. Another NEPA review and assessment will be required once the company develops the best plan to extract the minerals from the ground.

Mr. Russell said it normally takes ten years of the permitting, evaluating and reviewing process before a mine becomes operational.

IGMI has to decide whether the size of the deposit is large enough to feasibly develop. IGMI will not develop a property if it is not economically feasible to operate and maintain after closure. Mining is heavy industry and as such draws heavily on the adjacent community to provide goods, materials, and services.

The preliminary assessments must be made by IGMI before they can state with any certainty how the minerals would be extracted. There are numerous ways to do so; this would be determined by metallurgists. He said IGMI "will not develop this as an open pit operation."

IGMI Director of Permitting and Environmental Engineer Pat Rogers stated IGMI has a corporate environmental statement that requires (1) absolute compliance with all regulations and standards; (2) minimizing impacts by use of best available technology; and (3) net-positive effect on the community.

Mr. Rogers reiterated that this initial lease right merely grants IGMI the right to evaluate the property for feasibility of mining. The mining permitting process is quite lengthy, and mining companies make significant investments before ever seeing any return on their investment. Mr. Russell estimated an expenditure of \$70- to \$100-million would be expended just to determine if the Margaret Mountain site is feasible.

Councilman Anagnostou inquired about post-closure liability. Mr. Rogers reported the mining companies are required to post cash bonds to guarantee clean-up of the site. The initial bond might be in the amount of \$54-million. The cost for a phased bond, over the 44-year life of a mine, is in the vicinity of \$400-million.

The Gifford-Pinchot Task Force was represented by Ryan Hunter of Portland, Oregon. Mr. Hunter identified his organization as an independent non-profit conservation group. Their initial focus was on protecting old-growth forests. They have since switched focus to the logging and timber industries in an effort to encourage reforestation. However, the Task Force still opposes projects it believes will be damaging to the environment.

Mr. Hunter described how the subject property was acquired by the Trust for Public Land. The land was purchased from private owners and deeded to the Public Land Trust in order to protect it. Mr. Hunter said his organization has argued with the BLM that it is illegal for them to lease out the property for mining at this time.

Mr. Hunter said the response to the BLM's NEPA assessment received approximately 20,000 public comments. The vast majority of responses were in opposition to mining in this area; this included comments from Washington State Senators Murray and Cantwell.

Acknowledging that this mining proposal is in the earliest stages of permitting, Mr. Hunter explained why his organization is opposing the mine at this time: he argued that stopping a mining operation is like trying to stop a boulder rolling down the hill. It is easier to stop a boulder before it gathers momentum. The farther it travels, the faster it goes and it becomes more and more difficult to stop. Once funds have been invested -- and substantial amounts of money are involved in the exploration process -- there is more and more pressure on the mining company and the federal government to allow the permitting.

Mr. Hunter displayed a number of photographs of the remote area. A portion of the land is in the Tumwater Roadless Area, which has been set aside as an animal reserve. The headwaters of the Green River are also here; the Green River has been identified as a "wild and scenic river."

While the IGMI representatives deny an open pit mine would be constructed, Mr. Hunter alleged that if it were determined an open pit mine would be the most economical, that is what IGMI would construct. Underground mining also causes problems like subsidence which can alter hydrology both above and underground. Acid rock drainage is a possible problem that must be monitored and treated for many, many years.

Mr. Hunter also showed photographs of huge piles of discarded material removed from mines and dams constructed of mine tailings. He argued that the bonds required to be posted by mining operations are normally way too low to cover clean-up costs. Mining companies have been known to declare bankruptcy and just walk away from a site.

He concluded his presentation by stating he is organizing a field trip to the proposed mine site in October; he invited Councilmembers to attend.

[Councilwoman Leber arrived at this point in the meeting.]

Councilman Jensen voiced his opinion that Council should only take a position on the mine if it is going to affect Longview. In this preliminary review, there were no facts presented that established it would affect Longview.

Councilman Anagnostou said he would like to discuss topics like air quality and expressed an interest in hearing what the audience members had to say. Mayor Weber recalled that since there was no decision before Council, public input would not be taken.

Responding to questions about the leavings of a mine, Mr. Rogers said mining operations now are required to redeposit the unused material to an open pit site and return the site to a conformation close to its original appearance. During the process of underground mining, Mr. Rogers stated materials removed from the mine that have no mineralogical value are used to backfill around the mine. He asserted there is "usually very little left outside the mine."

7. CONSTITUENTS' COMMENTS

Alice Perry Linker, Charlotte Persons, Margaret Green, Ken Spring, Michelle Murant, and Clara Ottosen-Wilkins all voiced their opposition to the proposed mining near Goat Mountain.

Senior Center members Rose Ella Putnam, Clara Ottosen-Wilkins, Art Dailey, and Roger Vick all spoke to Council about the need for a new, larger Senior Center.

8. PUBLIC HEARINGS – None.

9. BOARD & COMMISSION RECOMMENDATIONS – None.

10. ORDINANCES & RESOLUTIONS

A. Ordinance No. 3019, Amending LMC Chapter 19.55, Adopting Industrial/Manufacturing Performance Standards.

An Ordinance adding a new Chapter 19.55, Performance Standards – Industrial/Manufacturing Zones, to the Longview Municipal Code, was introduced and read by title only.

City Manager Gregory reported that the Ordinance provided was the same text that had been reviewed earlier.

Rick Winsman, representing both the Chamber of Commerce and the Community Economic Development Commission, thanked Council for the opportunity to review this ordinance. Both organizations had reviewed the standard and agreed it was equitable; he urged adoption of the ordinance as proposed.

Councilman Makinster moved adoption of the foregoing ordinance which motion was seconded by Councilman Busack and on a vote duly held and recorded with 7 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Busack, Jensen, Leber, Makinster and Melink, and no "Nay" votes, the Mayor declared the ordinance adopted and passed, affixed his signature of approval thereon and the ordinance was assigned the No. 3019.

B. Resolution No. 1866, Amending 2007-2011 Capital Improvement Plan (CIP).

A Resolution of the City Council of the City of Longview Authorizing Amendment of the Capital Improvement Plan (2007-2011 CIP), was introduced and read by title only.

City Manager Gregory noted this proposed amendment to the CIP is in conjunction with the City's NPDES permit. Excess zinc has been identified in the runoff at the City Shop. It is believed the galvanized roof at the City Shop is causing this. Staff has proposed to apply an elastomeric coating on the roof, estimated to cost \$45,000. Funds to cover this expenditure are available in the Stormwater fund.

Councilman Anagnostou moved adoption of the foregoing resolution which motion was seconded by Councilman Jensen and on a vote duly held and recorded with 7 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Busack, Jensen, Leber, Makinster and Melink, and no "Nay" votes, the Mayor declared the resolution adopted and passed, affixed his signature of approval thereon and the resolution was assigned the No. 1866, a copy of which is on file in the office of the City Clerk.

C. Resolution No. 1867, Certifying an L.I.D. Petition to Construct South Weber Avenue within the Mint Farm Phase II and Establishing a Public Hearing on October 11, 2007, at 7:00 p.m.

A Resolution of the City Council of Longview, Washington, declaring the intention of the Council to order the formation of a local improvement district for the construction and installation of improvements within the boundaries of the proposed district; setting forth the nature and territorial extent of such proposed improvements; designating the number of the local improvement district; describing the boundaries thereof; stating the estimated cost and expense of the improvements and the amount thereof proposed to be borne by the property within the proposed local improvement district; and fixing a date, time and place for a public hearing on the formation of the proposed district. The foregoing Resolution was introduced and read by title only.

City Manager Gregory advised this Resolution would create an LID for the infrastructure improvements at the Mint Farm; this proposal is merely a change in the funding mechanism for this work. Northwest Renewable will be the sole abutting property owner and will pay all of the assessments.

Councilwoman Leber moved adoption of the foregoing resolution which motion was seconded by Councilwoman Melink and on a vote duly held and recorded with 7 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Busack, Jensen, Leber, Makinster and Melink, and no "Nay" votes, the Mayor declared the resolution adopted and passed, affixed his signature of approval thereon and the resolution was assigned the No. 1867, a copy of which is on file in the office of the City Clerk.

11. MAYOR'S AND COUNCILMEMBERS' REPORTS

Mayor Weber invited Council's attention to the two items he had included in the agenda: notice of AWC's upcoming legislative meetings to identify issues of concern; and results of an NLC survey.

Councilman Anagnostou reported he and several other Councilmembers had attended the new Lexington Bridge dedication. Councilman Jensen commented on the sessions of the Branding Boot Camp he had attended.

12. CONSENT CALENDAR

Councilwoman Leber asked that Street Use Permit No. S-07-26, Longview Saturday Market, October 6, be removed from the Consent Calendar for separate consideration. There being no other items the Council wished removed from the Consent Calendar, a motion was duly made and passed approving the balance of the items on the Consent Calendar as though acted on individually.

A. Accounts Payable

Based upon the authentication and certification of claims and demands against the City, prepared and signed by the City's auditing officer, and in full reliance thereon, it is moved and seconded as shown in the minutes of this meeting that the following vouchers/warrants are approved for payment:

Voucher (warrant) totals for First Claims of Sept. 2007: Total \$709,551.53
(Check Nos. 275407 through 275785)

Pay Period: Second Half August	
Payroll warrant numbers 196809 through 196916	Total \$202,808.50
Payroll direct deposits	Total \$392,045.30
Payroll wire transfers	Total \$587,194.46
Total Payroll Amt	\$1,182,048.26

Debt service payments electronically wired for Sept. 2007: \$132,918.75

B. Liability Claims

The claim(s) for damages listed below was/were received by the City and have been/are being researched and/or reviewed by Washington Cities Insurance Authority (WCIA) and claim status is as noted:

New:

Patricia Vroman, DOA: 7/27/07 – Claimant alleges a water main break in alley flooded garage, yard, shed with mud and raised up concrete floor. Damages unspecified.

Donna Schoonover, DOA: 4/30/07 – Claimant alleges her sewer line was blocked due to problem on City side. \$747.98

Richard McCool, DOA: 5/7/07 – Claimant alleges sewer lines were clogged due to problem on City side. \$247.17

Krista Harrington, DOA: 6/12/07 – Claimant alleges vehicle damage as a result of collision with a City street sweeper. Damages unspecified.

Robert Fox, DOA: 6/28/07 – Claimant alleges out-of-pocket expenses incurred to clear sewer line when problem was in City line. \$387.18

Patrick Long, DOA: 8/3/07 – Claimant was in first vehicle struck in rear-end accident caused by a City driver. Claims for bodily injury and property damage to vehicle. Damages unspecified.

John Jenkins, DOA: 8/3/07 – Passenger in Patrick Long's vehicle during accident. Claims personal injury and damage to ATV in bed of pick-up at the time of accident. Damages unspecified.

Susan Hayes, DOA: 8/3/07 – Driver of second vehicle involved in rear-end accident. Claims for personal injury and property damage. Damages unspecified.

Stewart Weston, DOA: 3/17/06 – Claimant alleges personal injuries as a result of a trip-and-fall over uneven portion of sidewalk. Damages unspecified.

