



Agenda
City Council Regular Meeting
Tuesday, July 2, 2024
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:

- I. New Hires and Retirements
 - Lacey Paulsen, Human Resources Director

Public Hearing:

None.

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:

2. Approval of the June 18, 2024 City Council Regular Meeting Minutes and the June 25, 2024 City Council Workshop Meeting Minutes
 - Jennifer Rogers, City Clerk

Ordinances - First Reading:

3. Ordinance No. 2024-23, Amending Richland Municipal Code Section 21.01.020 related to Administration, Permits, and Fees
 - Heather Kintzley, City Attorney
4. Ordinance No. 2024-24, Amending Richland Municipal Code Sections 3.04.010 and 3.04.070 related to Small Works
 - Heather Kintzley, City Attorney

Ordinances - Second Reading & Passage:

None.

Resolutions - Adoption:

5. Resolution No. 2024-84, Ratifying an Application to the Washington State Department of Commerce Public Works Board for Horn Rapids Landfill Expansion Construction Funding
 - Carlo D'Alessandro, Interim Public Works Director
6. Resolution No. 2024-85, Authorizing Change Order No. 1 to the Construction Contract with Ellison Earthworks LLC for the Truman Avenue Reconstruction and Kennedy Road Water Main Improvements Project
 - Carlo D'Alessandro, Interim Public Works Director
7. Resolution No. 2024-86, Authorizing a Grant Application to Humanities Washington for a 2024 Prime Time Family Reading Grant
 - Christopher Nulph, Library Manager

Items - Approval:

8. Appointment to the Parks & Recreation Commission: Matthew Watrous
 - Jennifer Rogers, City Clerk

Items of Business:

9. Resolution No. 2024-83, Authorizing an Interlocal Agreement with the Port of Benton for the Steptoe Street and Tapteal Drive Intersection Improvements Project
 - Joe Schiessl, Deputy City Manager

Reports and Comments:

1. City Manager
2. City Council
3. Mayor

Adjournment

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

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



MINUTES

RICHLAND CITY COUNCIL REGULAR MEETING

Tuesday, June 18, 2024

Richland City Hall ~ Council Chambers
625 Swift Boulevard

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

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

Welcome and Roll Call

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

Attendance: Mayor Richardson	Present
Mayor Pro Tem Kent	Absent
Councilmember Jones	Present
Councilmember Lukson	Present
Councilmember Maier	Present (Remote via Zoom)
Councilmember VanDyke	Present (Remote via Zoom)
Councilmember Whitten	Present

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER WHITTEN SECONDED THE MOTION TO EXCUSE MAYOR PRO TEM KENT AND COUNCILMEMBER MAIER. MOTION CARRIED 5-0.

Also present were Deputy City Manager Schiessl, Assistant City Manager Florence, City Attorney Kintzley, Fire Chief Huntington, Development Services Director Jensen, Energy Services Director Whitney, Finance Director Allen, Parks & Public Facilities Director Waite, Interim Public Works Director D'Alessandro, Interim Chief of Police Meidl, and City Clerk Rogers.

Pledge of Allegiance

Councilmember Whitten led the Council and audience in the Pledge of Allegiance.

Following the pledge of allegiance, Councilmember Maier joined the meeting remotely via Zoom.

Approval of Agenda

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO APPROVE THE AGENDA AS PUBLISHED. MOTION CARRIED 6-0.

Presentations

1. United States Nuclear Regulatory Commission Presentation

Chris Highley, Region IV Senior Resident Inspector for the US Nuclear Regulatory Commission (NRC) assigned to the Columbia Generating Station, presented an overview of the agency's role and operations. The presentation covered the NRC oversight process, focusing on inspection, assessment, enforcement, allegations and investigations.

Geoff Miller, Director of Operating Reactor Safety for the NRC's Region IV Office, was also present. Mr. Miller introduced himself and explained his role within the NRC. He shared that the Columbia Generating Station is currently the subject of additional inspections due to past performance issues and that the facility has taken several actions to ensure the site's corrective actions are effective over time.

In conclusion, Mr. Highley provided a summary of the materials he brought for the public. Following the presentation, Council engaged in a question-and-answer session with Mr. Highley and Mr. Miller. Additional details are available in Mr. Highley's PowerPoint presentation in the agenda packet.

2. Benton-Franklin Council of Governments Presentation

Michelle Holt, Benton-Franklin Council of Governments (BFCOG) Executive Director, explained that BFCOG is a voluntary association of cities, counties, and port districts in Benton and Franklin counties. Established in 1966, its purpose includes improving communication, multi-jurisdictional decision-making, and regional planning with a focus on transportation, economic development and land use, and provision of multi-jurisdictional programs.

Ms. Holt further explained that BFCOG holds multiple designations, including Council of Governments, Regional Planning Commission, Metropolitan Planning Organization/ Transportation Management Area, Regional Transportation Planning Organization, and Economic Development District. These roles involve studying regional issues, making recommendations to legislative bodies, and acting as a conduit between member jurisdictions and state and federal programs for planning and development activities.

Ms. Holt provided an overview of the purpose of the agencies mentioned and summarized the Comprehensive Economic Development Strategy (CEDS), Regional Bicycle Plan and Biennial Regional Traffic Count Program, Regional System Analysis with WSDOT Safe Streets & Roads for All, Benton-Franklin Regional Safe Routes to School (SRTS) Action Plan, the Regional Comprehensive Safety Action Plan, and the recruitment information for a new grant navigator position.

Ms. Holt then invited Council to share topics of regional concern and to brainstorm ways BFCOG might be able to assist. Following the presentation, Ms. Holt engaged in a

question-and-answer session with Council. Detailed information is available in the PowerPoint presentation included in the agenda packet.

Public Hearing

None.

Public Comments

City Clerk Rogers read the Public Comments procedure.

No public comments were offered.

Consent Calendar

City Clerk Rogers read the Consent Calendar.

Minutes

3. Approval of the June 4, 2024 City Council Regular Meeting Minutes

Ordinances - First Reading

None.

Ordinances - Second Reading & Passage

4. Ordinance No. 2024-22, Amending Chapter 9.16 of the Richland Municipal Code related to Public Nuisance Noise
5. Ordinance No. 2024-21, Rezoning Approximately 26.3 Acres located at 1251 Bermuda Road from Agriculture (AG) to Medium Density Residential - Small Lots (R-2S) (Closed Record)

Resolutions – Adoption

6. Resolution No. 2024-77, Approving a Purchase and Sale Agreement for Property located at 2443 Henderson Loop
7. Resolution No. 2024-78, Declaring Surplus and Authorizing Sale of Property Located at 24 Lawless Drive
8. Resolution No. 2024-81, Authorizing an Interagency Agreement with the Washington State Department of Ecology on behalf of Hanford Communities

9. Resolution No. 2024-82, Authorizing an Interlocal Agreement with the Washington State Office of Public Defense for Participation in the Simple Possession Advocacy and Representation Program

Items – Approval

10. Appointment to the Americans with Disabilities Act Citizens Review Committee:
Autumn Chamberlin

Expenditures - Approval

11. Expenditures from May 1, 2024 to May 31, 2024 for \$35,732,632.06 including Travel Checks Nos. 20523-20560, Accounts Payable Check Nos. 322697-323875, Accounts Payable Wire Nos. 10054-10102, Payroll Wires & ACH Nos. 14007-14060, Payroll Direct Deposit & Check Nos. 223198-224424, and Pension Check Nos. 6748-6769.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER LUKSON SECONDED THE MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Items of Business

12. Resolution No. 2024-79, Authorizing a Cooperative Agreement with the Washington State Department of Transportation for the South George Washington Way Project

With the aid of a PowerPoint Presentation, Interim Public Works Director D'Alessandro provided an overview of the proposed cooperative agreement with the Washington State Department of Transportation (WSDOT) for the South George Washington Way Project. The project, located south of the George Washington Way and Columbia Point Drive/Adams Street intersection, is included in the 2024-2029 Transportation Improvement Program (TIP).

