



Agenda
City Council Regular Meeting
Tuesday, January 3, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Pledge of Allegiance

Approval of Agenda: (Approved by Motion)

Presentations:

1. Strategic Plan Stakeholder Engagement-Outreach & Environmental Scan Presentation
 - Drew Florence, Assistant City Manager
 - Cory Poris, Plasch Rapp Consulting Group
2. New Hires & Retirements
 - Lacey Paulsen, Human Resources Director

Public Hearing: Please limit public hearing comments to 3 minutes. Comments must speak only to the item for which the hearing is convened. Records intended for Council consideration must be given to the City Clerk distribution.

Public Comments: Please limit public comments to 2 minutes. The public comment period is not an opportunity for dialogue with councilmembers, or for posing questions with the expectation of an immediate answer. Many questions require an opportunity for information-gathering and deliberation. For this reason, Council will accept comments, but will not directly respond to comments, questions or concerns during public comment. Records intended for Council consideration must be given to the City Clerk for distribution.

Consent Calendar: Items on the Consent Calendar have been distributed to the City Council in advance for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no discussion. Councilmembers may transfer individual items to Items of Business for deliberation before voting.

Minutes:

3. Approval of the December 20, 2022 City Council Regular Meeting Minutes
 - Jennifer Rogers, City Clerk

Ordinances - First Reading:

4. Ordinance No. 2023-01, Adding a new Chapter 9.09 entitled Controlled Substances to Title 9: Crime of the Richland Municipal Code
 - Heather Kintzley, City Attorney

Ordinances - Second Reading & Passage:

5. Ordinance No. 2022-41, Amending Chapter 3.04 of the Richland Municipal Code related to Purchasing to add a New Section entitled Compost Procurement
 - Heather Kintzley, City Attorney

6. Ordinance No. 2022-42, Approving the 2026 Council Compensation Plan
 - Lacey Paulsen, Human Resources Director
7. Ordinance No. 2022-43, Amending Chapter 3.24 of the Richland Municipal Code related to Funds
 - Brandon Allen, Finance Director

Resolutions - Adoption:

8. Resolution No. 2023-01, Approving Final Plat of Marcello Estates - Phase 2
 - Kerwin Jensen, Development Services Director
9. Resolution No. 2023-02, Authorizing Award of Bid for the 515 George Washington Way Demolition and Abatement Project
 - Joe Schiessl, Deputy City Manager
10. Resolution No. 2023-03, Authorizing Award of Bid to Pipe of Washington, Inc. for the Horn Rapids Irrigation Booster Pump Station Project
 - Pete Rogalsky, Public Works Director
11. Resolution No. 2023-04, Authorizing Award of Bid to Pipe of Washington, Inc. for the Area 400 Booster Pump Station Upgrades Project
 - Pete Rogalsky, Public Works Director

Items - Approval:

Expenditures - Approval:

Items of Business:

12. Resolution No. 2023-05, Adopting the City of Richland's 2023 Legislative Priorities
 - Jon Amundson, City Manager

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

This meeting will be broadcast live on [CityView Channel 192](#) on the City's website and on the [City's YouTube Channel](#).

Richland City Hall is ADA accessible. Any individual who has difficulty attending the meeting in-person may request to provide comments remotely. (Ch. 42.30 RCW) Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 509-942-7389.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Presentations

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Strategic Plan Stakeholder Engagement-Outreach & Environmental Scan Presentation

Department/Office
Assistant City Manager

Ordinance/Resolution Number:

Document Type:
Presentation

Recommended Motion:
None.

Summary:

As part of the strategic planning process, the city engaged in a variety of information gathering sessions during 2022. Following the National Community Survey, six (6) focus groups were held ranging from quality of life, economic development and vitality, new residents under 5 years, and established residents who have lived in Richland longer than 10 years. Input was also received from members of the City's Boards, Commissions, and Committees and a survey was offered to city employees seeking input on future priorities and quality of services provided.

Lastly, an Environmental Scan was prepared by staff, creating a snapshot of the city at the time of the planning process. This includes information from each department, challenges, trends, employee demographics, financial trends and analysis, citizen demographics, and a S.W.O.T. analysis of Economic Development.

Cory Poris Plasch, from Rapp Consulting Group will present information gathered during this process.

Future strategic planning sessions will include:

Council Governance Training Session: February 21, 2023

Council Retreat : February 24, 2023

Strategic Initiatives / Action Planning Session: March 10, 2023

The final report is expected in May 2023.

Fiscal Impact: None.

Attachments:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Minutes

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Approval of the December 20, 2022 City Council Regular Meeting Minutes

Department/Office
City Clerk

Ordinance/Resolution Number:

Document Type:
Minutes

Recommended Motion:

Approve the meeting minutes from the City Council regular meeting held on December 20, 2022.

Summary:

Draft minutes from the December 20, 2022 City Council regular meeting are presented for Council's consideration and approval.

Fiscal Impact: None.

Attachments:

- I. Draft December 20, 2022 City Council Meeting Minutes



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, December 20, 2022

**Richland City Hall ~ Council Chambers
625 Swift Boulevard**

City Council Regular Meeting - 6:00 p.m.

Mayor Alvarez called the Council meeting to order at 6:00 p.m.

Welcome and Roll Call

Mayor Alvarez welcomed those in the audience and expressed appreciation for their attendance.

Attendance: Mayor Alvarez, Mayor Pro Tem Christensen, and Councilmembers Jones (remotely via Zoom), Kent, Richardson and VanDyke (remotely via Zoom) were present. Councilmember Lukson was absent.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO EXCUSE COUNCILMEMBER LUKSON. MOTION CARRIED 6-0.

Also present were City Manager Amundson, Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Chief of Police Clary, Fire Chief Huntington, Development Services Director Jensen, Public Works Director Rogalsky, Energy Services Director Whitney, Finance Director Allen, and City Clerk Rogers.

Pledge of Allegiance

Mayor Alvarez led the Council and audience in the recitation of the Pledge of Allegiance.

Approval of Agenda

COUNCILMEMBER RICHARDSON MOVED AND MAYOR PRO TEM CHRISTENSEN SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. Proclamation of Appreciation with Plaque for Mayor Michael Alvarez

Mayor Pro Tem Christensen presented Mayor Alvarez with a proclamation of appreciation and plaque for his years of service to the City of Richland, both as a member of the Richland City Council and for previous service on the Richland Parks & Recreation Commission. Mayor Alvarez thanked City Manager Amundson for his leadership and each member of staff present for their work and contributions to the city.

Public Hearing

City Clerk Rogers read the Public Hearing and Public Comments procedures.

2. Declaring Surplus and Authorizing Relinquishment of Certain Portions of a Utility Easement lying within 1728 Horn Avenue, Resolution No. 2022-160

Mayor Alvarez opened and closed the public hearing at 6:12 p.m. No testimony was offered.

Public Comments

None.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER RICHARDSON SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Minutes

3. Approval of the December 6, 2022 City Council Regular Meeting Minutes

Ordinances - First Reading

4. Ordinance No. 2022-41, Amending Chapter 3.04 of the Richland Municipal Code related to Purchasing to add a New Section entitled Compost Procurement
5. Ordinance No. 2022-42, Approving the 2026 Council Compensation Plan
6. Ordinance No. 2022-43, Amending Chapter 3.24 of the Richland Municipal Code related to Funds

Ordinances - Second Reading & Passage

None.

Resolutions - Adoption

7. Resolution No. 2022-149, Approving an Administrative Jurisdiction Operating Agreement with Benton County Emergency Services for Calendar Years 2023- 2027
8. Resolution No. 2022-150, Authorizing Award of Bid to Iron Horse, LLC for the B- Basin Trenchless Sewer Rehabilitation Project

9. Resolution No. 2022-151, Authorizing the Richland Police Department Recruitment and Retention Program
10. Resolution No. 2022-152, Authorizing a Washington State Criminal Justice Training Commission Grant for Officer Wellness
11. Resolution No. 2022-156, Authorizing a Farm Lease with Frank Tiegs, LLC in Horn Rapids
12. Resolution No. 2022-157, Approving the Final Plat of Goose Ridge Estates 2 - Phase I
13. Resolution No. 2022-158, Declaring Intent to Designate a Targeted Urban Area in the Horn Rapids Triangle and Setting a Public Hearing Date

Items - Approval

14. Appointments to the Parks & Recreation Commission: Heather Cunningham and Gage Heaton
15. Authorizing an Increase of 8% to the City Manager's Annual Salary for Calendar Year 2023.

From the Staff Report: *City Council intends to increase the City Manager's annual salary by 8% from \$205,000 to \$221,400 effective December 19, 2022. No other proposed changes to the City Manager's compensation or benefits are coming forward at this time.*

Expenditures - Approval

16. Expenditures from November 1, 2022 to November 30, 2022 for \$31,862,416.40 including Travel Check Nos. 20227-20243, Accounts Payable Check Nos. 306202-307064, Accounts Payable Wire Nos. 9283-9325, Payroll Wires & ACH Nos. 13050-13097 Payroll Direct Deposit & Check Nos. 200664-201798 and Pension Check Nos. 6316-6340

Items of Business

Before City Council commenced with the *Items of Business* portion of the agenda, Mayor Alvarez recused himself from Item Nos. 17-20 to avoid a perceived conflict of interest. Mayor Alvarez advised that Item Nos. 17-20 are proposed interlocal agreements with Benton County, and he will be sworn in as a Benton County Commissioner on January 3, 2023. Mayor Pro Tem Christensen assumed control of the meeting and Mayor Alvarez exited Council Chambers until Item Nos. 17-20 were completed.

17. Resolution No. 2022-153, Authorizing an Interlocal Agreement with Benton County to provide Local Homeless Housing and Assistance Plans and Programs using HHAA/2163 Funds

Economic Development Director Jensen provided a joint summary of Resolution Nos. 2022-153 and 2022-154 since they both address implementation of state legislation that authorizes collection of funds by Benton County to address homelessness. The two resolutions were discussed collectively by City Council.

Resolution No. 2022-153 will renew a five-year interlocal agreement with Benton County and the cities of Kennewick, Prosser, Benton City, and West Richland to provide local homeless housing and assistance plans and programs using HHAA/2163 funds.

Resolution No. 2022-154 will renew a five-year interlocal agreement with Benton County to collect and allocate 2060 funds for eligible housing activities that serve residents whose income is at or below 50 % AMI (Area Median Income).

Councilmember Richardson expressed concern about accountability with these funds, and pointed out that the interlocal agreements do not include any provisions for reporting. Councilmember Richardson encouraged City Council to press Benton County for quarterly or biannual financial reports reflecting exactly how the HHAA/2163 and 2060 funds are allocated and expended.

Mayor Pro Tem Christensen advised that he has served as liaison to Benton County for the 2060 funds his entire tenure on the Richland City Council, and shared a bit of history regarding council liaison reporting. Mayor Pro Tem Christensen offered to report more information to City Council based on what he learns through his liaison role with Benton County.

Councilmember Richardson reiterated her request. City Manager Amundson added that the City will ask Benton County to provide past and future reports relating to collection and allocation of HHAA/2163 and 2060 funds.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER RICHARDSON SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-153, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BENTON COUNTY TO PROVIDE LOCAL HOMELESS HOUSING AND ASSISTANCE PLANS AND PROGRAMS USING HHAA/2163 FUNDS. MOTION CARRIED 5-0. MAYOR ALVAREZ RECUSED AND DID NOT PARTICIPATE IN THE VOTE.

18. Resolution No. 2022-154, Authorizing an Interlocal Agreement with Benton County for Collection and Distribution of 2060 Funds

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-154, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BENTON COUNTY FOR COLLECTION AND

DISTRIBUTION OF 2060 FUNDS. MOTION CARRIED 5-0. MAYOR ALVAREZ RECUSED AND DID NOT PARTICIPATE IN THE VOTE.

19. Resolution No. 2022-155, Authorizing an Interlocal Agreement with Benton County for Collection, Administration and Allocation of Affordable and Supportive Housing Sales and Use Tax

Development Services Director Jensen provided a brief overview of the proposed interlocal agreement. Resolution No. 2022-155 authorizes a five-year interlocal agreement with Benton County to collect, administer and allocate Benton County's retained portions of the *Affordable and Supportive Housing Sales and Use Tax*. Development Services Director Jensen stated that the proposed interlocal agreement will not result in higher sales and use tax in Benton County.

Council asked for more detail about the Affordable and Supportive Housing Sales and Use Tax. Development Services Director Jensen advised that the interlocal agreement is newly proposed, and is not a renewal of previous agreements between the City and Benton County as brought forward under Resolution Nos. 2022-153 and 2022-154. Development Services Director Jensen committed to obtaining more detail on the basis for the interlocal agreement and the structure of the funding.

Mayor Pro Tem Christensen expressed an interest in receiving fund balance information from Benton County. City Manager Amundson elaborated on the establishment of the tax and how the funds are spent. Councilmember VanDyke questioned whether the City should hold off on approval of Resolution No. 2022-155 until more information was made available.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-155, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BENTON COUNTY FOR COLLECTION, ADMINISTRATION AND ALLOCATION OF AFFORDABLE AND SUPPORTIVE HOUSING SALES AND USE TAX. MOTION CARRIED 5-0. MAYOR ALVAREZ RECUSED AND DID NOT PARTICIPATE IN THE VOTE.

20. Resolution No. 2022-159, Authorizing an Interlocal Agreement with Benton County for District Court Services

City Manager Amundson provided an overview of the proposed interlocal agreement for Benton County District Court services. The updated interlocal agreement allows for the creation of an advisory committee to periodically review and make recommendations regarding the Benton County District Court budget, and adds a five percent (5%) administrative fee. The remainder of the interlocal agreement is unchanged. Council inquired about Benton County's work crew program.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-159, AUTHORIZING

AN INTERLOCAL AGREEMENT WITH BENTON COUNTY FOR DISTRICT COURT SERVICES. MOTION CARRIED 5-0. MAYOR ALVAREZ RECUSED AND DID NOT PARTICIPATE IN THE VOTE.

Mayor Alvarez returned to the Council Chambers at the conclusion of Item No. 20.

21. Resolution 2022-160, Declaring Surplus and Authorizing Relinquishment of Certain Portions of a Utility Easement lying within 1728 Horn Avenue

Public Works Director Rogalsky reported that property owners at 1728 Horn Avenue requested relinquishment of an existing easement for the purpose of expanding an existing structure. The easement area to be relinquished is no longer needed for municipal purposes as the utilities that previously occupied the easement have been relocated. Staff recommends adoption of Resolution No. 2022-160.

MAYOR PRO TEM CHRISTENSEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2022-160, DECLARING SURPLUS AND AUTHORIZING RELINQUISHMENT OF CERTAIN PORTIONS OF A UTILITY EASEMENT LYING WITHIN 1728 HORN AVENUE. MOTION CARRIED 6-0.

Reports and Comments

City Manager

City Manager Amundson first expressed his thanks for the salary increase approved by Council for calendar year 2023. Next, City Manager Amundson acknowledged and expressed appreciation for Council's partnership and support in tackling certain challenges in 2022 (Fred Meyer shooting; homelessness/affordable housing) and the accomplishments realized (Fire Station 76; economic development initiatives). City Manager Amundson further thanked individual councilmembers for their contributions to National Night Out and other similar City events, and the valuable conversations occurring at workshops and council meetings, with both tenured members and those who are bringing new ideas to City Council. City Manager Amundson also thanked the residents of Richland who participate in the public comment process since public input is critical to running an effective and transparent municipal organization. Lastly, City Manager Amundson shared that he looks forward to engaging with City Council in the strategic leadership planning processing in early 2023.

City Manager Amundson then announced that a special City Council meeting is scheduled for Friday, January 6, 2023 from 1:00 - 5:00 p.m. for the purpose of interviewing candidates for the soon-to-be vacated Position No. 7 on the Richland City Council.

City Council

Councilmember VanDyke suggested providing a summary of topics to be discussed for possible inclusion in the future Strategic Leadership Plan for review ahead of planning

sessions in early 2023. Councilmember VanDyke advised that he has prepared a list of possible topics for Council consideration. Councilmember Richardson advised that she is interested to know what topics he has included and whether the items are already contemplated in the strategic planning effort. Councilmember VanDyke shared some examples of the topics on his list (public safety sales tax, BCES, update on police station, mental health resources, waterfront investments, etc.). Mayor Alvarez recommended that Councilmember VanDyke provide the list to City Manager Amundson. City Manager Amundson advised that most of the items cited by Councilmember VanDyke would likely be included in the Strategic Leadership Plan, and encouraged Councilmember VanDyke to forward his information as recommended.

Councilmember Jones wished everyone happy holidays.

Councilmember Richardson thanked Mayor Alvarez for his service and commitment to the City of Richland and wished him well. Councilmember Richardson then wished everyone a merry Christmas.

Councilmember Kent thanked Mayor Alvarez for his leadership on the Richland City Council and wished him well. Councilmember Kent also thanked City Manager Amundson and executive staff for their work. Next, Councilmember Kent added that even though every member of Council may represent a different viewpoint, all members work together to render decisions for the benefit of the community. Councilmember Kent also thanked members of the public who provide comments and feedback. In closing, Councilmember Kent wished everyone a happy holiday season.

Mayor Pro Tem Christensen thanked Mayor Alvarez for his leadership on the Richland City Council, and added that he hopes their rapport will continue once Mayor Alvarez transitions to Benton County Commissioner. Lastly, Mayor Pro Tem Christensen wished everyone a merry Christmas and happy holiday season.

Mayor

Mayor Alvarez shared that he has learned a great deal from City leadership and will take those lessons with him as he transitions to his next role. Mayor Alvarez thanked Multi-Media Coordinator Mark Ingram for his outstanding work operating electronic equipment during council meetings. Mayor Alvarez also thanked members of Council for their professionalism and collaborative efforts.

Next, Mayor Alvarez spoke positively of the accomplishments realized by Chief of Police Clary and the Richland Police Department. Mayor Alvarez then thanked Mayor Pro Tem Christensen for his mentorship. In conclusion, Mayor read aloud a prepared statement.

Adjournment

Mayor Alvarez adjourned the meeting at 6:38 p.m.

APPROVED:

Terry Christensen, Mayor Pro Tem

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

Draft



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Ordinances - First Reading

Core Focus Area 6 - Enhance Neighborhood & Community Safety

Subject:

Ordinance No. 2023-01, Adding a new Chapter 9.09 entitled Controlled Substances to Title 9: Crime of the Richland Municipal Code

Department/Office
City Attorney

Ordinance/Resolution Number:
2023-01

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2023-01, adding a new Chapter 9.09 entitled Controlled Substances to Title 9: Crime of the Richland Municipal Code.

Summary:

Last year, the Washington State Supreme Court decided *State v. Blake* and found former RCW 69.50.4013, which made it a strict liability offense to possess a controlled substance in violation of the Uniform Controlled Substances Act, unconstitutional because the statute did not require proof that the offender knowingly possessed a controlled substance. Without proof of knowledge, the Court held the statute violated constitutional due process. In response, the Washington State Legislature amended RCW 69.50.4013 through ESB 5476 during its 2021 legislative session to temporarily make it unlawful for a person to knowingly possess a controlled substance. Through this same legislation, however, the legislature enacted RCW 10.31.115, which prohibits law enforcement from arresting or citing someone for unlawful possession of a controlled substance until the offender has twice before been “diverted” to voluntary social services. As a result, while it is still a crime to knowingly possess a controlled substance, law enforcement is prohibited from arresting a person who violates that law.

There are a number of practical difficulties with RCW 10.31.115, including the lack of any regional or statewide tracking and referral system. Those difficulties have essentially led to the decriminalization of drug possession, even if an offender knowingly possesses a controlled substance illegally. In response, offenders have started to more openly use and possess controlled substances in public places. This conduct, coupled with the Legislature’s simultaneous removal of law enforcement’s ability to arrest offenders for illegal drug possession, has negatively impacted the community and subjected its members to the adverse impacts associated with the public use of controlled substances.

While the use of cannabis or alcohol, both legal substances, is prohibited in public, there is no comparable state law that prohibits the public use of controlled substances, like methamphetamine, heroin and fentanyl. Cities are authorized to enact local laws that are not inconsistent with Washington’s Uniform Controlled Substances Act, Ch. 69.50 RCW. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the City is authorized to regulate or prohibit that use.

Chief Clary and City Prosecutor Rio support these code amendments. Staff recommends approval of Ordinance No. 2023-01 for first reading, by title only.

Fiscal Impact: None.

Attachments:

I. Ordinance No. 2023-01

ORDINANCE NO. 2023-01

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ADDING A NEW CHAPTER 9.09 ENTITLED CONTROLLED SUBSTANCES TO TITLE 9 OF THE RICHLAND MUNICIPAL CODE.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to promote the health, safety and general welfare of the citizens of Richland; and

WHEREAS, in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013, which made it a strict liability offense to possess a controlled substance in violation of the Uniform Controlled Substances Act, unconstitutional because the statute did not require proof that the offender knowingly possessed a controlled substance. Without proof of knowledge, the Court held the statute violated constitutional due process. In response, the state legislature adopted RCW 69.50.4013 during its 2021 legislative session, which provided a temporary correction to the law to make it unlawful for a person to knowingly possess a controlled substance. However, through this same legislation, the legislature enacted RCW 10.31.115, which prohibits law enforcement from arresting or citing someone for unlawful possession of a controlled substance under the offender has twice been “diverted” to voluntary social services; and

WHEREAS, the limitation imposed by RCW 10.31.115 has resulted in offenders openly using and possessing illegal drugs in public places, while simultaneously removing law enforcement’s ability to effectively remove the problem, all to the detriment of community members who face an increased risk of harm attributable to the adverse impacts associated with the use of illicit drugs in public; and

WHEREAS, while the use of cannabis and alcohol, both legal substances, is prohibited in public, there is no comparable state law that prohibits the use of illegal or controlled substances, like methamphetamine, heroin and fentanyl, in public; and

WHEREAS, although state law does preempt the field of setting penalties for violations of the state’s Uniform Controlled Substances Act, Ch. 69.50 RCW, cities are authorized to enact local laws that are not inconsistent with state law. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the City is authorized to regulate or prohibit that use; and

WHEREAS, for ease of reference, RMC 9.12.120 regarding unlawful possession of a legend drug will be eliminated from Chapter 9.12 Miscellaneous Crimes and recodified in new Chapter 9.09 Controlled Substances.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Title 9 of the Richland Municipal Code, entitled Crime, as first enacted by Ordinance No. 99-76, and most recently amended by Ordinance No. 2022-28, is hereby amended to add a new Chapter 9.09, entitled Controlled Substances, as follows:

Chapter 9.09 CONTROLLED SUBSTANCES

Sections:

9.09.010 Use of dangerous drugs in public.

9.09.020 Unlawful deposit of dangerous drugs and drug paraphernalia.

9.09.030 RCW section adopted – Unlawful possession of a legend drug.

9.09.040 Penalties for violations.

9.09.010 Use of dangerous drugs in public.

A. It is unlawful for any person to intentionally use any dangerous drug in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon the written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.

B. Definitions. For purposes of this section, the following terms or words shall be interpreted as follows:

1. Dangerous drug means any controlled substance classified in Schedule I, II, III or IV of Chapter 69.50 RCW excluding cannabis, as it now exists or shall hereafter be added to, deleted from, modified, or amended.

2. Public place means an area generally visible to public view and includes without limitation any place where the public has a right of access, which includes without limitation sidewalks, parking lots and parking garages, streets, alleys, highways, or roads; public buildings and grounds, including schools, parks, playgrounds, and meeting halls; establishments to which the public is invited including restaurants, theaters, stores, gas stations, meeting halls, lobbies, halls and dining rooms of hotels, bars, taverns, pubs, or establishments where beer or soft drinks may be sold, and their associated parking lots, parking structures, walkways, doorways, and entrances; railroad trains, light rail facilities, buses, and other public conveyances of all kinds and character, and their associated stations and platforms used in conjunction therewith which are open to unrestricted use and access by the public; and all other places of like or similar nature.