Leo Kesler, dba Clean Machine, DOA: 8/27/07 – Claimant alleges City crew cleaning a parking lot blew dust and debris all over numerous vehicles that had just been washed and detailed. \$2,505.00

Gary Hall, DOA: 9/4/07 – Claimant alleges personal injury and broken glasses as a result of trip-and-fall over uneven portion of sidewalk. Damages unspecified.

Settled:

Donna Schoonover, DOA: 4/30/07 – Claimant alleged her sewer line was blocked due to problem on City side. \$747.98

Richard McCool, DOA: 5/7/07 – Claimant alleged sewer lines were clogged due to problem on City side. \$247.17

Krista Harrington, DOA: 6/12/07 – Claimant alleged vehicle damage as a result of collision with a City street sweeper. \$1,225.16

Robert Fox, DOA: 6/28/07 – Claimant alleged out-of-pocket expenses incurred to clear sewer line when problem was in City line. \$387.18

Barbara Hughes, DOA: 10/4/06 – Claimant alleged personal injuries as a result of trip-and-fall over uneven portion of sidewalk. \$14,221.61

James Harris, DOA: 6/5/07 – Claimant alleged vehicle damage as a result of collision with City vehicle. \$4,577.45

Denied:

None

C. Street Use Requests

The following street use request(s) was/were approved subject to any stipulations specified during routine review by concerned departments:

S-07-27, Columbia Theatre '07-'08 School Performances

Removed for Separate Consideration: S-07-26, Longview Saturday Market, October 6

Councilwoman Leber inquired of Downtown Business Builder (and Saturday Market organizer) Hank Sowerwine what types of activities would be taking place during the stated evening hours.

Mr. Sowerwine stated he did not envision any activities being scheduled for the evening hours; the evening hours were proposed on the permit application to enable organizers to clean up and remove materials. The theme of the October 6 Market is Oktoberfest. There will be lots of children's activities and music. No alcohol will be served, although the Downtown restaurants may participate with the theme by making appropriate refreshments available.

13. LIQUOR LICENSE APPLICATIONS

A. Assumption.

Aman R Corporation, Dalji Rattenpal, and Rajvinder K. Rattenpal have applied for an assumption from Kelcey L. Willcuts and Melody J. Willcuts DBA Speedy Mart at 704 Tennant Wy for a Grocery Store – Beer/Wine license. Background checks have been performed on the location and the parties involved. The police department has no concerns with the applicants or the location.

An extension until September 20, 2007 was granted by the Washington State Liquor Control Board due to the timing of the receipt of this request.

No Council action was taken.

B. New Application.

La Mexicana Investment, Inc., Antonieta M. Rodriguez, and Jose J. Rodriguez have applied for a Liquor License from the Washington State Liquor Control Board for the privileges of Direct Shipment Receiver-in WA only, Grocery Store – Beer / Wine, and Snack Bar with the tradename of La Mexicana Meat Market III. In addition, they will also be taking over the adjoining business, El Rancho Restaurant at 516 Oregon way. Local background checks were performed on the location and the applicants to include a check of the local Gresham, OR records. The police department has no concerns with either the applicants or the location.

An extension until September 20 was granted by the Washington State Liquor Control Board due to the timing of the receipt of this request.

No Council action was taken.

14. CITY MANAGER'S REPORTS

A. Recommendation from Lodging Tax Advisory Board to Approve Funds for Greater Columbia Arts Network.

At its December 21, 2006 meeting the Longview City Council established a policy to review requests for Tourism funds every six months as funds become available from the Tourism Fund. In June the City extended its invitation for Tourism Fund Outside Agency funding requests. A press release announcing the City of Longview was taking applications for the funding of projects that support or maintain tourism in Longview appeared in the Daily News. The deadline for submitting outside agency applications for this funding cycle was July 13, 2007.

By the end of the business day on July 13, 2007 the Executive Office received one application for funding in the amount of \$4,965 (amount transposed on agenda paperwork to read \$4,695) from the Greater Columbia Arts Network. As outlined on the attached application under "Project Information," The Greater Columbia Arts Network request for funding provides for 25,000 full-color arts directory brochures highlighting the major arts venues and organizations in the local community.

On August 9, 2007 the Lodging Tax Advisory Committee met and unanimously gave their vote of support and approval for funding of the Greater Columbia Arts Network proposal in the amount of \$4,965 as requested in their application.

City Manager Gregory's recommendation to Council was to accept the recommendation of the Lodging Tax Advisory Committee to include the Greater Columbia Arts Network proposal in the 2007 Tourism Fund budget. A formal budget amendment proposal adding this appropriation to the 2007-08 funding cycle will be submitted in the Fall of 2007.

Laurel Murphy, proponent of the Great Columbia Arts Network, showed Council a glossy brochure as an example of what they plan to print. The mission of their organization is to promote the arts in the community. They now have 42 members. They plan to insert a quarterly update sheet listing scheduled special activities and exhibits.

Councilman Jensen said the Great Columbia Arts Network should probably be a non-profit 501(c)3 organization, if they were not already. City Manager Gregory advised that requirement had never been imposed on recipients of lodging tax funds before; perhaps this should be investigated.

On a motion made by Councilman Jensen, seconded by Councilwoman Melink, and unanimously passed with 7 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Busack, Jensen, Leber, Makinster, and Melink, the City Manager's recommendation was accepted and approved.

B. Schedule Public Hearing (October 25, 2007): for the 2006 HOME and CDBG Consolidated Annual Performance and Evaluation Report (CAPER).

The City of Longview as a CDBG Entitlement community and lead agency for the Longview-Kelso HOME Consortium is required to produce a Consolidated Annual Performance and

Evaluation Report (CAPER) to HUD within 90 days of the completion of each program year which ends July 31st. The Report also requires a minimum 15-day public comment period. This comment period will begin October 12th and end on October 26th, 2007. The Public Hearing is needed on October 25th and will allow for public comment on HOME & CDBG program performance, accomplishments and recommendations for program adjustments if needed. Council and the public will receive copies of the CAPER for their review approximately on October 11th.

City Manager Gregory recommended Council set a public hearing for October 25th, 2007 to review the 2006 HOME & CDBG Consolidated Annual Performance & Evaluation Report.

On a motion made by Councilwoman Leber, seconded by Councilman Makinster, and unanimously passed with 7 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Busack, Jensen, Leber, Makinster, and Melink, the City Manager's recommendation was accepted and approved.

C. SMP 2007-3 Permit for Shoreline Management Substantial Development for the City of Longview to Construct Intersection Improvements on Ocean Beach Highway near Lake Sacajawea.

A Shoreline Management Substantial Development Permit has been requested by the City of Longview Public Works Department to construct intersection improvements at the intersection of Ocean Beach Highway (State Route 4) and NE Nichols Boulevard. The project also seeks to reconstruct a 5-foot wide path along the southerly right-of-way of NE Nichols Boulevard as well as construct a pedestrian refuge island.

The applicant filed a Joint Aquatic Resource Permit Application (JARPA) with the City. The JARPA comment period concluded on July 2, 2007. No comments on the JARPA application have been received. The City completed the SEPA process for this project in the summer of 2004.

The City Council's review of the application was originally scheduled for the July 12, 2007 regular meeting. However, the Council decided to defer consideration of the application while staff pursued alternatives at Council's direction. One of those alternatives was to again speak with the private property owner to the west of the site. Staff did so, and related that owner is still adamantly unwilling to give up any property for use as right-of-way.

City Manager Gregory recommended Council approve the Shoreline Management Substantial Development Permit for the NE Nichols Boulevard/Ocean Beach Highway intersection improvements and authorize him to sign the Shoreline Management Substantial Development Permit.

It was moved by Councilman Jensen and seconded by Councilman Makinster to accept the City Manager's recommendation regarding the Shorelines Management Permit.

Council discussion revealed some reluctance to take four trees from Lake Sacajawea Park in order to widen the roadway to allow for traffic queueing. Director of Public Works Jeff Cameron noted Council had initially preferred the scaled down design that did not encroach into the park;

subsequently, Council approved the design that did extend beyond the right-of-way and infringed on the park. Mr. Cameron noted it would be very easy to scale the project down and utilize the same SMP permit. He did, however, ask Council to provide an answer very soon in order to meet established timelines and utilize available funding.

Councilwoman Leber moved to amend the motion by specifying staff design the scaled-down version of the intersection, staying within existing right-of-way. This motion was seconded by Councilwoman Melink. Upon a vote duly held, the motion passed with 5 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Leber, Makinster, and Melink, to 2 "Nay" votes cast by Councilmembers Busack and Jensen.

Upon a vote duly held, the main motion as amended passed with 6 "Aye" votes by Mayor Weber and Councilmembers Anagnostou, Jensen, Leber, Makinster, and Melink, to one "Nay" vote cast by Councilman Busack, the City Manager's recommendation was accepted and approved.

15. MISCELLANEOUS INFORMATION ONLY

A. New Business License Applications.

B. Meeting Reminders

NEXT SPECIAL COUNCIL MEETING:
THURSDAY, SEPTEMBER 27, 2007 AT 6 P.M.
NEXT REGULAR COUNCIL MEETINGS:
THURSDAY, OCTOBER 11, 2007, AT 7 P.M.

NEXT COUNCIL WORKSHOPS:
TUESDAY, SEPTEMBER 18, 2007 AT 7 P.M. – PRELIMINARY CRIME-REDUCTION STRATEGIC PLAN

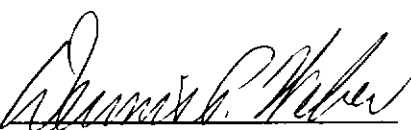
16. ADJOURNMENT

There being no further business to come before the Council at its regular session, the meeting was adjourned at 9:56 p.m.

THE CITY OF LONGVIEW



Ann Davis, City Clerk

APPROVED: 

Mayor

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Abandoned Shopping
Carts Regulations Discussion

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ March 1, 2016 _____

PRESENTED BY:

Steve Taylor

Originator: _____ Steve Taylor _____

City Attorney: Janean Parker

City Manager: Steve Taylor

Agenda Item Attachments:

Proposed Shopping Cart Regulations Ordinance

SUMMARY STATEMENT:

At the February 16th regular meeting, the City Council voted 3-3 to reject the proposed ordinance regarding stolen and abandoned shopping carts. Councilmembers Rick Roberson and Todd McDaniel requested in writing to bring the ordinance back for consideration. City Attorney Parker and the City Manager will present additional information and options in response to specific concerns voiced by councilmembers at the previous meeting. A memo outlining various options is currently being prepared and will be provided to Council at Tuesday's meeting.

RECOMMENDED ACTION:

Review options provided by staff pertaining to the shopping cart control ordinance and provide direction for amendments to the ordinance for future consideration.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO RELATING TO SHOPPING CART THEFT AND REGULATION AMENDING 9A.56.270 AND ADDING A NEW CHAPTER 9.62 SHOPPING CART CONTROL TO THE KELSO MUNICIPAL CODE

WHEREAS, shopping carts lost, stolen or abandoned on public and private property can obstruct access to sidewalks and streets, interfere with pedestrian and vehicular traffic, and impede emergency services creating a potential public safety hazard and harming public health and safety; and

WHEREAS, left unattended, lost, stolen, or abandoned shopping carts cause deteriorated community appearance and can create conditions of blight in the community; and

WHEREAS, the City has determined that abandoned shopping carts is becoming a more common problem within the City constituting a public nuisance; and

WHEREAS, the City wishes to deter the removal of shopping carts from businesses provide for the retrieval of lost, stolen, or abandoned shopping carts, and to prevent the accumulation of removed carts on public and private properties within the City;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. Kelso Municipal Code Chapter 9.04 Amended. That Kelso Municipal Code Section 9.04.010 is hereby amended to add the following state statute to the list of statutes adopted by reference:

RCW 9A.56.270 Shopping Cart Theft.