The proposed agreement covers the design, right-of-way, and advertisement phases of the project to ensure WSDOT standards and design guidelines are followed where applicable, and that WSDOT is included in the review process.

Interim Public Works Director D'Alessandro stated that the estimated construction cost is \$2.8 million, with bidding scheduled for late August or early September 2024. Construction is set to begin in the spring of 2025, with a construction schedule of 16-18 weeks. Any future cooperative agreements pertaining to the construction phase of the project will be under a separate agreement brought to Council for review and approval.

Following the presentation, Council engaged in a question-and-answer session with staff.

COUNCILMEMBER WHITTEN MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2024-79, AUTHORIZING A COOPERATIVE AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION FOR THE SOUTH GEORGE WASHINGTON WAY PROJECT. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

13. Resolution No. 2024-80, Authorizing a Consultant Agreement with Energy West LLC to support New Large Single Loads and Wholesale Power Management

Energy Services Director Whitney provided an overview of the proposed consultant agreement with Energy West LLC to support the New Large Single Load (NLSL) and wholesale power management.

The primary focus of the agreement is to manage the power needs for Atlas Agro, which will require power greater than ten (10) megawatts (MW) in a twelve-month period. This significant load is classified by Bonneville Power Administration (BPA) as a NLSL, and federal power cannot be utilized to serve this new economic development load.

The agreement with Energy West LLC, a company based in Moses Lake, WA, spans five (5) years. This period covers the remaining time before Atlas Agro's project construction is complete and accommodates potential changes in power contracts.

Additionally, the agreement will help navigate complexities related to wholesale power management, transmission, and compliance with Washington State's Climate Commitment Act. Upcoming legislative decisions in 2025 will aid in determining whether the City or BPA should construct and maintain the transmission lines and substation for Atlas Agro.

Following the presentation, Council engaged in a question-and-answer session with staff.

COUNCILMEMBER LUKSON MOVED AND COUNCILMEMBER JONES SECONDED THE MOTION TO ADOPT RESOLUTION NO. 2024-80, AUTHORIZING A CONSULTANT AGREEMENT WITH ENERGY WEST LLC TO SUPPORT NEW LARGE SINGLE LOADS AND WHOLESALE POWER MANAGEMENT. THOSE IN FAVOR: MAYOR RICHARDSON AND COUNCILMEMBERS JONES, LUKSON, MAIER, VANDYKE AND WHITTEN. THOSE OPPOSED: NONE. MOTION CARRIED 6-0.

Reports and Comments

City Manager

City Manager Amundson was absent. Deputy City Manager Schiessl reported that the Cool Desert Nights event will return on Friday, June 21, 2024, starting with a concert at John Dam Plaza.

Next, Deputy City Manager Schiessl announced that street resurfacing efforts are underway in central Richland and reminded motorists to be cautious around construction zones. He then outlined the upcoming agenda items for the June 25, 2024 City Council workshop meeting.

Lastly, Deputy City Manager Schiessl touched briefly on the City's current carbon credit balance and the fact that the City has received advice from an industry consultant to auction half of its carbon credits in the near future. An upcoming initiative could potentially repeal the Climate Commitment Act, which could impact the value of the City's carbon credits. The City plans to take a conservative approach by selling half of the credits in an auction in September.

City Council

Councilmember Lukson noted that the meeting was largely focused on energy and thanked staff for their contributions.

Councilmember Jones had no comments.

Councilmember Whitten began by responding to two questions posed Councilmember Jones during the U.S. Nuclear Regulatory Commission presentation. He replied that that Energy Northwest has roughly 1,100 employees and generates approximately 1,150 MW of energy, which constitutes about ten percent of Washington's energy production. He noted that the nearest nuclear power station is nearly 1,000 miles away in California.

Councilmember Whitten then shared his enjoyable experience at the Columbia Basin BMX event and the Richland Regatta this past weekend. He also mentioned his informative tour of the Benton County Mosquito Control facility and shared the reason why there was a notable reduction in the number of mosquitos in the area this past spring.

Lastly, Councilmember Maier recommended increased parking enforcement by the Richland Police Department to address parked vehicles on sidewalks, particularly around bus stops and intersections.

Councilmember VanDyke reported that he attended a Port of Benton Commission meeting, during which they discussed the Six-Year Transportation Improvement Plan. Port of Benton Commissioner Roy D. Keck will provide an update to Council in the near future.

Councilmember VanDyke then stated he is currently in Vancouver, WA attending the annual Association of Washington Cities (AWC) meeting. He added that he looks forward to briefing Council on various workshop sessions. Councilmember VanDyke thanked the U.S. Nuclear Regulatory Commission (NRC) representatives for their attendance and presentation, and is looking forward to continued discussion of the challenges mentioned.

Councilmember Maier also thanked representatives of the NRC for their presentation, and for their willingness to engage with the attendees. He then expressed disappointment for not being able to attend the Cool Desert Nights event, but hoped the event would be successful. Councilmember Maier concluded by encouraging everyone to attend the event.

Mayor

Mayor Richardson reported that she attended the Richland Chamber of Commerce meeting earlier in the day where she observed a high level of energy and planning around the Cool Desert Nights event. Mayor Richardson encouraged anyone available to consider volunteering.

Mayor Richardson then shared her experience observing 911 dispatch at SECOMM this past Saturday evening. She commended staff for their calmness and professionalism. Despite the staff shortage, the team managed their duties gracefully and supported each other efficiently. Mayor Richardson encouraged other councilmembers to visit SECOMM, suggesting it could aid in recruiting suitable candidates for such a demanding environment.

Adjournment

Mayor Richardson adjourned the meeting at 7:17 p.m.

APPROVED:

ATTEST:

Theresa Richardson, Mayor

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



MINUTES
RICHLAND CITY COUNCIL WORKSHOP MEETING
Tuesday, June 25, 2024
Richland City Hall ~ Council Chambers
625 Swift Boulevard

City Council Workshop - 6:00 p.m.

Mayor Richardson called the Council workshop to order at 6:00 p.m.

Attendance: Mayor Richardson	Present
Mayor Pro Tem Kent	Present
Councilmember Jones	Present
Councilmember Lukson	Present
Councilmember Maier	Absent
Councilmember VanDyke	Present
Councilmember Whitten	Absent

Also present were City Manager Amundson, Deputy City Manager Schiessl, City Attorney Kintzley, Fire Chief Huntington, Energy Services Director Whitney, Finance Director Allen, Parks & Public Facilities Director Waite, Interim Chief of Police Meidl, and City Clerk Rogers.

Agenda Items

1. 2025 Budget Process Review

With the aid of a PowerPoint Presentation, Finance Director Allen presented the 2025 budget process to Council, including the timeline for approval and key financial strategies for the upcoming fiscal year.

Finance Director Allen stated the balanced budget will maintain a General Fund reserve within the recommended range of 16.7% to 25%. Notably, a planned increase in the electric utility rate for 2024 has been canceled, with further analysis pending on potential increases or fees for 2025. The city has seen steady growth in its assessed value and utility occupation taxes, alongside a positive trend in sales tax revenue, which has shown an increase of 7.5% over the past decade.

Regarding economic trends and external impacts, Finance Director Allen discussed the moderate growth in sales tax, the flat trend in permit fees and Real Estate Excise Tax (REET) revenues, and ongoing community growth demanding more services. The presentation also touched on challenges such as supply chain issues affecting large vehicle purchases and slight fluctuations in inflation rates.