3. Use means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

9.09.020 Unlawful deposit of dangerous drugs and drug paraphernalia.

It shall be unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water any dangerous drug, as that term is defined in RMC 9.09.010(B)(1), or drug paraphernalia, as defined in RCW 69.50.102, as those referenced provisions are currently enacted or hereafter amended or recodified.

9.09.030 RCW section adopted – Unlawful possession of a legend drug.

RCW 69.41.030, pertaining to possession of legend drug without prescription or order prohibited, as now or hereafter amended, is hereby adopted by reference as a part of this chapter in all respects as though the section were set forth herein in full.

9.09.040 Penalties for violations.

Unless another section expressly provides otherwise, any person who violates any provision of this chapter shall be guilty of a misdemeanor.

Section 2. Richland Municipal Code Section 9.12.120, entitled RCW section adopted – Unlawful possession of a legend drug, as first enacted by Ordinance No. 29-20, is hereby amended as follows:

~~9.12.120 RCW section adopted – Unlawful possession of a legend drug.
RCW 69.41.030, pertaining to possession of legend drug without prescription or order prohibited, as now or hereafter amended, is hereby adopted by reference as a part of this chapter in all respects as though the section were set forth herein in full.~~

Section 3. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 4. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 5. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the ____ day of _____, 2023.

Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2022-41, Amending Chapter 3.04 of the Richland Municipal Code related to Purchasing to add a New Section entitled Compost Procurement

Department/Office
City Attorney

Ordinance/Resolution Number:
2022-41

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-41, amending Chapter 3.04 of the Richland Municipal Code related to Purchasing to add a new section regarding compost procurement as required by state law.

Summary:

In March 2022, the Washington State Legislature passed Engrossed Second Substitute House Bill (ESSHB) 1799. Now codified at RCW 43.19A.150, ESSHB 1799 requires each city or county with a population greater than 25,000 residents and each city or county in which organic material collection services are provided under chapter 70A.205 RCW to adopt a compost procurement ordinance to implement RCW 43.19A.120. Richland meets both of these requirements.

RCW 43.19A.120 states that "When planning government-funded projects or soliciting and reviewing bids for such projects, all state agencies and local governments shall consider whether compost products can be utilized in the project." The purpose of proposed Ordinance No. 2022-41 is to comply with new state law that requires Richland to adopt a compost procurement ordinance on or before January 1, 2023.

Ordinance No. 2022-41 provides, to the extent required by RCW 43.19A.150(3), that the City shall plan for the use of compost in the following categories:

- (a) Landscaping projects;
- (b) Construction and post-construction soil amendments;
- (c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and
- (d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

Ordinance No. 2022-41 also captures state-mandated reporting requirements, and identifies circumstances under which the City is not required to use compost, which include if compost products are not available within a reasonable period of time; or do not comply with existing purchasing standards; or do not comply with federal, state or local health, quality and safety standards; or involve purchase prices that are not reasonable or competitive.

Staff recommends approval of Ordinance No. 2022-41 for second reading and passage.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2022-41

ORDINANCE NO. 2022-41

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 3.04 OF THE RICHLAND MUNICIPAL CODE TO ADD A NEW SECTION ENTITLED COMPOST PROCUREMENT IN COMPLIANCE WITH RCW 43.19A.150.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to come into compliance with state law; and

WHEREAS, the Washington State Legislature recently enacted Engrossed Second Substitute House Bill (ESSHB) 1799, which requires cities and counties with populations greater than 25,000, and those with existing organics collection services, to adopt a compost procurement ordinance to implement RCW 43.19A.120; and

WHEREAS, the ordinance required by ESSHB 1799 must be adopted on or before January 1, 2023.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 3.04 of the Richland Municipal Code, entitled Purchasing, as first enacted by Ordinance No. 45-15, and last amended by Ordinance No. 2022-29, is hereby amended as follows:

Chapter 3.04 PURCHASING

Sections:

3.04.010 Purpose.

3.04.020 Policy statement.

3.04.030 Definitions.

3.04.040 General provisions.

3.04.050 Purchase of goods.

3.04.060 Services.

3.04.070 Public works.

3.04.075 Compost Procurement.

3.04.080 Amendments and change orders.

3.04.090 Intergovernmental agreements.

3.04.100 Cooperative purchasing.

3.04.110 Purchases from/through the United States government.

3.04.120 Emergencies.

3.04.130 Exceptions to competitive solicitation requirements.

3.04.010 Purpose.

This chapter is intended to direct the contracting for goods, services and public works at a reasonable cost using an open, fair, documented and competitive process whenever reasonable and

possible. The integrity, efficiency, and effectiveness of the city's procurement functions are critical elements of sound government.

3.04.020 Policy statement.

A. The city desires a fair and open process for procurement of goods and services that is free from the potential for bias and conflict of interest. In addition, the city desires consistent and appropriate practices for solicitations and contracting. All procurements of goods and services shall provide the city with the best quality and best value.

B. All purchases are to be made within budgetary limitations and for the purpose of the goals and objectives approved in the city's budget. Any purchase made that is not within budgetary limits shall be preapproved through a budget amendment process. All purchases made by the city shall ultimately be approved by the city council through the expenditure approval process.

C. The purchasing procedures of this chapter govern the purchase of goods, nonprofessional and professional services, public works contracts, and the small works roster process. The purchasing procedures for the lease of equipment or other personal property shall be based on the aggregate value of the lease payments used in lieu of a purchase price, following the procedure for the purchase of goods. The purchasing officer shall be responsible for administration of this chapter.

3.04.030 Definitions.

"Architectural and engineering services" means professional services rendered by any person, other than a city employee, to perform activities within the scope of the professional practice of architecture (Chapter 18.08 RCW), professional practice of engineering and land surveying (Chapter 18.43 RCW), and/or professional practice of landscape architecture (Chapter 18.96 RCW).

"Compost products" means mulch, soil amendments, ground cover, or other landscaping material derived from the biological or mechanical conversion of biosolids or cellulose-containing waste materials. The term "biosolid" is defined as provided in RCW 43.19A.010.

"Contract term option" is the right by which, for a specified time, the city may elect to extend the term of the contract.

"Craft or trade" means a recognized construction trade or occupation for which prevailing wage categories are established by the Department of Labor and Industries of the state of Washington.

"Emergency" means unforeseen circumstances beyond the control of the city that either present a real, immediate threat to the proper performance of essential functions or will likely result in material loss or damage to property, bodily injury or loss of life if immediate action is not taken.

"Formal solicitation process" is the competitive process of advertising and receiving submissions of bids or proposals from prospective vendors. The submissions are submitted in such a manner as to prevent their content from being revealed before the established due date and time for receipt.

"Goods" means all materials, supplies, equipment or other tangibles.

"Informal solicitation process" is obtaining competitive submissions from vendors that are obtained using a variety of mediums such as electronic submittal, phone, fax, e-mail, or writing.

“Interlocal agreements” are the exercise of governmental powers in a joint or cooperative undertaking with another public agency. Purchase of goods or services from another public agency which is not an exercise of the city’s governmental powers is not an interlocal agreement and shall be approved under RMC 3.04.050 and 3.04.060.

“Life cycle cost” means the total cost of an item to the city over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life.

“Nonprofessional services” are services purchased by the city in which the contractor receives specific instructions and guidance from the city and does not meet the definition of professional services, or architectural and engineering services. Examples of nonprofessional services include machine repair, debt collection services, temporary service agencies, credit card services, equipment service agreements, auctioning services, software licenses, software maintenance, delivery services, inspections, advertising, etc. Prevailing wages may apply to nonprofessional service contracts.

“On-call contract” means a contract that is awarded with general provisions for the services to be rendered. As services are to be rendered, specific task orders are initiated that are to be completed by the contracting firm. Prevailing wages may apply to on-call contracts.

“Ordinary maintenance” is work not performed by contract and that is performed on a regularly-scheduled basis (e.g., daily, weekly, seasonally, semi-annually, but less frequently than once per year), to service, inspect, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary.

“Professional services” are customized services of specialized intellectual or creative expertise based on personal skill or ideas of an individual(s), generally one-time expertise to solve a problem or render professional opinions, judgments or recommendations. The labor and skill involved to perform these types of services are predominately mental or intellectual, rather than physical or manual. Examples include artistic design, marketing, analysis, financial expertise, accounting, attorneys, bond brokers, computer consultants, insurance brokers, economists, planners, real estate services, etc. This term does not include architectural and engineering services.

“Public work” as defined in RCW 39.04.010 means a complete project, and includes all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the city or which is by law a lien or charge on any city property. Public work projects include the related materials, supplies and equipment to complete the project.

“Purchasing officer” means the purchasing manager of the purchasing division of the administrative services department.

“Request for proposals (RFP)” means a process that requests interested firms to submit a proposal for completing a project. Proposals are evaluated based on criteria identified in the RFP, including, but not limited to, the quality of the proposal, experience, cost, and references.

“Request for qualifications (RFQ)” means a process that requests interested consultants to submit a statement of their qualifications. Submittals are evaluated based on criteria identified in the RFP, including, but not limited to, experience, expertise, and references. Cost cannot be a consideration until after a consultant has been selected at which point the price may be negotiated.

“Small works roster” is a roster of qualified contractors maintained for use in a modified formal bid process. When a public works project has an estimated value threshold as provided under RCW 39.04.155, as now enacted or hereafter amended, a city may follow the small works roster process for construction of a public work or improvement as an alternative to competitive formal solicitation requirements.

“Solicitation” means quotes, bids, requests for proposals and requests for qualifications.

3.04.040 General provisions.

A. The city manager shall be responsible for all city purchasing and may appoint a purchasing officer who shall be employed in the purchasing division of the administrative services department. The purchasing officer shall be charged with developing administrative procedures to implement this chapter. Procedures should ensure the fiscal responsibility of the city in expending resources for goods and services for city operations. The procurement procedures of the city shall be consistent with the Revised Code of Washington (RCW), guidance from the State Auditor’s Office and best business practices.

B. Federal or State Funds. When a procurement involves the expenditure of state or federal funds or grants, purchasing shall be conducted in accordance with any applicable federal or state laws or regulations.

C. Breaking Down or Splitting Purchases. The breaking down or splitting of any purchase or contract into units or accomplishing any purchase by phases for the purpose of avoiding the maximum dollar amount prescribed in this chapter is contrary to public policy and is prohibited.

D. Unauthorized Purchases. Only authorized individuals may financially obligate the city in the acquisition of goods, services and public works. Any financial obligation made by an individual lacking authority to procure on behalf of the city shall not be deemed ratified or approved by any city official, and the city shall not be bound thereby, except as may be required by law. Individuals procuring on behalf of the city without proper authorization may be held personally liable for unauthorized debts incurred.

E. Conflict of Interest.

1. To ensure objectivity and eliminate unfair competitive advantage, suppliers (vendors) and consultants who participate in the development or drafting of specifications, requirements, requests for quotes or proposals shall be excluded from competing for such purposes.
2. To avoid potential conflicts of interest, no employee, councilmember or contracted personnel should participate in the selection, award, or administration of purchases or contracts in which, to his or her knowledge, the individual, immediate family, or partner has a financial interest in the supplier’s organization.

F. Procurement Methods. Allowable procurement methods include the use of purchase orders, direct purchases (no purchase order), procurement cards (P-Cards), personal reimbursement, petty cash, credit cards, quotes, invitations to bid (ITB), requests for proposals (RFP), requests for qualifications (RFQ), small works roster (SWR), and contracts as the procurement methods are used in compliance with the city's purchasing policies. With appropriate security and internal controls, these procurement methods may be used electronically.

G. Signature Authority. The city manager may delegate the signature authority provided in this chapter to the purchasing officer or to other city employee(s) as deemed appropriate.

H. Standards for Determining Lowest Responsible Bidder.

1. Public Works – State Mandated Criteria. In determining lowest responsible bidder for a public works project, in addition to price, the criteria for bidder responsibility set forth in RCW 39.04.350(1), as now enacted or hereafter amended, shall apply.

2. Public Works – Supplemental Criteria. Supplemental criteria for bidder responsibility for public works projects set forth in RCW 39.04.350(2), as now enacted or hereafter amended, may be considered and may be set forth in the applicable bid documents.

3. Responsible Bidder Criteria. The following may also be considered by the city in determining bidder responsibility for all city procurements:

- a. The ability, capacity and skill of the bidder to perform the contract;
- b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
- c. The reputation, experience and efficiency of the bidder;
- d. The quality of performance of previous contracts by the bidder in the city and in other jurisdictions;
- e. The previous and existing compliance by the bidder with laws, ordinances, and city policies relating to contracts or services;
- f. The sufficiency of the financial resources and ability of the bidder to perform the contract;
- g. The quality, availability and adaptability of the materials, supplies or equipment to the particular use required;
- h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

3.04.050 Purchase of goods.

A. Purchasing Limitations. Purchase limitations apply to the cost of an individual item; the aggregate sum of the same items; the aggregate sum of items used together in conjunction or closely related items to fulfill a specific business need, which are not part of a public works project

as defined by RCW 39.04.010, as now enacted or hereafter amended, and these policies. Total cost includes sales tax, delivery charges and any other miscellaneous charges.

B. The city manager may authorize, or delegate the authorization of, the acquisition of materials, supplies or equipment with a cost of \$500,000 or less.

1. Purchases Equal to or Less Than \$5,000. Purchases of goods where the cost is \$5,000 or less do not require any informal or formal competitive process or purchase order. Departments are allowed to make these purchases administratively in accordance with procedures developed by the purchasing officer.

2. Purchases Greater Than \$5,000 and Equal to or Less Than \$15,000. Purchases of goods where the cost is greater than \$5,000, but equal to or less than \$15,000, require the city to make every effort to obtain a minimum of three informal solicitations in accordance with procedures developed by the purchasing officer.

3. Purchases Greater Than \$15,000 and Equal to or Less Than \$50,000. Purchases of goods where the cost is greater than \$15,000, but equal to or less than \$50,000, require the city to obtain a minimum of three written informal solicitations (excluding telephone quotes) in accordance with procedures developed by the purchasing officer.

4. Purchases Greater Than \$50,000 but Less Than or Equal to \$500,000. Purchases of goods where the cost is greater than \$50,000, but less than or equal to \$500,000, require the city to follow a formal solicitation process in accordance with procedures developed by the purchasing officer.

5. Purchases Greater Than \$500,000. Purchases of goods where the cost is greater than \$500,000 require the city to follow formal competitive bidding process in accordance with procedures developed by the purchasing officer. The city council shall authorize these purchases based on the results of the formal solicitation process and purchasing officer recommendations.

6. Other than one-time purchases, any award for goods shall limit the total life of the contract term to the first period, and option time periods to less than or equal to five years, unless otherwise approved by the city manager. Prices for the first period and option time periods shall be firm and fixed wherever possible, and shall be established in the initial procurement. If it is not possible to establish firm, fixed prices, changes in any of the option period price shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index (CPI) or documentation of cost increases that are passed on beyond the control of the supplier and passed onto the city.

C. Life Cycle Costing. In considering the purchase of goods, whenever there is a reason to believe that applying the life cycle costing method of a purchase evaluation would result in the lowest total cost to the city, first consideration shall be given to purchases with the lowest life cycle cost which complies with the specifications.

3.04.060 Services.

A. Purchasing Limitations. Purchase limitations apply to the cost related to the acquisition of services to fill a specific business need. Cost is inclusive of any required sales tax and related expenses.

1. Contracts, or task orders under an on-call agreement, to purchase services equal to or less than \$50,000 may be executed, or delegated, by the city manager.
2. Contracts to purchase services greater than \$50,000 shall be authorized by city council.
3. The initial contract procurement process should apply a realistic and complete scope of services and length of time necessary to complete a project unless intermediate stages have documented independent utility, or there is a need for immediate action on a project using a limited scope and council authorization on the full project is processed without delay.
4. The contract shall limit the total life of the contract term to the first period and option time periods to less than or equal to five years, unless otherwise approved by the city manager or council. Prices for the first period and option time periods shall be firm and fixed wherever possible and shall be established in the initial contract negotiation and execution. If it is not possible to establish firm, fixed prices, changes in any of the option period prices shall be tied to a well-known, published pricing index, such as the appropriate Consumer Price Index (CPI) or documentation of cost increases that are passed on beyond the control of the service provider and passed onto the city.

B. Contract Required. The purchase of services requires that the city enter into a contract for the service, with the exception of temporary employment agency services, auto repair, title reports, messenger/process service, as established by the purchasing officer. Standard services with a service provider where the total cost is equal to or less than \$5,000 in a calendar year do not require a contract. Departments are allowed to acquire these services administratively in accordance with procedures developed by the purchasing officer.

C. On-Call Service Contracts. On-call service contracts will be procured with the process identified in subsection (D) or (E) of this section. Individual task orders of on-call service contracts shall not exceed \$50,000.

D. Architectural, Landscape Architectural, and Engineering Services (A&E).

1. Procurements for architectural and engineering services shall be conducted as provided for in Chapter 39.80 RCW. The purchasing officer shall prescribe policies and procedures for use of the A&E roster(s) programs in accordance with state law.
2. Contracts that have an estimated cost of equal to or less than \$50,000 can be procured using an informal solicitation process in accordance with procedures developed by the purchasing officer.
3. Contracts that have an estimated cost in excess of \$50,000 must use a formal solicitation process in accordance with procedures developed by the purchasing officer; provided, however, that the city manager may in the following circumstance waive the solicitation

process for contracts greater than \$50,000, and allow the acquisition of services from the city's A&E roster(s):

- a. Quantifiable costs of delay in using an RFQ process are likely to outweigh higher quality performance expected from the formal solicitation process.

E. Professional and Nonprofessional Services (Excluding Architectural, Landscape Architectural, and Engineering Services).

1. Contracts that have an estimated cost of equal to or less than \$50,000 can be procured using an informal solicitation process in accordance with procedures developed by the purchasing officer.

2. Contracts that have an estimated cost in excess of \$50,000 must use a formal solicitation process in accordance with procedures developed by the purchasing officer; provided, however, that the city manager may in the following circumstances waive the solicitation process for contracts greater than \$50,000:

- a. Quantifiable costs of delay in using a formal solicitation process are likely to outweigh higher quality performance expected from the formal solicitation.

F. Procurement Record. The procurement record, proposal evaluation worksheet and each proposal, to the extent allowed by law, shall be open to public inspection following contract award.

3.04.070 Public works.

A. Purchase Order or Contract Required. All purchases for public works require a purchase order or executed contract.

B. Purchasing Procedures.

1. Total estimated cost for a public works project includes all amounts paid for materials, supplies, equipment, and labor on the construction of that project which is inclusive of sales tax, unless exempted by law, on one continuous or interrelated project where work is to be performed simultaneously or in close sequence.

2. Public works contracts shall follow bid requirements applicable to first class cities as set forth in RCW 35.22.620, as now enacted or hereafter amended, and procedures developed by the purchasing officer.

3. The city shall award all contracts under this section to the lowest responsible bidder as defined in RMC 3.04.040(H), as now enacted or hereafter amended; provided, however, that the city reserves its right under applicable law to reject any and all bids, and also to waive "minor irregularities if in the public interest."

C. Purchasing Limitations. The award of public works projects equal to or less than the dollar threshold for small works projects as provided under RCW 39.04.155, as now enacted or hereafter amended, may be executed, or delegated, by the city manager.

D. Competitive Bids.

1. At the discretion of the city manager, projects for a single craft or multiple crafts with a reasonably anticipated price equal to or less than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereby amended, may not require the use of competitive quotes or bids. Departments may make these purchases administratively in accordance with procedures developed by the purchasing officer and approved by the city manager.
2. Projects for a single craft or multiple crafts with a reasonably anticipated price higher than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereafter amended, up to the maximum dollar threshold as provided in RCW 39.04.155, as now enacted or hereafter amended, shall either use the small works roster or a formal solicitation process developed by the purchasing officer.
3. Projects with a cost in excess of the maximum dollar threshold as provided in RCW 39.04.155, as now enacted or hereafter amended, require a formal solicitation process developed by the purchasing officer. The city council shall authorize these purchases and provide authority for the city manager to execute the related contract.

E. Small Works Roster.

1. For public works in which the estimated cost is equal to or less than the value threshold as provided under RCW 39.04.155, as now enacted or hereafter amended, the city may use a small works roster or rosters or limited public works as an alternative to bidding, provided, that in such case, the purchasing officer shall develop policies and procedures for use of small works roster and limited public works programs in accordance with law.
2. The purchasing officer shall make available a list of the contracts that have been awarded under the small works roster. The list shall contain the name of the awarded bidder, the amount of the contract, a brief description of the type of work performed, and the date it was awarded. The list may be posted on the city's website or made available from the purchasing officer.

3.04.075 Compost Procurement

A. When planning city-funded projects or soliciting and reviewing bids for such projects, city departments shall identify whether compost can be utilized in a city project. In the event that compost can be utilized, city departments shall require purchase of compost for use in city projects.

B. City departments shall plan for the use of compost in any of the following categories that are applicable to their operations and project types:

1. Landscaping projects;
2. Construction and post-construction soil amendments;
3. Applications to prevent erosion, filter stormwater runoff, promote vegetative growth, or improve the stability and longevity of roadways; and
4. Low-impact development and green infrastructure to filter pollutants or to keep water onsite or both.

C. Before the transportation or application of compost products under this section, the City must ensure compliance with Department of Agriculture pest control regulations provided in Ch. 16-470 WAC.

D. Notwithstanding subsections A and B of this section, city departments are not required to use compost products if:

1. Compost products are not available within a reasonable period of time;
2. Compost products that are available do not comply with existing purchasing standards;
3. Compost products that are available do not comply with federal, state or local health, quality and safety standards; or
4. Compost purchase prices are not reasonable or competitive.

E. City departments shall give priority to purchasing compost products from companies that:

1. Produce compost products locally;
2. Are certified by nationally recognized organization like the U.S. Composting Council; and
3. Produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the Department of Transportation or adopted by rule by the Department of Ecology.

F. City departments that use compost shall report the following information to the Public Works Department by each December 15:

1. The volume and cost of compost purchased by the city department in that year; and
2. The source or sources of the compost purchased by the city department in that year.

G. The Public Works Department is responsible for:

1. Providing technical assistance and education regarding the use of food and yard waste compost to city departments and staff;
2. Conducting educational outreach to inform residents and businesses about the value of food and yard waste compost and how the City uses compost in its operations each year; and
3. Reporting the total estimated tons of organic material diverted from the City's waste stream because of compost use under this section.

H. By December 31, 2024, and each December 31st of even-numbered years thereafter, the City shall submit a report covering the previous year's compost procurement activities to the Department of Ecology that contains the following information:

1. The total tons of organic material diverted throughout the year;
2. The volume and cost of compost purchased throughout the year; and

3. The source or sources of the compost.

3.04.080 Amendments and change orders.

A. Amendments and Change Orders.

1. Amendments or change orders to contracts, including interlocal agreements, which result in the final contract amount exceeding the purchase limits identified in this chapter may be administratively approved, or delegated, by the city manager if the changes are:

- a. Within the scope of the project or purchase;
- b. Executed in writing; and
- c. The amount is equal to or less than the city manager's purchase limit of \$50,000.

2. Contract amendments or change orders that are strictly a change to the contract expiration date may be administratively approved by the purchasing officer.

3. The value of all amendments or change orders will be aggregated, and when any single amendment or combination of change orders on the same project or purchase exceeds the limit under subsection (A)(1)(c) of this section the change must be approved by the city council, except:

- a. For service contracts to accomplish an ongoing city program rather than a discrete project, the aggregation of administrative change orders shall be recalculated after each contract year;
- b. Where the size of the contract makes it probable that administrative change order authority will be quickly exhausted, upon recommendation of the city manager, the city council may extend the aggregate limits of subsection (A)(1)(c) of this section upon award of a particular contract; and
- c. A contract amendment, when approved by the city council under subsection (A)(3) of this section, shall allow new administrative amendments or change orders to the amended contract to be approved under the requirements of subsection (A)(1) of this section.