SECTION 2. Kelso Municipal Code Title 9 Amended. That Kelso Municipal Code

Title 9 is hereby amended to add a new Chapter 9.64 as follows:

Chapter 9.64 – Shopping Cart Control.

9.64.010 Purpose.

The purpose of this Chapter is to prevent the unlawful removal of shopping carts from the premises of businesses and to provide for the prompt retrieval of lost, stolen, or abandoned shopping carts to promote public health, safety, and welfare.

9.64.020. Removal of shopping cart violation and penalties.

A. It is a Class 3 civil infraction as defined in RCW 7.80.120 for a person without written permission of the owner or person entitled to possession to abandon or to be in possession of a shopping cart that is the property of another more than 100 feet away from the parking area of the retail establishment or shopping cart containment area of the owner of the shopping cart.

B. This section shall apply only if: (1) the shopping cart has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both, (2) the retail establishment posts notification to the public of the procedure to be used for authorized removal of the cart from the premises and notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized abandonment of the cart, is unlawful, and lists a telephone number or address for returning carts;.

9.64.030 Shopping cart identification signs and notice required.

A. Every shopping cart made available for use by customers shall have the following: (a) a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both; (b) notifies the public of the procedure to be utilized for authorized removal of the cart from the premises; (c) notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and (d) lists a telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

B. Every retail establishment providing shopping carts shall post in a conspicuous location on the retail establishment property a notification to the public that unauthorized removal of

shopping carts from the premises of the business and the unauthorized possession of a shopping cart is unlawful. The posted notification shall also contain the procedure to be utilized for authorized removal of the cart from the business premises and list a telephone number or address for returning carts removed from the premises.

C. Every retail establishment providing shopping carts shall keep on file with the City Police Department a current telephone number and physical address at which the retail establishment may be contacted for the purpose of reporting the location of abandoned, lost, or stolen shopping carts.

9.64.040 Retrieval and impoundment procedures.

A. Impoundment with Notice. The City may impound a shopping cart which has affixed to it identification information as required by KMC 9.64.020(B), if the following conditions have been satisfied:

1. Location Outside of Premises. The shopping cart is located outside the premises or parking area of a retail establishment and is left unattended or discarded on public property owned by or under the control of the city, or on any right-of-way within the city, or on private property where the owner has consented to removal; and
2. Notice of the cart's discovery and location is given to the shopping cart's owner, retailer, or agent unless such notice has been voluntarily waived by the shopping cart's owner, retailer, or agent; and
3. Failure to Retrieve Cart. The shopping cart is not retrieved within forty eight (48) hours from the date notice is given. The forty-eight hours shall be calculated using only days Monday through Friday and will not include weekend days Saturday and Sunday.

B. Impoundment without Notice. A shopping cart may be impounded without notice if one of the following conditions is satisfied:

1. Hazardous Location. If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, city enforcement personnel are authorized to immediately retrieve the shopping cart from public or private property and impound it. If the cart has identification information affixed, the owner will be notified and given

forty-eight hours to retrieve the cart before a collection fee is assessed using the time calculation listed in subsection (A)(3) of this section; or

2. Lack of Identification. If a shopping cart is unattended or discarded and located outside the premises or parking area of a retail establishment and does not have the required identification information affixed thereto as required by KMC 9.64.020(B), the city may immediately retrieve the shopping cart from public property owned by or under control of the city, any right-of-way within the city, or private property with the consent of the owner; or

3. Evidence of a Crime. Any lost or stolen shopping cart may be impounded as evidence in a criminal investigation.

9.64.050 Fees and disposition of carts.

A. Impounded Carts. When a shopping cart is impounded in accordance with this chapter, the city may charge a cart collection fee to the owner of a shopping cart. The fine shall be in the amount of twenty-five dollars per cart and each cart collected shall constitute a separate violation. Any owner having installed a locking device on its carts which has been disabled by one other than the owner or his agent shall be exempt from the fine.

B. Disposition of Carts. The city may sell or otherwise dispose of any cart not reclaimed within seven days from the date of notification to the owner or the owner's agent of the cart's discovery and location.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: _____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE: Kelso City Charter
Discussion

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ March 1, 2016 _____

Originator: _____ Steve Taylor _____

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

PRESENTED BY:

Steve Taylor
Janean Parker

Agenda Item Attachments:

[Kelso City Charter - 2006](#) (link to Code Publishing webpage)
City Attorney Memo, 11-14-2014 re: City Charter Questions
City of Kelso Charter/Statutory Comparison

SUMMARY STATEMENT:

Kelso is Washington State's only municipality operating under both a city charter and the state's Optional Municipal Code (Title 35A Revised Code of Washington). The City uses the Council-Manager form of government. The Council's 2015 Budget Goals and Action Plan calls for the review of the city charter to evaluate potential amendments for voter consideration. City Attorney Parker and City Manager Taylor will review, in detail, a memo that was sent to the Council December 2014 pertaining to questions of charter amendment or dissolution, when a public vote is required related to changes in the charter, and the legality of the City's existing council wards.

Concerns have been raised by Councilmembers in prior years of the charter's continued necessity given the City's adoption of the Optional Municipal Code. The charter contains several cumbersome administrative provisions including inflexible council meeting attendance requirements. Any change to the charter requires a public vote, so obsolete provisions or those with unintended consequences cannot be easily changed. On the other hand, nearly all of the content of the charter, in the case where the charter was repealed, could be separately adopted by ordinance and amended through Council action to provide a degree of flexibility, not presently allowed, in the administration of the City and its legislative processes.

Direction is also needed as to the level of public participation (workshops, committees, or public hearings) desired in the preparation and review of any amendments to the charter or decision to repeal the charter.

This item was previously brought to Council in May of 2015 and discussed. However, no final decisions were made. Now that we have four new councilmembers and a new year bringing new goals and priorities, options laid out in Janean Parker's attached memo are once again on the table for discussion and direction. The attached comparison between the current city charter and the 35A Optional Municipal Code will also be covered again during the discussion.

RECOMMENDED ACTION:

Consensus from Council on next steps for city charter review.

**MEMORANDUM
OFFICE OF THE CITY ATTORNEY**



To: Steve Taylor, City Manager
From: Janean Parker, City Attorney
Date: November 14, 2014
Re: Questions related to the City's Charter

You have posed several charter related legal questions in an effort to determine the best manner of proceeding in future elections. As the analysis below shows, there appears to be some inconsistency in the statutes that may warrant raising certain questions to the state attorney general in order to avoid any missteps in the event charter amendments are brought forward.

If the provisions of the charter are not constitutional, then what is the effect if the charter is not changed before the next election: do we follow charter or state law? Is the effect of the unconstitutionality, if any, to void that portion of the charter that is inconsistent?

After review of the charter and the state law governing elections and charter cities, it does not appear that the City's charter is unconstitutional or illegal. While the City's use of its districts, as stated within the charter, is not consistent with the statutory ward system, the City has broad powers to regulate itself under its charter and the charter as drafted is not illegal or unconstitutional.

Prior to 1993, the City of Kelso was a non-charter code city with a council manager form of government. In 1993 it appears that the City adopted its first charter and reorganized as a charter code city, and retaining its council-manager form of government. In 2006, the City went through an effort to amend the charter to create a ward system so that the community could have more direct access to council members. It did not amend its council-manager form of government. This is the classification and form of government currently in effect.

Under the City's charter, Section 2.02, it sets forth the eligibility for election of the Council.

2.02 Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a city council composed of seven members to be **elected at large**. Four council members shall be **assigned** to certain geographic districts for liaison purposes to

improve communications between City government and Kelso citizens as follows: Position No. 1 shall be assigned to the "south district," which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street south to the city limits. Position No. 3 shall be assigned to the "west district," which shall consist of that area within the city limits between the Cowlitz River west to the City limits. Position No. 5 shall be assigned to the "east district," which shall consist of that area within the city limits between Interstate 5 east to the city limits to the east, north, and south. Position No. 6 shall be assigned to the "north district," which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street north to the city limits. The mayor shall be elected as provided in Section 2.03.

(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member. For those council member **positions elected from districts**, only those registered voters who shall have **resided in the respective district for one year prior to the election shall be eligible to hold the office of council member.**

(c) Election. The registered electors of the city shall elect a council of seven members, **at large** in the following manner. At the election approving this Charter, the candidates receiving the highest number of votes for each position shall serve. In the event of a tie vote, the election shall be decided by lot. Such lot shall be conducted no later than the second Tuesday after certification of the election.

(d) Terms. Candidates for positions 1, 2 and 3 shall be elected for a four-year term. In order to stagger the terms of office, candidates for positions 4, 5, 6 and 7 shall be elected for a two-year term. After completion of this initial term, the term of office for positions 4, 5, 6 and 7 will be for four years.

Kelso Charter 2006 (emphasis added). The charter makes no distinction regarding the primary or general election.

As you can see, the charter sets out a method of assigning four of the Council members to four districts of the City; however, the section clearly describes the election of all seven council member positions as "at large" and not elected by any ward or district. It does, however, require that members elected to positions assigned to districts be residents of that district. Historically, at least since the amendment of the charter in 2006 to add the district system, all of the council positions have been elected at large and not from within the voters of a ward or district in either the primary or general

election.¹ Each of the candidates elected have been residents of the respective ward for over one year.

The process set out in the charter does not meet the requirements of state law for election by wards. The charter does not allow the voters of the district only to vote in a primary, and it does not base the boundaries of the district on population, to the extent practicable. RCW 35A.12.040 provides "... Election to positions on the council shall be by majority vote from the city at large, unless provision is made by charter or ordinance for election by wards." Here there is no charter provision for election by wards.

And see also 35A.18.020 (emphasis added):

"(2) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with *RCW [29.04.170](#). Councilmembers may be elected on a citywide or town wide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in **chapter [29.70](#) RCW. **Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions.** If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so."

RCW 35A.12.180 sets for the process for elections from wards:

Optional division of city into wards. At any time not within three months previous to a municipal general election the council of a non-charter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any

¹ Washington, along with California and Alaska, had a blanket primary system that allowed every voter to choose a candidate of any party for each position. This kind of system was ruled unconstitutional in *California Democratic Party v. Jones* in 2000 because it forced political parties to endorse candidates against their will. Initiative 872 was passed in 2004 to create a nonpartisan blanket primary in that state. In 2008, the United States Supreme Court ruled in *Washington State Grange v. Washington State Republican Party* that Washington's Initiative 872 was constitutionally permissible. Since the 2008 decision Washington State implemented the top two primary, which applies to federal, state and local elections, but not to presidential elections. (Wikipedia - http://en.wikipedia.org/wiki/Nonpartisan_blanket_primary#Washington_open_primary)

councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in *chapter [29.70](#) RCW. Wards shall be used as follows: (1) **Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward**, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

RCW 35A.12.180.

