Agenda
City Council Regular Meeting
Tuesday, October 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. Swearing-In of Richland Police Officer Jared Kirk
   - Brigit Clary, Chief of Police

2. National Fire Prevention Week Proclamation
   - Terry Christensen, Mayor

3. Public Power Week Proclamation
   - Terry Christensen, Mayor

4. New Hires and 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 for distribution.

5. Proposed Surplus of Property and Equipment, Resolution No. 2023-156

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:

6. Approval of the September 19, 2023 City Council Regular Meeting Minutes and the September 26, 2023 City Council Workshop Meeting Minutes
   - Jennifer Rogers, City Clerk

Ordinances - First Reading:

7. Ordinance No. 2023-24, Establishing and Dedicating the Right-of-Way for a Segment of Southgate Way
   - Pete Rogalsky, Public Works Director

Ordinances - Second Reading & Passage:

8. Ordinance No. 2023-22, Amending the 2023 Budget in the Stormwater Utility Fund
   - Pete Rogalsky, Public Works Director

9. Ordinance No. 2023-23, Rezoning a 9,600 Square Foot Lot at 521 Smith Avenue from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S)
   - Kerwin Jensen, Development Services Director

Resolutions - Adoption:

10. Resolution No. 2023-147, Authorizing an Interagency Agreement with Washington State Criminal Justice Training Commission for Basic Law Enforcement Academy Training, Advising, and Counseling Officer
    - Brigit Clary, Chief of Police

11. Resolution No. 2023-150, Amending the Targeted Urban Area Map to Include the Northwest Advanced Clean Energy Park (formerly the North Horn Rapids Industrial Park)
    - Kerwin Jensen, Development Services Director

12. Resolution No. 2023-151, Authorizing an Interlocal Agreement with Regional Agencies for the 2023-2025 Solid Waste Program
    - Pete Rogalsky, Public Works Director

13. Resolution No. 2023-152, Authorizing an Interlocal Agreement with the Richland School District for 2023 Safe Routes to School Study
    - Pete Rogalsky, Public Works Director

14. Resolution No. 2023-153, Authorizing Submission of an Application for a Department of Ecology Stormwater Capacity Grant
    - Pete Rogalsky, Public Works Director

15. Resolution No. 2023-154, Authorizing Submission of an Application for a National Highway System Asset Management Program Grant
    - Pete Rogalsky, Public Works Director

16. Resolution No. 2023-155, Authorizing an Interlocal Agreement for Participation in the Benton-Franklin Council of Governments
    - Pete Rogalsky, Public Works Director

Items - Approval:

17. Appointment to the Lodging Tax Advisory Committee: Hector Cruz
    - Jennifer Rogers, City Clerk

18. Appointment to the Utility Advisory Committee: Bill Richmond
    - Jennifer Rogers, City Clerk

Expenditures - Approval:

None

Items of Business:

19. Resolution No. 2023-156, Approving the Sale of Surplus Property and Equipment
    - Irma Bottineau, Purchasing Manager

20. Resolution No. 2023-157, Supporting a Ballot Proposition to Continue the Benton County Public Safety Sales Tax
    - Brigit Clary, Chief of Police

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.

Proclamation

WHEREAS, fire is a serious public safety concern both locally and nationally, and people are at greatest risk from fire in their homes; and

WHEREAS, according to the National Fire Protection Association, fire departments in the United States responded to 338,000 home fires in 2021, and more than 2,800 people perished in those fires; and

WHEREAS, fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, cooking is the leading cause of home fires in the United States; and

WHEREAS, Richland Fire & EMS first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2023 Fire Prevention Week theme, "Cooking safety starts with YOU. Pay attention to fire prevention" effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

NOW, THEREFORE, I, Terry Christensen, by virtue of the authority vested in me as Mayor of the City of Richland, Washington, do hereby proclaim October 8-14, 2023 to be ***National Fire Prevention Week*** in the City of Richland.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the official seal of the City of Richland, Washington, on this 3rd day of October, 2023.

Terry Christensen, Mayor

Proclamation

WHEREAS, the citizens of the City of Richland have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of its own electric utility, have influence over utility operations and policies; and

WHEREAS, Richland's Energy Services Department provides our homes, businesses, schools, and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, Richland's Energy Services Department is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, the City of Richland has also taken on additional stewardship for our community's information infrastructure through installation of a broadband network that further expands community and economic development opportunities; and

WHEREAS, the City of Richland will continue to work to bring low-cost, safe, reliable, and sustainable electricity to community homes and businesses.

NOW, THEREFORE, I, Terry Christensen, by virtue of the authority vested in me as Mayor of the City of Richland, Washington, do hereby proclaim October 1-7, 2023 to be **Public Power Week** in the City of Richland.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the official seal of the City of Richland, Washington, on this 3rd day of October, 2023.

Terry Christensen, Mayor

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 | Agenda Category: Minutes

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Approval of the September 19, 2023 City Council Regular Meeting Minutes and the September 26, 2023 City Council Workshop Meeting Minutes

Department/Office	Ordinance/Resolution Number:	Document Type:
City Clerk		Minutes

Recommended Motion:
Approve the meeting minutes from the City Council regular meeting held on September 19, 2023 and the City Council workshop meeting held on September 26, 2023.

Summary:
Draft minutes from the September 19, 2023 City Council regular meeting and September 26, 2023 City Council workshop meeting are presented for Council's consideration and approval.

Fiscal Impact: None.

Attachments:
1. DRAFT September 19, 2023 City Council Meeting Minutes
2. DRAFT September 26, 2023 City Council Workshop Meeting Minutes

MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING
Tuesday, September 19, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Regular Meeting - 6:00 p.m.
Mayor Christensen called the Council meeting to order at 6:00 p.m.

Welcome and Roll Call
Mayor Christensen welcomed those in the audience and expressed appreciation for their attendance.

Attendance: Mayor Christensen, Mayor Pro Tem Richardson, and Councilmembers Jones, Kent, Lukson (remote attendance via Zoom), VanDyke, and Whitten were present.

Also present were 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, Human Resources Director Paulsen, and City Clerk Rogers.

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

Approval of Agenda

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER VANDYKE SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 7-0.

Presentations
None.

Public Hearing

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

1. Declaring Surplus and Authorizing Relinquishment of an Easement Lying within 933 Thayer Drive, Resolution No. 2023-149

Mayor Christensen opened and closed the public hearing at 6:04 p.m. No testimony was offered.

2. Amending the 2023 Budget in the Stormwater Utility Fund, Ordinance No. 2023- 22

Mayor Christensen opened and closed the public hearing at 6:05 p.m. No testimony was offered.

Public Comments

The following individual provided public comments:

Wright Beach - 1235 Jonagold Drive, Richland, WA: Mr. Beach provided comments as a resident and as a Board member of the Apple Wood Estates. Mr. Beach advocated for traffic calming measures to help reduce high-volume cross-through traffic in his neighborhood.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

MAYOR CHRISTENSEN MOVED AND MAYOR PRO TEM RICHARDSON SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PUBLISHED. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS JONES, KENT, LUKSON, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Minutes

3. Approval of the September 5, 2023 City Council Regular Meeting Minutes

Ordinances - First Reading

See Ordinance Nos. 2023 – 2022 and 2023-23 on **Items of Business**

Ordinances - Second Reading & Passage

4. Ordinance No. 2023-20, Amending Chapter 9.04 of the Richland Municipal Code related to Crimes Against Persons

5. Ordinance No. 2023-21, Annexing Approximately 1,641 Acres known as the Northwest Advanced Clean Energy Park (formerly the North Horn Rapids Industrial Park)

Resolutions - Adoption

6. Resolution No. 2023-145, Authorizing a Grant Application to the Washington State Recreation and Conservation Office for Local Parks Maintenance Grant Program Funding

7. Resolution No. 2023-146, Authorizing Award of Bid to Palouse Power, LLC for Construction of City View Substation Bank No. 2

8. Resolution No. 2023-148, Setting a Public Hearing Date to Consider the Proposed Annexation of 1.83 Acres of Short Plat 793, Lot 3

Items – Approval

9. Appointment to the Americans with Disabilities Act (ADA) Citizens Review Committee: Lee Schmolke

10. Appointment to the Lodging Tax Advisory Committee: Char Gaza and Doug Sako

11. Appointment to the Utility Advisory Committee: Harry Staven and Roy Miller

Expenditures - Approval

12. Expenditures from August 1, 2023 to August 31, 2023 for $28,316,208.98 including Travel Check Nos. 20359-20372, Accounts Payable Check Nos. 314162-315115, Accounts Payable Wire Nos. 9672-9719, Payroll Wires & ACH Nos. 13511-13573, Payroll Direct Deposit & Check Nos. 211472-213314, and Pension Check Nos. 6537-6562.

Items of Business

13. Resolution No. 2023-137, Authorizing a Purchase Order Contract with Great Western Installation, Inc. for New Playground Equipment at Howard Amon Park

With the aid of a PowerPoint Presentation, Parks and Recreation Manager Piper presented the proposed redesign layout and playground equipment that would replace the equipment at Sturgeon Cove Playground located at Howard Amon Park. The project scope includes demolition of existing structures, installation of rubber safety surfacing, and new equipment.

Staff responded to Council inquiries regarding community engagement, cost, surface materials, timeline for equipment installation, and expected lifespan of the equipment.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2023-137, AUTHORIZING A PURCHASE ORDER CONTRACT WITH GREAT WESTERN INSTALLATION, INC. FOR NEW PLAYGROUND EQUIPMENT AT HOWARD AMON PARK. MOTION CARRIED 7-0.

14. Resolution No. 2023-149, Declaring Surplus and Authorizing Relinquishment of an Easement lying within 933 Thayer Drive

Public Works Director Rogalsky announced the property owner at 933 Thayer Drive requested the relinquishment of a portion of an easement encumbering the property. The utilities that occupied the easement have been abandoned, and the easement is no longer needed for municipal purposes. Staff recommends approval of the request.

MAYOR CHRISTENSEN MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2023-149, DECLARING SURPLUS AND AUTHORIZING RELINQUISHMENT OF AN EASEMENT LYING WITHIN 933 THAYER

DRIVE. MOTION CARRIED 7-0.

15. Ordinance No. 2023-22, Amending the 2023 Budget in the Stormwater Utility Fund

Public Works Director Rogalsky provided an overview of the budget increase request to fund the administrative process to transfer property from the Washington State Department of Transportation (WSDOT) to the City of Richland for the purposes of creating a City stormwater retention and infiltration facility near the intersection of Steptoe Street and Columbia Park Trail.

Staff engaged in a question-and-answer session regarding the proposed stormwater retention and infiltration facility.

COUNCILMEMBER VANDYKE MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2023-22, AMENDING THE 2023 BUDGET IN THE STORMWATER UTILTY FUND, FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS JONES, KENT, LUKSON, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

16. Ordinance No. 2023-23, Rezoning a 9,600 Square Foot Lot at 521 Smith Avenue from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S) (Closed Record)

Mayor Christensen, City Attorney Kintzley, and City Clerk Rogers read the closed record hearing procedures.

City Attorney Kintzley asked if any Councilmembers had any potential conflicts regarding the topic per the closed record hearing procedures. The Councilmembers stated they had none.

City Attorney Kintzley asked the audience if anyone had an objection to any Councilmember's participation in the closed record review. There were no objections.

City Attorney Kintzley asked the audience if they had any objections on jurisdictional grounds. There were no objections.

Planning Manager Stevens stated that property owners, Alan and Seana Mortensen submitted a request to rezone for property located at 521 Smith Avenue from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S). Pending Council approval of the rezone request, the property owners intend to split the property into two lots and construct a single-family dwelling on the remaining vacant portion of the property. The site is compatible with the proposed R-2S zone.

An open-public hearing was conducted by the Richland Hearing Examiner on May 8, 2023 to consider the rezone request, and on August 17, 2023, the Richland Hearing Examiner issued a favorable recommendation to approve the request.

Staff engaged in a brief question and answer session with staff.

Mayor Christensen opened the public hearing at 6:42 p.m. and closed the public hearing at 6:43 p.m. No testimony was offered.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER KENT SECONDED THE MOTION TO APPROVE ORDINANCE NO. 2023-23, REZONING 9,600 SQUARE FOOT LOT AT 521 SMITH AVENUE FROM MEDIUM-DENSITY RESIDENTIAL (R-2) TO MEDIUM-DENSITY RESIDENTIAL SMALL LOT (R-2S), FOR FIRST READING, BY TITLE ONLY. THOSE IN FAVOR: MAYOR CHRISTENSEN, MAYOR PRO TEM RICHARDSON, AND COUNCILMEMBERS JONES, KENT, LUKSON, VANDYKE, AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 7-0.

Reports and Comments

City Manager

City Manager Amundson was absent. Deputy City Manager Schiessl reviewed items listed on the September 26, 2023 City Council workshop meeting agenda.

City Council

Councilmember Whitten did not have any comments.

Councilmember Kent thanked staff, particularly City Attorney Kintzley, for providing clear instructions to Council and the public regarding the public hearing process. Councilmember Kent then encouraged citizens to support local small business owners by shopping locally.

Councilmember Jones thanked the Planning Department for their continuous proactive efforts to encourage and support the construction of affordable housing within the city limits. Councilmember Jones then appealed to landowners to consider utilizing their property to construct affordable housing.

Councilmember VanDyke congratulated staff for their work and response to the Energy Compliance Examination audit, then directed his comments to Chief of Police Clary, stating constituents have provided positive feedback regarding the reinstated Traffic Patrol Units. Next, Councilmember VanDyke requested Deputy City Manager Schiessl provide Council with information on ways the City can assist in combating the affordable home crisis.

In conclusion, Councilmember VanDyke expressed his appreciation to Deputy City Manager Schiessl and Assistant City Manager Florence for their willingness to step up to ensure the smooth continuation of operations during City Manager Amundson’s absence.

Councilmember Lukson did not have any comments.

Mayor Pro Tem Richardson reported that she recently represented the City of Richland at the Energy Communities Alliance (ECA) Conference in Washington D.C. Mayor Pro Tem

Richardson summarized her experience at the conference and reported it was announced that the City of Richland has the potential to be the national epic center for clean energy goals.

Mayor

Mayor Christensen did not have any comments.

Adjournment

Mayor Christensen adjourned the meeting at 6:50 p.m.

APPROVED:	ATTEST:
____________________________	____________________________
Terry Christensen, Mayor	Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

MINUTES
RICHLAND CITY COUNCIL WORKSHOP MEETING
Tuesday, September 26, 2023
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Workshop - 6:00 p.m.
Mayor Christensen called the workshop meeting to order at 6:00 p.m.

Attendance: Mayor Christensen, Mayor Pro Tem Richardson, and Councilmembers Jones, Kent, Lukson, VanDyke, and Whitten were present.

Also present were Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Fire Chief Huntington, Energy Services Director Whitney, Public Works Director Rogalsky, Development Services Director Jensen, Finance Director Allen, Human Resources Director Paulsen, Parks & Public Facilities Director Hester, and City Clerk Rogers.

Agenda Items

1. Neighborhood Traffic Safety Program and Speed Limit Policy Update

Public Works Director Rogalsky provided an overview of the functional classification of the City's streets. Significant feedback has been received from the public in recent years regarding traffic speeds throughout the city. The supported concerns led to the review of the Neighborhood Traffic Safety (NTS) Program and speed mitigation. The Police Department and Public Works Department are the two primary departments that participate in traffic speed responses. The responses have been categorized into the areas of education, enforcement, and engineering.

Chief of Police Clary and Sgt. Swanson outlined the Police Department's efforts to reduce speed driving, then reviewed speed management tools and speed-reducing countermeasures utilized to enforce traffic safety. Speed-reducing measures include the reactivated traffic enforcement unit.

Public Works Director Rogalsky provided a historical overview of the NTS program history and traffic engineering's approach to reducing speed. Public Works Director Rogalsky stated that the Public Works Department researched various approaches to engineering interventions for speed management, then presented traffic calming solutions for council consideration.

Staff recommends funding NTS program enhancements through the existing Capital Improvement Program (CIP) with a proposed increase in funding. Staff sought Council feedback on the proposed approaches. Transportation & Development Manager D'Alessandro was in attendance to assist in responding to traffic calming solution inquiries.

Detailed information can be found in the PowerPoint Presentation included with the agenda packet. Council provided comments and asked questions throughout the presentation.

2. Discussion of 2024 Legislative Priorities

Deputy City Manager Schiessl introduced the City's contracted state lobbyist, David Arbaugh. Mr. Arbaugh described his role, offered best practices for effectively supporting or opposing legislative priorities, and suggested recommendations for possible inclusion in the City's 2024 legislative priorities.

The purpose of tonight's discussion is to prepare for the October 24, 2023 City Council workshop meeting in which specific legislative priorities will be discussed with the invited state and federal elected representatives. Council engaged in a discussion with Mr. Arbaugh regarding and various legislative topics, legislative priorities, and ranking legislative priorities.

3. 2024 Budget Presentation

Finance Director Allen provided a comprehensive overview of the preliminary 2024 Budget. Department Directors provided a high-level overview of their department's current projects, programs, developments, and major initiatives for 2024. Detailed information can be found in the PowerPoint Presentation included in the agenda packet.

Staff responded to Council inquiries throughout the presentation.

Adjournment

Mayor Christensen adjourned the meeting at 10:06 p.m.

APPROVED:	ATTEST:
___________________________	___________________________
Terry Christensen, Mayor	Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Ordinances - First Reading

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Ordinance No. 2023-24, Establishing and Dedicating the Right-of-Way for a Segment of Southgate Way

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-24	Ordinance

Recommended Motion:
Give first reading, by title only, to Ordinance No. 2023-24, establishing and dedicating the right-of-way for a segment of Southgate Way.

Summary:
The City owns and manages a system of public street rights-of-way for the benefit of residents and visitors. The City receives dedications of new public street right-of-way through land development activity, most often through approval of final plats.

Badger Communities, LLC (the "Property Owner"), the owner of properties near Reata Road and I-82, received preliminary plat approval from the City for the South Orchard subdivision and from Benton County for the Harvest Ridge subdivision. The Property Owner elected to construct a segment of Southgate Way as a separate action from the project to construct infrastructure supporting a final plat proposal. Southgate Way will be a collector street providing access to both subdivisions (Harvest Ridge and South Orchard). The City issued a construction permit pursuant to Chapter 12.08 RMC to construct Southgate Way.

Construction of Southgate Way is complete and has met all of the requirements of the construction permit. The Property Owner now desires to dedicate the recently constructed segment of Southgate Way to the City prior to the platting of South Orchard. The Property Owner has executed a right-of-way dedication deed, reviewed and approved by the City, for Southgate Way.

The Richland Municipal Code provides for dedication of public street rights-of-way by approval of a final plat or by ordinance. Proposed Ordinance No. 2023.24 will accept the deed and dedicate this segment of Southgate Way as public street right-of-way, thus enabling the orderly development of the South Orchard preliminary plat and the Harvest Ridge subdivision.

Staff recommends approval of Ordinance No. 2023-24 for first reading, by title only.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2023-24

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 2023-24

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, ESTABLISHING AND DEDICATING THE RIGHT-OF-WAY FOR A SEGMENT OF SOUTHGATE WAY.

WHEREAS, the City owns and manages a system of public street rights-of-way for the benefit of residents and visitors, and generally receives dedication of new public street rights-of-way through land development activity; and

WHEREAS, Badger Communities, LLC, owner of property near Reata Road and I-82 (hereafter the "Property Owner"), received preliminary plat approval from the City of Richland for the South Orchard subdivision and from Benton County for the Harvest Ridge subdivision; and

WHEREAS, pursuant to a construction permit issued under Chapter 12.08 RMC, the Property Owner constructed, to existing city street standards, a city street named Southgate Way to support the plats of South Orchard and Harvest Ridge; and

WHEREAS, the City's future final plat approval of the South Orchard subdivision would be the point in time when the City would typically receive dedicated street right-of-way from the Property Owner; and

WHEREAS, the Property Owner wishes to dedicate the newly construction Southgate Way to the City prior to platting the South Orchard subdivision, and the City has no objection to this action; and

WHEREAS, the Property Owner has executed a right-of-way dedication deed, reviewed and approved by the City, for Southgate Way; and

WHEREAS, the Richland Municipal Code provides for dedication of public street rights-of-way by approval of a final plat or by ordinance; and

WHEREAS, because final plat approval of South Orchard will not occur for some time, and because the Property Owner desires to dedicate the Southgate Way public street right-of-way to the City prior to any further platting action, Southgate Way must be dedicated by ordinance; and

WHEREAS, dedication of the Southgate Way public street right-of-way is appropriate to support the orderly development of the nearby properties.

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

Section 1. The portion of public street right-of-way legally described in **Exhibit A**, attached hereto, and depicted on **Exhibit B**, attached hereto, is hereby accepted and dedicated as a City street named Southgate Way.

Section 2. The City Manager is hereby authorized to sign, execute, and record with the Benton County Auditor's Office the right-of-way dedication deed dedicating the new Southgate Way public street right-of-way.

Section 3. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance at the attached Exhibits, duly certified by the Clerk as a true copy.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. 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 6. 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.

This space intentionally left blank.

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

____
Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

First Reading: _________
Second Reading: _________
Date Published: ________

EXHIBIT "A"
LEGAL DESCRIPTION
PUBLIC ROAD RIGHT OF WAY DEDICATION

THAT PORTION THAT PARCEL DESCRIBED IN DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2022-024787, RECORDS OF BENTON COUNTY, WASHINGTON, SITUATE IN THE WEST HALF OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 28 EAST WILLAMETTE MERIDIAN, CITY OF RICHLAND, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE NORTH 0°27'50" EAST 1259.20 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO THE **POINT OF BEGINNING**; THENCE CONTINUING NORTH 00°27'50" EAST 3254.80 FEET ALONG THE WEST LINE OF SAID SECTION 4 TO THE NORTH LINE OF THAT PARCEL DESCRIBED IN SAID DEED; THENCE NORTH 89°44'48" EAST 80.06 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF SAID PARCEL, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 470.50 FEET; THENCE SOUTHWESTERLY 102.19 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID PARCEL THROUGH A CENTRAL ANGLE OF 12°26'41" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 6°41'05" WEST 101.99 FEET); THENCE SOUTH 00°27'45" WEST 2002.26 FEET ALONG THE EAST LINE OF SAID PARCEL TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE AND ALONG THE EAST LINE OF SAID PARCEL THROUGH A CENTRAL ANGLE OF 89°59'57"; THENCE LEAVING SAID EAST LINE SOUTH 00°02'00" WEST 69.93 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 45°27'48" WEST 35.36 FEET); THENCE SOUTH 00°27'48" WEST 273.65 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTH 00°27'48" WEST 59.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 45°27'48" WEST 35.36 FEET); THENCE SOUTH 00°27'48" WEST 172.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTH 00°27'48" WEST 57.00 FEET TO THE

Exhibit A Pg. 2

BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET, THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 45°27'48" WEST 35.36 FEET); THENCE SOUTH 00°27'48" WEST 173.00 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTH 00°27'48" WEST 57.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 25.00 FEET, THENCE SOUTHWESTERLY 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 45°27'48" WEST 35.36 FEET); THENCE SOUTH 00°27'48" WEST 90.71 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 345.50 FEET; THENCE SOUTHEASTERLY 459.58 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°12'52" TO A POINT ON THE EASTERLY LINE OF SAID PARCEL, SAID POINT BEING THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 404.50 FEET; THENCE SOUTHEASTERLY 105.37 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 14°55'33"; THENCE SOUTH 60°49'31" EAST 37.04 FEET ALONG SAID EASTERLY LINE TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 293.19 FEET; THENCE SOUTHEASTERLY 94.18 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 18°24'15" TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 410.50 FEET; THENCE SOUTHEASTERLY 99.90 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 13°56'36" TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY 33.90 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 77°41'59" TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 328.50 FEET; THENCE NORTHEASTERLY 13.01 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 02°16'08"; THENCE SOUTH 13°54'32" EAST

Exibit A Pg. 3

57.00 FEET ALONG SAID EASTERLY LINE TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, THENCE SOUTHWESTERLY 39.43 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 90°22'18" (THE LONG CHORD OF SAID CURVE BEARS SOUTH 30°54'19" WEST 35.47 FEET) TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 410.50 FEET; THENCE SOUTHERLY 100.92 FEET ALONG THE ARC OF SAID CURVE AND ALONG SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 14°05'12"; THENCE SOUTH 00°11'38" EAST 70.13 FEET ALONG SAID EASTERLY LINE TO THE NORTHERLY RIGHT OF WAY MARGIN OF REATA ROAD; THENCE NORTH 89°29'23" WEST 81.01 FEET ALONG SAID NORTHERLY RIGHT OF WAY MARGIN; THENCE LEAVING SAID RIGHT OF WAY MARGIN NORTH 00°11'38" WEST 69.13 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 329.50 FEET; THENCE NORTHWESTERLY 242.84 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 42°13'38" TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 633.87 FEET; THENCE NORTHWESTERLY 73.39 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°38'02" TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 177.50 FEET; THENCE NORTHWESTERLY 39.83 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°51'30" TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 335.50 FEET; THENCE NORTHWESTERLY 81.30 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°53'02" TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 414.50 FEET; THENCE NORTHWESTERLY 551.70 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 76°15'40" TO THE **POINT OF BEGINNING.**

CONTAINS 7.19 ACRES, MORE OR LESS.

1-30-2023

Exhibit B Pg. 1

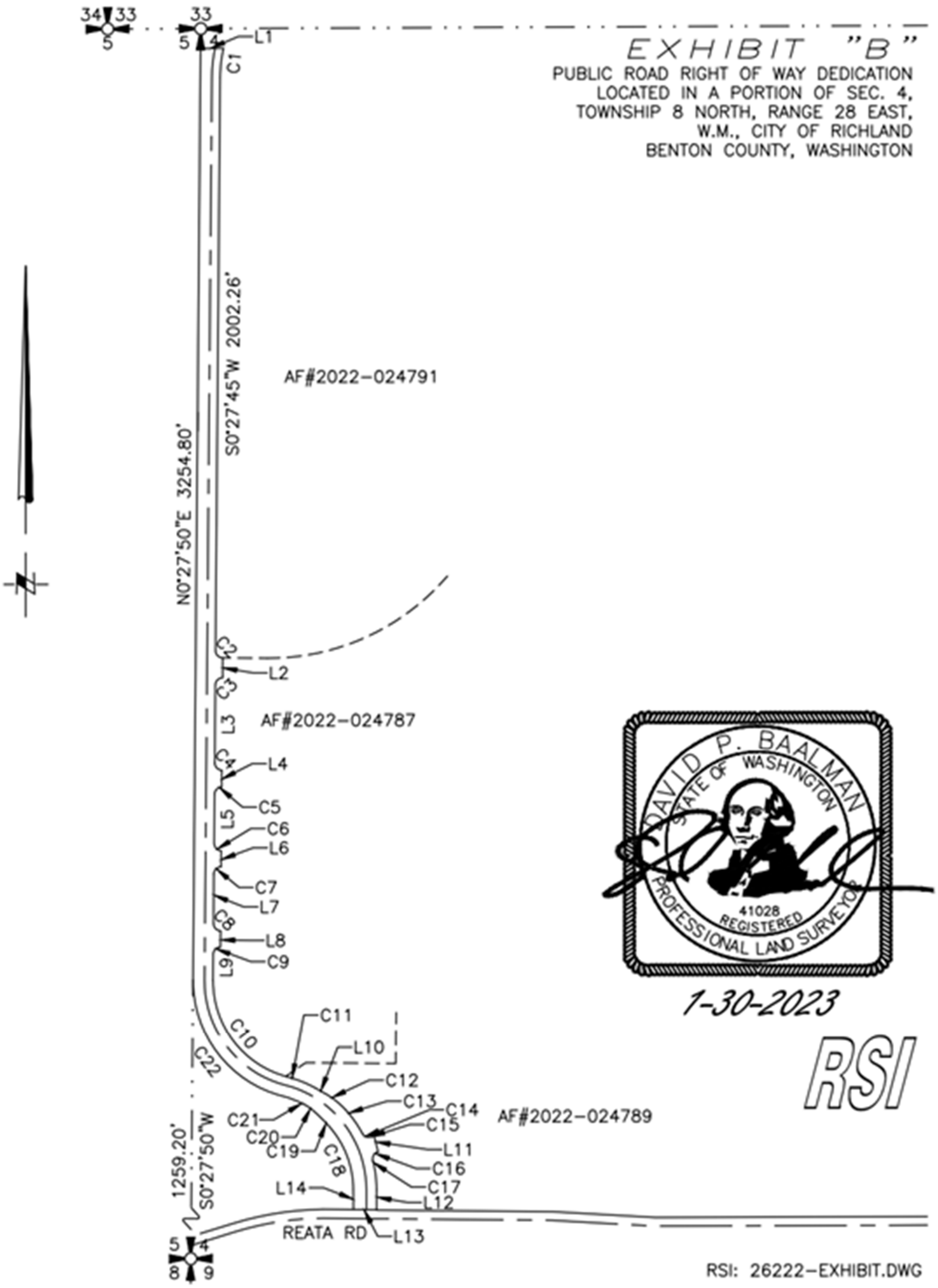


Exhibit B Pg. 2

EXHIBIT "B"
PUBLIC ROAD RIGHT OF WAY DEDICATION
LOCATED IN A PORTION OF SEC. 4,
TOWNSHIP 8 NORTH, RANGE 28 EAST,
W.M., CITY OF RICHLAND
BENTON COUNTY, WASHINGTON

Curve Table

CURVE	LENGTH	RADIUS	DELTA	CH. BRNG.	CHORD
C1	102.19	470.50	12°26'41"	S6°41'05"W	101.99
C2	39.27	25.00	89°59'57"	S44°32'14"E	35.36
C3	39.27	25.00	90°00'00"	S45°27'48"W	35.36
C4	39.27	25.00	90°00'00"	S44°32'12"E	35.36
C5	39.27	25.00	90°00'00"	S45°27'48"W	35.36
C6	39.27	25.00	90°00'00"	S44°32'12"E	35.36
C7	39.27	25.00	90°00'00"	S45°27'48"W	35.36
C8	39.27	25.00	90°00'00"	S44°32'12"E	35.36
C9	39.27	25.00	90°00'00"	S45°27'48"W	35.36
C10	459.58	345.50	76°12'52"	S37°38'38"E	426.44
C11	105.37	404.50	14°55'33"	S68°17'17"E	105.08
C12	94.18	293.19	18°24'15"	S51°37'24"E	93.77
C13	99.90	410.50	13°56'36"	S35°26'58"E	99.65
C14	33.90	25.00	77°41'59"	S67°19'40"E	31.36
C15	13.01	328.50	2°16'08"	N74°57'24"E	13.01
C16	39.43	25.00	90°22'18"	S30°54'19"W	35.47
C17	100.92	410.50	14°05'12"	S7°14'14"E	100.67
C18	242.84	329.50	42°13'38"	N21°18'27"W	237.38
C19	73.39	633.87	6°38'02"	N45°44'17"W	73.35
C20	39.83	177.50	12°51'30"	N55°29'03"W	39.75
C21	81.30	335.50	13°53'02"	N68°51'19"W	81.10
C22	551.70	414.50	76°15'40"	N37°40'00"W	511.87

LINE TABLE

LINE	DIRECTION	LENGTH
L1	N89°44'48"E	80.06
L2	S0°02'00"W	69.93
L3	S0°27'48"W	273.65
L4	S0°27'48"W	59.00
L5	S0°27'48"W	172.00
L6	S0°27'48"W	57.00
L7	S0°27'48"W	173.00
L8	S0°27'48"W	57.00
L9	S0°27'48"W	90.71
L10	S60°49'31"E	37.04
L11	S13°54'32"E	57.00
L12	S0°11'38"E	70.13
L13	N89°29'23"W	81.01
L14	N0°11'38"W	69.13

1-30-2023

RSI

RSI: 26222-EXHIBIT.DWG

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Ordinance No. 2023-22, Amending the 2023 Budget in the Stormwater Utility Fund

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-22	Ordinance

Recommended Motion:
Give second reading and pass Ordinance No. 2023-22, amending the 2023 Budget in the Stormwater Utility Fund.