3.04.090 Intergovernmental agreements.

Intergovernmental agreements, also known as interlocal agreements, that are the exercise of governmental powers in a joint or cooperative undertaking with another public agency shall be approved by council. Purchase of goods or services from another public agency (cooperative purchasing) are not included in this section. Intergovernmental agreements shall be approved by the city council.

3.04.100 Cooperative purchasing.

The purchasing officer shall have authority to enter into cooperative purchasing arrangements with other public agencies, including nonprofit corporations, as allowed under RCW 39.34.030, as now enacted or hereafter amended, when the best interests of the city would be served.

Purchases made under an established cooperative purchasing agreement shall be approved under RMC 3.04.060 and 3.04.070. The purchasing officer shall prescribe policies and procedures for

using cooperative purchasing contracts in accordance with RCW 39.34.030, as now enacted or hereafter amended.

3.04.110 Purchases from/through the United States government.

A. In accordance with RCW 39.32.090, as now enacted or hereafter amended, this chapter allows for the purchase of supplies, materials, electronic data processing and telecommunication equipment, software, services, and/or equipment from or through the United States government without calling for competitive solicitations.

B. The purchasing officer is responsible for reviewing the proposed purchase to determine if the purchase is in the best interests of the city.

C. Purchases under this section shall be approved under RMC 3.04.060 and 3.04.070.

3.04.120 Emergencies.

A. Notwithstanding any other provisions of this section, the city manager or designee may make or authorize others to make emergency procurements of materials, supplies, equipment, or services, without complying with the requirements of this section when there exists a threat to public health, welfare, or safety, or where the city may suffer a substantial monetary loss by reason of the time required to follow regular purchasing procedures; provided, that such emergency procurements shall be made with such competition as is practicable under the circumstances.

B. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.

C. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and listing of the item(s) procured under the contract, which shall be reported to the city council at the next subsequent meeting.

3.04.130 Exceptions to competitive solicitation requirements.

A. Open Market Purchases Allowed. The city manager or designee is authorized to allow open market purchases without obtaining competitive quotes, bids or solicitations under the following conditions:

1. Surplus or Distress Sale. When it is possible to procure obvious bargains through the procurement of surplus or distress material, supplies or equipment.
2. Auctions. RCW 39.30.045, as now enacted or hereafter amended, authorizes the city to acquire supplies, materials, and equipment through an auction conducted by the United States or any agency thereof, an agency of the state of Washington, a municipality or other government agency, or any private party, without quotations or bids, if the items to be purchased can be obtained at a competitive price.
3. Interlocal Joint Purchasing Agreements. Goods and services may be purchased under Chapter 39.34 RCW, as now enacted or hereafter amended, using joint purchasing agreements with organizations allowed under RCW 39.34.030 as now enacted or hereafter amended.
4. Procurements of goods, services or public works in the event of an emergency.

B. Waiver of Competitive Solicitation Requirements. The competitive solicitation requirements set forth in this chapter for goods and services may be waived by the city manager or designee; provided, however, that whenever the cost of the procurement exceeds \$50,000, the city manager or designee shall provide city council with a list of solicitations that have been waived. Competitive solicitation requirements may be waived for:

1. Single Source/Sole Source Procurement. Competitive solicitation requirements may be waived under circumstances where there is only one feasible supplier, including circumstances where the procurement is required to improve or maintain a proprietary system or where the procurement is intended to promote the standardization of a system by purchasing from a single source. The purchasing officer shall prescribe policies and procedures for use of sole or single source procurements.

2. Not Practicable Procurements. Competitive solicitation requirements may be waived when the obtaining of competitive solicitations will cause a delay resulting in an appreciable loss to the city. The purchasing officer shall prescribe policies and procedures for use of not practicable procurements.

3. Other Exemptions. The city manager may establish a policy exempting certain procurements or classes of procurements from the formal competitive process as recommended by the purchasing officer.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 20, 2022

Second Reading: January 3, 2023

Date Published: January 8, 2023



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2022-42, Approving the 2026 Council Compensation Plan

Department/Office
Human Resources

Ordinance/Resolution Number:
2022-42

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-42, amending Section 2.32.040 of the Richland Municipal Code related to the 2026 Council Compensation Plan.

Summary:

Article II of the Richland City Charter allows the City Council to set its own compensation by ordinance. However, per RCW 35.27.130, the Council may not set its own salaries during its current members' terms of office. Read together, these two laws grant the City Council the authority to set compensation to be realized by future councilmembers in subsequent years. Since 2002, Council has based the annual adjustment on the increase in the Compensation Plan for Unaffiliated Staff (also referred to as the unaffiliated wage schedule).

On December 6, 2022, Resolution No. 2022-138 was adopted to update the unaffiliated wage schedule. The update included a 5.0% market adjustment that will also be applied to the Council's compensation. Beginning in 2026, City Council's compensation will be \$1,396 per month. In addition to the monthly Council stipend, the Mayor receives another \$250 per month. A breakdown of the historical annual increases from 2003 to present is attached.

Staff recommends approval of Ordinance No. 2022-42 for second reading and passage.

Fiscal Impact:

Approval of Ordinance No. 2022-42 will result in a 5.0% increase for Council compensation in 2026.

Attachments:

1. Ordinance No. 2022-42
2. History of Council Compensation

ORDINANCE NO. 2022-42

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 2.32.040 RELATED TO THE 2026 COUNCIL COMPENSATION PLAN.

BE IT ORDAINED by the City of Richland as follows:

Section 1. Section 2.32.040 of the Richland Municipal Code, as enacted by Ordinance No. 8, and last amended by Ordinance No. 46-21, is hereby amended to read as follows:

2.32.040 Councilmembers

The monthly compensation of each member of the council, whether a new or incumbent member, is as follows: ~~2021, \$1,195;~~ 2022, \$1,231; 2023, \$1,253; 2024, \$1,269; ~~and~~ 2025, \$1,329; and 2026, \$1,396; provided, however, that nothing herein shall cause an increase or decrease to the compensation of any member of the council after his or her election or during the term of office or any unexpired term of office, to which such member of the council is appointed or elected. City council shall establish council salary based on the annual increase, if any, in the Compensation Plan for Unaffiliated Employees wage table, maintaining a four-year schedule.

All members of the council who participate in the Washington Public Employees' Retirement System shall provide a written certification to human resources, detailing a monthly calculation of the number of hours of service they provide to the city of Richland each year. This record shall be maintained in the human resources division for auditing purposes as generally required in Chapter 41.40 RCW.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

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PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 20, 2022
Second Reading: January 3, 2023
Date Published: January 8, 2023



HUMAN RESOURCES DEPARTMENT

MEMORANDUM

TO: City Council

FROM: Lacey Paulsen, Human Resources Director

THROUGH: Jon Amundson, City Manager

DATE: December 20, 2022

SUBJECT: 2026 City Council Compensation and History

Year	Mayor	Council Member	% Increase by year
2003	\$1,075	\$825	0.00%
2004	\$1,125	\$875	6.00%
2005	\$1,150	\$900	3.00%
2006	\$1,177	\$927	3.00%
2007	\$1,214	\$964	4.00%
2008	\$1,253	\$1,003	4.00%
2009	\$1,263	\$1,013	1.00%
2010	\$1,278	\$1,028	1.50%
2011	\$1,288	\$1,038	1.00%
2012	\$1,319	\$1,069	3.00%
2013	\$1,340	\$1,090	2.00%
2014	\$1,340	\$1,090	0.00%
2015	\$1,362	\$1,112	2.00%
2016	\$1,373	\$1,123	1.00%
2017	\$1,373	\$1,123	0.00%
2018	\$1,393	\$1,143	1.75%
2019	\$1,410	\$1,160	1.50%
2020	\$1,427	\$1,177	1.50%
2021	\$1,445	\$1,195	1.50%
2022	\$1,481	\$1,231	3.00%
2023	\$1,503	\$1,253	1.80%
2024	\$1,519	\$1,269	1.30%
2025	\$1,579	\$1329	4.75%
2026	\$1,646	\$1396	5.00%



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Ordinance No. 2022-43, Amending Chapter 3.24 of the Richland Municipal Code related to Funds

Department/Office
Finance

Ordinance/Resolution Number:
2022-43

Document Type:
Ordinance

Recommended Motion:

Give second reading and pass Ordinance No. 2022-43, amending Chapter 3.24 of the Richland Municipal Code related to miscellaneous accounting funds.

Summary:

Chapter 3.24 of the Richland Municipal Code is reviewed annually to ensure all active city funds are included in the municipal code. The review provides an opportunity to eliminate closed funds, confirm fund titles with correct descriptions, and ensure new funds are added.

The City follows the Budgeting Accounting Reporting System (BARS) Manual which states that "A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities and balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions and limitations."

Ordinance No. 2022-43 will establish the VHF Fund and the Fire Station Construction Fund. Furthermore, the following obsolete funds will be deleted: Public Safety Facility 75 Construction Fund, Public Safety Facility 73 Replacement Fund and Hanford Reach Interpretive Center Fund. Various additional changes will be made to existing funds to clarify the purpose and function of the fund, as needed.

Staff recommends approval of Ordinance No. 2022-43 for second reading and passage.

Fiscal Impact: None.

Attachments:

I. Ordinance No. 2022-43

ORDINANCE NO. 2022-43

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 3.24 OF THE RICHLAND MUNICIPAL CODE SECTION RELATED TO FUNDS.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to eliminate or clarify ambiguity; and

WHEREAS, new funds shall be established for the VHF Fund and the Fire Station Construction Fund; and

WHEREAS, obsolete funds shall be deleted, including the Public Safety Facility 75 Construction Fund, the Public Safety Facility 73 Replacement Fund, and the Hanford Reach Interpretive Center Fund; and

WHEREAS, descriptive changes shall be made to various funds to clarify the purpose and function of the fund.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 3.24 of the Richland Municipal Code, entitled Funds, as first enacted by Ordinance No. 6, and last amended by Ordinance No. 61-19, is hereby amended as follows:

Chapter 3.24 FUNDS

Sections:

- 3.24.010 General fund – Created.**
- 3.24.020 General fund – Use.**
- 3.24.030 Central stores fund – Created.**
- 3.24.040 Central stores fund – Administration.**
- 3.24.050 Central stores fund – Supplies and materials.**
- 3.24.060 Central stores fund – Financial control.**
- 3.24.070 Central stores fund – Purchases.**
- 3.24.080 Central stores fund – Expenditures.**
- 3.24.090 Central stores fund – Working capital.**
- 3.24.100 Central stores fund – Deposits.**
- 3.24.110 – 3.24.140 *Repealed.***
- 3.24.150 Park reserve fund – Created.**
- 3.24.160 Park reserve fund – Use.**
- 3.24.170 Park reserve fund accounts.**
- 3.24.180 *Repealed.***
- 3.24.190 Utility bill clearing fund – Created.**
- 3.24.200 Utility bill clearing fund – Transfers.**
- 3.24.210 Utility bill clearing fund – Administration.**

3.24.220 Utility bill clearing fund – Transition.
3.24.230 Utility bill clearing fund – Working capital.
3.24.240 Electric utility fund – Created.
3.24.250 Equipment maintenance fund – Created.
3.24.260 Equipment replacement fund – Created.
3.24.270 Equipment funds – Administration.
3.24.280 Equipment replacement fund – Equipment included.
3.24.290 Equipment replacement fund – Equipment use charges.
3.24.300 Equipment funds – Financial control.
3.24.310 Equipment funds – Purchases.
3.24.320 Equipment funds – Expenditures.
3.24.330 Equipment funds – Deposits.
3.24.340 Health care benefits plan fund.
3.24.350 Post-employment health care plan fund.
3.24.360 Police relief and pension fund – Created.
3.24.370 ~~Firemen's~~ Firefighters' pension fund – Created.
3.24.380 Unemployment fund.
3.24.390 Workers compensation fund.
3.24.400 Salary clearing fund – Created.
3.24.410 Salary clearing fund – Transfers.
3.24.420 Salary clearing fund – Payments.
3.24.430 Salary clearing fund – Issuance of warrants.
3.24.440 City streets fund – Created.
3.24.450 City streets fund – Use.
3.24.460 Water utility fund – Created.
3.24.470 Wastewater utility fund – Created.
3.24.480 Solid waste utility fund – Created.
3.24.490 Stormwater utility fund.
3.24.500 Industrial development fund – Created.
3.24.510 Industrial development fund – Use.
3.24.520 *Repealed.*
3.24.530 Public works administration and engineering fund.
3.24.540 Community development block grant program fund – Created – Use.
3.24.550 Downtown business improvement district fund – Created.
3.24.560 Downtown business improvement district fund – Distributions.
3.24.570 Downtown business improvement district fund – Administration.
3.24.580 Capital improvement fund – Created.
3.24.590 Capital improvement fund – Use.
3.24.600 Criminal justice fund.
3.24.610 Southeast communications center fund.
3.24.620 Hotel/motel fund.
3.24.630 Special lodging assessment fund.
3.24.640 HOME fund.
3.24.650 Golf course fund.
3.24.660 Medical service fund.
3.24.670 Emergency management fund.

- 3.24.680 *Repealed.*
3.24.690 LTGO bonds debt service fund.
3.24.700 Library debt service fund.
3.24.710 *Repealed.*
3.24.720 *Repealed.*
3.24.730 LRF debt service fund.
3.24.740 LID guaranty debt service fund.
3.24.750 Special assessment LID debt service fund.
3.24.760 PFD facility contingency fund – Created.
3.24.770 Richland public facilities district fund.
3.24.780 Park project construction fund.
3.24.790 Columbia Point master association fund.
3.24.800 800 MHz project fund.
3.24.801 VHF fund – Created.
3.24.810 General government construction fund.
3.24.820 Streets capital construction fund – Created.
3.24.830 *Repealed.*
3.24.831 ~~Public safety facility 75 construction fund – Created.~~ *Repealed.*
3.24.832 ~~Public safety facility 73 replacement fund – Created.~~ *Repealed.*
3.24.833 Fire Station construction fund – Created.
3.24.840 ~~Hanford Reach Interpretive Center fund.~~ *Repealed.*
3.24.890 Broadband fund – Created.
3.24.900 Public safety sales tax fund – Created.
3.24.910 Special assessment construction fund.
3.24.920 Uptown business improvement district fund – Created.
3.24.930 Uptown business improvement district fund – Distributions.
3.24.940 Uptown business improvement district fund – Administration.
3.24.950 *Repealed.*
3.24.960 Fire Station ~~74~~ debt service fund – Created.
3.24.970 BCES operations fund – Created.
3.24.980 Utility deposit fund – Created.
3.24.990 Microwave fund – Created.
3.24.991 Transportation benefit district fund – Created.

3.24.010 General fund – Created.

There is created the general fund into which shall be placed all monies received by the city unless otherwise provided for.

3.24.020 General fund – Use.

The general fund shall be used to pay all warrants drawn for payment of claims and demands against the city unless otherwise provided for.

3.24.030 Central stores fund – Created.

There is hereby created the central stores fund to be used as a revolving fund to be expended for the purchase of supplies and materials of kinds which are commonly used by more than one department of the city and for supplies, equipment and salaries required for the administration of the fund.

3.24.040 Central stores fund – Administration.

The central stores fund shall be administered by the department of administrative services.

3.24.050 Central stores fund – Supplies and materials.

Each department shall pay into the central stores fund monthly an amount equal to the cost of supplies and materials requisitioned by it from the central stores fund, including a proportionate share of the cost of administering the fund.

3.24.060 Central stores fund – Financial control.

The finance director shall keep such books, accounts and records as are necessary to control and report the financial operations of the central stores fund.

3.24.070 Central stores fund – Purchases.

All purchases made from said fund shall be governed by the Charter and ordinances of the city relating to purchasing.

3.24.080 Central stores fund – Expenditures.

Any withdrawals or expenditures from said fund shall be made only upon approved payrolls and vouchers in the city.

3.24.090 Central stores fund – Working capital.

The city council may from time to time appropriate money from the general fund to central stores fund to provide adequate capital to enable it to discharge its function.

3.24.100 Central stores fund – Deposits.

All monies deposited in said central stores fund and not expended as provided herein shall remain in said fund from year to year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as is herein provided; provided, however, any monies in the fund not needed therein may from time to time be transferred by appropriate action of the council of the city of Richland to the general fund of the city of Richland.

3.24.110 Claims clearing fund – Created.

Repealed by Ord. 65-16.

3.24.120 Claims clearing fund – Transfers.

Repealed by Ord. 65-16.

3.24.130 Claims clearing fund – Payments.

Repealed by Ord. 65-16.

3.24.140 Claims clearing fund – Issuance of warrants.

Repealed by Ord. 65-16.

3.24.150 Park reserve fund – Created.

There is created the park reserve fund for city parks and for public open spaces devoted to public parks, playgrounds, trails and recreational facilities, into which shall be placed all funds received by the mitigation fees levied on new development, the income from leases on or of park property, and any sale of park property. Items included in the city's annual budget for the park reserve fund may include any gifts and bequests given or bequeathed to the city for the acquisition or

development of public open spaces devoted to public parks, playgrounds, and trails, and other recreational purposes. The council may by resolution otherwise designate such funds as may from time to time be received from the sale of nonindustrial lands to the park reserve fund.

3.24.160 Park reserve fund – Use.

The park reserve fund for public open spaces shall be used to acquire (by purchase or condemnation) and develop public open spaces devoted to public parks, playgrounds, trails, and recreation facilities. The monies in the fund shall be allowed to accumulate from year to year until the city council shall determine to expend all or a part of the monies in the fund for the specified purpose.

3.24.170 Park reserve fund accounts.

The park reserve fund shall contain three park zone accounts and an undesignated park account. The three park zone accounts are described as follows:

A. North Richland zone (1) bounded by the existing or future Richland urban growth boundary on the north and northwest, the Yakima River on the west and south and the Columbia River on the east.

B. South Richland zone (2) bounded by the Yakima River on the north, the existing or future Richland urban growth boundary on the west and south and the Richland city limits line on the east with the exception of the development commonly known as Badger Mountain South Planned Community zone.

C. Badger Mountain South Planned Community zone (3) shall be a separate park zone.

D. Proceeds from any leases of or on park property or sale of park property shall be placed in the undesignated park account. Monies received from fees upon new development shall be credited to the park zone account in which the plat or subdivision from which the fees are received is located.

3.24.180 Library fund.

Repealed by Ord. 34-14.

3.24.190 Utility bill clearing fund – Created.

There is hereby created a fund, known and designated as the utility bill clearing fund, into which shall be paid all sums received from the sale of water, electricity, wastewater, solid waste, stormwater and medical services and for any other public utility service furnished by the city.

3.24.200 Utility bill clearing fund – Transfers.

On the first regular business day of each month, the finance director is authorized, empowered and directed to transfer from the utility bill clearing fund to each of the utility departments the total amount billed during the preceding month for services rendered for water, electricity, wastewater, solid waste disposal and collection, stormwater and medical services for each such department. Appropriate adjustments shall be made to reflect bills uncollected.

3.24.210 Utility bill clearing fund – Administration.

The finance director shall keep a full and careful record of receipts and transfers with respect to each utility department. No warrants shall be issued against the utility bill clearing fund. The fund shall be used only to facilitate the billing and collection of utility accounts.

3.24.220 Utility bill clearing fund – Transition.

Utility bills assigned to the city for collection for water or electricity sold or services rendered by the General Electric Company prior to the transfer to the city of such functions shall be paid into the utility bill clearing fund and the amounts collected shall be transferred to the general fund, notwithstanding any other provisions of this chapter.

3.24.230 Utility bill clearing fund – Working capital.

The city council may appropriate from the general fund for the utility bill clearing fund from time to time such amounts as are reasonably necessary to enable the fund to function as a revolving fund. Any amount so appropriated as is excess to the needs of the utility clearing fund shall be returned to the general fund.

3.24.240 Electric utility fund – Created.

All revenues collected by the city from sale of electric energy or for services rendered by the department under the provisions of this code shall be deposited in the treasury of the city in a separate account to be known as the electric fund. All warrants for purchase of electric energy, for salaries, materials, supplies, equipment, and repairs relating to sale of electric energy by the city shall be paid out of such fund.

3.24.250 Equipment maintenance fund – Created.

There is hereby created the equipment maintenance fund to be used as a revolving fund to be expended for salaries, wages and operations required for the repair, maintenance and operation of equipment and the purchase of equipment, materials and supplies to be used in the administration and operation of the fund.

3.24.260 Equipment replacement fund – Created.

There is hereby created the equipment replacement fund to be used as a revolving fund to be expended for the purchase of new equipment and for replacement of existing equipment.

3.24.270 Equipment funds – Administration.

The equipment maintenance fund and the equipment replacement fund shall be administered by the administrative services department.

3.24.280 Equipment replacement fund – Equipment included.

All trucks, passenger cars and equipment belonging to the city may be in an equipment replacement fund operated by the administrative services department within said funds.

3.24.290 Equipment replacement fund – Equipment use charges.

Each department shall pay into the equipment replacement fund monthly a charge for replacement based on the estimated useful life of the equipment and for the purchase of new equipment subject to budgetary availability.

3.24.300 Equipment funds – Financial control.

The finance director shall keep such books, accounts and records as are necessary to control and report the financial operations of the equipment maintenance fund and the equipment replacement fund.

3.24.310 Equipment funds – Purchases.

All purchases made from said funds shall be governed by the Charter and ordinances of the city relating to purchasing.

3.24.320 Equipment funds – Expenditures.

Any withdrawals or expenditures from said equipment maintenance fund shall be made only upon approved payrolls and vouchers of the city. Any expenditure from the equipment replacement fund shall be made only upon approved vouchers of the city.

3.24.330 Equipment funds – Deposits.

All monies deposited in the equipment maintenance fund and in the equipment replacement fund, including amounts included therefor in the annual budget of the city, and not expended as in this code provided, shall remain in the respective funds from year to year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as in this code provided; provided, however, that any money in the equipment replacement fund not needed therein may from time to time be transferred by appropriate action of the city council to the appropriate funds of the city.

3.24.340 Health care benefits plan fund.

There is created a health care benefits plan fund into which shall be placed health, vision, disability and dental insurance premiums and reserves, and such other funds as may be available therefor, and from which shall be paid all health, dental and vision insurance claims, administrative costs, wellness program costs and expenses deemed appropriate by the city council.

3.24.350 Post-employment health care plan fund.

There is hereby created a post-employment health care plan fund into which shall be placed health insurance premiums paid by retirees and payments by the city on behalf of current and future retirees for the purpose of paying health care insurance premiums for eligible retirees.

3.24.360 Police relief and pension fund – Created.

There is hereby created and established a police relief and pension fund into which shall be placed such monies as required or authorized by Chapter 41.20 RCW, and which shall be used as required or authorized by that chapter.

3.24.370 ~~Firemen's~~ Firefighters' pension fund – Created.

There is hereby created and established a firemen's pension fund into which shall be placed such monies as required or authorized by Chapters 41.16 and 41.18 RCW, and which shall be used as required or authorized by those chapters.

3.24.380 Unemployment fund.

There is created an unemployment fund into which shall be placed funds appropriated in the city budget for such purpose and such other funds as may be available therefor, and from which shall be paid all unemployment compensation claims and administrative costs.

3.24.390 Workers compensation fund.

There is created a workers compensation fund into which shall be placed such monies as shall from time to time be appropriated or budgeted in amounts sufficient in the determination of the finance director to pay estimated uninsured losses resulting from claims against the city and from which shall be paid such amounts as shall be required for the payment of such uninsured losses.

Monies shall also be used to pay for assessments from the state, excess loss premiums and preventive education programs and expenses deemed appropriate by the city council, provided reserves are adequately funded.

3.24.400 Salary clearing fund – Created.

There is hereby created a fund, known and designated as the salary clearing fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various salaries, wages and other compensations due city employees.