The conclusion can be drawn, then, that since the charter specifically describes that members are elected at large, and does not describe any process for the voters of a district to choose the member, that the statutory ward process does not apply; instead the charter merely assigns a particular member to a particular district and requires the member to be a resident of the district. This is consistent with the language of the charter amendment resolution which stated a desire to give the community more direct access to council members. As a result, there is not conflict with state law related to wards.

This conclusion is also consistent with the interpretation of the City's charter by county officials in 2011, which held the charter to require election of all members at large in the primary and general election. See Exhibit A—email exchange with county.

If this is the case and a correct reading, the next step is to determine if the charter provision that requires that a candidate for a certain council member

position be a resident of a certain district within the City to be eligible for office is contrary to law. It does not appear to be unlawful to impose such a condition.

A city with an adopted charter has very broad legislative power akin to that of the state. The authority under the charter is restricted only by the constitution and enactments of the state. *AGO 1991#22* (holding that a charter can impose term limits on candidates because the provision is not contrary to the Constitution or state law and is akin to an additional qualification that must be met by the candidate). As in the AGO opinion, the residency requirement here is an additional qualification that must be met by the candidate.

In *State ExRel Griffith re Superior Court*, 177 Wash. 619 (1034) the Court held that the Seattle charter imposing conditions that prohibited any council member from holding other municipal office (as in this case a school board director) was not unconstitutional or contrary to state law, but was an additional requirement for candidates.

Based on this broad grant of authority and a reading of the charter that the candidates are not elected from the districts, but only assigned to the districts, the residency requirement would be a further requirement for candidates and would be permitted under the charter.

So a requirement of a candidate's residency in a particular ward is still lawful and within the authority granted to charter cities. A City is given great authority to regulate its affairs by charter and a city's interpretation of its charter is entitled to great weight. A charter can contain other restrictions or requirements on the candidates for office so long as not contrary to state law.

In the event the City wishes to amend the charter, can the City Council propose several amendments together to make the amendments at once or does each change need its own separate ballot measure?

Amendments to the charter of a charter code city are governed by RCW 35A.09. Under that chapter, three methods are set forth for changing a charter. First amendments may be initiated by the legislative body:

The charter of a charter code city may be amended by proposals therefor submitted by resolution of the legislative authority of such city to the electors thereof at any general election, after publication of such proposed charter amendment in the manner provided in chapter 35A.08 RCW for publication of a proposed charter, and upon notice of election

as provided by law. If such proposed charter amendment is ratified by a majority of the qualified electors voting thereon it shall become a part of the charter organic law governing such charter code city.

RCW 35A.09.010. Such amendments are submitted to the voters at the next general election. Furthermore, amendments can also be initiated by petition of the voters, and these amendments are also submitted to the voters at the next general election.

A third method, which may be initiated by resolution or petition, is for the formation by election of a "charter commission." The commission is formed to "prepare a new or revised charter for the city by altering, revising, adding to, or repealing" the existing charter. RCW 35A.09.030. The commission then prepares a new or revised charter for consideration by the voters at the next election.

There appears to be some overlap as to the type of changes that may be initiated by council resolution and by the charter commission. A commission may prepare a new charter or repeal a charter, but both the council and commission may change the charter. RCW 35A.09 (council can propose amendment and commission may propose to alter, revise, or add to). The statutes do not provide clarification and it appears that either method may be appropriate for alterations. *However, given the limitations of ballot titles and descriptions, it may be that significant unrelated amendments may be difficult to describe in a council resolution for amendment.* This could lead to the need for multiple ballot measures which would be very costly. Whereas this difficulty is avoided by the charter commission, which can repeal, replace, or change any or all of the charter with one ballot measure.

If City wishes to repeal the charter, what is the process to accomplish this and do all members have to run for election again?

Here again, it appears that the statutes may overlap and provide differing processes. It seems to depend on what classification of government that the city wishes to change to. As I understand it, the recommended reclassification would be to an optional non-charter code city classification and keeping the manager-council plan of government. Three methods appear to be described by the statutes that would accomplish this purpose.

At RCW 35A.10 there is a clear process for the abandonment of the classification of a charter code city classification of government. This process is the adoption of a resolution and the passage by the voters at the next election. Importantly, however, this process seems to contemplate that the charter will remain and that it is the "code city" part of the classification that

is abandoned and replaced by the classification that existed prior to becoming a code city. This would not accomplish the City's intent if this is the only manner that this statute can be applied.

Upon the passage of a resolution of the legislative body of a charter code city, or upon the filing with the county auditor of a sufficient petition signed by registered voters of a charter code city in number equal to not less than ten percent of the votes cast at the last general municipal election therein, **proposing abandonment of the classification of charter code city** and that the city be **governed under its charter** and the general law relating to cities of the classification named in the petition or resolution, the legislative body thereof shall cause the propositions to be submitted to the voters at the next general municipal election if one is to be held within one hundred and eighty days or at a special election to be held for that purpose not less than ninety days nor more than one hundred and eighty days after the passage of the resolution or the filing of the certificate of sufficiency of the petition. Notice of election shall be given, the election conducted, and results declared generally as provided in chapter [35A.02](#) RCW, insofar as such provisions are applicable. If a majority of the votes cast upon such proposition are in favor of abandonment of the classification of charter code city, upon the certification of the record of election to the office of the secretary of state, such charter city shall be classified as a city of the class selected and shall be governed by the laws relating thereto.

RCW 35A.10.030. Unfortunately, however, the effect of this is only to go back to the earlier form of government and the charter appears to remain.

"Any charter code city, which has been so classified under the provisions of this title for more than six years **may abandon such classification** and elect to be governed **according to its charter** under the general law relating to charter cities of the classification held by such city immediately prior to becoming a charter code city, if any, or may elect to be governed by the general law relating to charter cities of the highest class, or other class, for which it is qualified by population."

RCW 35A.10.010. It does not appear to offer the ability to reclassify to a non-charter code city.

RCW 35A.09.030 also offers a process for the repeal of a city charter using the charter commission election procedure. As described above, this requires the formation of a commission and the commission makes recommendations that are submitted to the voters. While the statute does not indicate what classification of city that will replace the charter, it would be reasonable to assume that the classification of non-charter code city could be proposed and approved by the voters. If no classification were proposed the City would likely revert back to the classification that existed prior to the charter—in this case a non-charter code city.

Finally, RCW 35A.02 provides what could be the easiest process if the City wants to change to a non-charter code city. Importantly, however, this does not seem to contemplate the abandonment of a charter. Under this process the Council simply adopts a resolution, and if the resolution is not challenged by referendum of the people within 90 days, the council adopts an ordinance and the classification is changed.

When a majority of the legislative body of **an incorporated city or town** determines that it would serve the best interests and general welfare of such municipality to **change the classification** of such city or town **to that of non-charter code city**, such legislative body may, by resolution, declare its intention to adopt for the city or town the classification of non-charter code city. If the legislative body so determines, such resolution may also contain a declaration of intention to reorganize the municipal government under one of the plans of government authorized in this title, naming such plan; but it shall also be lawful for the legislative body of any incorporated city or town which is governed under a plan of government authorized prior to the time this title takes effect to adopt for the city or town the classification of non-charter code city while retaining the same general plan of government under which such city or town is then operating. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city or town. Upon the expiration of the ninetieth day from, but excluding the date of first publication of the resolution, if no timely and sufficient referendum petition has been filed pursuant to RCW [35A.02.035](#), as determined by RCW [35A.29.170](#), the intent expressed in such resolution shall at the next regular meeting of the legislative body be effected by an ordinance adopting for the city or town the classification of non-charter code city; and, if the resolution includes a declaration of intention to reorganize, the legislative body shall provide at that time for such reorganization by ordinance.

RCW 35A.02.030 (emphasis added). Importantly, the provisions at 35A.02 seem to apply to any classification of city wishing to change to a non-charter code city and this would include the classification of a charter code city; this is the circumstance the City of Kelso would be in. However, this process does not address specifically whether the applicability would change if there was a charter in place. Because of the specific processes set out in other statutes for repealing or abandoning a charter, this seems a very simple process where the abandoning of the charter would not go to the voters unless there was a referendum passed.

Also, under 35A.02, a new election of officers is only required if there is a reorganization of the plan of government from the manager-council form, but not if there is only a reclassification to non-charter code city.

Conclusion.

Unfortunately, due to the overlapping nature of some of the governing statutes, there is not a clear answer to the questions you have raised. It is my opinion that the City's charter is not unlawful, but that it can be read in a manner that is consistent with state law and the authority under the constitution to be governed by a charter. I also believe that the City can, by legislative act, initiate changes to the charter, but if many and varied changes are to be proposed, such changes would likely be better accomplished by the commission process. Finally, I think that RCW 35A.02.030 describes a straightforward and simple process to change the classification of government to a non-charter code city, but seems suspect because it is contrary to the other statutory processes where a charter is involved. As we discussed, it may be beneficial for the City to submit all or a portion of these questions to the Washington Attorney General for further authority and clarification before taking action because of the long-lasting effects of any error.

Please let me know if you have any questions.

EXHIBIT A—Email Exchange:

Janeene,

I'm forwarding my questions...and the opinion given to me by Monty Cobb..on to you for your information.

As far as redistricting, our contact at the Secretary of State's Office is:

Dave Valiant

1-360-786-0046

David.valiant@redistricting.wa.gov

I'm certain they will be able to provide some answers. Feel free to contact me if you have any further questions.

Carolyn Myers

Cowlitz County Elections Supervisor

207 N 4th Ave, Rm 107

Kelso WA 98626

(360)577-3002 x:2765

myersc@co.cowlitz.wa.us

From: Cobb, Monty

Sent: Tuesday, May 24, 2011 11:18 AM

To: Hair, Amy; Swanson, Kris; Myers, Carolyn

Subject: FW: City of Kelso internal district primaries

RCW 35A.18.020: "Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives"

The City has chosen all at-large representation (KMC 2.4.10) which is allowed under 35.18.020.

So, primaries are not bound to ward lines since the positions are all at-large.

Primaries would be restricted to wards if council positions were ward based and not at-large. The municipal code does conflict with state code as to the use of wards but is consistent with state code as to at-large, ward-based, or a combination of at-large and ward-based reps. This simply highlights an internal conflict in the state statutes as well.

For County Elections Department purposes, primaries run for City of Kelso council positions are district wide.

Monty Cobb

Chief Civil DPA

From: Baur, Sue
Sent: Monday, May 23, 2011 10:17 AM
To: Cobb, Monty
Subject: FW: City of Kelso internal district primaries

From: Myers, Carolyn
Sent: Friday, May 20, 2011 5:04 PM
To: Baur, Sue
Cc: Hair, Amy; Swanson, Kris
Subject: FW: City of Kelso internal district primaries

Sue,

After attending a redistricting training yesterday and hearing from the state that cities with internal wards must conduct internal district primaries, my office is in need of an official opinion from you.

I realize this string of emails is a bit long but could you look at the RCW's and the sections from the City of Kelso's Municipal Code and 2006 Resolution pasted below and let us know if we should be conducting their primaries by internal district or district wide? RCW seems pretty clear but the city code and resolution adopting the wards specifically state that all council members shall be elected at large. Which do we follow?

I appreciate you looking this over.