On the local, state and federal levels, there will be continued adjustments to the minimum wage based on the Consumer Price Index (CPI), reductions in city contributions to state retirement systems, and potential new funding opportunities with the help of a new federal lobbyist. Detailed information can be found in the PowerPoint Presentation.

City Manager Amundson reminded Council that each year, no new programs are automatically included in the budget. Instead, the proposed programs undergo a process where they are vetted at the city manager level before possible inclusion in the proposed budget. This process applies to all programs, including personnel requests and Information Technology (IT) projects, whether the projects are a one-time expansion or ongoing extended programs.

Additionally, City Manager Amundson explained the Pavement Preservation Program depends on expenditures, revenue, and the overall budget to determine if the recommended funding can be fully met to maintain the pavement condition index. Last year was the first year the full funding was achieved according to the Pavement Conditions Index (PCI) recommendations.

City Manager Amundson then stated that despite supply chain issues with kennels, the animal shelter, which is expected to open by the end of the year. He then mentioned ongoing projects actively supported by Senator Murray, Senator Cantwell, and Representative Newhouse.

Following the presentation, Council offered comments and engaged in a question-and-answer session with Finance Director Allen.

2. Richland Police Department Annual Report

Interim Chief of Police Meidl, Commander Mason, and Commander Jansen jointly presented the 2023 Annual Richland Police Department (RPD) Report.

Interim Chief Meidl provided a high-level overview of the department's composition and staffing changes, recruitment/retention incentives, community relations. National Incident Based Reporting System (NIBRS) offense summary calls for service, and use of force.

Commander Mason highlighted activities of the Patrol Operations, Tri-City Regional SWAT Team, and the Bomb Squad. Commander Mason also discussed the reintroduction of the Traffic Unit in August 2023, which focused on traffic safety, leading to 5,804 traffic stops and a significant rise in infractions and arrests compared to the previous year. The Small Unmanned Aerial Systems (sUAS) Team, in its second year, played a vital role in various incidents, including search and rescue operations and crime scene documentation.

Commander Jansen provided an overview of the Investigations Division's activities, including the work of the Street Crimes Unit and the Metro Drug Task Force, Richland Police Foundation, and the Internet Crimes Against Children (ICAC) Task Force.

Additionally, on behalf of Professional Staff Supervisor Carper, Commander Jansen reported on the Professional Staff's role, responsibilities, and contributions relating to police records, police public records, code enforcement, crime analysis, quartermaster, evidence, and community relations.

The Community Relations Unit, comprised of the Community Relations Specialist and Volunteers in Police Services (VIPS) utilizes several approaches to the safety of the community through outreach, education, and support. Commander Jansen highlighted 2023 community engagement opportunities along with the 2024 planned community events.

Commander Jansen concluded the annual report by providing an overview of RPD's goals pertaining to recruitment, retention, and ways the department can leverage best practices in 2024.

Detailed information can be found in the PowerPoint Presentation. Following the presentation, Council thanked staff for the presentation, provided comments, and engaged in a question-and-answer session with staff.

3. Richland Fire & Emergency Services Annual Report

With the aid of a PowerPoint Presentation, Fire Chief Huntington and Deputy Fire Chief Aust provided a high-level year-end review of the Fire & Emergency Services (RFES) Report.

The annual report included a comprehensive overview of the department's activities and achievements over the past year. The presentation began with Chief Huntington providing an incident breakdown by type, noting an increase in call volume increases over the past decade, specific types of fire and Emergency Medical Services (EMS) incidents, trauma incidents by cause of injury, and the concentration of incidents by location with the city.

Deputy Fire Chief Aust reported that the team welcomed six (6) new staff members in 2023. Notable achievements included receiving the Mission: Lifeline Silver Award in Cardiac Care, initiating a Standards of Cover Study, breaking ground for Station 76, continued investment in the Heart Safe Richland program, completing the Radio Infrastructure Engineering Study, being awarded a Community Wildfire Protection Plan Grant, and ongoing efforts in the Medical Utility Strategic Plan.

Training and development efforts focused on recruitment, development, and training opportunities for the staff. Fire Chief Huntington provided a high-level overview of community outcomes, emphasizing lives saved, quality of life improvements, and the protection of life and property.

The quality of life was enhanced through the Resource Navigator Program, which helps direct vulnerable populations to appropriate social services, reducing misaligned 911 calls and ensuring patients receive the necessary assistance.

Looking forward, the department anticipates the opening of Station 76 in late summer 2024, further developments in the Heart Safe Richland program, updates to the Medical Utility Strategic Plan and strategic planning, a regional Standards of Cover Assessment, and the buildout of the Community Wildfire Protection Plan.

Detailed information can be found in the PowerPoint Presentation included in the agenda packet. Following the presentation, Council engaged in a question-and-answer session with staff.

Closing Comments

City Manager Amundson noted recent engagement from Council regarding eligibility for service on the Richland Public Facilities District Board and inquired whether Council desired to change any of the existing eligibility criteria. Mayor Pro Tem Kent responded that any changes to the eligibility criteria should apply going forward. She pointed out that current candidates applied under the published requirements, and it would be unfair to change the criteria mid-process. Council offered no opposing comments to Mayor Pro Tem Kent's statements.

Councilmember VanDyke provided an overview of the sessions he attended during the recently held Association of Washington Cities (AWC) Annual Conference. Councilmember VanDyke expressed appreciation for the professionalism of city administration and the effectiveness of the mayoral system.

Adjournment

Mayor Richardson adjourned the meeting at 8:24 p.m.

APPROVED:

Theresa Richardson, Mayor

ATTEST:

Jennifer Rogers, City Clerk

DATE APPROVED:

DATE PUBLISHED:



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Ordinances - First Reading

Strategic Priority I - High Performance Government

Subject:

Ordinance No. 2024-23, Amending Richland Municipal Code Section 21.01.020 related to Administration, Permits, and Fees

Department/Office
City Attorney

Ordinance/Resolution Number:
2024-23

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2024-23, amending Richland Municipal Code Section 21.01.020 related to administration, permits, and fees to include rules for certificates of completion.

Summary:

The City has need, from time to time, to amend the Richland Municipal Code to improve effectiveness and align with industry best practice. Through Title 21 RMC, the City has adopted several state-mandated codes related to new and existing construction, including but not limited to building, residential, plumbing, fire, energy, fuel, and others.

Every new building that is intended to be occupied is ultimately issued a Certificate of Occupancy once minimum life safety code requirements are met. The Certificate of Occupancy, issued under Section 111.1 of the International Building Code and Section 110.1 of the Residential Building Code, allows the building to be occupied. There are occasions, however, where buildings have met a certain stage of completion and are still not yet ready for a Certificate of Occupancy. In such circumstances, many jurisdictions issue a Certificate of Completion. A Certificate of Completion is provided under two different circumstances:

1. to a building that was built and not intended for immediate occupancy, such as a shell building that later will have a permit to do a tenant build-out for the individual spaces, or
2. to an existing building which already possesses a Certificate of Occupancy, but has undergone improvements or a remodel, where the use or classification of the building has not changed. This means that the building is going to be used in the same manner as it was originally used.

Amendments to RMC 21.01.020 are required to allow Richland's Building Official to begin utilizing Certificates of Completion consistent with industry best practice.

Staff recommends approval of Ordinance No. 2024-23 for first reading, by title only.

Fiscal Impact: None.

Attachments:

- I. Ordinance No. 2024-23

ORDINANCE NO. 2024-23

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTION 21.01.020 RELATED TO ADMINISTRATION, PERMITS, AND FEES.

WHEREAS, the City has need, from time to time, to amend the Richland Municipal Code (RMC) to bring it into alignment with best practices; and

WHEREAS, many developers construct shell buildings that can be offered to potential tenants where the occupancy is unclear during the construction process; and

WHEREAS, the City's Building Division needs a way to issue certificates of completion that will allow stages of construction to be deemed completed before the project is ready for occupancy.