Summary:
On November 15, 2022, Richland City Council approved Ordinance No. 2022-39 approving the 2023 Budget. Proposed land development activity near the intersection of Steptoe Street and Columbia Park Trail has created interest in establishing a City stormwater retention and infiltration facility near the intersection. A portion of the site of the new proposed stormwater facility is presently owned by the Washington State Department of Transportation (WSDOT).

WSDOT has indicated a willingness to transfer the property to the City after completion of a required administrative process which must be funded by the City. No funds were appropriated in the Stormwater Utility Fund for this site acquisition, and sufficient unappropriated funds are available in the Stormwater Utility Fund to support the required budget adjustment.

A public hearing was held pursuant to RCW 35.33.091 on September 19, 2023 regarding the increase in appropriations from the beginning fund balance in the Stormwater Utility Fund.

Staff recommends approval of Ordinance No. 2023-22 for second reading and passage.

Fiscal Impact:	WSDOT estimates the total cost to perform the appraisal, compile the disposal packet, generate right-of-way and access revision plans, deed conveyance, and other administrative costs associated with surplussing the property is $25,000. Sufficient unappropriated funds are available in the Stormwater Fund to support these costs.

Attachments:
1. Ordinance No. 2023-22

ORDINANCE NO. 2023-22

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING THE 2023 BUDGET TO PROVIDE FOR ADDITIONAL APPROPRIATIONS AND DECLARING A PUBLIC EMERGENCY IN THE CITY'S STORMWATER FUND.

WHEREAS, on November 15, 2022, Richland City Council passed Ordinance No. 2022-39 approving the 2023 Budget; and

WHEREAS, the proposed land development activity near the intersection of Steptoe Street and Columbia Park Trail has created interest in establishing a City stormwater retention and infiltration facility near the intersection; and

WHEREAS, a portion of the site for the new stormwater facility is presently owned by the Washington State Department of Transportation (WSDOT); and

WHEREAS, WSDOT has indicated a willingness to transfer the property to the City after completion of a required administrative process which must be funded by the City; and

WHEREAS, no funds were appropriated in the Stormwater Fund for the site acquisition; and

WHEREAS, sufficient unappropriated funds are available in the Stormwater Fund to support the required budget adjustment; and

WHEREAS, pursuant to RCW 35.33.091, a duly noticed public hearing was held on September 19, 2023 regarding the increase in appropriations from beginning fund balance in the Stormwater Fund.

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

Section 1. Facts Constituting Emergency. The expenses contained within this Ordinance were not anticipated when the 2023 Budget was approved.

Section 2. Declaration of Public Emergency. Due to circumstances described above, the City Council declares that a public emergency exists in the Stormwater Fund.

Section 3. Amendment of the 2023 Budget. The 2023 Budget is hereby amended to provide additional appropriations in the Stormwater Fund from unappropriated fund balance as follows:

Stormwater Fund	
Current Appropriation:	$ 4,870,012
Increase in Appropriation:	$ 25,000
Amended Appropriation:	$ 4,895,012

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

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

____
Terry Christensen, Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

First Reading: __________
Second Reading: ________
Date Published: __________

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Ordinances - Second Reading & Passage

Core Focus Area 3 - Increase Economic Vitality

Subject:
Ordinance No. 2023-23, Rezoning a 9,600 Square Foot Lot at 521 Smith Avenue from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2023-23	Ordinance

Recommended Motion:
Give second reading and pass Ordinance No. 2023-23, rezoning a 9,600 square foot Lot at 521 Smith Avenue from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S).

Summary:
The subject property is located at the northwest corner of Smith Avenue and Hoffman Street in central Richland and is designated as Medium Density Residential in the Richland Comprehensive Plan. The lot is currently zoned R-2 Medium Density Residential and the applicant is proposing to change the zoning to R-2S Medium Density Residential Small Lot. Both of these zoning districts comply with the current land use classification in the Comprehensive Plan.

The property is substantially larger than neighboring residential properties. The existing single-family dwelling is located on the northern half of the property, and the southern half of the property is vacant. If the zone change is approved by City Council, the applicants intend to split the property into two lots and plan to construct a single-family dwelling on the remaining vacant portion of the property.

Approval of the proposed rezone, and the subsequent lot segregation, will contribute to infill development since approximately half of the lot has remained underutilized for many decades. The site is within close proximity to all Richland School District resources (Grades K-12) and downtown Richland, contributing to a walkable community for potential residents or families. This site is ideal for the slightly denser development that is allowed under the R-2S zone.

Staff recommends approval of Ordinance No. 2023-23 for second reading and passage.

Fiscal Impact: None.

Attachments:
1. Ordinance No. 2023-23
2. Maps

WHEN RECORDED RETURN TO:
Richland City Clerk's Office
625 Swift Boulevard, MS-07
Richland, WA 99352

ORDINANCE NO. 2023-23

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING TITLE 23: ZONING REGULATIONS OF THE RICHLAND MUNICIPAL CODE AND THE OFFICIAL ZONING MAP OF THE CITY TO CHANGE THE ZONING ON 0.21 ACRES FROM MEDIUM DENSITY RESIDENTIAL (R-2) TO MEDIUM DENSITY RESIDENTIAL SMALL LOTS (R-2S); SAID PROPERTY BEING IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 110984020129011, AND ADOPTING THE FINDINGS AND CONCLUSIONS OF THE RICHLAND HEARING EXAMINER AS THE FINDINGS AND CONCLUSIONS OF THE RICHLAND CITY COUNCIL.

WHEREAS, on May 8, 2023, the Richland Hearing Examiner held a duly advertised open-record public hearing to consider a petition from Seana Mortensen to change the zoning of the property hereafter described in Section 2 and identified as Assessor's Parcel Number 110984020129011; and

WHEREAS, following the May 8, 2023 open-record public hearing, the Richland Hearing Examiner issued an 11-page written recommendation to the Richland City Council that concluded with a favorable recommendation to approve the requested rezone; and

WHEREAS, the Richland City Council has considered the written recommendation of the Richland Hearing Examiner and the record created during the May 8, 2023 open-record public hearing; and

WHEREAS, as required by RMC 19.20.030, the Richland City Council conducted a closed-record decision hearing on September 19, 2023 and has considered the totality of the record.

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

Section 1. It is hereby found, as an exercise of the City's police power, that the best land use classification for the land described below is Medium Density Residential Small Lot (R-2S) when consideration is given to the interests of the public.

Section 2. Said property, depicted in **Exhibit A**, attached hereto and incorporated by this reference, is more particularly described as follows:

LOT 11, BLOCK 129 OF THE PLAT OF RICHLAND

HAVING AN AREA OF 9,571 SQUARE FEET, 0.21 ACRES, MORE OR LESS.

Section 3. Such property is rezoned from Medium Density Residential (R-2) to Medium Density Residential Small Lot (R-2S).

Section 4. Richland Municipal Code Title 23 and the Official Zoning Map of the City, as adopted by Section 23.08.040 of said Title, are hereby amended by amending Sectional Map No. 12, which is one of a series of maps constituting said Official Zoning Map of the City of Richland, as shown on the attached **Exhibit B**, and bearing the number and date of passage of this Ordinance, and by this reference made a part of this Ordinance and of the Official Zoning Map of the City.

Section 5. The findings of fact and conclusions of the Richland Hearing Examiner as provided in the Richland Hearing Examiner's August 17, 2023 written recommendation, attached hereto as **Exhibit C**, are hereby adopted as the findings of fact and conclusions of the Richland City Council.

Section 6. The City Clerk is directed to file with the Auditor of Benton County, Washington, a copy of this Ordinance and the attached amended Sectional Map No. 12, duly certified by the City Clerk as a true copy.

Section 7. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 8. 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 9. 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 October, 2023.

____
Terry Christensen Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

First Reading: September 19, 2023
Second Reading: October 3, 2023
Date Published: October 8, 2023

Exhibit A to Ordinance No. 2023-23

Vicinity Map

Item: 521 Smith Ave, Short Plat & Rezone
Applicant: Alan & Seana Mortensen
File #: SP2023-106 & Z2023-104

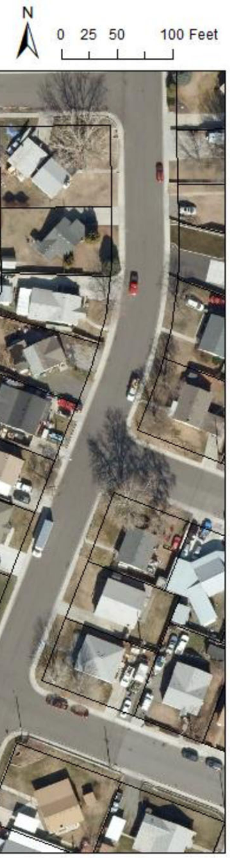
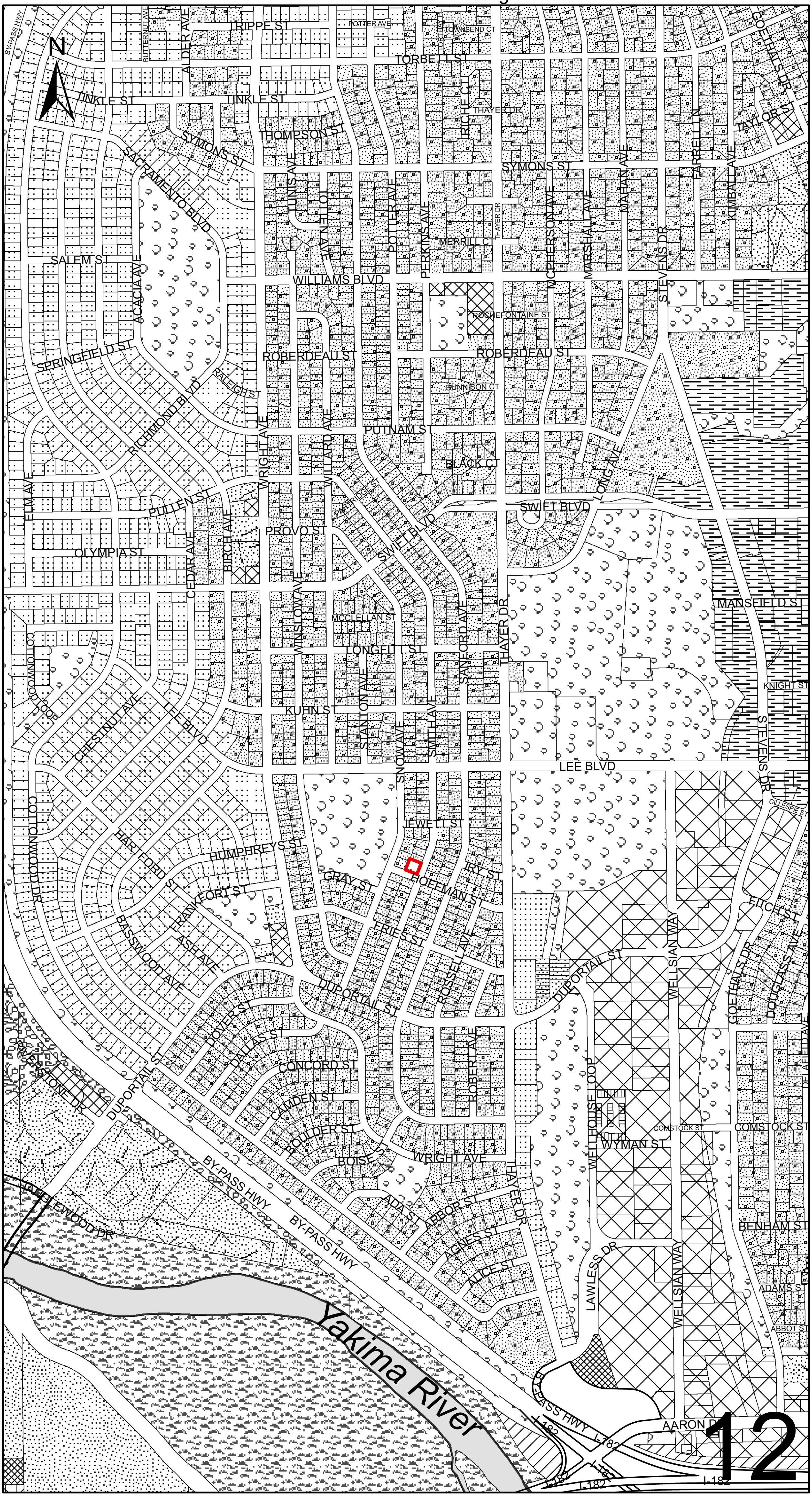


Exhibit B to Ordinance No. 2023-23; Passed 10/03/23
R-2 to R-2S Zoning



Before Hearing Examiner
Gary N. McLean

Exhibit C to Ordinance No. 2023-23

BEFORE THE HEARING EXAMINER
FOR THE CITY OF RICHLAND

Regarding the Application to ***Rezone*** a single parcel from R-2 (Medium Density Residential) to R-2S (Medium Density Residential Small Lot), which is consistent with the Comprehensive Plan's Medium Density Residential (MDR) land use designation assigned to the site, submitted by	**File No. Z2023-104**
ALAN & SEANA MORTENSEN (PROPERTY OWNERS), Applicants	**FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATION**
(Location: 521 Smith Avenue, about one block east of Marcus Whitman Elementary School, on Parcel No. 110984402012901l)	

I. SUMMARY OF RECOMMENDATION.

The applicants and property owners for the parcel at issue, Alan and Seana Mortensen, can meet their burden of proof to demonstrate that their requested rezone merits approval.

The site is now designated as suitable for Medium Density Residential land uses under applicable provisions of the City's Comprehensive Plan. Under City zoning codes, there are two zoning classifications that are deemed "Medium Density Residential", either the R-2 or R-2s zone. The site is now zoned R-2. The pending application would rezone the site to the other available Medium Density Residential zoning district found in current City codes, specifically, the R-2S zone, which approval is subject to "special requirements" provided in RMC 23.18.020(A).

This requested rezone does not approve any development activity on the site. As with all development proposals, City Development Regulations, including without limitation

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CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

subdivision codes, will apply to any specific projects that may eventually be proposed on the site. The same applicant is pursuing an application to subdivide their property into two roughly equal lots, which is subject to a separate review and approval by the Hearing Examiner, under File No. SP2023-106. If this rezone is denied, the proposed land division would be null and void.

Because applicant's only vest to zoning and development regulations in effect at the time of a complete application for a land use proposal, the applicant has assumed all risk associated with pursuing approval of a subdivision that is dependent on the Council's legislative discretion to approve or deny this requested rezone. This Recommendation should not be read to create any expectation or assumption on the applicant's part that applicable law mandates approval of their requested rezone. It does not. To the contrary, the City Council holds full discretion and authority to reach its own decisions regarding site-specific rezones. For example, in this matter, City codes include at least two zoning designations that are considered Medium Density Residential, the requested R-2S zone, and the R-2 zone, which is already assigned to the applicants' parcel.

In any event, for reasons explained below, the Hearing Examiner respectfully recommends that the City Council approve the applicants' pending request to rezone their parcel from R-2 to the R-2S zoning district.

II. BACKGROUND and APPLICABLE LAW.

In this matter, the Hearing Examiner has jurisdiction to conduct an open record public hearing on the site-specific rezone application at issue and is directed to issue a written recommendation for consideration and final action by the Richland City Council. *See* Richland Municipal Code (RMC) 19.20.010(D)(identifies "site-specific rezones" as Type IIIA permit applications); RMC 23.70.210(A)("The hearing examiner shall conduct an open record public hearing as required by RMC Title 19 for a Type IIIA permit application."); and RMC 19.20.030(granting jurisdiction to Hearing Examiner to conduct public hearing and issue recommendation to City Council); RMC 19.25.110(authority for Examiner actions, including conditions of approval on applications or appeals); and RCW 35A.63.170(state statute regarding hearing examiner system).

The applicant bears the burden of proof to show that its application conforms to the relevant elements of the city's development regulations and comprehensive plan, and that any significant adverse environmental impacts have been adequately addressed. RMC 19.60.060.

Finally, Washington Courts apply three basic rules when reviewing appeals of rezone applications: (1) there is no presumption favoring the rezone request; (2) the proponent of a

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rezone must demonstrate that there has been a change of circumstances since the original zoning, PROVIDED if a proposed rezone implements the policies of a comprehensive plan, a showing of changed circumstances is usually not required[1]; and (3) the rezone must have a substantial relationship to the public health, safety, morals, or general welfare. *Woods v. Kittitas County,* 162 Wn.2d 597 (2007), citing *Citizens for Mount Vernon,* 133 Wn.2d 861, at 875 (1997); *Parkridge v. City of Seattle, 89 Wn.2d 454, 462* (1978).

III. QUESTIONS PRESENTED.

For purposes of the pending rezone application, the central questions presented are:

A. Whether the requested rezone implements applicable policies of the City's Comprehensive Plan, and/or whether there has been a change of circumstances since the current R-2 zoning was adopted for the site?

> *Short Answer:* Yes to both. The site is already designated for Medium Density Residential uses in applicable provisions of City's Comprehensive Plan. While the site is already zoned R-2, one of the two zones available for properties designated for Medium Density Residential uses, demand for additional housing and lands on which to build new homes has increased significantly since the site was first zoned R-2, especially on sites where urban infrastructure and amenities are readily available to serve the future residents. The rezone would effectuate the Comprehensive Plan, and modify zoning in a manner that addresses a change in circumstances. Specifically, the requested R-2S zone is a Medium Density Residential zone that would enable the property owners to divide their parcel and make use of a vacant part of land with another dwelling unit. The applicants are pursuing a separate application to subdivide their property into two lots, which would be allowed under R-2S zoning standards. This proposal is consistent with current city policies and goals that encourage "infill" as a way to address ever-increasing demand for a variety of residential housing options in the City of Richland.

B. Whether the rezone bears a substantial relationship to the public health, safety, morals, or general welfare?

> *Short Answer:* Yes, because the rezone is consistent with the City's Comprehensive Plan, and any future, project-specific proposal will have to meet city development regulations, including SEPA, subdivision codes, traffic impact reviews, public infrastructure concurrency reviews, and payment of any impact fees in effect at the time of an application. Vacant, undeveloped, Residential-designated property in an

[1] *Save Our Rural Env't v. Snohomish County*, 99 Wn.2d 363, 370-71 (1983); *Henderson v. Kittitas County*, 124 Wn. App. 747, 754 (Div. III, 2004); *Bjarnson v. Kitsap County*, 78 Wn. App. 840, 846 (Div. III, 1995).

area already served with adequate transportation and utility infrastructure is not consistent with state and local policies that encourage residential development in designated urban growth areas, like those in the Richland City limits. The proposed rezone is an effort to expedite development potential for the site, as shown in the applicant's proposed two-lot residential subdivision for the property. The current R-2 zoning designation applied to the site is no longer the best zone for the specific parcel, nor is it in the public interest to ignore an opportunity for infill development on the site.

IV. RECORD.

Exhibits entered into evidence as part of the record, and an audio recording of the public hearing, are maintained by the City of Richland, and may be examined or reviewed by contacting the City Clerk's Office.

Public notices regarding the application and public hearing were mailed, posted, and published as required by city codes prior to the public hearing, which occurred on May 8, 2023. *(Staff Report, page 10; Exhibit 4).*

Hearing Testimony: Only City Planner, Kyle Hendricks, and one of the applicants, Seanna Mortenson, asked to present testimony under oath during the public hearing.

Exhibits: The Development Services Division Staff Report for the requested Rezone, including a recommendation of approval, was provided to the Examiner in the week before the hearing. The Staff Report, and the following Exhibits, were all accepted into the Record in their entirety without modification:

1. Rezone Application Materials
2. Zoning map
3. Application to divide parcel into two residential lots (short plat)
4. Public Notices & Affidavits
5. Agency comments
6. (Post-hearing submittal, requested by the Examiner) – Revised Condition of Approval for proposed land division, requiring ADA frontage improvements on the applicant's corner lot, and addressing driveway standards for proposed new lot (to be consistent with similar development proposals throughout the City), from Mr. Hendricks to the Examiner.

The Examiner visited the road network and vicinity of the proposed rezone on two occasions in the period following the public hearing, to personally observe site conditions, the types of uses and residential housing in the area, specific driveway access issues presented, and other considerations at issue in this rezone and the associated land division request. The Examiner is fully advised on matters at issue herein, including without limitation applicable law, application materials, and relevant comprehensive plan provisions.

V. FINDINGS OF FACT.

Based upon the record, the undersigned Examiner issues the following Findings of Fact.

Application, Site Location and Conditions.

1. In this application, the applicants and property owners, Alan and Seana Mortensen, request a rezone of a parcel of property from Medium Density Residential (R-2) to R-2S, another medium density residential classification, known as Medium Density Residential Small Lot. *(Ex. 1, Application materials; Staff Report).*

2. The Mortensen's property is a single parcel, about 9,600 sq.ft. in size, assigned Benton County Tax Parcel No. 110984402012901l, located at 521 Smith Avenue, in the City of Richland, about one block east from Marcus Whitman Elementary School, with Carmichael Middle School and Richland High School a relatively flat, short (less than one mile) distance away to the east/northeast. The site is located a reasonable distance from the City's Central Business District, approximately 3⁄4 of a mile to the east. *(Staff Report; Site visit; Application materials).*

3. An aerial view/map found on page 2 of the Staff Report, highlighting the applicants' parcel in blue, is republished below.

4. The illustration shown above shows the applicants' parcel as it might appear if the rezone is approved, and the applicants' separate application for a short plat – which is not before the City Council – is later approved.

5. The Comprehensive Plan Land Use Map shows the Mortensen's parcel is designated for Medium Density Residential uses and developments. *(Staff Report, page 5, see Figure 2, Comp. Plan Land Use Map for area where the applicants' parcel is located).*

6. There is no dispute that the R-2 and R-2S zoning designations are the two zoning classifications that are deemed "Medium Density Residential" in the City's municipal code. *(See RMC 23.18.010(C) and (D)).* The City's code describes the two zones as follows:

> *The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan. (RMC 23.18.010(C)).*
>
> *The medium-density residential small lot (R-2S) is a residential zone classification permitting a higher density of population, encouraging small lot development conducive to energy conservation and to other factors contributing to the production of affordable housing, and including the establishment of duplex dwellings and providing for these one- and two-family residences a high degree of protection from hazards, objectionable influences, building congestion and lack of light, air and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated medium-density residential (5.1 to 10 dwellings per acre) under the city of Richland comprehensive plan. (RMC 23.18.010(D)).*

7. The rezone parcel is mostly flat and is not within the City's Shoreline jurisdiction. The Staff Report explains that the site is not subject to any special Critical Areas requirements; that this application is exempt from SEPA review; and that no agencies offered any comments regarding the applicants' rezone application. *(Staff Report, page 10).*

8. The Staff Report confirms that notices regarding the proposed rezone and associated two-lot land division application were mailed, posted, and published in accord with City

practices, with notices mailed to all owners of properties within 300-feet of the applicants' parcel.[2]

9. RMC 23.18.020(A) imposes "special requirements" that apply to any application to rezone land to the R-2S zoning classification, and reads as follows:

> In order to assure consistency with the purpose of the R-2S district, as stated in RMC 23.18.010(D), and further to avoid potential negative and undesirable effects that may result from the higher density of development afforded in an R-2S zone, the following special requirements and provisions shall apply:
>
> 1. Any application for reclassification of land to R-2S shall be accompanied by an application for preliminary plat approval submitted in accordance with RMC 24.12.010. In addition, the following information shall be submitted with the application for preliminary plat:
>
> a. A street landscaping plan showing the location and type of landscaping proposed;
> b. Information showing the location, dimensions and character of recreational facilities and/or open space, including paths and trails; and
> c. Utilization of curvilinear, cul-de-sac and/or loop streets or other appropriate design solutions to assist in modulating the interface of the residential buildings with the streets.
>
> 2. The planning commission and city council may, in keeping with the intent of this section, impose requirements and conditions on the approval of the preliminary plat or zoning reclassification as deemed appropriate. These conditions may include, but are not limited to, architectural design parameters, screening and buffering treatments, and supplemental open space and/or recreational facility requirements. Compliance with these conditions shall be demonstrated precedent to final plat and/or building permit approval as appropriate.
>
> 3. A combined front yard setback configuration and street-facing residential architectural elevation may be repeated continuously on no more than five lots before a different combination must be utilized. Regardless of the street facing architectural elevation, a front yard setback configuration may be repeated on no more than 10 lots before a different setback configuration must be utilized. The administrative official may approve variations to this requirement which, in his judgment, accomplish the intent of avoiding a monotonous interface of the residential buildings with the streets, or are necessary due to constraints or unique characteristics of the site. This requirement shall be satisfied at the time of building permit application. *[*Note by Examiner: This requirement is*

[2] While notice requirements for a short plat are not the same as those for full subdivision, this proposal was subject to the same notice requirements for a full subdivision, i.e. a preliminary plat or subdivision, which requires notices mailed to owners of properties within 300-feet of the site. *(See RMC 24.12.045 for notice requirements for Preliminary Plat, and RMC Chapter 24.13 RMC, where no such notice requirement is imposed for a Short Plat).*

inapplicable, as the parcel at issue would only be divided into two lots, not five or more as this section addresses].

10. Because the associated land division proposed in connection with this rezone request is for only two lots, Staff determined that a short plat application is the proper procedure.[3] A short plat is typically decided by the Planning Manager as the administrator, but since this is combined with a rezone request, staff determined that the hearing examiner should be the administrator for the associated short plat application. *(Staff Report, page 8).*

11. To eliminate any uncertainty that the full intent and purpose of the special requirements for applications seeking to rezone land to the R-2S zoning classification, the Examiner applied approval criteria for a full-subdivision, not simply that for a short-plat, in consideration of the associated land division (short plat) application.

12. This matter was subject to a full public hearing, following public notices and ads consistent with those for a full subdivision. In other words, the review process for the associated 2-lot land division satisfies all relevant requirements for "an application for preliminary plat approval submitted in accordance with RMC 24.12.010" *[see mandatory language in RMC 23.18.020(A)(1), addressed above].*

13. While the requested rezone is fully consistent with the City's Comprehensive Plan land use designation assigned to the parcel, changed circumstances also support the requested rezone from the R-2 to R-2S zone. Since original zoning was adopted, demand for new residential lots throughout the City of Richland has increased, especially in areas already served by nearby schools, adequate utilities, roads, and other urban services. The current R-2 zone does not serve a useful purpose at this site, because sufficient vacant and readily developable land is available for a future residential unit, in accord with City policies that encourage infill.