Carolyn Myers

Cowlitz County Elections Supervisor

207 N 4th Ave, Rm 107

Kelso WA 98626

(360)577-3002 x:2765

myersc@co.cowlitz.wa.us

From: Swanson, Kris
Sent: Friday, May 20, 2011 3:22 PM
To: Myers, Carolyn
Subject: RE: City of Kelso internal district primaries

This may say it all.

RCW 35A.12.180

Optional division of city into wards.

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in *chapter [29.70](#) RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

[1994 c 223 § 34; 1967 ex.s. c 119 § [35A.12.180](#).]

Notes:

***Reviser's note:** Chapter [29.70](#) RCW was recodified as chapter [29A.76](#) RCW pursuant to 2003 c 111 § 2401, effective July 1, 2004

From: Myers, Carolyn
Sent: Friday, May 20, 2011 1:58 PM
To: Swanson, Kris
Cc: McLaughlin, Terry; Hair, Amy
Subject: City of Kelso internal district primaries

I overheard the State say that cities with internal wards conduct their Primaries by internal district. I tried blocking it from my mind, pretending that I didn't hear it but that hasn't worked so I looked up some RCW's and have pasted them below....not good news.

Looking at their municipal code and the resolution they adopted in 2006, it specifically states their council members will be elected at large (I've pasted both below). By writing this into their code and charter, can they exclude themselves from conducting internal district primaries? Are you comfortable with this Kris or should I send this to Sue for an official opinion?

Municipal Code

2.04.010 Election of councilmembers—Terms.

- A. In the election of city councilmembers, all seven shall be elected at large for four-year terms subject to the provisions of Kelso City Charter Section 2.01.
- B. The four-year terms shall commence and terminate as provided in RCW 29.04.170.
- C. The city council shall have the powers and authority granted to it in the Kelso City Charter. (Ord. 3279 § 2(g)–(i), 1995)

Resolution 06-926

2.02 Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a city council composed of seven members to be elected at large. *Four council members shall be assigned to certain geographic districts for liaison purposes to improve communications between City government and Kelso citizens as follows: Position #1 shall be assigned to the "south district," which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street south to the city limits. Position #3 shall be assigned to the "west district," which shall consist of that area within the city limits between the Cowlitz River west to the City limits. Position #5 shall be assigned to the "east district," which shall consist of that area within the city limits between Interstate 5 east to the city*

limits to the east, north and south. Position #6 shall be assigned to the "north district" which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street North to the City Limits. The mayor shall be elected as provided in Section 2.03.

(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member. *For those council member positions elected from districts, only those registered voters who shall have resided in the respective district for one year prior to the election shall be eligible to hold the office of council member.*

(c) Election. The registered electors of the city shall elect a council of seven members, at large in the following manner. At the election approving this Charter, the candidates receiving the highest number of votes for each position shall serve. In the event of a tie vote, the election shall be decided by lot. Such lot shall be conducted no later than the second Tuesday after certification of the election.

(d) Terms. Candidates for positions 1, 2 and 3 shall be elected for a four-year term. In order to stagger the terms of office, candidates for positions 4, 5, 6 and 7 shall be elected for a two- year term. After completion of this initial term, the term of office for positions 4, 5, 6 and 7 will be for four years.

RCW 35.18.020

Number of councilmembers -- Wards, districts -- Terms -- Vacancies.

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with *RCW [29.04.170](#). Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in **chapter [29.70](#) RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town had prior to January 1, 1994, limited the voting

in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election with the person elected to one of the new council positions receiving the greatest number of votes being elected for a four-year term of office and the person elected to the other additional council position being elected for a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with *RCW [29.01.135](#), but the term of office shall be computed from the first day of January after the year in which they are elected. Their successors shall be elected to four-year terms of office.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter [42.12](#) RCW.

[1994 c 223 § 12; 1981 c 260 § 7. Prior: 1979 ex.s. c 126 § 19; 1979 c 151 § 26; 1956 c 7 § [35.18.020](#) ; prior: 1959 c 76 § 1; 1955 c 337 § 3; prior: (i) 1943 c 271 § 6; Rem. Supp. 1943 § 9198-15. (ii) 1943 c 271 § 4, part; Rem. Supp. 1943 § 9198-13, part.]

NOTES:

Reviser's note: *(1) RCW [29.04.170](#) and [29.01.135](#) were recodified as RCW [29A.20.040](#) and [29A.04.133](#), respectively, pursuant to 2003 c 111 § 2401, effective July 1, 2004.

** (2) Chapter [29.70](#) RCW was recodified as chapter [29A.76](#) RCW pursuant to 2003 c 111 § 2401, effective July 1, 2004.

Purpose -- 1979 ex.s. c 126: See RCW [29A.20.040](#)(1).

Population determinations, office of financial management: Chapter [43.62](#) RCW.

Times for holding elections: RCW [29A.04.311](#) through [29A.04.330](#).

RCW 35A.12.180

Optional division of city into wards.

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of those positions being vacant. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in *chapter [29.70](#) RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city had prior to January 1, 1994, limited the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.

[1994 c 223 § 34; 1967 ex.s. c 119 § [35A.12.180](#).]

NOTES:

***Reviser's note:** Chapter [29.70](#) RCW was recodified as chapter [29A.76](#) RCW pursuant to 2003 c 111 § 2401, effective July 1, 2004.

Carolyn Myers





























Cowlitz County Elections Supervisor



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CITY OF KELSO CHARTER 2006—Grayed areas note differences	Applicable Statutes
TABLE OF CONTENTS	
ARTICLE I GOVERNMENT	
1.01 Incorporation.  SHARE    ...	
The municipal corporation now existing and known as Kelso shall remain and continue a body politic and corporate in name and in fact by the name of KELSO.	
1.02 Powers of the City.  SHARE    ...	
The city shall have all the powers granted to charter code cities by the constitution and general laws of the state and all powers implied hereby, and shall exercise all municipal functions and have all municipal rights, privileges, and immunities except as prohibited by law or by this charter. The enumeration of particular powers by this charter shall not be deemed to be exclusive. The city shall directly or indirectly provide for police, fire and public safety services and for public works and improvements.	35A.11.020-030 Generally duty for all governmental functions
1.03 Construction.  SHARE    ...	
The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.	Statutes liberally construe as well.
1.04 Intergovernmental Relations.  SHARE    ...	
The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any governmental entity or agency.	35A.11.021 and 39.34
1.05 Form of Government.  SHARE    ...	
The government provided by this Charter shall be the Council-Manager form.	Form and classification set by formation documents and can be changed by processes of statute
ARTICLE II CITY COUNCIL	
2.01 General Powers and Duties.  SHARE    ...	
All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.	RCW 35A.13 gives some powers to City Manager
2.02 Composition, Eligibility, Election and Terms.  SHARE    ...	
(a) Composition. There shall be a city council composed of seven members to be elected at large. Four council members shall be assigned to certain geographic districts for liaison purposes to improve communications between City government and Kelso citizens as follows: Position No. 1 shall be assigned to the “south district,” which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street south to the city limits. Position No. 3 shall be assigned to the	35A.13.010 Unique—Not the Ward system of the statute at 35A.18.020 and 35A.12.180.



<p>“west district,” which shall consist of that area within the city limits between the Cowlitz River west to the City limits. Position No. 5 shall be assigned to the “east district,” which shall consist of that area within the city limits between Interstate 5 east to the city limits to the east, north, and south. Position No. 6 shall be assigned to the “north district,” which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street north to the city limits. The mayor shall be elected as provided in Section 2.03.</p>	
<p>(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member. For those council member positions elected from districts, only those registered voters who shall have resided in the respective district for one year prior to the election shall be eligible to hold the office of council member.</p>	<p>35A.12.030 Unique—see comment above</p>
<p>(c) Election. The registered electors of the city shall elect a council of seven members, at large in the following manner. At the election approving this Charter, the candidates receiving the highest number of votes for each position shall serve. In the event of a tie vote, the election shall be decided by lot. Such lot shall be conducted no later than the second Tuesday after certification of the election.</p>	<p>First election only—no longer applicable</p>
<p>(d) Terms. Candidates for positions 1, 2 and 3 shall be elected for a four-year term. In order to stagger the terms of office, candidates for positions 4, 5, 6 and 7 shall be elected for a two-year term. After completion of this initial term, the term of office for positions 4, 5, 6 and 7 will be for four years.</p>	<p>35A.02.050 and 35A.12.040</p>
<p>2.03 Mayor. </p>	
<p>At its first meeting in January following their election to office, the city council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council for two years or until removed from the office by a vote of no less than four members of the council. The mayor shall preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, and other duties specified by the council. The mayor shall be recognized as head of the city government for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.</p>	<p>35A.13.030</p>
<p>2.04 Compensation; Expenses. </p>	
<p>The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of</p>	<p>35A.13.040</p>




<p>the terms of council members elected at the next regular election. The mayor and council members shall be eligible for only authorized expenses incurred in the performance of their duties of office.</p>	
<p>2.05 Prohibitions. </p>	
<p>(a) Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other City of Kelso office or City of Kelso employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the appointive governing boards of other regional or intergovernmental agencies.</p>	<p>35A.12.020—No other City Office Caselaw—Doctrine of incompatible offices. Allowed unless the offices are incompatible—5 part test.</p>
<p>(b) Appointments and Removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.</p>	<p>35A.13.110</p>
<p>(c) Interference with Administration. Except for the purpose of inquiries, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.</p>	<p>35A.13.120</p>
<p>2.06 Vacancies; Forfeiture of Office; Filing of Vacancies. </p>	
<p>(a) Vacancies. The office of a council member shall become vacant upon the member’s death, resignation, removal from office or forfeiture of office in any manner authorized by law; in addition, the office of a council member shall also become vacant if any council member fails to attend six scheduled regular and/or special meetings of the council during a calendar year unless on authorized City-related business, which shall be approved by a majority of the council. In the event that a duly elected council member elected by a district no longer resides within that respective district, said council member may serve as a council member until the next election, at which time the position shall be deemed vacant.</p>	<p>RCW 35A.13.020 (3 consecutive meetings without excuse by council 35A.12.060)</p>



<p>(b) Forfeiture of Office. A council member shall forfeit that office if the council member:</p> <p>(1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law; or</p> <p>(2) violates any express prohibition of this charter; or</p> <p>(3) is convicted of a crime involving moral turpitude; or</p> <p>(4) discloses matters discussed in any executive session, unless authorized by a majority vote of the council.</p>	42.12.010 (slightly different)
<p>(c) Filling of Vacancies. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. The council may appoint a council member not residing in the district from which a council member position elected by a district is vacated, provided that no other qualified candidate from said district seeks appointment.</p>	42.12
<p>2.07 Judge of Qualifications. </p>	
<p>The City Council shall be the judge of the qualifications of its members. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to judicial review.</p>	<p>35A.13.020 Registered voter and resident for one year.</p> <p>42.12.010</p>
<p>2.08 Independent Audit. </p>	
<p>The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the council may accept it as satisfying the requirements of this section.</p>	<p>Believe other statute governs. 35A.33 and state audit process</p>
<p>2.09 Procedure. </p>	
<p>(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or two or more members, provided notice of such meetings is given in accordance with State law. Except as allowed by state law, all meetings shall be public, with a portion of the meeting set aside</p>	35A.12.110





for public comment.	
(b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.	35A.39.010
(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by a majority of those present, except where a majority vote of the entire council is required by State law. Every Council member including the Mayor shall vote. Abstentions are not allowed except for conflict of interest, which shall be determined by the City Attorney.	35A.12.120 Abstentions allowed unless prohibited by local rule.
2.10 Action Requiring an Ordinance. 	
In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:	
(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office or agency;	35.21.520
(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;	
(3) Levy taxes;	
(4) Grant, renew or extend a franchise;	
(5) Regulate the rate charged for its services by a public utility;	
(6) Authorize the borrowing of money;	
(7) Convey or lease or authorize the conveyance or lease of any lands of the city;	
(8) Regulate land use and development; and	
(9) Amend or repeal any ordinance previously adopted.	
Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.	
2.11 Ordinances in General. 	
(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Kelso hereby ordains . . .". Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.	35A.12.130
(b) Procedure. At First Reading, the title of such ordinance shall be read and upon request of any person present shall be read in full. Copies of all such proposed ordinances shall be kept available to the public at the office of the city clerk. Ordinances granting a franchise shall be published once each week for three consecutive	First and Second reading is convention and not required by law. Can be prescribed by rule.

