3.24.410 Salary clearing fund – Transfers.

On the last day of each and every month, the finance director is hereby authorized, empowered and directed to transfer from the funds of the various departments and offices to the salary clearing fund sufficient funds to pay the salaries, wages and other compensations of the employees of the various departments and offices of the city for that month.

3.24.420 Salary clearing fund – Payments.

The salary clearing fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the city for services rendered, and paying employee deductions to those persons, agencies, organizations and funds entitled to such payments.

3.24.430 Salary clearing fund – Issuance of warrants.

The finance director is hereby authorized, empowered and directed to issue warrants on and against said fund for payments authorized by RMC 3.24.410. Said warrants shall be issued only after there has been filed with the finance director properly certified payrolls, due bills, or time certificates stating the nature of the services rendered, the amount due or owing and the persons entitled thereto. All warrants issued on or against said fund shall be solely and only for the purpose herein set forth and shall be payable only out of and from said fund. Each warrant issued under the provisions of this section shall have printed upon its face the words “Salary Clearing Fund.”

3.24.440 City streets fund – Created.

There is hereby created a city streets fund into which shall be placed motor vehicle license fees, gas tax and all other state and city revenue and monies intended to be used for highway or street purposes.

3.24.450 City streets fund – Use.

The city streets fund shall be used to pay all warrants drawn for the payment of salaries and wages, materials, supplies, equipment, purchase or condemnation of right-of-way, engineering or any other purpose in connection with construction, alteration, repair, improvement, or maintenance of any city street or bridge, or viaduct or underpass along, upon or across such streets. Such expenditures may be made either independently or in conjunction with any federal, state or county funds.

3.24.460 Water utility fund – Created.

There is created in the treasury of the city a special fund to be known as the water utility fund. Any and all revenues received from charges for services rendered by the department shall be credited to said fund, and all warrants for salaries, materials, supplies and equipment and repair of the water system shall be paid out of such fund. Approved construction projects for the water utility will be paid from this fund.

3.24.470 Wastewater utility fund – Created.

There is created in the treasury of the city a special fund to be known as the wastewater utility fund. Any and all revenues received from the sale of byproducts of the wastewater treatment plant or from any other source for rental, use or services rendered by the municipal wastewater system shall be credited to the fund; and all warrants for salaries, materials, supplies and equipment and repair of the municipal wastewater system shall be paid out of such fund. Approved construction projects for the wastewater utility will be paid from this fund.

3.24.480 Solid waste utility fund – Created.

There is created in the treasury of the city a special fund to be known as the solid waste utility fund. Any and all revenues from contracts for scavenging and garbage rights, from sale of any refuse, and from charges for services rendered by the city under the provisions of this section and RMC Title 15 shall be credited to the fund; and all warrants for salaries, materials, supplies, equipment and repairs relating to refuse disposal shall be paid out of such fund. Approved construction projects for the solid waste utility fund will be paid from this fund.

3.24.490 Stormwater utility fund.

There is hereby created a fund, known and designated as the stormwater utility fund, into which shall be deposited various monies received by the city of Richland for stormwater utility charges as set forth in RMC Title 16. This revenue and such other revenues as may be available to the stormwater utility fund will be used to pay the expenses of the stormwater utility program as set forth in RMC Title 16. Approved construction projects for the stormwater utility will be paid from this fund.

3.24.500 Industrial development fund – Created.

There is created an industrial development fund into which shall be placed the proceeds from the sale of city real property.

3.24.510 Industrial development fund – Use.

The industrial development fund shall be used for purposes of industrial development. The proceeds from the sale of city real property shall accumulate for the purchase and construction of major capital improvements, including financial support for industrial development activities. Use of this fund shall be approved by the city council prior to its expenditure. The net receipts from the sale of city-owned property shall be deposited into this fund; however, if the sold property had been park land, such receipts shall be deposited in the park reserve fund. The receipts deposited shall then reimburse the various utility and all other pertinent accounts for contributed infrastructure, land acquisition costs and promotional expenses as the ratio of various funds' investment bear to the total investment in the parcel as a whole. Such reimbursement shall be limited to the respective funds' total investment in the subject parcel. Such reimbursement procedure shall be further described in the administrative policies.

3.24.520 I-Net fund.

Repealed by Ord. 34-14.

3.24.530 Public works administration and engineering fund.

There is hereby created a fund, known and designated as the public works administration and engineering fund, into which shall be deposited various monies received by the city for the engineering projects, administrative and engineering services charges from other funds and such

other funds as may be available therefor, for the expenses related to the public works administration and engineering fund and from which shall be paid the expenses for the public works administration and engineering fund.

3.24.540 Community development block grant program fund – Created – Use.

There is hereby created a fund, known and designated as the community development block grant program fund, into which shall be paid various federal or state monies received by the city of Richland for community development programs such as the 1974 Housing and Urban Development Title 1 program. Appropriations from the fund may be made by the city council of Richland for projects as approved by them. Warrants may be drawn upon the fund for purposes as provided in this section and to the extent that funds are available.

3.24.550 Downtown business improvement district fund – Created.

There is hereby created a fund, known and designated as the downtown business improvement district fund (DBID), into which shall be paid all DBID revenues from special assessments levied under the authority of Chapter 35.87A RCW, gifts and donations for the DBID fund, monies for expenditures made and reimbursements due to the DBID fund, and interest and all other income from the investment of deposits according to established city procedures and policies.

3.24.560 Downtown business improvement district fund – Distributions.

On the first regular business day of each month, the finance director is authorized, empowered and directed to distribute from the DBID fund the total amount of special assessments collected for the district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding month.

3.24.570 Downtown business improvement district fund – Administration.

The finance director shall keep a full and careful record of receipts and distributions with respect to each district within the downtown business improvement district fund.

3.24.580 Capital improvement fund – Created.

There is created a special accounting fund to be known as the “capital improvement fund” into which fund there shall be placed all proceeds received from the county treasurer from the city of Richland one-half of one percent real estate excise tax (REET).

3.24.590 Capital improvement fund – Use.

This capital improvement fund which includes the one-half of one percent real estate tax shall be used only for local improvements, including those listed in RCW 35.43.040, and for capital projects defined by RCW 82.46.010(6).

3.24.600 Criminal justice fund.

There is hereby created a special accounting fund to be known as the criminal justice fund into which there shall be placed all monies received from the state of Washington for criminal justice. Monies are intended to be used for funding activities relating to the enforcement and administration of the criminal law.

3.24.610 Southeast communications center fund.

There is hereby created a special accounting fund to be known as the Southeast communications center fund into which there shall be placed all proceeds received for emergency dispatch services and various monies received by the city of Richland for emergency dispatch services and such

other funds as may be available therefor for expenses related to emergency dispatch services and from which shall be paid the expenses of emergency dispatch services.

3.24.620 Hotel/motel fund.

There is hereby created a special accounting fund to be known as the hotel/motel fund into which there shall be placed all monies received from the state of Washington for excise tax on lodging. Monies are intended to be used for activities, operations and expenditures designed to increase tourism and for acquisition and/or operation of tourism-related facilities.

3.24.630 Special lodging assessment fund.

There is hereby created a special accounting fund to be known as the special lodging assessment fund into which there shall be placed all monies received from the state of Washington for the levy of a special assessment tax on lodging. Monies are distributed to a third party facilitator for the tourism promotion area, to be used for projects that promote tourism and convention business in the city.

3.24.640 HOME fund.

There is hereby created a fund, known and designated as the HOME fund, into which shall be deposited various monies received by the city of Richland for the HOME program and such other funds as may be available therefor for the expenses related to the HOME program and from which shall be paid the expenses of the HOME program.

3.24.650 Golf course fund.

There is hereby created a fund, known and designated as the golf course fund, into which shall be deposited various monies received from charges for golf course services rendered by the city of Richland and such other funds as may be available therefor for the expenses related to the golf course fund and from which shall be paid the expenses of golf course services.

3.24.660 Medical service fund.

There is hereby created a fund, known and designated as the medical service fund, into which shall be deposited various monies received from ambulance household charges and ambulance services rendered by the city of Richland and such other funds as may be available therefor for the expenses related to the medical service fund and from which shall be paid the expenses of medical services.

3.24.670 Emergency management fund.

There is hereby created a fund, known and designated as the emergency management fund, into which shall be deposited various monies received by the city of Richland for emergency management services and such other funds as may be available therefor for expenses related to the emergency management services and from which shall be paid the expenses of emergency management services.

3.24.680 Fire and swim refunding debt service fund.

Repealed by Ord. 36-12.

3.24.690 LTGO bonds debt service fund.

There is hereby created a fund, known and designated as the LTGO bonds debt service fund, into which shall be deposited various monies received by the city of Richland for payments of debt service on certain limited tax general obligation bonds.

3.24.700 Library debt service fund.

There is hereby created a fund, known and designated as the library debt service fund, into which shall be deposited monies received by the city of Richland from property taxes for the debt service payments on the 2007 unlimited tax general obligation bonds, issued to pay for the construction of improvements and expansion of the Richland library.

3.24.710 Police station debt service fund.

Repealed by Ord. 61-19.

3.24.720 Richland Community Center debt service fund.

Repealed by Ord. 61-19.

3.24.730 LRF debt service fund.

There is hereby created a fund, known and designated as the LRF (local revitalization financing) debt service fund, into which shall be deposited monies received by the city of Richland and other participants for tax increment financing from both property tax and sales tax in the city-designated revitalization area for industry, science and education (RAISE). Funds will be used to pay the debt service on general obligation bonds issued to pay for infrastructure improvements in the RAISE area.

3.24.740 LID guaranty debt service fund.

There is hereby created a fund, known and designated as the LID guaranty debt service fund. The purpose of the LID guaranty fund is to guarantee payment of local improvement bonds and obligations issued to pay for local improvements ordered in the city. Pursuant to RCW 35.54.095, the fund maintains a reserve of 10 percent of the outstanding obligations of the special assessment LID debt service fund. Monies received from the sale of LID foreclosure property and special guaranty fund assessments are accounted for in this fund.

3.24.750 Special assessment LID debt service fund.

There is hereby created a special accounting fund to be known as the special assessment LID debt service fund. The purpose of the special assessment LID debt service fund is to account for monies received for annual LID assessments and the payment of LID bonds and loans issued to fund the construction of local improvement districts.

3.24.760 PFD facility contingency fund – Created.

There is hereby created a special accounting fund to be known as the PFD facility contingency fund. The purpose of the PFD facility contingency fund is to account for monies received from the public facility district per the facility contingency agreement. Monies will be collected and distributed per the agreement.

3.24.770 Richland public facilities district fund.

There is hereby created a fund known and designated as the Richland public facilities district fund into which shall be deposited a local sales tax of up to 0.0333 percent which would be a credit against the state sales tax and various monies received by the city of Richland for the Richland public facilities district fund, and such other funds as may be available therefor, for the expenses related to the Richland public facilities district and from which shall be paid the expenses for the Richland public facilities district.

3.24.780 Park project construction fund.

There is hereby created a fund, known and designated as the park project construction fund, into which shall be deposited various monies received from grants and other financing sources related to the park project construction fund, and such other funds as may be available therefor, for the expenses related to the park project construction fund and from which shall be paid the expenses for park project construction.

3.24.790 Columbia Point master association fund.

There is hereby created a fund, known and designated as the Columbia Point master association fund, into which shall be deposited various monies received from the owner of each tract of Columbia Point including the city of Richland for such purpose, and other such funds as may be available therefor, and from which shall be paid expenses for the Columbia Point master association and other related costs.

3.24.800 800 MHz project fund.

There is hereby created a fund, known and designated as the 800 MHz project fund, into which shall be deposited various monies received by the city of Richland for the 800 MHz project fund, and such other funds as may be available therefor, for the expenses related to the 800 MHz project and from which shall be paid the expenses for the 800 MHz project.

3.24.833 VHF fund – Created.

There is hereby created a fund, known and designated as the VHF fund, into which shall be deposited various monies received by the City of Richland for the VHF fund, and such other funds as may be available therefor, for the expenses related to the VHF fund and from which shall be paid the expenses for the VHF fund.

3.24.810 General government construction fund.

There is hereby created a fund, known and designated as the general government construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to general government construction projects.

3.24.820 Streets capital construction fund – Created.

There is hereby created a fund, known and designated as the streets capital construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to streets capital construction projects.

3.24.830 Fire Station 74 construction fund – Created.

Repealed by Ord. 61-19.

~~3.24.831 Public safety facility 75 construction fund – Created.~~

~~There is hereby created a fund, known and designated as the public safety facility 75 construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefor for the expenses related to the construction of public safety facility 75.~~

~~3.24.832 Public safety facility 73 replacement fund – Created.~~

~~There is hereby created a fund, known and designated as the public safety facility 73 replacement fund, into which shall be deposited monies from various sources including grants, loans or bonds~~

~~and other funds as may be available therefor for the expenses related to the replacement of public safety facility 73.~~

3.24.833 Fire Station construction fund – Created.

There is hereby created a fund, known and designated as the Fire Station construction fund, into which shall be deposited monies from various sources including grants, loans or bonds and other funds as may be available therefore for the expenses related to the construction of fire stations.

~~3.24.840 Hanford Reach Interpretive Center fund.~~

~~There is hereby created a fund, known and designated as the Hanford Reach Interpretive Center fund, into which shall be deposited various monies received from bonds, grants, donations and other financing sources related to the creation of the Hanford Reach Interpretive Center facility. The Hanford Reach Interpretive Center fund accounts for infrastructure and construction costs associated with the project, which is owned and supported by the Richland public facilities district.~~

3.24.890 Broadband fund – Created.

There is hereby created in the treasury of the city a special fund to be known as the broadband fund. Any and all revenues received from the sale of services of the broadband system, or from any other source for rental, use or services rendered by the municipal broadband system, shall be credited to the fund; and all expenditures for salaries, materials, supplies and equipment and repair of the municipal broadband system shall be paid out of such fund. Approved construction projects for the broadband system will be paid from this fund.

3.24.900 Public safety sales tax fund – Created.

There is hereby created a special accounting fund to be known as the public safety sales tax fund into which there shall be placed all monies received from the state of Washington for a special public safety sales tax of three-tenths of one percent effective January 1, 2015. The tax was approved by Benton County voters in August of 2014 and will sunset after 10 years. Monies are intended to be used for funding activities relating to the enforcement and administration of the criminal law.

3.24.910 Special assessment construction fund.

There is hereby created a fund, known and designated as the special assessment construction fund, into which shall be deposited various monies received by the city of Richland for construction projects financed by special assessments, as authorized through the formation of local improvement districts, and such other funds for the expenses related to construction of the local improvements and other expenses associated with such projects. Distinct managerial subfunds may be maintained within the city's accounting system to separately account for each local improvement district. The combined total of these subfunds shall be presented as one legal fund for budgeting and external financial reporting purposes.

3.24.920 Uptown business improvement district fund – Created.

There is hereby created a fund, known and designated as the uptown business improvement district fund (UBID), into which shall be paid all UBID revenues from special assessments levied under the authority of Chapter 35.87A RCW, gifts and donations for the uptown business improvement district fund, monies for expenditures made and reimbursements due to the fund, and interest and all other income from the investment of deposits according to established city procedures and policies.

3.24.930 Uptown business improvement district fund – Distributions.

On the first regular business day of each month, the finance director is authorized, empowered and directed to distribute from the UBID fund the total amount of special assessments collected for the district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding month.

3.24.940 Uptown business improvement district fund – Administration.

The finance director shall keep a full and careful record of receipts and distributions with respect to the uptown business improvement district fund.

3.24.950 Wine Science Center PDA fund – Created.

Repealed by Ord. 65-16.

3.24.960 Fire Station ~~74~~ debt service fund – Created.

There is hereby created a fund, known and designated as the Fire Station ~~74~~ debt service fund, into which shall be deposited monies received by the city of Richland for ~~an increase in electric utility tax specifically for~~ the debt service payments on the bonds ~~or other debt instruments related to for~~ Fire Station ~~s. 74. General obligation bonds will be issued to pay for construction costs for Fire Station 74.~~

3.24.970 BCES operations fund – Created.

There is hereby created a fund, known and designated as the BCES operations fund, which shall account for the salaries and benefits costs of city employees who operate the Benton County emergency services (BCES). The city's costs are reimbursed through an operating contract agreement with BCES.

3.24.980 Utility deposit fund – Created.

There is hereby created a fund known and designated as the utility deposit fund into which shall be deposited various monies received by the city of Richland for utility service deposits paid by users of the city's utility services as defined by RMC 3.26.010.

3.24.990 Microwave fund – Created.

There is hereby created a fund, known and designated as the microwave fund, into which there shall be deposited various monies received by the city of Richland for microwave services and such other funds as may be available for expenses related to microwave services.

3.24.991 Transportation benefit district fund – Created.

There is hereby created a fund, known and designated as the transportation benefit district fund, into which there shall be deposited various monies received by the city of Richland for additional vehicle license fees to be used only for the city's pavement preservation program and the Duportail Bridge as allowed by RCW 35.21.225 and Chapter 36.73 RCW.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: December 20, 2022

Second Reading: January 3, 2023

Date Published: January 8, 2023



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:

Resolution No. 2023-01, Approving Final Plat of Marcello Estates - Phase 2

Department/Office
Development Services

Ordinance/Resolution Number:
2023-01

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-01, approving the final plat of Marcello Estates - Phase 2.

Summary:

Paul Lavrentiev has submitted a final plat application for the development of an approximately 10.31-acre site with thirty-four (34) single-family residential lots. The project site is located along the west side of Palermo Avenue (southwest of Keene Road) and is zoned R-1-10 (Low Density Residential). The preliminary plat was first reviewed by the Hearing Examiner on January 14, 2019, with a decision issued on March 8, 2019. Materials were submitted by the applicant for the final plat on November 2, 2022. Per Richland Municipal Code (RMC) Section 24.12.110, staff reviews the final plat application to determine whether the final plat is compliant with the approved preliminary plat and other necessary ordinances. Following this review, the final plat is presented to City Council for final action pursuant to RCW 58.17.170.

There are existing domestic water, sewer, and electrical supply connections in place for future development, with access to the proposed site coming from Central Street, Palermo Avenue and Sequoia Avenue. A prior SEPA Decision of Non-Significance (DNS) was issued for this site on December 31, 2018 (EA2018-124). Most recently, Phase 2 of Marcello Estates has been paved; however, several construction items are still outstanding and incomplete. The City has accepted a Security and Improvement Agreement (SIA) in lieu of the incomplete infrastructure improvements. The SIA allows the developer to receive final plat approval prior to installing all of the necessary public infrastructure by pledging financial security. The developer will complete the necessary work during the spring of 2023. Based on the foregoing, staff concludes that final plat approval is appropriate.

Staff recommends adoption of Resolution No. 2023-01.

Fiscal Impact: Final plat approval will foster the creation of 34 new lots available for single-family home construction. These new homes will contribute to Richland's tax base by increasing the City's total assessed value.

Attachments:

I. Resolution No. 2023-01

RESOLUTION NO. 2023-01

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
APPROVING THE FINAL PLAT OF MARCELLO ESTATES -
PHASE 2 SUBJECT TO THE CONDITIONS OF APPROVAL IN
RICHLAND HEARING EXAMINER'S REPORT NO. S2018-103.**

WHEREAS, on January 14, 2019, the Richland Hearing Examiner held an open-record public hearing to consider the preliminary plat application of the Marcello Estates subdivision as submitted by RP Development; and

WHEREAS, on March 8, 2019, the Richland Hearing Examiner issued Report No. S2018-103 in which he granted conditional approval of the preliminary plat of Marcello Estates; and

WHEREAS, the public improvements required for the plat of Marcello Estates - Phase 2, consisting of 34 lots on 10.31 acres, are being constructed in accordance with the conditions of approval contained in Richland Hearing Examiner's Report No. S2018-103; and

WHEREAS, RCW 58.17.130 and RMC 24.24.020 expressly allow developers to post a performance bond or other security in the amount and form satisfactory to the City in lieu of construction of the required improvements prior to final plat approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the final plat of Marcello Estates - Phase 2, a copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference, is hereby approved subject to the following:

1. The Richland Hearing Examiner's Report No. S2018-103, attached hereto and incorporated herein as **Exhibit B**; and
2. The fully executed Security and Improvement Agreement between the City and developer, attached hereto and incorporated herein as **Exhibit C**, including the posting of security as required therein.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

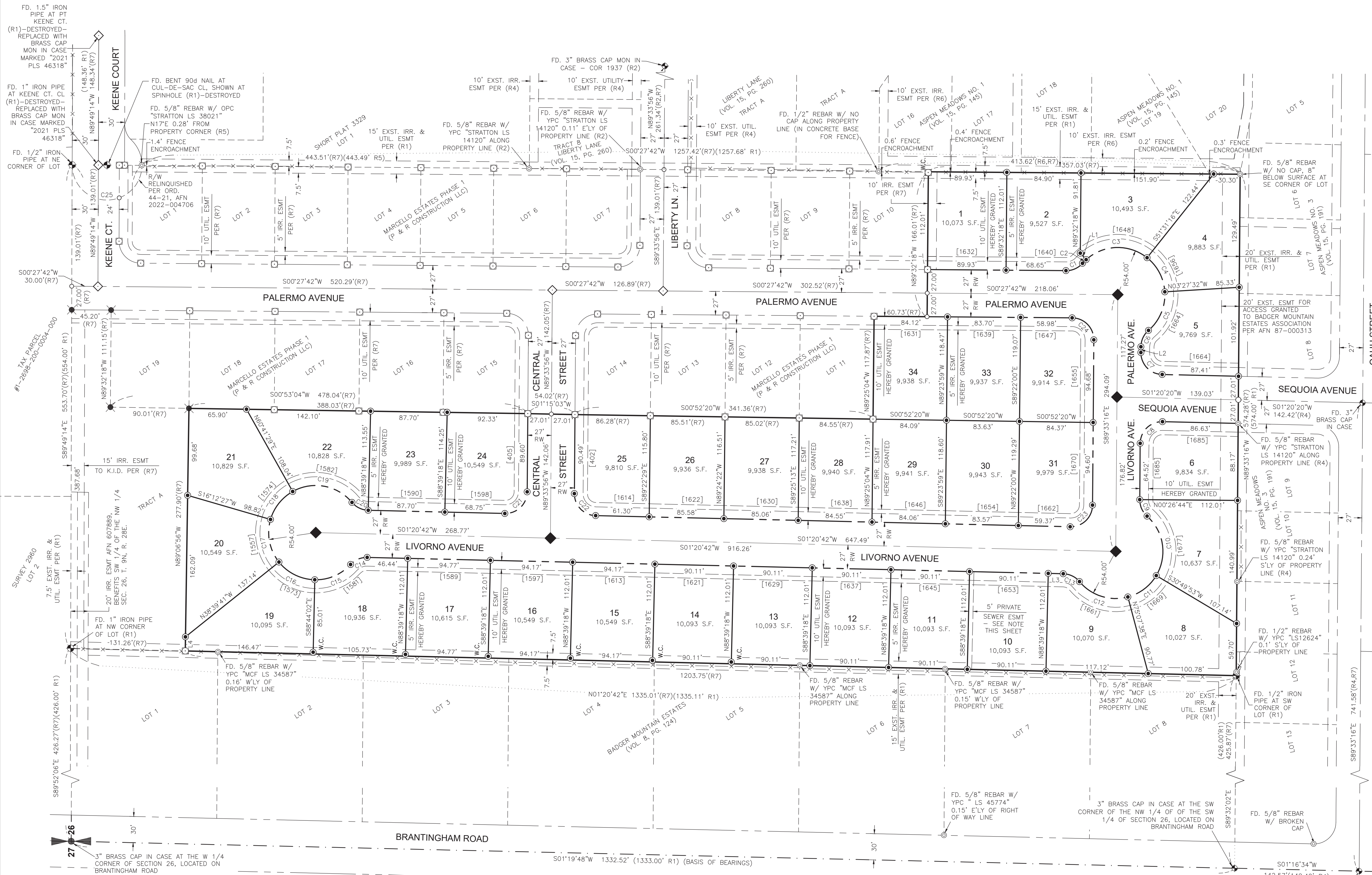
Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