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

Section 1. Richland Municipal Section 21.01.020, entitled Administration, permits, and fees, as first enacted by Ordinance No. 20-04, and last amended by Ordinance No. 2022-29, is hereby amended as follows:

21.01.020 Administration, permits, and fees.

Chapter 1 of the International Building Code and Chapter 1 of the International Residential Code are hereby amended by the following additions, deletions, and exceptions. Section numbers referenced here are to the International Building Code with the International Residential Code referenced by "R" and the section number in parentheses. Notwithstanding these section numbers referenced from the current codes, all additions, deletions, and exceptions as noted herein shall apply to all future codes adopted by the state of Washington and thence adopted as the building codes for the city of Richland.

A. 101.4.5 Fire Prevention. This subsection shall be amended to add the following paragraph:

Table 20.05.020 from RMC Title 20 shall be considered as if they were integral to and part of this code. All affected chapters and sections of this code regarding fire sprinklers and fire alarms are hereby amended to include Table 20.05.020.

B. 105.1.1 Annual Permit. This subsection shall not be adopted. Annual permits shall not be issued within the city of Richland.

C. 105.1.2 Annual Permit Records. This subsection shall not be adopted. Annual permit records shall not be valid within the city of Richland.

D. 105.2 (R105.2) Work Exempt from Permit.

1. Building. Item (1) of this subcategory of Section 105.2 (R105.2) is hereby amended as shown below, and item (15) is hereby added to this subcategory of Section 105.2 (R105.2). For the

International Residential Code, item (15) as noted below shall be numbered and referenced as item (12).

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 200 square feet (IRC) and 120 square feet (IBC), are exempted from the requirements for a building permit. A permit for location placement of such exempt structures shall be issued by the City of Richland prior to construction or erection of these structures. The location placement permit shall be based upon a scalable site plan provided by the applicant and shall show all existing structures on the property together with the distances from all structures to property lines and to other structures, all existing easements and property lines, and all new structure or building proposals. The location placement permit shall be binding upon the applicant for location placement of the structure for all purposes and requirements of Title 23 of the Richland Municipal Code. The location placement permit shall not require payment of any permit fees. Fees associated with any other aspect of the structure or building proposal including, but not limited to, easement encroachment permits and right-of-way construction permits, shall be as currently enacted in the Richland Municipal Code.

15. (Item 12 for International Residential Code). Amusement devices and structures, including Merry-go-rounds, Ferris wheels, rotating conveyances, slides, similar devices, and accessory structures whose use is necessary for operation of such amusement devices and structures, any accessory structure included in the provisions of this sub-section shall be limited to a cover or roof over each device; but shall not include any storage building or detached structure which is not an integral part of the device.

2. Electrical. This entire subcategory, including repairs and maintenance, radio and television transmitting devices, and temporary testing systems, shall not be adopted. All electrical permits and permit exemptions shall be as set forth by the State of Washington Department of Labor and Industries.

3. Plumbing. Items (1) and (2) of this subcategory shall not be adopted. All plumbing permits and plumbing permit exemptions shall be as set forth in the adopted plumbing code.

E. 105.8 (R105.8). This subsection shall be amended to add the following paragraph:

All contractors and sub-contractors shall have a valid and current business license to conduct business within the City of Richland pursuant to Title 5 of the Richland Municipal Code and shall have a valid and current contractor's license and registration with the State of Washington, Department of Labor and Industries, prior to commencing any actual construction work within the City of Richland.

F. 109.2 and 109.3 (R108.2 and R108.3) Schedule of Permit Fees and Building Permit Valuations. Shall adopt the code of these subsections as stated in both the International Building Code and the International Residential Code; in addition, the following subsection language shall be added as clarification to fees and valuations:

Building. Fees for building permits and related inspections shall be as set forth in Table 1-A from the 1997 Uniform Building Code as previously published by the International Code Council, Inc. The valuation of construction used for the calculation of the building permit

fee from Table 1-A shall be the greater of either the valuation noted in Supplemental Table 1-B or the declared valuation of construction from the applicant for the permit. The declared valuation shall include the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. Valuations not shown in Supplemental Table 1-B shall be based on the “Building Valuation Data” as published in the Building Safety Journal by the International Code Council, Inc., or shall be as determined by the building official to reflect the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment. The Supplemental Table 1-B shall be updated on January 1st of each year and shall incorporate changes from the “Building Valuation Data” as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted.

Plan Review. Fees for review and examination of required construction plans and/or construction data shall be calculated at sixty-five percent (65%) of the building permit fee as set forth in Table 1-A from the 1997 Uniform Building Code as previously published by the International Code Council, Inc. These plan review fees shall be in addition to the building permit fee and shall be payable at the time of first submittal of plans together with a completed application for permit. There shall be no fee required for the review and examination of plans for any detached, single-family dwelling construction; attached, two-family dwelling construction; or construction of accessory buildings to or additions to such one- and two-family dwellings; except for additional review and examination of changes made to plans for such one- and two-family dwellings, additions, or accessory buildings after completion of the plan review or after issuance of the building permit, all of which will be required to pay a fee as shown in item (2) of Table 1-A. Additional plan review required by changes, additions, corrections, or revisions made to the plans after completion of the initial plan review or after issuance of the building permit shall be required to pay a fee as shown in item (2) of Table 1-A.

Plumbing. Fees for plumbing permits and related inspections shall be as set forth in Table 1-1 of the 1997 Uniform Plumbing Code as previously published by the International Association of Plumbing and Mechanical Officials, Inc., and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted and except that plumbing work associated with a current and active building permit shall not require any permit fee. Fees for review and examination of plumbing plans and/or construction data shall be calculated at twenty-five percent (25%) of the plumbing permit fee as set forth in Table 1-1, except that plumbing plans associated with a submittal of building plans shall not require any plan review fee or additional plan review fee. Additional plan review required by changes, additions, corrections, or revisions to the plans after completion of the plan review or after issuance of the permit shall be required to pay a fee as shown in Table 1-1 or as shown in Table 1-A of the 1997 Uniform Building Code for plumbing work associated with a building permit.

Mechanical. Fees for mechanical permits and related inspections shall be as set forth in Table 1-A of the 1997 Uniform Mechanical Code as previously published by the

International Conference of Building Officials, Inc., and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted and except that mechanical work associated with a current and active building permit shall not require any permit fee. Fees for review and examination of mechanical plans and/or construction data shall be calculated at twenty-five percent (25%) of the mechanical permit fee as set forth in Table 1-A, except that mechanical plans associated with a submittal of building plans shall not be required to pay any plan review fee or additional plan review fee. Additional plan review required by changes, additions, corrections, or revisions to the plans after completion of the plan review or after issuance of the permit shall be required to pay a fee as shown Table 1-A of the 1997 Uniform Building Code for mechanical work associated with a building permit.

Grading. Fees for grading permits, for review of grading plans, and for related inspections shall be as set forth in Table A-33-A and Table A-33-B of the 1997 Uniform Building Code, Appendix Chapter 33, as previously published by the International Code Council, Inc. and shall incorporate changes from the “Building Valuation Data” group R-3, type VB as published in the Building Safety Journal by the International Code Council, Inc., except that those mathematical formulas presented in the “Building Valuation Data” which calculate fees shall not be incorporated or adopted.

Factory-Assembled Structures. Notwithstanding any other provision of the Richland Municipal Code, fees for installation of a factory-assembled structure, including structures meeting the requirements of Title 23 of the Richland Municipal Code for manufactured homes or designated manufactured homes, shall be three hundred dollars (\$300.00) per installation. Fees for building permits for structures attached to a factory-assembled structure, including, but not limited to, garages that are not structurally dependent upon the factory-assembled structure for support, shall be as noted above for building permits and plan review based on valuation of construction. Where a conflict exists between the fee noted here and fees described in other titles of the Richland Municipal Code, the fee noted here shall apply. Factory-assembled structures constructed prior to June 15, 1976, shall be required to undergo inspection and approval by the State of Washington, Department of Labor and Industries, prior to issuance of the installation permit.