<p>weeks prior to finally passing such ordinance.</p>	
<p>At the Second Reading, the title of such ordinance shall be read, or upon the request of any person present, the clerk shall read the proposed ordinance in full. All persons interested shall be given an opportunity to be heard on the proposed ordinance.</p>	
<p>After such opportunity for public comment, the city council may pass such ordinance, with or without amendment. Passage of an ordinance requires at least a majority vote in its favor and the vote shall be taken by yeas and nays, and entered in the public journal of city council proceedings. Every ordinance or resolution passed by the city council shall be signed by the mayor and filed with the city clerk, who shall record the same. When an ordinance fails to pass and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next meeting of the city council.</p>	<p>35A.12.130</p>
<p>(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective 5 days after publication of the summary of the ordinance or at any later date specified therein. All ordinances shall be published promptly.</p>	<p>35A.12.130 and 160</p>
<p>(d) “Publish” Defined. As used in this section, the term “publish” means to print in one or more newspapers of general circulation in the city: (1) The summary of the ordinance thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.</p>	
<p>2.12 Emergency Ordinance. </p>	
<p>To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, a summary of the ordinance shall be published and printed as prescribed for other adopted ordinances. Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for</p>	<p>35A.12.130</p> <p>At state law, emergency ordinances do not require supermajority and are not automatically repealed.</p>





























<p>adoption of emergency ordinances. An emergency ordinance shall become effective upon adoption or at such later time as it may specify.</p>	
<p>2.13 Codes of Technical Regulations. </p>	
<p>The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:</p>	35A.12.140
<p>(1) The requirements of Section 2.12 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and</p>	
<p>(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.</p>	
<p>Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.</p>	
<p>2.14 Authentication and Recording; Codification; Printing. </p>	
<p>(a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.</p>	35A.12.150
<p>(b) Codification. Regularly the city council shall provide for the preparation of a general codification of all city ordinances having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Washington, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Kelso City Code. Copies of the code shall be furnished to city officers placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.</p>	35A.12.130; 500-570
<p>(c) Printing of Ordinances. The city council shall cause each ordinance having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Kelso City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration</p>	<p>Statute has codification process— not sure if this printing statute is required by statute. Copies of ordinances addressed by public records act at 42.56</p>

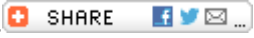


<p>therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Washington, or the codes of technical regulations and other rules and regulations included in the code.</p>	
<p>ARTICLE III CITY MANAGER</p>	
<p>3.01 City Manager—Appointment. </p>	
<p>The council shall appoint a chief administrative officer of the city who shall have the title of “city manager” and who shall serve at the pleasure of the council. The appointment shall require the affirmative vote of no less than four members of the council. The manager shall be chosen solely on the basis of demonstrated qualifications as an administrator with particular emphasis on training and actual experience as a professional municipal administrator. The manager need not be a resident of the state when appointed, but during the tenure of office, the manager shall reside within the city. No councilmember shall be eligible for appointment as manager within two years following the expiration of his/her latest term as councilmember.</p>	<p>35A.13.050—residency waivable and 1 year instead of two</p>
<p>3.02 City Manager—Removal. </p>	
<p>The council may remove the manager from office in accordance with the following procedure:</p>	<p>35A.13.130—slightly different. Majority vote and 30 days for filing a reply</p>
<p>(1) By first adopting by the affirmative vote of at least four of its members a preliminary resolution stating the reasons for the manager’s removal. This resolution may also suspend the manager from duty. In either case, the manager shall continue to receive a salary until the final resolution of removal is adopted.</p>	
<p>(2) Within fifteen days the manager may file with the council a reply in writing and request a public hearing. This hearing shall be held not earlier than fifteen days nor later than thirty days after filing the request.</p>	
<p>(3) Not less than thirty days after the date of adoption of the preliminary resolution and after such public hearing, if any, the council by the affirmative vote of at least four of its members may adopt a final resolution of removal, at which time the manager shall be paid any balance of salary then due or accrued and an additional amount equal to two months’ salary or as specified by an employment contract.</p>	
<p>3.03 Acting City Manager. </p>	
<p>In the event of the absence, suspension, or disability of the manager, or if a vacancy should occur in the office, the council may designate a qualified administrative officer of the city to perform the duties of the office until the manager shall return to duty or until the appointment of a successor.</p>	<p>35A.13.150</p>





3.04 Powers and Duties of City Manager. 	
The manager shall be the head of the administrative branch of the city government. The manager shall be responsible to the council for the proper administration of all city affairs under the manager’s jurisdiction. Subject to the personnel provisions of this Charter, the manager shall:	35A.13.080—powers stated differently in statute, but nothing appears to be substantively different that powers conferred by statute.
(1) Give general direction to the programs and activities of all city departments and offices under the manager’s jurisdiction. The manager shall update and maintain a city policy and procedures manual which shall assist employees in carrying out such programs and activities;	
(2) Serve as personnel officer of the city and administer the city personnel system, unless the council on the recommendation of the manager authorizes the appointment of a personnel officer to administer the system;	
(3) Appoint, and when the best interests of the city require, remove officers and employees of the city unless otherwise provided by this Charter or by general laws. The manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;	
(4) Prepare the annual budgets, including a five-year capital expense budget, and submit them to the council. Upon adoption of any budget by the council, the manager shall be responsible for its administration;	
(5) Prepare and submit to the council, at the close of each fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;	
(6) Keep the council informed on the financial condition and present and future needs of the city, making such recommendations as deemed desirable;	
(7) Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this Charter;	
(8) Be authorized to sign such documents as necessary to execute City business, subject to approval by a majority of the city council.	
ARTICLE IV ADMINISTRATION	
4.01 General Provisions. 	
(a) Creation of Departments. The city council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.	35A.13.090
(b) Direction by City Manager. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the	35A.13.080—Manager appoints department heads and staff as needed-within manager discretion


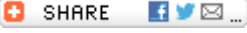
<p>direction and supervision of the manager. With the consent of city council, the city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.</p>	<p>35A.13.090 requires only clerk and police and provision for legal.</p>
<p>4.02 Personnel System. </p>	
<p>(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.</p>	
<p>(b) Merit System. Consistent with all applicable federal and state laws, the city council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.</p>	<p>RCW 41.12 sets out civil service requirements for police. 41.56 addresses collective bargaining.</p>
<p>4.03 Legal Officer. </p>	
<p>The manager, subject to the approval of the council, shall appoint or remove the city attorney who shall be an attorney admitted and qualified to practice before the Supreme Court of the State of Washington. The city attorney shall:</p>	<p>35A.13.090 says CM to recommend to Council who appoints or makes provisions—duties not specified</p>
<p>(1) Act as legal advisor to and counsel for the council and manager in matters relating to their official duties;</p>	
<p>(2) Represent the city in litigation in which the city is interested, unless the manager, with the approval of the council, otherwise provides;</p>	
<p>(3) Provide legal opinions on official matters when requested by the council or manager;</p>	
<p>(4) Draft and review for legal correctness, contracts, bonds, franchises, and other instruments to which the city is a party;</p>	
<p>(5) Draft ordinances as requested by city council;</p>	
<p>(6) Perform such other duties as may be assigned by the administrative code or otherwise by general laws or ordinances.</p>	
<p>4.04 Planning. </p>	
<p>There shall be a city planner who shall be appointed by the city manager to assist the mayor, city council, and the planning commission as a technical advisor regarding the city's comprehensive plan, zoning, and capital improvements; prepare reports and recommendations relative to annexation review and urban renewal plans and projects; and shall have such further powers and perform other duties as may be prescribed by ordinance. The city planner shall have an educational background and practical experience commensurate with the responsibility of the position.</p>	<p>RCW 35A.63 requires a planning agency that can be a department and staff or body or board (Planning commission) appointed by the legislative body to perform the planning function.</p>
<p>4.05 City Clerk. </p>	

<p>The city manager shall appoint an officer for the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep a journal of its proceedings and perform such other duties as are assigned by this charter or by the council or the city manager, or by state law.</p>	<p>35A.13.090</p>
<p>ARTICLE V FINANCIAL PROCEDURES</p>	<p>Generally fiscal procedures detailed in 35A.33 and .34</p>
<p>5.01 Fiscal Year.    </p>	
<p>The fiscal year of the city of Kelso shall be set by ordinance not in conflict with general laws.</p>	<p>35A.21.170 set by statute</p>
<p>5.02 Budget.    </p>	
<p>The annual budget shall be prepared and presented to the council by the manager and acted upon in the manner and within the time limits prescribed by general laws. The manager shall attach to each budget such supporting data and explanatory material relating to current operations, capital improvements, and other phases of the budget as may be deemed appropriate.</p>	<p>35A.13.080 35.77.</p>
<p>The manager shall annually prepare and present to the council a program of proposed capital projects for the five fiscal years next succeeding the budget year, with cost estimates relating thereto. This shall be known as the capital expense budget.</p>	
<p>5.03 Budget Control.    </p>	
<p>At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the council may reduce or transfer appropriations, except amounts required to meet conditional obligations and for debt service, interest, and other fixed charges, to keep expenditures within cash income.</p>	<p>35A.33.140</p>
<p>5.04 Accounting and Auditing.    </p>	
<p>The manager shall be in charge of the administration of the financial affairs of the city and shall be responsible for maintaining proper books and records, for accounting, and for auditing all transactions affecting the city. Reserves for depreciation may be established in accordance with sound accounting practices.</p>	
<p>5.05 Fiscal Control.    </p>	
<p>The manager shall appoint a director of finance who shall supervise the receipt, custody, and disbursement of all city funds and perform such other duties as may be required by general laws, this Charter, the council, or the manager.</p>	<p>Believe not required by statute— further review</p>
<p>5.06 Fees and Collection.    </p>	
<p>All fees and other moneys collected by any officer or employee shall belong to the city and shall be paid immediately to the finance director.</p>	<p>Believe governed by other statute— further review</p>