Exhibit A to Resolution No. 2023-01

FINAL PLAT OF
MARCELLO ESTATES PHASE 2

LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 9 NORTH,
RANGE 28 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	21.31'	25.00'	48°50'07"	N23°57'21"W	20.67'
C2	5.98'	54.00'	6°20'44"	N45°12'02"W	5.98'
C3	75.88'	54.00'	80°30'03"	S01°46'39"E	69.79'
C4	45.31'	54.00'	48°04'05"	N62°30'26"E	43.99'
C5	49.71'	54.00'	52°44'23"	N67°05'21"W	47.97'
C6	21.31'	25.00'	48°50'07"	S65°08'13"E	20.67'
C7	38.88'	25.00'	89°06'24"	N45°53'32"E	35.08'
C8	39.66'	25.00'	90°53'36"	S44°06'28"E	35.63'
C9	21.31'	25.00'	48°50'07"	N66°01'41"E	20.67'
C10	74.67'	54.00'	78°13'15"	S23°04'21"E	68.86'
C11	41.72'	54.00'	44°17'45"	S37°01'15"E	40.72'
C12	61.32'	54.00'	65°03'11"	N17°39'13"E	58.08'
C13	21.31'	25.00'	48°50'07"	N25°45'45"E	20.67'
C14	21.31'	25.00'	48°50'07"	S23°04'21"E	20.67'
C15	45.98'	54.00'	48°45'22"	S23°08'43"E	44.58'
C16	47.20'	54.00'	50°04'20"	N26°18'08"E	45.71'
C17	51.72'	54.00'	54°52'09"	N78°46'23"E	49.76'
C18	41.93'	54.00'	44°29'01"	S51°33'02"E	40.88'
C19	74.92'	54.00'	79°29'20"	N10°26'09"E	69.06'
C20	21.31'	25.00'	48°50'07"	N25°45'45"E	20.67'
C21	39.67'	25.00'	90°54'38"	N44°06'37"W	35.64'
C22	38.88'	25.00'	89°05'22"	N45°53'23"E	35.08'
C23	39.67'	25.00'	90°53'58"	S44°06'17"E	35.63'
C24	39.27'	25.00'	89°59'02"	S45°27'13"W	35.35'
C25	125.73'	40.00'	160°04'59"	S00°27'42"W	80.00'
					(R7) (125.66' R1)

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S47°59'42"W	10.00'
L2	S89°33'16"E	6.59'
L3	S01°20'42"W	17.20'
L4	S89°06'56"E	16.13'

PRIVATE SEWER EASEMENT NOTE
5 FOOT PRIVATE SEWER EASEMENT FOR THE BENEFIT OF LOT 7 OF THE PLAT OF BADGER MOUNTAIN ESTATES, PLAT NO. 3-382, FILED IN VOLUME 8 OF PLATS AT PAGE 124, RECORDS OF BENTON COUNTY, STATE OF WASHINGTON - HEREBY GRANTED

LEGEND AND ABBREVIATIONS

- SET 5/8" x 30" IRON REBAR WITH YELLOW PLASTIC CAP STAMPED: "MATARAZZO 46318"
- W.C. SET 5/8" x 30" IRON REBAR WITNESS CORNER WITH YELLOW PLASTIC CAP STAMPED: "MATARAZZO 46318" SET 2' EASTERLY ALONG PROPERTY LINE OR AS NOTED
- ✕ FOUND STEEL FENCE POST WITH ATTACHED BRASS WASHER STAMPED: "MATARAZZO 46318". SEE PROPERTY PIN NOTES ON THIS SHEET FOR ADDITIONAL INFORMATION.
- ◆ SET BRASS CAP IN MONUMENT CASE STAMPED "2022 PLS 46318"
- ◆ FOUND 5/8" x 30" IRON REBAR WITH YELLOW PLASTIC CAP STAMPED: "MATARAZZO 46318" OR AS NOTED
- W.C. FOUND 5/8" x 30" IRON REBAR WITNESS CORNER WITH YELLOW PLASTIC CAP STAMPED: "MATARAZZO 46318" SET 1' WESTERLY ALONG PROPERTY LINE
- ◎ FOUND 5/8" IRON REBAR W/ YPC OR OPC WITHIN 0.1' FROM CALCULATED, UNLESS NOTED OTHERWISE.
- ◆ FOUND BRASS CAP IN MONUMENT CASE STAMPED "2021 PLS 46318"
- FOUND SURVEY MONUMENT AS NOTED
- CALCULATED POINT, NOT FOUND OR SET
- ##### DENOTES ADDRESS
- AFN AUDITOR FILE NUMBER
- Kennewick IRRIGATION DISTRICT
- C/L DENOTES CURVE / LINE DATA, SEE TABLE
- C.O.R. CITY OF RICHLAND
- ESMT EASEMENT
- EXIST. EXISTING
- IRR. IRRIGATION
- P.U.E. PUBLIC UTILITY EASEMENT
- RW DENOTES RIGHT OF WAY DEDICATED BY THIS PLAT
- SEC. SECTION
- S.F. / AC. SQUARE FEET / ACRES
- UTIL. UTILITY
- (VOL. , PG.) VOLUME, PAGE
- W/ WITH
- YPC/OPC YELLOW/ORANGE PLASTIC CAP
- SECTION OF SECTION SUB-DIVISION LINE
- EXISTING RIGHT-OF-WAY
- EXISTING RIGHT-OF-WAY CENTERLINE
- EXISTING ADJACENT PROPERTY LINE
- EXISTING EASEMENT
- PLAT BOUNDARY
- RIGHT-OF-WAY CENTERLINE
- RIGHT-OF-WAY DEDICATED HEREON
- NEW LOT LINE
- EASEMENT DEDICATED BY THIS PLAT

- SPECIAL EASEMENT NOTES**
- EASEMENT 674077, AS DEPICTED ON MARCELLO ESTATES PHASE 1, IS NOT INCLUDED UPON THIS FINAL PLAT DUE TO DOCTRINE OF MERGER RENDERING THE EASEMENT NULL AND VOID.
 - EASEMENTS 87-000308 & 87-000309, AS DEPICTED ON MARCELLO ESTATES PHASE 1, HAVE BEEN TERMINATED PER WELL ABANDONMENT EASEMENT DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 2022-037113 AND ARE NOT INCLUDED UPON THIS FINAL PLAT.

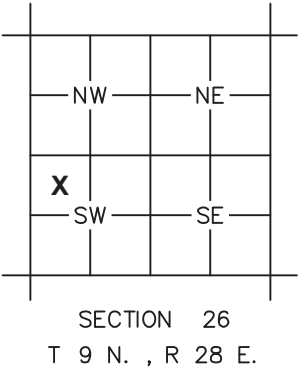
BASIS OF BEARINGS
NAD 83, WASHINGTON STATE PLANE SOUTH ZONE GRID BEARING OF S01°19'48"W ALONG THE WEST LINE OF THE SW 1/4 OF SECTION 26, T9N, R28E, W.M., BETWEEN FOUND MONUMENTS. DISTANCES SHOWN ARE TRUE GROUND LENGTHS, IN US SURVEY FOOT.

SURVEYOR'S CERTIFICATE
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF RP DEVELOPMENT, LLC. IN 2022.
Alexander D. Matarazzo 12/13/2022
ALEXANDER D. MATARAZZO, PLS 46318 DATE

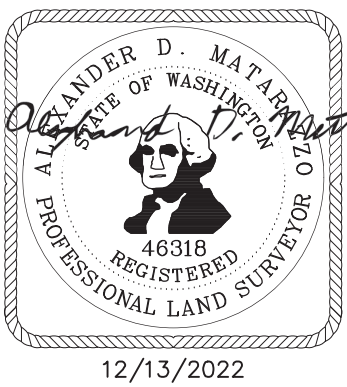
PROPERTY PIN NOTES
STEEL FENCE POST INSTALLED AT LOCATION OF PROPERTY CORNER. FOUND ATTACHED BRASS WASHER STAMPED: "MATARAZZO 46318", AT BASE OF POST. TOP OF POST WAS TIED AND HELD FOR PROPERTY CORNER.

VISION CLEARANCE TRIANGLE NOTE
ALL VISION CLEARANCE TRIANGLES FALL WITHIN THE RIGHT-OF-WAY AND DO NOT INTERSECT WITH CORNER LOT LINES.

SECTION DIAGRAM



AUDITOR'S CERTIFICATE
FILED FOR RECORD THIS DAY OF 2022 AT M. IN VOLUME OF PLATS AT PAGE AT THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.
COUNTY AUDITOR

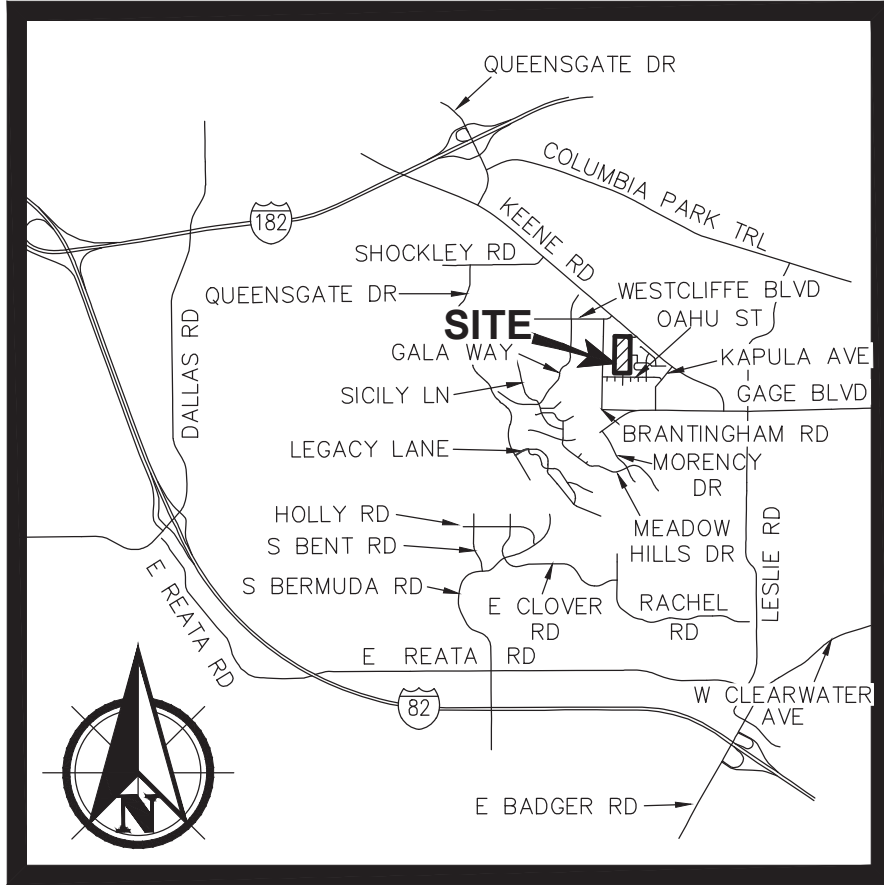


PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: RP DEVELOPMENT		PROJECT NO.: 66108	
SURVEYOR: ALEXANDER D. MATARAZZO		DATE: 12/13/2022	
CALC BY: ROP	DRAWN BY: DWW	SCALE: 1" = 60'	
SECTION: 26	TOWNSHIP: 9 NORTH	RANGE: 28 EAST	
CITY: RICHLAND	COUNTY: BENTON	SHEET 1 OF 2	

FINAL PLAT OF
MARCELLO ESTATES PHASE 2

LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 9 NORTH,
RANGE 28 EAST OF THE WILLAMETTE MERIDIAN,
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON



VICINITY MAP
NOT TO SCALE

NARRATIVE

THIS PROJECT WAS PERFORMED AT THE REQUEST OF RP DEVELOPMENT, LLC., A WASHINGTON LIMITED LIABILITY COMPANY TO SUBDIVIDE THOSE LANDS KNOWN AS TRACT B FUTURE OF THE MARCELLO ESTATES PHASE 1 FINAL PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS AT PAGE 734, FILED UNDER AUDITOR'S FILE NUMBER 2022-012283, RECORDS OF BENTON COUNTY, WASHINGTON.

THIS PROJECT IS BOUND ON THE EAST BY LOTS 10 THROUGH 18 OF SAID MARCELLO ESTATES PHASE 1 FINAL PLAT, AND LOTS 16 THRU 20 OF THE FINAL PLAT OF ASPEN MEADOWS NO. 1, RECORDED IN VOLUME 15 OF PLATS AT PAGE 145, UNDER AUDITOR'S FILE NUMBER 2001-026574, ON THE SOUTH BY LOTS 6 THRU 12 OF THE FINAL PLAT OF ASPEN MEADOWS NO. 3, RECORDED IN VOLUME 15 OF PLATS AT PAGE 191, UNDER AUDITOR'S FILE NUMBER 2002-047522, ON THE WEST BY LOTS 1 THRU 8 OF THE PLAT OF BADGER MOUNTAIN ESTATES RECORDED IN VOLUME 8 OF PLAT AT PAGE 124, PLAT NUMBER 3-382, ON THE NORTH BY TRACT A OF SAID MARCELLO ESTATES PHASE 1 FINAL PLAT. ALL RECORDS LISTED ARE OF BENTON COUNTY, WASHINGTON.

THIS SURVEY WAS PERFORMED AS A REAL TIME KINEMATIC SURVEY USING A TRIMBLE R8 GNSS GPS RECEIVER HAVING AN ACCURACY OF 1CM+2PPM TIMES MEASURED LENGTH WITH TIES TO CITY OF RICHLAND PROVIDED CONTROL POINTS BASED ON NAD83. THE MONUMENTS SHOWN HEREIN WERE VISITED AND TIED DURING OUR SURVEYS IN MAY 2018 THRU JUNE 2022.

SUBDIVISION GUARANTEE REFERENCE

ALL TITLE INFORMATION SHOWN ON THIS MAP HAS BEEN EXTRACTED FROM INFORMATION CONTAINED IN TICOR TITLE COMPANY GUARANTEE CERTIFICATE No. 472221216, DATED: JUNE 22, 2022 AT 12:00 AM. IN PREPARING THIS PLAT, PBS ENGINEERING AND ENVIRONMENTAL, INC. HAS CONDUCTED NO INDEPENDENT TITLE SEARCH, NOR IS PBS ENGINEERING AND ENVIRONMENTAL, INC. AWARE OF ANY TITLE ISSUES AFFECTING THE PROPERTY OTHER THAN THOSE SHOWN ON THE PLAT AND DISCLOSED BY THE REFERENCED TICOR TITLE COMPANY GUARANTEE CERTIFICATE. PBS ENGINEERING AND ENVIRONMENTAL, INC. HAS RELIED WHOLLY ON TICOR TITLE COMPANY'S REPRESENTATION OF THE TITLE'S CONDITION TO PREPARE THIS MAP AND THEREFORE PBS ENGINEERING AND ENVIRONMENTAL, INC. QUALIFIES THE MAP'S ACCURACY AND COMPLETENESS TO THAT EXTENT.

LEGAL DESCRIPTION

TRACT B

LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 09 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF RICHLAND, COUNTY OF BENTON, STATE OF WASHINGTON.
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT B FUTURE OF MARCELLO ESTATES PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLAT AT PAGE 734, RECORDS OF BENTON COUNTY, WASHINGTON.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

CITY REQUIRED NOTES

- HOMEOWNERS MAY MAINTAIN LANDSCAPING WITHIN STORM DRAINAGE PONDS FOR AESTHETIC PURPOSES IF THEY DESIRE. THE CITY STANDARD FOR STORM POND MAINTENANCE CONSISTS OF SEMI-ANNUAL VEGETATION ABATEMENT AND SPECIFICALLY DOES NOT INCLUDE IRRIGATION, LANDSCAPING, OR OTHER AESTHETIC IMPROVEMENTS.
- ALL LANDSCAPED AREAS WITHIN THE PLAT THAT ARE IN THE PUBLIC RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS TO MAINTAIN.
- ADDRESSES SHOWN IN [] "BRACKETS" ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND, ZIP CODE: 99352.
- THE PLAT OF MARCELLO ESTATES, PHASE 2, LIES WITHIN THE BOUNDARY OF THE SOUTH RICHLAND COLLECTOR STREET FINANCING PLAN (RMC 12.03). AS SUCH, EACH DWELLING UNIT WITHIN THIS PLAT SHALL BE SUBJECT TO THE FEES ADMINISTERED BY THE FINANCE PLAN.
- BUILDING PERMITS FOR HOMES WITHIN THIS PLAT WILL BE ASSESSED PARK FEES TO CONTRIBUTE TO THE DEVELOPMENT OF OPEN SPACES NEEDED IN THE VICINITY OF THE PLAT AS DETERMINED BY THE CITY OF RICHLAND PARKS AND PUBLIC FACILITIES DEPARTMENT.
- IN ACCORDANCE WITH THE GRADING FINAL LETTER FOR MARCELLO ESTATES PHASE 1 PREPARED BY ATLAS (DATED MARCH 1, 2022), ALL LOTS SHALL HAVE THE FOUNDATION SUBGRADE INSPECTED AND APPROVED PRIOR TO FOUNDATION PLACEMENT. SUBGRADE INSPECTION AND TESTING MUST BE UNDER THE DIRECT RESPONSIBLE CHARGE AND REVIEWED BY AN ATLAS ENGINEER PRIOR TO FOUNDATION PLACEMENT.
- DEVELOPMENT OF LOTS WITHIN THIS PLAT SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEERING REPORT FOR MARCELLO ESTATES PHASE 2 PREPARED BY ATLAS ENGINEERING (PROJ. NO. B180267G, DATED MARCH 6, 2018).

SPECIAL EASEMENT NOTES

- EASEMENT 674077, AS DEPICTED ON MARCELLO ESTATES PHASE 1, IS NOT INCLUDED UPON THIS FINAL PLAT DUE TO DOCTRINE OF MERGER RENDERING THE EASEMENT NULL AND VOID.
- EASEMENTS 87-000308 & 87-000309, AS DEPICTED ON MARCELLO ESTATES PHASE 1, HAVE BEEN TERMINATED PER WELL ABANDONMENT EASEMENT DOCUMENT RECORDED UNDER AUDITOR'S FILE NUMBER 2022-037113 AND ARE NOT NOT INCLUDED UPON THIS FINAL PLAT.

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THE TAXES ON THE LAND DESCRIBED HEREON HAVE BEEN PAID TO AND INCLUDING THE YEAR 2022 A.D.
TAX PARCEL No. 1-2698-303-0002-000

BENTON COUNTY TREASURER DATE

BENTON COUNTY ASSESSOR DATE

APPROVALS

THE ANNEXED PLAT IS HEREBY APPROVED BY AND FOR THE CITY OF RICHLAND, COUNTY OF BENTON, STATE OF WASHINGTON.

CITY MANAGER DATE

CITY CLERK DATE

CITY ENGINEER DATE

IRRIGATION APPROVAL

I HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN IS LOCATED WITHIN THE BOUNDARIES OF THE KENNEWICK IRRIGATION DISTRICT, THAT THE IRRIGATION EASEMENTS SHOWN ON THIS PLAT ARE ADEQUATE TO SERVE ALL LOTS SHOWN HEREON. I FURTHER CERTIFY THAT THOSE LOTS WHICH ARE ENTITLED TO IRRIGATION WATER UNDER THE OPERATING RULES AND REGULATIONS OF THE DISTRICT HAVE SATISFIED THE REQUIREMENTS OF RCW 88.17.310 AND THAT ALL ASSESSMENTS HAVE BEEN PAID THROUGH THE YEAR 2022A.D.

FOR KENNEWICK IRRIGATION DISTRICT TITLE DATE

DEDICATION

WE, P & R CONSTRUCTION, LLC., A WASHINGTON LIMITED LIABILITY COMPANY HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE TRACT OF LAND DESCRIBED HEREON;AND WE, ALCO INVESTMENT COMPANY, HEREBY CERTIFY THAT I HAVE AN INTEREST IN THE TRACT OF LAND DESCRIBED HEREON HAVE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR DESIRES CAUSED SAID LAND TO BE SURVEYED AND THE LOTS CREATED AS SHOWN AND THAT THE STREET RIGHT-OF-WAY AND THE UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.

PETER P. STRIZHAK TITLE DATE
DULY AUTHORIZED REPRESENTATIVE FOR
P & R CONSTRUCTION, LLC.

RUSLAN GORBATYUK TITLE DATE
DULY AUTHORIZED REPRESENTATIVE FOR
P & R CONSTRUCTION, LLC.

ACKNOWLEDGEMENT

STATE OF

COUNTY OF

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT PETER P. STRIZHAK, HAS SIGNED THIS PLAT ON BEHALF OF P & R CONSTRUCTION, LLC., ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THIS PLAT AND ACKNOWLEDGED IT AS THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED ON THIS PLAT.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES

RESIDING

ACKNOWLEDGEMENT

STATE OF

COUNTY OF

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT RUSLAN GORBATYUK, HAS SIGNED THIS PLAT ON BEHALF OF P & R CONSTRUCTION, LLC., ON OATH STATED THAT HE IS AUTHORIZED TO EXECUTE THIS PLAT AND ACKNOWLEDGED IT AS THE FREE AND VOLUNTARY ACT OF SUCH PARTY FOR THE USES AND PURPOSES MENTIONED ON THIS PLAT.

NOTARY PUBLIC DATE

MY APPOINTMENT EXPIRES

RESIDING

SURVEY / DEED REFERENCES

- (R1) BADGER MOUNTAIN ESTATES (VOL. 8, PG. 124, PLAT NO. 3-382) BY OWENS, RECORDED 07/23/1970
(R2) PLAT OF LIBERTY LANE (VOL. 15, PG. 260, AFN 2005-002395) BY STRATTON, RECORDED 01/24/2005
(R3) PLAT OF ASPEN MEADOWS NO. 1 (VOL. 15, PG. 145, AFN 2001-026574) BY STRATTON, RECORDED 08/27/2001
(R4) PLAT OF ASPEN MEADOWS NO. 3 (VOL. 15, PG. 191, AFN 2002-047522) BY STRATTON, RECORDED 12/04/2002
(R5) SURVEY 2960 (VOL. 1, PG. 2960, AFN 2001-040253) BY CHRISTENSEN, RECORDED 12/18/2001
(R6) SURVEY 3329 (VOL. 1, PG. 3329, AFN 2011-025268) BY DYCK, RECORDED 09/04/2011
(R7) MARCELLO ESTATES PHASE 1 (VOL. 15 OF PLATS, PG. 734, AFN 2022-012283) BY MATARAZZO, RECORDED 04/12/2022

- (D1) STATUTORY WARRANTY DEED TO P & R CONSTRUCTION, LLC. (AFN 2018-003522), RECORDED 02/06/2018

AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS DAY OF 2022 AT M. IN VOLUME OF PLATS AT PAGE AT
THE REQUEST OF PBS ENGINEERING & ENVIRONMENTAL INC.

COUNTY AUDITOR



12/13/2022



PBS Engineering and Environmental Inc.
400 Bradley Blvd, Ste 106
Richland, WA 99352
509.942.1600
pbsusa.com

CLIENT: RP DEVELOPMENT		PROJECT NO.: 66108
SURVEYOR: ALEXANDER D. MATARAZZO		DATE: 12/13/2022
CALC BY: ROP	DRAWN BY: DWW	SCALE: N/A
SECTION: 26	TOWNSHIP: 9 NORTH	RANGE: 28 EAST
CITY: RICHLAND	COUNTY: BENTON	SHEET 2 OF 2



**BEFORE THE HEARING EXAMINER
FOR THE
CITY OF RICHLAND**

**RECOMMENDATION OF APPROVAL
RE: APPLICATION FOR THE PRELIMINARY PLAT OF MARCELLO ESTATES**

FILE NUMBER: S2018-103

APPLICANT: RP DEVELOPMENT

APPLICATION: TO SUBDIVIDE 17.62 ACRES INTO 55 SINGLE FAMILY RESIDENTIAL LOTS

LOCATION: SINGLE PARCEL, LOCATED SOUTHWEST OF KEENE ROAD AT THE
TERMINUS OF KEENE COURT AND DIRECTLY NORTH OF THE
TERMINUS OF SEQUOIA AVENUE.

PARCEL NUMBER: BENTON COUNTY ASSESSOR PARCEL NO. 126983020000018

REVIEW PROCESS: TYPE III, PRELIMINARY PLAT,
HEARING EXAMINER RECOMMENDATION TO CITY COUNCIL

RECOMMENDATION: *APPROVAL – SUBJECT TO CONDITIONS.*

DATE: MARCH 8, 2019

I. CONTENTS OF RECORD.

Exhibits: Staff Report. City of Richland Development Services Division Staff Report and recommendation of approval, subject to conditions, to the Hearing Examiner regarding “Marcello Estates” Preliminary Plat, File No. S2018-103, dated January 14, 2019;

1. Application;
2. Preliminary Plat site plan;
3. Urban Growth Area Residential District Zoning Regulations;
4. R-1-10 zoning district regulations;
5. Public Notice and affidavits confirming same;
6. SEPA Environmental Checklist and Determination of Non-Significance (DNS);
7. Agency and public comments;
8. Technical Advisory Committee Report.

Testimony/Comments: The following persons were sworn and provided testimony under oath at the open-record hearing:

1. Mike Stevens, Planning Manager for the City of Richland;
2. Paul Lavrentiev, for the property owner(s), who also own the applicant-entity, RP Development;
3. Ed McClellan, Project Manager, represented applicant (RP Development) through application process;
4. Ben Woodard, with the Kennewick Irrigation District (KID), confirmed that KID’s written comments are part of the record, see KID letter dated Dec. 4, 2018, included as part of comment letters in Exhibit 7; and
5. Jon Guymon, neighboring resident, spoke on behalf of the Executive Committee of the Badger Mountain Estates homeowners association (See Ex. 7, BMEA letter dated Dec. 9, 2018).

II. ISSUES PRESENTED.

1. Whether substantial evidence demonstrates that the applicant has met its burden of proof to satisfy the criteria for preliminary plat approval?

Short Answer: Yes, subject to appropriate conditions of approval.

III. FINDINGS OF FACT.

1. Any statements in previous or following sections of this document that are deemed findings of fact are hereby adopted as such and incorporated by this reference.
2. RP Development, the applicant in this matter, submitted the underlying application to subdivide a 17.62-acre property on or about October 11, 2018. (*Exhibit 1, Preliminary Plat Application cover page; Staff Report, page 6*).
3. The Staff Report explains that the proposed subdivision would divide the 17+ acre parcel into a development site with 55 single family residential lots known as the Marcello Estates Preliminary Plat, which will be served by City utilities.
4. There is no dispute that the proposed plat, with an overall density of just over 3 units per acre, is well within applicable density limits for the property, which is zoned (Single Family, Low-Density Residential) R-1-10 allowing for up to 5 units per acre. The average lot size would be 10,110 sq.ft. (43,560sq.ft. = 1 acre). (*Staff Report, page 12; and Exhibit 2, Preliminary Plat Site Plan*).

SEPA Compliance.

5. *Exhibit 6* includes the SEPA DNS issued for the application on December 14, 2018. (*Staff Report, page 7, re: SEPA discussion; Ex. 5*). No one appealed the DNS. Because it was not appealed, it stands as issued. Appropriate conditions of approval will only serve to prevent and minimize potential impacts by mandating compliance with existing city development regulations, meaning there is no basis or need to revise or update the DNS issued for his application.

Public Hearing, city utility connection issue.

6. The open-record public hearing for the application occurred on January 14, 2019. All persons wishing to provide comments were heard, providing testimony under oath. City staff, Applicant representatives and interested citizens appeared at the hearing or submitted written comments regarding the proposed plat. The Examiner visited the site of the proposed project and public roads leading to and from the vicinity of the proposed plat, on the day of the hearing, and on previous occasions as part of other project reviews in the vicinity.
7. The Examiner held the record open to allow additional time for staff and applicant representatives to address utility connection requirements. Mr. Stevens provided regular updates to the Examiner. It appears that discussions between the applicant and staff have reached the point where no one feels the need to submit any additional proposed language on the subject of utility connections and the potential need for adjacent properties to annex into the City of Richland in order to receive city utility services, noting that whatever city requirements might apply to requests to extend city utilities will apply to all portions of this project.

8. This Recommendation and potential plat approval in no way waives or modifies existing city policies, codes, or requirements associated with requests to extend city utility services, including without limitation possible annexation of properties that seek such connections.

9. As noted by Mr. Stevens at the public hearing and in the Staff Report, the project site is a single, large 17+ acre tax parcel located just southwest of Keene Road at the current terminus of Keene Court and directly north of the current terminus of Sequoia Avenue. Both Keene Court and Sequoia Avenue will be extended into the new plat, providing two access/exit points, appropriate circulation, and connectivity with surrounding neighborhoods and existing city transportation facilities. The existing home on the site is said to be in poor condition, and will be demolished as the new plat is developed.

10. The project site currently includes an existing on-site septic system, a private water well and a community water well, a “Group B” water system, which serves as the source of potable water for the eight (8) residential lots that area located immediately west of the new plat, within an unincorporated “island” area that is outside the Richland City limits, but within the city’s urban growth boundary in Benton County.

11. As part of this proposal, the new plat is designed and planned to decommission the current on-site septic system and abandon the two on-site well-houses and then connect all new lots within the plat to water and sewer service provided by the City of Richland. If the current wells were to be maintained, the plat layout would most likely need to be redesigned so as to protect groundwater supplies, greatly reducing the lot-count for the new plat. So, because the new plat would most likely compromise the well-water supply for the 8 lots to the west, Staff’s recommended conditions of approval (particularly No. 32) include(s) provisions that would require appropriate agreements to be reached with the affected homeowners’ association (identified in TAC Report as the “Badger Mountain Estates Association”) to address city water utility service extensions into the affected 8-lots, with appropriate connection costs (including potential annexation processing costs) to be borne by the developer and not the affected property owners. (*Staff Report; testimony of Mr. Stevens, Mr. Lavrentiev and Mr. McMillan*).

12. At the public hearing, the applicant representatives, Mr. Lavrentiev and Mr. McMillan did not request any changes to the Staff’s recommendation, and indicated their full understanding that they would be responsible for all costs involved in connecting the 8 neighboring lots to city utility service. (See part of Condition No. 32, which reads in relevant part: “*it shall be the developer’s responsibility to provide a replacement domestic water source meeting the requirements of applicable regulations*”). Mr. Guymon appeared and spoke at the public hearing for the neighbors to the west. He expressed his satisfaction with recommended condition 32, asking that the costs associated with new utility connections should be paid by the developer and not neighboring homeowners who may have to see their existing services modified to facility the new plat development. Obviously, a neighbor’s request for elaborate landscape features, precious metal piping and the like would not be reasonable. All parties are presumed to be willing to work together in good faith moving forward, to accomplish the utility service extensions needed to fully develop the new plat as currently proposed.

KID comments.

13. The Kennewick Irrigation District (KID) submitted written comments regarding the application and again at the public hearing, in response to which Staff included appropriate conditions of approval requiring irrigation water service from KID, because the site is within its service area. Recommended conditions based on KID comments are included in the TAC Report under “Irrigation Requirements,” and numbered 63 through 79. (*Ex. 8, TAC Report*).

As conditioned, the proposed plat complies with city development regulations and the Comprehensive Plan.

14. As conditioned, the proposed plat has been designed to comply with city development regulations, so the new plat will achieve consistency with the Comprehensive Plan. RMC 24.04.020 explains that the purpose of the City’s platting and subdivision codes is “*in furtherance of the comprehensive plan of the city*” and that such regulations contained in the city’s platting and subdivision codes “*are necessary for the protection and preservation of the public health, safety, morals and the general welfare, and are designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote the coordinated development of unbuilt areas; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.*” The effect of this provision boils down to this: compliance with the City’s Comprehensive Plan can be established, or at least partially established, through compliance with the city’s platting and subdivision regulations found in Title 24 of the Richland Municipal Code.

Proposed plat will provide public benefits.

15. The applicant’s submittals established that some aspects of the new subdivision will provide a public benefit, including without limitation, new housing inventory and options fulfilling the city’s goals and policies set forth in the Comprehensive Plan, construction of a new road extension with sidewalks to serve the new plat and promote connectivity and pedestrian safety, and other features that will serve to promote health benefits of a walkable, connected and pedestrian-friendly community.

Substantial evidence demonstrates the proposed project, as conditioned, satisfies approval criteria.

16. The record contains substantial evidence to demonstrate that, as conditioned, the proposed plat makes appropriate provisions for:

- A. The public health, safety, and general welfare: *See Staff Report; all Findings; Exhibits 2, 6, and 8.*

- B. Open Spaces: *Staff Report, page 9, describing parks and fields within 2 miles of the new plat; See discussion in item H.*
- C. Drainage Ways: the project will be consistent with all applicable standards for stormwater system design, including without limitation the Department of Ecology Stormwater Management Manual for Eastern Washington. *Staff Report, page 10; Ex. 8, TAC Report, pages 6 – 8, recommended Storm Water conditions, numbered 40-52.*
- D. Streets or roads, alleys, other public ways: the proposed plat has been reviewed by the City for compliance with applicable street system design requirements, and if conditioned to comply with city codes by building the Penny Lane extension as a city right of way with sidewalks and other standard features, can be deemed consistent with all applicable city standards for city roads, streets, driveways, access, circulation, transportation concurrency and the like. *Staff Report; Exhibit 2, site plans; Exhibit 8, Technical Advisory Committee report and proposed conditions, particularly those labeled 'Traffic & Streets' on page 5, numbered 23-30.*
- E. Transit stops: To the extent transit stops are or may be located nearby to serve residents of the proposed plat, or Richland residents generally, the subdivision design, access and internal circulation patterns, as conditioned, are appropriate to allow for pedestrians and vehicles to access arterials and other routes that could direct users to existing or future transit stops and facilities. The proposed plat is within the Ben Franklin Transit service area. Bus Route 123 runs along Keene Road, well-within walking distance to/from the new plat.
- F. Potable water supplies: As explained above, the new subdivision will receive its domestic water supply from the City of Richland.
- G. Sanitary system: The City's sewer system will serve the proposed plat. *Ex. 4, SEPA Checklist, page 10, re: Utilities; Staff Report, at page 7; Ex. 8, TAC Report, page 6, recommended Sanitary Sewer conditions 36-37.*
- H. Parks and recreation, playgrounds, schools: The Staff Report describes parks and fields within 2 miles of the new plat, and notes Orchard Elementary School is located just a few hundred feet west of the site.
- I. Planning features to assure safe walking conditions for students: As conditioned, the proposed plat will include sidewalks. The new sidewalks included in the plat will connect with existing sidewalks leading to/from the school, thereby enhancing safety for children and other pedestrians in the new neighborhood. *Staff Report, page 9.*

17. Except as modified in this Recommendation, all Findings, and statements of fact contained in the Staff Report and TAC Report, are incorporated herein by reference as Findings of the undersigned hearing examiner.¹

18. Based on all evidence, exhibits and testimony in the record, the undersigned Examiner specifically finds that the proposed plat, as conditioned below, makes appropriate provisions for the considerations detailed in applicable law, including without limitation RMC 24.12.050, .053, and 19.60.095, and that the public use and interest will be served by the proposed plat and associated dedications and improvements.

IV. CONCLUSIONS OF LAW.

1. Under applicable provisions of the Richland Municipal Code (RMC), a preliminary plat² application is first subject to review and approval by city staff with respect to the engineering elements of said plat, then the Hearing Examiner is responsible for conducting an open record public hearing followed by a recommendation to the City Council. A preliminary plat application is a Type III procedure. RMC 19.20.010(C)(1).

2. As explained in RMC 24.12.050(A), the hearing examiner shall consider any preliminary plat application and shall conduct an open record public hearing in accordance with Chapter 19.60 RMC. After the public hearing and review of materials in the record, the hearing examiner shall determine whether the preliminary plat is in accordance with the comprehensive plan and other applicable code requirements and shall either make a recommendation for approval or disapproval to the city council.

3. The same provision of the city's code (RMC 24.12.050) provides that any recommendation for approval of the preliminary plat shall not be given by the hearing examiner without the prior review and approval of the city manager or her designee with respect to the engineering elements of said plat including the following:

1. Adequacy of proposed street, alley, right-of-way, easement, lighting, fire protection, drainage, and utility provisions;

2. Adequacy and accuracy of land survey data;

3. The submittal by the applicant of a plan for the construction of a system of street lights within the area proposed for platting, including a timetable for installation; provided, that in no event shall such a plan be approved that provides for the dedication of such a system of lighting to the city later than the occupancy of any of the dwellings within the subdivision.

¹ For purposes of brevity, only certain Findings from the Department's Recommendation are highlighted for discussion in this Recommendation, and others are summarized, but any mention or omission of particular findings should not be viewed to diminish their full meaning and effect, except as modified herein.

² In this Recommendation and exhibits included in the Record, preliminary plat and preliminary subdivision mean the same thing, and use of one term should be read to apply to the other to the extent anyone views the terms to have distinct meanings, which for the purposes of this Recommendation, they do not.

Approval Criteria for Preliminary Plat Application.

4. The City's decision criteria for preliminary plat approval are substantially similar to state subdivision mandates found in RCW 58.17.110(2)³ and reads as follows:

Richland Municipal Code 24.12.053 Preliminary plat – Required findings.

The hearing examiner shall not recommend approval of any preliminary plat application, unless the approval is accompanied by written findings that:

A. The preliminary plat conforms to the requirements of this title;

B. Appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school;

C. The public use and interest will be served by the platting of such subdivision and dedication; and

D. The application is consistent with the requirements of RMC 19.60.095 (addresses transportation concurrency considerations).

5. And, RMC 19.60.095 mandates the following additional findings:

19.60.095 Required findings.

No development application for a Type II or Type III permit shall be approved by the city of Richland unless the decision to approve the permit application is supported by the following findings and conclusions:

A. The development application is consistent with the adopted comprehensive plan and meets the requirements and intent of the Richland Municipal Code.

B. Impacts of the development have been appropriately identified and mitigated under Chapter [22.09](#) RMC.

C. The development application is beneficial to the public health, safety and welfare and is in the public interest.

³ "A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. []" RCW 58.17.110(2).

D. The development does not lower the level of service of transportation facilities below the level of service D, as identified in the comprehensive plan; provided, that if a development application is projected to decrease the level of service lower than level of service D, the development may still be approved if improvements or strategies to raise the level of service above the minimum level of service are made concurrent with development. For the purposes of this section, "concurrent with development" means that required improvements or strategies are in place at the time of occupancy of the project, or a financial commitment is in place to complete the required improvements within six years of approval of the development.

E. Any conditions attached to a project approval are as a direct result of the impacts of the development proposal and are reasonably needed to mitigate the impacts of the development proposal.

Burden of Proof.

6. The burden of proof rests with the applicant, and any decision to approve or deny a preliminary plat or any request for deviation must be supported by evidence that is substantial when viewed in light of the whole record. RCW 36.70C.130(1)(c); and RMC 19.60.060. The application must be supported by proof that it conforms to the applicable elements of the city's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

As conditioned, the proposed plat meets applicable approval criteria.

7. Based on the Findings as summarized above, the undersigned examiner concludes that the proposed plat, as conditioned below, conforms to all applicable zoning and land use requirements and appropriately mitigates adverse environmental impacts. Upon reaching such findings and conclusions as noted above, the preliminary plat meets the standards necessary to obtain approval by the City.

8. The proposed conditions of approval as set forth in the Technical Advisory Committee Report included in the Record as Exhibit 8, are reasonable, supported by the evidence, and capable of accomplishment.

9. Any Finding or other statements in previous or following sections of this document that are deemed Conclusions of Law are hereby adopted as such and incorporated by this reference.

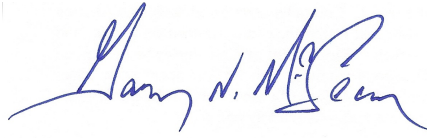
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V. RECOMMENDATION and
CONDITIONS of APPROVAL.

Based upon the preceding Findings of Fact and Conclusions of Law, evidence presented through the course of the open record hearing, all materials contained in the contents of the record, and the Examiner's site visit, **the undersigned Examiner recommends that the City Council APPROVE** the *Preliminary Plat of Marcello Estates* application, subject to all Conditions of Approval contained in the City's Technical Advisory Committee Report, included in the record as Exhibit 8.

Recommendation issued: March 8, 2019

A handwritten signature in blue ink, appearing to read "Gary N. McLean", is written over a faint, rectangular grid background.

Gary N. McLean
Hearing Examiner for the City of Richland

SECURITY AND IMPROVEMENT AGREEMENT

THIS SECURITY AND IMPROVEMENT AGREEMENT ("Agreement") is made and entered into on this 15th day of September, 2022 by and between the **City of Richland**, a Washington municipal corporation ("City"), and **P&R Construction, LLC**, a **Limited Liability Corporation** ("Developer") seeking final plat approval of Marcello Estates Phase 2. City and Developer are referred to collectively as the "Parties."

I. RECITALS

WHEREAS, pursuant to Chapter 24.12 of the Richland Municipal Code (RMC), Developer has filed with the City an application for final plat approval of Marcello Estates Phase 2 (the "Project"); and

WHEREAS, Marcello Estates was given preliminary plat approval by the Richland City Council on April 5, 2019, subject to the conditions of approval listed in Technical Advisory Committee (TAC) Report TAC #2018-103 and the applicable state and local development regulations in existence at the time; and

WHEREAS, RCW 58.17.170 provides that final plat approval shall be given by the City when the City finds that the subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval, and that said subdivision meets the requirements of RCW 58.17, other applicable state laws, and any local ordinances in effect at the time of preliminary plat approval; and

WHEREAS, under circumstances where the improvements and land division work required by the RMC and the conditions of approval are not complete prior to a developer's application for final plat approval, RCW 58.17.130 and RMC 24.24.020 allow a developer to comply with the conditions of approval by entering into a secured agreement with the City to complete the improvements and land division work within a period of time specified by the City; and

WHEREAS, pursuant to RMC 24.12.090, upon receipt of a final plat application, the City Engineer is required to review the plat to determine whether minimum improvements have been provided as described by the RMC. If minimum improvements are lacking, the plat shall be rejected; and

WHEREAS, in consideration of final plat approval for the proposed Project by the City prior to completion of improvements, Developer desires to enter into this Agreement whereby Developer promises to install and complete, at its sole expense, all public improvement work required by the City for the proposed Project. Developer has secured this Agreement by improvements security required by RMC 24.24.020; and

WHEREAS, improvement plans and related specifications for the construction, installation and completion of the improvements identified herein have been prepared by the Developer, approved by the City, and are on file in the City's Public Works Department. Said improvement

plans and related specifications are incorporated herein by this reference.

NOW, THEREFORE, in consideration of the approval by the City of the Final Plat of Marcello Estates Phase 2, Developer and City agree as follows:

II. AGREEMENT

1. DEVELOPER'S OBLIGATION TO CONSTRUCT IMPROVEMENTS

- a. At its sole expense, Developer shall, in compliance with state law, the improvement plans approved pursuant to Right-of-Way Construction Permit No. PW-21-03100 and all applicable City standards, furnish, construct, install and guarantee the improvements described in the Marcello Estates preliminary plat, the Richland Municipal Code, and the conditions of approval (the "Improvements").
- b. Developer shall acquire and dedicate, or pay the cost of acquisition of, all rights-of-way, easements and other real property for the construction or installation of the improvements, free and clear of all liens and encumbrances.
- c. Subject to any time extensions granted in accordance with Section 4, Developer shall complete all Improvements within twelve (12) months of the effective date of the agreement; provided, however, that if the City Engineer reasonably determines that accelerated construction of the Improvements is essential in order to protect the public health, welfare and safety, including, without limitation, providing for the orderly subdivision of the surrounding area, the City Engineer shall give Developer not less than fifteen (15) calendar days' prior written notice to commence or accelerate installation and construction of improvements, or any portion thereof. The notice shall describe the work to be done by the Developer, the time within which the work will commence, and the period within which the work will be completed. All or any portions of said Improvements may be required to be constructed or completed at a specified time.
- d. If improvements to be constructed by Developer include monumentation, such monumentation shall be installed no later than thirty (30) days after the City's acceptance of all other Improvements pursuant to Section 2. As used herein, "monumentation" shall mean the setting of survey monuments and tie points in accordance with the Revised Code of Washington and Richland Municipal Code, and the delivery to the City Engineer of tie notes for said points.
- e. Developer shall, at its sole expense, replace or repair all existing and newly constructed public improvements, public utility facilities, and surveying or subdivision monuments which are destroyed or damaged as a result of any work under this Agreement. Any such replacement or repair shall be subject to the approval of the City Engineer.
- f. Until any category of Improvements is accepted by the City, Developer shall be responsible for the care and maintenance of such improvements and shall bear all risks of loss or damage to said improvements. Neither City, nor its officers, agents and employees, shall

have any liability for any accident, loss or damage to the Improvements prior to their completion and acceptance by the City.

- g. Developer shall, at its sole expense, obtain all necessary permits and licenses for the construction and installation of the Improvements, give all necessary notices, and pay all fees required by the federal, state, county, town or improvement district and all taxes required by law.
- h. Not less than fifteen (15) days prior to commencement of work on the Improvements, Developer shall give written notice to the City Engineer of the date fixed for such commencement of work in order that the City Engineer shall have adequate time to schedule all necessary inspections.

2. INSPECTION OF WORK AND FINAL ACCEPTANCE

- a. Developer shall at all times maintain proper facilities and safe access for inspection for the Improvements by the City Engineer.
- b. Upon completion of the work on all or any category of the Improvements specified in Schedule A, the Developer may request a final inspection by the City Engineer. If the City Engineer determines that all or any specified category of the Improvements have been completed in accordance with this Agreement and in compliance with the Improvement Plans and all applicable City standards, then the City Engineer shall certify the completion of such Improvements.
- c. Developer understands and agrees that no building permits for homes to be constructed on the lots located within Marcello Estates Phase 2 will be issued by the City of Richland Building Department until the minimum improvements identified in Schedule A are inspected and accepted by the City Engineer. Developer shall include this notice of restriction in all contracts for sale of lots within Marcello Estates Phase 2 to homebuilders until the restrictions of this subsection c. are no longer applicable.

3. GUARANTEE AND WARRANTY OF THE IMPROVEMENTS

- a. If, within a period of one (1) year following the acceptance by the City of the last of the Improvements specified in Schedule A, any Improvements or part of any Improvements furnished, installed or constructed by the Developer, or any of the work performed under this Agreement, fails to comply with any requirements of this Agreement, or the Revised Code of Washington, Richland Municipal Code, or the Improvement Plans and related specifications, the Developer shall, without delay and without cost to the City, repair, replace, or reconstruct any defective or otherwise unsatisfactory part or parts of the Improvements.
- b. Should the Developer fail or refuse to act promptly or in accordance with subparagraph A above, or should the exigencies of the situation require repair, replacement or reconstruction to be undertaken before the Developer can be notified, then the City may, at its discretion, make the necessary repairs or replacements or perform the necessary

reconstruction. If the Developer's improvement security does not cover the total cost of such repair, replacement or reconstruction, the Developer shall reimburse the City for any excess costs incurred.

- c. The security furnished for the Developer's obligation to construct and install the Improvements described herein shall not be reduced below ten percent (10%) unless and until a warranty bond is posted for the warranty period.

4. TIME EXTENSIONS

- a. Upon a showing of the Developer of good cause, the date of commencement of work on the Improvements, or the duration of the Completion Period, may be extended by the City Engineer, with the written concurrence of the City Manager. As used herein, "Good Cause" may include, without limitation, delay resulting from an act of the City, acts of God or force majeure; and strikes, boycotts or similar job actions by employees or labor organizations which prevent the conduct of the work.
- b. A time extension may be granted without notice to any surety or sureties of the Developer and shall not affect the validity of this Agreement nor release the surety or sureties on any bond given as an improvement security pursuant to this Agreement.
- c. As a condition of any time extension provided for herein, the City Engineer, with the written concurrence of the City Manager, may require the Developer to furnish new or modified improvement security guaranteeing performance of this Agreement, as extended, in an increased amount necessary to compensate for any projected increase in the Estimated Total Cost of Improvements, as determined by the City Engineer.

5. IMPROVEMENT SECURITY

- a. Prior to the City's execution of this Agreement, Developer shall provide as security to the City an amount equal to one hundred fifty percent (150%) of the Estimated Total cost of the Improvements, Grading and Monumentation as set forth in Schedule A and in accordance with established City policy. With this security, the form of which shall be subject to City's prior approval, the Developer assures faithful performance under this agreement and guarantees the Improvements for one (1) year after the completion and acceptance of the last of such Improvements against any defective workmanship or material or any unsatisfactory performance pursuant to Section 3 hereof.
- b. Modifications of the Improvement Plans and related specifications, and modification of the Improvements, not exceeding ten percent (10%) of the original Estimated Total Cost of Improvements, shall not relieve or release any improvement security furnished by Developer pursuant to this Agreement. If any such modifications exceed ten percent (10%) of the Estimated Total Cost of the Improvements, Developer shall furnish additional improvement security for performance and guarantee, and for payment, as required by subparagraph A above, for one hundred fifty percent (150%) of the revised Estimated Total Cost of the Improvements.

6. REDUCTION OR RELEASE OF IMPROVEMENT SECURITY

- a. Partial release or reductions in the Developer's improvement security may be authorized prior to the City's acceptance of all Improvements required hereunder, as provided in this section.
- b. Upon acceptance of all or any specified category of the Improvements, and upon request of the Developer, the improvement security may be reduced or released as follows:
 - i. Security for Performance and Guarantee: Security may be released incrementally following the completion and documentation of the completion of work and approval by the City Engineer. Securities will be released incrementally in conformance with Schedule A and only upon completion of all improvements in a related category of Schedule A. Unless the Developer submits a warranty bond (where applicable) or additional security in an amount equal to ten percent (10%) of the Estimated Total Cost of the Improvements, security shall not be reduced or released in an amount greater than ninety percent (90%) of the total security amount thereof prior to the expiration of the one (1) year guarantee and warranty period specified in Section 3.A. nor until any claims filed during the one (1) year warranty period have been settled.
- c. If Developer's obligations relating to any Improvements, such as the water system or sewer system, are subject to the approval of another governmental agency, the City shall not release the improvement security therefor until the obligations are performed to the satisfaction of such other governmental agency. Such agency shall have two (2) months after Developer's performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the Developer's performance of the obligation was satisfactorily completed.

7. INDEMNIFICATION OF CITY BY DEVELOPER

- a. Neither the City, nor its officers, agents and employees, shall be liable or responsible for any accident, injury, loss, or damage to either property or person attributable to or arising out of the construction or installation of the Improvements. Developer shall indemnify, hold harmless and defend the City, its officers, agents and employees, from and against any and all losses, claims, costs, expenses, liabilities, damages, actions, causes of action and judgments, including reasonable attorneys' fees, arising out of or attributable to Developer's performance under this Agreement.
- b. Developer's obligations under this section are not conditioned or dependent upon the City, or its officers, agents and employees who prepared, supplied or reviewed any Improvement Plans or related specifications in connection with the Project Improvements, or has insurance or other indemnification covering any of these matters.
- c. Developer's obligation to indemnify, hold harmless and defend the City shall extend to injuries to persons and damages to or alleged taking of property resulting from the design

or construction of the Project, and the Improvements required herein, and shall likewise extend to adjacent property owners asserting claims based upon the diversion of waters caused by the Developer's design or construction of public drainage systems, streets, and other public facilities or improvements. The City's acceptance of the Improvements shall not constitute an assumption by the City of any responsibility or liability for any damage or alleged taking of property referenced herein. City shall not be responsible or liable for the design or construction of the Project or the Improvements constructed or installed pursuant to the approved Improvement Plans or the Final Plat, unless the particular Improvement design was required by the City over the written objection of the Developer, which objection stated that the Improvement design was potentially dangerous or defective and set forth an alternative design.

8. OWNERSHIP OF IMPROVEMENTS

Ownership of all or any category of the Improvements constructed and installed by the Developer pursuant to this Agreement shall vest in the City (or other specified governmental agency) upon acceptance of Improvements by the City (or other specified governmental agency).

9. DEFAULT AND BREACH BY THE DEVELOPER AND REMEDIES OF THE CITY

- a. Upon the occurrence of any of the following events, the Developer shall be deemed to be in default under this Agreement:
 - i. Subject to any time extensions granted in accordance with Section 4, failure to commence construction and installation of the Improvements by the commencement date set forth herein;
 - ii. Failure to correct or cure any defect in the Improvements during the one (1) year guarantee and warranty period as required in Section 3.A.;
 - iii. Subject to any time extensions granted in accordance with Section 4, failure to perform substantial construction work, after commencement of work on the Improvements, for a period of thirty (30) days after written notice from the City;
 - iv. Insolvency, appointment of a receiver, or the filing of any petition in bankruptcy, whether voluntary or involuntary, and such is not cured or discharged within a period of thirty (30) days;
 - v. Commencement of a foreclosure action against the Project or any portion thereof, or any conveyance by the developer in lieu or in avoidance of foreclosure; or
 - vi. Failure to perform any other obligations in accordance with the terms and provisions of this Agreement within thirty (30) days after written notice from the City.
- b. City reserves to itself all remedies available to it at law or in equity for any breach of

Developer's obligations under this Agreement. City shall have the right, without limitation of other rights or remedies, to draw upon or utilize any improvement security furnished hereunder to mitigate City's damages in the event of Developer's default.

- c. Developer acknowledges that the Estimated Total Costs and improvement security amounts set forth herein may not reflect the actual cost of construction or installation of the Improvements, and consequently, City's damages for Developer's default shall be measured by the cost of completing the required Improvements. If the damages incurred by the City in taking over the completing of the Improvements exceeds the principal amount of the improvement security, then the Developer shall reimburse the City in the amount of such excess damages.
- d. City may, without liability for doing so, take possession of, and utilize in completing the Improvements, such materials, appliances, plant and other property belonging to Developer as may be on the site of the work and necessary for the performance of the work. Developer hereby consents to entry by the City and its forces, including contractors, upon any real property in the Project owned by the Developer or by any assignee of this Agreement, in the event the City elects to maintain or complete the work on the Improvements following Developer's default.
- e. Developer acknowledges and agrees that, upon approval of the Final Plat, City will confer substantial rights upon the Developer, including the right to sell, lease or finance lots within the Subdivision, and that such approval constitutes the final act necessary to permit the division of land within the Subdivision. As a result, City will be damaged to the extent of the cost of construction or installation of the Improvements upon Developer's failure to perform its obligations under this Agreement. Developer further acknowledges that any determination as to whether a reversion to acreage or rescission of approval of the Final Plat constitutes an adequate or necessary remedy for Developer's default shall be within the sole discretion of the City.
- f. The City's failure to take an enforcement action with respect to a default, or to declare a default or breach, shall not be construed as a waiver of that default or breach or any subsequent default or breach of the Developer.
- g. If City sues to compel Developer's performance of this Agreement, or to recover damages or costs incurred in completing or maintaining the work on the Improvements, Developer agrees to pay all attorneys' fees and other costs and expenses of litigation incurred by the City in connection therewith, even if the Developer subsequently resumes and completes the work.

10. RELATIONSHIP OF THE PARTIES

Neither Developer, nor any of the Developer's contractors, employees or agents, are or shall be deemed to be agents of the City in connection with the performance of Developer's obligations under this Agreement.

11. ASSIGNMENT

- a. Developer shall not assign this Agreement without the prior written consent of the City. Any attempted or purported assignment in violation of this subparagraph a. shall be null and void and shall have no force or effect.
- b. The sale or other disposition of the Subdivision shall not relieve Developer of its obligations hereunder. If Developer intends to sell the Project, or any portion thereof, to any other person or entity, the Developer may request a novation of this Agreement and substitution of improvement security. Upon the City's approval of the novation and substitution of improvement security, the Developer may request a release or reduction of the improvement security furnished pursuant to this Agreement.

12. NOTICES

- a. All notices required or provided for in this agreement shall be in writing and delivered in person or by mail, postage prepaid, and addressed as follows:

If to the City:	Richland City Engineer 625 Swift Blvd. MS-26 Richland, WA 99352
-----------------	---

If to the Developer:	P&R Construction LLC 105609 E. Wiser Parkway Kennewick, WA 99338
----------------------	--

- b. Notice shall be effective on the date that it is delivered in person, or, if mailed, on the date of deposit in the United States mail.

13. ENTIRE AGREEMENT

This agreement constitutes the entire Agreement of the parties with respect to its subject matter. All modifications, amendments, or waiver of any terms of this Agreement shall be in writing and signed by the duly authorized representatives of the parties. In the case of the City, the duly authorized representative, unless otherwise specified herein, shall be the City Engineer.

14. SEVERABILITY

The provisions of this Agreement are severable. If any portion of this Agreement is held invalid by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

15. GOVERNING LAW

This Agreement shall be governed by the laws of the State of Washington.

16. EFFECTIVE DATE OF THE AGREEMENT

This Agreement shall be and become effective as of the date of recordation of the Final Plat for Marcello Estates Phase 2, and shall remain in effect until expiration of the one (1) year warranty found in Section 3; provided, however, that Section 7 shall survive expiration of this Agreement.

[Signature pages to follow]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, thereto duly authorized, as of the dates set forth below their respective signatures.

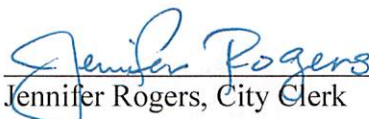
DEVELOPER – Peter Strizhak


By: Peter Strizhak
Its: OWNER
Date: 9-15-2022

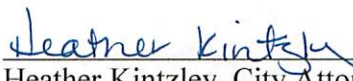
CITY OF RICHLAND


Jon Amundson, City Manager

Attest:


Jennifer Rogers, City Clerk

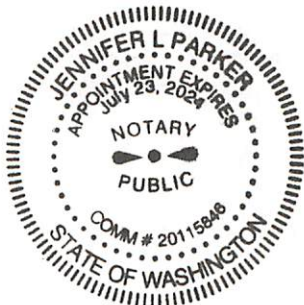
Approved as to Form:


Heather Kintzley, City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that Peter Strizhak, owner of **P & R Construction, LLC**, known to me to be the same person whose name is subscribed to the foregoing **Security and Improvement Agreement**, appeared before me this day in person and acknowledged that, pursuant to her authority, she signed the said Agreement as his/her free and voluntary act on behalf of **P & R Construction, LLC** for the uses and purposes therein stated.

Given under my hand and seal this 15th day of September, 2022.



Jennifer L. Parker
Notary Public
Residing at: Richland, WA
My commission expires 7-23-2024

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

I, the undersigned, a notary public in and for the State and County aforesaid, do hereby certify that **Jon Amundson, Richland City Manager**, known to me to be the same person whose name is subscribed to the foregoing **Security and Improvement Agreement**, appeared before me this day in person and acknowledged that, pursuant to her authority, she signed the said Agreement as her free and voluntary act on behalf of the City of Richland for the uses and purposes therein stated.

Given under my hand and seal this 25th day of October, 2022.



Toni Sue Clark
Notary Public
Residing at: Kennewick
My commission expires 09/29/2025

Schedule A

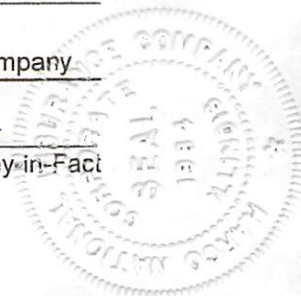
SCHEDULE A

WORK TO BE COMPLETED PRIOR TO CITY APPROVAL OF FINAL PLAT			
Sanitary sewer system installed and functional			
Domestic water system installed and functional			
Storm drainage system installed and functional			
Street subgrade and base rock placed & compacted to grade			
Property pins placed around boundary of plat, including back yard corners			
Signed third party easements			
Building lots graded per approved grading plan			
WORK TO BE COMPLETED PRIOR TO BUILDING PERMIT ISSUANCE			
TYPE OF WORK	COST PER UNIT	LENGTH/SF	VALUE
Public improvements fronting building lots			\$
Top rock placed & compacted			\$
Concrete curb and gutter installed			\$
Paving of city streets			\$
Unobstructed access to water main/hydrant valves	\$ 275.00	10	\$ 2,750.00
Sidewalk and pathway segments aside from building lots	\$ 1,600.00	12	\$ 19,200.00
Property pins placed at all interior lot corners	\$ 100.00	25	\$ 2,500.00
Centerline monuments installed by surveyor	\$ 500.00	5	\$ 2,500.00
All disturbed soils stabilized to protect against erosion	\$ 0.01	265919	\$ 2,660.00
Street lighting & circuit installed	\$ 43.33	1500	\$ 64,995.00
WORK TO BE COMPLETED PRIOR TO RELEASE OF SECURITY FUNDS			
TYPE OF WORK	COST PER UNIT	LENGTH	VALUE
Punchlist Value	\$ 5,000.00	1	\$5,000.00
Record Drawings	\$ 3,500.00	1	\$3,500.00
Surveyor Information	\$ 4,500.00	1	\$4,500.00
Total Value (All sections)			\$107,605.00
Total value X 150%			\$161,407.50



BOND NO. 0772484

BY: Kirsten K. Jordan Attorney-in-Fact



POWER OF ATTORNEY

Bond # 0772484

HARCO NATIONAL INSURANCE COMPANY INTERNATIONAL FIDELITY INSURANCE COMPANY

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

KNOW ALL MEN BY THESE PRESENTS: That **HARCO NATIONAL INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of Illinois, and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

KIRSTEN K. JORDAN, JACQUELINE F. HERNANDEZ, CINDY ANDREWS, NICHOLAS COX

Yakima, WA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** and is granted under and by authority of the following resolution adopted by the Board of Directors of **INTERNATIONAL FIDELITY INSURANCE COMPANY** at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of **HARCO NATIONAL INSURANCE COMPANY** at a meeting held on the 13th day of December, 2018.

"**RESOLVED**, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** have each executed and attested these presents on this 31st day of December, 2018



STATE OF NEW JERSEY
County of Essex

Kenneth Chapman

Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY**; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey
My Commission Expires April 4, 2023

CERTIFICATION

I, the undersigned officer of **HARCO NATIONAL INSURANCE COMPANY** and **INTERNATIONAL FIDELITY INSURANCE COMPANY** do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, October 18, 2022

Irene Martins, Assistant Secretary



SUBDIVISION BOND

AMOUNT: \$ _____

BOND NO. 0772484

KNOW ALL MEN BY THESE PRESENTS: THAT WE, P&R Construction, LLC

as Principal, and Harco National Insurance Company, a Illinois corporation authorized to do business in the State of Washington with its main bonding office at 4200 Six Forks Rd, Suite 1400, Raleigh, NC as Surety, are held and firmly bound unto the City of Kennewick as Oblige, in the full and just sum of One Hundred Sixty-one Four Hundred Seven and 00/100 DOLLARS (\$ 161,407.00) lawful money of the United States, to the payment of which sum, well and truly to be made, the Principal and the Surety bind themselves, their successors and assigns, jointly and severally, firmly by these presents.

SIGNED, SEALED AND DATED THIS 14th day of October, 2022

WHEREAS, the Principal has entered into an agreement with the City of Richland as Oblige, guaranteeing that the principal will construct, install and complete the improvements

at certain land known as, "Marcello Estates Phase 2" all of which improvements

shall be maintained and completed on or before December 31, 2023.

NOW, THEREFORE THE CONDITION OF THIS OBLIGATION IS SUCH, THAT IF THE principal shall carry out all the terms of said agreement and perform all the work as set forth therein, all within the time set forth in said agreement, then this obligation shall be null and void; otherwise to remain in full force and effect. FURTHERMORE, the rights of the Oblige hereunder are exclusive to it and the surety shall have no obligation hereunder to any person or entity other than the named Oblige herein. The rights of such Oblige are not assignable.

Witness : [Signature]

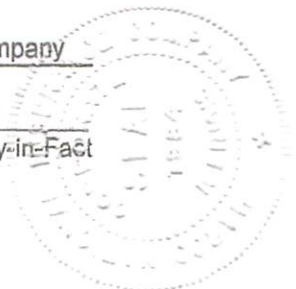
PRINCIPAL: P&R Construction, LLC

BY: [Signature]

Harco National Insurance Company

Witness : _____

BY: [Signature]
Kirsten K. Jordan Attorney-in-Fact



POWER OF ATTORNEY
HARCO NATIONAL INSURANCE COMPANY
INTERNATIONAL FIDELITY INSURANCE COMPANY

Bond # 0772484

Member companies of IAT Insurance Group, Headquartered: 702 Oberlin Road, Raleigh, North Carolina 27605

KNOW ALL MEN BY THESE PRESENTS: That HARCO NATIONAL INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Illinois, and INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and having their principal offices located respectively in the cities of Rolling Meadows, Illinois and Newark, New Jersey, do hereby constitute and appoint

KIRSTEN K. JORDAN, JACQUELINE F. HERNANDEZ, CINDY ANDREWS, NICHOLAS COX

Yakima, WA

their true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of the By-Laws of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 13th day of December, 2018 and by the Board of Directors of HARCO NATIONAL INSURANCE COMPANY at a meeting held on the 13th day of December, 2018.

"RESOLVED, that (1) the Chief Executive Officer, President, Executive Vice President, Senior Vice President, Vice President, or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-fact with authority to execute waivers and consents on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto, such signature and seals when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed."

IN WITNESS WHEREOF, HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY have each executed and attested these presents on this 31st day of December, 2018



STATE OF NEW JERSEY
County of Essex

Kenneth Chapman
Executive Vice President, Harco National Insurance Company
and International Fidelity Insurance Company

STATE OF ILLINOIS
County of Cook



On this 31st day of December, 2018, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

Shirelle A. Outley a Notary Public of New Jersey
My Commission Expires April 4, 2023

CERTIFICATION

I, the undersigned officer of HARCO NATIONAL INSURANCE COMPANY and INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand on this day, October 18, 2022

A01107

Irene Martins, Assistant Secretary



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Core Focus Area 3 - Increase Economic Vitality

Core Focus Area 6 - Enhance Neighborhood & Community Safety

Subject:

Resolution No. 2023-02, Authorizing Award of Bid for the 515 George Washington Way Demolition and Abatement Project

Department/Office
Parks & Public Facilities

Ordinance/Resolution Number:
2023-02

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-02, authorizing the City Manager to sign and execute a construction contract with Construction Group International, LLC as provided therein for the 515 George Washington Way Demolition and Abatement project.

Summary:

In early 2022, the City of Richland purchased property at 515 George Washington Way, previously known as the Economy Inn, with plans to demolish the existing building and restore the site.

Richland City Council authorized the purchase by resolution on March 1, 2022, and the City closed on the property on June 14, 2022.

The City later engaged qualified environmental, architectural and engineering consulting services to develop project plans and create bid documents. Consistent with the Richland Municipal Code and the City's established purchasing policies, bids were solicited with eleven (11) proposals received and read on December 7, 2022. Construction Group International, LLC submitted the lowest responsible bid of \$437,441.41.

Staff recommends adoption of Resolution No. 2023-02.

Fiscal Impact: The project budget is \$526.882 and the contract award is \$437,441.41. Sufficient funding is available to complete the project.

Attachments:

1. Resolution No. 2023-02
2. ITB 22-0082 Bid Tab - 515 George Washington Way Demolition

RESOLUTION NO. 2023-02

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AN AWARD OF BID TO CONSTRUCTION GROUP
INTERNATIONAL, LLC FOR THE 515 GEORGE WASHINGTON
WAY BUILDING DEMOLITION AND ABATEMENT PROJECT.**

WHEREAS, on March 1, 2022, Richland City Council adopted Resolution No. 2022-35, authorizing the purchase of property at 515 George Washington Way; and

WHEREAS, the City closed on the property on June 14, 2022; and

WHEREAS, plans for the site include demolition of the existing structure and restoration of the site (the “Project”); and

WHEREAS, the City contracted with an environmental consultant to initiate a hazardous material survey of the building materials in the existing structure; and

WHEREAS, hazardous materials were identified in the building that require abatement; and

WHEREAS, the City contracted with an architectural and engineering consultant to develop the scope of the Project and prepare bid documents; and

WHEREAS, all project development and design work necessary to advance the Project to construction is complete; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with eleven (11) bids received and opened on December 7, 2022; and

WHEREAS, Construction Group International, LLC submitted the lowest responsible bid in the amount of \$437,441.41; and

WHEREAS, sufficient funding is available to complete the Project; and

WHEREAS, the City’s best interests are served by completing the Project in accordance with the project design and lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a construction contract with Construction Group International, LLC in the amount of \$437,441.41 for the 515 George Washington Way Demolition and Abatement Project, and to execute change orders in an aggregate amount not to exceed 10% of the total contract value as needed to fulfill the Project’s intent.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



City of Richland

DATE BIDS OPENED: 12/7/2022	ITB # 22-0082
515 GEORGE WASHINGTON WAY BUILDING DEMO AND ABATEMENT	

ENGINEER'S ESTIMATE		Construction Group International, LLC Woodinville, WA		Big D's Construction of Tri- Cities, Inc. Pasco, WA	
Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
\$413,983.44	413,983.44	402,430.00	402,430.00	406,350.00	406,350.00
\$413,983.44		\$402,430.00		\$406,350.00	
36,016.56		35,011.41		35,352.45	
\$450,000.00		\$437,441.41		\$441,702.45	

Double J Excavating, Inc. Richland, WA		Ladd Construction & Demolition Liberty Lake, WA		Industrial Construction of Washington West Richland, WA	
Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
427,000.00	427,000.00	446,200.00	446,200.00	490,560.27	490,560.27
	\$427,000.00		\$446,200.00		\$490,560.27
	37,149.00		38,819.40		42,678.74
	\$464,149.00		\$485,019.40		\$533,239.01

3 Kings Environmental, Inc. Vancouver, WA		D & D Tri-Rivers Excavating, Inc. Kennewick, WA		Devout Excavation, LLC Bemidji, MN	
Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
544,000.00	544,000.00	553,348.00	553,348.00	574,375.00	574,375.00
\$544,000.00		\$553,348.00		\$574,375.00	
47,328.00		48,141.28		49,970.63	
\$591,328.00		\$601,489.28		\$624,345.63	

corrected tax
total

DelHur Industries, Inc		New X Inc.		MJ Takisaki Inc.	
West Richland, WA		Monroe, WA		Spokane, WA	
Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
588,224.25	588,224.25	613,980.50	613,980.50	780,993.47	780,993.47
\$588,224.25		\$613,980.50		\$780,993.47	
51,175.51		53,416.30		67,946.43	
\$639,399.76		\$667,396.80		\$848,939.90	

corrected tax
total



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2023-03, Authorizing Award of Bid to Pipe of Washington, Inc. for the Horn Rapids Irrigation Booster Pump Station Project

Department/Office
Public Works

Ordinance/Resolution Number:
2023-03

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-03, authorizing the City Manager to sign and execute a construction contract with Pipe of Washington, Inc. as provided therein for the Horn Rapids Irrigation Booster Pump Station project.

Summary:

The City operates an irrigation system in the Horn Rapids area of north Richland that provides non-potable water to several irrigation circles, a golf course, several parks, industrial sites, and the Horn Rapids Golf Course residential community. Service to the Horn Rapids Golf Course community has, on occasion, been below acceptable levels due to community growth and user irrigation scheduling. City staff and its planning consultant determined that adding a booster pumping station in the community would resolve these service deficiencies.

The project to add a booster pumping station was modeled after a similar existing pumping station within the community and will include construction of an irrigation booster pump station within a CMU building along with site improvements including power, piping, and an infiltration manhole.

The 2022-2027 Capital Improvement Plan (CIP) includes a project entitled Irrigation Supply Improvement Program, within which the Horn Rapids Residential Area Pump Station Improvements are budgeted. Bids were solicited in accordance with the City's purchasing policies, with ten (10) bids received and opened on December 20, 2022. Pipe of Washington, Inc. submitted the lowest responsible bid of the ten (10) bids received. Pipe of Washington, Inc.'s bid of \$398,711.60 is lower than the engineer's estimate and reflects a competitive bidding process. Staff recommends awarding the contract to Pipe of Washington, Inc.

The pump station is not expected to come online during the 2023 irrigation season due to supply chain issues and the time necessary to procure key components.

Staff recommends adoption of Resolution No. 2023-03.

Fiscal Impact:

This project is budgeted within the Water Capital Improvement Plan (CIP) for 2022. The estimated total project cost is \$458,000 including construction, construction management, and contingency. The Water CIP has an available balance of approximately \$8,700,000, which is sufficient to cover the estimated costs for this project.

Attachments:

1. Resolution No. 2023-03
2. Bid Tab - Horn Rapids Irrigation BPS - ITB 22-0095

RESOLUTION NO. 2023-03

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AWARD OF BID TO PIPE OF WASHINGTON, INC.
FOR THE HORN RAPIDS IRRIGATION BOOSTER PUMP
STATION.**

WHEREAS, the City of Richland operates an irrigation system in the Horn Rapids area of north Richland that provides non-potable water for commercial, agricultural, residential, industrial, the Horn Rapids Golf Course and public parks; and

WHEREAS, Horn Rapids is building additional phases within the subdivision, and portions of the irrigation system are providing inadequate pressure and water during the peak summer months; and

WHEREAS, the additional Horn Rapids Irrigation Booster Pump Station (the “Project”) is similar to the existing Horn Rapids Booster Pump Station and has been designed to improve the level of service to the community; and

WHEREAS, the 2022-2027 Capital Improvement Plan (CIP) includes a project titled Irrigation Supply Improvement Program, which includes the Horn Rapids Residential Area Pump Station Improvements; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with ten (10) bids received and opened on December 20, 2022; and

WHEREAS, Pipe of Washington, Inc. submitted the lowest responsible bid of the ten (10) bids received; and

WHEREAS, Pipe of Washington, Inc.’s bid of \$398,711.60 is lower than the engineer’s estimate and reflects a very competitive bidding process; and

WHEREAS, sufficient funding is available in the project budget to support completion of the Project; and

WHEREAS, the City’s best interests are served by completing the Project in accordance with the Capital Improvement Plan, project design and lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a construction contract with Pipe of Washington, Inc. in the amount of \$398,711.60 for the Horn Rapids Irrigation Booster Pump Station Project, and to execute change orders in an aggregate amount not to exceed \$40,000 as needed to fulfill the Project’s intent.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

City of Richland

DATE BIDS OPENED:	12/20/2022	ITB #	22-0095
Horn Rapids Irrigation Booster Pump Station			

				ENGINEER'S ESTIMATE COR		PIPE OF WASHINGTON PASCO, WA		INDUSTRIAL CONSTRUCTION OF WASHINGTON W. RICHLAND, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization	1	LS	\$25,000.00	25,000.00	35,800.00	35,800.00	16,421.60	16,421.60
2	Temporary Erosion and Sediment Control	1	LS	6,000.00	6,000.00	1,000.00	1,000.00	3,863.55	3,863.55
3	Site Work	1	LS	18,000.00	18,000.00	8,000.00	8,000.00	11,685.45	11,685.45
4	Site Utilities	1	LS	28,000.00	28,000.00	41,000.00	41,000.00	34,990.92	34,990.92
5	Structural	1	LS	78,000.00	78,000.00	111,000.00	111,000.00	122,187.82	122,187.82
6	Mechanical	1	LS	68,000.00	68,000.00	49,500.00	49,500.00	53,250.24	53,250.24
7	Electrical	1	LS	116,000.00	116,000.00	53,500.00	53,500.00	44,240.72	44,240.72
8	Telemetry and Automatic Control	1	LS	85,000.00	85,000.00	61,500.00	61,500.00	62,104.64	62,104.64
9	Construction Records and O&M Manual	1	LS	2,500.00	2,500.00	500.00	500.00	2,207.35	2,207.35
10	Testing, Startup and Training	1	LS	5,000.00	5,000.00	2,500.00	2,500.00	14,338.94	14,338.94
11	Demobilization	1	LS	5,000.00	5,000.00	2,500.00	2,500.00	1,528.16	1,528.16
BASE BID SUBTOTAL					\$436,500.00		\$366,800.00		\$366,819.39
8.7% SALES TAX					37,975.50		31,911.60		31,913.29
BASE BID TOTAL					<u>\$474,475.50</u>		<u>\$398,711.60</u>		<u>\$398,732.68</u>

				ESF DEVELOPMENT, LLC WALLA WALLA, WA		TAPANI, INC BATTLE GROUND, WA		RAY POLAND & SONS INC. KENNEWICK, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	40,750.00	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization	1	LS	40,000.00	40,000.00	40,750.00	40,750.00	30,000.00	30,000.00
2	Temporary Erosion and Sediment Control	1	LS	100.00	100.00	5,500.00	5,500.00	5,500.00	5,500.00
3	Site Work	1	LS	40,000.00	40,000.00	15,000.00	15,000.00	28,500.00	28,500.00
4	Site Utilities	1	LS	34,400.00	34,400.00	50,000.00	50,000.00	45,325.00	45,325.00
5	Structural	1	LS	130,000.00	130,000.00	128,350.00	128,350.00	110,000.00	110,000.00
6	Mechanical	1	LS	40,000.00	40,000.00	50,000.00	50,000.00	77,250.00	77,250.00
7	Electrical	1	LS	40,000.00	40,000.00	40,000.00	40,000.00	51,850.00	51,850.00
8	Telemetry and Automatic Control	1	LS	70,000.00	70,000.00	60,000.00	60,000.00	69,000.00	69,000.00
9	Construction Records and O&M Manual	1	LS	1,000.00	1,000.00	2,000.00	2,000.00	4,000.00	4,000.00
10	Testing, Startup and Training	1	LS	2,500.00	2,500.00	14,000.00	14,000.00	16,000.00	16,000.00
11	Demobilization	1	LS	1,000.00	1,000.00	2,000.00	2,000.00	4,500.00	4,500.00
BASE BID SUBTOTAL					\$399,000.00		\$407,600.00		\$441,925.00
8.7% SALES TAX					34,713.00		35,461.20		38,447.48
BASE BID TOTAL					<u>\$433,713.00</u>		<u>\$443,061.20</u>		<u>\$480,372.48</u>

City of Richland

DATE BIDS OPENED:	12/20/2022	ITB #	22-0095
Horn Rapids Irrigation Booster Pump Station			

				C & E TRENCHING LLC PASCO, WA		GOODMAN & MEHLENBACHER ENTERPRISES INC. KENNEWICK, WA		DOUBLE J EXCAVATING, INC RICHLAND, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization	1	LS	30,971.00	30,971.00	56,000.00	56,000.00	40,000.00	40,000.00
2	Temporary Erosion and Sediment Control	1	LS	12,762.00	12,762.00	1,700.00	1,700.00	3,000.00	3,000.00
3	Site Work	1	LS	24,592.00	24,592.00	14,000.00	14,000.00	21,700.00	21,700.00
4	Site Utilities	1	LS	46,867.00	46,867.00	41,000.00	41,000.00	48,000.00	48,000.00
5	Structural	1	LS	115,654.00	115,654.00	131,000.00	131,000.00	115,000.00	115,000.00
6	Mechanical	1	LS	77,814.00	77,814.00	83,000.00	83,000.00	64,000.00	64,000.00
7	Electrical	1	LS	44,769.00	44,769.00	46,000.00	46,000.00	87,000.00	87,000.00
8	Telemetry and Automatic Control	1	LS	55,979.00	55,979.00	70,000.00	70,000.00	62,900.00	62,900.00
9	Construction Records and O&M Manual	1	LS	4,215.00	4,215.00	3,000.00	3,000.00	1,000.00	1,000.00
10	Testing, Startup and Training	1	LS	28,737.00	28,737.00	14,000.00	14,000.00	20,700.00	20,700.00
11	Demobilization	1	LS	2,794.00	2,794.00	3,700.00	3,700.00	19,800.00	19,800.00
				BASE BID SUBTOTAL		\$445,154.00		\$463,400.00	
				8.7% SALES TAX		38,728.40		40,315.80	
				BASE BID TOTAL		\$483,882.40		\$503,715.80	

				ALLSTAR CONSTRUCTION GROUP, INC RICHLAND, WA		WESSLEN CONSTRUCTION & DEVELOPMENT, INC SPOKANE VALLEY, WA			
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization	1	LS	30,566.00	30,566.00	73,560.00	73,560.00		-
2	Temporary Erosion and Sediment Control	1	LS	20,674.00	20,674.00	7,080.00	7,080.00		-
3	Site Work	1	LS	45,296.00	45,296.00	24,720.00	24,720.00		-
4	Site Utilities	1	LS	48,296.00	48,296.00	71,520.00	71,520.00		-
5	Structural	1	LS	134,980.00	134,980.00	94,037.00	94,037.00		-
6	Mechanical	1	LS	81,959.00	81,959.00	101,956.00	101,956.00		-
7	Electrical	1	LS	47,450.00	47,450.00	52,769.00	52,769.00		-
8	Telemetry and Automatic Control	1	LS	68,838.00	68,838.00	71,285.00	71,285.00		-
9	Construction Records and O&M Manual	1	LS	10,566.00	10,566.00	6,720.00	6,720.00		-
10	Testing, Startup and Training	1	LS	22,954.00	22,954.00	28,051.00	28,051.00		-
11	Demobilization	1	LS	6,513.00	6,513.00	4,080.00	4,080.00		-
				BASE BID SUBTOTAL		\$518,092.00		\$535,778.00	
				8.7% SALES TAX		45,074.00		46,612.69	
				BASE BID TOTAL		\$563,166.00		\$582,390.69	



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:

Resolution No. 2023-04, Authorizing Award of Bid to Pipe of Washington, Inc. for the Area 400 Booster Pump Station Upgrades Project

Department/Office
Public Works

Ordinance/Resolution Number:
2023-04

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-04, authorizing the City Manager to sign and execute a construction contract with Pipe of Washington, Inc. as provided therein for the Area 400 Booster Pump Station Upgrades project.

Summary:

The City operates an irrigation system in the Horn Rapids area of north Richland that provides non-potable water to several irrigation circles, several parks, the City's landfill, industrial sites, and the Horn Rapids Golf Course community. Six (6) of the irrigation circles are served by a booster pump station (BPS) in what is called the 400 Area. The 400 Area BPS, originally designed and constructed by a previous farm lease operator and dedicated to the City, has deficiencies that impact its reliability and other system components.

The 2021-2026 Capital Improvement Plan (CIP) includes a project entitled Irrigation Utility System Upgrades, within which the 400 Area Booster Pump Station Upgrades project was budgeted (the "Project"). The Project includes various upgrades in order to keep the booster pump station fully operational. Bids were solicited in accordance with the City's purchasing policies, with six (6) bids received and opened on December 20, 2022. Pipe of Washington, Inc. submitted the lowest responsible bid of the six (6) bids received. Pipe of Washington, Inc.'s bid of \$458,714.00 is lower than the engineer's estimate and reflects a competitive bidding process. Staff recommends awarding the construction contract to Pipe of Washington, Inc.

The improvements are not expected to be complete during the 2023 irrigation season due to the length of time necessary to procure equipment.

Staff recommends adoption of Resolution No. 2023-04.

Fiscal Impact:

This project is budgeted within the Water Capital Improvement Plan (CIP) for 2022. The estimated project cost is \$531,000 including construction, construction management, and contingency. The Water CIP has an available balance of approximately \$8,700,000, which is sufficient to cover the estimated costs for this project.

Attachments:

1. Resolution No. 2023-04
2. Bid Tab - Area 400 BPS Upgrades - ITB 22-0096

RESOLUTION NO. 2023-04

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING AWARD OF BID TO PIPE OF WASHINGTON, INC.
FOR THE 400 AREA BOOSTER PUMP STATION UPGRADES.**

WHEREAS, the City of Richland operates an irrigation system in the Horn Rapids area of north Richland that provides non-potable water for commercial, agricultural, residential, industrial, the Horn Rapids Golf Course and public parks; and

WHEREAS, six of the agricultural fields located west of Twin Bridges Road are served by a booster pump station in what is called the 400 Area; and

WHEREAS, the 400 Area Booster Pump Station has pump reliability problems, is subject to surge pressures, and some of the mechanical plumbing and pipe laterals are failing; and

WHEREAS, the 2021-2026 Capital Improvement Plan (CIP) includes a project titled Irrigation Utility System Upgrades, within which the 400 Area Booster Pump Station Upgrades (the “Project”) is included; and

WHEREAS, bids were solicited in accordance with the City’s purchasing policies, with six (6) bids received and opened on December 20, 2022; and

WHEREAS, Pipe of Washington, Inc. submitted the lowest responsible bid of the six (6) bids received; and

WHEREAS, Pipe of Washington, Inc.’s bid of \$458,714.00 is lower than the engineer’s estimate and reflects a very competitive bidding process; and

WHEREAS, sufficient funding is available in the project budget to support completion of the Project; and

WHEREAS, the City’s best interests are served by completing the Project in accordance with the Capital Improvement Plan, project design and lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute a construction contract with Pipe of Washington, Inc. in the amount of \$458,714.00 for the 400 Area Booster Pump Station Upgrades Project, and to execute change orders in an aggregate amount not to exceed \$50,000 as needed to fulfill the Project’s intent.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

This space intentionally left blank.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

City of Richland

DATE BIDS OPENED:	12/20/2022	ITB #	22-0096
Area 400 Booster Pump Station Upgrades			

				ENGINEER'S ESTIMATE COR		PIPE OF WASHINGTON, INC PASCO, WA		INDUSTRIAL CONSTRUCTION OF WASHINGTON WEST RICHLAND, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization/Demobilization	1	LS	\$28,000.00	28,000.00	42,000.00	42,000.00	15,760.89	15,760.89
2	Temporary Erosion and Sediment Control	1	LS	6,000.00	6,000.00	1,000.00	1,000.00	1,095.18	1,095.18
3	Site Work	1	LS	7,000.00	7,000.00	6,500.00	6,500.00	8,896.81	8,896.81
4	Site Utilities	1	LS	72,000.00	72,000.00	73,000.00	73,000.00	70,573.91	70,573.91
5	Mechanical	1	LS	55,000.00	55,000.00	66,500.00	66,500.00	73,806.30	73,806.30
6	Electrical	1	LS	126,000.00	126,000.00	82,000.00	82,000.00	80,016.77	80,016.77
7	Telemetry and Automatic Control	1	LS	179,000.00	179,000.00	145,500.00	145,500.00	145,945.91	145,945.91
8	Construction Records and O&M Manual	1	LS	2,500.00	2,500.00	500.00	500.00	2,207.35	2,207.35
9	Testing, Startup and Training	1	LS	5,000.00	5,000.00	2,500.00	2,500.00	23,087.51	23,087.51
10	Demobilization	1	LS	5,000.00	5,000.00	2,500.00	2,500.00	3,056.33	3,056.33
BASE BID SUBTOTAL				\$485,500.00		\$422,000.00		\$424,446.96	
8.7% SALES TAX				42,238.50		36,714.00		36,926.89	
BASE BID TOTAL				\$527,738.50		\$458,714.00		\$461,373.85	

				DOUBLE J EXCAVATING, INC RICHLAND, WA		RAY POLAND & SONS INC KENNEWICK, WA		GOODMAN & MEHLENBACHER ENTERPRISES INC KENNEWICK, WA	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
	BASE BID								
1	Mobilization/Demobilization	1	LS	\$50,000.00	50,000.00	30,000.00	30,000.00	40,000.00	40,000.00
2	Temporary Erosion and Sediment Control	1	LS	500.00	500.00	5,500.00	5,500.00	2,000.00	2,000.00
3	Site Work	1	LS	12,000.00	12,000.00	12,500.00	12,500.00	4,000.00	4,000.00
4	Site Utilities	1	LS	65,000.00	65,000.00	69,500.00	69,500.00	70,000.00	70,000.00
5	Mechanical	1	LS	14,000.00	14,000.00	85,000.00	85,000.00	71,000.00	71,000.00
6	Electrical	1	LS	130,000.00	130,000.00	86,500.00	86,500.00	125,000.00	125,000.00
7	Telemetry and Automatic Control	1	LS	150,000.00	150,000.00	170,000.00	170,000.00	150,000.00	150,000.00
8	Construction Records and O&M Manual	1	LS	1,000.00	1,000.00	5,600.00	5,600.00	2,000.00	2,000.00
9	Testing, Startup and Training	1	LS	22,000.00	22,000.00	18,000.00	18,000.00	25,000.00	25,000.00
10	Demobilization	1	LS	5,200.00	5,200.00	5,500.00	5,500.00	5,000.00	5,000.00
BASE BID SUBTOTAL				\$449,700.00		\$488,100.00		\$494,000.00	
8.7% SALES TAX				39,123.90		42,464.70		42,978.00	
BASE BID TOTAL				\$488,823.90		\$530,564.70		\$536,978.00	

City of Richland

DATE BIDS OPENED:	12/20/2022	ITB #	22-0096
Area 400 Booster Pump Station Upgrades			

WESSLEN CONSTRUCTION &
DEVELOPMENT, INC
SPOKANE VALLEY, WA

Item	Description	Qty	Unit	Unit Price	Total Price
BASE BID					
1	Mobilization/Demobilization	1	LS	\$69,960.00	69,960.00
2	Temporary Erosion and Sediment Control	1	LS	7,080.00	7,080.00
3	Site Work	1	LS	7,080.00	7,080.00
4	Site Utilities	1	LS	102,720.00	102,720.00
5	Mechanical	1	LS	82,164.00	82,164.00
6	Electrical	1	LS	80,719.00	80,719.00
7	Telemetry and Automatic Control	1	LS	168,502.00	168,502.00
8	Construction Records and O&M Manual	1	LS	6,720.00	6,720.00
9	Testing, Startup and Training	1	LS	28,037.00	28,037.00
10	Demobilization	1	LS	4,080.00	4,080.00
BASE BID SUBTOTAL					\$557,062.00
8.7% SALES TAX					48,464.39
BASE BID TOTAL					\$605,526.39



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 1/3/2023

Agenda Category: Items of Business

Core Focus Area I - Promote Financial Stability & Operational Effectiveness

Subject:

Resolution No. 2023-05, Adopting the City of Richland's 2023 Legislative Priorities

Department/Office
City Manager

Ordinance/Resolution Number:
2023-05

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2023-05, establishing the City of Richland's legislative priorities for the 2023 Washington State legislative session.

Summary:

The 2023 Washington State legislative session commences January 9, 2023.

The City's 2023 legislative priorities include items specific to the City Strategic Leadership Plan, and promote both long and short-term objectives. In particular, the City is advocating for specific legislation and funding opportunities in the following areas:

1. Public Safety
2. Economic Development
3. Bateman Island Causeway
4. SR240& Aaron Drive Complete Streets Improvement Project
5. Growth Management Act Reform
6. Zoning Mandates
7. Regional Collaboration

Staff recommends adoption of Resolution No. 2023-05.

Fiscal Impact: None.

Attachments:

- I. Resolution No. 2023-05

RESOLUTION NO. 2023-05

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
ADOPTING THE CITY'S LEGISLATIVE PRIORITIES FOR THE
2023 WASHINGTON STATE LEGISLATIVE SESSION.**

WHEREAS, the 2023 Washington State legislative session will begin on January 9, 2023; and

WHEREAS, actions taken by the Washington State Legislature significantly impact the City of Richland's ability to provide basic municipal services to its citizens; and

WHEREAS, the City of Richland supports legislation that promotes the Richland City Council's Strategic Leadership Plan; and

WHEREAS, the City of Richland opposes legislation that would preempt authority or eliminate discretion that is traditionally and historically vested in local jurisdictions; and

WHEREAS, the City seeks to work with the Washington State Legislature to strengthen partnerships between state and local government, and to advocate for legislation and funding that would enhance the quality of life for the citizens of Richland.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City's legislative priorities for the 2023 Washington State legislative session shall be as set forth on the attached **Exhibit A**.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of January, 2023.

Terry Christensen, Mayor Pro Tem

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



CITY OF RICHLAND WASHINGTON

LEGISLATIVE PRIORITIES 2023

General Principles

Richland supports legislation that promotes the City Council's Strategic Leadership Plan and protects the City's ability to provide essential municipal services to its citizens.

Richland opposes legislation that would either preempt authority or discretion vested with local governments or impose new or additional unfunded mandates upon local jurisdictions.

Richland seeks to work with the Legislature to strengthen the state and local government partnership and protect current revenue sources available to the City, provide new revenue options, and provide flexibility in using existing revenues.

Public Safety

Richland supports revisions to statutes governing how law enforcement addresses drug offenses under the State v. Blake decision.

Richland supports clarification around the ability of law enforcement to conduct effective and safe vehicle pursuits using a reasonable suspicion standard in specific circumstances when there is an immediate threat to public safety.

Richland supports legislation amending RCW 13.40.740 related to juvenile questioning during a criminal investigation.

Richland supports more state investment in alternative response teams, treatment facilities for adults and juveniles, treatment in jails, and funding for social workers, treatment providers, and system navigators to help direct people to treatment.

Richland supports sustainable funding for law enforcement training through Basic Law Enforcement Academy (BLEA) classes in the Tri-Cities to decrease the wait time for newly hired officers.

Economic Development

Richland supports legislation enabling economic development incentives that encourage development and private investment. In particular, the City supports the proposed Tax Increment Financing "Fix" bill that will address technical corrections to the bill passed in 2021.

Bateman Island Causeway

Richland seeks to ensure adequate funding to address the offsite impacts of any state-sponsored project to improve the water quality in the mouth of the Yakima River.

SR240 & Aaron Drive Complete Streets Improvement Project

The SR240/Aaron Drive Complete Streets Improvements Project will correct deficiencies in the existing I-182/ SR240/ Aaron Drive interchange that have existed for approximately 40 years. These deficiencies impact active transportation, vehicular capacity, and freight mobility. The project requires no right-of-way acquisition and will involve a simple environmental review, so it can be quickly and efficiently delivered once funding is available. The estimated cost for both design and construction totals \$35 million.

Growth Management Act Reform

Richland supports reform to the Growth Management Act and is opposed to any planning obligations that are not coupled with adequate funding. Richland opposes any preemption of local land use authority.

Zoning Mandates

Richland opposes any legislation that preempts local land use authority but supports zoning and land use policies that create flexibility and incentives to help cities provide more equitable access to housing in our cities, recognizing that the one-size fits all approaches do not work across all of Washington's cities.

Regional Collaboration

Richland supports Benton County's efforts to fund and build a recovery center in the Tri-Cities. The city requests the state to partner with Benton County to allow for the expenditure of state appropriations through June 2025.

Richland supports the Port of Benton and Washington Vertical, a Washington Department of Commerce Innovation Accelerator Cluster Program, to spur the development of U.S.-based energy suppliers and supply chains to accelerate the deployment of advanced nuclear and other next-generation carbon-free energy technologies for a sustainable future.

The City will support the efforts of other state and local organizations on issues consistent with City positions. These include efforts of the Tri-City Development Council (TRIDEC), Tri-Cities Visitor and Convention Bureau (TCVCB), The Port of Benton, The Port of Kennewick, The Washington Economic Development Association (WEDA), and the Association of Washington Cities (AWC).