14. The Examiner concurs with the opinion of staff and finds that the proposed R-2S zoning with its associated permitted residential land uses and types of housing, is compatible with the vicinity and that the site's proximity to existing schools in the area, well-built roadways, utilities, and recreational amenities in the area, and that its location should make a future residential unit on the site convenient for future residents. *(Site visits).*

15. Through the public comment and hearing process, no one submitted any comments, evidence, or legal authority that would serve as a basis to seriously question or deny this requested rezone. The Examiner undertook additional research, and conducted several site

[3] RMC 24.13.010, captioned "Permission and procedure to plat," reads as follows: "When an owner or subdivider desires to subdivide a parcel of land so as to produce not more than a total of nine lots, none of which has been subdivided by short subdivision within a period of five years, it may be done in the following manner."

visits to the area, to ensure that the associated 2-lot land division could satisfy special requirements imposed on applications for an R-2S zoning designation.

16. Because staff deemed the application to be consistent with the City's Comprehensive Plan, which already designates the rezone site as suitable for medium density residential land uses, and the City's plan was analyzed in an environmental impact statement at the time of its adoption, the pending application is categorically exempt from SEPA review as provided in WAC 197-11-800(6)(c). *(Staff Report; Official notice from record of previous rezone matters re: City SEPA process(es) undertaken when current Comprehensive Plan was adopted and amended).*

17. The record does not include any evidence that the requested R-2S zone could allow for any uses that would be incompatible with surrounding uses.

18. The Staff Report's analysis of this application stands unrebutted. The requested rezone is consistent with land use policy goals in the City's Comprehensive Plan. *(Staff Report, pages 5-6).*

Public services and utilities are adequate and readily available to serve the site.

19. As part of the review process, City staff confirmed that, adequate utilities, including without limitation water, sewer, stormwater, and electricity, are in place and/or readily available, some with connections needed, but all with adequate capacity, to serve the parcel that is at issue in this matter. *(Staff Report, page 8, 9).*

Consistency with City Codes and Comprehensive Plan.

20. As explained elsewhere in this Recommendation, the rezone site is already designated as "MDR" i.e. medium density residential, in applicable parts of the City's Comprehensive Plan, and the request is to reclassify the applicants' single parcel from one available MDR zone (R-2) to another, specifically the R-2S zone.

21. Standing alone, the requested rezone conforms to the Comprehensive Plan, because the plan already identifies the property as suitable for medium density residential uses. There is nothing in this record to justify holding the property as an R-2 zoned site, as might be the case if certain unique uses are needed in the immediate area in order to best serve the public interest.

General findings.

22. The requested rezone bears a substantial relationship to the public health, safety, and general welfare. The requested rezone is appropriate in the context of adjacent properties.

23. The Development Services Division Staff Report, prepared by Mr. Hendricks, includes a number of specific findings and explanations that establish how the underlying application satisfies provisions of applicable law and is consistent with the city's Comprehensive Plan and zoning regulations. Except as modified in this Recommendation, all Findings contained in the Staff Report are incorporated herein by reference as Findings of the undersigned-hearing examiner.

24. Any factual matters set forth in the foregoing or following sections of this Recommendation are hereby adopted by the Hearing Examiner as findings of fact and incorporated into this section as such.

VI. CONCLUSIONS.

Based upon the record, and the Findings set forth above, the Examiner issues the following Conclusions:

1. The applicant met its burden to demonstrate that the requested rezone conforms to, and in fact implements objectives of, the City's Comprehensive Plan. *Findings; Staff Report.*

2. The applicant met its burden to demonstrate that the requested rezone bears a substantial relationship to the public health, safety, or welfare.

3. The Staff Report and testimony in the record demonstrate that the proposed rezone will not require new public facilities and that there is capacity within the transportation network, the utility system, and other public services, to accommodate all uses permitted in the R-2S zone requested herein.

4. The rezoned site will not be materially detrimental to uses or property in the immediate vicinity of the subject property**.** In fact, the rezone will help facilitate additional but limited residential development on the property, thereby implementing City goals and policies, including without limitation those that seek to encourage infill development and to provide a variety of lifestyles and housing opportunities.

5. While the pending rezone application is categorically exempt from formal SEPA review, the record demonstrates that the potential for adverse impacts is very unlikely. And, after public notices issued for the application, no one spoke or submitted any written comments opposing the pending rezone request.

6. As required by RMC 19.50.010(C), the transportation system is sufficient to accommodate the type of development envisioned with the proposed rezone. The surrounding road network is fully functional, and no transportation concurrency problems are

likely to arise as a result of the rezone for the site. Development regulations, including without limitation those detailing frontage improvements, driveway access, impact fees, setbacks, and the like, will apply to any future project built on the site.

7. Based on the record, the applicants demonstrated that their rezone application merits approval, meeting their burden of proof imposed by RMC 19.60.060.

8. Approval of this rezone will not and does not constitute, nor does it imply any expectation of, approval of any permit or subsequent reviews that may be required for development or other regulated activities on the site of the subject rezone.

9. Any finding or other statement contained in this Recommendation that is deemed to be a Conclusion is hereby adopted as such and incorporated by reference.

VII. RECOMMENDATION.

Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the Mortensen Rezone application (File No. Z2023-104) to reclassify a 9,600 sq.ft. site from its current R-2 zone to another Medium Density Residential (MDR) land use designation, specifically the R-2S zoning district, which is consistent with the Comprehensive Plan's MDR land use designation assigned to the area, should be **APPROVED.**

ISSUED this 17th Day of August, 2023

Gary N. McLean
Hearing Examiner

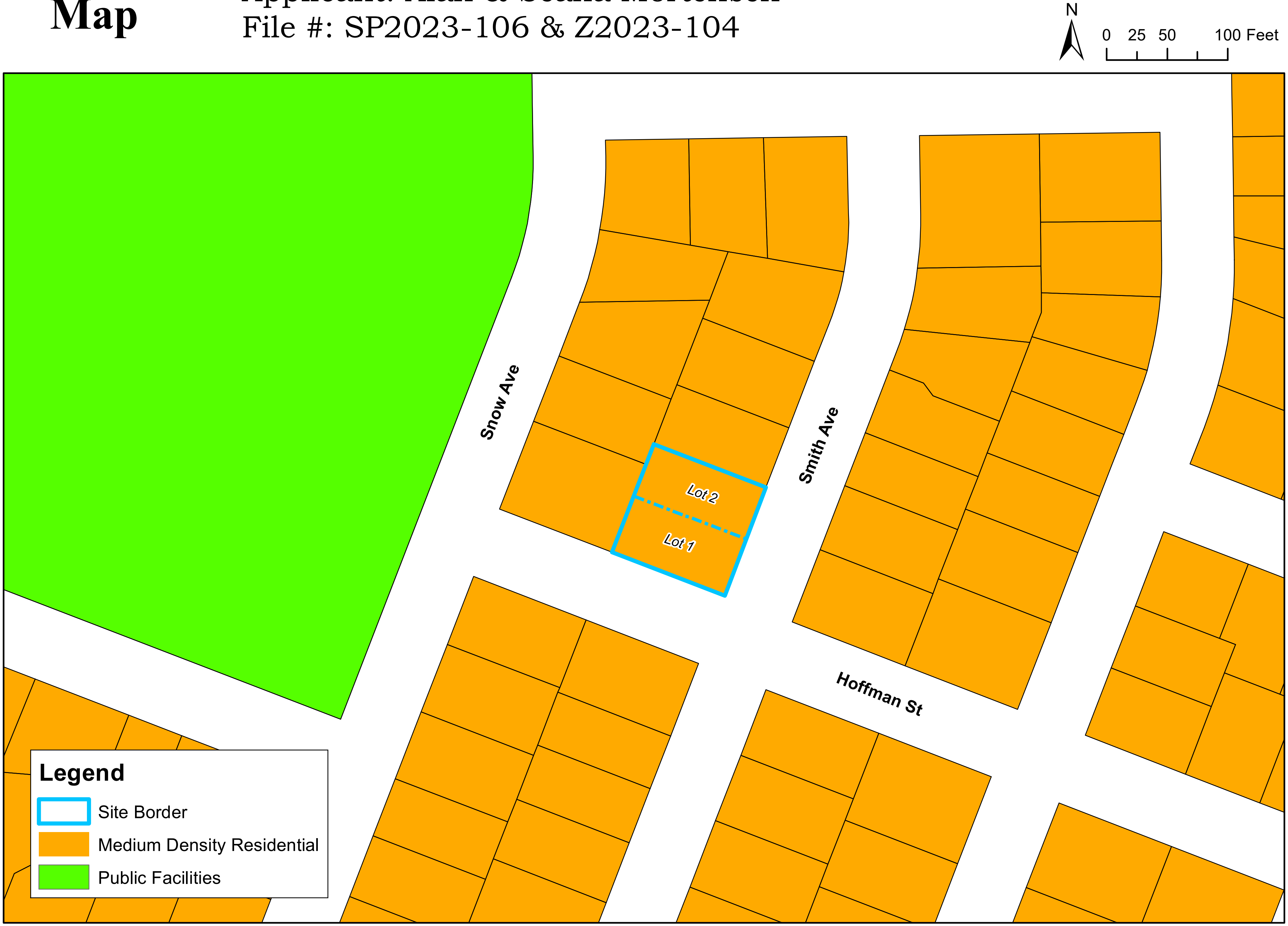
GARY N. MCLEAN
HEARING EXAMINER FOR THE CITY OF RICHLAND
CITY HALL – 625 SWIFT BOULEVARD
RICHLAND, WASHINGTON 99352

Vicinity Map

Item: 521 Smith Ave, Short Plat & Rezone
Applicant: Alan & Seana Mortensen
File #: SP2023-106 & Z2023-104

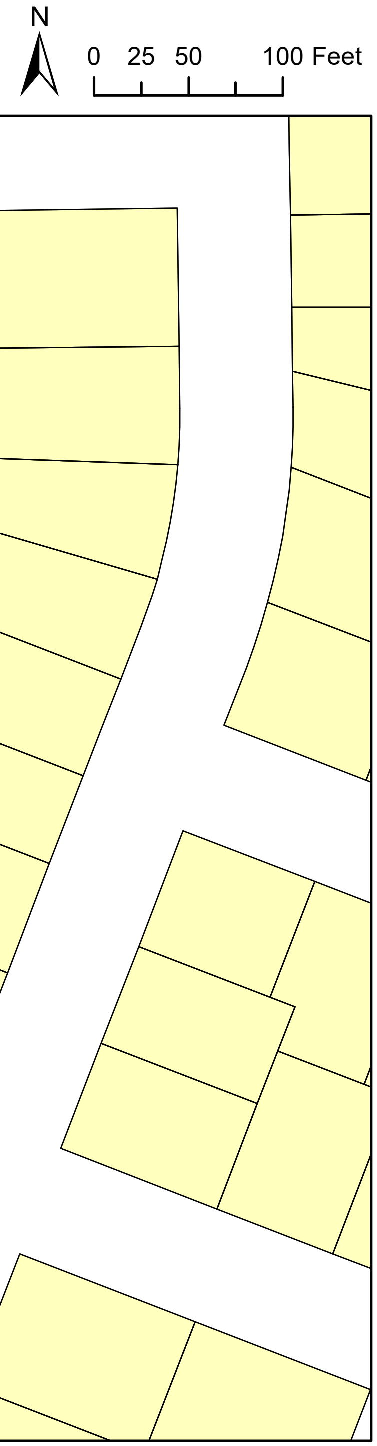
Land Use Map

Item: 521 Smith Ave, Short Plat & Rezone
Applicant: Alan & Seana Mortensen
File #: SP2023-106 & Z2023-104



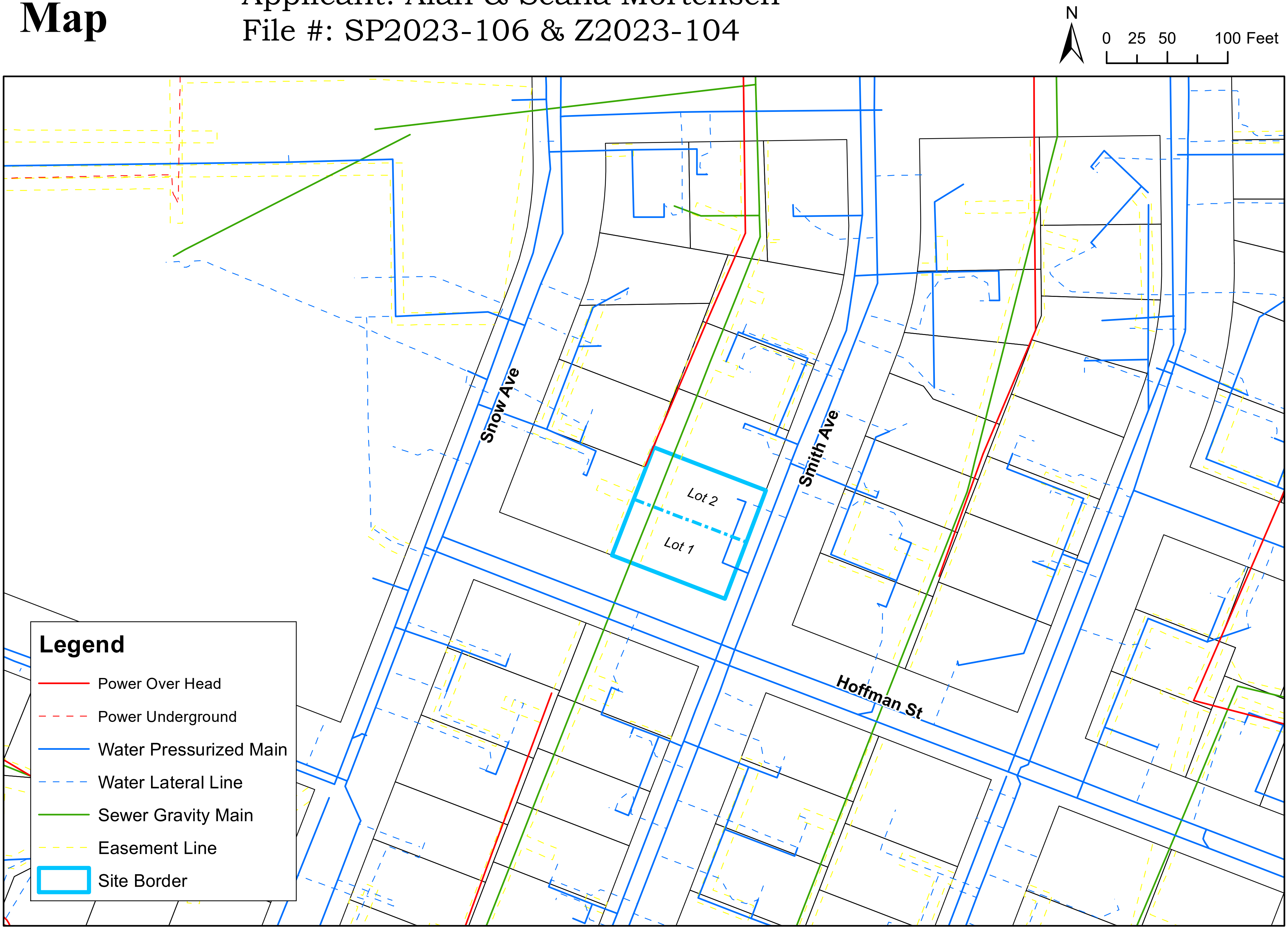
Zoning Map

Item: 521 Smith Ave, Short Plat & Rezone
Applicant: Alan & Seana Mortensen
File #: SP2023-106 & Z2023-104



Utility Map

Item: 521 Smith Ave, Short Plat & Rezone
Applicant: Alan & Seana Mortensen
File #: SP2023-106 & Z2023-104



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Resolutions - Adoption

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Resolution No. 2023-147, Authorizing an Interagency Agreement with the Washington State Criminal Justice Training Commission for a Basic Law Enforcement Academy Training, Advising, and Counseling Officer

Department/Office	Ordinance/Resolution Number:	Document Type:
Police	2023-147	Resolution

Recommended Motion:
Adopt Resolution No. 2023-147, authorizing the City Manager to sign and execute an agreement with the Washington State Criminal Justice Training Commission for the Basic Law Enforcement Academy TAC Officer.

Summary:
The Washington State Criminal Justice Training Commission (WSCJTC) would like to contract with the City of Richland Police Department for the purpose of training at the Basic Law Enforcement Academy. Detective Jeff Muai was chosen to fill the full-time Training, Advising, and Counseling (TAC) Officer position.

WSCJTC agrees to reimburse the City the full salary, including overtime and benefits, for Detective Muai, including all future increases realized through negotiations.

The agreement is effective from September 1, 2023 through June 30, 2025.

Staff recommends approval of Resolution No. 2023-147.

Fiscal Impact:	None. Detective Maui's salary, including overtime and benefits, will be reimbursed by the Washington State Criminal Justice Training Commission.

Attachments:
1. Resolution No. 2023-147

RESOLUTION NO. 2023-147

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN AGREEMENT WITH THE WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION FOR THE BASIC LAW ENFORCEMENT ACADEMY TRAINING, ADVISING AND COUNSELING (TAC) OFFICER.

WHEREAS, pursuant to Chapter 43.101 RCW, the Washington State Criminal Justice Training Commission (WSCJTC) is empowered to provide programs and standards for the training of criminal justice personnel, and in conjunction therewith, may contract with individuals and agencies for the purpose of training; and

WHEREAS, Jeffrey Muai is employed by the Richland Police Department (RPD) and currently holds the position of Detective; and

WHEREAS, RPD has the capacity to provide the full-time services of Detective Muai for the purpose of administering and conducting the Basic Training Academies, including the Basic Law Enforcement Academy (BLEA); and

WHEREAS, WSCJTC agrees to reimburse the City of Richland for the full salary and overtime worked by the TAC Officer in service to WSCJTC, including all benefits and all increases to salary or benefits during the period of the TAC Officer's service to WSCJTC; and

WHEREAS, the term of the Agreement between WSCJTC and the City of Richland is September 1, 2023 through June 30, 2025.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an Interagency Agreement with the Washington State Criminal Justice Training Commission for the Basic Law Enforcement Academy TAC Officer in substantially the form attached as **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 October, 2023.

____
Terry Christensen, Mayor

Attest:	Approved as to Form:
____________________________	____________________________
Jennifer Rogers, City Clerk	Heather Kintzley, City Attorney

INTERAGENCY AGREEMENT No.

Draft – Exhibit A

This agreement is made and entered into by and between the Washington State Criminal Justice Training Commission , hereinafter referred to as the "WSCJTC", and the City of Richland on behalf of the Richland Police Department, hereinafter referred to as the "Agency".

Whereas the WSCJTC, pursuant to Chapter 43.101 RCW, is empowered to provide programs and standards for the training of criminal justice personnel and in conjunction therewith may contract with individuals and agencies for the purpose of training; and

Whereas Jeffrey Muai is employed by the Agency as an employee, holding the position of Detective therein; and

Whereas the Agency has the ability to provide the full-time services of Jeffrey Muai (hereafter referred to as the "TAC Officer" and the part-time services of Agency personnel (hereafter referred to as "Instructors") for the purposes of administering and conducting Basic Training Academies, including the Basic Law Enforcement Academy (hereafter referred to as "BLEA"); and

Now therefore, for and in consideration of the mutual promises set forth hereafter, the parties hereto mutually agree as follows:

1. **Term**
   This agreement shall commence on the 1st day of September, 2023 and terminate on the 30th day of June, 2025, subject to prior termination as provided herein and unless as extended by written mutual agreement of the parties hereto.

2. **Full-Time TAC Officer**
   The Agency shall provide the full-time services of a TAC Officer to the WSCJTC for the purpose of administering, conducting, and presenting the Washington State Basic Training Academies held at the Southeast Regional Campus. Services provided can be found in Section (5).

   a. **Payment for TAC Officer**
      WSCJTC will reimburse to the Agency the full salary, and overtime worked in service to the WSCJTC, of the TAC Officer, including all benefits and all increases to said salary or benefits, during the period of the TAC Officer's service to the WSCJTC as a TAC Officer. WSCJTC shall pay said reimbursement amount upon submission by the Agency of an invoice to WSCJTC.

3. **Part-Time Instructors**
   The Agency may provide to the WSCJTC the part-time services of on-duty and qualified Agency personnel to provide academy instruction and instructional support. These part-time instructors must be approved by the WSCJTC Regional Academies Commander prior to instructing WSCJTC courses. Assignments will be submitted to the WSCJTC Regional Academies Commander for approval. Services provided can be found in Section (4).

Draft – Exhibit A

The Agency will send detailed invoices to WSCJTC at the end of each month that include the following:

- Instructor name
- Subject taught
- Dates and hours worked
- Dollar amount
- Academy class number

a. Payment for Part-Time Instructors

WSCJTC will reimburse the Agency for the payment of part-time instructors, which are the Agency's employees. The hourly rate assigned to each instructor will be based on the WSCJTC Contractor Pay Scale. WSCJTC will notify the Agency upon the approval of any revision to the pay scale. WSCJTC shall pay said reimbursement amount upon submission by the Agency of an invoice to WSCJTC.

4. Instructional Services Provided

The TAC Officer and Instructors provide academy instruction and instructional support. Such services may include, but not be limited to:

- Being familiar with, and adhering to, the policies and procedures of the Basic Training Division and the WSCJTC
- Coordinating with the Assistant Commander to ensure that all training materials and equipment are available and ready for use and are in good working order
- Being familiar with the course lesson plan prior to instruction
- Participating in course briefing and debriefing
- Providing instruction and delivering written and practical exercises in assigned courses as prescribed in the course lesson plan(s)
- Supporting and assisting with practical training exercises
- Tutoring/counseling academy attendees
- Proctoring recruit testing to ensure compliance with established expectations
- Evaluating recruit performance in accordance with established rubrics
- Maintaining accurate student attendance and performance records as required
- Ensuring that all equipment used in the instruction are properly stored and/or cleaned upon the completion of instruction and any damaged or dysfunctional equipment is reported to the Assistant Commander, or their designee, as soon as possible after the training session
- Suggesting revisions to academy programs and curriculum in accordance with the policies and procedures of the WSCJTC to ensure that all materials are current, relevant, and rigorous

5. First Right of Refusal for the Agency's Recruits

The WSCJTC agrees to grant first right of refusal to the Agency for a maximum of two (2) seats in each BLEA class held at the Southeast Regional Campus for up to six (6) weeks prior to the start date of each class. These seats may only be filled by applicants from the Agency and the Agency may not assign seats to applicants from another organization. Any additional applicants will be processed in accordance with the policies and procedures of the WSCJTC.

6. Payment

Compensation for the work provided in accordance with this Agreement has been established under the terms of RCW 39.34.130. All costs shall be reimbursed monthly, when applicable.

Draft – Exhibit A

7. Billing Procedures

The Agency shall submit an invoice to WSCJTC at the end of each month in which services were provided. WSCJTC shall pay the Agency for all approved and completed work by warrant or account transfer within thirty (30) days of invoicing.

All invoices shall be submitted to:

Registered Mail	Electronic Mail
WSCJTC Attn: Brian Elliott, Fiscal Manager 19010 1st Ave S Burien, WA 98148	basictraining@cjtc.wa.gov

8. Agreements Outside of this Agreement

This agreement contains the complete agreement between the parties and shall, as of the effective date hereof, supersede all agreements, either written or oral, between the parties. The parties agree that neither of them has made any representations with respect to the subject matter of this agreement or any representations, including the executing and delivery hereof, except such representations as are specifically set forth herein; and each of the parties hereto acknowledges that it has relied on its own judgment in entering into this agreement.

9. Modification

No waiver or modification of this agreement or any covenants, conditions, or limitations herein contained shall be valid unless in writing and duly executed by the parties to be charged therewith; and no evidence of any waiver or modification shall be offered or received in evidence of any proceeding or litigation between the parties hereto arising out of or affecting this agreement, or the rights or obligations of the parties herein under, unless such waiver or modification is in writing duly executed as aforesaid; and the parties further agree that the provisions of this section may not be waived except as herein set forth.

10. Termination of Agreement

This agreement may be terminated in part or whole without cause at any time by mutual agreement of the parties hereto, or by either party after thirty-days (30) following the other party's receipt of a written intent to terminate.

The parties retain the right to cancel this agreement in part or whole upon ten (10) days written notice to the other party if either party fails to properly keep any of the provisions of this agreement. In the event of termination under this section, the Agency will be entitled to receive, to the date of such termination on a pro rata basis, the compensation as set forth in Section (2a and 3a) herein.

11. Health and Safety Operations

To protect the health and safety of the WSCJTC and the students of the WSCJTC, the TAC Officer, and Instructors employed by the Agency understand the WSCJTC maintains control over its operations and agrees to submit to directions and protocols put in place to carry out its mission, including submitting to infectious disease testing when directed to do so by the WSCJTC. The instructors must report the results to WSCJTC's confidential appointee. The instructors agree to follow the health and safety protocols put in place by WSCJTC during scheduled academy sessions. Failure to abide by these

Draft – Exhibit A

requirements will result in their release from WSCJTC's service. Termination of agreement as set forth in Section (10).

12. Employment Obligations of Parties

The Agency agrees to pay to the TAC Officer the full salary and benefits, including all increases to said salary and benefits, accruing to them as employees of the Agency during the period of their services herein under. Additionally, the Agency agrees to extend to the TAC Officer all rights, privileges, and benefits attendant to and resulting from their employment by the Agency, including any and all promotional opportunities otherwise available to them. The Agency further agrees that upon completion and conclusion of the TAC Officer's service herein under, and in the absence of any promotion or upgrading in classification which has occurred during the duration of this agreement and in the absence of any disciplinary action taken during the duration of this agreement, they will be returned and reinstated to the Agency at the same or equal commissioned rank or position which they held on the beginning date of this agreement.

The WSCJTC agrees to complete all necessary evaluation and documentation regarding the TAC Officer during the period of their service herein under and as required by the Agency. The Agency reserves the right to discipline the TAC Officer for any violation of the Agency's rules in the same manner as other Agency employees. The WSCJTC additionally agrees to provide the TAC Officer a work and learning experience and professional opportunities for career development and enrichment at no special cost or direct cost to the Agency.

13. Independent Capacity

The employees or agents of each party who are engaged in the performance of this Agreement shall continue to be employees or agents of that party and shall not be considered for any purpose to be employees or agents of the other party.

14. Mutual Indemnification/Hold Harmless

To the extent allowed by law, the Agency shall be responsible for and shall indemnify and hold WSCJTC harmless for all claims resulting from the acts or omissions of the Agency and its officers, officials and employees. To the extent allowed by law, WSCJTC shall be responsible for and shall indemnify and hold the Agency harmless for all claims resulting from the acts or omissions of WSCJTC and its officers, officials and employees.

15. Medical/Health and Workers' Compensation Benefits

In the event of any injury to, or the illness or death of the TAC Officer while acting in performance of this agreement, the Agency agrees to extend to the TAC Officer medical / health and workers' compensation benefits and other compensation, to the same extent and in the same manner as if such injury, illness, or death had occurred during work assignment in and for the Agency.

16. Venue Stipulation

This agreement shall be construed as having been made and delivered with the State of Washington, and the laws of the State of Washington shall be applicable to its construction and enforcement. Any action at law, suit in equity, or judicial proceeding for the enforcement of this agreement or any provision hereto shall be instituted in King County, Seattle, Washington.

Draft – Exhibit A

17. Assignment

Each party to this agreement stipulates that the agreement is one for personal services and accordingly neither party hereto may assign, sublet, or transfer any interest in this agreement.

18. Rights in Data

Material created from this Contract shall be “works for hire” as defined by the U.S. Copyright Act of 1976 and shall be owned by WSCJTC, including but not limited to reports, documents, videos, curricular material, exams or recordings. Such materials are subject to RCW 42.56, the Public Records Act; WSCJTC may disclose such documents in accordance with the PRA.

19. Compliance with Laws

The parties hereto agree to comply in carrying out the terms of this agreement with all applicable federal, state, and local laws, ordinances, and regulations, including but not necessarily limited to, the laws pertaining to civil rights and laws pertaining to the WSCJTC and the Agency, including merit system rules.

20. Notices

All notices given herein shall be in writing and shall be sent by registered mail to the parties at their recognized business addresses.

21. Headings

The article headings contained in this agreement are inserted solely as a matter of convenience and for reference and in no way define, limit, or describe the scope or intent of the provisions of this agreement.

22. RCW 34.39 Provisions

The purpose of this Agreement is to identify the terms and conditions under which the Richland Police Department will provide the full-time services of a TAC Officer to the WSCJTC. No separate legal or administrative entity is formed through this Agreement, and no real or personal property will be held under this Agreement. WSCJTC shall administer this Agreement. This Agreement shall become effective upon posting on the Agency’s website consistent with RCW 39.34.040.

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates below.

Washington State Criminal Justice Training Commission		Richland Police Department, Washington	
Monica Alexander, Executive Director Criminal Justice Training Commission 19010 1st Avenue South Burien, Washington 98148	Date	Brigit Clary, Chief Richland Police Department 871 George Washington Way Richland, WA 99352	Date

cc: Brian Elliott, Fiscal Manager, WSCJTC
Jeffrey Muai, Detective, Richland PD
Dave Miller, Regional Academies Commander, WSCJTC
Jerrell Wills, Deputy Director, WSCJTC

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 | Agenda Category: Resolutions - Adoption

Core Focus Area 3 - Increase Economic Vitality

Subject:
Resolution No. 2023-150, Amending the Targeted Urban Area Map to Include the Northwest Advanced Clean Energy Park (formerly the North Horn Rapids Industrial Park)

Department/Office	Ordinance/Resolution Number:	Document Type:
Development Services	2023-150	Resolution

Recommended Motion:
Adopt Resolution No. 2023-150, amending the City's Targeted Urban Area map to include the Northwest Advanced Clean Energy Park (formerly the North Horn Rapids Industrial Park).

Summary:
Chapter 84.25 RCW creates an opportunity for jurisdictions to offer a property tax exemption as a means to attract industry and new jobs. On January 17, 2023, the City Council adopted Resolution No. 2023-10, creating a Targeted Urban Area (TUA) with a defined boundary that includes the City's Horn Rapids Industrial Park, the Port of Benton's Industrial Park, and a portion of the Port's airport area.

Approval of Resolution No. 2023-150 will amend the Targeted Urban Area map to include the area now known as the Northwest Advanced Clean Energy Park, which was recently annexed into Richland city limits. Land in this area is zoned industrial/manufacturing, which is a requirement of TUA program eligibility.

The TUA property tax exemption program affects only the City of Richland's taxing authority for the lands within the boundary and is for improvements only. Other taxing districts, such as Benton County, may consider offering similar, complementary programs. State property tax revenue is not eligible for the program.

Staff recommends adoption of Resolution No. 2023-150.

Fiscal Impact: None.

Attachments:
1. Resolution No. 2023-150

RESOLUTION NO. 2023-150

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AMENDING THE TARGETED URBAN AREA BOUNDARY MAP TO INCLUDE THE NORTHWEST ADVANCED CLEAN ENERGY PARK.

WHEREAS, on January 17, 2023, Richland City Council passed Resolution No. 2023-10, designating 4,324 acres of manufacturing and industrial zoned land in the Horn Rapids Triangle as a Targeted Urban Area (TUA); and

WHEREAS, pursuant to Chapter 84.25 RCW, new industrial development within the Targeted Urban Area is eligible for property tax exemption for building improvement value; and

WHEREAS, the current Targeted Urban Area boundary includes the City's Horn Rapids Industrial Park, the Port of Benton Airfield, and the Port of Benton Manufacturing Mall; and

WHEREAS, the City of Richland recently concluded annexation of the Northwest Advanced Clean Energy Park north of Horn Rapids Road into city limits; and

WHEREAS, an amendment to the TUA's established boundaries is needed to include the Northwest Advanced Clean Energy Park within the City's Targeted Urban Area, which includes properties owned by the City of Richland, Port of Benton and Energy Northwest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City's Targeted Urban Area boundary map is hereby amended to include the Northwest Advanced Clean Energy Park located north of Horn Rapids Road as depicted in **Exhibit A**.

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

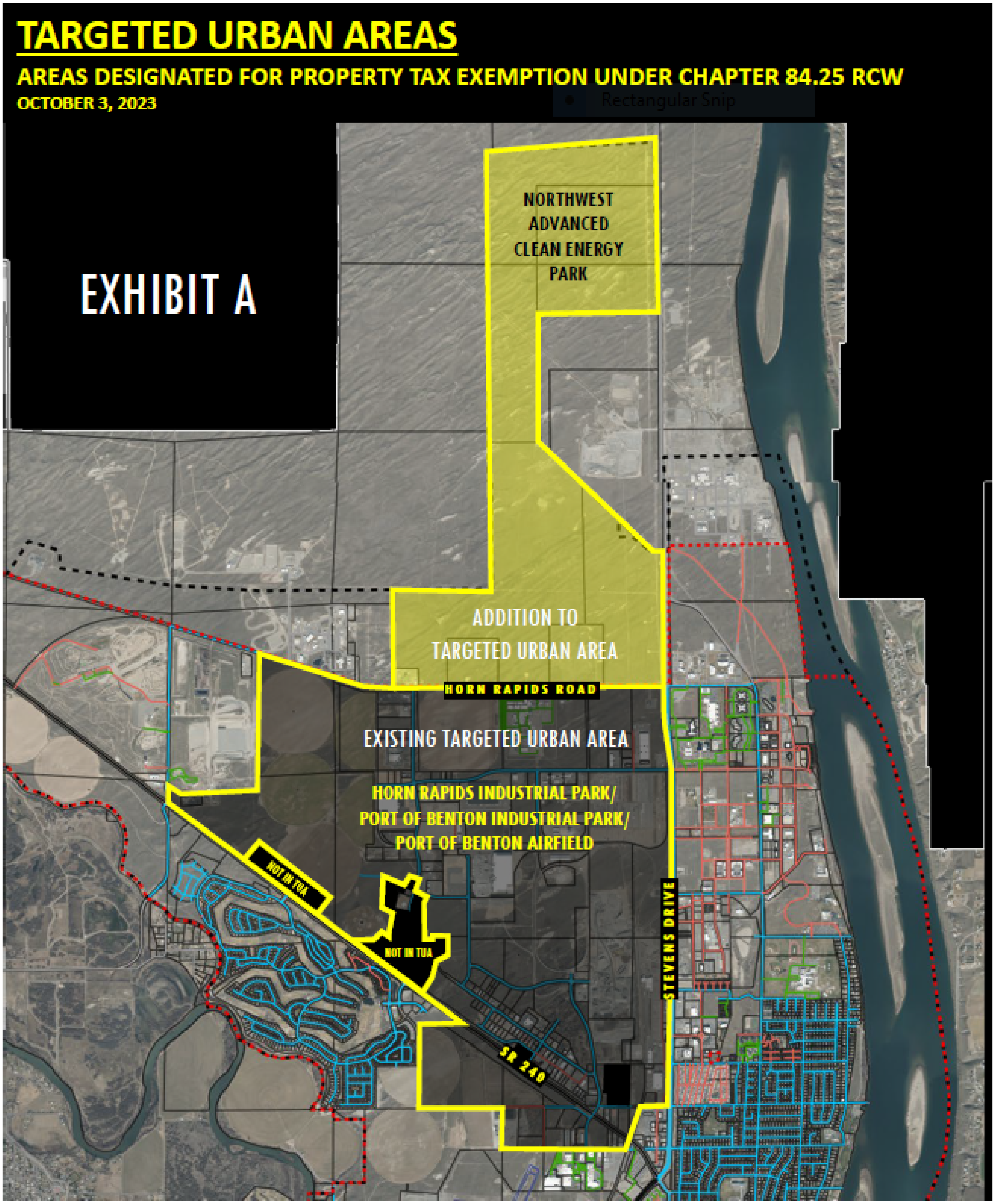
ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of October, 2023.

____

Terry Christensen, Mayor

Attest:	Approved as to Form:
____________________________	____________________________
Jennifer Rogers, City Clerk	Heather Kintzley, City Attorney

Exhibit A to Resolution No. 2023-150
Amended Targeted Urban Area



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Resolution No. 2023-151, Authorizing an Interlocal Agreement with Regional Agencies for the 2023-2025 Solid Waste Program

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-151	Resolution

Recommended Motion:
Adopt Resolution No. 2023-151, authorizing the City Manager to sign and execute an interlocal agreement with Benton County and the cities of Benton City, Kennnewick, Prosser and West Richland regarding solid waste management.

Summary:
The City is obligated to prepare and implement solid and hazardous waste plans under Ch. 70.95 RCW and Ch. 70.105 RCW. State law assigns the responsibility for solid waste programs to counties and enables cities to participate in a county-led program. Benton County has led, and the cities of Richland, Kennewick, West Richland, Prosser, and Benton City have participated in, an effort to develop the Benton County Comprehensive Solid Waste Plan.

Benton County and participating cities, including Richland, have adopted the Benton County Comprehensive Solid Waste Plan, thereby fulfilling their obligations under Ch. 70.95 RCW and Ch. 70.105 RCW. Benton County has taken the lead role in implementing the Benton County Comprehensive Solid Waste Plan, specifically to operate a moderate risk waste collection and disposal program available to all Benton County residents.

The City and its residents benefit from participation in the county-led program by receiving services not available from the City. The proposed interlocal agreement renews a long-standing partnership between the identified regional agencies to support these services.

Staff recommends adoption of Resolution No. 2023-151.

Fiscal Impact: The City of Richland's share under this Agreement is expected to be $50,145.83 for the contract term (2023-2025). This value is budgeted in the Solid Waste operating budget.

Attachments:
1. Resolution No. 2023-151
2. Proposed Interlocal Agreement for 2023-2025 Solid Waste Program

RESOLUTION NO. 2023-151

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT WITH BENTON COUNTY AND THE CITIES OF BENTON CITY, KENNEWICK, PROSSER AND WEST RICHLAND REGARDING SOLID WASTE MANAGEMENT.

WHEREAS, Benton County and the cities of Benton City, Kennewick, Richland, Prosser and West Richland (the "Parties") recognize the requirement to prepare and implement solid and hazardous waste plans under Ch. 70.95 RCW and Ch. 70.105 RCW; and

WHEREAS, the Parties have developed the Benton County Comprehensive Solid Waste Plan with public involvement; and

WHEREAS, through a separate action, the Parties adopted the Benton County Comprehensive Solid Waste Plan, thereby fulfilling their jurisdictional obligations under Ch. 70.95 RCW and Ch. 70.105 RCW; and

WHEREAS, the Parties wish to enter into a cooperative effort to administer, plan and implement the recommendations contained in the adopted Benton County Comprehensive Solid Waste Plan; and

WHEREAS, acting as Lead Agency, Benton County will manage, track and provide custody for this Agreement; and

WHEREAS, the City's financial obligations to participate in the program will be funded through the City's solid waste utility.

NOW, THEREFORE, BE IT RESOLVED by the City of Council of the City of Richland that the City Manager is authorized to sign and execute an interlocal agreement with Benton County and the cities of Benton City, Kennewick, Prosser and West Richland regarding Solid Waste Management.

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 October, 2023.

Terry Christensen, Mayor

Attest:

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley, City Attorney

INTER-LOCAL AGREEMENT
REGARDING SOLID WASTE MANAGEMENT
BENTON COUNTY

This Agreement addresses City-County joint participation in the countywide Solid Waste Plan and joins public agencies to exercise their powers, thereby maximizing their ability to provide services and facilities which will best fulfill the needs of the community as a whole, and is made and entered into effective date of full execution, by and between Benton County, a political subdivision of the State of Washington, hereafter referred to as the Lead Agency, and the cities of Benton City, Kennewick, Richland, Prosser, and West Richland, political subdivisions of the State of Washington, and hereafter referred to as Participating Jurisdictions. The Participating Jurisdictions and Lead Agency may be referred to herein collectively as the Parties.

I. <u>RECITALS</u>

WHEREAS, the parties hereto recognize the requirement to prepare and implement solid and hazardous waste plans under RCW Chapter 70.95 and RCW Chapter 70.105, and

WHEREAS, the parties have developed the Benton County Comprehensive Solid Waste Plan with public involvement; and

WHEREAS, the parties have adopted the Benton County Comprehensive Solid Waste Plan fulfilling their jurisdictional requirements under RCW Chapter 70.95 and RCW Chapter 70.105; and

WHEREAS, the parties hereto wish to enter into a cooperative effort to administer, plan, and implement the recommendations contained within the adopted Benton County Comprehensive Solid Waste Plan; and

WHEREAS, the Solid Waste Advisory Committee advises the Board of County Commissioners with respect to developing plans and policies for solid waste management in Benton County, each Participating Jurisdiction and Lead Agency recognizes that all members of the Solid Waste Advisory Committee shall have one (1) equal vote; and

WHEREAS, the Lead Agency will manage, track and provide custody for this Agreement, and

WHEREAS, the undersigned signatories of this Agreement are duly authorized to enter into the same by properly adopted resolutions,

NOW THEREFORE, in consideration of the foregoing recitals and the mutual agreements and covenants herein contained, the parties agree as follows:

II. AGREEMENTS

A. AUTHORITIES

The parties to this Agreement have and possess, both jointly and severally, the primary responsibility for effective solid and hazardous waste management, planning and implementation under RCW Chapters 70.95 and 70.105. Under RCW Chapter 39.34, the Inter-local Cooperation Act, local governments are authorized to cooperate to provide themselves with services of the nature herein agreed to.

B. PURPOSE

This Agreement is entered into pursuant to RCW Chapter 39.34 for the purpose of cooperative management of solid waste within Benton County. It is the intent of the parties to work cooperatively in implementing and managing a comprehensive solid waste management plan pursuant of RCW Chapters 70.95 and 70.105 that is viable and economically responsible to their citizens. Specifically, this Agreement will provide for the administration, planning and operations of the adopted Benton County Comprehensive Solid Waste Management Program.

C. DEFINITIONS

For the purpose of this Agreement, the following definitions shall apply:

'Fair Share' - the amount owed by each of the Parties, based upon April 1 population figures for the given year supplied by the Washington State Office of Financial Management (OFM), and the corresponding population percentage applied to the Solid Waste Program Budget.

'Solid Waste Advisory Committee' (SWAC) - a committee, formed pursuant to RCW 70.95.165, comprised of no more than twelve (12) members representing a balance of interests, pursuant to state statutes. Said committee shall contain one representative of each of the Parties. Each Party shall nominate its representative to the SWAC to the Lead Agency, to be approved by the Board of County Commissioners. The SWAC shall review Solid Waste Program budget and activities and make recommendations to the Benton County Commissioners.

'Lead Agency' - Benton County, a political subdivision of the State of Washington. The Lead Agency will administer, plan, and implement the Plan and Solid Waste Program.

‘Participating Jurisdictions’ - any City who has entered into the County-wide Solid Waste Inter-Local Agreement with the Lead Agency and who has agreed to mutually support and financially contribute to the administration, planning, and implementation of the Plan.

‘Parties’ - the collective term for all Participating Jurisdictions and Lead Agency.

‘Plan’ - the Benton County Comprehensive Solid Waste Management Plan, as the same exists now or may hereafter be amended.

‘Routine Operating Agreement’ (ROA) - an agreement that is established for the purpose of accomplishing a task set forth by the Parties and is funded within the Solid Waste Program Budget.

‘Solid Waste Advisory Committee Members Bylaws’ - the bylaws the same as now exist or may hereafter be amended.

‘Solid Waste Program Budget’ - the annual Countywide Solid Waste Budget, as prepared by Benton County and accepted by the SWAC, that appropriates funds to Routine Operating Agreements and administrative functions that meet specific requirements in RCW 70.95 and/or accomplishes goals as set fourth in the Plan.

‘Task’ - a project, program, activity, etc., that is annually funded from the Solid Waste Program Budget. All tasks are approved by the SWAC as needed and shall meet the recommendations set forth in the Plan.

‘Task Manager’ is designated to lead and manage a Task per the ROA.

D. LOCAL ADOPTION OF PLAN

Under the authority of RCW 70.95.080, each Participating Jurisdiction elected to enter into this agreement with the County pursuant to those jurisdictions that participated in preparing and adopting the joint City-County Plan.

E. PLAN IMPLEMENTATION

Pursuant to RCW 70.95.080 and RCW 70.105.220, the Participating Jurisdictions and Lead Agency jointly prepared the Plan in accordance with “Guidelines for the Development of Local Solid Waste Plans and Plan Revisions” (*i.e.* Department of Ecology (WDoE) Publication No. 90-11) and will implement the Plan’s recommendations, as approved by the Department of Ecology pursuant to RCW 70.95.094.

F. BENTON COUNTY SOLID WASTE ADVISORY COMMITTEE

The Parties hereto recognize and support the SWAC as an advisory board created under authority of RCW 70.95.165. The SWAC is an ongoing advisory committee. The

SWAC is the focal point of the public involvement effort used in the planning, development and implementation of the Plan. The SWAC also provides advice to the Parties on solid and hazardous waste issues and assists the Parties in developing solid waste ordinances, rules, guidelines, and policies prior to their adoption.

G. REGIONAL PLANNING AREA

The Parties hereto recognize the geographical planning area covered by this Agreement to be the incorporated areas of the Participating Jurisdictions and the unincorporated area of Benton County. The Hanford Nuclear Reservation is exempted from the Plan and this Inter-local Agreement.

H. ROUTINE OPERATING AGREEMENT IMPLEMENTATION

Two months prior to the biennial Solid Waste Program Budget workshop, all task managers are required to submit their ROA. As a minimum, an ROA will include: 1) Task Introduction Statement; 2) Task Scope of Work; 3) Task Responsibilities; 4) Annual Task Cost; and 5) Quality Control. Eligibility of an ROA request is based on task cost and meeting recommendations set forth in the Plan. The ROA request should include both activities undertaken by the Participating Jurisdiction submitting the ROA and any activities that the Participating Jurisdiction believes the Lead Agency should implement on a countywide basis. The SWAC shall recommend that a request be advanced to the Board of County Commissioners on a 2/3 majority of those members present.

I. SOLID WASTE PROGRAM BUDGET

The Parties agree to mutually and financially support the administration, planning, and operations of the Plan recommendations or as specified in RCW 70.95. The Lead Agency shall prepare a Solid Waste Program Budget each year for the upcoming budget year. The budget will also include Routine Operating Agreements that provide information on projects funded by the annual budget.

J. FAIR SHARE

The Parties agree to pay a Fair Share of the administration, planning and operation of the Solid Waste Program, as determined and voted-on by the SWAC and approved by the Benton County Commissioners. Said Fair Share shall be a percentage of all program costs that are not covered by Local Solid Waste Financial Aid Funds, share percentages to be updated each April of the Agreement, being based on the most recent population figures as supplied by the Washington State OFM. The Parties agree to remit their fee to the Lead Agency within sixty (60) days of receiving an invoice from the Lead Agency. The Lead Agency's fair share shall be based on the population for the unincorporated areas of the County.

K. DISBURSEMENT OF ASSETS AND DEBTS

If this Agreement is terminated, all Parties to this Agreement shall determine the disbursement of any outstanding debts and the allocation of any assets. If the Parties cannot agree to the disbursement of any outstanding debts and the allocation of any assets, the issues are to be submitted for arbitration, pursuant to state law, RCW 7.04 *et seq.* The Lead Agency and the contesting jurisdiction agree that such arbitration shall be conducted before one (1) disinterested arbitrator.

L. DURATION

This Agreement shall commence on the date set forth above and will continue in effect to December 31, 2025, or until superseded by another Interlocal Agreement. As stipulated within RCW 70.95.110(1), each Plan shall be maintained in a current condition and reviewed and revised periodically as may be required by the WDoE. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty (20) years in the future, and a revised implementation schedule and implementation budget for six (6) years in the future.

M. REVIEW AND RENEGOTIATION

Any Party may request a review and/or renegotiations on any provision of the Agreement during the six-month period immediately preceding the ending date for the Agreement. Such request must be made in writing to the Lead Agency and must specify the provision(s) of the Agreement for which review/renegotiation(s) are requested. Review and/or renegotiation(s) pursuant to such a written request shall be immediately referred to the SWAC for their review and recommendation. Notwithstanding any other provisions in this paragraph to the contrary, the Parties may, pursuant to the procedure outlined within the Solid Waste Advisory Committee Members Bylaws, modify or amend any provision(s) of this Agreement at any time during the term of this Agreement.

N. TERMINATION

This Agreement may be terminated by any Party, by written notice to the other Parties no less than thirty (30) days immediately preceding the implementation date of the next Solid Waste Program Budget. The Parties agree: (1) that the termination will not absolve a terminating Party of any financial responsibility to the extent a financial responsibility continues to exist pursuant to the provisions of this Agreement; and (2) that prior to termination, the terminating Party shall submit to the SWAC how it intends on meeting its planning obligation under RCW 70.95.080.

O. WAIVER

No waiver by any of the Parties of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach whether of the same or a different provision of this Agreement.

P. ENTIRE AGREEMENT

This Agreement, including the recitals and all subsequent attachments and addendums, constitutes the entire Agreement between the Parties and shall be governed by the laws of the State of Washington. There are no other oral or written agreements or understanding between the Parties as to the subject matter contained herein. The venue for any action of law, suit in equity and judicial proceeding for the enforcement of this Agreement shall be instituted and maintained only in the courts of competent jurisdiction in Benton County, Washington.

Q. SEVERABILITY

Any provisions of this Agreement that is determined to be illegal, invalid, or unenforceable for any reason shall be ineffective to the extent of such prohibition without invalidating the remainder of this Agreement.

[Signature Pages to Follow]

FOR THE CITY OF BENTON CITY, WASHINGTON.

______________________________ ________________

Linda Lehman, Mayor Date

Attest:

______________________________ ________________

City Clerk/Treasurer Date

Approved as to Form:

______________________________ ________________

City Attorney Date

FOR THE CITY OF KENNEWICK, WASHINGTON.

Marie E. Mosley, City Manager | Date

Attest:

City Clerk | Date

Approved as to Form:

City Attorney | Date

FOR THE CITY OF PROSSER, WASHINGTON.

Randy Taylor, Mayor	Date

Attest:

City Clerk	Date

Approved as to Form:

City Attorney	Date

FOR THE CITY OF RICHLAND, WASHINGTON.

________________________________ __________________

Jon Amundson, City Manager Date

Attest:

________________________________ __________________

City Clerk Date

Approved as to Form:

________________________________ __________________

City Attorney Date

FOR THE CITY OF WEST RICHLAND, WASHINGTON.

______________________________ ________________
Brent Gerry, City Mayor Date

Attest:

______________________________ ________________
City Clerk Date

Approved as to Form:

______________________________ ________________
City Attorney Date

FOR BENTON COUNTY, WASHINGTON.

______________________________________ ______________________
Will McKay, Chairman Date
Board of County Commissioners

Attest:

______________________________________ ______________________
Clerk of the Board Date

Approved as to Form:

______________________________________ ______________________
LeeAnn Holt, Deputy Prosecuting Attorney Date

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 | Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Resolution No. 2023-152, Authorizing an Interlocal Agreement with the Richland School District for 2023 Safe Routes to School Study

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-152	Resolution

Recommended Motion:
Adopt Resolution No. 2023-152, authorizing the City Manager to sign and execute an interlocal agreement with Richland School District for the 2023 Safe Routes to School study.

Summary:
RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other agencies to provide services that are of mutual benefit.

Richland School District (RSD) has a school walking route and transportation program within Richland city limits. The City owns and operates a transportation system of public streets that is the primary means of travel to and from school district facilities. The City and RSD have a shared interest in improving the safety and mobility of children who walk and/or bike to school. The City and RSD can best achieve their community safety objectives by evaluating existing conditions and planning for facility improvements to public streets and walking routes throughout the city.

The proposed interlocal agreement formalizes the City and RSD's intent to collaborate to prepare a plan identifying facility improvement opportunities that will contribute to achieving improved safety for children walking and/or bicycling to school. The City will take the lead in this effort by hiring and directing the work of a consulting engineering firm to complete the plan. Once the plan is complete, it will be presented to the City Council for adoption and will form the basis of preparing grant applications and capital budget proposals.

Staff recommends adoption of Resolution No. 2023-152.

Fiscal Impact: The City's share of $50,000 under this Agreement was funded in the approved 2023 Streets Administration operating budget. Richland School District will contribute $50,000 to match the City's funding.

Attachments:
1. Resolution No. 2023-152
2. 2023 Safe Routes to School Interlocal with Richland School District

RESOLUTION NO. 2023-152

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE RICHLAND SCHOOL DISTRICT FOR THE 2023 SAFE ROUTES TO SCHOOL STUDY.

WHEREAS, Chapter 39.34.010 RCW permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to Chapter 39.34.080 RCW, each Jurisdiction is authorized to contract with any one or more public agencies to perform any governmental service, activity, or undertaking that each public agency entering into the contract is authorized by law to perform; and

WHEREAS, the Richland School District has a school walk route and transportation program within Richland city limits; and

WHEREAS, the Richland School District and City (the "Jurisdictions") both have a shared interest in improving the safety and mobility of children who walk and/or bike to school; and

WHEREAS, the Jurisdictions can best achieve their community safety objectives by evaluating existing conditions and planning for facility improvements to public streets and walking routes throughout the city; and

WHEREAS, the Jurisdictions, by their respective governing bodies, have determined this effort may be best implemented on a shared basis in a manner deemed most efficient and effective for the Jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute an interlocal agreement with the Richland School District for the 2023 Safe Routes to School Study.

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 October, 2023.

____
Terry Christensen, Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

INTERLOCAL COOPERATIVE AGREEMENT
Between
THE CITY OF RICHLAND AND RICHLAND SCHOOL DISTRICT
Re: 2023 Safe Routes to School Study

THIS INTERLOCAL COOPERATIVE AGREEMENT is entered into this ______ day of ____________, 2023 (the "Effective Date"), by and between the **City of Richland**, a Washington municipal corporation, (hereafter "Richland" or "City"), and the **Richland School District**, a political subdivision of the State of Washington with service at 6972 Keene Road, West Richland (hereafter the "School District"). Richland and School District are also herein referred to individually as a "Jurisdiction" and collectively as the "Jurisdictions."

I. RECITALS

WHEREAS, RCW 39.34.010 permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, pursuant to RCW 39.34.080, each Jurisdiction is authorized to contract with any one or more public agencies to perform any governmental service, activity, or undertaking which each public agency entering into the contract is authorized by law to perform; provided that such contract shall be authorized by the governing body of each Jurisdiction to the contract and shall set forth its purposes, powers, rights, objectives and responsibilities of the contracting parties; and

WHEREAS, Richland School District has a school walk route and transportation program within Richland city limits; and

WHEREAS, the Jurisdictions both have a shared interest in improving the safety and mobility of children who walk and/or bike to school; and

WHEREAS, the Jurisdictions can best achieve their community safety objectives by evaluating existing conditions and planning for facility improvements to public streets and walking routes throughout the City; and

WHEREAS, the Jurisdictions, by their respective governing bodies, have determined this effort may be best implemented on a shared basis in a manner deemed most efficient and effective for the Agencies.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Jurisdictions agree as follows:

II. AGREEMENT

<u>Section 1. Purpose and Scope of Work</u>: The purpose of this Agreement is to share the costs related to a Safe Routes to School Study (the "Study") that affect both the City of Richland's streets and the Richland School District's walk routes.

<u>Section 2. Administration</u>: The City of Richland Public Works Director or designee will administer this Agreement, and will be responsible for:

a. Establishing policies for implementing this Agreement;

b. Procuring the services of a professional engineering firm to conduct the Study;

c. Negotiating and administering a professional services agreement with the selected firm to deliver the Study;

d. Providing a single point-of-contact project manager to oversee the consultant's work and interface with School District staff;

e. Providing periodic progress reports to the elected officials of each Jurisdiction; and

f. Monitoring progress of the Jurisdictions and other entities in the fulfillment of their respective responsibilities.

<u>Section 3. Funding</u>: The Richland School District and City of Richland will share equally in funding the Study. The Study is expected not to exceed $100,000. This funding shall be used for the professional engineering services and community outreach services as listed in the contract documents. School District shall reimburse City for fifty percent (50%) of the amount of invoices received for the Study up to $50,000 (unless modified by Section 4.e.). The City shall invoice the School District for these costs no more than once per month.

<u>Section 4. Development and Award Requirements</u>: Each Jurisdiction hereby commits to the following:

a. On or about August 13, 2023, City will advertise the request for qualifications (RFQ).

b. On or about September 6, 2023, City will close the RFQ solicitation.

c. City will provide School District with a copy of the RFQ responses. City and School District will jointly evaluate the responses and select the preferred candidate on or about September 14, 2023. City will issue an intent to award to the selected candidate.

d. City will negotiate the contract scope and fee with the selected candidate. City will provide the agreed contract scope and fee to School District for review.

e. If the total cost of the Study is at or below $100,000 the City will proceed to award the consultant agreement in accordance with City's process requirements with Council award anticipated in October 2023. If the total cost of the Study is higher than $100,000 the City and School District will jointly review the scope and fee to determine if the scope should be adjusted or if the fee is acceptable for award.

Adjustments to these scheduled action completion dates by less than sixty (60) days will not require an amendment to this Agreement.

<u>Section 5. Modification</u>: Amendments to this Agreement must be in writing and executed by the duly authorized representative for each Jurisdiction. Said amendments may be executed without further legislative action.

Section 6. Term of Agreement and Termination:

a. The term of this Agreement, commencing on the Effective Date, shall become effective on full execution hereof, and upon posting on at least one Jurisdiction's website as provided in RCW 39.34.040. Either Jurisdiction may choose to record this Agreement at its own expense, but recordation is not required.

b. This Agreement shall expire on the date of completion of the Study, not no later than December 31, 2024.

Section 7. Inspection of Records: The records and documents with respect to all matters covered by this Agreement shall be subject to inspection by any Jurisdiction during the term of this Agreement, and shall be maintained thereafter in accordance with the retention schedule established by the State of Washington for municipal records.

Section 8. No Separate Legal Entity: By this Agreement, the Jurisdictions do not intend to form a separate legal entity to conduct the cooperative undertaking. Further, no acquiring, holding or disposing of real or personal property will occur under this Agreement. Both Jurisdictions will own a copy of the Study.

Section 9. Severability: In the event any term or condition of this Agreement or application thereof to any person, entity or circumstance is held invalid, such invalidity shall not affect any other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end, the terms and conditions of this Agreement are declared severable.

Section 10. Venue, Applicable Law and Personal Jurisdiction: All questions related to this Agreement shall be resolved under the laws of the State of Washington. In the event that either Jurisdiction deems it necessary to institute legal action arising from this Agreement, such action shall be instituted in Benton County Superior Court.

Section 11. Authority To Execute: Each person executing this Agreement on behalf of another person, corporation, partnership, company, or other organization or entity represents and warrants that he or she is fully authorized to so execute and deliver this Agreement on behalf of the entity for which he or she is signing. The Jurisdictions hereby warrant to each other that each has full power and authority to enter into this Agreement and to undertake the actions contemplated herein, and that this Agreement is enforceable in accordance with its terms.

Section 12. Counterpart Originals: Execution of this Agreement and any amendment or other document related to this Agreement may be by electronic signature and in any number of counterpart originals, including portable document format (.pdf), each of which shall be deemed to constitute an original agreement, and all of which shall constitute one whole agreement.

[*Signature Page to Follow*]

IN WITNESS WHEREOF, the Jurisdictions have entered into this Agreement as of the day and year first written above.

CITY OF RICHLAND	**RICHLAND SCHOOL DISTRICT**
______________________________	______________________________
Jon Amundson, ICMA-CM City Manager	Dr. Shelley Redinger, Superintendent
Attest:	Attest:
______________________________	______________________________
Jennifer Rogers, City Clerk	Richard Krasner, Director of Operations
Approved as to form:	Approved as to form:
______________________________	______________________________
Heather Kintzley, City Attorney	Galt Pettett, RSD Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Resolution No. 2023-153, Authorizing a Grant Application to the Department of Ecology for a Municipal Stormwater Capacity Grant

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-153	Resolution

Recommended Motion:
Adopt Resolution No. 2023-153, authorizing staff to prepare and submit an application to the Washington State Department of Ecology for the 2023-2025 Municipal Stormwater Capacity Grant.

Summary:
The City's Stormwater Utility is tasked with reduction of stormwater conveyed pollutant loading to the Columbia and Yakima Rivers. The City is subject to state and federal regulations designed to protect surface and ground water quality from pollutants carried by stormwater runoff.

The City's Public Works Department executes programs to achieve compliance with state and federal water quality standards. To comply with its obligations, the City is covered under the National Pollutant Discharge Eliminations System Phase II Municipal Stormwater Permit (the "Permit"). The Washington State Department of Ecology offers several grant funding programs to support local government compliance activities under the Permit. One such program is the Municipal Stormwater Capacity Grant Program that supports ongoing programs and is currently receiving applications. The Capacity Grant provides match-free funds that can be used to offset the City's funding of its stormwater programs. Richland typically uses these funds to offset the costs of street sweeping.

Applying for and obtaining Ecology grants allows the City to meet its objectives and satisfy its stormwater-related regulatory compliance obligations at reduced costs to ratepayers. The City's best interests are served by applying for grant funding from the Municipal Stormwater Capacity Grant Program.

Staff recommends adoption of Resolution No. 2023-153.

Fiscal Impact: None. The Municipal Stormwater Capacity Grant Program requires no matching funds and may be used to offset or enhance existing City programs.

Attachments:
1. Resolution No. 2023-153

RESOLUTION NO. 2023-153

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING A GRANT APPLICATION TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR THE MUNICIPAL STORMWATER CAPACITY GRANT.

WHEREAS, the City's Stormwater Utility is tasked with the reduction of stormwater conveyed pollutant loading to the Columbia and Yakima Rivers; and

WHEREAS, the City is subject to state and federal regulations designed to protect surface and ground water quality from pollutants carried by stormwater runoff; and

WHEREAS, the City executes programs to achieve compliance with state and federal water quality standards; and

WHEREAS, to comply with its obligations, the City is covered under the National Pollutant Discharge Elimination System Phase II Municipal Stormwater Permit ("Permit"); and

WHEREAS, the Washington State Department of Ecology offers several grant funding programs to support local government compliance activities under the Permit. One such program is the Municipal Stormwater Capacity Grant Program which supports ongoing programs; and

WHEREAS, the Stormwater Capacity Grant Program is accepting applications; and

WHEREAS, applying for and obtaining Ecology grants allows the City to meet its objectives and satisfy its stormwater-related regulatory compliance obligations at reduced costs to ratepayers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to prepare and submit an application to the Washington State Department of Ecology for the 2023-2025 Municipal Stormwater Capacity Grant.

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 October, 2023.

Terry Christensen, Mayor

Attest:

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley, City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Resolution No. 2023-154, Authorizing a Grant Application to the Washington State Department of Transportation for a National Highway System Asset Management Program Grant

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-154	Resolution

Recommended Motion:
Adopt Resolution No. 2023-154, authorizing staff to submit a grant application to the Washington State Department of Transportation National Highway System Asset Management Program for George Washington Way pavement resurfacing.

Summary:
The Washington State Department of Transportation (WSDOT) offers a grant program to perform pavement preservation on city streets classified on the National Highway System (NHS). The city streets classified on the NHS include the primary arterial streets, such as George Washington Way, Stevens Drive, and Keene Road.

WSDOT issued a Call for Projects for its 2023 National Highway System Asset Management Program (the "Program") which incentivizes agencies to use asset management strategies that provide cost-effective solutions to maximize the life of a roadway. The City's use of the StreetSaver Pavement Management System aligns very well with the Program criteria and objectives.

The City is an eligible applicant for this grant opportunity. Hot mix asphalt pavement resurfacing on George Washington Way from Aaron Drive to Guyer Avenue is well-suited to the Program and meets the goals of the City's pavement preservation program. Further, the Program requires no matching funds.

Staff recommends adoption of Resolution No. 2023-154.

Fiscal Impact:	None. The National Highway System Asset Management Program requires no matching funds.

Attachments:
1. Resolution No. 2023-154

RESOLUTION NO. 2023-154

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING A GRANT APPLICATION TO THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION'S NATIONAL HIGHWAY SYSTEM ASSET MANAGEMENT PROGRAM.

WHEREAS, the Washington State Department of Transportation (WSDOT) has issued a Call for Projects for its 2023 National Highway System (NHS) Asset Management Program (the "Program"); and

WHEREAS, the purpose of the Program is to highlight the importance of preserving the roadway system by incentivizing agencies to use asset management strategies that provide cost-effective solutions to maximize the life expectancy of a roadway; and

WHEREAS, the City is an eligible applicant to this Program; and

WHEREAS, the Program requires no matching funds; and

WHEREAS, the Program criteria are well-suited to support the City's Pavement Preservation Program, specifically a hot mix asphalt pavement resurfacing on George Washington Way from Aaron Drive to Guyer Avenue; and

WHEREAS, the City's best interests are served by acquiring grant funds to contribute to Richland's Pavement Preservation Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to submit a grant application to the Washington State Department of Transportation's National Highway System Asset Management Program for the George Washington Way pavement resurfacing project.

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 October, 2023.

____
Terry Christensen, Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Resolutions - Adoption

Core Focus Area 2 - Manage & Maintain Infrastructure & Facilities

Subject:
Resolution No. 2023-155, Authorizing an Interlocal Agreement for Participation in the Benton-Franklin Council of Governments

Department/Office	Ordinance/Resolution Number:	Document Type:
Public Works	2023-155	Resolution

Recommended Motion:
Adopt Resolution No. 2023-155, authorizing the City Manager to sign and execute the updated Interlocal Cooperation Agreement of the Benton-Franklin Council of Governments.

Summary:
Pursuant to RCW 36.70.060 and RCW 36.64.080, the Benton-Franklin Council of Governments (BFCOG) is authorized to conduct regional planning functions in the bi-county area. The City of Richland participates in BFCOG planning activities for transportation and economic development.

The BFCOG Board recently determined that updates to BFCOG's interlocal agreement and bylaws were desirable to ensure organizational effectiveness. On May 19, 2023, through a process outlined in the previously adopted BFCOG Bylaws, the BFCOG Board adopted the amended Interlocal Cooperation Agreement of the Benton-Franklin Council of Governments and the Bylaws of the Benton-Franklin Council of Governments as a total and complete replacement for all previous interlocal agreements and bylaws of BFCOG. The updated Agreement and Bylaws prescribe improved participation in BFCOG business by the board of directors and improve clarity for the role of the technical advisory committee to the board.

Member agencies must now execute the updated interlocal agreement to enable ongoing operation of BFCOG. The City's best interests are served by maintaining its membership in BFCOG because participation allows the City to comply with state and federal planning requirements.

Staff recommends adoption of Resolution No. 2023-155.

Fiscal Impact:	The City's current membership contribution has been approximately $40,500, which is budgeted annually in the City's Streets and Planning operating budget.

Attachments:
1. Resolution No. 2023-155
2. Amended BFCOG Interlocal Agreement
3. Updated BFCOG Bylaws and Standing Committee Policies

RESOLUTION NO. 2023-155

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS.

WHEREAS, the City of Richland, through a long-standing interlocal agreement, is a member of the regional agency known as the Benton-Franklin Council of Governments (BFCOG) as authorized by RCW 36.70.060 and RCW 36.64.080; and

WHEREAS, the BFCOG Board recently determined that updates to the existing interlocal agreement and the agency's bylaws were desirable to ensure organizational effectiveness; and

WHEREAS, on May 19, 2023, the BFCOG Board adopted the amended Interlocal Cooperation Agreement of the Benton-Franklin Council of Government, and Bylaws of the Benton-Franklin Council of Governments, as a total and complete replacement for all previous interlocal agreements and bylaws of BFCOG, by the process outlined in the previously adopted bylaws; and

WHEREAS, the City's best interests are served by accepting the updated interlocal agreement, thereby maintaining its membership in the Benton-Franklin Council of Governments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute the updated Interlocal Cooperative Agreement with the Benton-Franklin Council of Governments, which includes a commitment to honor the updated Bylaws of the Benton-Franklin Council of Governments.

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 October, 2023.

____
Terry Christensen, Mayor

Attest:	Approved as to Form:
____________________________	____________________________
Jennifer Rogers, City Clerk	Heather Kintzley, City Attorney

INTERLOCAL COOPERATION AGREEMENT OF THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS

Amended May 19, 2023
(As a total and complete replacement for all previous Interlocal Agreements)

Pursuant to Revised Code of Washington (RCW) Chapter 36, Laws of 1959, as amended (RCW 36.70.060) and Chapter 84, Laws of 1965, Extraordinary Session, (RCW 36.64.080), and be it resolved that the local governments of:

- Ben Franklin Transit,
- Benton County,
- City of Benton City,
- City of Connell,
- City of Kennewick,
- City of Pasco,
- City of Prosser,
- City of Richland,
- City of West Richland,
- Franklin County,
- Port of Benton,
- Port of Kennewick, and
- Port of Pasco

Each hereafter referred to as a “Member” or collectively, as “Members,” do hereby organize and reaffirm the establishment of a regional agency, hereinafter referred to as the Benton-Franklin Council of Governments or “COG”; and further establish, as an integral component thereof, an Economic Development District organization, hereinafter referred to as the “EDD” by this Interlocal Agreement or “Agreement.”

This Agreement terminates and supersedes in all respects the Benton-Franklin Council of Governments Interlocal Agreement dated September 18, 2020; the Benton-Franklin Council of Governments Articles of Association amended November 21, 2014; the Benton-Franklin Council of Governments Articles of Association amended May 22, 1998, and original Benton-Franklin Governmental Conference Articles of Association dated November 7, 1966, and any or all such agreements.

RECITAL

WHEREAS, each of the Members hereto is a public agency pursuant to the terms of RCW 39.34 Interlocal Cooperation Act, and it is the intent and purpose of the Members to exercise their powers and authority in accordance with its provisions; and

WHEREAS, pursuant to the provisions of RCW 39.34, two or more public agencies may jointly cooperate to perform functions that each may individually perform. Therefore, Members enter into this Interlocal Cooperation Agreement to provide for the joint and/or cooperative exercise of their powers, privileges, and authorities for the purpose of comprehensive transportation planning; and

WHEREAS, the Members acknowledge the need to engage in cooperative planning and decision-making on transportation and economic development issues and the benefits to be derived therefrom as demonstrated by the attached signature pages; and

WHEREAS, Federal transportation legislation, Title 23 United States Code 134 and Title 49 United States Code 5303, requires the establishment, by agreement between the Governor of the State of Washington and units of general-purpose local government, of a Metropolitan Planning Organization (MPO), which, in cooperation with the State of Washington, is to develop transportation plans and programs for urbanized areas of Washington State; and

WHEREAS, 23 CFR §450 sets forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive multimodal transportation planning process, including the development of a Metropolitan Transportation Plan (MTP) and a Transportation Improvement Program (TIP); and

WHEREAS, the Washington State Growth Management Act, RCW 36.70A, requires local governments to adopt transportation plans that are consistent with comprehensive land use plans; and

WHEREAS, RCW 47.80 authorizes the formation of a Regional Transportation Planning Organization (RTPO) by the voluntary association of local governments within a county, provided each RTPO shall have as members all counties within the RTPO's boundaries and at least sixty percent of the cities and towns collectively, representing a minimum of seventy-five percent of the population of all incorporated municipalities; and

WHEREAS, pursuant to RCW 47.80.023(7), the Benton-Franklin Council of Governments is designated as the lead planning agency and governing body for the MPO and the RTPO; and

WHEREAS, RCW 47.80.40 provides each RTPO formed by local governments is required to create a Transportation Policy Board to provide policy advice to the RTPO and shall allow representatives of major employers within the region, the department of transportation districts, port districts, and member cities, towns, and counties within the region to participate in policy making; and

WHEREAS, the Members acknowledge the need to provide regional economic development planning and have established the Benton-Franklin Economic Development District for these purposes, which will provide these services through the US Department of Commerce Economic Development Administration's Partnership Planning Program and Comprehensive Economic Development Strategy (CEDS) process; and

WHEREAS, the Members acknowledge the need to promote economic development activities for the region in alignment with the Public Works Economic Development Act of 1965 and to provide services as promulgated by the US Department of Commerce Economic Development Administration, US Department of Agriculture, and other funding sources available to the region; and

WHEREAS, each of the Members has previously adopted one or more resolutions authorizing the execution of this Agreement and that such resolutions are in all ways valid and binding; and

WHEREAS, the Members agree to be governed by Bylaws of the COG approved by a two-thirds (2/3) majority vote of all members in good standing;

NOW, THEREFORE, pursuant to the above recitals that are incorporated into this Interlocal Cooperation Agreement as included below, and in consideration of the terms and conditions set forth below, it is hereby agreed as follows:

ARTICLE I

PURPOSE

The purposes which form the basis of this Agreement are as follows:

1. COUNCIL OF GOVERNMENTS: To study regional and governmental problems of mutual interest and concern as agreed to by the Board and consistent with RCW 36.64.80;
2. REGIONAL PLANNING AGENCY: To initiate regional planning programs and accept/receive state and federal grants and funding as agreed to by the Board and consistent with RCW 36.70.060;
3. METROPOLITAN PLANNING ORGANIZATION (MPO): To implement and perform the functions of an MPO for the Tri-Cities Urbanized Area as such area's boundaries are defined now or in the future (23 USC 134 and USC 49; CFR 23 and 40)
4. REGIONAL TRANSPORTATION PLANNING ORGANIZATION (RTPO): To implement and perform the functions of an RTPO for Tri-Cities Urbanized Area as such area's boundaries are defined now or in the future (RCW 47.80);
5. Economic Development District (EDD): To implement and perform the functions of an EDD for the Benton and Franklin Counties area as promulgated by the Economic Development Administration of the US Department of Commerce. (40 USC Subtitle V)
6. PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT (PWEDA) To implement the PWEDA of 1965, PL 89 136 42 USC 3121 et. seq., and all related/subsequent Federal and Washington State legislation related to the purpose of the said Act;
7. To strengthen the regional economy through planning, program development, and economic diversification activities, and
8. Implement and administer other functions and agencies of regional concern as determined by its Board of Directors.

ARTICLE II

BOUNDARIES

The boundaries of the regional planning district shall be the boundaries of Benton County, Franklin County, Washington, and the Tri-Cities Urbanized Area as such area's boundaries are defined now or in the future, and any local, county, or state jurisdiction located within. All references to the "region" in this agreement shall mean Benton and Franklin Counties, and the Tri-Cities Urbanized Area unless changed by the Board as authorized by the COG Bylaws. The COG may be expanded to include contiguous geographic and statistically relevant areas and agencies economically and socially related to the region to provide mutual benefit.

ARTICLE III

FUNCTIONS AND AUTHORITIES

1. TRANSPORTATION. In meeting its responsibilities for regional transportation planning, the COG will:
   a. Produce a Regional Transportation Plan (RTP) as prescribed by federal and state law and regulations and based on local comprehensive planning. The RTP will establish

planning direction for regionally significant transportation projects, as defined in state law, and shall be consistent with the regional growth management strategy, including but not limited to:

i. Certify that transportation elements of local comprehensive plans are consistent with the regional transportation plan.

ii. Certify that all transportation projects within the region that have a significant impact on regional facilities or services are consistent with the RTP.

b. Carry out MPO functions as prescribed for federally funded projects in the region. These functions include preparing an RTP, an annual or biennial Unified Planning Work Program (UPWP), and a four-year capital plan (with an annual element).

2. ECONOMIC DEVELOPMENT. To further the purposes of regional economic development, pursuant to RCW 39.34, the COG will:

   a. Cooperatively develop and maintain a regional economic development strategy that complies with the Federal requirements for a Comprehensive Economic Development Strategy (USC 42, Chapter 38 Public Works and Economic Development, Subchapter IV) and is also consistent with the requirements of the state of Washington for comprehensive planning under the Growth Management Act (RCW 47.80).

   b. Contract for, administer, and manage state and federal economic development programs as authorized in the COG Bylaws.

3. REGIONAL DATABASE DEVELOPMENT. The COG shall provide for the establishment and maintenance of a regional database to:

   a. Support the development of the Metropolitan Transportation Plan and other regional planning efforts of mutual concern to the Members.

   b. Forecast and monitor the region's economic, demographic, and travel conditions.

   c. Develop the database jointly with relevant state agencies for use in the region by local governments and the State of Washington.

   d. Respond to data prepared by the State Office of Financial Management.

4. TECHNICAL ASSISTANCE. The COG shall provide technical assistance to local, state, and federal governments through regional data collection and forecasting services consistent with the agency’s purpose, functions, and budget upon request. In addition, the COG may provide, upon request, general transportation or economic development planning assistance consistent with the COG’s purpose and functions to Members.

5. DISCUSSION FORUM. The COG may provide a forum for discussion among local and state officials and other interested parties on common regional issues.

6. RESEARCH AND PLANNING. The COG may act as a research and fact-finding agency for the Members. To that end, it may make such surveys, analyses, research, and reports requested as authorized in the bylaws of the Agency. The COG, upon such authority or requests, may also:

   a. Make inquiries, investigations, and surveys concerning the resources of Benton and Franklin Counties.

   b. Assemble and analyze the data thus obtained, the systematic utilization and development thereof.

c. Cooperate with other commissions and public and private agencies of the Region, Washington State, and the United States in planning endeavors.

d. Develop programs of Intergovernmental cooperation for the benefit of Members.

7. OTHER FUNCTIONS. The COG shall, insofar as possible:

a. Coordinate general planning among and for the Members

b. Provide a written report to the members each year

c. Prepare, approve, and administer its own annual budget, which includes setting the amount of cost allocations, member assessments, and dues, hiring an Executive Director (who shall hire and supervise employees), hiring consultants, engaging professional accounting, legal and other services as needed, sue and be sued; and other such additional modified, or removed functions and authorities as authorized in the COG Bylaws.

ARTICLE IV

BYLAWS

The authority to make, amend, or repeal bylaws is vested in the COG so long as such bylaws are consistent with the provisions of these articles and applicable laws. Bylaws for the COG are separately adopted and included in Exhibit A of this Agreement.

ARTICLE V

MEMBERSHIP

General Units of Government (excluding small cities with a population of less than 2,500 population) or Special Units of Government (such as school districts, public utility districts, and port districts) located within the COG's planning area of Benton and Franklin Counties of the State of Washington and the Tri-Cities Urbanized Area as such area’s boundaries are defined now or in the future is eligible for voting membership in the COG through execution of this Agreement and the payment of such cost allocations as determined by the Board via dues or assessment. COG Membership shall be open to any general or special units of government located within the boundaries. The COG Board shall be comprised of delegates representing voting members as outlined in the Bylaws.

ARTICLE VI

ALLOCATION OF COSTS

Voting members in the COG shall contribute to the expense of the Agency in amounts as established annually by the COG and agreed to by participating jurisdictions pursuant to the budgetary laws outlined in the Revised Code of Washington (RCW). Members shall be assessed according to a per capita ratio or other equitable assessment established by the Board as authorized in the Bylaws. Services and facilities may be provided by participating agencies at a mutually agreed value in lieu of assessment, as authorized in the Bylaws.

ARTICLE VII

DURATION AND DISSOLUTION

The COG shall have perpetual existence until dissolved by: (1) a vote of 2/3 of the voting Members' provided that all members shall receive one month's written notice of the proposed dissolution and all members provided an opportunity for comment on the motion: or (2) withdrawal of such members so that the MPO/RTPO ratification thresholds are no longer met as required by 47.80 RCW and Ch. 468-86 WAC and/or Title 23 USC and Title 49 USC as currently adopted or as amended and 23 CFR Parts 450 and 500 and 40 CFR Part 613.

Upon termination of this Agreement, any money or assets in possession of the COG after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement shall be returned to all contributing governments in proportion to their assessment determined at the time of termination. The debts, liabilities, and obligations of the COG shall not constitute a debt, liability, or obligation of any member agency.

ARTICLE VIII

WITHDRAWALS

Any Member shall have the right to withdraw from this Agreement by giving written notice to the Board six months prior to the Board's annual meeting establishing the annual assessment. The Members agree that withdrawal will not absolve them of responsibility for meeting financial or other obligations of annual contracts or agreements which exist between the State of Washington or the federal government and the COG at the time of the withdrawal.

The formation of the MPO is based on the population of the metropolitan planning area. Withdrawal by any Member could put the existence of the MPO at risk, resulting in the loss of federal funding for transportation projects. Withdrawal of member jurisdictions could impact the organization with respect to its designation and funding as an RTPO under Washington State law.

ARTICLE IX

GENERAL PROVISIONS

A. ADOPTION AND EFFECTIVE DATE. The effective date of this Agreement shall be upon ratification by the Counties and at least sixty percent (60%) of the cities and towns within the council area that represent seventy-five percent (75%) of the cities and towns population ("Ratification"). This Agreement shall be binding upon the Members who have executed this Agreement, their successors, and assigns, provided that upon Ratification, all prior agreements and bylaws between the parties shall be deemed terminated and replaced herewith. Thereafter, no city, town, tribe, or special district shall be a voting member of the Benton-Franklin Council of Governments, the Benton-Franklin Metropolitan Planning Organization/Regional Transportation Planning Organization Transportation Policy Board, or the Benton-Franklin Economic Development District until the Board has approved the entity's membership and the entity's governing body has approved this Agreement and paid assessed dues.

B. AMENDMENTS. This Agreement may be amended by Board action pursuant to the COG Bylaws.

C. FILING AND STATE APPROVAL. Pursuant to RCW 39.34.040, this Agreement shall be on the COG website or other electronically retrievable public source. To the extent any state officer or agency has control over the operations which may be the subject of this Agreement, then this Agreement shall be submitted to such state officer or agency for approval pursuant to RCW 39.34.050 prior to its entry into force.

D. INVALID PROVISIONS. If any portion of this Agreement, or its application to any local government, person, or circumstances, is held or determined to be invalid, such holding or determination shall not affect the validity or enforceability of any other term or provision, and the application of this Agreement to other local government entities, persons or circumstances shall not be affected.

E. COUNTERPARTS. This Agreement may be executed in counterparts by the parties. Receipt of executed resolutions having the same effect as if all parties had signed the same agreement.

EXHIBITS

Exhibit A – Benton-Franklin Council of Governments Bylaws, Amended 5.19.2023

ADOPTION

This Interlocal Agreement is adopted as a total revision to and replacement of all previously existing Interlocal Agreements between the Benton-Franklin Council of Governments and its Regular Member Jurisdictions by the Benton-Franklin Council of Governments Board of Directors at their Meeting on the 19th day of May 2023 by BFCOG Resolution 04-23.

Brad Peck, Board Chair

Skip Novakovich, Board Vice-Chair

INTERLOCAL COOPERATION AGREEMENT OF THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS

Amended May 19, 2023, BFCOG Resolution 04-23
(As a total and complete replacement for all previous Interlocal Agreements)

PARTICIPANTS

Participants in this agreement shall be whichever of the parties ratify this agreement. If any party fails to ratify this agreement, such action shall not affect this agreement as it pertains to the remaining parties.

WHEREAS, the **City of Richland** authorized the execution of this Agreement by Resolution No. 2023-155 on October 3, 2023.

IN WITNESS WHEREOF, the Parties hereto have set their hands.

By: ______________________________	Attest: ___________________________
Title: City Manager	Title: City Clerk
Date: October 3, 2023	Date: October 3, 2023

BENTON-FRANKLIN COUNCIL OF GOVERNMENTS
Regional Planning Agency for Benton & Franklin Counties

Benton-Franklin Metropolitan Planning Organization • Regional Transportation Planning Organization
Benton-Franklin Economic Development District

RESOLUTION 03-23

A RESOLUTION OF THE BOARD OF THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS (BFCOG) ADOPTION OF UPDATED ORGANIZATION BYLAWS

WHEREAS, the Benton-Franklin Council of Governments (BFCOG), by Interlocal Agreement with its member jurisdictions, shall adopt Bylaws to carry out the purposes set forth in that Interlocal Agreement; AND

WHEREAS, the Benton-Franklin Council of Governments (BFCOG) operates under the Bylaws of the Benton-Franklin Council of Governments as amended September 18, 2020, in which Article 10 – Amendments, indicates the process by which Bylaws of the organization may be amended, repealed, or altered in whole or in part; AND

WHEREAS, the Board by Resolution 08-21, A Resolution of the Board of the Benton-Franklin Council of Governments Authorizing Bylaws Review, directed the formation of a Bylaws Review Committee recognizing that the current Bylaws amendments "were made expeditiously to meet Federal requirement" and that "a review of the Bylaws is necessary for the purpose of rectifying inconsistencies and is prudent to ensure organizational effectiveness"; AND

WHEREAS, a comprehensive set of Bylaws has been developed in cooperation between staff and the BFCOG Board, which rectifies identified inconsistencies and improves organizational effectiveness; AND

WHEREAS, this comprehensive set of Bylaws has been reviewed by the BFCOG Bylaws Committee, the BFCOG Executive Committee, and the state and federal program officers of stakeholder agencies; NOW THEREFORE

BE IT RESOLVED that the Board of the Benton-Franklin Council of Governments hereby adopts the attached updated Bylaws of the Benton-Franklin Council of Governments (Exhibit 1); AND

BE IT FURTHER RESOLVED that the Board of BFCOG now authorizes the Executive Director to provide these Bylaws to all member jurisdictions and necessary stakeholders on behalf of the organization.

ADOPTED by the Benton-Franklin Council of Governments Board by affirmative vote at the regularly scheduled Board meeting held on the 19th day of May 2023.

By: _________________________; and
BRAD PECK, Chair

By: _________________________.
NICHOLAS (SKIP) NOVAKOVICH, Vice Chair

BYLAWS OF THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS

(As a total and complete Replacement for all previous Bylaws Documents)

ARTICLE I

NAME and TERM

The name of this Agency shall be The Benton-Franklin Council of Governments, and it is referred to in these Bylaws as the "COG."

ARTICLE II

AREA SERVED

Benton and Franklin Counties of the State of Washington, and for the Tri-Cities Urbanized Area as such area's boundaries are defined now or in the future by the US Census and designated by the Federal Highway Administration of the US Department of Transportation.

ARTICLE III

ORGANIZATION

SECTION 1. ORGANIZATION: The Benton-Franklin Council of Governments (COG) is organized under the Interlocal Cooperation Act (RCW 39.34) and other federal and state laws as:

1. a **Council of Governments** (RCW 36.64.080);
2. a **Regional Planning Commission** (RCW 36.70.060);
3. a **Metropolitan Planning Organization** (MPO) (23 CFR Part 450.310(b)) designated by agreement between the Washington State Governor and local governments;
4. a **Transportation Management Area** (TMA) (23 CFR Part 450.310(c)) designated by the Secretary of the US Department of Transportation;
5. a **Regional Transportation Planning Organization** (RTPO) (RCW 47.80.020) and;
6. an **Economic Development District** (EDD) promulgated by the Economic Development Administration of the US Department of Commerce under authority granted by the Public Works and Economic Development Act of 1965. (40 USC Subtitle V)

The COG is the designated Metropolitan Planning Organization/Transportation Management Area for the Tri-Cities Urbanized Area as determined by the US Census and defined by the Federal Highway Administration of the US Department of Transportation, and the Regional Transportation Planning Organization as designated by the Washington State Department of Transportation (WSDOT).

The COG is the designated Economic Development District of Benton and Franklin counties as specified by the Economic Development Administration of the United States Department of Commerce.

Separate Interlocal Agreements further establish relationships between the COG and other jurisdictional partners.

ARTICLE IV

PURPOSE

SECTION 1: PRIMARY PURPOSES:

1. As a COUNCIL OF GOVERNMENTS, the COG exists to study regional and governmental problems of mutual interest and concern, and to formulate recommendations for review and action by member jurisdiction's legislative bodies. Pursuant to the Interlocal Cooperation Act (RCW 39.34) and the Interlocal Agreement entered into between member jurisdictions, the COG may also serve as a lead agency in providing programs that serve the mutual interest of member jurisdictions.

2. As a REGIONAL PLANNING AGENCY, the primary purpose is to initiate regional planning programs, accept grants in aid, receive state and federal funds for planning, and to further planning programs for the Benton-Franklin metropolitan area. As such, the COG has accepted state and federal designations supporting this primary purpose.

    a. METROPOLITAN PLANNING ORGANIZATION/TRANSPORTATION MANAGEMENT AREA (MPO/TMA): The COG is responsible for MPO/TMA and RTPO activities in Benton, Franklin, and the Burbank area of Walla Walla Counties. As such, the COG Board of Directors serves as both the governing Board and the Transportation Policy Board of the MPO/TMA. (See ARTICLE X. Metropolitan Planning Organization)

    b. REGIONAL TRANSPORTATION PLANNING ORGANIZATION (RTPO): The COG is responsible for MPO/TMA and RTPO activities in Benton, Franklin, and the Burbank area of Walla Walla Counties. As such, the COG Board of Directors serves as both the governing Board and the Transportation Policy Board of the RTPO. (See ARTICLE XI. Regional Transportation Planning Organization)

    c. ECONOMIC DEVELOPMENT DISTRICT (EDD): The COG is responsible for the EDD activities in Benton and Franklin Counties. As such, the BCOG Board serves as the governing Board of the EDD, acting on recommendations from the Economic Development District Advisory Committee per CFR 2018 Title 13 Volume 1 Section 304.2(c). (See ARTICLE XII. Economic Development District)

SECTION 2. SECONDARY PURPOSE:

1. The COG may provide administrative support and oversight to other local government entities and special districts. These other entities shall be governed per their own governing documents and be charged a fee for any services provided by the Benton-Franklin Council of Governments.

2. The COG may also provide various other administrative and planning assistance as requested by local government entities on a mutually agreed upon fee for services basis.

ARTICLE V

MEMBERSHIP ELIGIBILITY

SECTION 1. REGULAR MEMBERSHIP:

1. General Units of Government or Special Units of Government (such as school districts, public utility districts, and port districts) located within the COG's planning area of Benton and Franklin Counties of the State of Washington are eligible for Regular Membership in the COG; however, small cities with a population of less than 2,500, as determined by the Washington Office of Financial Management (OFM), are only eligible for Associate Membership.
2. Membership is established through acceptance of the Interlocal Agreement creating the COG and these Bylaws by the Jurisdiction's governing body.
3. Should a Native American tribe possess any trust land or reservation land located within the defined boundaries served by the COG, then such tribe shall be offered Regular Membership.
4. The Delegates of Regular Members shall occupy seats on the COG Board of Directors.

SECTION 2. VOTING RIGHTS: Regular Members each have the right to cast one vote on all matters coming to the Board for action.

1. In order to comply with RCW 47.80 and 23 CFR 450.310(d)(3), the COG as the designated MPO and RTPO for the Tri-Cities Urbanized Area, will grant Ex Officio membership and the right to designate one Delegate representative to vote on any MPO/RTPO matter coming to the COG Board for action to entities who are not Regular Members of the COG but require such rights. Currently, this includes:
    a. Walla Walla County
    b. Washington State Department of Transportation South Central Region

These Bylaws may be amended as provided in Article XVI of these Bylaws to accommodate other qualified Regular Members and different allocations of voting rights.

SECTION 3. ASSOCIATE MEMBERSHIP: Associate Members are authorized and shall be subject to annual dues in an amount to be determined annually by the Board. Associate Members are non-voting members of the organization. Community organizations and public agencies ineligible for Regular Membership in the COG may petition for Associate Membership. Associate Membership is granted upon application approval by the Board and payment of annual dues. Associate Members' Representatives are not eligible to be officers or voting Board members of the COG. They may participate as non-voting members of committees and may contract with BFCOG for technical assistance at a rate determined by the Board. An Associate Member representative may be appointed as a voting committee member by the Board Chair when deemed appropriate.

SECTION 4. EX OFFICIO MEMBERSHIP:

Ex Officio Membership may be granted upon approval of the Board to representatives of any regional, state, or federal agency representative at the Board's discretion or as required by regional, state, or federal program guidance.

SECTION 5. ALLOCATION OF COSTS, ASSESSMENTS, AND DUES:

1. Regular Members of the COG shall contribute to the expense of the COG by Assessment in amounts as established annually by the Board and agreed to by participating jurisdictions under the Budgetary laws as outlined in the Revised Code of Washington.

a. Assessments for Regular Members, established annually by the Board, will be such that they ensure adequate operations of the COG and include funds necessary to meet matching requirements for federal or state programs approved by the Board.

b. Assessments for Regular Members will be assessed on a per capita ratio or other equitable assessment established by Board resolution.

c. Any Regular Member with Assessments outstanding after 120 days will automatically revert to non-voting Associate Member status until Dues are paid current.

2. Associate Members, while not contributing to the pro-rated expenses of the COG, shall be charged membership Dues which shall be established annually by Board at the same time as the Regular Members' contributions are established.
3. The COG shall provide notice of annual Assessments and Dues for the upcoming fiscal year to all Members no later than November 1st of the current year, with payment due by February 15th of the new calendar year.
4. The Board may also establish a Fee for Services schedule to be applied to services requested of the COG by individual Members or other organizations.
5. The Board may also approve a Special or Emergency Assessment to Regular Members beyond the annual Assessment at any period if deemed necessary.

SECTION 6. ACTIVE MEMBER and MEMBER IN GOOD STANDING: An Active Member shall mean any Regular Member whose Delegate (primary or alternate) has been present for the immediate past three (3) consecutive Regular COG Board meetings. A Member in Good Standing shall mean a Regular or Associate Member whose Dues or Assessments are paid current with the COG.

ARTICLE VI

BOARD OF DIRECTORS

SECTION 1. PURPOSE, POWERS, and DUTIES: The COG shall be managed by a Board of Directors and is referred to in these Bylaws as the "Board." The Board has a general power and fiduciary responsibility to:

1. Formulate and set the policy for the operation of the COG;
2. Control and direct the affairs, funds, and property of the COG;
3. Be responsible for the COG's finances;
4. Set the amount of member dues, fees for service, and annual assessments;
5. Enter into contracts necessary to accomplish COG goals;
6. Disburse the COG's monies and dispose of its property in fulfillment of the COG's purpose;
7. Hire an Executive Director to manage the day-to-day operations as necessary to conduct the affairs of the COG and to evaluate the Executive Director’s performance. The Board may delegate to the Executive Director through a Board-approved Delegation

of Authority document certain specific general powers and fiduciary responsibilities as the Board deems appropriate and in the best interest of the COG mission;

8. Adopt plans and act upon matters not formally delegated to the Executive Director; provided, however, the Board shall not permit any part of any assets or capital of the COG to inure to the benefit of any employee or private individual; and
9. Assure that the COG always operates under the guidelines of Title VI, ADA, and all other civil rights requirements imposed by local, state, and federal laws while providing opportunities for public involvement and participation.

SECTION 2. REPRESENTATION: The Board shall be comprised of Delegates representing Regular Members.

1. Each Regular Member shall be officially represented by one Delegate to the Board who is authorized to act on the Regular Member's behalf on any matter before the COG.
2. Each Regular Member shall designate and provide notice to the COG no later than February 28th of each year of the names and titles of one Primary Delegate and one Alternate Delegate who, in the absence of the Primary Delegate, is also authorized to act on the Regular Member's behalf on any matter which comes before the COG.
3. Primary and Alternate Delegates of Regular Member jurisdictions governed by an elected body must be elected officials of that governing body.
4. Primary Delegates of Regular Member jurisdictions governed by an appointed governing body shall be the chief executive officer of the jurisdiction, and the Alternate Delegate may be either a designated senior staff member or an appointed member of the jurisdiction's governing body.
5. Should it become necessary for a Regular Member to replace an appointed primary or alternate Delegate after their annual appointment, such member shall notify the COG of their appointment of a new Delegate before the next regularly scheduled COG Board meeting.

SECTION 3. TERM OF OFFICE: Delegates shall serve on the Board for such period as determined by their respective jurisdictional governing body.

SECTION 4. RESPONSIBILITIES: Board members will commit themselves to all Board responsibilities prescribed in these Bylaws and comply with all local, state, and federal laws.

1. Board members shall notify the Executive Director to request an excused absence and will coordinate participation by their designated alternate in such case.
2. Board members will advise the Executive Director of any issues of concern or particular interest to such members.
3. No member shall speak or act for the Board without the prior authorization of the Board.

SECTION 5. COMPENSATION: No member of the Board shall receive compensation for their services as a member of the Board. The Board may authorize reasonable reimbursement of expenses to any Board member for actual costs incurred when representing the COG officially to the extent the Board may deem appropriate.

SECTION 6. INVOLVEMENT IN CONTRACTS AND SERVICES: Nothing herein shall preclude a Board member from serving the COG in any other capacity and receiving reasonable compensation for such service. However, should any Board member have a personal financial interest either directly or indirectly in any contract, transaction, or issue relating to the operations of the COG, the Board member must ensure that they comply with the COG's Procurement Policy and with all applicable conflict of interest and related provisions of federal and state law. Any Board member performing services unrelated to their duties as a Board member shall not request compensation for their services above their standard charges for the same or similar services assessed to others.

SECTION 7. CONFLICT OF INTEREST: Following Washington's Code of Ethics for Municipal Officers, Board members may not engage in any act that conflicts with properly discharging their official duties. Such conflicts of interest include but are not limited to holding a financial interest in a matter before the Board. In the event of a conflict of interest, a Board member must identify the conflict and recuse themself from voting or taking any other action on the matter. Board members are bound by and shall comply with RCW 42.23, as amended. They shall not use their position on the Board for personal gain. Even where no conflict of interest exists under law, Board members are encouraged to disclose contacts or exposure they have had regarding a matter before the Board and recuse themselves from voting on measures relating to such a matter when they believe that such contact would prevent them from giving the action fair consideration or would injure the credibility of the Board.

SECTION 8. PERSONAL LIABILITY: No Board member or any uncompensated officer of the COG shall be personally liable to the COG or its members, if any, for monetary damages for conduct as a Board member or uncompensated Officer provided that this Article shall not eliminate the liability of a Board member or uncompensated Officer for any act or omission occurring before the date when this Article becomes effective and for any action or omission for which elimination of liability is not permitted under the RCWs of the State of Washington. Any Board member or uncompensated Officer shall be entitled to indemnification for any expenses or liability incurred in their capacity as a Board member or uncompensated Officer as provided by the laws of the State of Washington under which the COG is governed. The COG will maintain such officers and directors' liability insurance as recommended to provide adequate protection against liability.

SECTION 9. REMOVAL OF BOARD MEMBER: If an appointed Board member Delegate and Alternate of the same jurisdiction is absent for three (3) consecutive meetings, the Executive Director will notify the jurisdiction, and the jurisdiction will be invited to appoint another representative and delegate as necessary.

SECTION 10. MEMBER RESIGNATION: Should any Regular Member withdraw their membership relationship in the COG, that member's Delegate to the Board shall be deemed to have resigned effective as of the withdrawal date.

ARTICLE VII

OFFICERS

SECTION 1. PRINCIPAL OFFICERS: The principal officers of the COG shall be a Chair and a Vice Chair and are referred to in these Bylaws as "Officer/s." All Officers shall be elected to office at the Annual Meeting or at a meeting designated by the Board from among the Board members elected or appointed to the Executive Committee.

SECTION 2. DUTIES and POWERS: Each Officer shall perform the duties and exercise the powers usually attendant to their respective offices, including those duties stated in these Bylaws and such additional powers and duties as may be prescribed by the Board by resolution.

SECTION 3. ELECTION, ELIGIBILITY, and TERM OF OFFICE: The Officers of the COG shall be elected at the Annual Meeting or a designated meeting for such purpose.

1. The Board shall elect Officers from the Board members elected or appointed to the Executive Committee. The Chair shall call for and accept Officer nominations from the selected Executive Committee representatives.
2. To be eligible for election as an Officer, nominees must be the Primary Delegate representing a Regular member jurisdiction in Good Standing and have served on the Board for at least one year.
3. The newly elected Officers shall take office at the close of the meeting at which they were elected.
4. Officers shall be elected to serve a one-year term. They shall hold office until their successor has been elected, except in the case of death, resignation, or removal as provided in these Bylaws or the special provisions provided in Section 4 of this Article.

SECTION 4. OFFICE HOLDING LIMITATIONS:

1. No Board member shall hold more than one office at a time.
2. No Board member may serve in any one officer position for more than two consecutive terms; however
3. If no person is qualified or willing to assume an officer position at the end of the term of a current officer, as prescribed by these Bylaws, and the person currently serving in that officer position is willing to continue serving until another member of the Executive Committee becomes qualified and is willing to serve, the term limits for the Officer currently serving as written in Article VI, Section 3 of these Bylaws and Section 3 of this Article, may be suspended for the good of the COG by a two-thirds majority vote of the Board members to allow the Officer currently serving to continue to serve in that capacity as needed, or for a period not to exceed one year. Should this special provision be enacted, it will be the responsibility of the Board to ensure that another of their members becomes qualified and is willing to serve as quickly as possible, but in no event shall this take more than one year.

SECTION 5. REMOVAL OF OFFICERS: Any Officer may be removed for just cause at any time at any Board meeting at which a quorum is present by a vote of two-thirds of the Board membership.

SECTION 6. RESIGNATION OF OFFICERS: Any Officer may resign by giving written notice to the Board Chair or Vice Chair. Unless some measure prevents otherwise, the Board shall vote to accept such resignation at the next regularly scheduled Board meeting effective as to the date of the request.

SECTION 7. OFFICER VACANCIES: Vacancies among Officers, however arising, shall be filled by a majority vote of the Board members present at any regular or special meetings of the Board at which a quorum is present or by enacting the special provision provided for in Section 4 of this Article. The Board member filling the vacated officer position will fill that position for the remaining term of the Officer who left.

SECTION 8. CHAIR:

1. The Chair shall serve as Board and Executive Committee Chair, presiding over all Board and Executive Committee meetings.
2. The Chair will do and perform all acts incident to the office of the Chair, including the execution of all instruments on behalf of the COG, such as contracts, agreements, and other documents for which the Chair's signature is necessary or desirable.
3. The Chair shall officially represent the COG before other groups and agencies.
4. The Chair shall have such additional powers and duties as may be assigned to the Chair by resolution of the Board.
5. Unless otherwise provided for in these Bylaws, the Chair shall recommend for Board approval the establishment of committees, the chairperson, and the members for each committee. The Chair will also be an ex officio, non-voting member of each committee.

SECTION 9. VICE-CHAIR:

1. In the absence of the Chair, the Vice Chair shall exercise the powers and perform the Chair's duties.
2. The Vice-Chair shall assist the Chair, have other powers, and perform other duties designated by the Chair or the Board.

ARTICLE VIII

BOARD OF DIRECTORS MEETINGS

SECTION 1: SPECIFIC MEETING REQUIREMENTS:

1. All meetings of the Board and Committees shall provide for public access, participation, and inclusivity unless SECTION 7 of this Article takes effect.
2. Meetings will be held in locations that comply with the American Disability Act (ADA), the Title VI of the Civil Rights Act of 1964, and the Open Public Meeting Act (OPMA) of the State of Washington, as currently amended.
3. To ensure appropriate notice, public involvement, and effective regional decision-making, all meetings and notices will comply with the OPMA requirements.

SECTION 2. ANNUAL MEETING: An Annual Meeting of the Board shall be held on such date as may be fixed by the Board, generally in December. The Annual Meeting may be combined with a regular meeting of the Board. The primary purpose of the Annual Meeting shall be for the election of officers, committee appointments, and to receive annual reports of officers, the Executive Director, and other appropriate staff members designated by the Executive Director. The program agenda and arrangements for the Annual Meeting shall be under the control and direction of the Chair with assistance from the Executive Director.

SECTION 3. REGULAR MEETINGS: Regular meetings of the Board may be held on dates and frequency as fixed from time to time by the Board. Meetings may be held anywhere designated by the Board, with proper notice given to all serving Board members and the public. A list of regular meeting dates for the succeeding calendar year shall be published and adopted at a meeting before the end of each calendar year.

SECTION 4. SPECIAL MEETINGS: Special meetings of the Board may be called at any time by the Chair or at the request of at least three (3) of the Regular Members in Good Standing. The purpose of the Special Meeting, date, time, and location shall be stated in the call for the meeting, providing at least twenty-four (24) hours advance notice to all Board members and the public.

SECTION 5. WORKSHOP MEETINGS: The Board may meet in workshop sessions to review and discuss current or proposed matters, including receiving information from Staff or others. No official final Board action shall be allowed at a workshop.

SECTION 6: EXECUTIVE SESSIONS: The Board may enter an Executive Session at any time during a regular or special meeting and shall convene and conduct such sessions in conformance with all applicable RCWs and all requirements of the Open Public Meeting Act as currently amended.

1. The Board may only discuss in executive session matters allowed by current RCWs and all other applicable laws.
2. No participant in an Executive Session shall disclose to any person the content or substance of any discussion which took place during said Executive Session.
3. The Board may take no action in an Executive Session.
4. Before convening an Executive Session, the Chair shall publicly announce the purpose of the Executive Session, citing applicable RCWs allowing for the Executive Session, announce who, in addition to Board members, will be invited to attend the Executive Session, announce whether a Board action will be taken once the meeting is reconvened, and the anticipated time the Executive Session will be concluded.
5. The announced time limit for an Executive Session may be extended by an announcement from the Chair to all meeting attendees excluded from the Executive Session. The Executive Session may be extended to a stated date and time by the Chair's announcement in an open session.

SECTION 7. VIRTUAL MEETING PARTICIPATION: Unless otherwise required by law to conduct meetings in person, at the discretion of the Board, the COG may conduct meetings in person, entirely virtual, or as a hybrid with both in-person and virtual participation. A Board member, alternate, staff member, or member of the public may virtually participate in a virtually enabled meeting so long as all attending may simultaneously hear each other and participate during the meeting, and proper accommodations for public attendance are provided to the extent reasonably possible.

1. Participation of Board members by such means shall constitute presence in person at a meeting to establish a quorum, vote, and other purposes.
2. Except as otherwise provided in these Bylaws or as prescribed by the Open Public Meetings Act of the State of Washington as currently amended or other applicable state and federal laws, meetings of the Board or any committee may be conducted through the use of the Internet or telephonic meeting services as approved by the Chair that supports audio and visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permit the retrieval of) text of pending motions, and showing the results of votes, and shall at all times provide for public accessibility and participation.

3. Virtual or hybrid meetings may be available if deemed appropriate, and technology and location allow for such.
4. Fully virtual or hybrid meetings of the Board shall be subject to all rules adopted by the Board to govern them, which may include reasonable limitations on and requirements for Board member participation. Any such rules adopted by the Board shall supersede any conflicting rules in parliamentary authority but may not otherwise conflict with or alter any rule or decision of the COG.
5. Any anonymous vote conducted through the designated Internet meeting service shall be deemed a ballot vote, fulfilling any requirement in the bylaws or rules that a vote be conducted by ballot.
6. Names of all Board members participating in the meeting by virtual means must be announced, and their presence must be noted in the meeting minutes.

SECTION 8. NOTICE OF MEETINGS:

1. ANNUAL OR REGULAR MEETINGS. Written notice of the time and place of the Annual and Regular meetings shall be sent to each Board member in the care of the last known location of the business, residence, or contact address of the Board member at least seven (7) days, but not more than twenty-one (21) days, before the date of such Meeting and may be sent by electronic mail (Email) or first-class mail.
2. SPECIAL MEETINGS. Written notice of a Special meeting shall be made to each Board member in the care of the last known place of business, residence, or contact address of the Board member at least twenty-four (24) hours in advance of the Special Meeting and may be sent by electronic mail (Email) or first-class mail.
3. Any meeting may be recessed, continued, or adjourned from time to time without additional notice provided proper notice was given for the original Meeting.

SECTION 9. QUORUM: Unless otherwise provided in these Bylaws or required by law, the presence of a majority of the Delegates of Regular Members of the COG in good standing shall constitute a quorum for the transaction of any business before any meeting of the COG. In the absence of a quorum, a majority of the Board members present may, without giving notice other than announcement at the meeting, adjourn the meeting from time to time until a quorum is obtained. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of Board members if at least a majority of the required quorum for such a meeting approves any action taken.

SECTION 10. VOTING: At any Board meeting at which a quorum is present, each Board member present shall be entitled to one vote and, except as otherwise provided by law or these Bylaws, the act of a majority of the Board members shall be considered the act of all of the Board. Only Regular Members in Good Standing retain the right to vote. Associate Members, Special Members, and Ex-Officio Members shall not have the right to vote except those specifically designated elsewhere in these bylaws. (See ARTICLE II - MEMBERSHIP, Section 2 Voting Rights, a.)

SECTION 11. OPEN MEETINGS AND PUBLIC PARTICIPATION: All Board meetings shall be held in facilities available to the public meeting all required provisions of Title VI of the Civil Rights Act of 1964 (Title VI) and the Americans with Disabilities Act (ADA), and will encourage public comments, suggestions, and assistance so long as such comments, advice, and assistance comply with the furtherance of the COG missions and purposes.

1. Board meeting agendas will include an item for public comment.
2. If a member of the public wishes to comment, they will need to be recognized by the Chair. They will be asked to state their name for the record, limit their remarks to three minutes unless granted additional time by the Chair, and deliver their comments courteously and efficiently directed to the Chair.
3. Board members will not be expected to engage in conversations with the public but may refer appropriate questions to staff and direct staff to follow up to provide answers. If action is required or has been requested, the Chair may have the request placed on a future agenda for action or investigation and a report.

SECTION 12. PROXIES: The COG does not authorize proxy voting at any board or committee meeting.

ARTICLE IX

COMMITTEES

SECTION 1. STANDING COMMITTEES: The COG will have the following standing committees, the members of which will be elected at the Annual Meeting each year:

1. EXECUTIVE COMMITTEE

Additional standing committees in support of the COG's roles as an MPO, RTPO, and EDD are referenced in their respective Articles within these Bylaws. All standing committees shall meet and perform the duties incident to each committee and as directed or assigned by the Board but shall not have the power to act on behalf of the COG without explicit Board approval. All standing committees will have a Board-adopted Committee Policy that outlines the committee's purpose, composition, quorum, leadership, authority, and functions.

SECTION 2. ADDITIONAL COMMITTEES: The Board may, at any Board meeting, designate additional standing committees, ad hoc committees, and special committees of the Board. The Board may appoint advisory committees and honorary groups and set committee terms and expectations.

SECTION 3. COMMITTEE MEMBERSHIP:

1. Unless otherwise provided for in these Bylaws, a Board-adopted Committee Policy, or requirements mandated by any Washington State or Federal designation assumed by the COG, the Board Chair shall recommend for Board approval the establishment of committees, the means of appointing or selecting a chairperson, and the members for each committee from among the Delegates of Regular Members in Good Standing. Each committee shall consist of at least three members, at least one of whom shall be a voting Board member representing a Regular Member in Good Standing.
2. Unless otherwise provided for in these Bylaws or by the laws of the State of Washington, any committee designated by the Board may include as full voting members of such committee, persons regardless of whether they are Board members or Officers of the COG, as the Board shall determine.
3. Each such committee shall have powers to the extent delegated to it by the Board via resolution and by the laws of the State of Washington.

4. Each committee shall keep minutes of proceedings and report to the Board as requested by the Board Chair or any member of the Board.
5. At the discretion of the Board, at least one member of the COG staff may be appointed as an ex officio, non-voting, participating member of each Board committee.

SECTION 4. EXECUTIVE COMMITTEE:

1. MEMBERSHIP. The Executive Committee shall consist of five (5) members representing the following COG member sub-categories:
    a. COUNTY REPRESENTATIVE
    b. LARGE CITY REPRESENTATIVE (over 20,000 population)
    c. SMALL CITY REPRESENTATIVE (under 20,000 population)
    d. PORT DISTRICT REPRESENTATIVE
    e. TRANSIT AGENCY REPRESENTATIVE
2. SELECTION. Each member sub-category representative to the Executive Committee will be selected by the members of that sub-category at their discretion by either election or consensus. Should any sub-category member not agree with the appointment method, they may request a dispute resolution process. If a resolution cannot be reached, the Board has the authority to select the Representative by a vote of the entire Board. In the event there is not a Delegate from the member sub-category able or willing to serve as the Executive Committee Representative, the sub-category members may request that the Board elect an At Large Representative to serve as their Representative.
3. PURPOSE. The Executive Committee shall, during intervals between meetings of the Board, exercise those powers of the Board in the management of the business and affairs of the organization, as provided by law, these Bylaws, or by Board resolution.
4. POWER. The Executive Committee shall have the power to take all required and necessary action on behalf of the Board between regularly scheduled Board meetings on issues and concerns requiring immediate attention. All actions by the Executive Committee shall also be reported to the Board at its next meeting and shall be subject to revision, alteration, change, or ratification by the Board. Actions that do not allow for revision, alternation, or change shall only be undertaken only by Board action. No action of the Executive Committee shall conflict with action taken by the Board.
5. QUORUM. The presence of a simple majority of the members of the Executive Committee then serving in office, including either the Chair or Vice-Chair, shall be necessary to constitute a quorum. The act of a majority of the Executive Committee members present at a meeting of the Executive Committee at which a quorum is present shall be the act of the Executive Committee.
6. RECORDS. The Executive Committee shall keep full and fair records and accounts of its proceedings and transactions. The minutes of the Executive Committee shall be distributed to all members of the Board of Directors.

SECTION 5. MEETINGS OF COMMITTEES:

1. Unless otherwise provided for in these Bylaws or a Board-adopted Committee Policy, the Committee Chair shall schedule the time, date, location, and number of regular meetings it will hold each year as necessary to accomplish the mission for which each committee was established.
2. Unless otherwise provided for in these Bylaws or a Board adopted Committee Policy, a majority of the members then serving on a committee constitutes a quorum for the Meeting of the committee, and the vote of a simple majority of those present at a meeting at which a quorum is present constitutes an action of the committee.
3. Meetings of all Committees shall be held in locations that comply with the American Disability Act, Title VI of the Civil Rights Act of 1964, and the Open Public Meeting Act of the State of Washington as currently amended. All Committee meetings shall provide for public access, participation, and inclusivity.

SECTION 6. TERM LIMITS: No person shall serve as committee chair for more than two consecutive one-year terms. Following a one-year absence, that person may be reappointed as Chair of the same committee. All committee appointments expire on December 31st of the year for which the appointment is made.

ARTICLE X

BENTON-FRANKLIN METROPOLITAN PLANNING ORGANIZATION

SECTION 1. ORGANIZATION: BFCOG, designated by agreement between the Washington State Governor and the local governments of Benton and Franklin Counties as the Metropolitan Planning Organization (MPO) for the Tri-Cities Urbanized Area. The MPO has further been designated as a Transportation Management Area (TMA) by the Secretary of the US Department of Transportation, based on an urbanized area with a population of over 200,000 as defined by the Bureau of the Census.

SECTION 2. PURPOSE: BFCOG, serving as the MPO/TMA, implements metropolitan planning functions for the Tri-Cities Urbanized Area as outlined in 23 USC 134, 49 USC 5303, 23 CFR Parts 450 and 50, and 40 CFR Part 613 as currently adopted or hereafter amended which outline the following duties:

1. All activities incidental, necessary, convenient, or expedient for maintaining continuing, cooperative, and coordinated transportation plans for Benton County, Franklin County, and the Burbank area of Walla Walla County;
2. Prioritizing and selecting federally funded projects;
3. Responsibilities for all duties required by current and future federal, state, and local transportation planning and coordination laws, in addition to all other applicable federal transportation legislation;
4. Responsibilities for federal and state Clean Air and Growth Management Act requirements; and
5. Responsibilities for the accomplishment of all other duties and requirements that Federal laws may, from time to time, require the laws of the State of Washington and any regional or local applicable laws.

SECTION 3. MEMBERSHIP/VOTING RIGHTS: 23 CFR 450.310(d)(1) stipulates each MPO that serves as a designated TMA shall consist of:

(i) Local elected officials;

(ii) Officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

(iii) Appropriate State officials.

In accordance with 23 CFR 450.310(d)(3)(i), these bylaws designate that all Regular Members of the COG (Article V. Membership (1) Regular Membership) are corresponding members of the MPO/TMA.

In accordance with 23 CFR 450.310(d)(3)(iii), these bylaws further designate that specific entities requiring voting rights will be granted Ex Officio Membership in the COG (Article V. Membership (2)(a) Voting Rights) and are granted the right to appoint one Delegate representative to vote on any MPO/RTPO matter coming to the Council for action. This includes:

a. Washington State Department of Transportation South Central Region

b. Any public agency that administers or operates major modes of transportation in the Tri-Cities Urbanized area that is not a Regular Member of the COG by Interlocal Agreement

SECTION 4. BOARD OF DIRECTORS/OFFICERS: These bylaws designate the Board (Article VI. Board of Directors), and its Officers (Article VII. Officers) also serve simultaneously as the BENTON-FRANKLIN TRANSPORTATION POLICY BOARD (Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Transportation Policy Board).

SECTION 5. DUES ASSESSMENT: COG Regular Members commit to providing any matching funds required for Federal MPO/TMA program participation approved by the Board via annual assessment.

SECTION 6. STANDING COMMITTEES:

<u>BENTON-FRANKLIN TRANSPORTATION POLICY BOARD (BFTPB):</u>

MEMBERSHIP: The composition of the BFTPB shall remain consistent with federal and state law as currently adopted or amended. If such state or federal laws change, the composition of the BFTPB will automatically be adjusted to comply with such changes without requiring this agreement to be amended or approved by the membership.

PURPOSE: To ensure that metropolitan and regional transportation planning is conducted in a coordinated process that minimizes unnecessary duplication of work and oversight, the MPO and RTPO Transportation Policy Boards have been combined into the BFTPB. In addition to governing the metropolitan and regional transportation planning processes, the BFTPB is also charged with allocating the combination of federal, state, and local funds to the numerous projects in the Transportation Improvement Program (TIP).

<u>TECHNICAL ADVISORY COMMITTEE</u>:

MEMBERSHIP: The Technical Advisory Committee (TAC) shall consist of professional and technical planners, engineers, similar disciplines, and other appropriate employees of COG

Regular Members that create the MPO/RTPO and other designated agencies as determined by the Board and in compliance with Federal and State guidance.

At the discretion of the BFTPB, the TAC may be convened in sub-committees to ensure appropriate expertise and guidance based on the nature of the MPO/RTPO's planning and programmatic activities.

PURPOSE: At the direction of the BFTPB, the TAC works in an advisory capacity on technical matters relating to transportation planning and programming. The guidance provided by the TAC is intended to help the Board understand complex engineering and planning concepts and to provide advisory recommendations on how Board decisions on projects and programs of a technical nature are likely to impact local and regional constituencies.

SECTION 8. MISCELLANEOUS: Unless otherwise stipulated in this Article, all other sections of these Bylaws apply to the execution of the Benton-Franklin Metropolitan Planning Organization.

BFCOG facilitates a cooperative approach to establishing consensus regarding area needs and the actions required to solve local and interlocal problems of the region by ensuring opportunities for understanding and participation for all populations residing within its service boundaries, in full compliance with all requirements of the ADA and Title VI of the Civil Rights Act of 1965.

ARTICLE XI

BENTON-FRANKLIN-WALLA WALLA

REGIONAL TRANSPORTATION PLANNING ORGANIZATION

SECTION 1. ORGANIZATION: Under RCW 47.80.20 Regional Transportation Planning Organizations (RTPO) authorized, BFCOG has been designated as the lead planning agency for the Benton-Franklin-Walla Walla RTPO. By interlocal agreement, a Walla Walla Sub-RTPO was created, with Walla Walla Valley MPO serving as its lead agency and assuming all RTPO duties and responsibilities for Walla Walla County.

SECTION 2. PURPOSE: Per RCW 47.80.10, the legislature finds that while the transportation system in Washington is owned and operated by numerous public jurisdictions, it should function as one interconnected and coordinated system. Transportation planning, at all jurisdictional levels, should be coordinated with local comprehensive plans. Further, local jurisdictions and the state should cooperate to achieve statewide and local transportation goals. To facilitate this coordination and cooperation among state and local jurisdictions, the legislature declares it to be in the state's interest to establish a coordinated planning program for regional transportation systems and facilities throughout the state.

RCW 47.80.023 outlines the following RTPO duties:

1. Prepare and periodically update a transportation strategy for the region. The strategy shall serve as a guide in preparing the regional transportation plan.
2. Prepare a regional transportation plan outlined in RCW 47.80.030 consistent with countywide planning policies if such has been adopted under chapter 36.70A RCW, with county, city, and town comprehensive plans and state transportation plans.
3. Certify that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed under

RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

4. Where appropriate, certify that countywide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.
5. Develop, in cooperation with the Department of Transportation, public transportation services operators, and local governments within the region. This six-year regional transportation improvement program proposes regionally significant transportation projects, programs, and transportation demand management measures.
6. Include specific opportunities and projects to advance special needs coordinated transportation, as defined in *RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing an opportunity for public comment.
7. Designate a lead planning agency to coordinate the preparation of the regional transportation plan and fulfill the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of the transportation district office.
8. Review the level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.
9. Work with cities, counties, transit agencies, the department of transportation, and others to develop level-of-service standards or alternative transportation performance measures.

SECTION 3. MEMBERSHIP/VOTING RIGHTS:

1. To ensure consistency between the MPO/RTPO, these Bylaws designate that all Regular Members of the COG (Article V. Membership (1) Regular Membership) are corresponding members of the MPO/RPTO.
2. In accordance with RCW 47.80, as currently adopted or amended, these bylaws further designate that specific entities requiring voting rights will be granted Ex Officio Membership in the COG (Article V. Membership (2)(a) Voting Rights) and are granted the right to appoint one Delegate representative to vote on any RTPO matter coming to the Council for action. This includes:
    a. Washington State Department of Transportation South Central Region
3. Under RCW 47.80.040, as currently adopted or amended, any members of the Washington State House of Representatives or Senate whose district is wholly or partly within the boundaries of the COG planning area boundary are granted Ex Officio, non-voting membership in the COG and the Transportation Policy Board by the COG's designation as RTPO.

SECTION 4. BOARD OF DIRECTORS/OFFICERS: These bylaws designate the COG Board (Article VI. Board of Directors), and its Officers (Article VII. Officers) also serve simultaneously as the BENTON-FRANKLIN TRANSPORTATION POLICY BOARD. (Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Transportation Policy Board)

SECTION 5. DUES ASSESSMENTS:

Regular Members commit to meet any matching funds required for State RTPO program participation approved by the Board via annual assessment.

SECTION 7. STANDING COMMITTEES

BENTON-FRANKLIN TRANSPORTATION POLICY BOARD (BFTPB): Acting as the Transportation Policy Board, the COG Board, plus the designated representatives from WSDOT and Walla Walla County, have the authority to conduct the RTPO functions outlined in RCW 47.80 and WAC 468-86, as currently adopted, or hereafter amended. The composition of the Transportation Policy Board shall remain consistent with federal and state law as presently adopted or amended. If such state or federal laws change, the composition of the Transportation Policy Board will be automatically adjusted to comply with such changes without requiring this agreement to be amended or approved by the membership.

SECTION 8. MISCELLANEOUS

Unless otherwise stipulated in this Article, all other sections of these Bylaws apply to the execution of the Benton-Franklin-Walla Walla Regional Transportation Planning Organization.

BFCOG facilitates a cooperative approach to establishing consensus regarding area needs and the actions required to solve local and interlocal problems of the region by ensuring opportunities for understanding and participation for all populations residing within its service boundaries, in full compliance with all ADA and Title VI requirements.

ARTICLE XII

BENTON-FRANKLIN ECONOMIC DEVELOPMENT DISTRICT

SECTION 1. ORGANIZATION: The COG is the designated Economic Development District of Benton and Franklin counties as specified by the United States Department of Commerce Economic Development Administration. The Benton-Franklin Economic Development District (BFEDD) is a distinct and separate entity operated by the COG, as promulgated by the Economic Development Administration of the US Department of Commerce under authority granted by the Public Works and Economic Development Act of 1965.

SECTION 2. PURPOSE: The BFEDD Economic Planning Program helps lead a locally based, regionally driven economic development planning process that leverages the involvement of the public, private, and non-profit sectors to establish a strategic blueprint (Comprehensive Economic Development Strategy - CEDS) for regional collaboration to guide economic prosperity and resiliency for the Benton-Franklin area. Additionally, the BFEDD may engage in other approved programs that align with the goals of the Public Works Economic Development Act of 1965 (PWEDA).

SECTION 3. MEMBERSHIP:

1. To ensure consistency, these bylaws designate that all Regular Members of the COG (Article V. Membership (1) Regular Membership) are corresponding members of the BFEDD.
2. Community organizations and public agencies ineligible for Regular Membership in the COG, whose interests and mission align with those of the BFEDD, may petition for Associate Membership. Associate Membership is granted upon application approval by the Board of Directors and payment of annual dues.

SECTION 4. BOARD OF DIRECTORS: These Bylaws designate the Board (Article VI. Board of Directors) and its Officers (Article VII. Officers) also serve simultaneously as the governing body of the Benton-Franklin Economic Development District.

1. As the BFEDD governing body, the Board is responsible for all actions and activities of an Economic Development District as specified by the Economic Development Administration of the United States Department of Commerce per CFR 2018 Title 13 Volume 1 Part 304 Economic Development Districts.
2. The Board acts on recommendations from the Economic Development District Advisory Committee, ensuring compliance with CFR 2018 Title 13 Volume 1 Part 304.2(c).

SECTION 4. VOTING RIGHTS: Representatives of Associate Members are not eligible to be officers or voting Board members of the COG but may be appointed voting members of committees and may also contract with the COG for technical assistance at the prevailing rate.

SECTION 5. DUES ASSESSMENTS:

1. Regular Members commit to meet any matching funds required for Federal or State EDD program participation approved by the Board via annual assessment.
2. Associate Members are authorized and shall be subject to annual dues in an amount to be determined annually by the Board.

SECTION 6. MEETINGS: At its sole discretion, the Board may conduct business for the BFEDD as part of any scheduled COG meeting or convene a separate meeting of the BFEDD. Following CFR 2018 Title 13 Volume 1 Section 304.2(4)(i), public meetings where the business of the BFEDD is conducted must be held at least twice per calendar year.

SECTION 7. STANDING COMMITTEES

ECONOMIC DEVELOPMENT DISTRICT ADVISORY COMMITTEE (EDDAC):

MEMBERSHIP: The Economic Development District Advisory Committee (EDDAC) is appointed by the COG Board and is comprised of community stakeholders broadly representative of the principal economic interests of the Benton-Franklin region.

PURPOSE:

1. The EDDAC will provide advisory recommendations and advice on how the EDD can help lead a locally-based, regionally-driven economic development planning process involving active participation from the private sector, public officials, non-profit organizations, educational institutions, and private citizens.
2. The EDDAC will also serve as the Comprehensive Economic Development Strategy (CEDS) Committee, ensuring the creation of a CEDS to guide economic prosperity and resilience in the region.
3. The EDDAC will advise the COG, as the EDD governing board, on decisions related to projects and programs under the EDD.

SECTION 8. ADDITIONAL COMMITTEES:

REGIONAL REVOLVING LOAN FUND COMMITTEE (RRLFC):

MEMBERSHIP: The RRLFC will comprise a maximum of twelve members appointed by the Board. The three participating communities (Richland, Kennewick, and Pasco) and the two counties will each appoint one designated primary representative and one alternate. The Board will appoint six (6) members-at-large; three (3) of whom will be selected for their commercial lending experience/legal acumen and experience, and three of whom will have small business ownership/management experience.

PURPOSE: The RRLFC's purpose is to provide oversight and direction to the revolving loan fund program administered by the COG. The primary function shall be to make recommendations to the Board regarding the following:

1. After Review, Recommend Loan Applications for Approval
2. Decision to call due, delinquent loans.
3. Decision to liquidate assets held as fund collateral.
4. Procedural changes in day-to-day fund operations and paperwork.

SECTION 9. MISCELLANEOUS: Unless otherwise stipulated in this Article, all other sections of these Bylaws apply to the execution of the Benton-Franklin Economic Development District.

BFCOG facilitates a cooperative approach to establishing consensus regarding area needs and the actions required to solve local and interlocal problems of the region by ensuring opportunities for understanding and participation for all populations residing within its service boundaries, in full compliance with all requirements of the ADA and Title VI of the Civil Rights Act of 1965.

ARTICLE XIII

MISCELLANEOUS

SECTION 1. FISCAL YEAR: The fiscal year of the COG shall begin on January 1st and end on December 31st of each year.

SECTION 2. FISCAL PROCEDURES: The COG shall maintain fiscal records and accounts consistent with the procedures established by the Auditor of the State of Washington as they are presented in the Budgeting, Accounting, Reporting System (BARS) Manual and under the accounting rules prescribed for and applicable to, counties (RCW Chapter 36).

1. Non-salary expenditures of the COG shall be made by warrant, based upon a voucher summary bearing the signature of the Executive Director and at least two officers of the COG.
2. Salary and related expenditures shall be made by warrant, based upon a payroll voucher bearing the signature of the Executive Director.
3. The Board of Directors is authorized to select such banks or depositories as it shall deem proper for the funds of the COG. The Board shall determine who shall be authorized on the COG's behalf to sign checks, drafts, or other orders for the payment of money, acceptances, notes, or other evidence of indebtedness, to enter into contracts, or to execute and deliver other documents and instruments.

SECTION 3. CONTRACTS AND CONTRACTUAL SERVICES: The Board may authorize the COG to enter into any contract or reasonable agreement with a private or corporate individual, a private firm or association, the Federal government, the State of Washington, or any other governmental jurisdictions necessary to execute the designated organizational purposes described in these Bylaws. The Board, except as otherwise provided in these bylaws, may authorize any officer or officers, agent or agents, in the name of and on behalf of the COG to enter into any contract or execute and deliver any instrument, and such authority may be general or confined to specific instances; but, unless so authorized by the Board, or expressly authorized by these bylaws, no officer, agent or employee shall have any power or authority to bind the COG by any contract or engagement or to pledge its credit or to render it financially liable in any amount for any purpose.

SECTION 4. LOANS: The Board may authorize loans to be contracted on behalf of the COG as determined necessary by resolution of the Board.

SECTION 5. CHECKS, DRAFTS, ETC: All checks, drafts, and other orders for the payment of money out of the funds of the COG, and all notes or other evidence of indebtedness of the COG, shall be signed on behalf of the COG in such manner as determined by resolution of the Board.

SECTION 6. DEPOSITS: All funds of the COG not otherwise employed shall be deposited to the credit of the COG in such banks, trust companies, or other depositories as the Board may select.

SECTION 7. SEVERABILITY: Should any of the covenants, terms, or provisions imposed in these Bylaws be or become unenforceable at law or in equity, the remaining provisions of these Bylaws shall, nevertheless, be and remain in full force and effect.

ARTICLE XIV

INDEMNIFICATION

The COG may indemnify any current or former member of the Board, any current or former member of the Executive Committee, any current or former uncompensated Officer, any other Board member, Officer, or former Board member or Officer, their heirs or assigns, for any judgments, settlement amounts, attorney's fees and litigation expenses incurred by them because of their having been made a party to litigation due to their current of former capacity as a member of the Executive Committee, member of the Board of Directors or current or former Board member or Officer of the COG. The provisions of ARTICLE VI, SECTION 8 also apply to this Article where those provisions are not repetitive or contradictory.

1. The COG may advance expenses where appropriate. Payment of indemnification must be reported at the Board's next regular Meeting.
2. The provisions of this section apply to any cause of action arising before the adoption of these Bylaws.
3. The indemnification rights set forth herein are not exclusive.
4. An Executive Committee member or Board of Director member is not entitled to indemnification if the COG itself brings the cause of action against an Executive Committee member or Board of Director member or if it is determined in judgment that the Executive Committee member or Board of Director member was derelict in the performance of their duties or had reason to believe their action was unlawful.
5. No Executive Committee member or Board of Director member, or any uncompensated Officer of the COG shall be personally liable to the COG for monetary damages for conduct as an Executive Committee member or Board of Director member, or uncompensated Officer provided that this Article shall not eliminate the liability of an Executive Committee member, Board of Director member, or uncompensated Officer for

any act or omission occurring before the date when this Article becomes effective and for any act of omission for which elimination of liability is not permitted under the laws of the State of Washington as well as all local and federal applicable laws.

ARTICLE XV

PARLIAMENTARY AUTHORITY

The rules contained in the current edition of *Robert's Rules of Order, Newly Revised*, shall govern the COG in all cases in which they are applicable and in which they are inconsistent with these Bylaws and any special rules of order the COG may adopt.

ARTICLE XVI

AMENDMENT OF BYLAWS

These Bylaws may be amended, modified, or replaced in whole or part by an affirmative vote of two-thirds of Regular Members in Good Standing of the Board at any Regular or Special meeting. Written notice of any proposed amendment or modification shall be given to all voting Board members at least ten (10) days before the Meeting at which the proposed amendment or modification is voted upon.

ADOPTION

These Bylaws were adopted as a total revision to and replacement of all previously existing Bylaws and amendments by the Benton-Franklin Council of Governments Board of Directors at their Meeting on the 19th day of May 2023 by BFCOG Resolution 03-23.

Brad Peck, Board Chair

Skip Novakovich, Board Vice-Chair

BENTON-FRANKLIN COUNCIL OF GOVERNMENTS

Regional Planning Agency for Benton & Franklin Counties

Benton-Franklin Metropolitan Planning Organization • Regional Transportation Planning Organization
Benton-Franklin Economic Development District

RESOLUTION 05-23

A RESOLUTION OF THE BOARD OF THE BENTON-FRANKLIN COUNCIL OF GOVERNMENTS (BFCOG) ADOPTING STANDING COMMITTEE POLICIES

WHEREAS, the Benton-Franklin Council of Governments (BFCOG) operates under the Bylaws of the Benton-Franklin Council of Governments as amended May 19, 2023, which outline the powers of the Board of Directors to manage the business affairs of the COG; AND

WHEREAS, the Bylaws, Article IX Committees, Section 1. Standing Committees identify the following standing committees for BFOCG: Executive Committee and Nominating Committee; AND

WHEREAS, the BFCOG Board of Directors serves simultaneously as the governing body of the Benton-Franklin Metropolitan Planning Organization as the Transportation Policy Board, and the Benton-Franklin Economic Development District; AND

WHEREAS, the Bylaws, Article X Benton-Franklin Metropolitan Planning Organization, Section 6. Standing Committees identify the following standing committee: Technical Advisory Committee; AND

WHEREAS, the Bylaws, Article XII Benton-Franklin Economic Development District, Section 7. Standing Committees identify the following standing committee: Economic Development Advisory Committee; AND

WHEREAS, the aforementioned Bylaws, Article IX Committees, Section 1. Standing Committees states, "All standing committees will have a Board-adopted Committee Policy outlining *the committee's purpose, composition, quorum, leadership, authority, and functions."*

WHEREAS, the Executive Director, the Executive Committee, the Bylaws Committee, and the TAC have collaborated in drafting and reviewing these referenced policies; AND

NOW THEREFORE BE IT RESOLVED that the Board of the Benton-Franklin Council of Governments hereby adopts the attached Standing Committee Policies:

- BFCOG Executive Committee Policy & Delegation of Authority
- BFCOG Transportation Policy Board Committee Policy
- BFCOG MPO/RTPO Technical Advisory Committee Policy
- BFCOG Economic Development District Advisory Committee Policy

ADOPTED by the Benton-Franklin Council of Governments Board by affirmative vote at the regular scheduled Board meeting held on the 19th day of May 2023.

By: ______________________________; and
BRAD PECK, Chair

By: ______________________________.
NICHOLAS (SKIP) NOVAKOVICH, Vice Chair

BENTON-FRANKLIN COUNCIL OF GOVERNMENTS
Regional Planning Agency for Benton & Franklin Counties

Benton-Franklin Metropolitan Planning Organization • Regional Transportation Planning Organization
Benton-Franklin Economic Development District

Exhibits:

1. BFCOG Executive Committee Policy & Delegation of Authority
2. BFCOG Transportation Policy Board Committee Policy
3. BFCOG MPO/RTPO Technical Advisory Committee Policy
4. BFCOG Economic Development District Advisory Committee Policy

BENTON-FRANKLIN
COUNCIL OF GOVERNMENTS

BFCOG STANDING COMMITTEE POLICY & DELEGATION OF AUTHORITY FOR THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS

Policy Number: ##

Authority: Executive Director
Adopted: May 19, 2023, Resolution 05-23
Reviewed:
Updated:

1.0 POLICY

BFCOG Bylaws, Article IX - Committees, Section 1 – Standing Committees designates that the COG will have a standing Executive Committee, which will be elected at the Annual Meeting each year.

This committee *"shall meet and perform the duties incident to each committee and as directed or assigned by the Board but shall not have the power to act on behalf of the COG without explicit Board approval. All standing committees will have a Board-adopted Committee Policy outlining the committee's purpose, composition, quorum, leadership, authority, and functions."*

1.1 PURPOSE

The Executive Committee of the Board of Directors is referred to in this policy as the "Executive Committee." *The Executive Committee shall, during intervals between meetings of the Board, exercise those powers of the Board in the management of the business and affairs of the organization, as otherwise by law, these Bylaws, or by Board resolution.* *

1.2 COMPOSITION

A. The Executive Committee shall consist of five (5) members representing the following COG member sub-categories:
   a. COUNTY REPRESENTATIVE
   b. LARGE CITY REPRESENTATIVE (over 20,000 population)
   c. SMALL CITY REPRESENTATIVE (under 20,000 population)
   d. PORT DISTRICT REPRESENTATIVE
   e. TRANSIT AGENCY REPRESENTATIVE
B. The Executive Director is a non-voting participant in Executive Committee meetings; however, may be excluded from meetings at the Chair's determination.

1.3 QUORUM

The presence of a majority of the members of the Executive Committee then serving in office, including either the Chair or Vice-Chair, shall be necessary to constitute a quorum. The act of a majority of the members of the Executive Committee present at a meeting of the Executive Committee at which a quorum is present shall be the act of the Executive Committee. *

1.4 LEADERSHIP

The Board Chair shall serve as Chair of the Executive Committee. *

1.5 DELEGATED AUTHORITY

A. The Executive Committee shall, during intervals between meetings of the Board, exercise those powers of the Board in the management of the business and affairs of the organization, as provided by law, these Bylaws, or by Board resolution. *

B. The Executive Committee shall have the power to take all required and necessary action on behalf of the Board between regularly scheduled Board meetings on issues and concerns requiring immediate attention. *

C. All actions by the Executive Committee shall also be reported to the Board at its next meeting and shall be subject to revision, alteration, change, or ratification by the Board.*

D. The Executive Committee shall have the authority to act upon routine matters of an executive or administrative nature without ratification, providing that all agency-wide policy and legislative matters shall be approved or ratified by the Board.

E. The Executive committee is empowered to review and make recommendations to the Board in all COG matters.

1.6 LIMITATION OF AUTHORITY

A. Actions that do not allow for revision, alternation, or change shall only be undertaken only by Board action.*

B. No acts of the Executive Committee shall conflict with action taken by the Board. *

C. The Executive Committee shall not exercise authority or responsibilities concerning MPO/RTPO functions and powers, which shall be the responsibility of the Transportation Policy Board.

D. Unless otherwise provided for in this Policy, the functions, and operations of all BFCOG committees are defined in the BFCOG Bylaws.

* See **BFCOG Bylaws, Article IX - Committees, Section 4 – Executive Committee**

2.0 PROCEDURE

2.1 SELECTION

Each member sub-category representative to the Executive Committee will be selected by the members of that sub-category at their discretion by either election or consensus. Should any sub-category member not agree with the appointment method, they may request a dispute resolution process. If a resolution cannot be reached, the Board has the authority to select the Representative by a vote of the entire Board. In the event there is not a Delegate from the member sub-category able or willing to serve as the Executive Committee Representative, the sub-category members may request that the Board elect an At Large Representative to serve as their Representative.

2.2 ELECTION OF OFFICERS

The Board shall elect Officers from the Board members elected or appointed to the Executive Committee. The Chair shall call for and accept Officer nominations from the selected Executive Committee representatives. *

To be eligible for election as a Board Officer, a Board Member must be a Primary Delegate of a Regular Member in Good Standing. *

Elections will be held by ballot with one vote per Regular Board member. (**BFCOG Bylaws, Article VII - Officers, Section 3 – Election, Eligibility & Term of Office)**

2.3 MEETINGS

The Committee will meet monthly to transact the business of a routine nature on behalf of the organization. The Committee may meet at other times as deemed necessary by the Chair.

2.4 PARTICIPATION

Meetings of the Executive Committee are open to any member of the Board; however, voting will be limited to the Executive Committee members exclusively.

2.5 VOTING AND MEETING CONDUCT

Each member of the Executive Committee shall be entitled to one (1) vote on any matter that comes before the Committee. A vote of the majority of the quorum present at any meeting of the Committee is required to decide any question.

2.6 MINUTES

The Board Chair will ensure that minutes of Executive Committee meetings are kept and presented to the Board at their next regularly scheduled meeting.

2.7 ANTICIPATED ACTIONS

The internal administration items below are anticipated to be procedurally handled by the Executive Committee on behalf of the Board:

A. ADMINISTRATION AND OPERATIONS

1. All matters relating to fiscal policy, organization, re-organization, or public policy, as distinguished from matters of internal administration, shall be processed through the Executive Committee for their review and recommendation to the Board.
2. Review all proposed programs or projects submitted to the COG for comment and recommendations.
3. Approve all programmatic reporting and actions of a routine nature, including Transportation Improvement Program amendments.

B. EMPLOYEE ADMINISTRATION

1. Direct oversight and evaluation of the performance and duties of the Executive Director.
2. Direct staff activities as appropriate through the Executive Director.
3. Approve the annual staffing plan.
4. Approve staffing changes not expressly delegated to the Executive Director, including addition or reduction of staff positions, compensation ranges, and employee benefits within the currently adopted annual budget.

C. CONTRACTS AND AGREEMENTS

1. Accept and authorize contracts and contract revisions in line with the annual budget and the COG's work program, including allocating revenue made available through new or revised contracts.
2. Approve submission of grant funding applications by staff.

D. POLICIES AND PROCEDURES

1. Authorization to approve policies and procedures of an administrative and operational nature.
2. Review governance policies for recommendation to the Board for adoption by resolution.

E. FISCAL AUTHORITY

1. Review the proposed annual budget, direct the Executive Director on necessary adjustments, and make the final recommendation to the Board.
2. Approve routine revisions to any budget category within the adopted budget so long as the individual expenditure and revenue revisions are in keeping with the overall work program of the COG.
3. Review and approve COG financial reports.
4. Approve vouchers and warrant registers.
5. Provide the Board with recommended member dues and assessments for the following year by considering all relevant circumstances, including a review of the proposed draft budget for the next fiscal year, the amount of reserves on hand, the COG's Work Plan for the current and projected next fiscal year, and the anticipated receipts from all funding sources including grants.
6. Assure compliance with all receipt and allocation of funds according to Washington State law, Federal law, and requirements of all funding agencies.

BFCOG STANDING COMMITTEE POLICY

METROPOLITAN PLANNING ORGANIZATION (MPO) &

REGIONAL TRANSPORTATION PLANNING ORGANIZATION (RTPO)

BENTON-FRANKLIN TRANSPORTATION POLICY BOARD (BFTPB)

Policy Number: ##

Authority: Executive Director
Adopted: May 19, 2023, Resolution 05-23
Reviewed:
Updated:

1.0 POLICY

BFCOG Bylaws, Article IX - Committees, Section 1 – Standing Committees designates that this committee *"shall meet and perform the duties incident to each committee and as directed or assigned by the Board but shall not have the power to act on behalf of the COG without explicit Board approval. All standing committees will have a Board-adopted Committee Policy outlining the committee's purpose, composition, quorum, leadership, authority, and functions."*

** **BFCOG Bylaws, Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Transportation Policy Board**

1.1 PURPOSE

A. The Benton-Franklin Transportation Policy Board (BFTPB) is referred to in this policy as the "BFTPB." *To ensure that metropolitan and regional transportation planning is conducted in a coordinated process that minimizes unnecessary duplication of work and oversight, the MPO and RTPO Transportation Policy Boards have been combined into the BFTPB. In addition to governing the metropolitan and regional transportation planning processes, the BFTPB is also charged with allocating the combination of federal, state, and local funds to the numerous projects in the Transportation Improvement Program (TIP).***

1.2 COMPOSITION

A. Per **BFCOG Bylaws, Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Transportation Policy Board (BFTPB)**; the BFCOG Board serves simultaneously as the Benton-Franklin Transportation Policy Board.

B. The composition of the BFTPB shall remain consistent with federal and state law as currently adopted or amended. If such state or federal laws change, the composition of the BFTPB will automatically be adjusted to comply with such changes without requiring this agreement to be amended or approved by the membership.

1.3 LIMITATION OF AUTHORITY

A. Unless otherwise provided for in this Policy, the authority of the BFTPB is limited to governance matters of the MPO/RTPO.

1.4 FUNCTIONS

A. Unless otherwise provided for in this Policy, the functions and operations of all BFCOG committees are defined in the BFCOG Bylaws.

2.0 PROCEDURE

2.1 MEETINGS

A. The BFTPB will conduct business as part of scheduled COG Meetings.

B. If necessary, the Board may convene a meeting specifically to conduct business as the BFTPB.

2.3 PARTICIPATION

Meetings of the BFTPB are open to the public. Public participation will be up to the discretion of the Chair.

2.5 MINUTES

The committee shall keep minutes of proceedings and report to the Board as requested by the Board Chair or by any Board member.

BENTON-FRANKLIN
COUNCIL OF GOVERNMENTS

BFCOG STANDING COMMITTEE POLICY
METROPOLITAN PLANNING ORGANIZATION (MPO) &
REGIONAL TRANSPORTATION PLANNING ORGANIZATION (RTPO)
TECHNICAL ADVISORY COMMITTEE (TAC)

Policy Number: ##

Authority: Executive Director
Adopted: May 19, 2023, Resolution 05-23
Reviewed:
Updated:

1.0 POLICY

BFCOG Bylaws, Article IX - Committees, Section 1 – Standing Committees designates that this committee *"shall meet and perform the duties incident to each committee and as directed or assigned by the Board but shall not have the power to act on behalf of the COG without explicit Board approval. All standing committees will have a Board-adopted Committee Policy outlining the committee's purpose, composition, quorum, leadership, authority, and functions."*

** **BFCOG Bylaws, Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Technical Advisory Committee**

1.1 PURPOSE

A. The MPO/RTPO Technical Advisory Committee (TAC) is referred to in this policy as the "TAC." *At the direction of the Benton-Franklin Transportation Policy Board (BFTPB)*, the TAC works in an advisory capacity on technical transportation planning matters. The advice provided by the TAC is intended to help the Board understand complex engineering and planning concepts and to advise how potential Board decisions on projects and programs of a technical nature are likely to impact local and regional constituencies.***

B. *The TAC may be convened in sub-committees to ensure appropriate expertise and guidance based on the nature of the MPO/RTPO's planning and programmatic activities*.**

*Per **BFCOG Bylaws, Article X. Metropolitan Planning Organization, Section 6. Standing Committees, Benton-Franklin Transportation Policy Board (BFTPB)**; the BFCOG Board serves simultaneously as the Benton-Franklin Transportation Policy Board.

1.2 COMPOSITION

A. *The Technical Advisory Committee (TAC) shall consist of professional and technical planners, engineers, or similar disciplines, and other appropriate employees of COG Regular Members that create the MPO/RTPO and other designated agencies as determined by the BFTPB and in compliance with Federal and State guidance*.**

B. The TAC shall be composed of appointed representatives from COG Regular Members that comprise the MPO/RTPO and non-voting advisors from designated public agencies, local governments, or major employers.

C. The COG Regular Members that comprise the MPO/RTPO may each appoint two (2) representatives to the TAC; one (1) with responsibility for comprehensive planning and one (1) with responsibility for the operation, control, development, or improvement of the transportation or transit system.

D. Appointed representatives to the TAC must be technically qualified and employed by that agency, department, or division for planning, engineering, and/or administration purposes. If a COG Regular Member is not of a size that has separate staff functions for planning and public works, they may request to either have a single individual serve in both capacities or request to be represented by a contracted agency (e.g., engineering firm).

E. In compliance with RCW 47.80 and 23 CFR 450.310(d)(3), the Washington State Department of Transportation South Central Region may appoint two (2) people to the TAC; one (1) with responsibility for comprehensive planning and one (1) with responsibility for the operation, control, development or improvement of the transportation or transit system.

F. Each COG Regular Member shall designate and provide notice to the COG by December 15th of each year of the names and titles of their TAC representative(s).

G. At the discretion of the BFTPB, Non-voting staff advisors representing transportation and regional planning interests, public agencies, local governments, or major employers who are not COG Regular Members may be invited to appoint a TAC representative(s). These may include but are not limited to:

   a. School District Transportation Departments
   b. Department of Energy, Hanford Operations
   c. Local Airport/Rail Infrastructure Interests
   d. Other Major Employers
   e. Walla-Walla MPO

H. Alternate representatives may be designated to act on behalf of the represented agency members when necessary.

I. TAC representatives serve at the pleasure of their respective governing bodies or agencies.

J. A list of the membership of the TAC shall be maintained and updated by the MPO.

K. The MPO Deputy Director and COG Executive Director are non-voting members of the TAC.

1.3 QUORUM

The presence of one appointed representative from a majority of the COG Regular Member jurisdictions at a TAC or TAC sub-committee meeting will constitute a quorum.

1.4 LEADERSHIP

The TAC membership shall elect a TAC Chair and two Vice-Chairs.

1.5 FUNCTIONS

BFCOG facilitates a cooperative approach to establishing consensus regarding area needs and the actions required to solve local and interlocal problems of the region by ensuring opportunities for understanding and participation for all populations residing within its service boundaries, in full compliance with all requirements of the ADA and the Title VI of the Civil Rights Act of 1965.

The functions of the TAC shall include, but are not limited to, the following:

A. Educate and brief their BFTPB member counterpart
B. Provide a continuing forum for collaboration with local, state, and federal agencies involved in the transportation planning process.
C. Provide a forum for sharing transportation information that can be used and coordinated with other planning efforts.
D. Provide a forum for developing, discussing, and exchanging best practices utilized in transportation planning, including new techniques, technology, or methods.
E. Promote communication and coordination among members to identify and resolve common transportation-related problems and concerns.
F. Review and provide advice concerning transportation studies, reports, plans, amendments, or programs.
G. Make priority recommendations to the MPO/RTPO based on the agreed-upon transportation needs of the area.

1.6 LIMITATION OF AUTHORITY

Unless otherwise provided for in this Policy, all BFCOG committees' functions and operations are defined in the BFCOG Bylaws.

2.0 PROCEDURE

2.1 ELECTION OF OFFICERS

A. A Chair and two Vice-Chairs, one for each sub-committee of the TAC, shall be elected at the first regularly scheduled meeting of the calendar year and shall serve for that calendar year or until the next election is held.
B. Any Regular Member may nominate or be nominated as Chair or a Vice-Chair. All elections shall be by the majority vote of the Regular Members present.
C. The Chair shall preside over all full TAC meetings and shall be responsible for the conduct at meetings. In the absence of the Chair, the Vice-Chair shall have and exercise the duties and powers of the Chair.
D. Any vacancy in office created by resignation or replacement of the Chair or Vice-Chair by the appointing agency shall be filled by a majority vote of members present at the next

regularly scheduled meeting. The new officeholder will serve the remainder of the unexpired term of the vacant office.

2.2 MEETINGS

A. The TAC, as a whole or by sub-committee, will meet monthly, unless due to a lack of agenda items, but not less than quarterly. The MPO staff will determine the meeting date, time, and frequency based on planning and program advisory needs. Unless otherwise required by law to conduct meetings in person, the MPO staff and TAC Chair, in coordination, may conduct TAC meetings in person, entirely virtual, or as a hybrid within-person and virtual participation.

B. Sub-committees of the TAC will be convened by COG staff to support the planning processes of the MPO/RTPO, including:

   i. Transportation Technical Advisory Sub-committee (TTASC)

   ii. Planning Technical Advisory Sub-Committee (PTASC)

B. All MPO/RTPO items of business must be vetted through the TAC before being presented to the BFTPB for consideration.

2.3 PARTICIPATION

All TAC meetings shall be held in facilities available to the public meeting all required provisions of Title VI of the Civil Rights Act of 1964 (Title VI) and the Americans with Disabilities Act (ADA) and will encourage public comments so long as such comments comply with the furtherance of the TAC Committee mission and purpose. TAC meeting agendas will include an item for public comment. If a member of the public wishes to comment, they will need to be recognized by the Chair. They will be asked to state their name for the record, limit their remarks to three minutes unless granted additional time by the Chair, and deliver their comments courteously and efficiently directed to the Chair.

2.4 VOTING AND MEETING CONDUCT

A. The TAC will work by consensus when providing advice to the BFTPB. If an agreement cannot be reached, the TAC Chair may call for a vote of the Committee.

   i. When the TAC is convened as a whole, each COG Regular Member shall be entitled to one (1) vote on any matter before the Committee, even if that Regular Member has two appointed TAC representatives.

   ii. When a TAC sub-committee is convened, the appropriate COG Regular Member TAC representative (Planning or Transportation) shall be entitled to one (1) vote on any matter before the Sub-committee.

   iii. A vote of a simple majority of the quorum present at any meeting of the TAC is required to decide any question.

   iv. Votes shall be voice votes except that an individual member can have their vote recorded in the minutes if desired.

2.5 MINUTES

The committee shall keep minutes of proceedings and report to the Board as requested by the Board Chair or any Board member.

2.6 STAFF DUTIES

A. MPO staff will ensure that minutes of TAC meetings are kept and presented at the next regularly scheduled TAC meeting.

B. MPO staff and TAC Chair in coordination shall determine the agenda and order of business in coordination with the Chair. MPO staff duties include preparing and distributing meeting agendas, minutes, and public notices.

C. Agendas for meetings and minutes of the previous meeting should be transmitted to TAC members at least seven (7) days in advance of the meeting.

D. MPO staff will prepare and present reports for the BFTPB of TAC committee activities.

BENTON-FRANKLIN
COUNCIL OF GOVERNMENTS

BFCOG STANDING COMMITTEE POLICY

ECONOMIC DEVELOPMENT DISTRICT (EDD)

ADVISORY & COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY COMMITTEE (EDDAC)

Policy Number: ##

Authority: Executive Director
Adopted: May 19, 2023
Reviewed: XXXX
Updated: XXXX

1.0 POLICY

BFCOG Bylaws, Article IX - Committees, Section 1 – Standing Committees designates that this committee *"shall meet and perform the duties incident to each committee and as directed or assigned by the Board but shall not have the power to act on behalf of the COG without explicit Board approval. All standing committees will have a Board-adopted Committee Policy outlining the committee's purpose, composition, quorum, leadership, authority, and functions."*

***BFCOG Bylaws, Article XII - Benton-Franklin Economic Development District, Section 7 Standing Committees, Economic Development District Advisory Committee.**

1.1 PURPOSE

A. The EDD Advisory Committee is referred to in this policy as the "EDDAC." *The EDDAC will provide advisory recommendations and advice on how the EDD can help lead a locally-based, regionally-driven economic development planning process involving active participation from the private sector, public officials, non-profit organizations, educational institutions, and private citizens.**

B. *The EDDAC will also serve as the Comprehensive Economic Development Strategy Committee, ensuring the creation of a CEDS to guide economic prosperity and resilience in the region*. *

C. *The EDDAC will advise the COG, as the EDD governing board, on decisions related to projects and programs under the EDD*. *

1.2 COMPOSITION

A. *The Economic Development District Advisory Committee (EDDAC) is appointed by the COG Board and is comprised of community stakeholders broadly representative of the principal economic interests of the Benton-Franklin region.* *

B. The COG may utilize appointment and/or open application processes to designate representatives from economic interest areas in the region, which may include:

- Advanced Manufacturing
- Agriculture
- Arts & Culture

- Clean Energy
- Commercial Lending
- Construction
- Food Processing
- Freight/Distribution
- Healthcare
- Higher Education
- Hospitality/Entertainment
- K-12 Education
- Labor
- Minority-Owned Business
- Outdoor Recreation
- Real Estate
- Small Business
- Social Services (Non-Profit)
- Utilities
- Workforce Development

C. The COG may choose to appoint a regional committee outside of the COG to meet the responsibilities of the EDDAC in lieu of creating a duplicative committee.

1.3 QUORUM

A minimum of eight (8) members of the appointed EDDAC representatives present will constitute a quorum.

1.4 LEADERSHIP

A. The EDDAC membership shall elect a Chair and Vice-Chair.

B. If the EDDAC responsibilities are delegated to another regional committee, the Chair of that committee will be ratified by the COG board as the EDDAC Chair.

1.5 FUNCTIONS

A. BFCOG facilitates a cooperative approach to establishing consensus regarding area needs and the actions required to solve local and interlocal problems of the region by ensuring opportunities for understanding and participation for all populations residing within its service boundaries, in full compliance with all requirements of the ADA and the Title VI of the Civil Rights Act of 1965.

B. Unless otherwise provided for in this Policy, the functions, and operations of all BFCOG committees are defined in the BFCOG Bylaws and apply to the execution of the Benton-Franklin Economic Development District.

2.0 PROCEDURE

2.1 ELECTION OF OFFICERS

A. A Chair and Vice-Chair of the EDDAC shall be elected at the first regularly scheduled meeting of the calendar year and shall serve for that calendar year or until the next election is held.
B. Any regular member may nominate or be nominated as Chair or Vice-Chair. All elections shall be by the majority vote of the regular members present.
C. The Chair shall preside over all meetings and shall be responsible for the conduct at all meetings. In the absence of the Chair, the Vice-Chair shall have and exercise the duties and powers of the Chair.
D. Any vacancy in office created by resignation or replacement of the Chair/Vice-Chair by the appointing agency shall be filled by a majority vote of members present at the next regularly scheduled meeting. The new officeholder will fill the remainder of the unexpired term of the vacant office.

2.2 MEETINGS

A. The EDDAC will be convened at least quarterly to discuss and/or brief members on EDD planning activities. The COG staff will determine the date, time, and frequency of meetings based on planning and program advisory needs.
B. Working groups will be convened by staff to support the planning processes of the CEDS.
C. A COG staff member will be assigned as the liaison to the EDDAC and will facilitate meetings in cooperation with the EDDAC Chair.

2.3 RESPONSIBILITIES

The EDDAC will provide the following service in support of the EDD:

A. Actively provide information and feedback supporting the creation of the CEDS and its annual updates.
B. Make recommendations to the COG Board, including:
    i. Adoption of the CEDS and its updates;
    ii. Application for funding opportunities in support of CEDS priorities; and
    iii. Creation of new economic development programs

2.4 PARTICIPATION

Meetings of the EDDAC are open to the public. Public participation will be up to the discretion of the Chair. COG Board members are welcome to attend any EDDAC meetings; however, Board members do not serve on the EDDAC.

2.5 VOTING AND MEETING CONDUCT

A. The EDDAC will work by consensus when making recommendations for the COG Board. If an agreement cannot be reached, the EDDAC Chair may call for a vote of the Committee.

   i. Each Committee member shall be entitled to one (1) vote on any matter before the Committee.

   ii. A vote of a simple majority of the quorum present at any meeting of the Committee is required to decide any question.

   iii. Votes shall be voice votes except that an individual member can have their vote recorded in the minutes if desired.

2.6 MINUTES

The committee shall keep minutes of proceedings and report to the Board as requested by the Board Chair or by any Board member.

2.7 STAFF DUTIES

A. COG staff will ensure that minutes of EDDAC meetings are kept and presented at the next regularly scheduled EDDAC meeting.

B. COG staff shall determine the agenda and order of business in coordination with the Chair. COG staff duties include preparing and distributing meeting agendas, minutes, and public notices.

C. Agendas for meetings and minutes of the previous meeting should be transmitted to EDDAC members at least seven (7) days in advance of the meeting.

D. COG staff will prepare and present reports for the COG Board of EDDAC committee activities.

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 | Agenda Category: Items - Approval

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Appointment to the Lodging Tax Advisory Committee: Hector Cruz

Department/Office	Ordinance/Resolution Number:	Document Type:
City Clerk		General Business Item

Recommended Motion:
Appoint Hector Cruz to Position No. 3 on the Lodging Tax Advisory Committee.

Summary:
A vacancy in Position No. 3 was created when Lara Watkins resigned. One (1) application was received during the recruitment period. Mayor Christensen and Staff Liaison Assistant Gail Everett reviewed the application packet and recommend the following appointment:

Position No. 3 - Hector Cruz

The unexpired term for Position No. 3 is effective the day after appointment through September 30, 2024.

The candidate's application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments:
1. Lodgting Tax Advisory Committee Recommendation Memo

CITY OF RICHLAND
COMMUNICATIONS & MARKETING
625 Swift Boulevard, MS-39
Richland, WA 99352
(509) 942-7390

MEMORANDUM

TO: Richland City Council

FROM: Gail Everett, Communications & Marketing Specialist

DATE: September 26, 2023

SUBJECT: Lodging Tax Advisory Committee Appointment Recommendation

Position No. 3 on the Lodging Tax Advisory Committee (LTAC) was vacated by Lara Watkins when she left employment with Visit Tri-Cities, disqualifying her from serving as a representative on the LTAC.

The vacancy was advertised, and one (1) application was received during the recruitment period.

Mayor Christensen and I reviewed the candidate's application and recommend the following appointment to serve the unexpired term:

- Hector Cruz, Vice President, Visit Tri-Cities, for Position 3

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Items - Approval

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Appointment to the Utility Advisory Committee: Bill Richmond

Department/Office	Ordinance/Resolution Number:	Document Type:
City Clerk		General Business Item

Recommended Motion:
Appoint Bill Richmond to Position No. 3 on the Utility Advisory Committee.

Summary:
Recruitment efforts have been ongoing to fill vacant Position Nos. 2 and 3 on the Utility Advisory Committee (UAC). One (1) application was received during the recent recruitment period. UAC Council Liaison VanDyke, Member Lo Presti, and Staff Liaison Whitney interviewed the applicant and recommend the following appointment:

Position No. 3 - Bill Richmond

The unexpired term for Position No. 3 is effective immediately after Council appointment through September 30, 2025.

The candidate's application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments:
1. Utility Advisory Committee Recommendation Memo

CITY OF RICHLAND
ENERGY SERVICES
625 Swift Boulevard, MS-23
Richland, WA 99352
(509) 942-7390

Richland

MEMORANDUM

TO: City Clerk, Jennifer Rogers

FROM: Administrative Assistant II, Arturo Mata

THROUGH: Energy Services Staff Liaison, Clint Whitney

DATE: September 26, 2023

SUBJECT: Utilities Advisory Committee Candidate Recommendation

One (1) application packet was received as a result of advertising for vacancies of Positions 2 and 3 on the Utility Advisory Committee (UAC).

UAC Chair Charles Lo Presti, Council Liaison Van Dyke, UAC Vice-Chair Larkin reviewed the candidate packet and interviewed the UAC applicant on September 22, 2023. The applicant has extensive experience in risk assessment, risk management and project management that would be beneficial and relevant to City utilities.

As a result, the recommendation is for Council to appoint Bill Richmond to a vacant UAC position as:

Position No. 3 Bill Richmond

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 | Agenda Category: Items of Business

Core Focus Area 1 - Promote Financial Stability & Operational Effectiveness

Subject:
Resolution No. 2023-156, Declaring Certain Vehicles and Equipment Surplus to the City's Needs and Authorizing Disposition

Department/Office	Ordinance/Resolution Number:	Document Type:
Administrative Services Department	2023-156	Resolution

Recommended Motion:
Adopt Resolution No. 2023-156, declaring the items in Exhibit A as surplus to the City's needs and authorizing staff to dispose of the vehicles, equipment and items in a manner most advantageous to the City.

Summary:
As city equipment, vehicles and other personal property reach the end of their useful life, the property is removed from service and disposed of according to Chapter 3.08 of the Richland Municipal Code (RMC). Chapter 3.08 RMC requires Council approval for the sale or disposal of items purchased for use in a utility or having an estimated salvage value of over $5,000.

The listed equipment and items in Exhibit A to Resolution No. 2023-156 are no longer of value to the City and are ready for sale or disposal. The resolution authorizes staff to dispose of each item in a manner that is most advantageous to the City.

Staff recommends approval of Resolution No. 2023-156.

Fiscal Impact: Proceeds from the sale of the surplus items will be deposited into the appropriate fund from which the equipment originated.

Attachments:
1. Resolution No. 2023-156

RESOLUTION NO. 2023-156

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, DECLARING CERTAIN VEHICLES AND EQUIPMENT SURPLUS TO THE CITY'S NEEDS.

WHEREAS, the Richland City Council, as the legislative authority of the City of Richland, has determined that certain vehicles and equipment are surplus to the City's needs.

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

Section 1. The City Council finds and declares that certain vehicles and equipment, as listed on **Exhibit A**, attached hereto, are no longer needed for municipal purposes and are therefore surplus to the City's needs.

Section 2. Staff is hereby authorized to sell or dispose of said equipment on behalf of the City.

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 October, 2023.

____
Terry Christensen, Mayor

Attest:

____
Jennifer Rogers, City Clerk

Approved as to Form:

____
Heather Kintzley, City Attorney

CITY ID NO.	YEAR / ID #	QTY	EST. VALUE (EACH)	DEPT/DIVISION	ITEM DESCRIPTION
1205	2013	1	$5,290.00	POLICE	2013 CHEVY CAPRICE POLICE PATROL
1212	2017	1	$8,500.00	POLICE	2017 FORD INTERCEPTOR SUV
1215	2017	1	$8,500.00	POLICE	2017 FORD INTERCEPTOR SUV
2349	2003	1	$4,500.00	EQUIP MAINT	2003 CHEV 4X4 EXT CAB PICKUP
2358	2005	1	$1,000.00	ENERGY SERVICES-POWER OPS	2005 CHEVY COLORADO PICKUP
2373	2008	1	$5,500.00	PUBLIC WORKS ADMIN	2008 CHEV COLORADO 4X4
2376	2008	1	$6,500.00	ENERGY SERVICES-TECH SERVICES	2008 CHEV K1500 4X4 PICKUP
2379	2008	1	$5,000.00	PARKS & PUBLIC FACILITIES	2008 CHEV TRAILBLAZER 4X4
2383	2009	1	$6,500.00	ENERGY SERVICES-TECH SERVICES	2009 CHEV EXP CARGO VAN AWD
2393	2010	1	$5,500.00	PUBLIC WORKS ADMIN	2010 CHEV COLORADO 4X4
2395	2009	1	$1,000.00	ENERGY SERVICES-SYSTEMS	2009 SUZUKI GRAND VITARA 4X4
2399	2011	1	$10,000.00	ENERGY SERVICES-POWER OPS	2011 FORD 350 4WD W/SERV BODY
2402	2012	1	$5,000.00	ENERGY SERVICES-SYSTEMS	2012 SUZUKI SX4 AWD
2403	2012	1	$5,000.00	ENERGY SERVICES-SYSTEMS	2012 SUZUKI SX4 AWD
2424	2014	1	$8,500.00	POLICE	2017 FORD INTERCEPTOR SUV
2425	2014	1	$6,500.00	DEV SERVICES-BUILDING INSP	2014 CHEV EQUINOX AWD
2426	2014	1	$6,500.00	DEV SERVICES-BUILDING INSP	2014 CHEV EQUINOX AWD
2430	2015	1	$8,500.00	POLICE	2015 FORD INTERCEPTOR SUV
2432	2015	1	$8,970.00	POLICE	2015 FORD INTERCEPTOR SUV
2441	2016	1	$2,500.00	POLICE	2016 FORD POLICE INTERCEPTOR SUV
2444	2016	1	$2,500.00	POLICE	2016 FORD POLICE INTERCEPTOR SUV
2446	2016	1	$8,500.00	POLICE	2016 FORD INTERCEPTOR SUV
2468	2017	1	$8,500.00	POLICE	2017 FORD INTERCEPTOR SUV

CITY ID NO.	YEAR / ID #	QTY	EST. VALUE (EACH)	DEPT/DIVISION	ITEM DESCRIPTION
2476	2018	1	$8,500.00	POLICE	2018 FORD INTERCEPTOR SUV
2478	2018	1	$8,500.00	POLICE	2018 FORD INTERCEPTOR SUV
2479	2018	1	$8,500.00	POLICE	2019 FORD INTERCEPTOR SUV
3222	2002	1	$12,000.00	PW-SOLID WASTE-COLLECTION	2002 VOLVO VHD648
3223	2001	1	$10,000.00	STREETS	2001 GMC T6500 W/ PAINT STRIPER
3251	2004	1	$40,000.00	ENERGY SERVICES-POWER OPS	2004 STERLING W/ TEREX BT4485 CRANE
3253	2004	1	$25,000.00	ENERGY SERVICES-POWER OPS	2004 STERLING LT9500 MANLIFT TRUCK
3294	2007	1	$15,000.00	PARKS & PUBLIC FACILITIES	2007 HIGHER RANGER XT60-70 BUCKET TRUCK
3303	2009	1	$13,000.00	PARKS & PUBLIC FACILITIES	2009 CHEV 3500 2X4 W/ SVC BODY
3304	2009	1	$8,500.00	PW-SOLID WASTE-DISPOSAL	CHEV K3500 4X4 FLATBED
3327	2015	1	SCRAP	ENERGY SERVICES-POWER OPS	2015 FORD F350 4X2 W/ FLATBED - DAMAGED
3333	2016	1	$28,000.00	PW-SOLID WASTE-COLLECTION	2016 PETE 320 ASL SCORPION
4121	2000	1	$6,500.00	PARKS & PUBLIC FACILITIES	2000 EAGLE TILTBED TRAILER
4125	2001	1	$6,500.00	PARKS & PUBLIC FACILITIES	2001 EAGLE TILTBED TRAILER
4149	1998	1	$3,000.00	PW-WATER MAINTENANCE	1998 INTERSTATE CARGO TRAILER
5042	2010	1	$80,000.00	FIRE SERVICES	2010 INTERNATIONAL W/ WESTMARK FIRE BRUSH TRUCK
6522	1998	1	$2,500.00	STREETS	1998 NEAL HT540
6587	2013	1	$4,500.00	PW-SOLID WASTE DISPOSAL	2013 JOHN DEERE UTILITY VEH
6600	2016	1	$4,000.00	PARKS & PUBLIC FACILITIES	2016 JOHN DEERE XUV 590I
9500-A	2012	1	$6,600.00	POLICE	2012 NISSAN ALTIMA
9500-B	2006	1	$7,400.00	POLICE	2006 ACURA TSX
9500-C	1998	1	$6,000.00	POLICE	1998 HONDA CIVIC
9500-D	1999	1	$6,000.00	POLICE	1999 TOYOTA TACOMA

CITY ID NO.	**YEAR / ID #**	**QTY**	**EST. VALUE (EACH)**	**DEPT/DIVISION**	**ITEM DESCRIPTION**
E-8 IN LIST		213	SCRAP	ENERGY SERVICES-POWER OPS	JUNK TRANSFORMERS
N/A	SL338265	1	SCRAP	PW-WATER OPERATIONS	VERTICAL PUMP 1800 PRM, 220/440V, 3PH
N/A	2013	1	SCRAP	PW-WATER OPERATIONS	VFD, VLT AQUA DRIVE, DANFOSS 132KW/200HP

COUNCIL AGENDA ITEM COVERSHEET

Council Date: 10/3/2023 Agenda Category: Items of Business

Core Focus Area 6 - Enhance Neighborhood & Community Safety

Subject:
Resolution No. 2023-157, Supporting Benton County Proposition No. 1 on the Official Ballot of the 2023 General Election entitled Continued Local Sales and Use Tax for Public Safety Needs

Department/Office	Ordinance/Resolution Number:	Document Type:
Police	2023-157	Resolution

Recommended Motion:
Adopt Resolution No. 2023-157, in support of a county-wide election to be held in November 2023 for the purpose of submitting to the affected voters the determination of whether or not to authorize the continuation of a sales and use tax of three-tenths of one percent (0.3%) to be fully dedicated for criminal justice purposes.

Summary:
RCW 82.14.450 authorizes the Benton County Board of County Commissioners to submit a proposition to the voters at a primary or special election that would authorize a sales and use tax of up to three-tenths of one percent (0.3%) to be collected throughout Benton County, with sixty percent (60%) of the revenue paid to the County and the remaining forty percent (40%) distributed on a per capita basis to Cities within Benton County.

Voters approved this tax in the 2014 primary election, making this 2023 vote a continuation of a tax already in place. The tax took effect January 1, 2015 and is set to expire on December 31, 2024.

The Benton County Law & Justice Council recommends continuation of the voter-approved Public Safety Sales Tax as a critical resource that is necessary to maintain and improve current levels of service in the criminal justice system.

State law allows legislative bodies to vote on a resolution to express support or opposition to a ballot proposition so long as the action is properly noticed and those holding the opposing viewpoint are provided an approximately equal opportunity to express an opposing view. Any member of the legislative body or the public holding an opposing viewpoint will be provided an opportunity to speak before the Council votes on this item.

Fiscal Impact: None.

Attachments:
1. Resolution No. 2023-157

RESOLUTION NO. 2023-157

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, IN SUPPORT OF A PROPOSITION TO BE VOTED ON BY BENTON COUNTY TAXPAYERS FOR THE CONTINUATION OF A 0.3% LOCAL SALES AND USE TAX FOR THE CRIMINAL JUSTICE SYSTEM.

WHEREAS, the 2003 Washington State legislature recognized that local governments are presented with significant challenges in adequately funding criminal justice services, and consequently adopted RCW 82.14.450 authorizing counties to allow voters to approve a local sales and use tax to generate revenue allowing for better protection of the health, safety and welfare of its residents; and

WHEREAS, legislation has limited county and city property taxes to a maximum annual growth rate of one percent (1%) or the Implicit Price Deflator (IPD), whichever is lower, while the rate of inflation continues to surpass one percent (1%) per year; and

WHEREAS, RCW 82.14.450 authorizes the Benton County Board of County Commissioners to submit a proposition to the voters at a primary or special election that would authorize a sales and use tax of up to three-tenths of one percent (0.3%) to be collected throughout Benton County, with sixty percent (60%) of the revenue therefrom paid to the County and the remaining forty percent (40%) distributed on a per capita basis to cities within Benton County; and

WHEREAS, the voters of Benton County approved such a tax in the 2014 primary election in the amount of three-tenths of one percent (0.3%), making this a continuation of a tax already in place (the "Public Safety Sales Tax"); and

WHEREAS, such tax took effect on January 1, 2015 and is set to expire on December 31, 2024; and

WHEREAS, the Richland Police Department has used revenues from the voter-approved Public Safety Sales Tax to fund 15.3 personnel, including 10 officers and 1 lieutenant, plus training and equipment; and

WHEREAS, the Benton County Law & Justice Council recommends continuation of the voter-approved Public Safety Sales Tax as a critical resource that is necessary to maintain and improve current levels of service in the criminal justice system; and

WHEREAS, on July 11, 2023, the Benton County Board of Commissioners passed a resolution directing placement of a proposition for the renewal of a sales and use tax for funding public safety needs in Benton County on the ballot of November 2023 general election; and

WHEREAS, notice of this Resolution was given in the manner required by RCW 42.17A.555; and

WHEREAS, at the meeting where this Resolution was considered, all members of the Richland City Council and members of the public in attendance were afforded an approximately equal opportunity for the expression of opposing views.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City of Richland supports a county-wide election to be held in November 2023 for the purpose of submitting to the affected voters the determination of whether or not to authorize the continuation of a sales and use tax of three-tenths of one percent (0.3%) to be fully dedicated for criminal justice purposes.

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 October, 2023.

Terry Christensen, Mayor

Attest:

Jennifer Rogers, City Clerk

Approved as to Form:

Heather Kintzley, City Attorney