5.07 Purchases.  SHARE    ...	
Except as otherwise provided in this Charter, the manager shall be responsible for all city purchasing, but this authority may be delegated to a city purchasing officer.	35A.13.080
5.08 Competitive Bidding.  SHARE    ...	39.12 and 39.04 govern
All contracts where the total contract is in excess of limits <u>set by State law</u> and all purchase of supplies, material, equipment, or nonprofessional services where the total cost exceeds the limits <u>prescribed by State law</u> shall be subject to sealed bids.	
Bids shall be advertised by posting notice thereof in a public place in the city and by not less than one publication in the official newspaper of the city at <u>least ten days prior</u> to the date fixed for the opening of bids. All bids shall be sealed and shall be opened publicly at the time and place designated in the call for bids. The manager, or the manager’s representative, shall analyze the bids and provide the council with a summary thereof. Except as hereinafter provided, the contract shall be awarded to the lowest responsible bidder. The council may reject any or all bids.	
5.09 Bonds and Indebtedness.  SHARE    ...	Believe governed by state law.— Further research to determine differences
The creation of indebtedness and the issuance of all bonds, warrants, and other evidences of indebtedness shall be governed and controlled <u>by general laws</u> .	
No contract shall be executed, the payment of which will be financed by the issuance of bonds, warrants, or other evidences of indebtedness, until the ordinance authorizing the issuance of such bonds or other evidences of indebtedness shall have taken effect. Any contract executed before such time shall be unenforceable.	
5.10 Sale of Bonds.  SHARE    ...	
Subject to general laws, bonds, warrants, and other evidences of indebtedness may be sold at public or private sale in any manner and at any price the council deems the best interests of the city require.	
5.11 Taxes and Indebtedness.  SHARE    ...	
The city shall have all the powers granted to, or not withheld from, charter code cities by the Constitution and laws of the state in the levying and collection of taxes and incurring of indebtedness.	
ARTICLE VI ELECTIONS	
6.01 City Elections.  SHARE    ...	
The regular city election shall be held at the time established by state law.	
6.02 Initiative and Referendum.  SHARE    ...	
The powers of initiative and referendum are hereby reserved to the electors of the city. Laws of the State of Washington, as they	35A.11.080

currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.	
ARTICLE VII GENERAL PROVISIONS	
7.01 Conflicts of Interest. 	
The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.	42.23
7.02 Activities Prohibited. 	
(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of marital status, race, gender, age, handicap, religion, country of origin or political affiliation.	49.60
(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.	RCW 42.20.040-070—similar but not exact same language. Believe statute governs this section (2-3-4)—further research
(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.	42.20.020; 42.23.070;
(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.	42.17A
ARTICLE VIII CHARTER AMENDMENT	
Section 8.01 Proposal of Amendment	
8.01 Proposal of Amendment. 	
Amendments to this Charter may be submitted to the registered	35A.09 and 35A.10

<p>electors by the council or by petition of the electorate in the manner provided by the constitution or laws of the state.</p>	
<p>ARTICLE IX TRANSITION/SEPARABILITY OF PROVISIONS</p>	<p>All of these provisions relate to the transition to the Charter at the time the charter was adopted and therefore have limited applicability.</p>
<p>9.01 Officers and Employees. </p>	
<p>(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.</p>	
<p>(b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.</p>	
<p>(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in paragraph 4.02.</p>	
<p>9.02 Departments, Offices and Agencies. </p>	
<p>(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or if the charter makes no provision, designated by the city council.</p>	
<p>(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.</p>	
<p>9.03 Pending Matters. </p>	
<p>All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.</p>	
<p>9.04 State and Municipal Laws. </p>	
<p>All city ordinances, resolutions, orders, regulations and laws which</p>	

<p>are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent with this charter.</p>	
<p>9.05 Time of Taking Full Effect. </p>	
<p>The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council.</p>	
<p>9.06 Separability. </p>	
<p>If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.</p>	
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AGENDA SUMMARY SHEET
Business of the City Council
City of Kelso, Washington

**SUBJECT TITLE: 2016 BUDGET GOALS &
ACTIONS WORK PLAN**

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ March 1, 2016 _____

Originator: _____ Steve Taylor _____

PRESENTED BY:

Steve Taylor

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

Agenda Item Attachments:

Draft 2016 Budget Goals and Actions Work Plan
2015 Budget Goals - Work Plan Review

SUMMARY STATEMENT:

Staff presented a review of the 2015 work plan accomplishments and initiatives for 2016 at the February 16th regular Council meeting. Council reviewed the four broad budget goals and discussed priority action items for the coming year. Following up on that discussion, the Draft 2016 Goals and Actions Work Plan is attached for review and consideration at the March 1st meeting. A number of action items from 2015 have been carried forward to the 2016 Work Plan recognizing that although progress has been made in the prior period, the completion of those action items remains a priority.

Council's direction on the 2016 actions is requested, and the opportunity is provided to amend, add or remove both goals and action items from the work plan. It is important to note that various items represent multi-year initiatives or capital improvement projects to which the City is currently committed and must be completed regardless of their inclusion within the work plan. Additionally, the 2015 budget goals below have been carried to 2016 without changes.

2016 Proposed Budget GOALS

- ***Well-maintained, reliable public infrastructure systems that encourage economic growth and enhance community quality.***
- ***Community renewal and economic growth that provides sustainable resources for public services and facilities.***

- *Consistent, effective delivery of Kelso city services that meets or exceeds standards of professionalism and accountability.*
- *Provide proactive and visionary regional leadership.*

OPTIONS:

- 1) Adopt the 2016 Budget Goals and Actions Work Plan
- 2) Provide input and make amendments to the Work Plan prior to adoption on March 1st
- 3) Provide input and direct staff to make amendments for consideration at a future meeting
- 4) Take no action at this time

RECOMMENDED ACTIONS:

Move to adopt the 2016 Budget Goals and Actions Work Plan



2016 Budget Goals & Actions Plan

Goal: Well-maintained, reliable public infrastructure systems that encourage economic growth and enhance community quality.

- **Action:** Advocate for state funding to complete the final phase of the West Main St. Realignment Project and to advance environmental clearance for the S. Kelso Grade Separation Project.
- **Action:** Deliver 2016 Capital Improvement Program that emphasizes investments in pavement preservation, water distribution and sewer collection infrastructure, and streetscape improvements.
- **Action:** Conduct parks and recreation needs assessment and master plan to identify and delineate future priority investments.
- **Action:** Apply to Safe Routes to Schools Grant Program to fund S. Kelso/Wallace Elementary sidewalk program.
- **Action:** Consider proposals for sustainable funding options for street maintenance and preservation.
- **Action:** Prepare options for restricting on-street parking in residential zones without adequate road width.

Goal: Community renewal and economic growth that provides sustainable resources for public services and facilities.

- **Action:** Consider and adopt the complete update of the City's Development Code and Stormwater Management Low Impact Development regulations.
- **Action:** Continue implementation of the Kelso NICER (Neighborhood Improvement & Community/Economic Revitalization) Program emphasizing enhanced nuisance and condemned housing abatement efforts.
- **Action:** Consider the annexation of S. Kelso unincorporated pockets.
- **Action:** Develop proposals for city wayfinding program in concert with Longview.
- **Action:** Update Downtown Façade Improvement Program and promote participation with eligible businesses.

Goal: Consistent, effective delivery of Kelso city services that meets or exceeds standards of professionalism and accountability.

- **Action:** Present 5-6 year Financial Forecast and draft corresponding department business plans.
- **Action:** Negotiate franchise agreements with Public Utility District.

- **Action:** Establish formal recruitment and employee onboarding program that develops and retains effective staffing in the face of retirements.
- **Action:** Invest in administrative support information systems and public records retention/disposition services.
- **Action:** Develop and implement formal risk management program and overhaul the City's general policy manual.
- **Action:** Evaluate feasibility of public safety service enhancements (Traffic unit; community policing; targeted enforcement).
- **Action:** Research and evaluate adequate and sustainable funding sources for criminal justice/public safety functions.

Goal: *Provide proactive and visionary regional leadership.*

- **Action:** Continue regional outreach and participation to enhance partnership opportunities with public and private sector organizations.
- **Action:** Review city charter and evaluate potential amendments to be brought forward for voter consideration.
- **Action:** Lead efforts supporting the development, professional management, and improvement of facilities at the SW Washington Regional Airport.
- **Action:** Collaborate with regional partners to promote the development of new housing that accommodates the existing and future workforce of Cowlitz County.

Auxiliary task list

- Evaluate criteria for establishing local improvement districts and grant funding to address curb, sidewalk, and drainage infrastructure.
- Addressing blight and encouraging revitalization in West Kelso north of Cowlitz Way.
- Consider ban on plastic shopping bags at retail stores.



Review: 2015 Budget Goals & Actions Plan

Goal: Well-maintained, reliable public infrastructure systems that encourage economic growth and enhance community quality.

- **Action:** Advocate for funding assistance from the state legislature for the replacement of the Minor Road Reservoirs.
 - Received \$1.5 million legislative appropriation and \$4 million DWSRF loan to finance the improvements with least impact to ratepayers.
- **Action:** Deliver 2015 Capital Improvement Program that emphasizes investments in pavement preservation, water distribution and sewer collection infrastructure, and streetscape improvements.
 - Delivered Longview Water Intertie, NW 2nd Avenue Sewer Replacement, Jones Road Waterline, Minor & Mt. Brynion Rd Intersection, Talley Way Pavement Overlay (phase 1), and Kelso Depot Sidewalk Replacement
 - Finalized financing package and completed design of West Main Revitalization Streetscape project
- **Action:** Conduct parks and recreation needs assessment and master plan to identify and delineate future priority investments.
 - To be performed in 2016
- **Action:** Research and evaluate adequate and sustainable funding sources for street maintenance.
 - Legislature authorized additional Transportation Benefit District local funding options
 - Staff is preparing options for issuing bonds for Yew Street & Minor Road projects

Goal: Community renewal and economic growth that provides sustainable resources for public services and facilities.

- **Action:** Conduct West Kelso Sub-Area Plan and commence the update and review of applicable development regulations.
 - Final draft of Sub-Area Plan is being prepared, along with recommended design standards/development regulations.
- **Action:** Draft, review, adopt the complete update of the City's Development Code.
 - Development regulation overhaul will be brought to Planning Commission and Council by Q2 2016
- **Action:** Adopt Shoreline Master Plan Update.
 - Waiting for final sign-off by Ecology for adoption by Council in Q1 2016
- **Action:** Commence implementation of the Kelso NICER (Neighborhood Improvement & Community/Economic Revitalization) Program focusing on West Kelso planning efforts

and streetscape improvements in addition to citywide nuisance abatement enhancements.

- West Kelso Sub-Area Plan near completion; West Main St. Revitalization will be under construction in Q2-Q3 2016; Full-time nuisance abatement officer on board Feb. 1; condemned housing abatement program to be offered immediately to applicable property owners.
- **Action:** Commission and complete industrial master planning study and market analysis for the proposed Anchor Point Industrial Park.
 - Study is in final review stage and to be delivered for consideration in Q1 2016

Goal: Consistent, effective delivery of Kelso city services that meets or exceeds standards of professionalism and accountability.