Energy Code (NREC). Fees for review of plans and inspection of the construction work related to sections of the Washington State Energy Code that prescribe requirements for non-residential buildings, previously referred to as the Non-Residential Energy Code (NREC), shall be as set forth in the following table. This fee shall not be applied to mechanical permits where mechanical equipment is being replaced with equipment of the same fuel source as the existing equipment.

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TOTAL VALUATION	NREC FEE
\$1 to \$20,000	\$100
\$20,001 to \$300,000	\$100 for the first \$20,000 plus \$3.00 for each additional \$1,000 or fraction thereof, to and including \$300,000.
\$300,001 to \$800,000	\$940 for the first \$300,000 plus \$1.00 for each additional \$1,000 or fraction thereof, to and including \$800,000.
\$800,001 to \$1,020,000	\$1,440 for the first \$800,000 plus \$0.50 for each additional \$1,000 or fraction thereof, to and including \$1,020,000.
\$1,020,001 or more	\$1,550 maximum

G. 111.1 (R110.1) Use and Occupancy. This subsection shall be amended to add the following paragraph:

The building official shall not issue a certificate of occupancy or a certificate of completion until approval has been obtained from all City of Richland departments and divisions and from all State of Washington and Federal agencies having jurisdiction or authority over the building project. The finance director, or currently designated person responsible for finances and accounting, of the City of Richland is authorized and directed to deny any requests for utility services, including, but not limited to, electrical service, solid waste removal, water service, and sewer service, on a permanent-user basis, unless the applicant demonstrates that the building for which such service is requested has been issued a certificate of occupancy or temporary certificate of occupancy by the building official. Provisional utility services may be provided to the extent necessary for construction of the building prior to issuance of such a certificate so long as the building is not used or occupied.

H. 111.2 (R110.3) Certificate Issued. This subsection shall be amended to add the following related to issuance of a certificate of completion:

111.2.1 (R110.3.1) After final inspection of a building or structure for which the permit was issued for only the building shell, if no violations of this code or of related land use and public health ordinances, rules and regulations have been discovered, or if such

violations have been discovered and have been corrected, the building official shall issue a certificate of shell completion which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of the building or that portion of the building for which the certificate is issued.
5. The name of the building official.
6. A statement that no portion of the building shall be occupied until tenant improvement permits are obtained and occupancy is approved.
7. The edition of the code under which the permit was issued.
8. The type of construction as defined in chapter 6.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. Any special stipulation and conditions of the building permit.
11. An explanation that the responsibility for the building's compliance with the provisions of the applicable City of Richland codes and for maintenance of the building rests exclusively with the permit applicants and their agents and the building's owners.

H. 113.1 (R112.1) General. The board of appeals as described in this section shall mean the Mid-Columbia Board of Appeals as currently established by the jurisdictions of the city of Richland, the city of Kennewick, the city of West Richland, the city of Pasco, Benton County, and Franklin County, together with such other jurisdictions as currently constitute the Mid-Columbia Board of Appeals. The board of appeals as described in other codes adopted herein as the building codes for the city of Richland shall also mean the Mid-Columbia Board of Appeals. The code enforcement board as established in RMC Title 2 shall not constitute the Board of Appeals as described here.

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

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

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

This space intentionally left blank.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the _____ day of _____, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Ordinances - First Reading

Strategic Priority I - High Performance Government

Subject:

Ordinance No. 2024-24, Amending Richland Municipal Code Sections 3.04.010 and 3.04.070 related to Small Works

Department/Office
City Attorney

Ordinance/Resolution Number:
2024-24

Document Type:
Ordinance

Recommended Motion:

Give first reading, by title only, to Ordinance No. 2024-24, amending Richland Municipal Code Sections 3.04.010 and 3.04.070 related to small works.

Summary:

In 2023, the Washington State Legislature passed Second Substitute Senate Bill (SB) 5268. This session law repealed RCW 39.04.155 and replaced it with RCW 39.04.151 through RCW 39.04.152 related to small works roster contract procedures. The new law is effective July 1, 2024.

Proposed Ordinance No. 2024-24 amends certain sections of Chapter 3.04 RMC to reflect the changes in state law imposed by SB 5268.

SB 5268 was intended to increase administration efficiency, improve transparency, revise thresholds, and create a statewide small works roster hosted by Municipal Research Services Center (MRSC). The City has been a member of MRSC since 2014, and utilizes its small works roster. The State's decision to designate MRSC as host of the official statewide roster may increase contractor selection options for the City by providing additional resources for its projects, which may result in potential savings.

Staff recommends approval of Ordinance No. 2024-24 for first reading, by title only.

Fiscal Impact: None.

Attachments:

I. Ordinance No. 2024-24

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING RICHLAND MUNICIPAL CODE SECTIONS 3.04.010 AND 3.04.070 RELATED TO SMALL WORKS.

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

WHEREAS, in April 2023, the Washington State Legislature passed Second Substitute House Bill (SB) 5268 which amends small works roster contract procedures; and

WHEREAS, the revision includes repealing RCW 39.04.155 and replacing it with RCW 39.04.151 through RCW 39.04.154 with an effective date of July 1, 2024; and

WHEREAS, certain sections of Chapter 3.04 RMC require amendment to reflect state law.

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

Section 1. Richland Municipal Code Section 3.04.030, entitled Definitions, as first enacted by Ordinance No. 48-15, and last amended by Ordinance No. 2022-41, is hereby amended as follows:

3.04.030 Definitions.

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

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

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

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

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

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

“Goods” means all materials, supplies, equipment or other tangibles.

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

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

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

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

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

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

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

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

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

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

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

“Small works roster” is a roster of qualified contractors maintained for use in a modified formal bid process. When a public works project has an estimated value threshold as provided under RCW 39.04.15~~25~~, as now enacted or hereafter amended, a city may follow the small works roster process for construction of a public work or improvement as an alternative to competitive formal solicitation requirements.

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

Section 2. Richland Municipal Code Section 3.04.070, entitled Public works, as first enacted by Ordinance No. 48-15, and last amended by Ordinance No. 2022-41, is hereby amended as follows:

3.04.070 Public works.

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

B. Purchasing Procedures.

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

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

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

C. Purchasing Limitations. The award of public works projects equal to or less than the dollar threshold for small works projects as provided under RCW 39.04.152~~5~~, as now enacted or hereafter amended, may be executed, or delegated, by the city manager.

D. Competitive Bids.

1. At the discretion of the city manager, projects for a single craft or multiple crafts with a reasonably anticipated price equal to or less than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereby amended, may not require the use of competitive quotes or bids. Departments may make these purchases administratively in accordance with procedures developed by the purchasing officer and approved by the city manager.

2. Projects for a single craft or multiple crafts with a reasonably anticipated price higher than the dollar thresholds as provided under RCW 35.22.620(3), as now enacted or hereafter amended, up to the maximum dollar threshold as provided in RCW 39.04.152~~5~~, as now enacted or hereafter amended, shall either use the small works roster or a formal solicitation process developed by the purchasing officer.

3. Projects with a cost in excess of the maximum dollar threshold as provided in RCW 39.04.152~~5~~, as now enacted or hereafter amended, require a formal solicitation process developed by the purchasing officer. The city council shall authorize these purchases and provide authority for the city manager to execute the related contract.

E. Small Works Roster.

1. For public works in which the estimated cost is equal to or less than the value threshold as provided under RCW 39.04.152~~5~~, as now enacted or hereafter amended, the city may use a small works roster or rosters ~~or limited public works as an alternative to bidding~~; provided, that in such case, the purchasing officer shall develop policies and procedures for use of small works roster and limited public works programs in accordance with law.

2. The purchasing officer shall make available a list of the contracts that have been awarded under the small works roster. The list shall contain the name of the awarded bidder, the amount of the contract, a brief description of the type of work performed, and the date it was awarded. The list may be posted on the city's website or made available from the purchasing officer.

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

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

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

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the _____ day of _____, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

First Reading: _____

Second Reading: _____

Date Published: _____



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Resolutions - Adoption

Strategic Priority 2 - Financial Sustainability

Subject:

Resolution No. 2024-84, Ratifying an Application to the Washington State Department of Commerce Public Works Board for Horn Rapids Landfill Expansion Construction Funding

Department/Office
Public Works

Ordinance/Resolution Number:
2024-84

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2024-84, ratifying an application to the Washington State Department of Commerce Public Works Board for a construction loan in support of the Horn Rapids Landfill Expansion Phase 2 Project.

Summary:

The City is preparing to construct the Horn Rapids Landfill Phase 2 Expansion Project (the "Project") to extend the life of the current cell of the landfill and continue to provide solid waste disposal services to City residents. Great West Engineering, Inc. has been retained to design the Project, and staff anticipates commencing construction by the end of the 2024 calendar year.

The Washington State Department of Commerce offers, through the Public Works Board, low-interest loans to local agencies for public works infrastructure. The Public Works Board offers loans in two separate programs: a pre-construction program and a construction program. Construction of the Project meets the criteria for this construction loan program. Utilizing Public Works Board loans for city utility infrastructure reduces costs to the City's ratepayers.

Because the loan application was due by Friday, June 28, 2024, staff submitted the application and now seeks ratification of that action through Resolution No. 2024-84. The best interests of the City are served by funding the Project with a Public Works Board construction loan to take advantage of favorable loan terms.

Staff recommends adoption of Resolution No. 2024-84.

Fiscal Impact: Once loan amounts, terms, and interest rates have been determined, they will be presented to Council for consideration and acceptance.

Attachments:

I. Resolution No. 2024-84

RESOLUTION NO. 2024-84

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
RATIFYING AN APPLICATION TO THE WASHINGTON STATE
DEPARTMENT OF COMMERCE PUBLIC WORKS BOARD FOR
THE HORN RAPIDS LANDFILL PHASE 2 EXPANSION PROJECT.**

WHEREAS, the Washington State Department of Commerce’s Public Works Board offers low-interest loans to local agencies for infrastructure needs; and

WHEREAS, the Public Works Board offers loans in two separate programs, a pre-construction program and a construction program; and

WHEREAS, utilizing Public Works Board loans for City utility infrastructure reduces costs to the City’s ratepayers; and

WHEREAS, the City is preparing to construct the Horn Rapids Landfill Phase 2 Expansion Project (the “Project”) to extend the life of the current cell of the landfill in support of continued solid waste disposal services to City residents; and

WHEREAS, the City has contracted with Great West Engineering, Inc. for design engineering services for the Project, which is anticipated to commence by the end of 2024; and

WHEREAS, the City’s best interests are served by utilizing the low-interest loan financing provided by the Washington State Department of Commerce’s Public Works Board to complete the Project construction; and

WHEREAS, staff was required to submit the loan application on June 28, 2024 to meet the program deadline.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff’s application to the Washington State Department of Commerce’s Public Works Board construction loan program for the Horn Rapid Landfill Phase 2 Expansion Project is hereby ratified.

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 2nd day of July, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Resolutions - Adoption

Strategic Priority 2 - Financial Sustainability

Subject:

Resolution No. 2024-85, Authorizing Change Order No. 1 to the Construction Contract with Ellison Earthworks LLC for the Truman Avenue Reconstruction and Kennedy Road Water Main Improvements Project

Department/Office
Public Works

Ordinance/Resolution Number:
2024-85

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2024-85, authorizing execution of Change Order No. 1 to Contract No. 84-24 in the amount of \$218,890.67.

Summary:

On February 20, 2024, pursuant to Resolution No. 2024-25, the City awarded a construction contract to Ellison Earthworks, LLC for the Truman Avenue Reconstruction and Kennedy Road Water Main Improvements Project (see Richland Contract No. 84-24). Resolution No. 2024-25 authorized change orders up to an aggregate amount of \$100,000 to resolve unanticipated issues arising during construction of the project.

The construction costs exceeded the authorized value largely due to a discovery during construction that the existing water main pipe was undersized, which would have a significant negative impact on future operation of the water system if left unresolved. Funding is available in the Pavement Preservation Program and the Water Utility Fund to cover the increased project costs.

Council approval is required because the value of the proposed change order exceeds the change order authority granted under Resolution No. 2024-25. The City's best interests are served by executing a change order to Contract No. 84-24 in the amount of \$218,890.67 to fairly compensate Ellison Earthwork LLC for the necessary additional work.

Staff recommends adoption of Resolution No. 2024-85.

Fiscal Impact: This project was budgeted in the 2022 Capital Improvement Plan within the Water Utility Capital Fund and the 2023 Capital Improvement Plan within the Pavement Preservation Program. Capacity of over \$1,280,000 is available to fund the value of this amendment, which is \$218,890.67.

Attachments:

1. Resolution No. 2024-85
2. Proposed Change Order 1 to Contract No. 84-24

RESOLUTION NO. 2024-85

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING CHANGE ORDER NO. 1 TO THE
CONSTRUCTION CONTRACT WITH ELLISON EARTHWORKS
LLC FOR THE TRUMAN AVENUE RECONSTRUCTION AND
KENNEDY ROAD WATER MAIN IMPROVEMENTS PROJECT.**

WHEREAS, pursuant to Resolution No. 2024-25, the City awarded a construction contract to Ellison Earthworks, LLC for the Truman Avenue Reconstruction and Kennedy Road Water Main Improvements Project (*see* Richland Contract No. 84-24); and

WHEREAS, Resolution No. 2024-25 authorized change orders up to an aggregate amount of \$100,000 to resolve unanticipated issues arising during construction of the project; and

WHEREAS, the construction costs exceeded the authorized value largely due to the existing water main pipe that was discovered to be undersized during construction and will significantly affect future operation of the water system if not remedied; and

WHEREAS, the project budget, which includes funding from the Pavement Preservation Program and the Water Utility Fund, is sufficient to cover the increased project costs; and

WHEREAS, the City's best interests are served by executing a change order to Contract No. 84-24 to fairly compensate Ellison Earthworks LLC for the necessary additional work.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that the City Manager is authorized to sign and execute Change Order No. 1 to Contract No. 84-24 in the amount of \$218,890.67.

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 2nd day of July, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



Public Works Contract Change Order

Project: Truman Avenue and Kennedy Road Water Main Improvements

Change Order No: 1

Contractor: Ellison Earthworks, LLC

Date: 7/2/2024

Grant Number: NA

Contract Number: 84-24

PO: 22400266

Reason for Change:

☐ 1-Contractor Request/Claim ☒ 2-City Requested ☐ 3-Unforeseen Condition ☒ 4-Design Error

Change Description: (Describe the change(s) and the reason(s) for the change)

Incorporate Field Orders 1 through 4 into the Contract by reference.

All terms & conditions defined in the Contract Documents & Change Orders issued to date remain in effect unless otherwise state herein.

The following adjustments, if any, to the Contract Sum and Contract Time constitute the complete and final settlement of all costs of labor, materials, equipment, overhead, fee, and damages, whether direct, indirect, and any other claim by the Contractor, as a result of the change.

Contract Summary:

Original Contract Amount:	\$ 983,090.51
Previous Change Orders:	\$ -
This Change Order:	\$ 218,890.67
New Contract Amount:	\$ 1,201,981.18
Total % of Change Orders	22.27%

Schedule Summary:

working days

Original Contract Duration:	Days
Previous Added Days:	Days
This Change Order:	Days
New Contract Duration:	Days
Contract Expiration Date:	

Execution of this Change Order by the Contractor constitutes the Contractor's irrevocable acceptance of all the terms hereof, including the above described adjustments, if any, in the Contract Sum and Contract time. This Contract Change Order is hereby incorporated into and becomes part of the Contract Documents.

Approved:

Interim Public Works Director

Authorized Signature

Carlo D'Alessandro

Print Name

Date

City Manager

Authorized Signature

Jon Amundson

Print Name

Date

Contractor:

Authorized Signature

Kory Ellison

Print Name

Date

Distribution: City Clerk's Office (Original)
Public Works - Contract Files (Copy)
Finance - Budget Analyst (Copy)

Finance - Accountant (Copy)
Contractor - Page 1 only (Copy)
Purchasing - Page 1 only (Copy)



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Resolutions - Adoption

Strategic Priority 4 - Quality of Life

Subject:

Resolution No. 2024-86, Authorizing a Grant Application to Humanities Washington for a 2024 Prime Time Family Reading Grant

Department/Office
Parks & Public Facilities

Ordinance/Resolution Number:
2024-86

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2024-86, authorizing submission of a grant application to Humanities Washington for a Prime Time Family Reading grant, and authorizing the City Manager to execute all documents necessary to receive the grant in the event the City's application is successful.

Summary:

Humanities Washington provides a grant to support Prime Time Family Reading events across Washington State and, in response to pandemic learning loss, the program has expanded to serve additional Washington families. The grant allows for funds of up to \$8,300 to implement a six-week series designed to empower families with six to ten-year-old children to share meals and participate in reading and discussion sessions guided by trained facilitators.

The Richland Public Library hosted this grant-funded series in 2023 to great success.

According to Humanities Washington, the "Prime Time Family Reading program enhances family engagement and builds critical thinking skills, constructing a strong foundation to support a lifelong love of reading."

Staff recommends adoption of Resolution No. 2024-86.

Fiscal Impact:

If approved, the grant will provide up to \$8,300 in new revenue for the City from Humanities Washington.

Attachments:

- I. Resolution No. 2024-86

RESOLUTION NO. 2024-86

**A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON,
AUTHORIZING APPLICATION AND ACCEPTANCE OF A 2024
PRIME TIME FAMILY READING GRANT FROM HUMANITIES
WASHINGTON.**

WHEREAS, Humanities Washington provides up to \$8,300 to support the implementation of a Prime Time Family Reading event to public libraries in Washington State; and

WHEREAS, across the country, a need exists to support learning gaps that were created by the COVID-19 pandemic, which caused many children to fall behind on appropriate reading levels; and

WHEREAS, Prime Time Family Reading is a six-week series designed to empower families to read and discuss ideas together as a community; and

WHEREAS, Prime Time Family Reading was implemented at the Richland Public Library in 2023 and successfully increased family reading time, influenced positive changes in attitudes towards reading, increased library usage, and improved critical thinking skills; and

WHEREAS, the Richland Public Library places a high priority on events designed to support early childhood literacy and community camaraderie.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland that staff is authorized to submit a grant application to Humanities Washington for funds up to \$8,300 to support a Prime Time Family Reading series at the Richland Public Library.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute all documents necessary to receive the grant in the event staff's application is successful.

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 2nd day of July, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Items - Approval

Strategic Priority I - High Performance Government

Subject:

Appointment to the Parks & Recreation Commission: Matthew Watrous

Department/Office
City Clerk

Ordinance/Resolution Number:

Document Type:
General Business Item

Recommended Motion:

Appoint Matthew Watrous to Position No. 5 on the Parks & Recreation Commission.

Summary:

Efforts to recruit for the vacant Position No. 5 on the Parks & Recreation Commission (PRC) have been ongoing. The previous sitting member did not reapply to continue service. One (1) application was received during the recent recruitment period. Council liaison Mayor Pro Tem Kent, PRC Chair Mason, and PRC Vice-Chair Gutierrez interviewed the applicant and recommend his appointment for the unexpired term.

Position No. 5 - Matthew Watrous

The term for this position will commence the day following Council approval and will run through March 31, 2027.

The applicant's application packet is on file in the City Clerk's Office.

Fiscal Impact: None.

Attachments:

I. Parks & Recreation Commission Appointment Recommendation Memo

CITY OF RICHLAND
PARKS & PUBLIC FACILITIES

625 Swift Boulevard, MS-13
Richland, WA 99352
(509) 942-7390



MEMORANDUM

TO: City Clerk, Jennifer Rogers

FROM: Administrative Assistant II, Patty Roe

DATE: June 27, 2024

SUBJECT: Parks and Recreation Commission Position No. 5 Interview Results

The term for Position No. 5 on the Parks and Recreation Commission expires on March 31, 2027.

On Wednesday, June 26, 2024, Mayor Pro Tem Kent, Chair Mason, Vice Chair Gutierrez, and Parks and Public Facilities Director Waite interviewed to fill the vacant position. One applicant was interviewed for Position No. 5. The following recommendation was made:

- **Position No. 5:** Matthew Watrous

The terms for this position will be effective from July 17, 2024, to March 31, 2027.



COUNCIL AGENDA ITEM COVERSHEET

Council Date: 7/2/2024

Agenda Category: Items of Business

Strategic Priority I - High Performance Government

Subject:

Resolution No. 2024-83, Authorizing an Interlocal Agreement with the Port of Benton for the Steptoe Street and Tapteal Drive Intersection Improvements Project

Department/Office
Public Works

Ordinance/Resolution Number:
2024-83

Document Type:
Resolution

Recommended Motion:

Adopt Resolution No. 2024-83, authorizing the City Manager to sign and execute an interlocal agreement with the Port of Benton related to the Steptoe Street and Tapteal Drive Intersection Improvements Project.

Summary:

The City of Richland owns and operates Steptoe Street, which is crossed by the Port of Benton's railroad and host to the Port of Benton's at-grade rail crossing system. A proposed project to improve the intersection at Steptoe Street and Tapteal Drive requires modifications to this rail crossing. An interlocal agreement is proposed to facilitate collaboration between the City of Richland's and the Port of Benton on improvements at the Steptoe Street and Tapteal Drive intersection, particularly concerning modifications to the at-grade railroad crossing.

RCW 39.34.010 permits local government units to collaborate with other localities to efficiently provide services and facilities, taking into account geographic, economic, population, and other factors. RCW 39.34.080 authorizes jurisdictions to contract with other public agencies to perform governmental services, provided such contracts are authorized by each jurisdiction's respective governing body and detail the purposes, powers, rights, objectives and responsibilities of the contracting parties. In addition, RCW 81.53.060 requires the City to file a petition with the Washington State Transportation and Utilities Commission (WUTC) and receive approval before commencing construction on projects involving railroad crossings.

The proposed intersection improvement project at Steptoe Street and Tapteal Drive involves notable modifications to the existing at-grade crossing of the Port's railroad. This project necessitates filing a petition with the WUTC, engaging with railroad companies operating on the Port's track, and providing compensation to Class I railroad companies (Union Pacific and Burlington Northern Santa Fe) for review of the project's design.

The project will provide mutual benefit to the City and the Port by improving infrastructure and ensuring safe and efficient transportation across their respective facilities. Collaborating through an interlocal agreement allows for a streamlined and cooperative approach to meet the administrative and operational requirements of the project.

Staff recommends adoption of Resolution No. 2024-83.

Fiscal Impact:

This Interlocal Agreement outlines an understanding between the Port of Benton and City of Richland for three deliverables. Of these deliverables, only one has a funding commitment at this time. This is for a Union Pacific Railroad design review. The review is not to exceed \$60,000 and costs will be shared between the Port of Benton and City of Richland. Currently, there is capacity of \$45,000 in the Railroad Maintenance budget to cover this deliverable. Any future funding commitments will be agreed upon in advance of commitment and brought to Council as needed.

Attachments:

I. Resolution No. 2024-83

RESOLUTION NO. 2024-83

A RESOLUTION OF THE CITY OF RICHLAND, WASHINGTON, AUTHORIZING AN INTERLOCAL AGREEMENT WITH THE PORT OF BENTON FOR STEPTOE STREET AND TAPTEAL DRIVE INTERSECTION IMPROVEMENTS.

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, thereby providing 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, the City of Richland owns and operates Steptoe Street, which hosts the Port of Benton's railroad and at-grade crossing system crossing Steptoe Street; and

WHEREAS, a proposed intersection improvement project at Steptoe Street and Tapteal Drive (the "Project") will make modifications to an at-grade city street crossing of the Port's railroad; and

WHEREAS, RCW 81.53.060 requires that the City file a petition with the Washington Utilities and Transportation Commission (WUTC) and receive approval prior to beginning construction of the Project; and

WHEREAS, the WUTC administrative process requires input from railroad companies operating on the Port of Benton railroad, and the Class I operating railroad companies require compensation for their review of the Project; and

WHEREAS, the Project provides mutual benefit to the Jurisdictions; and

WHEREAS, efforts to obtain WUTC approval and the cooperation of the railroads will be best implemented on a shared basis in a manner deemed most efficient and effective for each Jurisdiction.

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 Port of Benton, in substantially the form attached as **Exhibit A**, related to the Steptoe Street and Tapteal Drive Intersection Improvements Project as provided therein.

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

ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 2nd day of July, 2024.

Theresa Richardson, Mayor

Attest:

Approved as to Form:

Jennifer Rogers, City Clerk

Heather Kintzley, City Attorney

WHEN RECORDED RETURN TO:

Richland City Clerk
625 Swift Boulevard, MS-07
Richland, WA 99352

INTERLOCAL COOPERATIVE AGREEMENT

Between

CITY OF RICHLAND AND PORT OF BENTON

Re: Steptoe Street and Tapteal Drive Intersection Improvements

THIS INTERLOCAL COOPERATIVE AGREEMENT is entered into this _____ day of July, 2024 (the “Effective Date”), by and between the **City of Richland**, a Washington municipal corporation, (hereafter “Richland” or “City”), and the **Port of Benton**, a political subdivision of the state of Washington (hereafter “the Port”). Richland and the Port 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, City owns and operates Steptoe Street, which hosts the Port’s railroad and at-grade rail crossing system crossing Steptoe Street; and

WHEREAS, a proposed intersection improvement project at Steptoe Street and Tapteal Drive (the “Project”) will make modifications to an at-grade city street crossing of

the Port's railroad; and

WHEREAS, RCW 81.53.060 requires that the City file a petition with the Washington State Transportation and Utilities Commission (WUTC) and receive approval prior to beginning construction of the Project; and

WHEREAS, the WUTC administrative process requires input from railroad companies operating on Port railroad, and the Class I railroad companies who participate in review of the Project will require compensation; and

WHEREAS, the Jurisdictions agree that the Project provides mutual benefit; and

WHEREAS, the Jurisdictions, by their respective governing bodies, have determined that the WUTC petition and cooperation with the railroads will be best implemented on a shared basis in a manner deemed most efficient and effective for the Jurisdictions.

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

II. AGREEMENT

Section 1. Purpose and Scope of Work: The purpose of this Agreement is to: 1) enable the Jurisdictions to combine resources to develop a WUTC petition and engage in the requisite hearing process related to the Project; and 2) share in costs associated with Class I railroad review of the Project.

Section 2. Administration: The Richland City Manager or designee and the Port Executive Director or designee will administer this Agreement on behalf of each Party, and will be responsible for:

- a. Establishing policies for implementing this Agreement;
- b. Providing periodic progress reports to the elected officials of each Jurisdiction; and
- c. Monitoring progress of the Jurisdictions and other agencies in the fulfillment of their respective responsibilities.

Section 3. Party Assignments & Funding: City is designated as the lead agency and assumes the role of Petitioner in the WUTC process. City is also responsible for establishing and managing a contract with the Class I railroads for Project review. The Port is a participating agency responsible for providing timely information to City throughout the process. Each Jurisdiction is responsible for funding the work performed by its own staff. City and the Port shall each be responsible for fifty percent (50%) of the cost of work associated with this agreement; provided, however, that Port's contribution will not exceed \$27,733 (recognizing previous investment of \$72,267 toward this crossing).

Section 4. WUTC Process and Class I Railroad Review Contract Requirements:

Each Jurisdiction hereby commits to the following with respect to work to be completed under this Agreement:

- a. City shall be the Petitioner and lead agency related to the WUTC petition and hearing process.
- b. The Port shall provide reasonable staff resources to support City's petition and the WUTC hearing process.
- c. Prior to execution, City shall provide the Port with the Class I railroad review contract for review.
- d. The Port shall review contract terms and notify the City of acceptance of contract terms within five (5) business days of receipt. Written direction of acceptance shall constitute a firm commitment to pay the City for the Port's share of the contract work.
- e. City shall provide the Port with a fully executed contract with the Class I railroads.
- f. City will issue regular invoices and supporting documentation to the Port, but no more frequently than once per month.
- g. The Port shall pay invoices within thirty (30) calendar days of receipt.
- h. City shall notify the Port of Project-related meeting/hearings with the Class I railroads or the WUTC.

Section 7. Modification: Amendments to this Agreement must be in writing and executed by the duly authorized representative for each Jurisdiction. Said amendments may be executed by the Richland City Manager and Port of Benton Executive Director without further legislative action.

Section 8. 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 may be terminated if the Project is abandoned or by mutual agreement of the Parties. Termination of this Agreement shall not void or alleviate the terminating party's obligations for work in progress or under executed contract at the time notice of termination is given.

Section 9. Disclaimer/No Liability

Neither party shall be liable to the other for the quality or timeliness of work performed by any contractor procured under this Agreement.

Section 10. 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 11. 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.

Section 12. 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 13. 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 14. 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 15. 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.

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

CITY OF RICHLAND

PORT OF BENTON

Jon Amundson, City Manager

Diahann Howard, Executive Director

Attest:

Attest:

Jennifer Rogers, City Clerk

By:

Approved as to form:

Approved as to form:

Heather Kintzley, City Attorney

John O'Leary, Port Counsel

WHEN RECORDED RETURN TO:

Richland City Clerk
625 Swift Boulevard, MS-07
Richland, WA 99352

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CITY OF RICHLAND AND PORT OF BENTON
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WHEREAS, City owns and operates Steptoe Street, which hosts the Port’s railroad and at-grade rail crossing system crossing Steptoe Street; and

WHEREAS, a proposed intersection improvement project at Steptoe Street and Tapteal Drive (the “Project”) will make modifications to an at-grade city street crossing of

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WHEREAS, the WUTC administrative process requires input from railroad companies operating on Port railroad, and the Class I railroad companies who participate in review of the Project will require compensation; and

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WHEREAS, the Jurisdictions, by their respective governing bodies, have determined that the WUTC petition and cooperation with the railroads will be best implemented on a shared basis in a manner deemed most efficient and effective for the Jurisdictions.

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

II. AGREEMENT

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CITY OF RICHLAND

PORT OF BENTON

Jon Amundson, City Manager

Diahann Howard, Executive Director

Attest:

Attest:

Jennifer Rogers, City Clerk

By:

Approved as to form:

Approved as to form:

Heather Kintzley, City Attorney

John O'Leary, Port Counsel