

Connell City Hall
104 E. Adams Street

**City of Connell, Washington
CITY COUNCIL
PRELIMINARY AGENDA**

**REGULAR MEETING
February 21, 2017**

REGULAR MEETING

6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS
5. CONSENT CALENDAR

All matter listed within the Consent Calendar have been distributed to each member of the Connell City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Calendar and placed on the Regular Agenda by request.

- a) Minutes of the Regular Council Meeting February 6, 2017
 - b) Accounts Payable 2/21/17 for \$70,077.27
 - c) Payroll Register 2/15/17-2/20/17 for \$58,209.04
6. PRESENTATIONS FOR COUNCILMEMBERS
 7. APPROVAL OF AGENDA

ORDER OF BUSINESS

8. Update on Water Projects by Public Works Director Turner
 9. Franklin County Jail Agreement
 10. Hotel/Motel 2017 Allocations
 11. Sales Tax Increase for TBD - Discussion
-
12. COMMITTEE, CITY ADMINISTRATOR, AND DEPARTMENT REPORTS
 13. EXECUTIVE SESSION
 14. CITIZEN COMMENT/NON-AGENDA ITEMS
 15. CITY COUNCIL CLOSING REMARKS
 16. ADJOURNMENT

The public is welcome and encouraged to attend this meeting. The City of Connell wishes to provide reasonable access to all public meetings for individuals with disabilities. Please contact the City Clerk at least three business days prior to the meeting for accommodations to be arranged.

MEETING OF THE CITY OF CONNELL, WASHINGTON
CONNELL, FRANKLIN COUNTY, WASHINGTON

February 6, 2017

The regular semi-monthly, meeting of the Connell City Council was called to order by Mayor Blackwell at 6:00 pm in the City Hall and was opened with the Pledge of Allegiance.

ROLL CALL

PRESENT: Mayor Bruce Blackwell, Councilmember's: Mayor Pro Tem Huber, Ray Minor, Katherine Silva, Rhonda Quinton, and City Attorney Dan Hutlgrrenn.

EXCUSED: Mayor Pro Tem Huber moved to excuse Councilmember Escalera. Councilmember Quinton seconded motion. Motion carried unanimously.

STAFF: City Administrator Maria Peña, Public Works Director Larry Turner, City Clerk Treasurer Rose Courneya, Accounting Clerk Marissa Canales, Fire Chief Chris Schulte and Police Chief Chris Turner.

VISITORS: Franklin County Graphic; Katherine Bingham Trowbridge, Citizen; Pat Barrera.

CORRESPONDENCE/PRESENTATIONS/APPOINTMENTS

Mayor Blackwell announced correspondence was received from Franklin County Planning and Building Department. A hearing would take place at the County Courthouse on February 7, 2017 at 6:30pm.

Chief of Police Chris Turner introduced the newest Police Officer to the Councilmembers. Officer Kohl St. Peter joined the Connell Police Department on February 1, 2017 and was sworn in by Chief Turner.

CONSENT CALENDAR

Motion: Councilmember Silva moved to approve the Consent Calendar as listed:

- a) Minutes of the Regular Council Meeting January 17, 2017
- b) Accounts Payable February 6, 2017 for \$113,735.18
- c) Check Register December 28, 2016 for \$19,589.75
- d) Check Register January 27, 2017 for \$625,583.57
- e) Check Register February 1, 2017 for \$212.15
- f) Payroll Register 1/15/17-1/20/17 for \$55,603.30
- g) Payroll Register 1/31/17-02/05/17 for \$85,312.78

Councilmember Minor seconded motion. Motion carried unanimously.

APPROVAL OF AGENDA

Motion: Councilmember Minor moved to approve the agenda. Mayor Pro Tem Huber seconded motion. Motion carried unanimously.

ORDER OF BUSINESS

2016 FISCAL YEAR END REVIEW

City Clerk Treasurer Rose Courneya reviewed the following 2016-year end funds with Councilmembers.

001 General Fund: Had a net gain of \$396,726.92. Additional revenues generated were from land sales. State generated licenses, permits, and tax revenues all came in higher than projected.

002 General Reserve Fund: Had a net gain of \$85,127.54. This fund was a holding account for PS Criminal Justice as well as for capital improvements for all departments of the general fund. The Public Safety expenditure was much lower than projected due to not having a 7th officer for 11 months in 2016.

101 Street Fund: Had a net gain of \$13,663.92. Street Operating revenues came in higher than projected. The motor vehicle tax and other miscellaneous revenues also came in higher. Operating cost came in slightly lower and many street projects were not funded in 2016.

104 Hotel/Motel Fund: Showed a fund loss of \$-6,105.25, due to the capital purchase of the float and trailer.

111 General Support Fund: Had a net gain of \$127,737.05. This fund received revenue for interfund loans from the water fund and interest.

300 Capital Facilities Fund: A net gain of \$30,779.63. REET revenues came in much higher than projected.

401 Water Fund: There was a net loss of \$-293,943.02. The USDA loan was paid off in 2016.

402 Sewer Fund: Had a net gain of \$270,645.79. Revenues were up and expenditures were down in 2016.

403 Solid Waste Fund: Had a net gain of \$31,508.19. Solid waste began being billed by Basin Disposal as of January 2016. Revenues were created from utility bills that were still being paid from the year 2015 into the first of the year in 2016.

414-416: Pass through accounts

633 Remittance Clearing: Pass through accounts

City Clerk Treasurer Courneya ended her review and expressed that the end fund balances looked very good for 2016. It allowed the City to pay off approximately \$968,643.00 in debt. As of today, the City had officially paid off the Hardung Water Rights and the Farm Bonds.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 6, 2017

ORDINANCE NO. 975-2017 AMENDING CMC TITLE 2.30 PUBLIC RECORDS

City Administrator Maria Peña reported that the proposed ordinance would be a necessary revision with the recent changes in personnel. The previous City Clerk Treasurer, which at the time was City Administrator Peña had been named as the Public Records Officer. The responsibility and authority over public records would now be delegated to the new City Clerk Treasurer. Attached for Council to review were the current Connell Municipal Code and an updated copy of the Public Records Policy with the proposed changes. City Administrator Peña recommended the approval of Ordinance No. 975-2017.

Motion: Councilmember Silva moved to adopt Ordinance No. 975-2017 amending Title 2.30.010 of the Connell Municipal Code. Councilmember Minor seconded motion. Motion carried unanimously.

TIB RELIGHT WASHINGTON GRANT AGREEMENT

Public Works Director Larry Turner presented the Council with the awarded Relight Washington Grant Agreement. Mr. Turner reminded Council that a while back City staff had requested and applied for the LED light grant through the Transportation Improvement Board. The City of Connell had received notice in mid-January 2017 that it had been eligible and was awarded the grant. This grant Relight program was developed to provide for the conversion of standard streetlights to LED lighting to reduce electrical costs. TIB agreed to grant funds in the amount of \$111,100 to change out street lights within city limits.

Motion: Councilmember Minor moved to approve the Mayor to sign the Transportation Improvement Board Relight WA Grant Agreement. Mayor Pro Tem Huber seconded motion. Motion carried unanimously.

SURPLUS POLICE VEHICLES

Police Chief Chris Turner notified the Councilmembers that the Police Department had received three new 2017 Ford Interceptor SUV's, which arrived a few weeks prior. The 2009 Ford Crown Victoria Police Interceptor and the 2008 Ford Crown Victoria Police Interceptor have been replaced by the 2017 Ford Interceptor SUV's. Chief Turner requested to declare these two city vehicles as surplus city property.

Motion: Councilmember Silva moved to approve the two city vehicles as surplus city property. Councilmember Minor seconded motion. Motion carried unanimously.

CES 2017 LAND TREATMENT SYSTEM CONSULTING SERVICE

Public Works Director Larry Turner briefed the Council with a proposed contract from Cascade Earth Sciences. The proposal was for soil sampling and preparing the City of Connell's 2017 Irrigation and Crop Management Plan as required in the City's State Waste Discharge Permit. Cascade Earth Sciences had been doing the City of Connell's annual crop management plan for the past several years. Total estimated cost was \$9,800.00.

Motion: Councilmember Minor moved to approve the contract with Cascade Earth Sciences. Mayor Pro Tem Huber seconded motion. Motion carried unanimously.

MEETING OF THE CITY OF CONNELL
Regular Meeting – February 6, 2017

COMMITTEE / DEPARTMENT REPORTS

CITY ADMINISTRATOR- Maria Peña

1. Provided council with her City Administrator report.
2. Announced Sterling Joyner would be presenting for the upcoming Connell University.

PUBLIC WORKS DIRECTOR- Larry Turner

1. Reported that City streets were in bad shape, they were deteriorating due to the weather.
2. Would give a presentation on the Well#6 project at the next Regular Council meeting.

CITY CLERK TREASURER-Rose Courneya

1. Gave an update on duty reassignments within the City Hall Office.
2. Handed out monthly financial statements to all Councilmembers.

POLICE CHIEF- Chris Turner

1. Reminded Council he provided a January monthly report.

MEETING ADJOURNED

There being no further business before the City Council of Connell Mayor Blackwell adjourned the meeting at 6:29 pm.

ATTEST: _____
Marissa Canales, Accounting Clerk

Bruce Blackwell, Mayor

ACCOUNTS PAYABLE

City Of Connell
MCAG #: 0286

As Of: 02/21/2017

Time: 16:11:11 Date: 02/17/2017
Page: 1

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
16425	02/21/2017	02/21/2017	92	544.00	Labs
16421	02/21/2017	02/21/2017	2625	429.35	Merchant Fee For Online Payments
16422	02/21/2017	02/21/2017	79	190.01	Garbage For Park And Public Works
16413	02/21/2017	02/21/2017	2633	50.38	Refund Inactive Customer Credit Balance, Title Company Overpaid Balance When Property Sold.
16414	02/21/2017	02/21/2017	2633	73.84	Refund Inactive Customer Credit Balance To Previous Owner-(Owner/Tenant) Both Made Payments To Same 11/1/16 Billing.
16435	02/21/2017	02/21/2017	4180	112.08	Oil Valve For Well #9 Pump
16426	02/21/2017	02/21/2017	114	109.47	Well 4 Door Handle Replace
16419	02/21/2017	02/21/2017	155	15,327.05	Fire Suppression, Utility Bills And Utility Tax Payment For Januarys Totals
16432	02/21/2017	02/21/2017	164	390.55	Parts For ATV
16416	02/21/2017	02/21/2017	180	30.22	Fire Dept - Small Tools/Equipment
16427	02/21/2017	02/21/2017	180	988.44	Fuel & Parts
16446	02/21/2017	02/21/2017	180	5.06	Headlight For #123
16433	02/21/2017	02/21/2017	184	2,614.73	Sand For Snow Control
16434	02/21/2017	02/21/2017	217	696.25	Inmate Crew
16437	02/21/2017	02/21/2017	1802	1,599.48	Waste Water Permit Fees
16460	02/21/2017	02/21/2017	229	96.00	5 CPL's
16439	02/21/2017	02/21/2017	4637	124.20	Labor For Repair Estimate Of Oven At Community Center
16436	02/21/2017	02/21/2017	3047	45.00	WW Plant Internet
16438	02/21/2017	02/21/2017	3640	700.92	New CPU For Rose
16458	02/21/2017	02/21/2017	4428	25.00	Legal Service
16440	02/21/2017	02/21/2017	1937	794.65	Installation Of Circuit For Dryer For Dog Pound
16447	02/21/2017	02/21/2017	284	3,488.08	January Inmate Housing & Medical
16430	02/21/2017	02/21/2017	292	23,271.42	Power Bills For January
16423	02/21/2017	02/21/2017	298	19.05	Criminal Victim Assessment
16429	02/21/2017	02/21/2017	3051	1,731.42	Defense Court Cost
16448	02/21/2017	02/21/2017	4303	280.75	St.Peter Uniforms
16444	02/21/2017	02/21/2017	4356	1,402.41	Water Repair Parts
16417	02/21/2017	02/21/2017	4436	109.83	Voip January
16445	02/21/2017	02/21/2017	4014	25.38	Commission Card
16441	02/21/2017	02/21/2017	127	644.14	HVAC Maintenance
16442	02/21/2017	02/21/2017	2147	3,369.60	De-Icer (Calcium Chloride)
16459	02/21/2017	02/21/2017	520	156.55	Office Supplies
16428	02/21/2017	02/21/2017	4153	1,575.00	Online Forms
16415	02/21/2017	02/21/2017	233	6,353.40	January Excise Taxes

ACCOUNTS PAYABLE

City Of Connell
MCAG #: 0286

Time: 16:11:11 Date: 02/17/2017
Page: 2

As Of: 02/21/2017

Accts Pay #	Received	Date Due	Vendor	Amount	Memo
16431	02/21/2017	02/21/2017	3691 Thorson, Michael	229.87	Reimbursement For Shane Thorson-For Payroll
16418	02/21/2017	02/21/2017	3412 U.S. Bank N.A.	32.00	Deduction- Safekeeping Fees January
16443	02/21/2017	02/21/2017	665 Utilities Underground	12.90	Locate Notifications
16450	02/21/2017	02/21/2017	4017 Verizon Wireless	1,050.72	Cell Bill
16424	02/21/2017	02/21/2017	695 WA St Treasurer Office	1,101.52	January Remit To State Collected Fees
16449	02/21/2017	02/21/2017	695 WA St Treasurer Office	50.00	10% To State For Sale Of Forfeited Property
16420	02/21/2017	02/21/2017	2626 Xpress Bill Pay/EFT	226.55	Online Paying Fees For January
Report Total:				<u>70,077.27</u>	

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described and that the claim is a due and unpaid obligation against the City of Connell and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer _____ Date: _____
 () Deputy Finance Director

CHECK REGISTER

City Of Connell
MCAG #: 0286

02/15/2017 To: 02/21/2017

Time: 14:45:51 Date: 02/17/2017
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
515	02/15/2017	Payroll	7	EFT		1,917.00	
516	02/15/2017	Payroll	7	EFT		1,041.55	
517	02/15/2017	Payroll	7	EFT		497.69	
520	02/15/2017	Payroll	7	EFT		1,513.07	
521	02/15/2017	Payroll	7	EFT		1,257.59	
525	02/15/2017	Payroll	7	EFT		1,609.85	
532	02/15/2017	Payroll	7	EFT		1,774.62	
536	02/15/2017	Payroll	7	EFT		1,497.19	
537	02/15/2017	Payroll	7	EFT		1,938.38	
540	02/15/2017	Payroll	7	EFT		1,205.48	
544	02/15/2017	Payroll	7	EFT		161.40	
547	02/15/2017	Payroll	7	EFT		2,365.42	
548	02/15/2017	Payroll	7	EFT		1,320.66	
549	02/15/2017	Payroll	7	EFT		1,333.72	
550	02/15/2017	Payroll	7	EFT		1,582.85	
552	02/15/2017	Payroll	7	EFT		1,098.76	
553	02/15/2017	Payroll	7	EFT		1,509.82	
555	02/15/2017	Payroll	7	EFT		2,013.26	
556	02/15/2017	Payroll	7	EFT		161.40	
558	02/15/2017	Payroll	7	EFT		1,438.42	
559	02/15/2017	Payroll	7	EFT		135.21	
560	02/15/2017	Payroll	7	EFT		1,013.65	
561	02/15/2017	Payroll	7	EFT		2,361.28	
562	02/15/2017	Payroll	7	EFT		2,082.22	
573	02/21/2017	Payroll	7	EFT	Community First Bank	13,035.83	941 Deposit For 02/15/2017 - 02/15/2017
574	02/21/2017	Payroll	7	EFT	Department Of Retirement	8,018.67	02/15/2017 To 02/15/2017 - PERS 2; 02/15/2017 To 02/15/2017 - LEOFF 2; 02/15/2017 To 02/15/2017 - Deferred Comp; 02/15/2017 To 02/15/2017 - PERS 3
575	02/21/2017	Payroll	7	EFT	MT457-306685	500.00	02/15/2017 To 02/15/2017 - ICMA-457
514	02/15/2017	Payroll	7	35963		81.12	
518	02/15/2017	Payroll	7	35964		54.09	
519	02/15/2017	Payroll	7	35965		94.65	
522	02/15/2017	Payroll	7	35966		67.61	
523	02/15/2017	Payroll	7	35967		27.04	
524	02/15/2017	Payroll	7	35968		81.12	
526	02/15/2017	Payroll	7	35969		54.09	
527	02/15/2017	Payroll	7	35970		161.40	
528	02/15/2017	Payroll	7	35971		1,209.70	
529	02/15/2017	Payroll	7	35972		162.26	
530	02/15/2017	Payroll	7	35973		54.09	
531	02/15/2017	Payroll	7	35974		135.21	
533	02/15/2017	Payroll	7	35975		121.69	
534	02/15/2017	Payroll	7	35976		27.04	
535	02/15/2017	Payroll	7	35977		161.40	
538	02/15/2017	Payroll	7	35978		81.12	
539	02/15/2017	Payroll	7	35979		54.09	
541	02/15/2017	Payroll	7	35980		105.77	
542	02/15/2017	Payroll	7	35981		148.74	
543	02/15/2017	Payroll	7	35982		67.61	
545	02/15/2017	Payroll	7	35983		108.17	
546	02/15/2017	Payroll	7	35984		54.09	
551	02/15/2017	Payroll	7	35985		161.40	
554	02/15/2017	Payroll	7	35986		153.86	

CHECK REGISTER

City Of Connell
MCAG #: 0286

02/15/2017 To: 02/21/2017

Time: 14:45:51 Date: 02/17/2017

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
557	02/15/2017	Payroll	7	35987		40.57	
563	02/15/2017	Payroll	7	35988		81.12	
576	02/21/2017	Payroll	7	35989	WSECU	275.00	02/15/2017 To 02/15/2017 - WSECU
						<hr/>	
001 General Fund						37,729.41	
101 Street						2,226.17	
401 Water Fund						9,438.15	
402 Sewer Fund						8,815.31	
						<hr/>	
						58,209.04	Payroll: 58,209.04

WE, the members of the City Council of the City of Connell, Washington, DO HEREBY certify that the merchandise or services listed above have been received and that the above listed vouchers and the related checks have been reviewed and approved for payment by the City of Connell Council. DATED this _____ day of _____ 20__.

ATTEST:

Councilmember

Councilmember

Mayor

Finance Director



MEMORANDUM

DATE: FEBRUARY 21, 2017
TO: MAYOR AND COUNCILMEMBERS
FROM: LARRY TURNER, PUBLIC WORKS DIRECTOR
RE: WATER SYSTEM UPDATE & 2017 RUN-OFF

I will be explaining what we will be doing in the near future with well 6 and give the council an update on timing of this project. Also I will go over the runoff from the last few days and show council some slides from this event.

OPTIONS: 1) Move to approve 2) Do not approve 3) Defer action to a later date.

RECOMMENDATION: None at this time.



MEMORANDUM

DATE: FEBRUARY 21, 2017
TO: MAYOR & CITY COUNCIL
FROM: CHIEF OF POLICE CHRIS TURNER
RE: RENEWAL OF AGREEMENT FOR USE OF FRANKLIN COUNTY
SHERIFF'S OFFICE JAIL FACILITIES

The last agreement we have with Franklin County for use of their jail for city prisoners was from 2000. The daily rate for incarceration was \$45/day. The new agreement is for \$62/day with the addition of a \$45 booking fee. Commander Stephen Sultemeier has provided a worksheet which shows the rate comparison and on an average we should see a \$20,855 increase per year which City Clerk Courneya has added to the 2017 budget. City Attorney Dan Hultgren has reviewed the contract.

OPTIONS: 1) Move to approve the Mayor signing the Agreement for Use of Franklin County Jail Facilities. 2) Do not approve. 3) Defer action to a later date.

RECOMMENDATION: Move to approve the Mayor signing the contract with Franklin County for use of their jail facility.

CONNELL LODGING RATE COMPARISON

FULL CUSTODY

835 AVERAGE DAYS PER YEAR	AT \$45.00 PER DAY	\$37,575.00	
	AT \$ 62.00 PER DAY	<u>\$51,770.00</u>	
		\$14,195.00	INCREASE FOR DAILY RATE

WORK RELEASE

56.5 AVERAGE DAYS PER YEAR	AT \$27.00 PER DAY	\$1,525.50	
	NO INCREASE		

BOOKING FEE

148 AVERAGE BOOKINGS PER YEAR INCLUDING WORK RELEASE-CURRENTLY NO CHARGE			
	AT \$45.00 PER BOOKING	\$6,660.00	INCREASE FOR BOOKING FEES

CURRENT RATE TOTAL	\$39,100.50	
PROPOSED INCREASE	<u>\$59,955.50</u>	
	\$20,855.00	PROPOSED TOTAL INCREASE

AGREEMENT FOR USE OF JAIL FACILITIES

THIS AGREEMENT is made and entered into by and between FRANKLIN COUNTY, a political subdivision of the State of Washington (hereinafter "County") and the City of Connell, WASHINGTON a municipal corporation (hereinafter "City").

For and in consideration of the conditions, covenants and agreements contained herein the parties agree as follows:

1. PURPOSE

The City, desiring to utilize Franklin County Jail (hereinafter "jail") facilities and services, for the incarceration of City prisoners, in accordance with the Interlocal Cooperation Act (Chapter 39.34 RCW) and the City and County Jails Act (Chapter 70.48 RCW), hereby enters into an agreement with for use of the County jail facility and services for confinement of City prisoners. It is the purpose of this agreement to provide for the joint use by the parties of the jail facilities and services at the jail located at the Franklin County Justice Center.

2. DEFINITIONS

- (a) "Franklin County Custody Budget" shall mean all expenditure items in such budget except for expenditures directly for the costs of work crews.
- (b) "City Prisoner" shall mean a person who is booked into the jail pursuant to an arrest by a police officer for the commission of a misdemeanor or gross misdemeanor, which could be booked as a violation of a Connell city ordinance. Includes City prisoners for whom charges have been initiated by a City law enforcement officer in Franklin County Superior or District Courts pending trial and sentencing. For the term of this agreement, should the City choose to repeal any or all of its ordinance provisions which give rise to potential City jail time, such action will have no bearing on the computation of City prisoner days as defined below.
- (c) "City Prisoner Day" shall mean any portion of a consecutive 24-hour period that a City Prisoner is in the custody at the County jail and shall include when a City Prisoner is only booked and released, as calculated using the current Intergraph Jail Management System (ILEADS) methodology for counting jail days. After booking, the total elapsed time for each visit shall be calculated in minutes. At the time of release, the number of minutes will be divided by 1440 (the number of minutes in a day), and the resulting number will be rounded up. For example, if a city prisoner's stay is from 8:00 AM on January 1, 2017 to 1:00 PM on January 3, 2017, the total elapsed time would be 3,180

AGREEMENT FOR USE OF JAIL FACILITIES

minutes. This is two days and five hours, and the number of City Prisoner Days would be three.

3. AVAILABILITY AT JAIL FACILITIES

The jail facilities and services shall be available for confinement of City Prisoners held upon arrest, awaiting trial or case disposition, and/or serving sentences of jail terms on a space available basis; provided, confinement of City prisoners will be given priority over confinement of Prisoners for jurisdictions from outside of Franklin County.

4. COMPENSATION FROM CITY

The City shall pay the County as compensation for its provision of jail facilities and services as specified herein.

- (a) For the 2017 calendar year, the City shall pay to the County sixty two dollars per City Prisoner Day. The County will bill the City on the 15th of each month, for the number of City Prisoner Days in the preceding month. Payment shall be due by the 15th of the following month. If the City prisoner is charged with a felony, the City is only responsible for bed days until the actual charges are entered by the Prosecutor's Office.
- (b) The fee for the City Prisoner Day will be Sixty two (\$62.00) dollars per day, with an initial Forty five (\$45.00) dollars booking fee to cover the intake processing costs.
- (c) City Prisoner Day shall also include prisoners who participate in the work release program at a bed rate of Twenty seven (\$27.00) dollars per day.

5. PAYMENT

The County shall bill the City by submitting a monthly voucher to the City on or before the 15th day of each month following services. The City shall pay the County the compensation set forth in Section 4 hereof within thirty days from receipt of such voucher. Account balances overdue thirty days or more will be subject to a service charge of 1% (one percent) per month (12% (twelve percent) per annum). Should it become necessary, all collection costs will be paid by the City.

AGREEMENT FOR USE OF JAIL FACILITIES

6. MEDICAL COSTS AND TREATMENT.

- (a) The County shall have the right to refuse to accept a City prisoner who, at the time of delivery to the jail for confinement, is in need of medical attention, until the City has made arrangements satisfactory to the County, for such medical attention.
- (b) The County will provide medical services for all City Prisoners within the jail in accordance with the policies and procedures adopted by the County.
- (c) In the event a prisoner requires medication, medical care, or dental treatment that is not available in the health care program within the jail provided by the County, the City shall be responsible as follows:
 - i. With respect to City Prisoners, the City shall reimburse the County for the cost of all medication, medical care, or dental treatment to the extent such costs are not paid by the prisoner, insurance, public assistance or other sources, and for the cost of transportation to and from any health care facility outside the jail.
 - ii. With respect to those prisoners who are not City Prisoners, as defined in Section 2, but who are confined on the basis of charges initiated by the City police officers, the City shall reimburse the County for the cost of all such medication, medical care, dental treatment, and transportation to and from any health care facility outside of the jail that are incurred prior to the disposition of the charges by sentencing or otherwise, to the extent that the cost is not paid by the prisoner, insurance, public assistance or other sources.
- (d) The County agrees to use reasonable efforts to obtain reimbursement from the prisoner, insurance, public assistance, or other sources, for such costs of medication, and medical care, or dental treatment. The County shall except in cases of emergency which prevent the County from obtaining City authorization, obtain advance authorization from the Chief of Police or designee whenever a City Prisoner required such medication, medical care, or dental treatment, the cost of which is the responsibility of the City pursuant to this Agreement. The City agrees to provide to the County, when requested, written verification of any authorization of or refusal to authorize care or treatment for a City Prisoner.
- (e) The County shall, subject to the City's authorization required by subsection (d) hereof, has the authority to make arrangements for

AGREEMENT FOR USE OF JAIL FACILITIES

medication, medical care, or dental treatment not available in the health care program within the jail.

- (f) The County shall be responsible for all medical expenses resulting from accidental injuries incurred during the course of a City Prisoner's incarceration; provided, this subsection shall not relieve the City of its obligations to reimburse the County for medical expenses incurred in connection with any medical condition that does not arise due to an accidental injury to a City Prisoner occurring during incarceration.

7. TRANSPORTATION OF PRISONERS

The City shall be responsible for all transportation of City Prisoners to and from the Franklin County Justice Center necessary for any reason, or the cost thereof if transportation is provided by the County at the applicable mileage reimbursement rate for private vehicle use set by the U.S. General Services Administration. The County reserves the right not to provide transportation of City Prisoners.

8. TRANSFER OF CUSTODY

City police officers or any law enforcement on behalf thereof delivering persons to the jail for confinement shall provide the receiving officer of the jail with an arrest warrant, citation, court order, other documentation or a completed detention request form satisfactory to the receiving officer which indicates the legal basis for confinement of the person and, in the absence of such documentation, the receiving officer may refuse to accept the person for confinement.

The County may also refuse to accept any City Prisoner for confinement if, in its sole discretion, it would be inappropriate to accept such person for security or safety reasons prompting the Sheriff or his designee to conclude that it would be inappropriate for a particular person to be held in custody in the jail, including but not limited to familial, social, or employment relationships between the person and one or more members of correctional staff.

- (a) City police officers delivering persons to the jail for confinement shall remain in the immediate presence of such person, shall be responsible for such person in their sole custody until the jail receiving officer has accepted documentation for such person's confinement and physical custody of that person and has indicated that the delivering officer may leave. At such time, and only at such time, will the County have assumed custody of and responsibility for the person to be confined.

AGREEMENT FOR USE OF JAIL FACILITIES

- (b) City Prisoners shall be subject to all applicable rules, regulations, and standards governing the operation and security of the jail. All City officers delivering prisoners to the County jail shall comply with those rules, regulations, and standards.

9. ACCESS TO PRISONERS

City police officers and investigators shall have the right to interview prisoners at any reasonable time within the jail. City police officers shall be afforded equal priority for the use of jail interview rooms with other departments, including the Franklin County Sheriff's Department.

10. POSTING OF BAIL

The county shall serve as agent for the City in receipt of bail bonds or monies posted for City Prisoners.

11. SPECIAL PROGRAMS.

- (a) Work Release:

If it is desired that a City Prisoner participate in the jail work release program, City Prisoners shall be treated the same as county prisoners and shall be entitled to participate in the work release program solely upon a space available basis and qualification pursuant to Franklin County's Corrections standards.

- (b) Home Monitoring and Other Special Programs:

Prisoners participating in a home monitoring program, or any other program agreed in writing by the parties to be subject to this paragraph 11(b), shall not be included in the calculation of "City Prisoner Days" under paragraph 2(b) of this Agreement. The cost of providing home monitoring or any other agreed special program subject to this paragraph 11(b) shall be determined by the actual usage of the special service by City Prisoners. The County shall use all best efforts to collect the cost of such special program from the city Prisoner, provided, in the event that a City Prisoner is determined by the Franklin County Department of Corrections to be unable to pay the entire cost of such special program, the City shall be responsible for the actual cost of providing such special program not paid by the City Prisoner. The County shall provide a monthly statement to the City regarding the City's obligation for payment for such special programs under this subsection.

AGREEMENT FOR USE OF JAIL FACILITIES

12. RELEASE OR LEAVE OF CITY PRISONERS.

City Prisoners shall be permitted to leave the jail only:

- (a) Upon the authorized, written request of the City police; or
- (b) By order of the Court having jurisdiction of a City Prisoner and the matter for which such prisoner is being confined; or
- (c) For appearance by the prisoner in the Court in which the prisoner has been charged; or
- (d) In compliance with a valid writ of habeas corpus, or
- (e) For necessary medical or dental treatment or care not available within the jail; or
- (f) When the prisoner has completed service of the sentence, the charge pending against the prisoner has been dismissed or bail or other satisfactory recognizance has been posted as required by the Court.

13. RECORDKEEPING

The County, based on consultation with the city's chief of police agrees to maintain a system of record keeping to document the booking and confinement of each City Prisoner in such style and manner as is equivalent to the County's records pertaining to its prisoners under the current ILEADS system. The county shall make copies of said records available upon request by the City. The City agrees to be bound by all applicable confidentiality laws regarding jail records.

14. INDEMNIFICATION.

- (a) The City shall indemnify and hold harmless the County and its officers, agents, and employees from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of the City, its officers, agents, or employees, in the performance of this Agreement or in arresting, detaining, charging, transporting, interrogating or otherwise dealing with persons either before or after presentation to and acceptance by the County for confinement in the jail. With respect to the performance of this Agreement and as to claims against the County, its officers, agents and employees, the City expressly

AGREEMENT FOR USE OF JAIL FACILITIES

waives its immunities under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligation to indemnify, defend and hold harmless provided for in this paragraph extends to any claim brought by or on behalf of any employee of the City. This waiver is mutually negotiated by the parties.

In the event that any suit based upon such a claim, action, loss, cost, expense, or damage is brought against the County, the City shall defend the County at its sole cost and expense; provided, that the County retains the right to participate in any such suit if any principle of governmental or public law is involved. If final judgment is entered against the County, or its officers, agents, or employees, the City shall satisfy the same in full.

- (b) The County shall indemnify and hold harmless the City and its officers, agents, and employees, from and against any and all damages of any nature whatsoever resulting from and against any and all damages of any nature whatsoever resulting from, arising out of or incident to any act or omission of the County, its officers, agents, or employees, in the performance of this Agreement or in confining persons who have been presented by the City to and accepted by the County for confinement in the jail while said persons are in the jail or in the custody of the County outside the jail.

In the event any suit based upon such a claim, action, loss, cost, expense or damage is brought against the City, the County shall defend the City at its sole cost and expense; provided that the City retains the right to participate in such suit if any principle of governmental or public law is involved. If final judgment be rendered against the City or its officers, agents or employees the County shall satisfy the same in full.

15. NON-DISCRIMINATION POLICY

It is the policy of Franklin County that no person shall be subjected to discrimination by the County or by its contractors because of race, color, national origin, sex, age, religion, creed, marital status, sexual orientation, disabled or Vietnam era veteran status, or the presence of any physical, mental, or sensory handicap.

AGREEMENT FOR USE OF JAIL FACILITIES

16. AUTHORITY

This Agreement is executed in accordance with the authority of RCW 70.48.090 and Chapter 39.34 RCW, the Interlocal Cooperation Act. The following information is given pursuant to the provisions of RCW 39.34.030:

- (a) The duration of this Agreement shall be three years;
- (b) The Franklin County Sheriff shall be responsible for the administration of this Agreement as provided by Section 17 hereof.
- (c) The purpose of this Agreement is to permit the joint use of the Franklin County jail for confinement of prisoners of the parties to the Agreement thereby promoting maximum use and efficiency of the Franklin County jail;
- (d) Termination of this Agreement shall be as provided in Section 20 hereof;
- (e) This Agreement shall be administered as provided in Section 17 hereof;
- (f) Unless otherwise specifically agreed by the parties in writing, all property, personal and real, utilized by the parties hereto in the execution of this agreement shall remain the property of that party initially owning it.
- (g) Nothing in this Agreement shall preclude the City from maintaining and utilizing its own holding facilities.

17. ADMINISTRATION

This Agreement shall be administered by the Franklin County Sheriff or Franklin County designee.

18. REMEDIES

No waiver of any right under this Agreement shall be effective unless made in writing by the authorized representative of the party to be bound thereby. Failure to insist upon full performance on any occasion shall not constitute consent to or waiver of any continuation of nonperformance or any later nonperformance; nor does payment of a billing or continued performance after notice of a deficiency in performance constitutes acquiescence thereto.

AGREEMENT FOR USE OF JAIL FACILITIES

19. DURATION

Upon its effective date, this agreement supersedes the prior Agreement for Use of Jail Facilities between the parties. This agreement shall be effective for three (3) years, from January 1, 2017 through December 31, 2020. It may be renewed for a period of four (4) additional years by written mutual agreement, provided the parties provide one another with at least sixty (60) days advance written notice.

20. TERMINATION

This agreement may be terminated prior to the end of its term by either party for cause upon not less than ninety (90) days advance written notice. Said notice shall set forth the basis for termination.

AGREEMENT FOR USE OF JAIL FACILITIES

CITY OF CONNELL, WASHINGTON

BOARD OF COUNTY COMMISSIONERS
Franklin County, Washington

By: _____
_____, Mayor

Brad Peck, Chairman

By: _____
_____, City Clerk

Rick Miller, Chair Pro Tem

Robert Koch, Member

APPROVED AS TO FORM:

ATTEST BY:

City Attorney

Clerk of the Board

APPROVED AS TO CONTENT:

Jim Raymond
Sheriff

APPROVED AS TO FORM:

By: _____
Timothy E. Dickerson
Deputy Prosecuting Attorney



MEMORANDUM

DATE: FEBRUARY 21, 2017
TO: MAYOR AND COUNCILMEMBERS
FROM: JERI REINAUER
RE: HOTEL MOTEL ALLOCATIONS

The Hotel Motel Committee met on February 10, 2017 and reviewed the applications for the Hotel/Motel Funds. The 2017 budget allocated \$14,640.00 for expenditures.

The following is the recommendations from the Hotel/Motel Committee.

- 1) Chamber of Commerce 1,000 (Committee recommended \$1000)
- 2) Coulee Corridor Consortium requested \$500(Committee Recommended \$500)
- 3) Columbia Basin Junior Livestock requested \$600 (Committee recommended \$600)
- 4) Miss Connell Scholarship Associating requested \$4,500(Committee recommended \$4,500)
- 5) Fall Festival requested \$3,500(Committee recommended \$3,500)
- 6) Connell Community Club \$2,500(Committee recommended \$400)
- 7) City of Connell requested \$2,640.00 (Committee recommended \$2,640.00)
- 8) Downtown Development \$1,500.00 (Committee recommended \$1,500)
- 9)) Chamber of Commerce 2,500 (fireworks) (Committee recommended 0)

Committee recommends allocating \$14,640.00 for tourism expenditures out of the Hotel/Motel Fund.

OPTIONS: 1) Move to allocate the 2017 Hotel/Motel expenditures as stated above 2) Do not approve. 3) Defer action to a later date.



MEMORANDUM

DATE: FEBRUARY 21, 2017
TO: MAYOR BLACKWELL & CITY COUNCIL
FROM: MARIA PEÑA, City Administrator
RE: Sales Tax Increase for TBD - Discussion

It has been almost a year since Council established a Transportation Benefit District (see attached ordinance) and it is time to once again think about how future road projects are going to be funded.

As you recall, it was decided that the General Fund should not support the Street Fund with interfund transfers. For this reason money was reallocated from the Street Reserve to Street Operations to cover operations and maintenance. We currently have a street reserve over \$400,000, keep in mind that \$247,000 of those funds are designated as matching funds for future street projects. The Street Reserve Fund gained approximately \$25,000 for 2016.

Last year staff presented an ordinance to establish an annual vehicle license fee that was not approved. Former City Administrator Crowther presented information in regards to funding the TBD with a sales tax increase (see memorandum of May 16, 2016 and minutes).

I believe that a .2% sales tax increase would generate roughly \$50,000 in additional revenue for the streets. Also, the tax may not be imposed for a period exceeding ten years.

Staff needs direction and input from Council. How does Council wish to fund future street projects? Does Council wish to proceed placing a Sales Tax increase for the TBD on the November 8th ballot? If yes, for how much? Does Council wish to revisit the car tab fee?

**CITY OF CONNELL, WASHINGTON
ORDINANCE NO. 964-2016**

AN ORDINANCE OF THE CITY OF CONNELL, WASHINGTON, AMENDING THE CONNELL MUNICIPAL CODE TO ENACT A NEW CHAPTER 3.56 ENTITLED CONNELL TRANSPORTATION BENEFIT DISTRICT, ESTABLISHING A TRANSPORTATION BENEFIT DISTRICT, SPECIFYING THE BOUNDARIES FOR THE TRANSPORTATION BENEFIT DISTRICT, AND SPECIFYING THAT FUNDS GENERATED BY THE DISTRICT MUST BE USED FOR THE MAINTENANCE AND PRESERVATION OF EXISTING TRANSPORTATION IMPROVEMENTS

WHEREAS, the City Council of the City of Connell has the responsibility for the improvement, maintenance, protection and operation of public ways within the corporate limits of the City pursuant to RCW 35A.11.020, Chapter 35A.47 RCW; and the Constitution of the State of Washington, and

WHEREAS, the improvement, maintenance, protection and operation of public ways requires preservation of existing transportation improvements to avoid both failure and deterioration as well as funding for system improvements and economic development; and

WHEREAS, the City has limited transportation funding available for necessary transportation preservation, maintenance and improvements; and

WHEREAS, the funding dedicated for the preservation and maintenance of the City's transportation infrastructure has been dramatically reduced due to the passage of initiatives and reductions in available state and federal funds for infrastructure improvements; and,

WHEREAS, while dedicated revenues have decreased, the ongoing annual costs to preserve, maintain, and improve the City's transportation infrastructure continue to rise leaving the City in an uncertain and unstable position for providing adequate maintenance and improvement of the transportation system; and

WHEREAS, Chapter 36.73 RCW provides for the establishment of transportation benefit districts and for the levying of additional revenue sources for transportation improvements within the District that are consistent with existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, RCW 35.21.225 authorizes the City Council to establish a transportation benefit district subject to the provisions of Chapter 36.73 RCW; and

WHEREAS, the City desires to form a Transportation Benefit District which includes the entire City of Connell as the boundaries currently exist or as they may exist following future annexations; and

WHEREAS, the City provided notice of and conducted the public hearing on March 7, 2016, regarding the proposed establishment of a Transportation Benefit District in accordance with RCW 36.73.050; and

WHEREAS, the City Council of the City of Connell finds it to be in the best interests of the City to establish a citywide Transportation Benefit District for the preservation and maintenance of the City's transportation infrastructure consistent with Chapter 36.73 RCW, to protect the City's long-term investments in that infrastructure, to reduce the risk of transportation facility failure, to improve safety, to continue optimal performance of the infrastructure over time, to support economic development and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, the City Council of the City of Connell shall be the governing body for the Transportation Benefit District acting in an ex officio and independent capacity;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CONNELL, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Ordinance is to establish a Transportation Benefit District pursuant to RCW 35.21.225 and RCW 36.73. The City Council finds it is in the public interest to provide adequate levels of funding for the purposes of ongoing transportation improvements that preserve, maintain and as appropriate construct or reconstruct the transportation infrastructure of the City of Connell, consistent with Chapter 36.73 RCW.

Section 2. New City Code Chapter. The City of Connell adopts a new chapter to the Connell Municipal Code, entitled "Chapter 3.56 Connell Transportation Benefit District," which is set forth as follows:

**Chapter 3.56
CONNELL TRANSPORTATION BENEFIT DISTRICT**

Sections:

- 3.56.010** **Establishing transportation benefit district.**
- 3.56.020** **Governing board.**
- 3.56.030** **Functions of the District.**
- 3.56.040** **Transportation improvements funded.**
- 3.56.050** **Dissolution of District.**

3.56.010 Establishing transportation benefit district.

There is created a transportation benefit district to be known as the Connell Transportation Benefit District or "District" with geographical boundaries comprised of the corporate limits of the City, as they currently exist or as they may exist following future annexations.

ORDINANCE NO. 964-2016

Establishing a Transportation Benefit District

Page 3.

3.56.020 Governing board.

- A. The governing board of the transportation benefit district shall be the Connell City Council acting in an ex officio and independent capacity, which shall have the authority to exercise the statutory powers set forth in Chapter 36.73 RCW.
- B. The treasurer of the transportation benefit district shall be the City Clerk-Treasurer..
- C. The board shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan, pursuant to the requirements set forth in RCW 36.73.160(1).
- D. The board shall issue an annual report, pursuant to the requirements of RCW 36.73.160(2).

3.56.030 Functions of the District.

- A. The District board may authorize a vehicle tax fee of up to \$20 per vehicle as provided for by RCW 82.80.140. Any expansion of the authorized purposes of the District shall be undertaken only after notice, hearing and adoption of an ordinance in accordance with RCW 36.73.050(2)(b) or a vote of the people pursuant to RCW 36.73.065(3).
- B. When authorized by the voters pursuant to the requirements of Chapter 36.73, other taxes, fees, charges and tolls or increases in these revenue services may be assessed for the preservation, maintenance and operations of City streets. Additional transportation improvements may be added to the functions of the District upon compliance with the requirements of said chapter.
- C. The Board shall have and exercise all powers and functions provided by Chapter 36.73 to fulfill the functions of the District.

3.56.040 Transportation improvements funded.

The funds generated by the transportation benefit district shall be used for transportation improvements that preserve, maintain, operate and/or improve the existing transportation infrastructure of the City, consistent with the requirements of Chapter 36.73 RCW. The funds may be utilized for any lawful purpose under the Chapter; but all funds raised through the Transportation Benefit District shall be expended only for such preservation, maintenance, operation and/or improvement in accordance with the provisions of Chapter 36.73 RCW as the same exists or is hereafter amended. The funds expended by the District shall preserve, maintain, operate, and/or improve the City's existing investments in the transportation infrastructure, reduce the risk of transportation facility failure, improve safety, continue the cost-effectiveness of the City's infrastructure investments, and continue the improvement of the transportation system. Additional transportation improvement projects may be funded only after compliance with the provisions of RCW 36.73.050(2)(b) following notice, public hearing and enactment of an authorizing ordinance.

3.56.050 Dissolution of District.

The transportation benefit district shall be automatically dissolved when all indebtedness of the District has been retired and when all of the District's anticipated responsibilities have been satisfied.

ORDINANCE NO. 964-2016
Establishing a Transportation Benefit District
Page 4.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall become effective five (5) days after publication of a summary thereof.

ADOPTED by the City Council for the City of Connell, Washington this 7th day of March, 2016, and APPROVED by the Mayor this 8th day of March, 2016.



Bruce Blackwell, Mayor

ATTEST:



Maria Peña, City Clerk, Treasurer

APPROVED AS TO FORM:



Dan F. Hultgrenn, City Attorney

INTRODUCED: 2-16-16
ADOPTED: 3-7-16
APPROVED: 3-8-16
PUBLISHED: 3-17-16



City of Connell

EASTERN
WASHINGTON'S
HARVESTLAND

MEMORANDUM

DATE: MAY 16, 2016
TO: MAYOR & COUNCIL
FROM: JED CROWTHER
RE: **Transportation Benefit District – Sales Tax Method**

*First, a reminder that the city must comply with Public Disclosure Commission (PDC) regarding Use of Public Facilities to Support or Oppose Ballot Propositions (*MRSC attached*). And What Can and Can't Local Government Officials and Employees Do to Support or Oppose an Initiative Measure (*attached*).

To explain background:

1. Correct process steps (advertised hearings, etc.) were used to establish TBD in Connell.
2. Discussions were held appropriately regarding funding sources; especially car tab fees (at basic levels of \$20 or less, action allowed by Council).
3. Next, Council requested information regarding using sales tax as a funding source.

The sales tax method would eventually require a Proposition to be voted on by registered voters. As such, if this issue advances to a public vote, city resources dedicated to prepare information, and discussions by staff and elected officials must comply with PDC requirements, as outlined.

In “use of public facility” rules, the third exception “...allows activities which are a part of the normal and regular conduct of the local government. Under this exception, a local government could prepare an objective and neutral presentation of facts concerning a ballot measure.”

Our approach is to provide factual information on what the tax is – what the financial impact would be – and how the funding would be used. It is appropriate for the city to evaluate these factors in order to determine if a new tax increase should be prepared as a ballot measure or not.

A sales and use tax increase would add up to 0.2% to the existing rate (8.2% rather than 8.0%). In terms of dollar impact, it equals 20 cents on \$100, or \$2 per \$1000 on most retail purchases. For example, a customer purchasing \$10,000 of goods, 0.2% tax increase would equal \$20 more. By Department of Revenue, “Sales of food and food ingredients are exempt from retail sales tax. However, prepared foods, dietary supplements, and soft drinks are taxable.”

Impact to local residents and businesses must be considered; yet also be aware of street needs. Input received so far showed a reluctance to increase street fees, by means of vehicle tab fees. Added sales tax would likely not be a popular idea, especially at comparatively higher levels:

- The car tab method estimated 1538 vehicles x \$15 = \$23,070.
- The sales and use tax method might add approximately \$40,000.

Other cities have adopted retail sales tax increases, devoted to TBDs and street improvements. Cities with higher proportions of retail activity generate significantly more sales tax revenue. Othello recently approved a ballot proposition which added 0.2% sales tax for street work. Their rationale:

- Revenue could be used as matching funds or leverage for loans/grants for transportation improvement.
- Street improvement costs have increased considerably.
- Shopping locally could help improve city streets.
- Visitors would help pay for street improvements.

MRSC

Use of Public Facilities to Support or Oppose Ballot Propositions

General Prohibition on Use of Public Facilities

State law in [RCW 42.17A.555](#) prohibits the use of facilities of a public office to support or oppose a ballot measure or an election campaign for public office. This prohibition is not new, as it was a part of Initiative 276 adopted by voters in 1972.

It is important for local government officials to be aware of what may and may not be done in regard to supporting or opposing a ballot proposition. These rules apply to all units of local government and their officials and employees, including counties, cities, towns, transit districts, port districts and other special districts.

The general prohibition against use of public facilities is very broad and comprehensive. The term "public facilities" is defined to include use of stationery, postage, equipment, use of employees during working hours, vehicles, office space, publications of the office, or lists of persons served by the local government. This prohibition means that elective or appointive personnel of local governments may not work to support or oppose a ballot proposition during work time or allow public facilities to be used for that purpose.

Exceptions to Prohibition: Allowable Activities

There are three specific exceptions to this broad prohibition. The first two exceptions apply only to elected officials.

The first allows a local government legislative body, such as a city or town council or county commission or council, to vote on a motion or resolution to express support or opposition to a ballot proposition if the following procedural steps are first taken: 1) the notice for the meeting must include the title and number of the ballot proposition, and 2) members of the legislative body or members of the public must be allowed an approximately equal opportunity to express an opposing view.

The second exception allows an elected official to make a statement at an open press conference in support or opposition to a ballot proposition or in response to a specific inquiry.

The third exception is somewhat broader and allows activities which are part of the normal and regular conduct of the local government. Under this exception, a local government could prepare an objective and neutral presentation of facts concerning a ballot measure. For example, details could be provided to citizens concerning the financial impact of an initiative on the local government, such as how revenues would be affected by its passage. Care must be taken that this information be presented in a fair, objective manner.

Many local governments also allow use of their meeting room facilities on a nondiscriminatory, equal access basis to the public, usually for a rental fee. If this is the case, then it would be allowable to hold a public forum for citizens with pro and con representatives discussing an initiative in a public meeting hall.

It is important to remember that [RCW 42.17A.555](#) does not restrict the right of an individual, whether that person is an elective or appointive public official or a public employee, to express his or her personal views supporting or opposing a ballot proposition so long as that expression does not involve using public facilities. This means that elected officials and appointed staff may campaign on their own time, using their own supplies and equipment, for or against a ballot proposition by preparing brochures, mailings, doorbelling, and other such activities.

Public Disclosure Commission and MRSC Available to Help Interpret Law

The Public Disclosure Commission (PDC) was created in 1972 to help interpret and enforce the laws that were a part of Initiative 276. The PDC consists of five part-time commissioners appointed by the Governor, an executive director, and a small staff. The PDC is available through its staff to respond to questions concerning ballot measures and campaign issues and to provide informal opinions. The PDC staff encourages local government officials to contact them with questions in advance of a proposed activity that may involve the use of public facilities in a ballot campaign. Also, fact sheets that have been prepared by local governments may be faxed to PDC staff to review prior to public distribution. You may contact the PDC at (360) 753-1111 or by fax at (360) 753-1112. Additional information is available on the [PDC website](#).

Also, the Municipal Research and Services Center (MRSC) legal staff is available to respond to questions concerning the prohibition on use of public facilities for ballot measures. The MRSC library also has sample resolutions enacted by legislative bodies of local governments to support or oppose ballot propositions from past elections. MRSC can be contacted at (206) 625-1300, by fax at (206) 625-1220, or by [e-mail](#).

Public Disclosure Commission Guidelines

[Guidelines for Local Government Agencies in Election Campaigns: Public Disclosure Law Re: Use of Public Facilities in Campaigns](#), PDC Interpretation Number 04-02, amended 05/22/2013 - These guidelines provide an overview of Washington state law in an easy-to-read chart format indicating what activities are permitted or not permitted, as well as general questions to consider.

MRSC

What Can and Can't Local Government Officials and Employees Do to Support or Oppose an Initiative Measure

May local government staff or officials prepare or distribute campaign materials in support of or opposition to an initiative during work hours?

No. Clearly this would violate the prohibition against use of public facilities to support or oppose ballot propositions. This prohibition applies to elective and appointive officials and employees of counties, cities, towns, school districts, port districts, transit districts and other special districts.

May a local government officer or employee campaign for or against an initiative on his or her own time?

Yes, this is allowed without violating any legal restriction. This may include preparing campaign brochures or literature, helping with mailings, doorbelling, and so on. As long as public facilities are not utilized and the work is done on private time, there is no violation. This is expressly authorized in [WAC 390-05-271\(1\)](#), which provides that [RCW 42.17A.555](#) does not restrict the right of any individual to express his or her personal views concerning, supporting, or opposing a ballot proposition so long as such expression does not involve a use of public facilities.

May local government employees or officials prepare and distribute to citizens a neutral fact sheet concerning the fiscal impacts of an initiative on agency revenues and possible impacts on expenditures?

Yes, and this may include utilizing staff to research the impact of a ballot proposition for the purpose of gathering facts. The Washington Administrative Code in [WAC 390-05-271](#) specifically allows a local government to make an objective and fair presentation of facts relevant to a ballot proposition, when such action is a normal and regular part of the conduct of the local government. This information may be distributed to citizens by using the normal methods of communication that each local government uses to communicate with its citizens - such as newsletters, utility mailings and so on.

May a local government officer or employee write, on his or her own time, a letter to the editor of the local newspaper expressing a position on an initiative?

Yes, and the officer or employee may also identify in the letter his or her position with the local government. However, there should be no implication in the letter that the writer of the letter is expressing an official position on behalf of the local government concerning this initiative.

May a local government governing body, such as city council or county commission, pass a resolution in support of or opposition to a specific initiative at an open public meeting?

Yes, this may be done if two procedural steps are followed. First, any required notice for the meeting must include the title and number of the ballot proposition. Second, members of the legislative body or the public who hold an opposite view must be given an approximately equal opportunity to express their views at the meeting. If these procedures are followed, the elective governing body of a local government may pass a formal resolution in opposition to or support of a specific initiative.

May a local government elected official make a statement in support of or opposition to a specific initiative at a press conference?

Yes, this also is allowed as an exception to the general prohibition. This exception only applies to elective officials and not other staff or employees. The exception is limited to making the statement and does not allow staff to distribute such statement at public expense.

May a local government allow use of a public meeting room on a nondiscriminatory basis to allow a public forum to discuss or debate the impacts of an initiative?

Yes, this should be allowable assuming that the local government has a policy that routinely allows use of one of their meeting rooms by the public. Use of the meeting room as a forum for a debate would then be a part of the normal and regular conduct of the local government. The meeting room should be made available on the same terms as apply to other groups who wish to utilize the room. For example, rent should be charged for use of the meeting room if that is the normal policy. Also, both proponents and opponents of the initiative must have equal access to the meeting room on a nondiscriminatory basis.

What resources are available if there are further questions concerning this subject?

The legal staff at Municipal Research and Services Center (MRSC) is available to help answer questions concerning the prohibition on use of public facilities in ballot campaigns. MRSC can be contacted at (206) 625-1300, by fax at (206) 625-1220 or by e-mail at mrsc@mrsc.org. Also, the staff at the Public Disclosure Commission (PDC) will help local government officials interpret and apply this law. The PDC may be contacted at (360) 753-1111 or by fax at (360) 753-1112.

MEETING OF THE CITY OF CONNELL
Regular Meeting-May 16, 2016

Health (DWSRF) for Well #6, Transportation Improvement Board, Community Development Block Grant, Department of Commerce, Heritage Capital Programs, and Department of Commerce Youth Recreational Facilities. The grants had matching requirements and some restrictions. Staff looked at grants that would match or fit the cities needs. Mayor Blackwell was working with Sean Davis on grants for broadband connectivity for rural cities and a grant for replacing the emergency siren tower.

TRANSPORTATION BENEFIT DISTRICT-SALES TAX METHOD

Staff provided information on the Transportation Benefit District (TBD) Sales Tax Method as requested by Councilmember's. A sales and use tax increase would add up to 0.2% to existing rate (8.2% rather than 8.0%). In terms of dollar impact, it equals 20 cents on \$100, or \$2 per \$1000 on most retail purchase. Sales of food and food ingredients are exempt from retail sales tax. However, prepared foods, dietary supplements, and soft drinks are taxable. Council must consider impact to local residents and businesses but also be aware of the Cities Street needs. Revenues from implementing a car tab fee would be about \$23,070 and revenues from implementing a sales and use tax method would be about \$40,000.

Council held discussion and the following were heard:

- 1) Talked to business people in Connell and received positive feedback
- 2) Citizens would have a vote
- 3) Put out a survey to citizens
- 4) Talk to different committees in town on car tabs vs sales tax
- 5) Educate the citizens in town before August ballot
- 6) Streets need to be maintained
- 7) Put information in the graphic
- 8) City has to figure out how to finance street projects

DEPARTMENT REPORTS

Public Works Director-Larry Turner

- 1) Attended several meetings
- 2) Not going through with Columbia Avenue project this year
- 3) Sewer line inspection on Striker –not as bad as originally thought
- 4) Went out to bid for Pioneer lift station
- 5) Worked on Well 8 booster

Clerk/Treasurer-Maria Peña

- 1) Attended Training
- 2) Working on Annual Report
- 1) Thanked Staff for their hard work on public record requests

Fire Chief-Chris Schulte

- 1) Had structure fire on wheels
- 2) Fires season could be interesting-lot of fuel growing

Police Chief- Chris Turner

- 1) Attended training
- 2) Department did fire arms training
- 3) Police department been quiet.

RCW 36.73.065

Taxes, fees, charges, tolls, rebate program.

(1) Except as provided in subsection (4) of this section, taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must include a specific description of: (a) The transportation improvement or improvements proposed by the district; (b) any rebate program proposed to be established under RCW 36.73.067; and (c) the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements or rebate program, as applicable.

(2) Voter approval under this section must be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed or change a rebate program under this chapter once the taxes, fees, charges, tolls, or rebate program takes effect, except:

(a) If authorized by the district voters pursuant to RCW 36.73.160;

(b) With respect to a change in a rebate program, a material change policy adopted pursuant to RCW 36.73.160 is followed and the change does not reduce the percentage level or rebate amount;

(c) For up to forty dollars of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of twenty dollars has been imposed for at least twenty-four months; or

(d) For up to fifty dollars of the vehicle fee authorized in RCW 82.80.140 by the governing board of the district if a vehicle fee of forty dollars has been imposed for at least twenty-four months and a district has met the requirements of subsection (6) of this section.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140;

(ii) Up to forty dollars of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of twenty dollars has been imposed for at least twenty-four months;

(iii) Up to fifty dollars of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of forty dollars has been imposed for at least twenty-four months and a district has met the requirements of subsection (6) of this section; or

(iv) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed for a passenger-only ferry transportation improvement if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district.

(c)(i) A district solely comprised of a city or cities may not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) may not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the governing body of the district up to: (a) Twenty dollars of the vehicle fee authorized in RCW 82.80.140, (b) forty dollars of the vehicle fee authorized in RCW 82.80.140 if a fee of twenty dollars has been imposed for at least twenty-four months, or (c) fifty dollars of the vehicle fee authorized in RCW 82.80.140 if a vehicle fee of forty dollars has been imposed for at least twenty-four months and a district has met the requirements of subsection (6) of this section.

(6) If a district intends to impose a vehicle fee of more than forty dollars by a majority vote of the governing body of the district, the governing body must publish notice of this intention, in one or more newspapers of general circulation within the district, by April 1st of the year in which the vehicle fee is to be imposed. If within ninety days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the district for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to impose the vehicle fee must then be submitted to the voters of the district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The vehicle fee may then be imposed only if approved by a majority of the voters of the district voting on the proposition.

RCW 82.14.0455

Sales and use tax for transportation benefit districts.

(1) Subject to the provisions in RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose a sales and use tax in accordance with the terms of this chapter. The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the boundaries of the district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. Except as provided in subsection (2) of this section, the tax may not be imposed for a period exceeding ten years. This tax, if not imposed under the conditions of subsection (2) of this section, may be extended for a period not exceeding ten years with an affirmative vote of the voters voting at the election.

(2) The voter-approved sales tax initially imposed under this section after July 1, 2010, may be imposed for a period exceeding ten years if the moneys received under this section are dedicated for the repayment of indebtedness incurred in accordance with the requirements of chapter 36.73 RCW.

(3) Money received from the tax imposed under this section must be spent in accordance with the requirements of chapter 36.73 RCW.

RCW 36.73.160

Transportation improvement projects—Material change policy—Annual report.

(1) The district governing body shall develop a material change policy to address major plan changes that affect project delivery or the ability to finance the plan. The policy must at least address material changes to cost, scope, and schedule, the level of change that will require governing body involvement, and how the governing body will address those changes. At a minimum, in the event that a transportation improvement cost exceeds its original cost by more than twenty percent as identified in a district's original finance plan, the governing body shall hold a public hearing to solicit comment from the public regarding how the cost change should be resolved.

(2) A district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district.

Ballot Measure Procedures

Franklin County Elections provided info for timing of a ballot measure:

- Resolution deadline by May 13 for the August 2 Primary Election, or
- Resolution deadline by August 2 for the November 8 General Election.

Note that the City would have the primary role to help prepare the ballot measure – to objectively describe the choice – but local citizen proponents and opponents would have the responsibility to advocate for or against.