- **Action:** Present 5-6 year Financial Forecast and draft corresponding department business plans.
 - Forecast is in final development stages to incorporate all major operational funds
 - Staff held performance management retreat to discuss major initiatives and department business planning – ongoing business planning efforts slated for 2016
- **Action:** Negotiate franchise agreements with Public Utility District and Comcast Cable.
 - Council approved Comcast Cable Franchise in Q4 2015; New PUD manager in place, staff will re-enter PUD franchise negotiations in 2016
- **Action:** Ensure adequate law enforcement staffing in the wake of pending retirements.
 - Council approved police staffing of Administrative Sergeant and additional patrol officer to “hire ahead” of planned and unplanned retirements; 2 new officers hired and trained with 3 more positions to fill
- **Action:** Invest in administrative support information systems and public records retention/disposition services.
 - Launched Open Budget Kelso application
 - Developing and implementing electronic claims processing for department admin assistants
 - Public Records Retention/Disposition services still under evaluation in 2016
- **Action:** Commence overhaul of City’s general policy manual.
 - Project pushed to 2016
- **Action:** Evaluate feasibility of public safety service enhancements (Traffic unit; administrative/supervision; community policing; targeted enforcement).
 - Law enforcement focus has been on hiring and training new officers in 2016
- **Action:** Research and evaluate adequate and sustainable funding sources for criminal justice/public safety functions.

- Evaluation will occur in 2016.

Goal: Provide proactive and visionary regional leadership.

- **Action:** Continue regional outreach and participation to enhance partnership opportunities with public and private sector organizations.
 - Kelso is well-represented on regional boards and commissions
 - Secured partnership with Winter Family, LLC regarding Anchor Point Industrial Feasibility Study
 - Continue to employ services from Longview, Cowlitz County, and Fire District 2
- **Action:** Review city charter and evaluate potential amendments to be brought forward for voter consideration.
 - Council reviewed the charter amendment and abandonment process as well as the areas of the charter that differ from RCW 35A (Optional Municipal Code)
- **Action:** Lead efforts to revise regional fee structure for 911 Emergency Communications.
 - City staff led process to amend the interlocal agreement and revise regional fee structure – adopted by 911 Council in Q4 2015
- **Action:** Support the effective governance of and infrastructure improvements to the SW Washington Regional Airport.
 - City increased funding level for airport operations and capital improvements
 - City assumed management of airport in Jan 2016 and is in process to hire permanent Airport Manager.

Auxiliary task list

- Evaluate criteria for establishing local improvement districts and grant funding to address curb, sidewalk, and drainage infrastructure.
- Addressing blight and encouraging revitalization in West Kelso north of Cowlitz Way.
- Implement city way-finding project to direct residents and tourists to city attractions and assets. (Discussed as possible Big Idea funding project)
- Action: Prepare options for restricting on-street parking in residential zones without adequate road width.

AGENDA SUMMARY SHEET
Business of the City of Kelso
City of Kelso, Washington

SUBJECT TITLE:

AN ORDINANCE OF THE CITY OF KELSO
AMENDING THE KELSO MUNICIPAL CODE
CHAPTER 2.32 POLICE DEPARTMENT
RELATING TO THE AUTHORITY TO APPOINT
LIMITED COMMISSION POLICE OFFICERS

Agenda Item: _____

Dept. of Origin: Police

For Agenda of: March 1, 2016

Cost of Item: None

City Manager: Stephen Taylor

PRESENTED BY: Janean Parker

AGENDA ITEM ATTACHMENTS:

Proposed ordinance

SUMMARY STATEMENT:

In an effort to provide additional tools for the efficient and effective code enforcement and nuisance abatement program, staff is recommending that the Council amend the municipal code to specifically authorize the appointment of limited commission police officers. The City Manager or Chief would then be authorized grant specific employees these limited commissions. These appointed employees would be authorized to investigate and issue civil infractions and the authority would be limited to only those non-criminal laws in the City's municipal code.

FINANCIAL SUMMARY:

No Impact.

OPTIONS:

- Approve the ordinance as presented;
- Do not approve the ordinance;
- Direct staff to amend the ordinance as may be needed.

RECOMMENDED ACTION:

Move to approve on first reading the ordinance amending KMC 2.32 relating to the authority to appoint limited commission police officers

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KELSO AMENDING THE
KELSO MUNICIPAL CODE CHAPTER 2.32 POLICE DEPARTMENT
RELATING TO THE AUTHORITY TO APPOINT LIMITED COMMISSION
POLICE OFFICERS**

WHEREAS, the City Council has made code enforcement and nuisance abatement a priority in the City in an attempt to minimize blight and improve the public health, safety, and welfare of citizens; and

WHEREAS, the City has amended its municipal code to provide for the issuance of civil violations and civil infractions as tools for the enforcement of certain municipal code provisions; and

WHEREAS, the additional time investigating and enforcing these non-criminal violations is more efficiently provided by the City's nuisance abatement department with limited commission officers to allow the City's police department to devote their time to more serious offenses; and

WHEREAS, the City is authorized to appoint such limited commission police officers by RCW 35A.11.020;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1. That Kelso Municipal Code Chapter 2.32 is hereby amended to add a new section 2.32.050 as follows:

2.32.050. Limited Commission Officers. The City Manager or his or her designee may appoint city employees outside the police department as limited commission law enforcement officers with the limited commission to enforce some or all of the non-criminal laws as may be specified in the Kelso Municipal Code. These limited commissions may include the authority to investigate and issue citations for civil infractions. The limited commission may be revoked at any

time by the City Manager or his or her designee. The authority conferred upon the limited commission law enforcement officers shall not vest any such officer with any police civil service or police pension rights.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this ____ day of _____, 2016.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:_____

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

LED Streetlight Project Fund Transfer

Agenda Item: _____

Dept. of Origin: _____ Finance _____

For Agenda of: _____ March 1, 2016 _____

Cost of Item: _____ \$318,690 _____

PRESENTED BY:

Brian Butterfield

City Manager: Steve Taylor _____

AGENDA ITEM ATTACHMENTS:

Project Costs & Energy Savings for Selected Options table
Ordinance to transfer funds from the Debt Service Fund to the Arterial Street Fund

SUMMARY STATEMENT:

In the February 17, 2015 council meeting, council authorized the City Manager to secure a low-cost loan for the Citywide LED Streetlight Conversion Project. The City Manager proposes to internally fund the City's portion of the project with the Debt Service Fund. The project will cost \$511,956 and construction is more than 80% complete. The City's portion of the project is \$318,690 with the remainder being funded by a Department of Commerce grant and a Cowlitz PUD utility incentive.

FINANCIAL SUMMARY:

The project is budget neutral and attached is the post-audit summary on project costs. Repayment of the loan is made from cost savings due to lower energy use by the LED streetlights. This does not include savings due to lower maintenance costs. Annual savings are estimated at \$32,571. This amount is based on a 10-year financing term at 3.0% interest rate and includes an annual rate of energy increases at 1.5%.

The interest rate on the loan will be based on the rate set by the Local Government Investment Pool. An amount not to exceed \$320,000 is proposed to be transferred from the Debt Service Fund to the Arterial Street Fund.

RECOMMENDED ACTION:

City staff recommends that council move to approve the ordinance to authorize the transfer of funds from the Debt Service Fund to the Arterial Street Fund for the Citywide LED Streetlight Conversion Project.

Project Name: City of Kelso Streetlights
December 10, 2015

I. PROJECT COSTS & ENERGY SAVINGS FOR SELECTED OPTIONS

PROJECT COSTS	Mech, Water, General	Lighting	Total Project Costs
Engineering Audit		\$ 2,500	\$ 2,500
Estimated Labor and Material Cost	\$ -	\$ 355,886	\$ 355,886
M,W,G Design @ 10.0% of Labor & Material	\$ -		\$ -
Lighting Design @ 4.0% of Labor & Material		\$ 13,363	\$ 13,363
Construction Mgt @ 8.0% of Labor & Material	\$ -	\$ 26,958	\$ 26,958
Bonding @ 1.5% of Labor & Material	\$ -	\$ 5,011	\$ 5,011
ESCO Overhead and Profit @ 18.0% of Labor & Material	\$ -	\$ 60,655	\$ 60,655
1st Year of Ameresco M&V			\$ 1,880
Subtotal:	\$ -	\$ 464,372	\$ 466,252
Construction Contingency @ 5.0% of CC	\$ -	\$ 16,704	\$ 16,704
Subtotal - Maximum Project Cost:	\$ -	\$ 481,076	\$ 482,956
Est. Sales Tax @ 8.0% of Maximum Project Cost		\$ -	\$ -
0 Additional Years of M&V - Ameresco (includes tax)			\$ -
1 Years of M&V - DES			\$ -
DES Project Management Fees			\$ 29,000
TOTAL PROJECT PRICE:	\$ -	\$ 481,076	\$ 511,956
Estimated Utility Incentive	\$ -	\$ 70,266	\$ 70,266
Comm. Request Grant Request			\$ 123,000
Estimated Client Net Cost (excluding add'l years M&V)			\$ 318,690
Client Initial Cash Payment of Non-State Dollars			\$ -
Client Initial Cash Payment of State Dollars			\$ -
Amount to be Financed by Client:			\$ 318,690
Year 1 Estimated Cash Flow:			\$ 5,860
Year 1 Cash Flow Based on Guaranteed Energy Savings (95%):			\$ 3,711

<- includes sales tax

ECONOMIC ASSUMPTIONS

Interest Rate :	3.00%
Financing Term:	10 years
Payments/year:	2
Est Annual Rate of Energy Increases:	1.50%
Savings Guarantee:	95%
Simple Payback Period Including Fees:	9.8

Grant Metrics

Comm. Request	\$ 123,000
Non state funds	\$ 388,956
State funds	\$ -
Total	\$ 511,956
Leverage	3.18

ANNUAL ENERGY SAVINGS	Mechanical	Water	Lighting	General	Total	Annual Svg
Electrical Savings (kWh)	0	0	420,353	0	420,353	\$ 32,571
Electrical Savings (kW)	0	0	0	0	0	
Nat Gas Savings (Therms)	0	0	0	0	0	\$ -
Oil (DESI)	0	0	0	0	0	\$ -
Propane (DESI)	0	0	0	0	0	\$ -
Water Savings (CCF)	0	0	0	0	0	\$ -
\$ Saved	\$ -	\$ -	\$ 32,571	\$ -	\$ 32,571	\$ 32,571

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KELSO AUTHORIZING THE TRANSFER OF FUNDS FROM THE DEBT SERVICE FUND TO THE ARTERIAL STREET FUND AND PROVIDING FOR THE REPAYMENT OF SUCH LOAN

WHEREAS, the City finds that certain monies need to be expended from said Arterial Street Fund to partially cover the “Citywide LED Streetlight Conversion Project” construction expenditures for 2016; and

WHEREAS, the City estimates annual savings from the completion of the project of approximately \$35,500 and said funds will meet amortized payment of such; and

WHEREAS, the City desires to transfer monies from the Debt Service Fund to the Arterial Street Fund to cover said expenditures with the intent of repaying the Debt Service Fund for a period of ten years;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KELSO DO ORDAIN AS FOLLOWS:

SECTION 1 That the City is authorized to transfer the sum of not more than \$320,000 from the Debt Service Fund to the Arterial Street Fund to cover expenditures for 2016.

SECTION 2 That the City agrees to repay the Debt Service Fund in full from monies the City will receive from Street Lights – Power & Maintenance savings. Interest shall be charged on said loan at the rate set by the Local Government Invest Pool (LGIP).

SECTION 3 This Ordinance shall be in full force and effect 5 days after its passage and publication of summary as required by law.

ADOPTED by the City Council and **SIGNED** by the Mayor this 1st day of March, 2016.

ATTEST/AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: