

CITY ADMINISTRATOR
ROBERT OMANS

CITY CLERK
DEBBIE LEE

CITY TREASURER
ROBIN NEWCOMB

PUBLIC WORKS
MIKE ENGELHART

POLICE CHIEF
RICH ALBO

FIRE CHIEF
ED MILLS

PLANNER

**City Council
Agenda
June 26, 2023
6:00 PM**



119 W FIRST STREET
CLE ELUM, WA 9922

MAYOR
JAY MCGOWAN

MAYOR PRO-TEMPORE
KEN RATLIFF

CITY COUNCIL
JOHN GLONDO
BETH WILLIAMS
SIW BAY-HANSEN
STEVEN HARPER
MATTHEW LUNDH
SARAH LACKEY

CITY ATTORNEY
ALEXANDRA KENYON

Join Virtually with Zoom: <https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09>
Meeting ID: 757 318 4018 Passcode: 98922

Join by Phone: 1-(253)215-8782, Meeting ID: 757 318 4018, Passcode:98922

DISCLAIMER: The City does not guarantee that virtual or telephonic access to the City Council meeting will be available and the City does not warrant audio quality. Attendees are encouraged to attend in-person

1. **Call to Order, Pledge of Allegiance, and Roll Call**
2. **Citizen Comments on Non-Agenda Items – Limited to 5 Minutes**
3. **Announcements, Appointments, Awards & Recognition**
4. **Consent Agenda**
Items listed have been distributed to Council Members in advance for study and will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on a regular Agenda at the request of a Council Member or at the request of a member of the public with concurrence of a Council Member:
 - a. Minutes of the 06/12/2023 Council Meeting
 - b. Accounts Payable Vouchers 06/12/2023 - As Approved by the Budget Committee - See Report
5. **Approval of Meeting Agenda**
6. **Officer Reports - City Administrator, Planning, Public Works & Police Chief**
 - a. Police Department May 2023 Stats - Chief Albo
7. **Public Appearances – 15-Minute Limit**
 - a. Chamber of Commerce Report - Amy McGuffin
 - b. CEDA Downtown Association Report - Jordan Peterson
8. **Business Requiring Public Hearings**
 - a. Six Year Transportation Improvement Program From 2024-2029 STIP - HLA

City Council AGENDA

June 26, 2023

119 W FIRST STREET
CLE ELUM, WA 9922

9. Unfinished Business

- a. 2023-016 Resolution of the City of Cle Elum, Washington, Adopting the Cle Elum City Council Operating Policies & Procedures Manual - Gary Berndt
Mayor/Council Handbook - Discussion of Final Copy - Gary Berndt
- b. 1646 Ordinance of the City of Cle Elum, Washington, Adopting Findings of Fact, Amending the Comprehensive Plan to Add a New Goal and Policies to Further Protect the City From Threat of Wildfires; Providing for Severability; and Establishing an Effective Date - Colleda Monick HLA

10. New Business

- a. 1645 Ordinance Inland Franchise Agreement 1st Reading- Colleda Monick HLA
- b. 2023-012 Resolution of the City of Cle Elum, Washington Adopting a Six-Year Transportation Improvement Program, From 2024 to 2029 - HLA
- c. 2023-017 Resolution Providing for the Disposal of Certain Inventory Items: Public Works Equipment/Tools, See Exhibit A
- d. 2023-018 Resolution Providing for the Disposal of Certain Inventory Items: City Hall

11. Report of Committees

12. Adjournment by Motion

Next Regular Council Meeting: 07/10/2023 6:00 pm



Item #4 A

Regular City Council Meeting

Minutes

Monday, June 12, 2023 at 6:00 pm

The City of Cle Elum is inviting you to a scheduled In-Person or Virtual City Council Meeting.

Join In-Person: Cle Elum Council Chambers, 119 W First Street, Cle Elum, WA 98922

Join Virtually with Zoom: [https://zoom.us/j/7573184018?](https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09)

[pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09](https://zoom.us/j/7573184018?pwd=dERndjBJVC9GdVQ1d2ISRExwZFhXZz09)

Meeting ID: 757 318 4018, Passcode: 98922

Join by Phone: 1 (253) 215 8782, Meeting ID: 757 318 4018, Passcode: 98922

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1. Call to Order

Minutes:

Steven Harper - Councilmember

Beth Williams - Councilmember

Sev Bay Hansen - Councilmember

Ken Ratliff - Councilmember (via remote)

John Glondo - Councilmember

Mathew Lundh - Councilmember

Sarah Lackey - Councilmember

Jay McGowan - Mayor

STAFF PRESENT:

Rob Oman -City Administrator

Debbie Lee - Clerk

Kathi Swanson - Clerk

Ed Mills - Fire Chief

Colleda Monick - Planner HLA

Rich Albo - Chief of Police

William LaRue - Veolia

2. Public Comment

Minutes:

Ira Astrachan - Spoke regarding 47* North and affordable housing.

Patricia Garris - Spoke of the danger of Sun Community/47* North how they do not follow laws or Ordinances.

Tiffany Christman - Asked that Council look into Sun Community in Colorado.

Jim Golden - Asked that Council listen to the community and their outcry with 47* North.

3. Approval of Meeting Agenda

Minutes:

Councilmember Harper would like to move Item B Accounts Payable Vouchers from May 23-June 12 2023 from the Consent Agenda to Item B under Unfinished Business.

MOTION: Councilmember Harper made a motion to approve the agenda as amended; second by Councilmember Lundh. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

4. Announcements, Appointments

a. Forester of the Year - Phil Hess

Minutes:

Mayor McGowan read some highlights of Phil Hess career (see attached).

Fire Chief Ed Mills presented Phil with a certificate of appreciation and a balloon. Chief

Mills thanked him for his work on the Fire Advisory Committee also.

5. Consent Agenda

Minutes:

MOTION: Councilmember Harper made a motion to approve the June 12, 2023, Consent Agenda; second by Councilmember Lundh. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

a. Approve the Minutes of the May 22, 2023, Regular Council Meeting

b. Approve the Accounts Payable Vouchers May 23 - June 12, 2023 - As Approved by the Budget Committee

Minutes:

Moved to Item B under Unfinished Business per approval of amended agenda.

c. Approve Payroll Vouchers Dated - June 5, 2023 \$310,294.20

6. Officer/Commissioner Reports

a. City Administrator - Rob Omans

Minutes:

City Administrator Omans presented his findings regarding Council pay scales based on

AWC's annual survey of comparable cities. Per the findings Cle Elum is pretty average. Discussion was had about including the same cities that were used when the staff wage survey was done.

The state building council council voted to delay the State Building Codes for 120 days. For the month of May, 10 building permits were issued in the City, year to date permits issued is 30.

b. Current Planning - Colleda Monick

Minutes:

Please see attached report.

c. Police Chief - Rich Albo

Minutes:

Chief Albo reported that there has been an uptick in domestic violence and assault cases. The TRT Tactical Response Team had to respond. The outcome was good.

Three times this past month the city has benefited from officers that had to get called in from Ellensburg and their response was faster as they are now allowed to take cars home. Chief Albo is working with the city attorney on some code changes regarding the new drug laws that are coming into effect.

Chief Albo stated he was done with his Mission and Vision Statements, and the statements are available on the city webpage.

Mission Statement - To provide the highest quality of service and protection by embracing modern community-based policing ideals while treating all people with fairness, dignity, and respect.

Vision Statement - Through innovative and modern policing practices, we are committed to developing and maintaining the highest level of trust with our communities; we strive for excellence through employee development, community engagement, and crime prevention.

Core Values - C.O.P.S. Community Objective Professionalism Service

d. Fire Chief - Ed Mills

Minutes:

See attached staff report.

Chief Mills reported that the Fire Department had paid Firehouse \$4,000 to write a grant. It was successful and they received \$184,000.00 for new SCBA gear.

Chief Mills would like approval from Council to use his authority to establish a burn ban in the City of Cle Elum this year if deemed necessary or to follow the recommendations of the county fire Marshals office. Discussion was had that this has been done before. Chief Mills stated he would give notice to Council and the newspaper if there was to be a burn ban.

Chief Mills stated that all chiefs, fire marshals, DNR and the Forest Service discuss conditions before enacting a burn ban.

Councilmember Ratliff felt that there should be more discussion on this to evaluate it more.

MOTION: Councilmember Lundh made a motion to grant authority to issue a burn ban to align with Kittitas County; second by Councilmember Glondo. MOTION CARRIED: 5 yes 2 no (Councilmember Harper & Councilmember Ratliff).

Councilmember Ratliff questioned Council voting on something that was not included in the agenda. Discussion was had that this has happened on different items in the past.

Vote results:

Ayes: 5 / Nays: 2

e. Veolia - William LaRue

Minutes:

See attached staff report.

Councilmember Lackey inquired if this was spiking during irrigation times. Yes.

Councilmember Harper asked what the approximate storage of water is. William LaRue stated currently with high volumes it could range from 30 minutes during high flow to 2 hours. Wintertime the capacity would be 2 days.

7. Public Appearances

a. Boston Terrier Rescue of Western Washington (Pet Oxygen Masks) - Amber Rossignol

Minutes:

Amber Rosignol reported that they started this rescue in 2005 to find homes specifically for Boston Terriers. In 2019 they changed their focus to medical grants for dogs with special needs, also to cover care for surgeries. They have issued 49 grants for a total of \$20,000.00 as of May 31, 2023. Today they presented the Fire Department with 6 pet oxygen masks.

Chief Mills thanked them for their donations.

8. Business Requiring

a. Public Hearing - Proposed Amended Building Permit Fee Schedule

Minutes:

The Public Hearing was opened at 7:04 p.m. and closed at 7:05 p.m. with no public comment.

9. Resolution 2023-013 Building Permit Fees - Rob Omans

Minutes:

Councilmember Lundh inquired about possibly in the future putting Public Hearing Notices online for the public, so they don't have to come into City Hall to view.

Councilmember Harper asked if the building department was operating at a loss. Rob stated that if anything they will break even but with no chance to expand.

Discussion was had about the need to adjust the rates, and possibly doing a study to see if rates do need to be increased. Possibly have a committee formed to look at the rates like utilities.

Councilmember Ratliff stated this was a life and safety issue and there is more than just processing the permit, several inspections are required also.

MOTION: Councilmember Harper made a motion to postpone Resolution 2023-013 until a further date; second by Councilmember Lundh. MOTION FAILED: 3 yes (Councilmember Harper, Councilmember Glondo & Councilmember Lundh) 4 no (Councilmember Williams, Councilmember Hansen, Councilmember Ratliff & Councilmember Lackey.)

MOTION: Councilmember Lundh made a motion to reject Resolution 2023-013; second by

Councilmember Harper. MOTION FAILED: 2 yes (Councilmember Harper & Councilmember Lundh) 5 no (Councilmember Williams, Councilmember Hansen, Councilmember Ratliff, Councilmember Glondo & Councilmember Lackey).

MOTION: Councilmember Williams made a motion to approve Resolution 2023-013; seconded by Councilmember Hansen. MOTION CARRIED: 5 yes (Councilmember Williams, Councilmember Hansen, Councilmember Ratliff, Councilmember Glondo & Councilmember Lackey). 2 no (Councilmember Harper and Councilmember Lundh).

Vote results:

Ayes: 5 / Nays: 2

10. Unfinished Business

a. Discussion and Possible Approval - 05/08/2023 Council Meeting Minutes - Kathi Swanson

Minutes:

Councilmember Harper wanted to thank Kathi for taking the time to record the minutes.

Councilmember Harper said that the committee acted with their best motives but did not follow the direction of what their scope of work was to be.

Councilmember Williams said that the statement that she did not follow direction is not true. She did not say that.

Councilmember Glondo commented that there is nothing to debate the committee followed the guidelines.

MOTION: Councilmember Harper made a motion to approve the minutes dated May 8, 2023; second by Councilmember Lundh. MOTION CARRIED: 7 yes 0 no.

11. New Business

a. Cle Elum Park & Ride Progress Estimate #3 \$141,509.08 HLA/Pacific Civil & Infrastructure - Rob Omans

Minutes:

MOTION: Councilmember Harper made a motion to approve Park & Ride Progress Estimate #3; second by Councilmember Glondo. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

b. Approve the Accounts Payable Vouchers May 23 - June 12, 2023 - As Approved by the Budget Committee

Minutes:

Councilmember Harper is concerned about the 3-year contract for the Town Cloud Program. Harper explained that in May of 2021 the IT Committee met and reviewed the Civic Clerk Program that would be able to be used by all of city staff/Council.

Councilmember Harper stated that because Civic Plus did not work as expected staff switched programs without it being vetted by the IT Committee. Since staff signed the Town Cloud contract it is Councilmember Harper's recommendation to discontinue Town Cloud. Mayor McGowan stated that he was not aware that the city was not using Civic Clerk, but was told the new program was easier and since Civic Plus was not being used was open to the idea of converting over.

Councilmember Williams stated that Staff and Council should commit to getting Civic Plus up and running.

MOTION: Councilmember Harper made a motion to pay May 23-June 12, 2023 Payable Vouchers with the exception of check #45578 to Town Cloud; second by Councilmember Williams. MOTION CARRIED: 7 yes 0 no.

MOTION: Councilmember Harper made a motion to direct staff to exit the contract and recoup fees; second by Councilmember Williams. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

c. Discussion& Recommendation - Comp Plan Amendment for Firewise Goals & Policies - Colleda Monick

Minutes:

See attached staff report.

Councilmember Ratliff stated that with 13 potential new policies Council will need time to digest the information. Councilmember Ratliff would also like to have at least two readings of the Ordinance before a possible adoption.

Gary Berndt stated that all work done will shadow Paradise California they were rated a threat of 73 Cle Elum & Kittitas County is rated a 93. This Comp Plan Amendment for Firewise Goals & Policies is the 1st step but not the last. Gary also stated that Kittitas County received \$10 million in Federal/National money because of this threat level. All efforts help.

Councilmember Lundh inquired as to what the next step would be. Colleda stated that the Ordinance will be drafted and ready to be presented at the next meeting.

d. Resolution 2023-014 Accepting the Dedication of Property within the Cle Elum Pines West Subdivision for Preservation and Use as Public Open Space - Gregg Dohrn THIS HAS BEEN REMOVED FROM THE AGENDA UNTIL THE JUNE 26, 2023 COUNCIL MEETING

Minutes:

Postponed until June 26, 2023, Council Meeting per the request of Chad Bala.

MOTION: Councilmember Harper made a motion to skip D & E and proceeding to Letter F; second by Councilmember Lundh. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

e. Resolution 2023-015 Accepting the Dedication of Property within the Cle Elum Pines East Subdivision for Preservation and Use as Public Space - Gregg Dohrn THIS HAS BEEN REMOVED FROM THE AGENDA UNTIL THE JUNE 26, 2023 COUNCIL MEETING

Minutes:

Postponed until June 26, 2023, Council Meeting per the request of Chad Bala.

f. Kittitas County Resolution 2023-063: Joint Planning Between County and City - Greg Dohrn

Minutes:

MOTION: Councilmember Lundh made a motion to approve having the Mayor sign Kittitas County Resolution 2023-063; second by Councilmember Glondo. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

g. Interlocal Agreement for Automatic Aid Between Cle Elum & Roslyn Fire Departments - Ed Mills

Minutes:

Chief Ed Mills explained both interlocal agreements on the agenda are the same agreements we currently have, they are just reworded so the renewal continues every year. The interlocal agreements have been working well and will continue to use them as written until a change is needed.

MOTION: Councilmember Lundh made a motion to approve both interlocal agreements between the City of Cle Elum Fire Department, Roslyn Fire Department and Kittitas County Fire Protection District #6; second by Councilmember Harper. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

h. Interlocal Agreement for Automatic Aid Between Cle Elum Fire Department & Kittitas County Fire Protection Dist. #6 - Ed Mills

Minutes:

Passed as noted above.

i. Mayor/Councilmember Handbook - Gary Berndt

Minutes:

Gary Berndt explained that this has been a 2 year project with the committee which included Matthew Lundh, Beth Williams, Ken Ratliff and Kathi Swanson.

A clean copy was prepared on October 10, 2022.

There was some discussion about small fixes that needed to be made.

Gary Berndt stated the committee will meet one more time and hopefully will have a final copy at the June 26, 2023, Council Meeting.

12. Committee Reports

a. Utilities Committee - Request For Leak Adjustment - Anita Kartes 80 Dalle Road

Minutes:

MOTION: Councilmember Harper made a motion to approve the request for leak adjustment to Anita Kartes; second by Councilmember Lackey. MOTION CARRIED: 7 yes 0 no.

Vote results:

Ayes: 7 / Nays: 0

13. Adjournment

Minutes:

8:51 p.m. adjourned

MOTION: Councilmember Glondo made a motion to adjourn; second by Councilmember Hansen.

Next Regular Council Meeting:

Next Scheduled Regular Council Meeting: Monday, June 26, 2023 - 6:00 p.m.

Contact: Debbie Lee, City Clerk (dlee@cityofcleelum.gov 509-674-2262, ex 103)

CHECK REGISTER

City Of Cle Elum

Time: 14:36:53 Date: 06/21/2023

06/13/2023 To: 06/26/2023

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2617	06/13/2023	Claims	1	EFT	Methodworks	2,813.30	City hall and police department computer repairs and new employee computers
2628	06/13/2023	Claims	1	EFT	Crystal Springs	96.66	Water for meetings
2655	06/13/2023	Claims	1	EFT	Puget Sound Energy	99.93	walking path SR903 power 4/8 to 6/7
2658	06/13/2023	Claims	1	EFT	Cintas Corporation	266.57	Mats/Towels/Uniforms and cleaning 6/5
2701	06/15/2023	Claims	1	EFT	Abadan		paying off the machine instead
2714	06/15/2023	Claims	1	EFT	Abadan	883.14	Folder machine lease 003-1371581-000 x 2 months plus buyout
2715	06/15/2023	Claims	1	EFT	WA State Dept of Licensing	21.00	Gun Permit 958
2717	06/15/2023	Claims	1	EFT	Puget Sound Energy	5,931.79	City May power bills -- city hall, library, police, fire, parks, restrooms
2745	06/20/2023	Claims	1	EFT	Cintas Corporation	258.05	Mats/Towels/Uniforms/cleaning 6/12
2779	06/26/2023	Claims	1	45589	Abadan	95.78	Police dept copier 6/2 to 6/30 lease
2780	06/26/2023	Claims	1	45590	Auto Masters Inc.	3,911.40	Fire Dept 1999 Ford Expedition head gasket repair
2781	06/26/2023	Claims	1	45591	Eric Bachtal	28.58	1836.0 - 208 SAGEBROOK LANE Refund on utility bill
2782	06/26/2023	Claims	1	45592	Canon Financial Services, Inc.	622.46	Library and Public Works copier leases; City Hall copier lease
2783	06/26/2023	Claims	1	45593	Colonial Flag	6,509.50	First Street Project final payment on Banner cable system pole kit
2784	06/26/2023	Claims	1	45594	Consolidated Supply Co.	210.51	station node control public works
2785	06/26/2023	Claims	1	45595	Consolidated Supply Co.	2,870.32	water meter supplies
2786	06/26/2023	Claims	1	45596	Copiers Northwest Inc.	159.51	5/1 to 5/31 library and public works usage; city hall copier usage
2787	06/26/2023	Claims	1	45597	Criminal Justice Training Commission	4,212.00	Police dept/Seiser/5/24 to 10/3/23 training
2788	06/26/2023	Claims	1	45598	Elite Extrication & Equipment	46,777.80	Fire dept extrication equipment--bid opening 7/12 11:15 kathi & ed--\$7500 ins reimb, \$15106.55 jolly mt reimb., \$22606.55 city, and \$24,171.25 assoc.
2789	06/26/2023	Claims	1	45599	Gordon Tilden Thomas Cordell	669.50	City Heights arbitration attorney fees/May 2023
2790	06/26/2023	Claims	1	45600	H.D. Fowler	1,057.28	Master meters and supplies
2791	06/26/2023	Claims	1	45601	Inslee Best Doezie & Ryder, P.S.	3,333.25	Workplace Investigation May/June 2023 Client-Matter #370728-0001 -- other 1/2 to be paid by WCIA insurance
2792	06/26/2023	Claims	1	45602	James Oil/Pacific Pride	1,662.69	police dept fuel; Public works fuel 6/1 to 6/15
2793	06/26/2023	Claims	1	45603	Jerrol's	68.30	sheet protectors and legal folders/city hall
2794	06/26/2023	Claims	1	45604	Johnson Controls Fire Protection LP	666.41	Wastewater plant alarm and detection monitoring
2795	06/26/2023	Claims	1	45605	Kittitas County P.U.D. #1	456.39	Power 5/2 to 6/1, shop, East lights, airport sewer lift station and airport office

CHECK REGISTER

City Of Cle Elum

06/13/2023 To: 06/26/2023

Time: 14:36:53 Date: 06/21/2023

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2796	06/26/2023	Claims	1	45606	Kittitas County Prosecuting Attorney	874.65	2023/2024 sexual assault interviewer specialist position
2797	06/26/2023	Claims	1	45607	Kittitas Valley Clinics	210.00	New police officers' exams Akana and Seiser
2798	06/26/2023	Claims	1	45608	Kroesen's Uniform Company	304.84	police dept name tags
2799	06/26/2023	Claims	1	45609	Marson & Marson	2.91	public works/bushing
2800	06/26/2023	Claims	1	45610	Northern Kittitas County Tribune	1,233.10	Sealed bid for Fire Dept extrication equipment run #2; Sealed bid for Fire Dept extrication equipment run #1; PW Operator Ad 1st run; PW Operator Ad 2nd run; June 12 P/H for input on building permit f
2801	06/26/2023	Claims	1	45611	Pape Machinery	327.26	public works module; rotary switch public works
2802	06/26/2023	Claims	1	45612	ProForce Law Enforcement	1,497.17	Police dept/Magnotti new hire supplies
2803	06/26/2023	Claims	1	45613	Puget Sound Energy	26.97	May power 101 N Harris Aux Service
2804	06/26/2023	Claims	1	45614	Racom Corporation	3,359.79	Portable Radios for new police officers
2805	06/26/2023	Claims	1	45615	State Auditors Office	64.05	5/23 financial single audit
2806	06/26/2023	Claims	1	45616	Stripe Rite Inc.	5,954.63	2023 Striping
2807	06/26/2023	Claims	1	45617	Suncadia Water Company	4,702.35	Remove water tank trees and clean up zone 3 reservoir
2808	06/26/2023	Claims	1	45618	True North Emergency Equipment	176.27	Fire Dept Kit/Akron valve
2809	06/26/2023	Claims	1	45619	WA State Dept of Natural Resources	3,010.96	Fire dept fire cache supplies/radios, gloves
2810	06/26/2023	Claims	1	45620	WA State Dept of Transportation	103.06	Construction engineering/First St. Project TIB Complete Streets Grant
2811	06/26/2023	Claims	1	45621	Waste Management of Ellensburg	67,781.90	June Solid Waste Collection and Removal Service
2812	06/26/2023	Claims	1	45622	Wild Jo Custom Apparel & Engraving LLC	3,519.21	Fire Dept hats/sweatshirts/tshirts
2813	06/21/2023	Claims	9	EFT	U.S. Bank	40.00	June safekeeping fees

511 Legislative	260.00
515 Legal Services	4,002.75
518 Centralized Services	3,608.77
521 Police Department	14,616.50
522 Fire Department	8,506.33
536 Cemetery	10.21
558 Planning & Community Devel	148.00
572 Libraries	317.44
576 Park Facilities	757.18
591 Debt Service - Principal Repayment	414.88
594 Capital Expenditures	47,437.80
001 Current Expense/General Fund	80,079.86
542 Streets - Maintenance	10,290.94
543 Streets Admin & Overhead	95.61
591 Debt Service - Principal Repayment	160.93
101 Street Fund	10,547.48
595 Capital Expenditures- Streets	6,612.56
102 TIB Complete Streets Grant	6,612.56

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Cle Elum 1st Half Summary

		JAN	FEB	MAR	APRIL	MAY	JUNE	TOTALS
BOOKINGS								
DUI				1		1		2
Assault DV				1	1	1		3
Assault								0
Felony Arrests						2		2
Other Arrests						2		2
Juvenile Arrest								0
Warrant Arrests					1	1		2
								0
TOTAL MONTHLY BOOKINGS	0	0	0	2	2	7	0	
TOTAL 1ST HALF BOOKINGS								11
Citations/Infractions	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE		
Traffic Infractions		2	4	1	1			
Non-Traffic Infractions								
Criminal Traffic Citations			1	1	4			
Criminal Non- Traffic Citations	2				1			
DUI Traffic Criminal Citations		1	1	1	2			
Parking Citations								
MONTHLY CITATION/INFRACTIONS	2	3	6	3	8	0		
TOTAL 1ST HALF CITATIONS/INFRACTIONS								22

Item #6 A

06/13/23
09:28

CLE ELUM POLICE DEPARTMENT
Law Total Incident Report, by Incidents, Clearance

4011
Page: 1

Clearance	Total Incidents
CANCELED PRIOR TO OFC ARRIVAL	1
ASSAULT 1ST	1
ASSAULT 3RD	1
ASSAULT 4TH	1
BURGLARY 2ND	1
CRIMINAL TRESPASS	5
BURGLARY RESIDENTIAL	1
THEFT 2ND	2
THEFT 3RD	4
ATTEMPTED THEFT	1
THEFT OF VEHICLE OVER 1500	1
VIOL PROTECTION ORDER/ NCO	3
OBSTRUCTING PUBLIC SERVANT	1
HARASSMENT/OBSCENE PHONE CALLS	1
HARASSMENT OTHER	2
RECOVERED STOLEN VEHICLE	1
WEAPONS, ALL OTHER OFFENSES	1
DUI	2
OPEN CONTAINER	1
DISORDERLY CONDUCT	1
INTRUSION ALARM	6
Animal at Large	5
OTHER ANIMAL PROBLEMS	6
BARKING DOG REF ACO	5
ANIMAL BITE	1
DEPARTMENT ASSIST - CRIMINAL	11
DEPARTMENT ASSIST-NON CRIMINAL	32
DEPARTMENT ASSIST - WSP	4
AGENCY ASSIST-CPS/MENTAL HLTH	2
PUBLIC ASSIST	6
DEPARTMENT ASSIST - FIRE	1
CHECK WELFARE	13
CIVIL DISPUTE	7
LANDLORD /TENANT PROBLEM	1
CIVIL PROCESS SERVICE	1
OTHER CIVIL PROBLEMS	1
CIVIL STANDBY	1
PROPERTY WATCH	1
SECURITY CHECK	20
NEIGHBORHOOD DISPUTE	1
OTHER DISTURBANCE /DISPUTE	2
INFORMATION-GENERAL	6
SOCIAL CONTACT	9
OTHER NOISE PROBLEM	4
UNSECURED DOOR	2
LOST PROPERTY	12
FOUND PROPERTY	2
SUSPICIOUS CIRCUMSTANCES	20
SUSPICIOUS PERSON (PROWLER)	3
SUSPICIOUS VEHICLE	6
911 HANG UP (UNFOUNDED)	1
TRAFFIC ACCIDENT-PROP DAMAGE	6
TRAFFIC ACCIDENT-HIT & RUN	2
TRAFFIC(CRIMINAL)-DUI SEE 211	3
TRAFFIC (NON CRIMINAL)	26

06/13/23
09:28

CLE ELUM POLICE DEPARTMENT
Law Total Incident Report, by Incidents, Clearance

4011
Page: 2

Clearance	Total Incidents
TRAFFIC HAZARD	5
OTHER TRAFFIC PROBLEM	4
ABANDONED VEHICLE	1
VEHICLE TAGGED W/24 HR NOTICE	3
PARKING ISSUE	8
WARRANT SERVICE-OUTSIDE AGENCY	2
CIVIL MATTER	2
FALSE ALARM	2
UNFOUNDED	3

Total Incidents for This Report: 291

Report includes:

All dates between `00:00:00 05/01/23` and `00:00:00 06/01/23`
All agencies matching `CEPD`
All natures
All locations not matching `ROS`
All responsible officers
All dispositions
All clearance codes
All observed offenses
All reported offenses
All offense codes
All circumstance codes
All how received

*** End of Report /tmp/rptGNoBgU-rplwtir.rc_1 ***

Cle Elum - Roslyn Police Department
City of Roslyn 1st Half Summary
2023

		JAN	FEB	MAR	APRIL	MAY	JUNE
BOOKINGS							
DUI		0	0	0	1	0	
Assault DV		1	0	0		0	
Assault		0	0	0		0	
Felony Arrests		0	0	0	1	0	
Other Arrests		0	0	0		0	
Warrant Served		0	0	0		0	
Juvenile		0	0	0		0	
TOTAL MONTHLY BOOKINGS		1	0	0	2	0	0
TOTAL YTD BOOKINGS →		3	←				
Citations/Infractions		CITATIONS/INFRACTIONS					
Traffic Infractions			0	0			
Non-Traffic Infractions			0	0			
Criminal Traffic Citations			0	0			
Criminal Non- Traffic Citations			0	0			
DUI Citations			0	0			
Parking Infractions		1	0	0	2	1	
MONTHLY CITATION/INFRACTIONS →		1	0	0	2	1	0
TOTAL YTD CITATIONS/INFRACTIONS →		4	←				

06/08/23
09:26

CLE ELUM POLICE DEPARTMENT
Law Total Incident Report, by Incidents, Clearance

4011
Page: 1

Clearance	Total Incidents
ASSAULT 4TH	1
HARASSMENT OTHER	1
INTRUSION ALARM	4
Animal at Large	3
ANIMAL NEGLIGENCE / ABUSE	1
OTHER ANIMAL PROBLEMS	1
DEPARTMENT ASSIST - WSP	1
PUBLIC ASSIST	7
DEPARTMENT ASSIST - FIRE	1
CHECK WELFARE	5
SECURITY CHECK	29
FAMILY DISTURBANCE/DISPUTE	1
LOST PROPERTY	4
SUSPICIOUS CIRCUMSTANCES	2
TRAFFIC (NON CRIMINAL)	4
TRAFFIC HAZARD	2
OTHER TRAFFIC PROBLEM	2
ABANDONED VEHICLE	1
PARKING ISSUE	2
CIVIL MATTER	1
PAPERS SERVED	1

Total Incidents for This Report: 74

Report includes:

All dates between `00:00:00 05/01/23` and `23:59:59 05/30/23`
All agencies matching `CEPD`
All natures
All locations matching `ROS`
All responsible officers
All dispositions
All clearance codes
All observed offenses
All reported offenses
All offense codes
All circumstance codes
All how received

*** End of Report /tmp/rptq63Gpz-rplwtir.rc_1 ***

CITY OF CLE ELUM
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Cle Elum City Council will hold a public hearing on the Six-Year Transportation Improvement Program for the City of Cle Elum on Monday, June 26, 2023 at 6:00 p.m. or shortly thereafter. Copies of the plan may be obtained at Cle Elum City Hall, 119 West First Street, during regular business hours.

Anyone interested in this matter is urged to attend or submit their views in writing to Cle Elum City Hall, 119 West First Street, Cle Elum, WA. 98922

Debbie Lee, City Clerk
(509) 674-2262
Cle Elum City Hall
119 West First Street
Cle Elum, WA 98922

Publish: 06/08/2023



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	1	First Street Improvements Phase 3 - Downtown Revitalization First Street Oakes Avenue to Peoh Avenue Downtown reconstruction including new sidewalks, curb, gutter, bulbouts, illumination, landscaping, and amenities.	WA-11218	06/26/23	06/26/23		2023-012	04	C G P S T W	0.460	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024	RAISE	7,358,740		0	0	7,358,740
Totals				7,358,740		0	0	7,358,740

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	7,358,740	0	0	0	0
Totals	7,358,740	0	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	2	N Stafford Ave / W Second St Roundabout to Construct a compact roundabout at the intersection of N. Stafford Avenue and W. Second Street.	WA-13585	06/26/23	06/26/23		2023-012	04	C G P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024		0	TIB	704,600	37,100	741,700
Totals				0		704,600	37,100	741,700

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
CN	741,700	0	0	0	0
Totals	741,700	0	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	3	Railroad Street Rehabilitation Harris Avenue to Montgomery Avenue Full depth reclamation, pavement markings, and ADA curb ramps.	WA-10078	06/26/23	06/26/23		2023-012	06	C G P S T W	0.230	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2024		0	TIB	722,400	38,000	760,400
Totals				0		722,400	38,000	760,400

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	760,400	0	0	0	0
Totals	760,400	0	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	4	Second Street Pathway - Phase 1 Second Street Stafford Avenue to Harris Avenue Construct multi-purpose pathway	WA-13587	06/26/23	06/26/23		2023-012	28	C G P S T W	0.360	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0	Ped/Bike Program	10,000	0	10,000
P	CN	2025		0	Ped/Bike Program	679,100	0	679,100
Totals				0		689,100	0	689,100

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	10,000	0	0	0
CN	0	679,100	0	0	0
Totals	0	689,100	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	5	Chipseal, local access streets; 8-year cycles to Chipseal and sweep the following locations: Deer Meadow Cottage Ave. Garden St. Short Ave. Floral Ave. Kerman Ave. Yakima Ave. Teanaway Ave. Peoh Ave. Bullit Ave. Wright Ave. Harris Ave. Pennsylvania Ave. Billings Ave. Rossetti Way/Reed St. Schober Way Roslyn Place Alpha Way Stewart View Dr. Ranger Station Rd. Douglas Munro Blvd. Reed St. Steiner St. Park St. Sixth St. Fifth St. Fourth St. Third St. Railroad Ave.	WA-08102	06/26/23	06/26/23		2023-012	05		9.710	CE	No



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum
County: Kittitas
MPO/RTPO: Quad-Co RTPO N Inside Y Outside

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025		0		0	461,400	461,400
Totals				0		0	461,400	461,400

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	461,400	0	0	0
Totals	0	461,400	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	6	Chipseal, major street locations; 4-year cycles to Chipseal and sweep at the following locations: First Street Second Street Stafford Ave/Hartwig Blvd. Oakes Ave. Montgomery Ave. Columbia Ave.	WA-08105	06/26/23	06/26/23		2023-012	05		5.300	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025		0		0	251,900	251,900
Totals				0		0	251,900	251,900

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	251,900	0	0	0
Totals	0	251,900	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	7	N Pine St / W First St Intersection Improvements to Construct a traffic signal or roundabout at the intersection of N. Pine Street and W. First Street.	WA-13584	06/26/23	06/26/23		2023-012	04	C G P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2025		0	OTHER	714,500	112,400	826,900
Totals				0		714,500	112,400	826,900

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	826,900	0	0	0
Totals	0	826,900	0	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	8	Second Street Resurfacing Oakes Ave. to Short Ave. 2-inch grind and overlay	WA-15177	06/26/23	06/26/23		2023-012	05		1.150	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2026		0	TIB	2,115,080	111,320	2,226,400
Totals				0		2,115,080	111,320	2,226,400

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	2,226,400	0	0
Totals	0	0	2,226,400	0	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	9	Second Street Pathway - Phase 2 Second Street Harris Avenue to Teanaway Avenue Multi use pedestrian pathway	WA-14342	06/26/23	06/26/23		2023-012	28	C G P S T W	0.490	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0	Ped/Bike Program	10,000	0	10,000
P	CN	2027		0	Ped/Bike Program	829,600	0	829,600
Totals				0		839,600	0	839,600

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	10,000	0
CN	0	0	0	829,600	0
Totals	0	0	0	839,600	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
05	10	Ranger Sta Rd / Miller Ave / W Second St Intersection Improvements to Construct a roundabout or signal at the intersection of Ranger Sta Rd / Miller Ave / W. Second St.	WA-13582	06/26/23	06/26/23		2023-012	01	C G P S T W		CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2027		0	TIB	785,600	41,300	826,900
Totals				0		785,600	41,300	826,900

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	826,900	0
Totals	0	0	0	826,900	0



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	11	Railroad Street Truck Route Extension Railroad Street Peoh Avenue to Columbia Avenue Construct roadway extension for truck route including roadside swales.	WA-12020	06/26/23	06/26/23		2023-012	01	C G P S T W	0.480	CE	Yes

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	165,000	165,000
P	RW	2028		0		0	136,300	136,300
P	CN	2029		0		0	1,500,000	1,500,000
Totals				0		0	1,801,300	1,801,300

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	165,000	0
RW	0	0	0	0	136,300
CN	0	0	0	0	1,500,000
Totals	0	0	0	165,000	1,636,300



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	12	Park Street Pedestrian Corridor Park Street Park St and 5th St to Coal Mines Trail Construct multi-use pathway.	WA-14280	06/26/23	06/26/23		2023-012	28			CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	ALL	2028		0		0	525,000	525,000
Totals				0		0	525,000	525,000

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
ALL	0	0	0	0	525,000
Totals	0	0	0	0	525,000



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	13	Second Street Pathway - Phase 3 Second Street Teaaway Avenue to Short Avenue Multi use pedestrian pathway	WA-14343	06/26/23	06/26/23		2023-012	28	C G P S T W	0.480	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2029		0	Ped/Bike Program	10,000	0	10,000
P	CN	2029		0	Ped/Bike Program	780,200	0	780,200
Totals				0		790,200	0	790,200

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	10,000
CN	0	0	0	0	780,200
Totals	0	0	0	0	790,200



Six Year Transportation Improvement Program From 2024 to 2029

Agency: Cle Elum

County: Kittitas

MPO/RTPO: Quad-Co RTPO

N Inside

Y Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
09	14	Columbia Avenue Extension Railroad Crossing Feasibility East First Street to Railroad Tracks Prepare feasibility study of proposed rail crossing	WA-10082	06/26/23	06/26/23		2023-012	15	C G P S T W	0.100	CE	No

Funding								
Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PL	2029		0	OTHER	52,500	13,100	65,600
Totals				0		52,500	13,100	65,600

Expenditure Schedule					
Phase	1st	2nd	3rd	4th	5th & 6th
PL	0	0	0	0	65,600
Totals	0	0	0	0	65,600

	Federal Funds		State Funds	Local Funds	Total Funds
Grand Totals for Cle Elum	7,358,740		7,413,580	3,392,820	18,165,140

CITY OF CLE ELUM

WASHINGTON
RESOLUTION NO. 2023-016

**A RESOLUTION OF THE CITY OF CLE ELUM,
WASHINGTON, ADOPTING THE “CLE ELUM CITY
COUNCIL OPERATING POLICIES & PROCEDURES
MANUAL”**

WHEREAS the City Council now desires to adopt the Cle Elum City Council Operating Policies & Procedures Manual.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Adopted. The City of Cle Elum hereby adopts the attached Cle Elum City Council Operating Policies & Procedures Manual which shall remain in effect unless otherwise amended.

PASSED BY THE CLE ELUM CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF June 2023.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

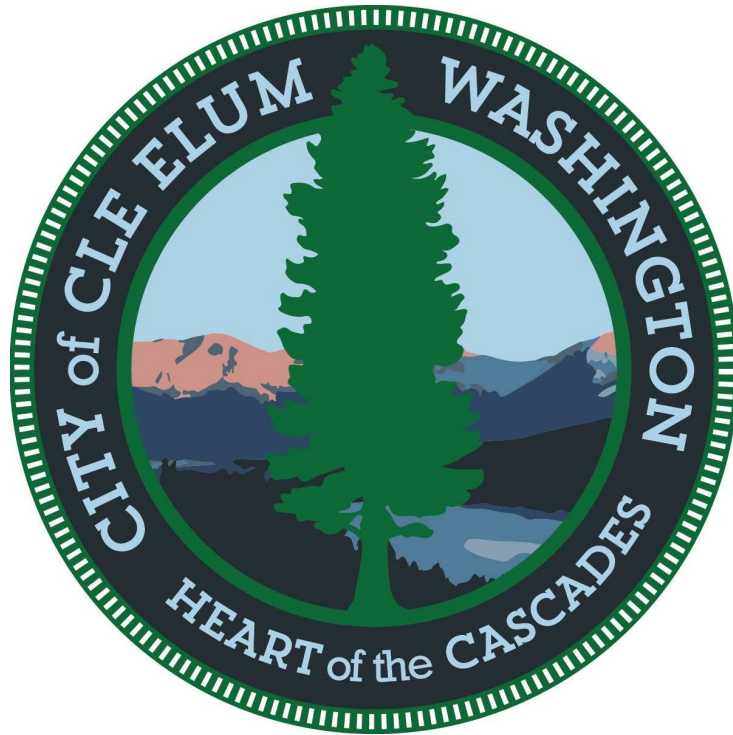
Debbie Lee, City Clerk

Approved as to form:

Alexandra L. Kenyon, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Resolution No.:
Date Posted:

DRAFT 06/16/2023



CITY OF CLE ELUM COUNCIL & COMMISSIONS OPERATING POLICIES & PROCEDURES MANUAL

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Chapter 1

Introduction

Cle Elum was developed as a townsite in 1888, became a town after Washington became a state in 1890, and the town incorporated as a “third class” city on February 12, 1902. As the population grew the City became a “second class” city with a mayor/council form of government. This designation was the governance for the City until a July 2010 action of the Council voted to declare Cle Elum as a “non-charter code city” to be governed by the provisions of [Title 35A](#) Revised Code of Washington. [RCW 35A.11.020](#) states that “the legislative body of each code city shall have all powers possible for a city to have under the constitution of this state not specifically denied to code cities by law”. Cle Elum’s legislative body is the City Council.

The government of any non-charter code city or charter code city electing to adopt the mayor-council plan of government authorized by this chapter shall be vested in an elected mayor and an elected council. Cle Elum operates with a Mayor-Council form of government. There is an elected Mayor and seven (7) elected councilmembers. A Mayor Pro-Tem is selected from the council by the Council to preside in the absence of the Mayor. The Mayor heads the administration of the City and presides over the City Council meetings.

This handbook has been developed to be a resource to provide assistance to and expectations of city officials, staff, and volunteer committees and commissions, but is available to the public as well. The protocols provided in this handbook shall be followed by staff, council, Mayor, and all advisory committees and commissions of the city.

There are a number of statutory requirements for elected officials, staff, and any advisory committees or commissions. These currently are:

- Open Public Meetings Act (OPMA) as required by [RCW 42.30.205](#)
<https://wacities.org/data-resources/open-public-meetings-act-elearning>
- Public Records Act (PRA)
<https://wacities.org/data-resources/public-records-act-elearning>
- There are also additional information sites that are provided to council, staff and committees:
 - [AWC Mayor & Councilmember Handbook](#)
 - City of Cle Elum Employee Handbook
 - Robert's Rules of Order Newly Revised In Brief, Third Edition

With the City of Cle Elum, as a Mayor-Council organization, policy and administration are separated. The Mayor is sometimes referred to as a “Strong Mayor” and has significant authority

with all administrative authority and veto power. The legislative and policymaking powers are invested in the City Council.

This document is designed to provide direction and clarity in legislative and procedures of the City. It will be distributed to every council member, all department heads, and the Mayor. It will also be provided to all appointed committees and commissions of the city.

This document is subject to review and amendment as needed but should also have a periodic formal update as conditions require.

This document is to be available to any member of the public and listed on the city website.

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Chapter 2

Powers and Responsibilities of Council

State law (RCW 35A.11.020) includes language that “the legislative body of each code city shall have all powers possible for a city or town to have under the constitution of this state and not specifically denied to code cities by law.” The City Council is Cle Elum’s legislative body.

The City of Cle Elum operates with a Mayor-Council form of government. The basic structure and organization are set out in RCW 35A.12. The Council’s principal job is making policy. The elected Mayor is the chief executive officer and head of the administrative branch implementing policy. The Mayor is the presiding officer at Council meetings.

2.01 City Council Elections

Cle Elum voters elect Councilmembers to four-year terms and from a citywide basis, and not from districts. The seven positions are non-partisan and terms are staggered. Cle Elum City Council elections are a part of the Kittitas County Primary (if required) and General Elections held in August and November, respectively, of odd-numbered years.

Kittitas County Elections administers elections in partnership with Cle Elum staff. To become a candidate, citizens must complete and file a Declaration of Candidacy at Kittitas County Elections. Candidate filing opens the Monday two weeks prior to Memorial Day and ends the following Friday. Filing fees or filing fee petitions must accompany the declaration at the time of filing. The filing fee is based on the position salary in effect at the time of filing. View information provided by Kittitas County Elections for full details on election procedures.

2.02 Council Compensation

Cle Elum Municipal Code (CEMC) 2.02.020 establishes salaries for the Council. Each Councilmember receives a salary of \$250 per month, paid once per month. A seated City Council may not increase or decrease its own compensation. Councils may only adopt an ordinance to adjust the compensation of incoming City Council (State Constitutional Article 2, Section 25 and Article 30, Section 1). Alternatively, the council can appoint a salary commission made up of residents that can make mid-cycle increases effective immediately.

2.03 Financial Disclosure

Cle Elum has less than 2000 registered voters so elected officials and candidates are not required to file an F-1 disclosure form unless a candidate as opted for “full reporting” to the Public Disclosure Commission.

2.04 Oath of Office

The qualifications for filling the role of councilperson are at least 18 years of age, reside in the City of Cle Elum for 1 year prior to filing, and be a registered voter. The Kittitas County Auditor provides checks for eligibility.

Following certification of election results and no later than the first regular City Council meeting following an election year, City Councilmembers shall take an oath prior to performing the duties of their office. The City Clerk or other official as determined by the Mayor shall administer the oath of office. The City Clerk shall file the signed oaths of elected officials with the Kittitas County Recorder's Office. The oath shall be in the following form:

I, _____, do affirm that I am a citizen of the United States of America and the State of Washington; that I am legally qualified to assume the office of Council Position, City of Cle Elum; that I will support the Constitution and laws of the United States and the State of Washington; and that I will faithfully, diligently and impartially perform the duties of this office, as such duties are prescribed by law, to the best of my judgment, skill and ability.

2.05 Council Orientation

Councilmembers who are new to the position shall become acquainted with the City's operation through a formal orientation session or individual meetings with the Mayor and department heads. The City Clerk shall provide Councilmembers with this manual, a list of other key documents to review, and other resources. Councilmember orientation shall include a tour of the City's physical facilities. Facility tours are planned for all new councilmembers as a group at the beginning of their term of office.

2.06 Council Training

Elected and appointed officials are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Councilmembers may complete the training online or in-person and must provide proof of completion to the City Clerk. Ongoing training in areas such as finance, emergency preparedness and meeting conduct assists in providing exceptional service to residents. Councilmembers are responsible for continuous professional development in their vital role and the city will strive to provide information about opportunities. The City shall pay expenses for Council training and travel according to financial and personnel policies, and as budgeted.

Reference materials are provided in chapter 10 of this manual. Councilmembers may request staff provide training sessions as needed. A number of federal and state agencies and non-government organizations provide training programs and resources. All Councilmembers are strongly encouraged to pursue Certificates of Municipal Leadership awarded by the Association of Washington Cities.

2.07 Council Meetings

Councilmembers primarily accomplish their work during open public meetings regularly held the second and fourth Mondays of the month starting at 6:00 p.m. at Cle Elum City Hall, 119 W First St, Cle Elum, Washington, 98922. Study sessions, retreats, town hall meetings, and other special meetings are held as needed. More detail concerning meetings and meeting procedures is found in chapter eight of this manual.

2.08 The Role of Councilmembers

Councilmembers take final action by at least a majority vote, so the Council acts as a body and speaks with one voice. No member has any extraordinary powers beyond those of other members. While individual members may disagree with majority decisions, those decisions bind the Council to a course of action.

Members of the Cle Elum City Council are collectively responsible for establishing policy, adopting a budget, holding public hearings (as required), and providing vision and goals to the Mayor. The following outline is a brief description of the various duties of Councilmembers. The description is not intended to be comprehensive, but rather is an effort to summarize the primary responsibilities.

Summary of Council Duties and Responsibilities as Provided in, but not Limited to, the Washington Administrative Code and Revised Code of Washington:

1. Establish Policy
 - a. Adopt goals and objectives
 - b. Establish priorities for public services
 - c. Approve/amend the operating and capital budgets
 - d. Approve contracts consistent with adopted policy
 - e. Adopt resolutions
2. Enact Local Laws
 - a. Adopt ordinances
3. Advisory Boards and Commissions
 - a. Establish advisory boards and commissions
 - b. Ratify appointments to advisory bodies
 - c. Provide direction to advisory bodies
4. Provide Public Leadership
 - a. Relate wishes of constituents to promote representative governance
 - b. Mediate conflicting interests while building a consensus
 - c. Call special elections as necessary
 - d. Communicate the City's vision and goals to constituents

- e. Represent the City's interests at regional, county, state, and federal levels

5. Decision Making

- a. Study problems
- b. Review alternatives
- c. Determine best course of public policy
- d. Take timely action

2.09 Role of Mayor and Mayor Pro-Tem

The mayor shall be the chief executive and administrative officer of the city, in charge of all departments and employees, with authority to designate assistants and department heads. The mayor may appoint and remove a chief administrative officer or assistant administrative officer. The mayor shall see that all laws and ordinances are faithfully enforced, and that law and order is maintained in the city and shall have general supervision of the administration of city government and all city interests.

The presiding officer at all meetings shall be the Mayor and in the absence of the Mayor, the Mayor Pro-Tem shall act in that capacity. If both the Mayor and the Mayor Pro Tem are absent, Councilmembers present shall elect one of their members to serve as presiding officer until the return of the Mayor or Mayor Pro-Tem.

The presiding officer will:

- A. Preserve order and decorum in the Council Chambers;
- B. Observe and enforce all policies and procedures adopted by Council;
- C. Appoint Councilmembers to serve on ad-hoc committees, if necessary; and
- D. Recognize Councilmembers requesting the floor.

It is the policy of the Cle Elum City Council to encourage its members to:

- 1. Speak one time to an issue taking care not to reiterate previous comments or arguments;
- 2. Rebut opposing arguments only once;
- 3. Speak only twice on the same subject without permission of the presiding officer;
- 4. Wait for presentations to conclude before offering comments and asking questions; and
- 5. Speak to the merits of an issue and avoid references to personalities.

When a Councilmember serves as presiding officer, the Councilmember shall have only those rights and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers

2.10 Vacancies

A Council position becomes vacant if the person elected or appointed fails to qualify, enter office at the time fixed by law without a justifiable reason, fails to attend three consecutive regular Council meetings without excusal, ceases to be a legally registered Cle Elum voter, resigns, or any other causes of vacancy listed in RCW 42.12.010. If a Councilmember position is vacant, the Council shall appoint a qualified person to serve in the position using the procedure found in chapter eight of this manual. An appointed Councilmember shall serve until the next municipal election as provided in RCW 42.12.070(6).

Councilmembers will elect a new Mayor Pro-Tem at the next regular meeting if a permanent vacancy occurs in this position.

2.11 City Council Relation with Staff

The distinction between policy formulation and implementation may not always be clear, requiring communication between Council and Mayor. The City Council establishes departments, employee roles, the number of employees, and employee salaries and other compensation. The Mayor is responsible for hiring employees, supervising them, and addressing personnel matters, or delegating that responsibility.

Councilmembers must avoid intrusion into those areas that are the responsibility of staff. Staff is directed to reject any attempts of individual Councilmembers to direct work or influence recommendations. When administrative policy or performance complaints are made directly to individual Councilmembers, the Councilmember should refer the matter to the Mayor or City Administrator for review and potential action, rather than taking up the issue with an employee. Councilmembers are encouraged to interact with city staff to promote the free exchange of information.

A. Access to Information

A variety of methods are used to share information with the Council. Study sessions are held to provide detailed presentations. Retreats serve to focus on topics and enhance information exchange. The City Clerk is the primary information liaison between Council and staff. He or she provides status reports, executive summaries and other documents on a regular basis. The City Administrator's open-door policy allows individual Councilmembers to meet with him or her on a one-on-one basis. Councilmember contact with staff for the purpose of inquiries, including the City Administrator, shall be during regular business hours, except in the case of an emergency. Inquiries should be directed to the City Administrator, City Clerk, City Attorney (only in rare cases), or Department Heads only.

Citizens may contact department heads at any time. Department heads are accountable for advising the Mayor or Administrator for direction if policy is needed or clarification of a question is required.

- B. **Significant Requests:** significant - “sufficiently great or important to be worthy of attention.”

No Councilmember shall request or direct the City Administrator or Department Heads to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without consent of the Mayor. The Mayor or their designee shall determine whether or not a matter is significant.

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Chapter 3

Other Officials and Adjudicators

3.01 City Clerk

The City Clerk administers state and local procedures involved in the legislative process and directly assists the Council and Mayor in meeting legal responsibilities. He or she is the liaison to Kittitas County Elections, conducts City Council elections and the appointment process for Council vacancies, verifies legal notices have been posted or published and completes the necessary arrangements for effective meetings. The City Clerk records Council decisions in meeting minutes and oversees the preservation and protection of ordinances, the municipal code, and other public record. The powers and duties of the City Clerk are defined by state law, RCW 35.23.121.

A. Summary of City Clerk Powers and Duties as Provided in, but not Limited to, the Revised Code of Washington

1. Keeping a full and true record of every act and proceeding of the Council;
2. Recording and certification of all ordinances and authenticating resolutions;
3. Acknowledging instruments and attesting to signatures;
4. Recordkeeping and providing records to the public;
5. Producing reports required by the State Auditor;
6. Custodian of the City seal;
7. Publishing notices; and
8. Other duties as the Council may determine by ordinance or resolution.

3.02 City Attorney

State law, RCW 35A.12.020, requires appointment of a City Attorney or for the City to contract for legal counsel. According to RCW 35.23.111, the City Attorney advises officials in all legal matters pertaining to City business and approves ordinances as to form. He or she represents the City in all actions brought by or against the City or its officials, and performs any other duties the Council by ordinance directs.

A. Summary of General Legal Responsibilities of the City Attorney

1. Provides legal assistance necessary for the formulation and implementation of legislative policies and projects;
2. Represents the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations and similar proceedings;
3. Preparing or approving the form of ordinances, resolutions, contracts and other legal documents to best reflect and implement the purposes and intentions of the City Council; and

4. Keeping the City Council and staff apprised of court rulings and legislation affecting the legal interest of the City.

Normally the City Attorney advises all City officials and the City Council should not hire separate outside counsel. Other attorneys may be hired to handle specific cases because of the nature of the case or because the City's attorney has a conflict or other reason he or she cannot be involved. Access to the City Attorney should be made through the Mayor or their designee.

3.03 Department Directors

The City Council establishes City departments, or principal administrative branches of Cle Elum's government, through budget adoption, and in consultation with the Mayor. Department Directors report to the Mayor and he or she, or their designee, supervises employees and contractors working in each specialized functional area. Directors interpret and apply Council policies and provide recommendations to the Mayor and Council on nearly all aspects of governance.

3.04 Chief of Police

State law, RCW 35A.12.020, requires appointment of a chief law enforcement officer. The Cle Elum Chief of Police functions as a Cle Elum Department Director and serves at the pleasure of the Mayor. The Police Chief manages personnel regularly assigned to the City.

3.05 Municipal Court Judge

The Municipal Court of the City of Cle Elum is created in Cle Elum Municipal Code 2.60. Cle Elum's Municipal Court Judge serves four-year terms. The Mayor with Council confirmation is to appoint the judge on or before December 1 of the next preceding year in which the judicial term commences. Before performing the duties of the office, the judge shall take an oath to be filed with the Cle Elum City Clerk and Kittitas County Auditor's Office. Cle Elum's court is provided through an interlocal agreement with the Upper Kittitas County District Court.

3.06 City Prosecutor

The City contracts for prosecution legal services, which includes all services for the prosecution of persons charged by the City with a crime or infraction, including pre-charging decisions, sentencing, post-sentencing phase and any appeals of such actions. The prosecutor is an independent contractor.

3.07 City Fire Chief

The Cle Elum Fire Chief functions as a Cle Elum Department Director and serves at the pleasure of the Mayor. The Fire Chief manages paid and volunteer personnel within the department.

Chapter 4

Council Committees and Advisory Boards

The City Council forms Council subgroups, groups or committees of appointed officials and citizen groups to study certain issues and solutions and accomplish specific tasks. Group members provide professional expertise, qualified viewpoints, and additional representation from the community at large. Groups may be “standing” which means essentially permanent, or “ad hoc” meaning temporary. Standing committees and commissions regularly provide reports and recommendations to the full City Council, and ad hoc committees generally cease in existence after completing final reports and assigned tasks. Groups function within authority established by the City Council.

Cle Elum Council or staff participation in groups of representatives from other agencies provides beneficial regional perspective and connection. Cle Elum representatives to these outside groups regularly provide Council reports to assist in decision-making or to communicate Cle Elum Council perspectives to the region. Participation facilitates adequate consideration of complex matters affecting a large number and broad variety of people.

4.01 Council and Regional Committees

This manual establishes standing Council committees, and the Council may create ad hoc Council committees by motion. The Mayor annually appoints Councilmembers to Council and regional committees. The Mayor shall take into account any stated interest and expertise of Councilmembers when making appointments. Appointments shall be made no later than the first regular Council meeting in February. Council standing committees should be reviewed and membership should be reconsidered on a biennial basis, at minimum.

Each Council committee consists of not more than three Councilmembers, ~~and~~ any staff, or residents local to Kittitas County necessary for efficient functioning. A quorum of the Council, or four members, shall not attend committee meetings. Within 30 days of appointment to committees, members shall meet and elect a chair and secretary. Standing committees may recommend to the Mayor a need for ad-hoc advisory groups for a particular task. The committee chair or two committee members may call other meetings as needed. The committee chair shall routinely report to the City Council. The committee secretary shall provide written minutes to the City Clerk. In the interest of transparency, committees are encouraged to make their meetings available to the public through livestreaming or in-person attendance.

A. Council Finance Committee

Meetings of the Council Finance Committee must be noticed according to the provisions of the Open Public Meetings Act or OPMA, RCW 42.30, because the committee exercises decision-making power. More on the OPMA is found in chapter eight of this manual.

This committee makes recommendations relating to financial and investment policies,

long- term financial planning and budgeting. Committee members routinely approve contracts of monetary thresholds established within financial policies. Councilmembers on the committee will review City claims payments. Members attend Washington State Auditor exit interviews.

The committee will also perform other tasks related to financial management as directed by the Council.

B. Council Budget Committee

This committee drafts the annual city budget and tracks it through the budget cycle. The committee will review all payment vouchers. Prior to the drafting process, the Mayor shall schedule a study session to have a budget priorities discussion. During the drafting process, the committee shall update the council at each regular council meeting of the progress and solicit feedback.

C. Employee Relations and Benefits Committee

Committee members make recommendations on staff salaries and benefits and Council salaries. The committee every three years shall review a comparison of the salaries and benefits of Cle Elum staff positions with those of comparable positions in a group of similar cities selected by the City Council. This committee may also review proposals made during the course of collective bargaining or professional negotiations.

D. Representation to Regional Groups

The Mayor with Council confirmation appoints Councilmembers and alternates to these groups, including but not limited to: Kittitas County Council of Governments, Coal Mines Trail Commission, and KITCOMM 911. Councilmembers participating in regional meetings will represent the consensus of the Council. Personal positions, when given, will be identified as such. Assignment and direction of staff in relation to regional meetings are at the discretion of the Mayor or City Administrator.

Three consecutive unexcused absences of any member of a regional committee shall be cause for removal from the committee. In the case of such removal, the alternate shall be automatically appointed.

4.02 Advisory Commissions

The Council establishes its standing advisory commissions in the Cle Elum Municipal Code. Currently the City has two advisory boards, the Planning Commission and Historic Preservation Commission. The Planning Commission has five members and an alternate and makes recommendations to the Council on matters related to development and land use. The Historic Preservation Commission has five members who serve three-year terms and is charged with the

preservation and protection of Cle Elum's historic, architectural, and archaeological resources. One of the most important purposes of the commissions is to provide an additional avenue for public representation and participation. For this reason, the Council gives consideration toward maintaining an equitable balance of community representation and a broad mix of occupational backgrounds on the commissions.

Commission members are selected without respect to political affiliation and serve without compensation. The Mayor with Council approval appoints Commissioners to serve four-year terms. A selection process shall be used for all new appointments. An open selection process may be used but is not required for re-appointment of incumbents. The City Clerk will conduct the selection process by publicly announcing the position vacancy and application period, providing application forms and accepting completed applications, letters of interest and resumes. The Mayor shall review applications and select candidates for interviews, and the City Clerk shall schedule interviews. The Mayor, a Councilmember or staff member the Mayor selects, and the chair of the commission experiencing a vacancy will conduct interviews. The Mayor and interview team will evaluate applicants on an objective basis.

Commissioners may be removed by a majority vote of all members of the City Council. In these instances, the decision of the Council is final.

4.03 Chair and Vice Chair of Commissions

Commissions are to elect a Chair and Vice Chair using the same procedure as that of Mayor Pro-Tem, found in chapter eight. The Chair serves as the presiding officer at meetings, may participate in proceedings in the same manner as any other member and is expected to vote, unless a conflict of interest exists. The Chair can second motions at any time. If the Chair would like to make a motion, the Vice Chair if available or other Commissioner must temporarily assume the duties of the Chair and preside over the meeting. The role of the Vice Chair is to preside at meetings in the absence of the Chair.

The chairperson is responsible for Commission compliance with the municipal code and rules of procedure. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations and meeting procedures.

4.04 Commissioner Training

Commissioners are required to complete training in Open Public Meetings and Public Records within 90 days of assuming duties. Refresher training is required every four years (RCW 42.30 and 42.56). Commissioners may complete the training online or in-person and must provide proof of completion to the City Clerk. City staff shall provide Commission orientation sessions. City staff or contractors, or staff from other agencies and groups shall provide other training. Commissioners are encouraged to seek continuing education opportunities and the City shall pay expenses for Commission training and travel in accordance with financial and personnel policies, and as budgeted.

4.05 Council and Advisory Board Communication

Unless specifically authorized by the Council, no Councilmember shall state or testify to the policy or position of the Council before any advisory board. Advisory bodies wishing to communicate recommendations to the City Council shall do so through adopted Council agenda procedures as stated in chapter eight of this manual. When an advisory body wishes to correspond with an outside agency, the correspondence shall be approved by the City Council.

A. Commission Work Plans

The Council communicates its priorities primarily through commission work plans. Commissions will annually recommend work plans to the Council, and the Council by resolution will approve final work plans for advisory commissions. The Council may amend work plans at any time due to unforeseen needs.

B. Reports to the City Council

Ongoing communication occurs by the attendance of an advisory board representative at Council meetings on a monthly basis. Written reports may also be submitted.

C. Council Liaison to Commissions

On an annual basis, the Council may elect to appoint a Council liaison to standing commissions. The purpose of the liaison is to communicate information about Council proceedings, decisions and priorities, and to answer questions concerning these topics. Council liaisons are not commission members and shall speak only when the Commission Chair requests information or during a designated period.

D. Quasi-Judicial Matters

Councilmembers shall not testify in quasi-judicial matters pending before any advisory board or commission that will receive, or could potentially receive, future appeal or review before the City Council. Violation of this protocol may require the Councilmember to recuse himself or herself from participating in City Council proceedings concerning these matters.

4.06 Staff Relationship to Advisory Commissions

The Mayor appoints staff liaisons to support the work of the Planning and Historic Preservation commissions and, as authorized, contracts with consultants for Commission technical needs. While staff works closely with advisory bodies staff members remain accountable to their immediate supervisors, and Commissioners do not have supervisory authority. Commissioners are responsible for the functions of the advisory body only.

Staff support includes: (1) preparation of a summary agenda after approval by the chairperson; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes

of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues.

4.07 Planning Commission

The Planning Commission provides advice and makes recommendations on the Comprehensive Plan, zoning and development codes, and performs other duties as the Council assigns. Commissioners accomplish their work during open public meetings. Working subgroups of three Commissioners may meet to accomplish specific tasks and report to the full Commission. Planning Commissioners regularly meet the first and third Tuesdays of every month at 6 p.m. at Cle Elum City Hall. Special meetings may be called in the same manner as special Council meetings. More information on meeting procedures is found in chapter eight of this manual.

4.08 Historic Preservation Commission

The Historic Preservation Commission identifies and actively encourages the conservation of the city's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; to raise community awareness of the city's history and historic resources; and to serve as the city's primary resource in matters of history, historic planning, and preservation. More information about the commission can be found in CEMC 15.22.40.

4.09 Civil Service Commission

The Civil Service Commission is authorized by RCW 41.12. Civil service state laws help assure that city law enforcement officers are recruited through open competition, hired and promoted on the basis of merit, and are demoted, suspended, removed from office, or discharged only for cause. Commissioners are appointed by the Mayor and serve six-year terms.

Chapter 5

Equipment and Facility Use

To enhance elected and appointed officials' service to the community and their ability to communicate with staff and the public, the City provides meeting facilities and office equipment and supplies for City business.

5.01 Computers

The City will provide tablet computers on request for officials' use for City business. Officials shall sign an acknowledgement of receipt upon issuance. Information technology staff will ensure that all appropriate software is installed and provide an orientation in the use of computers and related software. While staff will maintain those computer applications related to City affairs, staff cannot provide assistance for personal computer applications. Personal media and programs cannot be stored on City computers.

City-issued computers are subject to audit. There is no right to privacy in the course of using City-issued computers whether for City business or incidental personal use. Virus protection software must not be disabled at any time on City equipment and non-City programs or media found during audits will be removed. Computers are to be returned at the conclusion of a Councilmember's term or when the equipment is no longer needed. Officials shall sign an official statement at the time of return to staff.

5.02 Use of Computers and Information Systems

Refer to City of Cle Elum Technology Acceptable Use Policy.

5.03 City Email Addresses

Members of the Council and all appointed officials will receive City email addresses that must be used for the conduct of City business. Use of private email addresses for City business may subject the private email system or privately owned computers to a public records search. Information technology staff will provide instructions on how to access the email system, training in the use of City email, and may assist officials in setup or in troubleshooting issues.

5.04 Mail and Deliveries

City officials receive a large volume of mail and other materials that are delivered primarily through the use of mailboxes located in City Hall. Officials are encouraged to check mailboxes frequently. In addition, City staff will email or personally deliver materials that are time-sensitive to an official's home or office if appropriate. Correspondence addressed to one official will be copied for all members of the Council or board. At the conclusion of a Councilmember's term, mail will not be forwarded.

5.05 Office Supplies and Copies

City staff shall provide copies of documents and publications to City officials for use in the conduct of City business free of charge using the most expedient means possible. Councilmembers have free and open access to office supplies needed to perform their duties.

5.06 Access to City Hall

City staff will issue electronic key fobs to City Councilmembers for access to City Hall. Councilmembers may enter City Council Chamber and adjoining room for the purposes of picking up meeting packets, mail, or conducting other City business that could not be conducted during normal business hours. Councilmembers must return keyfobs at the conclusion of a Councilmember's term. Staff will deactivate unreturned key fob.

5.07 Meeting Rooms

The City Council and members of advisory boards hold meetings in the City Hall Council Chambers, located at 119 W First St, Cle Elum, Washington, 98922. Officials may reserve conference rooms at City Hall for meeting with constituents and performing tasks related to City business. Officials should contact the front desk receptionist to schedule rooms.

5.08 Use of Resources for Local Ballot Measures

At times, initiatives may be placed on the ballots that affect City Council policy. There are restrictions regarding what actions the City may take on ballot measures. Specifically, state statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections except as allowed by state law. The City may distribute informational reports or pamphlets for informing the public of the facts of an issue.

5.09 Safety and Accident Reporting

To minimize risk and assist in maintaining a safe work environment, Councilmembers should promptly report any unsafe or potentially hazardous conditions to the City Administrator. The City will make every effort to remedy problems as quickly as possible.

An accident involving property damage or personal injury, however minor, must be immediately reported to the City Administrator so that staff may make a timely report to the Department of Labor and Industries. Failure to report accidents may result in a violation of legal requirements.

5.10 Americans with Disabilities Act Requirements

The City of Cle Elum strives to provide accessible facilities and meetings for people with disabilities. If any accommodations are required, the City Clerk may be contacted at 509-674-2262, at least three days prior to a meeting.

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Chapter 6

Ethics and Standards of Conduct

In order to best serve the citizens of the City of Cle Elum, elected and appointed officials must act individually and collectively to create a City government that is ethical, responsible, fair, honest, open and accountable to the people. Officials are expected not only to follow federal, state and local regulations, but also to demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to maintain public trust. Inappropriate actions can result in liability either for the City or the individual official under civil, criminal, and case laws.

This chapter provides an ethical guide and specific rules that reflect the values of the City of Cle Elum. It is designed to promote high standards for conduct, and to foster a healthy ethical culture throughout Cle Elum's government.

6.01 Core Principles

The City Council establishes the following principles for City governance:

1. City Leaders Listen to the Community in a way that represents the community's interests and goals.
2. Mayor, Council, and staff should use their best efforts to collaborate in every endeavor, seeking consensus as far as possible. The Council and the Mayor are most effective when working as a team.
3. City Leaders Lead and Reason Together and Councilmembers should individually, and collectively demonstrate the ability to lead and reason together.
4. The City Exemplifies Professionalism and City leaders exhibit respect for the professionalism and ethical conduct of the Mayor and staff.
5. All City representatives Act in Accordance with Policies stated in this manual.

6.02 Adopted Code of Ethics

State law, RCW 42.23, provides a code of ethics for city officials. According to this resolution, the following ethical principles shall govern the conduct of the City's elected and appointed officials, and employees, who shall per RCW 42.23.010 which states:

Declaration of purpose: It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in

chapter 268, Laws of 1961, in conflict with the proper performance of their duties in the public interest;

and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests, the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

1. Be dedicated to the concepts of effective and democratic local government.
 - a. Democratic Leadership. Officials and staff shall honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules and regulations.
2. Affirm the dignity and worth of the services rendered by government and maintain a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships. City leaders value transparency and will endeavor to share with the public to the level that legal obligations allow.
 - a. Public Confidence. Officials and staff shall conduct themselves so as to maintain public confidence in City government and in the performance of the public trust.
 - b. Impression of Influence. Officials and staff shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
4. Recognize that the chief function of local government at all times is to serve the best interests of all people, businesses and other organizations.
 - a. Public Interest. Officials and staff shall treat their office as a public trust, only using the power and resources of public office to advance public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.
5. Keep the community informed on municipal affairs, encourage communication between the citizens and all municipal officers, emphasize friendly and courteous service to the public, and seek to improve the quality and image of public service.

- a. Accountability. Officials and staff shall assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold City officials accountable.
 - b. Respectability. Officials and staff shall safeguard public confidence in the integrity of City government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.
6. Seek no favor; believe that personal benefit or profit secured by confidential information or by misuse of public time is dishonest.
- a. Business Interests. Officials and staff shall disclose and limit any business or contract relationship with the City as provided in State law.
 - b. Private Employment. Officials and staff shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.
 - c. Confidential Information. Officials and staff shall not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
 - d. Gifts. Officials and employees shall not directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form under the following circumstances:
 - i. It could be reasonably inferred or expected that the gift was intended to influence the performance of official duties; or
 - ii. The gift was intended to serve as a reward for any official action on the official's or employee's part.
 - e. Investments in Conflict with Official Duties. Officials and employees shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with their official duties.
 - f. Personal Relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of a conflict of interest.
 - g. Family Relationships. Officials and staff shall not favor, patron or supervise any person or persons who are deemed family, to wit a spouse, domestic partner, child,

stepchild, grandchild, sibling, half-sibling, parent, stepparent, grandparent, aunt, uncle, or any person listed hereinbefore of the spouse or domestic partner.

- h. Business Relationships. Officials and staff shall not use staff time, equipment or facilities for marketing or soliciting for private business activities.
 - i. City Funds and Property. Officials and staff shall use City funds and City property solely for the official purpose or purposes intended, without extension to any other person or entity for any purpose outside the intended use of the funds or property.
 - j. Reference Checking. Reference checking and responding to agency requests are a normal function of municipal business and is not prohibited if it does not adversely affect the operation of the City.
7. Conduct business of the City in a manner which is not only fair in fact, but also in appearance.
- a. Personal Relationships. In quasi-judicial proceedings elected officials shall abide by the directives of RCW 42.36 which requires full disclosure of contacts by proponents and opponents of land use projects which are before the City Council. Boards and Commissions are also subject to these fairness rules when they conduct quasi-judicial hearings.
8. Not knowingly violate any Washington statutes, City ordinance or regulation in the course of performing their duties.
9. For one year after end of term or end of employment respectively, officials and staff may not represent any private person as an advocate on a matter in which they were involved, compete for a City contract when they were involved in determining the scope of work or the selection process, or hold or acquire a financial interest in any contract or contracts having a total value of more than \$5,000 made by, through or under their supervision.

6.03 Breach of Ethics

Failure to report a known breach of ethics will be considered in and of itself a separate and serious breach of the ethics code. No retaliatory action, implied, threatened or actual, shall be taken against any person by officials or staff for having raised privately or publicly any concern or question that is neither spurious nor malicious regarding an actual or apparent breach of ethics.

Once aware of committing a breach of ethics as set forth in the ethics code or as commonly accepted by government entities:

- 1. An elected official shall notify the Council no later than at the start of the next Council meeting, regularly scheduled or otherwise;

2. The Mayor shall immediately notify the Council of the breach; and
3. Staff shall immediately notify the Mayor or immediate supervisor, and the Mayor shall notify the Council of the breach.

6.04 Conflicts of Interest and Appearance of Fairness

The conflict of interest law (RCW 42.23) is one of the most complicated laws on the books, derived from the state constitution, state statutes and case law. The general rule from which the law derives is that a municipal officer shall not use the position to secure special privileges or exemptions for himself, herself or others. The rule applies to real and perceived conflicts of interest and include a prohibition against elected officials voting on matters in which they stand to benefit financially. Washington's appearance of fairness doctrine (RCW 42.36) applies to quasi-judicial actions before the City Council pursuant to RCW 42.36.010. According to this doctrine, the appearance of fairness is as important as substance.

It is imperative that Councilmembers identify in advance what their conflicts or appearance of fairness considerations are. Councilmembers must declare a conflict of interest, and refrain from participation or involvement in discussions on issues or contracts where such an interest exists.

See chapter eight of this manual for meeting procedures relating to disclosure of conflicts of interest or appearance of fairness considerations, challenges for cause, and Councilmember participation and voting on matters when conflicts of interest or appearance of fairness considerations exist.

The following information is provided as guidance concerning conflict of interest. Due to the complex nature of this law, officials are encouraged to consult with the City Attorney or a private attorney concerning compliance.

A. Applicability

All elected and appointed officials are subject to the conflict of interest law in RCW 42.23.

B. Remote Interests

Remote Interests are so minor that they do not constitute illegal conflicts of interest. A remote interest exists when a City official is:

- a. A non-salaried officer or member of a nonprofit doing business or requesting money from the City. Therefore, being such an officer or member would not constitute a conflict of interest.

- b. The landlord or tenant of a contracting party. For instance, a Councilmember may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interest.
- c. The owner of less than 1 percent of the shares of a corporation or a cooperative doing business with the City.
- d. Being reimbursed only for actual and necessary expenses incurred in the performance of official duties.

C. Acts not Constituting a Conflict of Interest

- a. Receiving municipal services on the same terms and conditions as if not a City official. Thus, when a Councilmember who owns a business within the City votes for or against an increase in the business license fees, a conflict would not exist because this action would apply to all businesses in the corporate limits.
- b. An officer or employee of another political subdivision or public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Therefore, a Councilmember who is a schoolteacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the Councilmember.
- c. A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, or class of persons. A class must consist of at least ten members to qualify the interest as remote.

D. Declaration of a Conflict

When a substantial interest exists, the City official must:

- a. Refrain from voting or in any way influencing a decision of the City Council; and
- b. Declare that a conflict of interest exists and make it known in the official records of the City.

Under the Appearance of Fairness Doctrine, in the event of a challenge to a member or members of the Council which would cause a lack of a quorum or would result in a failure to obtain a majority vote as required by law, any such challenged member(s) shall be permitted to fully participate in the proceeding and vote as though the challenge had not

occurred, if the member(s) of the Council publicly disclose the basis for disqualification prior to rendering a decision (RCW 42.56.090).

E. City Attorney Opinions

A Councilmember's request for an opinion from the City Attorney concerning conflict of interest is generally confidential. Councilmembers may seek advice from a private attorney, at their own expense, concerning potential conflicts.

F. Filing of Disclosures

The City Clerk shall maintain a file for all disclosures and legal opinions of conflicts of interest.

6.05 Confidentiality

Councilmembers shall keep confidential all written materials and verbal information provided to them when the information is considered confidential under the doctrine of attorney- client privilege. Disclosure of confidential information learned by reason of a municipal officer's position, or use of such information for personal benefit, is prohibited by RCW 42.23.070(4). Any Councilmember who has discussed confidential information with another party shall immediately notify the Mayor, City Attorney, or City Council. State law provides for monetary penalties and possible forfeiture of office for violations.

6.06 Public Meetings/Quorum

Washington's Open Public Meetings Act or OPMA (RCW 42.30.030), establishes restrictions on how public officials can talk about City business both inside and outside City Hall. No more than three Councilmembers or Commissioners can have a conversation about City business without public notice. This means four Councilmembers (a quorum) discussing City business face to face in any location, or via telephone, text messaging, email or social media is not permitted without public notice. Serial meetings whereby a meeting of four officials occurs one person at a time also is an OPMA violation.

OPMA requirements do not apply to meetings of committees that do not have decision- making powers, unless four Councilmembers or Commissioners are present. Passive receipt of emails sent to more than three elected or appointed officials for the purpose of sharing information, without back and forth dialogue, do not violate the OPMA. Social gatherings without discussion of City business are also excluded. Quasi-judicial proceedings and executive sessions, detailed in chapter eight, are not subject to the OPMA.

There are several potential consequences for violating the procedural requirements of the OPMA. Most importantly, actions taken in meetings that violate the Act are null and void, including the approval of ordinances and resolutions. In addition, knowing attendance at an improperly held

meeting is punishable by a civil fine of \$500. The party that prevails in an action for violation of the Act may recover reasonable expenses and attorneys' fees under certain circumstances.

6.07 Anti-Harassment and Discrimination

See the City of Cle Elum Employee Handbook.

6.08 Liability

The City must always approach its responsibilities in a manner that intends to reduce risk to all involved. Nevertheless, with such a wide variety of high-profile services (i.e., police, parks, roads, land use), risk cannot be eliminated altogether. To better manage insurance and risk, the City participates in risk- and loss-control activities in coordination with Washington Cities Insurance Authority.

It is important to note that violations of certain laws and regulations by individual members of the City Council may result in the member being personally liable for damages which would not be covered by the City's insurance. Examples may include discrimination, harassment, or fraud. Elected and appointed officials will participate in risk management training to reduce liability due to actions taken, especially in the areas of land use.

Chapter 7 **Communications and Engagement**

In order to assess community opinions and needs, and to share the vision and goals of the City with constituents, the Council must communicate with the public. Because the City Council performs as a body, individual Councilmembers should observe general guidelines when speaking for the full Council. When members are expressing personal views, the public should be so advised.

Councilmembers can communicate using a wide range of formats, some of which are electronic and instantaneous. Any non-verbal communication concerning City business is a public record subject to RCW 42.56, the Public Records Act. The law applies to electronic messages, files, data, videos and images. Officials should provide full assistance to staff in fulfilling the City's obligation to retain and provide access to public records, regardless of the communication media or equipment used.

City staff will prepare and distribute official City communications. The City Council provides communication priorities to staff through a communications strategy.

7.01 Use of Public Facilities

State statutes prohibit the City from using its personnel, equipment, materials, buildings, or other resources to influence the outcome of elections. Except as provided by law and as re-stated in Chapter 8.03 of this manual, members of the City Council or its advisory boards are prohibited from using public facilities for communications for or against any ballot item including initiatives, candidates for office, or ballot measures. Communications for the purpose of providing unbiased and balanced information concerning the facts of an issue are permitted.

7.02 Citizen Requests for Action

Citizens often will contact Councilmembers directly with complaints or requests for action. In these situations, officials should refer citizens to the City's request for action website or other administrative resource as appropriate for a prompt staff response. Councilmembers should consider citizen comments, complaints, or requests as feedback on policies and service delivery systems.

7.03 Ceremonial Proclamations

As formal public statements with no force of law, proclamations are a way to communicate. The Mayor, with City Council approval, issues proclamations. They may originate with the City Council as a way to recognize individuals, events or issues, or to make position statements. Most often organizations or individuals will request proclamations. The Council will give preference to requests for honoring Cle Elum residents or organizations, or requests increasing public awareness of local events, arts and cultural celebrations. A certificate of recognition or a letter of support can be provided when a proclamation is not issued. The following guidelines apply to requests for proclamations:

1. Requests should be made at least two weeks in advance of the requested Council meeting to guarantee placement on the agenda.
2. Proclamations must be issued prior to recognized events occurring.
3. The Mayor will determine if the proposed proclamation should be recommended for Council approval.
4. The City may modify, edit, or otherwise amend the proposed proclamation to meet its requirements, needs or policy determinations, or deny any proclamation request.
5. If a proclamation is not approved, the City Clerk will notify the requestor.

7.04 Official Correspondence

Members of the City Council will often be called on to write letters to citizens, businesses, or other public agencies. City staff may assist in drafting letters, and City letterhead may be used. Typically, the Mayor will be charged with transmitting the City's position on policy matters to outside

agencies on behalf of the City Council. On occasion, members may wish to correspond on an issue on which the Council has yet to take a position, or about an issue for which the Council has no position. In these circumstances, members should clearly indicate that they are not speaking for the City Council as a whole, but for themselves as one member of Council.

Written letters and memoranda received by the City, addressed to a Councilmember or the Council as a body, will be photocopied and provided to all City Councilmembers, and a copy kept according to the City's records retention schedule. If a citizen sends correspondence concerning a topic that is the subject of a public hearing, the official should forward said e-mail to the City Clerk for inclusion in the hearing's record.

7.05 Email Communications

Councilmembers and appointed commissioners shall receive City email addresses for use in communications concerning City business. All email either sent from or received by a City email address should be retained as a public record. Use of a private email address for City business should not occur as it could subject private email or devices to a public records search. Using a City email for personal business also is not permitted.

1. If a citizen sends an email to a Councilmember concerning a topic that is the subject of a public hearing, the Councilmember will forward said e-mail to cityclerk@cleelum.gov.
2. Staff may review Council email for the purposes of records management or in response to a public records request.
3. As noted in Chapter 6, email discussion among four Councilmembers concerning City business is in violation of the Washington Open Public Meetings Act.
4. Emails should be limited to those who need to have access to the information.
5. Email should be used cautiously when seeking legal advice or in discussing matters of pending litigation or other confidential City business. Confidential email should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
6. All written communication, including casual notes, may become part of litigation. Avoid unnecessary adjectives or personal remarks in emails.

7.06 Newsletters

To ensure the accuracy and uniformity of information provided to the public, City staff shall prepare and distribute official City of Cle Elum newsletters and other publications. Councilmember communication to the public should not resemble a City newsletter, and when information is shared, links to City sources of information or other official sources should be provided. Any

opinions expressed should be identified as personal opinions that do not represent the City of Cle Elum or the Cle Elum City Council.

7.07 Text Messages

Text messaging or other messaging features are available on almost all mobile phones and some tablet computers or other devices. When text messages are about City business, they may be considered public records, even if sent or received by private devices. The City is then responsible for retaining, managing, and potentially disclosing these records in response to public records requests. Generally, service providers do not have the responsibility to retain text messages. Officials should limit the use of text messages whenever possible.

1. Retaining Public Record Texts

An official who uses a personal device for City business will be required to search for (or allow the City to search for), produce, transmit, transcribe, or forward text messages to text@cleelum.gov for retention. Officials also are required to cooperate with the City and provide their fullest assistance in fulfilling the City's duties and obligations under the Public Records Act.

Public record texts can be properly retained by:

1. Periodically forwarding text messages to text@cleelum.gov;
2. Sending screen shots of text messages to text@cleelum.gov;
3. Using an application to forward text messages to text@cleelum.gov; or using a backup application to store text messages.

7.08 Social Media Use

Social media provides officials with a convenient tool to communicate, inform and engage residents. The use of social media allows officials to showcase their efforts and can improve public trust. However, social media must be used in accordance with Washington's public records and open public meetings laws. Officials should avoid posting anything regarding City business on personal social media accounts. Personal accounts may become subject to a public records search if policies are not observed.

A. Government Official Accounts

1. An official should notify the City Clerk if he or she plans to create a "Government Official" social media account so that the Clerk can establish records archiving.
2. Government Official accounts should go through the verification processes of social media platforms.

3. The following disclaimer should be included on Government Official social media pages:

“The purpose of this page is to present matters of public interest in Cle Elum, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not a public forum. Once posted, the City of Cle Elum reserves the right to delete submissions that contain: (i) vulgar language; (ii) personal attacks of any kind; (iii) offensive comments that target or disparage any ethnic, racial or religious group. Further, the City also reserves the right to delete comments that are: (i) spam or include links to other sites; (ii) clearly off topic; (iii) advocate for illegal activity; (iv) promote particular services, products or political organizations; (v) infringe on copyrights or trademarks; or (vi) use personally identifiable medical information. We recommend you not share any of your medical information on our pages. Please note that the comments expressed on this site do not reflect the opinions or position of the City of Cle Elum government or its officers or employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the City Clerk at cityclerk@cleelum.gov.”

4. Councilmembers regularly participate in activities with constituents including local businesses, and it is acceptable for officials to use social media to publicize these events. Councilmembers should avoid posting the following types of content on their Government Official social media account:
 - i. Content that promotes or appears to promote any for-profit interest, including events in which there is no City participation, products, services or goods.
 - ii. Content that promotes or appears to promote any candidate or political party in any election at any level of government.
 - iii. Content that contains inappropriate or offensive language.
 - iv. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - v. Content that violates any terms of the hosting site.

B. Election Accounts

Officials should take affirmative steps to clearly distinguish the use of social media for election purposes.

1. While using a separate and distinct social media account for re-election purposes, Councilmembers may continue to use their Government Official social media account throughout the election campaign to further their duties as a Councilmember.
2. Once a Councilmember has been elected, election accounts may be kept as-is and used solely for campaign purposes, or they may be converted into a Government Official account. A government official account should not be converted into an election account.

C. Personal Accounts

The following items should be avoided on personal social media accounts:

1. Use of any City email address as a point of contact for registration purposes.
2. Identification of the official as a current member of the City Council or other official body in the handle name or username.
3. Use of the City logo or any other proprietary mark of the City of Cle Elum.
4. Contact information for the official at City Hall or other official contact information except as necessary to redirect residents to official government media.

D. Personal Account Precautions

Officials should implement the following precautions:

1. Post a disclaimer on the personal account that identifies the account purpose and specifies that the opinions expressed are personal opinions.
2. Limit the personal account content to personal use and don't write posts concerning City business.
3. Understand and use privacy settings to manage the account.
4. When officials receive comments regarding City business on their personal page, they should direct the commenter to an official City page.
5. Don't discuss private accounts in public meetings or reference private accounts in documents.

6. Do not use City devices to manage personal accounts.

E. Citizen Comments and Tagging

1. If a citizen posts a comment to a Government Official account about an item related to the day-to-day business of the City, Councilmembers should direct the commenter to the official City page for staff response.
2. When a Government Official page is tagged in a closed group, Councilmembers should either ignore the message or reply with the following message:

“In order to maximize transparency and adhere to public records laws, please direct all questions and comments to my Government social media account [if available] or my email FLast@cleelum.gov.”

7.09 Community Engagement Meetings

While the Council provides open public comment periods during Council business meetings, these opportunities are frequently underutilized. Other meeting formats provide a more informal atmosphere for the public to share concerns and ideas with elected representatives. The primary purpose of community engagement meetings is to foster open communication with citizens and to provide information to the public.

A. Town Hall Meetings

The City Council may hold town hall meetings to hear the concerns and opinions of the public. City staff and consultants may use the opportunity to communicate information to residents concerning capital projects, programs, services, special events and key issues.

B. Community Conversations

Citizens may interact informally with City Councilmembers during Community Conversation events. During these events, residents will share their thoughts and ask questions in a relaxed setting. Three Councilmembers are required to attend for an event to be held, and the Councilmembers in attendance will vary. Staff may attend as requested by the City Council.

C. Councilmember Office Hours

Individual City Councilmembers may make themselves available to meet one-on-one with citizens on an as-requested basis.

Chapter 8

City Business Meetings

The City Council and its advisory boards conduct business openly during public meetings. The primary purpose of business meetings is for the representatives of Cle Elum's citizens to take action on their behalf. The public evaluates the performance of its officials to a great extent by what happens at meetings. The following rules are provided to assist in conducting meetings in a way that is fair, efficient and legally compliant. The most current version of Robert's Rules of Order Newly Revised shall be generally followed in the proceedings of the regular meetings of the City of Cle Elum. This manual customizes those procedures and takes precedence in any incidence of conflict with Roberts Rules. All of the rules and guidance in this chapter applies to both the Council and its standing advisory boards, unless explicitly stated otherwise.

8.01 Meeting Types

All meetings attended by a quorum of Cle Elum elected or appointed officers for the purpose of conducting City business shall comply with the requirements of Washington's Open Public Meetings Act, RCW 42.30. A quorum is defined as four members of the City Council, three members of the Planning Commission, Historic Preservation Commission, and/or the Civil Service Commission. Without a quorum, no business can be transacted. The only actions that may be taken are measures to obtain a quorum or motions to fix the time at which to reconvene, to adjourn or to recess.

A. Regular Meetings

Regular meetings are all formal business meetings held according to a regular schedule. All regular meetings shall begin at 6:00 p.m. and be held at Cle Elum City Hall, 119 W 1st St, Cle Elum, WA 98922. Meetings may be conducted in person and/or "hybrid" remotely by interactive platforms , and must comply with.

The City Council meets the second and fourth Mondays of each month. The Planning Commission meets the first and third Tuesdays, and the Historic Preservation Commission meets the last Thursday of the month, or on an as needed basis, and the Civil Service Commission meets only as needed. When a regular meeting coincides with an observed holiday, the body will decide on an alternative date.

A regular meeting can be canceled in advance by a majority vote of the body. Meetings can also be canceled by the Mayor or Commission chairpersons by providing written notice to all Councilmembers and/or Commissioners. The City Clerk will endeavor to notify 24 hours in advance of the regular meeting date.

If no members of the council or commission attend a regular meeting, the City Clerk may adjourn the meeting. He or she must create a written notice of adjournment specifying the

time and place of the rescheduled meeting in the same manner required for a special meeting.

B. Special Meetings

Any meeting of the Council or its advisory boards not held according to a regular schedule is a special meeting. As specified in RCW 42.30.080, the Council or Commission may only take action only those items listed on the agenda distributed before the meeting. Any final action taken at a special meeting that was not properly noticed may be invalidated.

The Council or Commission may by majority vote schedule special meetings. The Mayor, chairperson, or any four members of the body may also call a special meeting by delivering written notice containing specific business items to each Councilmember and the City Clerk not less than 24 hours before the time of the special meeting.

At special meetings Roberts Rules of Order need not govern, however regular decorum should be observed. Special meetings may be held at any location. No final action may be taken at meetings held outside Cle Elum City limits.

C. Executive Sessions

Executive sessions may be called at any time during regular or special meetings without prior public notice. An executive session is a closed, confidential meeting called for specific purposes set forth in RCW 42.30.110(1). No final action may be taken in executive session. Before convening an executive session, the presiding officer must announce the topic and the session's anticipated duration. Only those topics announced may be discussed. Should additional time for an executive session be required, the presiding officer shall make a public announcement of the session's extension and anticipated duration.

Discussions are limited to the following topics identified in RCW 42.30.110 (1) as may be amended, which include:

1. Matters affecting national security;
2. Lease or purchase of real estate if disclosure would increase price;
3. Determining minimum offering price for sale or lease of real estate if disclosure would decrease price;
4. Reviewing negotiations on the performance of a publicly bid contract;
5. Reviewing complaints brought against a public officer or employee. Discussion must be in open session if the accused person requests it;
6. Reviewing qualifications of an applicant for public employment;
7. Reviewing performance of a public employee;
8. Reviewing qualifications of candidates for appointment to public office;
9. Discussing enforcement action with legal counsel;
10. Discussing current or potential litigation with legal counsel;

11. Discussing legal risks of current practice or proposed action with legal counsel.

Disclosure of confidential information learned by reason of a municipal officer's position is prohibited by RCW 42.23.070(4). State law provides for monetary penalties and possible forfeiture of office for violations.

8.02 Public Notice of Meetings and Hearings

The City Clerk is directed to publish notices and post agendas. Pursuant to RCW 35.22.288, cities must establish a procedure for notifying the public of hearings and the preliminary agenda for upcoming meetings. The procedure followed by the City of Cle Elum is as follows:

A. Public Hearing Notices

Unless otherwise specified by law, public hearing notices shall comply with publishing requirements adopted in the Cle Elum Municipal Code.

B. Preliminary Agendas – Regular Meetings

The public shall be notified of the preliminary agenda for upcoming regular meetings by posting a copy of the agenda in the following public places at least 24 hours in advance of the meeting:

- a. The City's official website, CleElum.gov
- b. Cle Elum City Hall – Front Entrance Outdoors – 119 W 1st St, Cle Elum, WA 98922
- c. Carpenter Memorial Library – 302 N Pennsylvania Ave – Cle Elum, WA 98922

C. Preliminary Agendas – Special Meetings

The City Clerk must post the notice and/or agenda and distribute it to news media that have expressed an interest in receiving such notice not less than 24 hours before the special meeting. The notice must contain the time and place of the meeting and the business to be transacted. Only those items listed on the agenda distributed before the meeting may be discussed or acted on.

D. Notice of Meeting Cancellation or Postponement

The City Clerk must post notices of regular meeting cancellation or rescheduling at least 24 hours before the original meeting date. Requirements for special meetings shall apply to rescheduled meetings.

E. Excluded Meeting Types

Posting of notices and/or agendas for meetings of committees or work groups containing not more than three members of the governing body, (Council, Planning Commission, or Historic Preservation Commission) is not required, except for the Council Finance Committee. The Finance committee can deliberate without adhering to meeting notice requirements by calling an emergency meeting.

Noticing is not required in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical, and increase the likelihood of such injury or damage.

8.03 Meeting Agendas

Required by state law, agendas are ordered lists of items to be discussed at meetings, and a valuable tool to keep conversation focused. The City Clerk in collaboration with other City officials and staff drafts and distributes agendas, and the meeting presider is primarily responsible for adherence during meetings. Agendas must contain the meeting type, date, time, location and items to be discussed listed in order.

A. Standing Order of Business

Unless modified by Council motion, the standing order of business for regular meetings shall be as follows: Council agenda addition may be requested by a Council Member for "City business with a three minute limit" at the beginning of the meeting.

Council Agenda: Sample

Call to Order, Pledge of Allegiance, and Roll Call

Public Comment

Approval of Meeting Agenda

Announcements, Appointments, Awards & Recognition

Consent Agenda

Items listed have been distributed to Council Members in advance for study and will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on a regular Agenda at the request of a Council Member or at the request of a member of the public with concurrence of a Council Member

Staff Reports

City Administrator, City Planner, Public Works Director, Police Chief, Fire Chief, Veolia Water

Public Appearances – 15-Minute Limit

Business Requiring Public Hearings

Unfinished Business
New Business
Committee Reports
Executive Session
Adjournment by Motion

B. Consent Agenda

The consent agenda contains multiple items approved with one undebatable motion, and is intended to improve meeting efficiency. Consent agenda items are those that do not require discussion, such as routine items, other items that can be reviewed without explanation, or items the Council has previously discussed. First readings of Ordinances may not be placed on the consent agenda. During review of the final agenda, any one Councilmember can remove items from the consent agenda for discussion under “New Business” without making a motion.

C. Council Planning Calendar

The City Clerk shall prepare a Council Planning Calendar containing a schedule of items for upcoming meetings, and shall prepare agendas using the planning calendar. The Mayor shall approve final preliminary agendas.

Items may be placed on the planning calendar by any of the following methods:

1. Council majority vote or consensus;
2. Council committee;
3. Any two Councilmembers;
4. Advisory board majority vote or consensus;
5. Department directors; or
6. City Administrator

D. Emergency Items

Emergency items may be added to an agenda in accordance with state law. Emergency items are only those matters immediately affecting the public health, safety and welfare of the community, such as widespread civil disorder, disasters, and other severe emergencies. The reason(s) for adding an emergency item to the agenda shall be announced publicly at the meeting, and included in meeting minutes.

E. Actions Concerning Ballot Propositions

According to RCW 42.17A.555, the City Council or its standing commissions can take action at an open public meeting to express a collective decision or to actually vote on a motion, proposal, resolution or ordinance to support or oppose a ballot proposition as long as (1)

any required meeting notice contains the title and number of the ballot proposition; and (2) members of the Council or commission or the public are given an approximately equal opportunity for the expression of an opposing view. In this instance, the title and number of the ballot proposition and a statement that “Members of the public are encouraged to attend and will be afforded an approximately equal opportunity for the expression of an opposing view” shall be noticed on the meeting agenda.

8.04 Agenda Packets

Prior to each meeting, City staff prepares meeting packets to inform and advise officials concerning items on the agenda. Meeting packets are to contain succinct business style writing. Staff is to provide a clear statement of the action proposed, any fiscal impact, necessary background information, a discussion section anticipating key questions, recommended action and a suggested motion if final action is proposed. The City Clerk shall ensure all agenda packet materials are complete and receive adequate review prior to distribution and publication.

All agenda packet materials shall be presented to the City Clerk for final review by 12:00 p.m. five days preceding regular meetings. The City Clerk shall post final City Council agenda packets on the City’s website, CleElum.gov. Packets will delivered electronically or hand delivered.

Councilmembers shall come to meetings prepared. Councilmembers should read the agenda packet prior to the meeting, carefully review proposals under consideration, and prepare in writing motions they intend to make. For meeting efficiency, questions concerning proposals may be directed to the Mayor, City Administrator, or department directors prior to the meeting. Emails among four or more board members, or other communications whether written or oral, concerning items on preliminary agendas are not permitted.

8.05 Meeting Minutes and Audio Recordings

Minutes shall be required to document all meetings subject to Washington’s Open Public Meetings Act, RCW 42.30. The City Clerk, or designee, shall record actions taken during meetings by writing meeting minutes. Minutes shall be made available promptly, and no later than the next regular meeting. Members of the Council or advisory commission shall review and approve minutes.

Minutes shall include at a minimum the meeting type, date, time and place, roll call results, late arrival and early departure times of officials, speaker names, all motions and the names of those making them, titles of legislation, detailed voting results, staff direction, all points of order and appeals, public hearing opening and closing times, and time of meeting adjournment. The reasons for an individual’s dissent from the majority decision may be included upon request. Council intent or other statements or information shall be included as the Council or commission approves. The City Clerk shall also note any conflict of interest or appearance of fairness challenges and recusals.

The City Clerk or designee shall make and keep audio or video recordings of all meetings except those meetings or portions of meetings conducted in executive session. Recordings shall be posted on the City's website, CleElum.gov at the soonest available opportunity.

8.06 Meeting Attendance and Seating

As noted in section 8.01 of this manual, a quorum is required for the transaction of City business. Elected or appointed officials may be excused from attending regular meetings by contacting the Mayor or their designee on the day of the meeting and stating the reason for non-attendance. The Council or Commission may then excuse individual members by motion or unanimous consent. Three consecutive unexcused absences from regular meetings shall cause a position to become vacant (RCW 35A.12.060).

City staff, attorney, and consultants shall attend meetings as requested by the Mayor, with input of the City Council. During executive sessions, other persons as the Mayor requests shall be present.

8.07 Parliamentary Procedure and Decorum

Parliamentary procedure assists deliberative assemblies in considering matters in an efficient, legal manner. Safeguards ensure due process and protect the rights of individual members of the governing body and the group as a whole. Officials must conduct business meetings according to formal procedures and preserve decorum. To maintain decorum, Councilmembers must address their remarks to the meeting presider during discussion and debate of business items.

A. Inappropriate Remarks

Robert's Rules of Order and the common parliamentary law it is based on require that board members be courteous to one another and the public, speak to issues and not personalities and stay on topic. Certain types of remarks are inappropriate during discussion at a meeting because they are not relevant to discussion. These restrictions do not apply to the public, but all speakers are expected to be courteous and efficient when making remarks. The following is a list of inappropriate remarks to Councilmembers and to members of the public:

1. Personal remarks – remarks that pertain to an individual's appearance, background, ethnicity or other personal aspects, rather than views on issues;
2. Insults, obscenity, vulgarity and personal attacks;
3. Inflammatory language – remarks that incite high emotions rather than addressing the issues;
4. Criticizing past actions of the group, with two exceptions:
5. If the group itself is discussing a past action;
6. If the Councilmember intends to propose amending or rescinding the action; or
7. Remarks that are not "germane" or relevant to the discussion.

B. Use of Electronic Devices

Cellular devices must be silent during meetings. To maintain decorum, officials and members of staff are prohibited from text messaging or making phone calls at the dais while in session. Members of staff and the audience also are prohibited from making phone calls in the Council Chambers during meeting proceedings. The use of electronic devices for viewing meeting presentations, materials or other reference related to city business is encouraged.

C. Other Minor Disruptions

Side conversations or the passing of written notes at the dais are discouraged. General conversation between board members and the public is not permitted. Members should keep microphones turned on and speak clearly into the microphone when they have the floor.

D. Major Disruptions

Any official, person or group of persons rendering the orderly conduct of the meeting infeasible may be asked to leave by the presiding officer, and may be barred from attending the remainder of the meeting. Pursuant to RCW 42.30.050, if order cannot be restored, Councilmembers by majority vote may order the room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by the Council.

8.08 Point of Order and Appeal

The Mayor, Chairperson or other presiding officer has the duty of enforcing meeting rules and managing discussion. The City Clerk or designee, in consultation with the City Attorney if available, shall assist the meeting presider in matters of parliamentary procedure. If the presider does not maintain order, any board member or the City Clerk has the duty of raising a Point of Order.

Point of Order requires the presiding officer to abide by parliamentary rules or require another member to abide by the rules. A point of order can be made at any moment, at the time of rule violation. When a Point of Order is made, it stops business until the presider rules. The presider may agree and enforce the rules, or disagree and move on with business at hand. Any member, with a second, can appeal the ruling. Motions to appeal are not debatable. The body would then decide on the matter.

8.09 Committees, Commissions, and Advisory Boards Discussion

Roberts Rules of Order provides special rules for small groups such as the City Council and its advisory boards. Informal discussion is allowed prior to a motion. The presider should take care to

ensure the discussion is productive and should request a motion as soon as the group appears ready for it. All members have an equal right to speak and to make or second motions, including the meeting presider.

Members must seek recognition from the meeting presider before speaking by raising their hand. Comments should be limited to a maximum of five minutes and must be relevant to the item under consideration. No member may interrupt a speaker while they have the floor, unless to make a point of order. No one may speak a second time until everyone who wishes to do so has spoken once. There is no limit to the number of times a member can speak. Staff do not have the right to participate in discussion unless granted by the Council. Members of staff present information and are permitted to respond to points of information as requested.

8.10 Taking Action by Motion

Main motions are formal proposals by members to do something that move a group from discussion into action. Motions should be clear, concise, and unambiguous, and should be in writing unless very short. All motions should be phrased in the grammatical positive.

Individuals make motions by saying, "I move that..." or "I move to..." and announcing what is proposed. After the motion is made another member who wishes the motion considered says, without obtaining the floor, "I second the motion," or simply, "Second." In most instances, motions if not seconded are not taken up for discussion.

The presiding officer then repeats the exact motion and opens debate by stating: "It has been moved and seconded that ... Is there any discussion?" The way the presider states the motion is its official text, unless an objection is heard. Until the presider has stated the question, the motion maker has the right to modify or withdraw the motion. If modified, the seconder can withdraw his or her second. After motions have been stated, they can be modified or withdrawn only with board approval.

The board may modify motions by approving motions to amend. Members make motions to amend by stating, "I move to amend the motion by adding, striking out, inserting, or substituting" words. An amendment requires a second, is debatable and requires a majority vote. An amendment may be inconsistent or in conflict with the spirit of the original motion, but it must have a direct bearing on the subject of that motion. If the motion to amend passes, the presider puts the main motion, as amended, to a vote. If the motion to amend fails, the presider puts the main motion, as originally presented, to a vote.

A pending motion may be eliminated with a motion to postpone indefinitely. If the body would like to delay action on a motion, a motion to postpone to a time certain may be made. A motion to table an item is commonly misused in place of a motion to postpone. Tabling a motion should be used only when some immediate urgency has arisen and the question is temporarily put aside. Adopted motions can be reconsidered at the same meeting by a member voting in opposition, and

until the action has been carried out, reintroduced at a later meeting, amended, or rescinded at any time by motion.

During most regular meetings of the City of Cle Elum, the following occurs:

1. Presiding officer introduces the agenda item;
2. Staff provides a presentation or information;
3. Presiding officer opens a public hearing if required;
4. Presiding officer closes the public hearing after receiving comment;
5. Board member discussion;
6. A member proposes a motion;
7. A member seconds a motion;
8. Presiding officer states the motion;
9. Board member debate of the motion;
10. Presiding officer restates the motion;
11. Presiding officer takes the vote and announces results;
12. City Clerk records action in minutes.

8.11 Determining Majority

For most motions, a simple majority of board members present at a meeting is sufficient for passage. The passage of any ordinance, grant or revocation of a franchise or license, and any resolution for the payment of money, requires an affirmative vote of at least a majority of the whole membership of the Council, meaning four affirmative votes, regardless of how many Councilmembers attend a meeting. Public emergency ordinances, necessary for the protection of public health, safety, property, or peace, may take effect immediately if passed by a majority plus one of the whole membership of the Council, or five Councilmembers. Some motions that affect the rights of individual members, such as call the question, require a two-thirds vote or “super majority” to be approved.

Members Present	Majority Vote	Two-Thirds Vote
4	3	3
5	3	4
6	4	4
7	4	5

8.12 Voting

Decisions may be made expediently by unanimous consent, meaning no member objects. Any board member who objects must state the objection immediately so the presider may take a vote.

Presiding officers shall conduct voice votes unless there is uncertainty in the vote or if any board member requests voting by roll call or a show of hands. Each Councilmember or advisory board member shall vote on all questions, unless a conflict of interest or appearance of fairness consideration is present. Board members must be present to vote on any matter, so proxy votes are not allowed. Silence during voting shall be recorded as an affirmative vote. In the case of a tie vote on any motion, the motion fails. A person who would like to change their vote may do so prior to the presiding officer's announcement of voting results. After voting results are announced, a vote can only be changed by unanimous consent of the body immediately after the presiding officer's announcement, before any debate or business has intervened.

Any board member shall have the right to express support for or protest against any motion and have the reason entered in the minutes on request. Any statement expressing the intent of the Council body must be approved by the Council.

8.13 Changing a Final Action

Until the time they are carried out, Council actions may be changed or reversed with motions to reconsider, amend or rescind previously approved motions. Alternately new motions may also be made at later meetings with the same effect. Motions to reconsider, amend or rescind have specific rules that apply to each.

A. Motion to Reconsider

If approved, a motion to reconsider takes Council discussion back to the point just prior to voting on the original motion. A motion to reconsider:

1. Can only be moved during the meeting the original motion was approved, or the next day if part of the same meeting;
2. Must be moved by someone who voted with the prevailing side;
3. Requires a second, and can be debated if the original motion was debatable;
4. Cannot be amended; and
5. Takes a majority to pass.

B. Motion to Amend Something Previously Adopted

A motion to amend something previously adopted allows the group to change an approved motion. A motion to amend something previously adopted

1. Can be moved during the meeting the original motion was approved, or at future meetings;
2. Requires a second, and can be debated;
3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

C. Motion to Rescind Something Previously Adopted

A motion to rescind something previously adopted allows the group to rescind an approved motion. A motion to rescind something previously adopted

1. Can be moved during the meeting the original motion was approved, or at future meetings;
2. Requires a second, and can be debated;
3. Can be amended; and
4. Requires a two-thirds majority to pass if taken up at the same meeting, or a simple majority if previous notice is given by placing the item on the final agenda.

8.14 Quasi-Judicial Actions

Certain decisions of the City Council or Planning Commission are considered to be quasi-judicial in nature, which means the board exercises powers resembling those of a court. In these instances, the board is obliged to follow procedures to objectively determine facts and draw conclusions from them as the basis of action. Quasi-judicial decisions determine the legal rights, duties, or privileges of specific parties and not of the public in general. Some examples of quasi-judicial actions include rezones or reclassifications applying to specific parcels of property, appeals of the decisions of the Planning Commission (Hearings Examiner), subdivisions, and special land use permits.

A. Conflict of Interest and Appearance of Fairness

Conflict of interest laws and the Appearance of Fairness Doctrine (RCW 42.36) applies to quasi-judicial actions pursuant to RCW 42.36.010. According to this doctrine, the appearance of fairness is as important as substance. The test of whether the doctrine has been violated is: "Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." It is illegal to participate or otherwise be involved in discussions on issues where a conflict of interest or appearance of fairness consideration exists. More information is provided in section 6.05 of this manual.

Prior to any quasi-judicial hearing, each member of the Council or Planning Commission with a conflict of interest or appearance of fairness consideration, no matter how remote, shall disclose such facts to the meeting presider. A board member, the City Attorney or any member of the public may immediately exercise challenges for cause. The challenge must be raised as soon as the basis for disqualification is made known or reasonably should have been made known prior to issuance of a decision.

The party seeking to disqualify the board member shall state with specificity the basis for disqualification. The City Attorney may interview the board member to determine the validity of the statements and whether they are able to objectively consider the issue and render a decision on the basis of information received.

B. Ex Parte Communications

According to RCW 42.36.060, no member of a decision-making body may engage in communications with opponents or proponents in regards to the proposal that is the subject of the quasi-judicial proceeding. Any ex parte communications would need to be disclosed prior to the hearing so the meeting presider may determine if a conflict of interest or appearance of fairness issue exists.

C. Recusal From Proceedings

Based on these facts, the member may choose to recuse himself/herself from proceedings, or the meeting presider may request recusal. Two or more board members who believe a violation exists may make a motion requesting recusal of a member. A recused board member shall leave the Council Chambers until the discussion of the matter is complete, unless the recused member's presence is necessary to maintain a quorum. In this instance, the member shall be permitted to participate.

8.15 Public Participation

Input from individuals or groups is an important part of the legislative process, but the primary purpose of formal regular meetings is to conduct business. Verbal public comment is invited only during designated periods. No person shall be permitted to address the Council while it is in session without the unanimous consent of the entire Council and recognition from the Mayor. Special community meetings are often held for gathering public input on key topics.

A. Written Public Comment

Written comment concerning agenda items shall become a part of the meeting record. Public comment for the Council or advisory body may be submitted to the City Clerk at any time. Comment received by 4 p.m. on the meeting date shall be distributed prior to the meeting. After this time, written comment to be considered at the meeting can be provided in-person.

B. Verbal Public Comment

All verbal comments shall be made from the lectern and are audio recorded. All speakers are expected to be courteous and efficient when making remarks. An individual may speak only once per public comment period unless additional input is requested by the Council. In some instances, the City Council by unanimous consent or majority vote may limit the total amount of time available for public comment.

During ~~two~~ open public comment periods, the public may comment on any topic not already on the agenda with an opportunity for public comment or hearing. The Council shall invite public comment on first reading of all ordinances. Councilmembers may open the floor to public comment during subsequent readings of ordinances or any other topic under consideration.

Public hearings are formal public comment periods advertised in the City's newspaper of record prior to the meeting. The presiding officer shall announce the opening of the public hearing, and when all persons wishing to speak have done so, shall declare the hearing closed. When needed, the Council or advisory body may hold open a public hearing to allow additional time for receipt of testimony. If the hearing concerns a quasi-judicial matter, the City Attorney will inform the public of the procedure required by law. During quasi-judicial hearings, persons providing testimony may be required to take an oath affirming the truth of the testimony.

The following procedure shall be followed for verbal public comment:

1. Speakers should approach the microphone and state their name, city and neighborhood of residence, and whether they are representing an organization.
2. Speakers should write this information on a sign-in sheet at the lectern.
3. People speaking for themselves shall be granted three minutes, and representatives of organizations shall be granted five minutes to speak. The City Clerk shall be the timekeeper. In some instances, the Council by unanimous consent or motion may allow additional time.
4. Comments shall be directed to the presiding officer only.
5. Any Councilmember may ask questions of a speaker before the speaker is seated, with permission of the meeting presider.
6. Unless required by a public hearing, the Council may not immediately respond to public comment. Officials or staff shall respond within two weeks of the date comment is submitted.

8.16 Election of Mayor Pro Tempore

Procedures for electing the Mayor Pro Tempore are as follows:

A. Biennial Election

At the first meeting of each even-numbered year, the Council will elect a Mayor Pro Tempore from among its membership.

B. Nominations

The Mayor will call for nominations. Each member of the City Council will be permitted to nominate one person, and nominations will not require a second. A nominee who wishes to decline the nomination will do so at this time. When it appears the Council has no further nominations, the Mayor shall close the nomination period, but Councilmembers may, by majority vote reopen nominations. After nominations are closed, each nominated Councilmember may speak for three minutes in the order in which he or she was nominated.

C. Casting Ballots

Each Councilmember may vote for one nominee, and the vote of a simple majority of Councilmembers present is required to elect a candidate. Abstentions are not permitted. A tie vote results in a failed candidacy. Voting will be by written ballot. Each ballot will contain a list of nominees and the name of the voting Councilmember. The City Clerk will publicly announce results for the record by stating the name of the voting Councilmember and the manner in which he or she voted.

D. When a Mayor Pro Tempore Cannot be Elected

If the Council is unable to elect an officer after the initial voting period, the Mayor shall repeat the balloting process. If the Council again does not elect an officer, the Council may, by majority vote reopen the nomination period to add new candidates to the ballot. The City Clerk would then conduct the balloting process not more than twice for existing and additional nominees. Elections will be held at each subsequent regular Council meeting until a Mayor Pro Tempore is elected.

E. Removal from Position

A vote of five members shall be required to remove the Mayor Pro Tempore from his or her position. Removal from the position of Mayor Pro Tempore does not constitute a removal from the position of Councilmember.

8.17 Filling Council Vacancies

If a Council position becomes vacant for any of the reasons found in 2.10 of this manual, the Mayor shall direct staff to begin the appointment process and establish an interview and appointment schedule at the earliest opportunity in accordance with RCW 42.12.070. A Councilmember vacating a position cannot participate in the appointment process.

A. Soliciting Applications

1. The City Clerk shall prepare and submit a display advertisement to the City's official newspaper, with copies to other local media, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant (a) be a registered voter of the City of Cle Elum, and (b) have a one year residency in the City of Cle Elum. This advertisement shall be published once each week for two consecutive weeks. The advertisement shall contain other information, including but not limited to, time to be served in the vacant position, election information, salary information, Councilmember powers and duties, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate.
2. The City Clerk shall utilize the standard application form requesting appropriate information for City Council consideration of the applicants. Applications will be available at City of Cle Elum offices and on the City's official website. Copies of the display advertisement will be provided to current members of the City of Cle Elum commissions, committees, task forces and other City-sponsored citizen groups.
3. Applications received by the deadline date and time will be copied and circulated by the City Clerk to the Mayor and City Council. Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials.

B. Interviewing Candidates for Office

1. The City Clerk shall publish the required public notice(s) for the meeting scheduled for interviewing applicants. This meeting may be a regularly scheduled City Council meeting, or a special City Council meeting. The City Clerk shall also notify applicants of the location, date and time of City Council interviews.
2. During the interview meeting, the applicant shall present his or her credentials to the City Council. The applicants' order of appearance will be determined by a random lot drawing performed by the City Clerk.

3. Councilmembers may each submit one interview question for one set of predetermined questions, to be reviewed by legal counsel. An informal question period may also be a part of proceedings. City Council and Mayor will determine if informal questions that elaborate or clarify a previous question is appropriate .

C. Selection

1. Upon completion of the interviews, Councilmembers may convene into Executive Session to evaluate the qualifications of the applicants. However, all interviews and final action appointing a candidate to elective office shall be in a meeting open to the public. Nothing in this policy shall prevent the Council from reconvening executive session at any time to discuss qualifications.
2. Selection shall be by Council motion approved by a majority of the Council present.
3. Proceedings shall continue until the Council appoints a Councilmember. At any time during the appointment process, the Council may postpone selection until a set date.
4. The new Councilmember shall be sworn into office by the City Clerk at the earliest opportunity or no later than the next regularly scheduled City Council meeting.
5. If the City Council does not appoint a qualified person to fill the vacancy within 90 days of the occurrence of the vacancy, the Revised Code of Washington delegates appointment powers to Kittitas County.

Chapter 9

Public Records

The Washington State Public Records Act (RCW 42.56) requires all local government agencies to protect public records from damage and disorganization and to make them available to the public with very narrow exemptions. A public record is defined as any writing prepared, owned, used or retained by any local government agency that contains information relating to the conduct of government or performance of any government function. The term “writing” is broadly defined to include not only traditional written records, but also photos, maps, videos, voicemails, emails, text messages and social media messages. The City Clerk is Cle Elum’s Public Records Officer.

9.01 Public Records on Privately Owned Resources

Records created or maintained on personal devices or privately owned accounts may be public records if they meeting the definition under RCW 42.56.010(3). Officials should avoid creating or storing public records on privately owned resources whenever possible and should transfer public records to the City’s Public Records Officer at the soonest available opportunity.

9.02 Records Retention Schedule

Various public records must be kept for different amounts of time. City officials shall assist in the retention of public records they create. The State of Washington’s Local Government Common Records Retention Schedule or CORE specifies how long each type of record must be kept. The CORE assigns a disposition authority number or DAN to each type of record or “records series.” Access the full CORE at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>. The City Clerk is available to answer questions concerning the CORE.

9.03 Records Commonly Created by Officials

The City Clerk retains records related to Council and advisory board operations according to state schedule such as original copies of agenda packets, minutes, ordinances and resolutions. Staff often provides officials with duplicate copies of these materials, most of which can be disposed of immediately without any particular procedure. Records with a longer retention period may be transferred to the City Clerk. The following is intended to provide guidance concerning retention periods for records and may not be all-inclusive.

DAN	Record Description	Retention Period
GS50-02-04	Secondary (Duplicate) Copies Copies of records (created or received), provided the agency retains its primary copy of the record in accordance with the approved minimum retention period.	Retain until no longer needed for agency business then destroy
GS2016-007	Meeting Materials – Members’ Copies/Notes Individual members’ meeting materials from participating in governing/executive, advisory, internal/external committees, provided the committees’ records are retained by the secretary/responsible agency/member. Includes but is not limited to copies of agendas, meeting packets, working notes or drafts.	Retain until no longer needed for agency business then destroy.
GS2016-010	Reference Materials Materials gathered from outside sources for reference/reading use which are not evidence of the agency’s business transactions. Includes but is not limited to individual participants’ copies of internal and external training materials (such as handouts, notes taken, etc.) from conferences/seminars/trainings.	Retain until no longer needed for agency business then destroy.
GS50-02-03	General Information – External Information received from other agencies, commercial firms, or private institutions, which requires no action and is no longer needed for agency business purposes. Includes unsolicited junk mail, informational copies, notices, newsletters and announcements.	Retain until no longer needed for agency business then destroy.
GS50-01-12	Communications – Governing/Executive/Advisory Internal and external communications to, from, and/or on behalf of the agency’s governing bodies, elected officials/executive management or advisory bodies, that are in connection with the transaction of public business. Includes all communication types regardless of format such as email and social networking posts.	Retain for 2 years after received or provided, whichever is later, then transfer to State

GS2012-028	Reporting/Filing (Mandatory) – Agency Management Records relating to general functions of the agency required to be submitted to an outside agency such as political campaign reports, lobbying reports, or personal statements, filed with the Public Disclosure Commission.	Retain for 6 years after report or document submitted then contact Washington State Archives for appraisal.
GS 2016-003	Contact Information Records relating to contact details of external clients/stakeholders the agency has gathered/received. Includes email distribution lists, business cards and contact details stored in contact databases.	Retain until no longer needed for agency business then destroy.
GS2016-004	Drafting and Editing Records relating to the drafting/editing of correspondence, documents and publications. Includes preliminary drafts and edits/suggestions/directions, such as handwritten notes and track changes information.	Retain until no longer needed for agency business then destroy.
GS2016-011	Scheduling – Appointments/Meetings Records relating to the scheduling of appointments/meetings, provided the calendar is retained in accordance with GS50-01-36. Includes meeting invitations accepted/declined and related correspondence.	Retain until no longer needed for agency business then destroy.
GS50-02-01	Requests for Basic/Routine Agency Information Internal and external requests for, and provision of, routine information about the operations of the agency, such as business hours, web/email addresses and meeting dates/times.	Retain until no longer needed for agency business then destroy.

9.04 Records Automatically Archived

All city officials and staff should retain any non transitory emails and cell phone records sent from or to a City-issued email address are automatically archived on publicly- owned resources. Text

messages sent from City owned mobile devices and social media records on City social media accounts are automatically archived. View section 7.07 for more information on procedures related to text message communications and section 7.08 concerning social media records.

9.05 Records Destruction or Transfer

No records should be destroyed after the submittal of a public records request relating to such records regardless of retention period. Records that have met their mandated records retention periods and are not a part of a current public records request should be destroyed to limit liability to the City and to reduce the cost of responding to public records requests. Some records are eligible to be transferred to the State of Washington for retention.

DRAFT

Chapter 10

Additional Training and Resource Materials

10.01 Association of Washington Cities (AWC)

The Association is a voluntary, nonpartisan, nonprofit association comprised of all incorporated cities and towns in Washington.

(800) 562-8981 – WACities.org

10.02 Municipal Research & Services Center of Washington

MRSC is a nonprofit, independent organization created in 1969 to continue programs established in 1934 under the Bureau of Governmental Research at the University of Washington. One of the principal services of MRSC is to respond to inquiries on virtually every facet of local government.

(206) 625-1300 – mrsc.org

10.03 Washington Cities Insurance Authority

A municipal organization of Washington public entities that join together for the purpose of providing liability and property financial protection to its members.

(206) 575-6046 – wciapool.org

10.04 International City/County Management Association

ICMA is a professional and educational association of local government administrators that serves to enhance the quality of local government through professional management and to support and assist professional local government administration. The Association's Elected Officials Handbook series can be of great value to Councilmembers. Publications are also available through ICMA concerning every basic city service.

(202) 289-4262 – imca.org

10.05 Government Finance Officers Association

GFOA is a professional association of state and local finance officers. The Association administers a broad range of services and programs related to government financial management.

10.06 National League of Cities

A non-partisan organization serving municipal governments, the NLC works to establish unified policy positions, advocates those policies forcefully, and shares information that strengthens municipal government throughout the nation.

www.nlc.org – (202) 626-3000

10.07 Overview of Basic City Documents

Many other laws, plans, and documents exist which bind the City to certain courses of action and practices. The following is a summary of some of the most notable documents that establish City Council direction.

A. City Council Goals and Strategic Priorities

The Council provides prioritized goals that provide broad guidance to officials and staff. The City should review and amend these annually. Goals turn the City's mission and vision into specific targets. Goals are outcome statements to guide implementation of strategy.

B. Comprehensive Plan

A state-mandated Comprehensive Plan addresses the City's long-range planning needs relative to land use, transportation, economic development, and other planning elements. The City's Comprehensive Plan is reviewed on an ongoing basis, but may only be revised once a year, except as provided by State law.

C. Cle Elum Downtown Revitalization Plan

The Cle Elum Downtown Revitalization Project will renovate the First Street ("Main Street") corridor between Billings Ave (west) and Peoh Ave (east).

D. Cle Elum Downtown Master Plan

The Cle Elum Downtown Master Plan forms the foundation of a downtown plan that includes several components that complement the plan to make 1st Street a more inviting place for visitors to browse the shops, restaurants, accommodations, and businesses in downtown.

E. Cle Elum Municipal Code

The municipal code contains local laws and regulations adopted by ordinances. Title 2 of the code addresses the role of the City Council, describes the organization of City Council meetings and responsibilities and appointment of advisory boards and commissions. In addition to these administrative matters, the municipal code contains a variety of laws including, but not limited to, zoning standards, health and safety issues, traffic regulations, building standards, and revenue and finance issues.

F. Six-Year Capital Improvement Program

The Six-year Capital Improvement Program serves as a guide for determining priorities, planning, financing, and constructing capital projects which add to, support, or improve the physical infrastructure, capital assets, or productive capacity of city services. The six-year Transportation Improvement Program is included.

G. Annual Budget

The budget is the primary tool and road map for accomplishing the goals of the City. The budget document is the result of one of the most important processes the City undertakes. By adopting the budget, the City Council makes policy decisions, sets priorities, allocates resources, and provides the framework for government operations.

H. Comprehensive Financial Management Policies

The City's Comprehensive Financial Management Policies serve as a framework for financial planning, budgeting, accounting, reporting and other financial management practices. The document assists the City in operating in a prudent manner, using sound fiscal policies that ensure safekeeping of the City's assets.

I. Personnel Policies and Employee Handbook

Personnel policies adopted by the City Council apply to all City employees. Generally they do not apply to the Mayor or City Council. The document provides policies about recruitment, selection, retention and separation of City employees. Guidance on compensation, benefits, employee responsibilities and conduct are provided.

J. Disaster Preparedness and Business Continuation Plan

The City maintains a disaster preparedness and business continuation plan that outlines actions to be taken during times of extreme emergency. The Mayor is called upon to declare the emergency, and then the Fire Chief directs all disaster response activities. The City Council may be called upon during an emergency to establish policies related to a specific incident.

10.08 Orientation of New Members and Ongoing Training

It is important for the members of the City Council and its advisory boards to gain an understanding of the full range of services and programs provided by the City. As new members join, the City will host an orientation program that provides an opportunity for members to tour municipal facilities and meet with key staff within the first quarter of taking office. Another training opportunity for new members is the Association of Washington Cities-sponsored newly elected officials' orientation. At any time, if there are facilities or programs about which officials would like more information, arrangements will be made to increase your awareness of these operations.

The Code City Handbook, Report No. 37, published by the Municipal Research & Services Center (MRSC), provides a wealth of general information. Another publication from MRSC that goes hand in hand with the handbook is, *Knowing the Territory*: This report discusses basic powers, basic duties, liabilities, and immunities of officers, conflict of interest and appearance of fairness, prohibited uses of public funds, property, or credit, competitive bidding requirements, the Open Public Meetings Act, Open Government-Public Records-Freedom of Information and immunities from tort liability.

Item #9 B

CITY OF CLE ELUM *Planning Department*

AGENDA STAFF REPORT

AGENDA DATE: *June 12, 2023*

ACTION REQUESTED: *Ordinance to be presented at a later date.*

BACKGROUND: *The Cle Elum Planning Division is proposing a non-project minor amendment to the City of Cle Elum's Comprehensive Plan. These proposed amendments aim to actively protect the city from the risk of wildfires, and include new goals and policies that are not currently in the city's Comprehensive Plan. The proposed policies cover various aspects such as participation in community wildfire protection plans, mutual response support with local fire suppression entities, adoption of national fire management strategies, implementation of fire-resistant construction codes, development of consistent wildfire risk reduction standards, application of vegetation management principles to city-owned properties, collaboration with state and federal agencies for land stewardship plans, and establishment of uniform standards for emergency vehicle access and evacuation routes. The Planning Commission has held multiple study sessions to discuss these amendments, issued public notice and held two public hearings. The Commission reviewed and considered public comments before finalizing their recommendation to Council. The City of Cle Elum Planning Department recommends the approval of these goals and policies and will be presenting an Ordinance for consideration at a later date.*

RECOMMENDATION: *Presentation regarding proposed Firewise Amendments, none*

HANDLING: *City Clerk, Council*

ATTACHMENTS: *Complete Record of the drafting of Firewise Amendments*

LEAD STAFF: *Colleda Monick, HLA*

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Recommendation Regarding Firewise Amendments Exhibit A

TO: City of Cle Elum Honorable Mayor and Council
FROM: Colleda Monick, Planning Consultant
SUBJECT: Comprehensive Plan Amendments – FIREWISE
FOR MEETING OF: June 12, 2023

I. PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS:

The Cle Elum Planning Division is proposing a non-project minor amendment to the City of Cle Elum's Comprehensive Plan.

The Planning Commission held at least 6 study sessions for these proposed amendments on March 15, 2022; August 11, 2022; October 4, 2022; January 3, 2023; February 15, 2023; and March 7, 2023.

These proposed amendments would be new Goals and Policies that are not currently in the city's Comprehensive Plan and include:

Potential New Goal: Actively protect the city from the risk of wildfires.

To achieve this Goal, the City of Cle Elum adopts and shall actively implement the following policies:

Potential New Policy 1: *The City will actively participate in and support the Kittitas County Community Wildfire Protection Plan (CWPP) that has been developed and updated through the Kittitas Fire Adapted Communities Coalition and regional partners.*

Potential New Policy 2: *The Cle Elum Fire Department, in partnership with all other local wildfire fire suppression entities, will continue to support mutual rapid responses to ensure that timely suppression actions are employed.*

Potential New Policy 3: *The City hereby adopts the "National Cohesive Wildland Fire Management Strategy" (<https://www.forestsandrangelands.gov/strategy/thestrategy.shtml>) to guide local efforts to address the challenges associated with:*

- a. The management of vegetation and fuels for wildfires.*
- b. The protection of lives and property.*
- c. Managing the potential for human-caused ignitions; and*
- d. Effectively and efficiently responding to fires.*

New Policy 4: *The City shall adopt the "2021 International Wildland-Urban Interface Code (IWUIC)" in its entirety, that is within the International Uniform Building Code and provide examples of fire-resistant construction (See <https://codes.iccsafe.org/content/IWUIC2021P1/arrangement-and-format-of-the-2021-iwuic>).*



Potential New Policy 5: *The City, in partnership with the Kittitas County Fire Districts, Kittitas County Departments, the City of Roslyn, and the Town of South Cle Elum (aka “Regional Partners”), will prepare, adopt, and implement consistent development standards focused on minimizing the risk of wildfires. Areas of special emphasis should include, but is not limited to:*

- a. *Properties along the I-90 corridor.*
- b. *Large parcels under common ownership within the City limits, the Cle Elum UGA, and nearby properties.*
- c. *Forested properties.*
- d. *Properties that contain environmentally sensitive areas, parks, open space, and required buffer areas.*
- e. *Areas identified as high or extreme fire hazard including debris created as a part of land clearing or timber harvest.*

Potential New Policy 6 *The City will apply “firesafe” vegetation management principles to City-owned properties on an ongoing basis. This shall include such measures as:*

- a. *Fuels reduction.*
- b. *Fire resistive landscaping.*
- c. *Vegetation maintenance.*
- d. *Implement program to collect biomass from citizens to give a cost-effective way for citizens of the city to eliminate extra biomass.*

Potential New Policy 7: *The City will engage and encourage state and federal agencies, and non-profit organizations that own or manage tracts of forested land to recognize the increasing risk of wildfires and to prepare and implement land stewardship plans that include measures to reduce the risk of wildfires.*

Potential New Policy 8: *The City will require that the owners of forested property suitable for development prepare and implement a stewardship plan focusing on vegetation management that maintains fire resiliency to minimize wildland fire behavior. These plans should include primary and secondary egress, street standards that allow large emergency vehicle access, fire resistant vegetation, including landscaping, tree species selection and density, and greenbelt locations.*

Potential New Policy 9: *The City and its Regional Partners will establish uniform standards for ingress and egress, emergency vehicle access, and evacuation routes as well as shared protocols for timely evacuation notification, traffic control, responder access, and emergency shelter plans for current and future development. This shall include, but is not limited to:*

- a. *A requirement that at least two means of effective ingress and egress for emergency vehicles in all seasons and weather conditions, as determined by local fire marshals, to include but not limited to load capacity, road grade and width, emergency vehicle turnaround, and street access shall be provided and maintained by project sponsors in areas where 30 or more residences exist or can be developed. If access road is blocked*



or is otherwise unusable for any reason, there shall be an alternate route for emergency vehicles to access and safely return to their stations, and for residents to escape. No new developments shall be approved that do not permit emergency vehicle access or the evacuation of residence under any circumstances.

Potential New Policy 10: *The City, in consultation with its Regional Partners and the Washington State Department of Natural Resources, will develop and implement protocols to ensure that all development activities in and near forested areas are conducted in accordance with Industrial Fire Precaution Levels as determined by the Washington State Department of Natural Resources (DNR). This shall include, but is not limited to, compliance with the DNR Handbook on Forest Fire Protection published October 2018, and as may subsequently be amended.*

Potential New Policy 11: *The City in consultation with its Regional Partners, will continue to enforce fireworks bans and open burning rules and restrictions and seek a consistent approach to manage risks associated with those activities.*

Potential New Policy 12: *The City will adopt and implement standards for wildland fire suppression training and certification. First responders should have adequate training, personal protective equipment, and appropriate wildland firefighting equipment to safely engage in any suppression action.*

Potential New Policy 13: *Within one year of the adoption these wildfire policies, City Staff, in consultation with the Firewise Advisory Committee and the City Planning Commission, shall prepare and present for City Council approval:*

- a. Defensible space standards for new developments utilizing the three vegetation management zones of 0-5 feet, 5-30 feet, and 30- 100 feet or the property boundary, with management prescriptions for each zone.*
- b. A requirement that building permits and land use approvals include a condition of approval that property owners shall maintain vegetation in accordance with City standards and shall schedule an inspection by the City Fire Department at least once every five years.*
- c. A plan for the City Fire Department to conduct periodic wildfire risk assessments and to provide property owners with recommendations to maintain their property to be fire resistant along with and fire resistive construction and retrofits to help make the community safer.*

II. CLE ELUM COMPREHENSIVE PLAN 2037

The proposed text amendments are consistent with the following goals and policies of the Comprehensive Plan 2037.

Goal LU-1: Management and Implementation



Policy LU-1.1 To influence the character of the City of Cle Elum by managing land use and developing facilities and services in a manner that directs and controls land use patterns and intensities.

LU-1.2 Land use changes should be guided by topography, soils conditions, adjacent land uses, and the ability of the City to provide facilities and services.

LU – 1.3 Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services by allowing new development to occur only when and where adequate facilities exist or can be provided.

LU – 1.4 Upon adoption of and/or changes to the Comprehensive Plan, the City Development Regulations shall be reviewed for consistency with the Comprehensive Plan and County Wide Planning Policies.

LU – 1.6 The City will take a more active role in interagency planning and coordination among local jurisdictions, including: Kittitas County, South Cle Elum and Roslyn.

Goal LU-3: Preserve Cle Elum's natural environment while allowing for growth and development.

Goal LU-4: Preserve and Protect Residential Neighborhoods

LU – 4.8 Require greenbelts, buffers and/or open space to buffer incompatible uses from residential uses.

Goal LU-6: Open Space

LU – 6.1 Discourage the disturbance of vegetation when not in conjunction with the actual development.

LU – 6.2 Open space areas should be encouraged to be used as buffers for different types of land uses.

LU – 6.3 Lands designated for open space should provide for multiple open space benefits whenever possible including active or passive recreation opportunities, scenic amenities, fish and wild life habitat, etc.

LU – 6.6 Develop strategies to protect existing open space areas.

Goal LU-17: Climate and Sustainability

LU – 17.1 Develop and implement climate change adaptation strategies that create a more resilient community by addressing the impacts of climate change to public health and safety, the economy, public and private infrastructure, water resources, and habitat.

LU – 17.3 Support federal, state, and regional policies and education programs intended to protect clean air in Ellensburg and the Kittitas Valley.

LU – 17.14 Promote community responsibility and engagement through public education and involvement programs that raise awareness about environmental issues.

Goal LU-19: Emergency Management and Disaster Preparedness

LU – 19.1 Continue to collaborate with other Kittitas County communities and agencies to maintain, update, and improve emergency management and disaster preparedness plans, policies, and implementation.

LU – 19.2 Develop community outreach strategies to educate the public on disaster prevention and preparedness.

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LU – 19.3 Maintain and update as applicable the 2018 Upper Kittitas County Emergency Preparedness Plan and continue to coordinate closely with the other Upper County communities of Suncadia, Roslyn, and South Cle Elum.

III. ENVIRONMENTAL REVIEW (SEPA)

This project was processed for review under the State Environmental Policy Act as a procedural action per WAC 197-11-800(19), and a Preliminary Determination of Nonsignificance was issued on March 16, 2023. The DNS was retained on May 25, 2023.

IV. PUBLIC NOTICE

Notice of Public Hearing	March 16, 2023
Legal Ad Publication	March 16, 2023
Public Hearing	April 4, 2023
Public Hearing cont.	June 6, 2023

All public comments received are included herein as a separate appendix.

V. FINDINGS AND CONCLUSIONS

1. No adverse impacts have been identified by the approval of these amendments.
2. Proposed Comprehensive Plan amendments are consistent with and further enhance the City of Cle Elum Comprehensive Plan 2037, as required by RCW 36.70A.130(1)(d).

VI. RECOMMENDATION

The City of Cle Elum Planning Department recommends APPROVAL of these goals and policies.

APPENDIX: Public Comments
submitted written comments and spoken during
the public hearing on April 4, 2023, and June 6, 2023.

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State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region • Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

March 27, 2023

Virgil Amick, Permit/Office Technician
City of Cle Elum
Via email: vamick@cleelum.gov

**SUBJECT: WDFW COMMENTS ON PROPOSED CITY OF CLE ELUM 2023
COMPREHENSIVE PLAN FIREWISE AMENDMENTS**

Dear Mr. Amick,

The Washington Department of Fish and Wildlife (WDFW) has reviewed the draft 2023 Comprehensive Plan "Firewise" amendments. We are supportive of the intent of the document; however, there are a few areas which we feel would benefit from further revision and clarification:

Proposed New Policy 4: WDFW would like to know if the City of Cle Elum plans on adopting the appendices listed in *2021 International Wildland-Urban Interface Code*. These appendices are listed as optional within that document, and so may be adopted in part, entirely, or not at all. WDFW requests clarification on how and if Cle Elum plans to incorporate the appendices. Specifically, WDFW requests the ability to review and provide input on specific proposed language if Appendices A, B, F, and G are fully or partially adopted, as these appendices have the potential to involve Fish and Wildlife Habitat Conservation Areas (FWHCA), the Critical Area of which WDFW has specialized expertise and authority.

Proposed New Policy 5: We request that the Washington Department of Fish and Wildlife be included in this partnership, as FWHCAs are the Critical Area which is most affected by fire-wising. To this point, WDFW is supportive of firewising around homes and structures, but frequently we observe that firewising extends into Critical Areas such as riparian and wetland habitat, because these landscape features are located within the firewise buffer. Development regulations should require that Critical Areas buffers must be additional to firewising buffers, to prevent the continued degradation of these natural resources during firewise activities.

Proposed New Policy 6: WDFW requests that natural resources including FWHCAs, wetlands, and riparian zones be given separate consideration prior to firewising on city-owned property. WDFW is willing to provide technical assistance to the City of Cle Elum to achieve this objective. The intent behind this request is to ensure that these habitat features

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are not degraded or deleteriously impacted during firewising activities. We wish to clarify that this does not mean that firewising cannot ever occur in these locations, simply that special considerations must be given to the way in which they are firewised, to prevent their degradation. WDFW has specialized knowledge of how these Critical Areas can be firewised without damaging their functionality or the ecosystem services that they provide to wildlife and to people.

Proposed New Policy 7: WDFW supports the intent of this wording. However, we wish to make known that there are several local examples of developments which were authorized and built immediately adjacent to public lands, such that the firewising buffer extended onto those public lands. This resulted in pushing the responsibility of firewising for residential protection onto public agencies or non-profit conservation lands. For numerous reasons, this is not an ideal scenario for any party. WDFW requests that development regulations require that new structures and their firewise buffers be far enough away that those buffers do not encroach onto adjacent publicly managed lands.

Proposed New Policy 8 and 9: When developing “stewardship plans” and “uniform standards”, impacts to FWHCAs need to be taken into account. This could include riparian, aquatic, wetland, and upland habitats. WDFW can provide review and input to ensure that any proposed plans do not negatively impact these important resources.

Proposed New Policy 13: WDFW requests to participate in any Firewise Advisory Committee meetings that may include agenda items or discussion regarding vegetation management, habitat impacts, discussions on Critical Areas, or other similar topics.

Thank you again for the opportunity to comment and participate in this important update process. WDFW remains a committed partner as you amend and implement the “Firewise Amendments” to the Comprehensive Plan. Please contact me to discuss WDFW’s recommendations or any of the other comments presented within this letter.

Sincerely,

Scott Downes
Area Habitat Biologist
Scott.Downes@dfw.wa.gov

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**Appendix providing additional guidance to the Commission regarding the letter received from DFW. Chair Gary Berndt met with the team at DFW to clarify their comments and provided the following summary of his meeting:*

WDFW Comments and Critical Areas Ordinance

I met with WDFW today (5/3) to discuss the comments provided to the proposed Critical Areas Ordinance.

Proposed New Policy 4

As Cle Elum adopts the 2021 "International Wildland-Urban, the appendices are "optional". WE need to clarify our intentions -all, some, or none. If we plan some, which are they and we need to list them.

Proposed Policy 5 and Policy 13

WDFW requests being shown as a partner in the ordinance.

This is reasonable as the critical areas, vegetation, habitat, and streams within City ownership would benefit from WDFW expertise.

Proposed Policy 6,8, and 9

WDFW be consulted in advance of firewising on city owned land for review and consultation. Especially critical areas and habitat to ensure protection of the functionality of the involved ecosystems.

Proposed Policy 7

This request is to request development regulations adjacent to public lands provide adequate buffering space without impacting public lands.

There are no publicly owned lands adjacent the City of Cle Elum

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**KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS**

Mark R. Cook, PE Director



April 13, 2023

City of Cle Elum
Planning Department
119 West First Street
Cle Elum, WA 98922

RE: 2022 Comprehensive Plan Amendments

Dear Planning Official:

Kittitas County Department of Public Works is submitting written comments on the City of Cle Elum's proposed "2022 Annual Comprehensive Plan/Development Regulations Update, Notice of Extended Public Review and Comment Period/Likely SEPA Threshold Determination of Non-Significance March 30, 2023". Thank you for the notice of extension allowing public comment until April 21, 2023.

We note with interest that the proposed 2022 City Comprehensive Plan Amendments address a potential new goal: "Actively protect the city from risk of wildfires". While we concur with the city on the need to actively address wildland fires issues in Upper Kittitas County, we are disappointed to learn the city has declined to address the issue of weekend traffic mitigation. Last fall, we asked the city to consider amending the existing traffic element of the city's comprehensive plan allowing for traffic mitigations resulting from weekend impacts. Our request was driven by the lack of weekend traffic mitigation required by the city following Sun Communities 47 Degrees North proposal – subsequently withdrawn by the applicant. Learning that the applicant was likely to reapply in 2023, we asked the city to amend two existing policies in the city's traffic element: policy T-8 and policy T-23. Having received no response from city planning consultants or staff, I requested the Board of County Commissioners send a letter to the city with the same request (September 19, 2022, Board of County Commissioners to the Honorable Jay McGowan, Mayor). Additionally, the city council was copied on the September 19, 2022, letter.

As we are currently working with the city commenting on the recently submitted re-application by Sun Communities, we see significant impacts to the county's transportation network resulting from Sun's proposal on weekend traffic levels of service. We encourage the city to insist on developer mitigation resulting from proposed traffic generation adversely impacting the county's transportation system on weekends.

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Dept. of Public Works
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Sincerely,

Mark R. Cook, PE
Director

C: Board of County Commissioners

Attachment: September 19, 2022 Letter from the Board of County Commissioners

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Public Comments from April 4, 2023, Public Hearing

City of Cle Elum Planning Commission comments
My name is **Phil Hess**; I reside at 4650 Airport Rd.

PH 4-4-2023

In my opinion the City should take leadership and expand our role to include all land use and growth management planning issues in upper Kittitas County – of which there are many.

Too me, there is a huge disconnect between multiple planning authorities & jurisdictions driving how our community will look 20-30-40 years into the future.

In my view, we should pause consideration of future developments until such time as we have a professionally prepared Master Plan with a vision of what the upper county should look like in the future.

The current structure of the various planning commissions and approval processes is leading us into an assortment of projects disconnected with developing a fire adapted community and long range transportation and emergency services planning.

In my view, we should consider a consolidation of the multiple planning authorities/jurisdictions into a single Growth Management Authority to implement the professionally prepared Master Plan. This is not a new idea – it has been done successfully in other locations.

In the meantime, for projects already being proposed, I suggest the Planning Commission recommend Impact fees with provisions for escalation as build out occurs to cover future vegetation management for fire resiliency, transportation, school, and emergency services: fire, EMS, law enforcement, emergency evacuation planning.

The alternative is continuation of developer-driven land use changes with little regard to the future. The Growth Management Act, as applied here, is dysfunctional in my opinion.

The City of Cle Elum planning commission is uniquely positioned to help drive land use planning in away that our landscapes & communities we have been privileged to enjoy are attractive to those who follow us.

Sounds NIMBY-like, but at some point the inevitable growth has to be planned better than the processes now in place, in my opinion.

Thank-you,
Phil Hess

Public Comments from April 4, 2023, continued...

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Ingrid Vimont, Hospital District, reiterated Hess's earlier comments regarding coordinating our efforts with various agencies.

Rose Beaton, Doctoral Student studying wildfire and a DNR Resiliency Coordinator, commended the commission for taking an active approach. She noted support for better integration of language.

Public Comments from June 6, 2023, Public Hearing Continued

I am here to speak in support of adopting Wildfire Safety/Fire Resiliency amendments to the City Comprehensive Plan

My name is **Phil Hess**; I reside at 4650 Airport Rd.

This is a significant first step to providing City Leaders, (now and in the future) with the tools they need to assure that we pass on a green forested landscape to those that follow us.

We must continue to acknowledge that we live in a high fire risk area. In the State of WA, on a scale of 1 to 100 Kittitas County ranks 92 in terms of fire risk (Headwaters Economics, Jan 2022)

Also, it is important to recognize that land use, growth management planning, transportation planning, emergency service planning are all closely inter-connected to these fire resiliency comprehensive plan amendments.

Now, within the next year we should adopt into code detailed requirements for new construction defensible space and outward from defensible space. This code should provide for periodic inspections, under the direction of the City Fire Chief, to assure that vegetation is maintained as prescribed in the initial building permit.

For existing homes and structures from 4th Street north the code should include a system to identify at risk properties, together with a notification system alerting them for the need of corrective action. This notification system is to be developed and carried out under the direction of the City Fire Chief.

This is not new stuff. Your Fire Chief is already on top of this, and you need to make sure he has the tools he needs in Ord or Code.

Managing vegetation for fire resiliency is not a one time fix. It is a continual process with entries every 5 to 10 years. We chose to live in the forest, and we must accept this responsibility; and Obligation

At the same time we need to plan for Emergency Evacuation -- this is being addressed in the Cle Elum Fire Dept Strategic Plan BUT there should also be strongly worded language in

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the Comp plan, Ordinance or Code (wherever it belongs) that provides for evacuation tabletop exercises every 5 years as we experience an influx of newcomers.

For example, this year we should plan for Evacuation tabletop exercises for the urban/rural sprawl that is occurring on the ridge north of town. These are all one way in and one way out routes tributary to Stafford, Montgomery, and Columbia streets. We need to look ahead 10-20-30-40 years from now. Not just 2024. There will be potentially 1300 homes at build out tributary to these 3 City streets. Just image people trying to escape the fire with first responders trying to bring apparatus up those same routes to fight the fire. Who was the visionary that created this situation?

In the event of worst-case scenario Evacuation, we need to acknowledge that the Bullfrog Road / 903 roundabout will be a bottleneck as well as the Suncadia Trail circle on BF road. BF road & I-90 west bound will be plugged up at exit 80.

This will result in 903 traffic and BF flats traffic continuing east bound on 903 to Cle Elum 2nd street-- Then what? Presumably this 903 traffic will be directed to Oaks (in Cle Elum) to access I-90 east bound or continue East through town to exit 85 and 970.

Can you imagine what this will look like 20 years from now when Suncadia/TC is built out plus whatever is going to be approved here in these chambers for BF Flats?

Not a pretty picture, nor a legacy that you will want to be associated with --- in my opinion.

Traffic flow will be compounded if the Horse Park requires simultaneous Evac which will also be into Cle Elum --- 1st and 2nd streets.

I believe we should plan for tabletop Evac exercise for this scenario. If County Emergency Management won't deal with this, then we should organize ourselves.

You may probably think all this is outside of your wheelhouse, but the Comp plan is where it is all connected --- which is in your wheelhouse.

We are way beyond expecting community volunteers to deal with the myriad of growth management planning issues in upper County.

It is time to bite the bullet and hire in-house professional expertise.



Firewise Amendments

Exhibit B

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These proposed amendments would be new Goals and Policies that are not currently in the city's Comprehensive Plan and include:

Potential New Goal: Actively protect the city from the risk of wildfires.

To achieve this Goal, the City of Cle Elum adopts and shall actively implement the following policies:

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Potential New Policy 3: *The City hereby adopts the "National Cohesive Wildland Fire Management Strategy" (<https://www.forestsandangelands.gov/strategy/thestrategy.shtml>) to guide local efforts to address the challenges associated with:*

- a. The management of vegetation and fuels for wildfires.*
- b. The protection of lives and property.*
- c. Managing the potential for human-caused ignitions; and*
- d. Effectively and efficiently responding to fires.*

New Policy 4: *The City shall adopt the "2021 International Wildland-Urban Interface Code (IWUIC)" in its entirety, that is within the International Uniform Building Code and provide examples of fire-resistant construction (See <https://codes.iccsafe.org/content/IWUIC2021P1/arrangement-and-format-of-the-2021-iwuic>).*

Potential New Policy 5: *The City, in partnership with the Kittitas County Fire Districts, Kittitas County Departments, the City of Roslyn, and the Town of South Cle Elum (aka "Regional Partners"), will prepare, adopt, and implement consistent development standards focused on minimizing the risk of wildfires. Areas of special emphasis should include, but is not limited to:*

- a. Properties along the I-90 corridor.*
- b. Large parcels under common ownership within the City limits, the Cle Elum UGA, and nearby properties.*
- c. Forested properties.*
- d. Properties that contain environmentally sensitive areas, parks, open space, and required buffer areas.*



- e. *Areas identified as high or extreme fire hazard including debris created as a part of land clearing or timber harvest.*

Potential New Policy 6 *The City will apply “firesafe” vegetation management principles to City-owned properties on an ongoing basis. This shall include such measures as:*

- a. *Fuels reduction.*
- b. *Fire resistive landscaping.*
- c. *Vegetation maintenance.*
- d. *Implement program to collect biomass from citizens to give a cost-effective way for citizens of the city to eliminate extra biomass.*

Potential New Policy 7: *The City will engage and encourage state and federal agencies, and non-profit organizations that own or manage tracts of forested land to recognize the increasing risk of wildfires and to prepare and implement land stewardship plans that include measures to reduce the risk of wildfires.*

Potential New Policy 8: *The City will require that the owners of forested property suitable for development prepare and implement a stewardship plan focusing on vegetation management that maintains fire resiliency to minimize wildland fire behavior. These plans should include primary and secondary egress, street standards that allow large emergency vehicle access, fire resistant vegetation, including landscaping, tree species selection and density, and greenbelt locations.*

Potential New Policy 9: *The City and its Regional Partners will establish uniform standards for ingress and egress, emergency vehicle access, and evacuation routes as well as shared protocols for timely evacuation notification, traffic control, responder access, and emergency shelter plans for current and future development. This shall include, but is not limited to:*

- a. *A requirement that at least two means of effective ingress and egress for emergency vehicles in all seasons and weather conditions, as determined by local fire marshals, to include but not limited to load capacity, road grade and width, emergency vehicle turnaround, and street access shall be provided and maintained by project sponsors in areas where 30 or more residences exist or can be developed. If access road is blocked or is otherwise unusable for any reason, there shall be an alternate route for emergency vehicles to access and safely return to their stations, and for residents to escape. No new developments shall be approved that do not permit emergency vehicle access or the evacuation of residence under any circumstances.*

Potential New Policy 10: *The City, in consultation with its Regional Partners and the Washington State Department of Natural Resources, will develop and implement protocols to ensure that all development activities in and near forested areas are conducted in accordance with Industrial Fire Precaution Levels as determined by the Washington State Department of Natural Resources (DNR). This shall include, but is not limited to, compliance with the DNR Handbook on Forest Fire Protection published October 2018, and as may subsequently be amended.*

City of Cle Elum
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Cle Elum, WA 98922



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Potential New Policy 11: *The City in consultation with its Regional Partners, will continue to enforce fireworks bans and open burning rules and restrictions and seek a consistent approach to manage risks associated with those activities.*

Potential New Policy 12: *The City will adopt and implement standards for wildland fire suppression training and certification. First responders should have adequate training, personal protective equipment, and appropriate wildland firefighting equipment to safely engage in any suppression action.*

Potential New Policy 13: *Within one year of the adoption these wildfire policies, City Staff, in consultation with the Firewise Advisory Committee and the City Planning Commission, shall prepare and present for City Council approval:*

- a. Defensible space standards for new developments utilizing the three vegetation management zones of 0-5 feet, 5-30 feet, and 30- 100 feet or the property boundary, with management prescriptions for each zone.*
- b. A requirement that building permits and land use approvals include a condition of approval that property owners shall maintain vegetation in accordance with City standards and shall schedule an inspection by the City Fire Department at least once every five years.*
- c. A plan for the City Fire Department to conduct periodic wildfire risk assessments and to provide property owners with recommendations to maintain their property to be fire resistant along with and fire resistive construction and retrofits to help make the community safer.*

CITY OF CLE ELUM
WASHINGTON
ORDINANCE NO. 1646

Item #9B

**AN ORDINANCE OF THE CITY OF CLE ELUM,
WASHINGTON, ADOPTING FINDINGS OF FACT,
AMENDING THE COMPREHENSIVE PLAN TO ADD TO
THE “GOALS AND POLICIES” TO FURTHER PROTECT
THE CITY FROM THE THREAT OF WILDFIRES;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE.**

WHEREAS, the City of Cle Elum (“City”) has adopted and has been implementing a Comprehensive Plan and Development Regulations in accordance with the provisions of the Washington State Growth Management Act – Chapter 36.70a RCW; and

WHEREAS the City periodically solicits proposals to amend the Comprehensive Plan; and

WHEREAS, in 2022 the Cle Elum Fire Advisory Committee submitted an application during the annual docketing process with proposed amendments to the Cle Elum Comprehensive Plan to further protect the City from the threat of wildfires; and

WHEREAS the application was accepted for docketing and was referred to the City Planning Commission for review and for recommendation to the City Council; and

WHEREAS, the Planning Commission reviewed the proposed amendments and in consultation with the Fire Advisory Committee further refined the proposed amendments; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Checklist was prepared for the proposed amendments; and

WHEREAS, an integrated Notice of Public Review and Comment Period/Public Hearing and Likely SEPA Threshold Determination was published on March 16, 2023; and

WHEREAS a revised Notice of Public Review and Comment Period/Public Hearing and Likely SEPA Threshold Determination that extended the public comment period was published on March 30, 2023; and

WHEREAS the City received a comment letter from the Washington State Department of Fish and Wildlife who proposed minor amendments to several of the proposed policies; in which the Planning Commission considered and incorporated; and

WHEREAS the Planning Commission held a public hearing on April 4, 2023, and continued the hearing to June 6, 2023, to obtain public comments on the proposed amendments; and

WHEREAS, the Planning Commission reviewed all comments received and in response prepared additional revisions to the proposed amendments; and

WHEREAS, on May 25, 2023, the City issued a Determination of Non-Significance on the proposed amendments to the Comprehensive Plan; and

WHEREAS, the Planning Commission received additional testimony regarding the extreme threat that wildfires present to the public health and safety and the importance of a coordinated regional strategy to reduce the risk; and

WHEREAS, the Planning Commission prepared a record of their proceedings and forwarded it to the City Council with a recommendation to adopt the proposed amendments to the Comprehensive Plan which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS the City Council received the recommendation from the Planning Commission and the Fire Advisory Committee at its June 12, 2023, meeting; and

WHEREAS, the proposed amendments will provide the framework for regional discussions on reducing the risk of wildfires and the adoption of uniform standards; and

WHEREAS, the adoption of the proposed amendments is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The City Council adopts as findings of fact the recitals set forth above, which are incorporated herein by this reference.

Section 2. Amendments to the Cle Elum Comprehensive Plan. The Goals and Policies in the City of Cle Elum Comprehensive Plan are hereby amended to include the Goal and Policies in substantially the same form as set forth in Exhibit B and incorporated herein by this reference.

Section 3. Severability. Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CLE ELUM CITY COUNCIL AT A REGULAR MEETING
THEREOF ON THE 26th OF JUNE 2023.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Debbie Lee, City Clerk

APPROVED AS TO FORM:

Alexandra Kenyon, City Attorney

Date of Publication: _____

Effective Date: _____

Item #10 A

CITY OF CLE ELUM *Planning Department*

AGENDA STAFF REPORT

AGENDA DATE: *June 26, 2023*

ACTION REQUESTED: *First Reading of Inland Franchise Agreement Ordinance;*

BACKGROUND: *On May 9, 2023, the city received a request from Inland Telephone Company, who is interested in obtaining an official franchise agreement to continue providing telecommunications services within the city. Inland has been providing service in the city for over 20 years and it is an oversight by both parties to not have an official FA in place. The following is a presentation on the draft ordinance of the Franchise Agreement for review.*

INTERACTION: *Negotiations were conducted by City Legal on behalf of the city*

RECOMMENDATION: *To approve at the second reading of proposed ordinance on July 10th, 2023; adoption*

HANDLING: *City Clerk, Council*

ATTACHMENTS: *Draft Ordinance, Inland Telephone Company*

LEAD STAFF: *Colleda Monick, HLA*

ORDINANCE NO. 1645

AN ORDINANCE OF THE CITY COUNCIL OF CLE ELUM, WASHINGTON, GRANTING TO INLAND TELEPHONE COMPANY DBA "INLAND NETWORKS," A WASHINGTON CORPORATION, A NON-EXCLUSIVE FRANCHISE TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS NETWORK WITHIN THE CITY OF CLE ELUM, WASHINGTON, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Inland Telephone Company, a Washington Corporation (hereinafter "Grantee") has been operating a telecommunications system and providing telecommunication services within the city limits of Cle Elum, Washington, for over twenty (20) years and has applied to the City of Cle Elum (hereinafter "City") for a non-exclusive franchise for the right of entry, use, and occupation of public right(s)-of-way within the City, to install, construct, erect, operate, maintain, repair, relocate and remove its facilities in, on, over, under, along and across those right(s)-of-way (hereinafter "Franchise"); and

WHEREAS, Grantee has requested that the City Council grant a non-exclusive franchise for the purposes of operating and maintaining a telecommunications system; and

WHEREAS, the City Council has the authority to grant franchises for the use of its streets and other public properties pursuant to RCW 35A.47.040; and

WHEREAS the City is willing to grant the rights requested by Grantee subject to certain terms and conditions, which are acceptable to both parties; and

WHEREAS the City desires to enter into a franchise for the construction, operation and maintenance of a telecommunications system with Grantee on the terms and conditions set forth herein; and

WHEREAS, following proper notice, the City Council held a public hearing on Grantee's request for a Franchise on June 26, 2023, at which time representatives of Grantee and interested citizens were able to be heard in a full public proceeding affording opportunity for comment by any and all persons desiring to be heard; and

WHEREAS, from information presented at such public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the City Council now deems it appropriate and in the best interest of the City and its inhabitants that the Franchise be granted to Grantee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES ORDAIN as follows:

Section 1. Definitions

When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined herein shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory.

"Affiliate," when used in connection with Grantee, means any person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

"Customer" means a person or user of the Telecommunications System who lawfully receives services therefrom with Grantee's express permission.

"Emergency" means a condition of imminent danger to the health, safety or welfare of persons or property located within the City.

"FCC" means the Federal Communications Commission or successor governmental entity thereto.

"Franchise Area" shall mean the present physical boundaries of the City, and any additions thereto by annexation or other legal means.

"Gross revenues" means revenues related to and generated by the Telecommunications Services offered by Grantee, without deduction for expense, in the Franchise Area. All such revenue remains subject to applicable Federal Communications Commission rules and regulations, which exclude revenues from internet access services while prohibited by law.

"Information Service" means the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capabilities for the management, control, or operation of a telecommunications system or the management of a telecommunications service (as provided in 47 U.S.C. Section 153(24)).

"Maintenance" or "Maintain" shall mean examining, testing, inspecting, repairing, maintaining and replacing Grantee's facilities or any part thereof as required and necessary for safe operation.

“Person” means any natural person or any association, firm, partnership, joint venture, corporation, limited liability company or other legally recognized entity, whether for-profit or not-for profit, but shall not mean the City.

“Relocation” means permanent movement of Grantee’s facilities required by the City, and not temporary or incidental movement of such facilities.

“Right-of-Way” shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips, or easements dedicated for compatible uses. Right-of-Way shall also mean any easement now or hereafter held by the City within the Franchise Area for the purpose of public travel, or for utility or public service use and shall include other easements or rights-of-way as shall within their proper use and meaning entitle Grantee to the use thereof for the purposes of installing, operating, and maintaining Grantee’s Telecommunications System over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, attachments, and other property as may be ordinarily necessary and appurtenant to the Telecommunications System.

“State” means the State of Washington.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received (as provided in 47 U.S.C. Section 153(50)).

“Telecommunications network” means the infrastructure owned by Grantee utilizing one or more facilities located within the City’s rights-of-way, including but not limited to, lines, poles, anchors, wires cables, conduit, laterals and other appurtenances necessary and convenient to the provision of access to the internet and telecommunications service.”

“Telecommunications Service” means the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used (as provided in 47 U.S.C. Section 153(53)).

“Telecommunications System” means the facilities used to offer Telecommunications Services or Information Services to the public.

Section 2. Grant of Right to Use Right(s)-of-Way.

A. Subject to the terms and conditions stated herein, the City grants to Grantee permission to enter, use, and occupy the Right(s)-of-Way throughout the Franchise Area.

B. Grantee is authorized to install, construct, erect, operate, maintain, upgrade, relocate, remove and repair facilities and equipment, and all necessary appurtenances thereto for its Telecommunications System to provide Telecommunications and Information Services in, along, under and across the Right(s)-of-Way in the Franchise Area.

C. This Franchise does not authorize the use of the Franchise Area for any facilities or services, other than Grantee's facilities and services, and it extends no rights or privilege relative to any facilities or services of any type, including Grantee's facilities and services, on public or private property elsewhere within the City.

D. This Franchise is non-exclusive and does not prohibit the City from entering into other agreements, including franchises, impacting the Franchise Area, unless the City determines that entering into such agreements interferes with Grantee's rights set forth herein.

E. This Franchise does not waive any rights that the City has or may hereafter acquire with respect to the Franchise Area or any other City streets or Rights-of-Way or any portions thereof. This Franchise shall be subject to the power of eminent domain, and in any proceeding under eminent domain, Grantee acknowledges its use of the Franchise Area shall have no value.

F. The City reserves the right to change, regrade, relocate, abandon, or vacate any Right-of-Way within the Franchise Area.

G. Grantee agrees that its use of the Franchise Area shall at all times be subordinate to and subject to the City and the public's need for municipal infrastructure, travel, and access in the Franchise Area. If, at any time during the term of this Franchise, the City vacates any portion of the Franchise Area containing Grantee facilities, the City shall reserve an easement for public utilities within that vacated portion, pursuant to RCW 35.79.030, within which Grantee may continue to operate any existing Telecommunications System of Grantee under the terms of this Franchise.

H. This Franchise shall not be interpreted to prevent the City from imposing additional lawful conditions, including compensation conditions for use of the Right-of-Way, should Grantee provide cable services, as defined under federal law.

I. This Franchise is intended to convey limited rights and interests in the Right-of-Way. It is not a warranty of title or interest in any Right-of-Way; it does not provide Grantee with any interest in any particular location within the Right-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

J. No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

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1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the ordinances and laws of the City;

2. Any permit, agreement, or authorization required by the City for Right-of-Way users in connection with operations on or in the Right-of-Way or public property including, by way of example and not limitation, street cut permits; or

3. Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

Section 3. Term of Agreement

A. This Franchise, unless sooner terminated or extended, shall run for a period of five (5) years, starting from the effective date of this Ordinance.

B. Renewal Option of Term. Grantee may renew this Franchise for an additional five (5) year period upon submission and approval of the application for such renewal by the City and subject to any modifications of the Franchise at that time. Any materials submitted by Grantee for a previous application may be considered by the City in reviewing a current application, and Grantee shall only submit those materials deemed necessary by the City to address changes in Grantee's facilities or services, or to reflect mutually agreeable modifications to the Franchise.

C. Failure to Renew Franchise – Automatic Extension. If the parties fail to formally renew this Franchise prior to the expiration of its term, the Franchise automatically continues month to month until renewed or until either party gives written notice at least one hundred eighty (180) days in advance of its intent not to renew the Franchise to the other party.

Section 4. Acceptance of Franchise

A. This Franchise, and any rights granted hereunder, shall not become effective for any purpose unless and until Grantee files with the City Clerk (1) the Statement of Acceptance, attached hereto as Exhibit "A," and incorporated herein by reference, and (2) all verifications of insurance coverage and the financial guarantees specified in this Franchise.

B. Should Grantee fail to file the Franchise acceptance with the City Clerk within thirty (30) days after the effective date of the ordinance approving the Franchise, the City's grant of the Franchise will be voidable at the discretion of the City.

Section 5. Tax Liability and Records

A. Tax Liability. Grantee shall pay any and all taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use and other taxes, business license fees or other payments.

B. Financial Records. Grantee agrees to meet with a representative of the City upon request to review Grantee's methodology of record-keeping and other procedures, the understanding of which are reasonably necessary for reviewing reports and records that are required by this Franchise.

Section 6. Construction and Maintenance

A. The City may inspect the manner of Grantee's work and require remedies as may be necessary to assure compliance. All lines, cables, fibers and conduits laid or installed under this Franchise shall be so located and placed as not to obstruct or interfere with any water pipes, drains, sewers or other structures or utilities already installed, and all such facilities shall be installed subject to the reasonable approval of the Public Works Director or his/her designee. Notwithstanding the foregoing, Grantee shall not be obligated to obtain a permit to perform emergency repairs but shall acquire one at its expense as soon as practicable thereafter.

B. To the extent consistent with any permit issued by the City, all facilities shall be located so as to cause minimum interference with the Right-of-Way and shall be constructed, installed, maintained, renovated or replaced in accordance with applicable rules, ordinances and regulations of the City, as they may be amended from time to time as consistent with construction standards generally accepted within the industry.

C. Grantee shall, at all times, employ professional care and shall install and maintain and use industry-standard methods for preventing failures and accidents that are likely to ~~cause~~ damage, injuries, or nuisances to the public. All structures and all lines, equipment, and connections in, over, under, and upon the Right-of-Way, wherever situated or located, shall at all times be kept and maintained in a safe condition. Grantee shall comply with all federal, State, and municipal safety requirements, rules, regulations, laws, and practices, and employ all necessary devices as required by applicable law during the construction, operation, maintenance, upgrade, repair, or removal of its facilities. Additionally, Grantee shall keep its facilities free of debris and anything of a dangerous, noxious, or offensive nature (for example, graffiti) or which would create a hazard or undue vibration, heat, noise, or any interference with municipal services. By way of illustration and not limitation, Grantee shall also comply with the applicable provisions of the National Electrical Code, National Electrical Safety Code, FCC regulations, and Occupational Safety and Health Administration (OSHA) Standards. Upon reasonable notice to Grantee, the City reserves the right to inspect the facilities to evaluate if they are constructed and maintained in a safe condition.

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D. Grantee, at its own expense shall repair and replace any disturbed paving or surface in accordance with the City's standard specifications for street construction subject to the reasonable approval of the Public Works Director or his/her designee.

E. Grantee, upon issuance of permits by the City, shall have the authority to microtrench in the construction of Grantee's Telecommunications System. Issuance of permits is a prerequisite for Grantee's ability to microtrench anywhere in the City. Regular installation and maintenance shall be scheduled so as to accommodate ongoing or previously completed work in or near the Right-of-Way, such as protection of newly planted turf or other vegetation, installed asphalt, streets or sidewalks. In order to avoid such situations, Grantee shall, if practicable, provide notice of the planned work at least forty-eight (48) hours in advance and coordinate with the City to develop a mutually acceptable schedule for such work.

F. If, during the course of work, Grantee disturbs or causes damage to or alters any Right-of-Way or other public or private property, Grantee shall promptly replace, repair or restore such Right-of-Way or other public or private property, at Grantee's expense, to a condition equal to or better than the condition that existed immediately prior to such disturbance, damage or alteration within forty-eight (48) hours.

G. Upon reasonable request by the City, Grantee agrees to provide geographic information system ("GIS") mapping layers and As Built and strand maps or similar records kept in its usual course of business to the City. Said information may be provided either in hard copy or electronic format, in the data format regularly maintained by Grantee.

H. Nothing in this Franchise shall be construed to prevent the City from constructing, maintaining, repairing, or relocating its sewers, streets, water mains, sidewalks, or other public property. However, before commencing any work within a Right-of-Way that may affect Grantee's facilities, the City shall give written notice to Grantee, and all such work shall be done, insofar as practicable, in such a manner as not to obstruct, injure, or prevent the free use and operation of Grantee's facilities.

I. In order to minimize disruption to vehicular traffic and inconvenience to the public and protect the public interests in connection with permitted uses of the Right-of-Way, which have limited capacity, conduit sharing and other collocation solutions are encouraged and shall be utilized to the extent they are technically and economically feasible. Grantee agrees, wherever technically and economically feasible, that it will endeavor to collocate its facilities and cooperate with the City in placing innerduct conduit within the Right-of-Way and in sharing unused space within underground conduits owned by Grantee and the City. At any time that the City or Grantee intends to install new underground conduit or replace existing underground conduit in the Right-of-Way, such party shall endeavor to provide the other party with forty-five (45) days advance written notice in order to permit the additional contemporaneous installation of innerduct conduit

for potential collocation. If either party desires additional innerduct conduit to be installed, it will so notify the other party. The party providing such notice shall be responsible for the additional incremental expense for installing additional innerduct conduit. The parties agree that such conduit or innerduct conduit jointly occupied or used by the City may not be sold or leased by the City to third parties for the provision of competitive services.

J. Grantee shall apply for, obtain, pay for and comply with the terms of all permits required under applicable City Code provisions for any work done in the Right-of-Way. Grantee shall comply with all other applicable City, State, and federal codes, rules, regulations, and orders in undertaking such work, which shall be done in a thorough and proficient manner.

K. Grantee agrees to coordinate its activities with the City and all other utilities located within the Right-of-Way within which Grantee is undertaking its activity. The City agrees to coordinate its activities with Grantee within the Right-of-Way within which Grantee has placed its Telecommunications System or is undertaking its activities.

L. The City expressly reserves the right to prescribe how and where Grantee's facilities shall be installed within the Right-of-Way and may from time to time, pursuant to the applicable sections of this Franchise, require the removal, relocation and replacement thereof in the public interest and safety at the expense of Grantee.

M. Before commencing any work within the Right-of-Way, Grantee shall comply with all of the provisions of the Washington Utility Notification Center - Washington 811, to identify and protect existing utility infrastructure.

N. Upon prior written approval of the City and in accordance with City ordinances, Grantee shall have the authority to reasonably trim trees upon and overhanging streets, Rights-of-Way, and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with Grantee's facilities. Grantee shall be responsible for debris removal from such activities. If such debris is not removed within twenty-four (24) hours of completion of the trimming, the City may, at its sole discretion, remove such debris and charge Grantee for the cost thereof.

O. Grantee's contractors of any tier shall be licensed and bonded in accordance with State law and the City's ordinances, regulations, and requirements. Work by contractors (of any tier) is subject to the same restrictions, limitations, and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors (of any tier) and others performing work on its behalf as if the work were performed by Grantee and shall ensure that all such work is performed in compliance with this Franchise and applicable law.

P. Grantee shall not introduce or use any hazardous substances (chemical or waste) in the Right-of-Way, in violation of any applicable law or regulation, nor shall Grantee allow any of its agents, contractors (of any tier), or any person under its control

to do the same. Grantee will be solely responsible for and will defend, indemnify and hold the City, its agents, employees, officers, and officials harmless from and against any and all claims, costs and liabilities including reasonable attorneys' fees and costs, arising out of or in connection with the cleanup or restoration of the property associated with Grantee's use, storage, or disposal of hazardous substances, whether or not intentional, and the use, storage or disposal of such substances by Grantee's agents, contractors, or other persons acting under Grantee's control, whether or not intentional.

Q. Grantee attests that any work already completed before the execution of this Franchise is in compliance with the requirements of this Franchise.

Section 7. Repair and Emergency Work

In the event of an emergency, Grantee may commence such repair and emergency response work as required under the circumstances, provided that Grantee shall notify the City in writing as promptly as possible, before such repair or emergency work commences, or as soon thereafter as possible, if advance notice is not practical. The City may act, at any time, without prior written notice in the case of an emergency but shall notify Grantee in writing as promptly as possible under the circumstances.

Section 8. Damages to City and Third-Party Property

Grantee agrees that if any of its actions under this Franchise impair or damage any Right-of-Way, property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, said property to a safe condition. Such repair work shall be performed and completed to the satisfaction of the Public Works Director.

Section 9. Location Preference

Any structure, equipment, appurtenance, or tangible property of a utility, other than property of Grantee's, which was installed, constructed, completed or in place prior in time to Grantee's application for a permit to construct or repair Grantee facilities under this Franchise shall have preference as to positioning and location with respect to Grantee's facilities. However, to the extent that Grantee's facilities are completed and installed prior to a utility's submittal of a permit for new or additional structures, equipment, appurtenances, or tangible property, then Grantee's facilities shall have priority. These rules governing preference shall continue in the event of the necessity of relocating or changing the grade of any City street or Right-of-Way. A relocating utility shall not necessitate the relocation of another utility that otherwise would not require relocation. This Section shall not apply to any City facilities or utilities that may in the future require the relocation of Grantee's facilities which shall be governed by the relocation provisions of this Franchise. No location of any of Grantee's Facilities shall give rise to a vested interest in public property.

Section 10. Grantee Information

A. Grantee agrees to supply, at no cost to the City, any information reasonably requested by the City to coordinate municipal functions with Grantee's activities and fulfill any municipal obligations under State law.

B. The parties understand that State law limits the ability of the City to shield from public disclosure any information given to the City. Accordingly, the City agrees to notify Grantee of requests for public records related to Grantee, and to give Grantee a reasonable amount of time to obtain an injunction to prohibit the City's release of records, if it appears that such public records may contain confidential information. Notice will not be provided for records that are clearly non-exempt from disclosure including but not limited to copies of this Franchise, drafts of this Franchise, and records related to the execution of this Franchise.

C. Grantee shall defend, indemnify and hold harmless the City for any loss or liability for fines, penalties, damages and costs (including attorneys' fees and expenses) imposed on the City because of non-disclosures requested by Grantee under Washington's Public Records Act, provided the City has notified Grantee of the pending request.

Section 11. Relocation and Abandonment of Grantee's Facilities

A. Relocation. In accordance with Washington State law, Grantee shall, at no expense or liability to the City (except as may be required by RCW Chapter 35.99.060), relocate, reroute or remove any of Grantee's facilities, property or equipment located in a Right-of-Way when required by the City consistent with its police powers (for example, without limitation, by reason of traffic conditions, public safety, Right-of-Way vacation, Right-of-Way construction, change or establishment of Right-of-Way grade, installation of sewers, drains, gas or water pipes, or any other types of structures or improvements by the City for public purposes). Except during an emergency, the City shall provide reasonable notice to Grantee of its need to relocate that is commensurate with the complexity of the project, but not less than sixty (60) days, and allow Grantee an opportunity to perform such action. Following notice by the City, Grantee shall relocate, remove, reroute, replace, modify or disconnect any of its facilities or equipment within any Right-of-Way, or on any other property of the City. If the City requires Grantee to relocate its facilities located within the Right-of-Way, the City shall provide Grantee with an alternative location within the Right-of-Way.

Excluding circumstances or events outside of its reasonable control, if Grantee fails to complete this work within the time prescribed to the City's reasonable satisfaction, the City may cause such work to be done at Grantee's reasonable cost and expense; and provided further that the City shall not be liable for any damage to any portion of the Telecommunications System except to the extent caused by the negligence

of the City or its contractor. Within thirty (30) days of receipt of an itemized list of those costs, Grantee shall pay the City.

If a readjustment or relocation of Grantee's facilities is necessitated by a request from a party other than the City, Grantee may seek recourse against that other party to pay the actual costs thereof.

B. Temporary Changes for Other Permittees. At the request of any person holding a valid permit, upon reasonable advance notice, Grantee shall temporarily raise, lower or remove its facilities, property or equipment as necessary to permit the moving of a building, vehicle, equipment or other item. The expense of such temporary changes must be paid by the permit holder, and Grantee may require a reasonable deposit of the estimated payment in advance.

C. Alternatives to Relocation. Grantee may, after receipt of written notice requesting a relocation of its facilities, submit to the City written alternatives to such relocation. Such alternatives may include the use and operation of temporary transmitting facilities in adjacent Right-of-Way. The City shall promptly evaluate such alternatives and advise Grantee in writing if one or more of the alternatives is suitable. If requested by the City, Grantee shall promptly submit additional information to assist the City in making such evaluation. The City shall give each alternative proposed by Grantee full and fair consideration. In the event the City ultimately determines that there is no other reasonable alternative, Grantee shall relocate the components of the system as otherwise provided herein.

D. Discontinuing Use/Abandonment of System Facilities. Whenever Grantee intends to discontinue using any facility in the Right-of-Way, Grantee shall submit for the City's approval a complete description of the facility and the date on which Grantee intends to discontinue using the facility. Grantee may remove the facility or request that the City allow it to remain in place and to convey the same to the City through a letter of abandonment or bill of sale. Until such time as Grantee removes or transfers the facility, Grantee shall be responsible for the facility as if the facility were in active use and Grantee shall retain all liability for the facility during such time. If Grantee abandons its facilities, the City may provide Grantee with written notice of the City's desire to utilize such abandoned facilities, and Grantee shall then have sixty (60) days in which to respond with either assent to transfer such facilities to the City, or an affirmation that such facilities are not abandoned, in which case the facilities shall remain with Grantee. Upon assent by Grantee to the transfer of such facilities, the parties shall execute appropriate documentation to memorialize the transfer.

Section 12. Undergrounding

A. The parties agree that this Franchise does not limit the City's authority under federal law, State law, or local ordinance, to require the undergrounding of utilities. Any

such undergrounding requirement shall be imposed equally on all permit or franchise holders using the Right-of-Way to which such requirement applies.

B. Whenever the City requires the undergrounding of aerial utilities in the Franchise Area, Grantee shall underground its facilities in the manner specified by the City at no expense or liability to the City. Where other utilities are present and involved in the undergrounding project, Grantee shall only be required to pay its fair share of common costs borne by all utilities, in addition to the costs specifically attributable to the undergrounding of Grantee's facilities. Common costs shall include, for example, necessary costs for trenching and utility vaults. The fair share shall be determined in comparison to the total number and size of all other utility facilities being placed underground.

Section 13. Indemnification and Hold Harmless

A. Grantee shall defend, indemnify, and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, expenses, suits, or liabilities of any nature including attorneys' fees arising out of or in connection with Grantee's performance or omissions under this Franchise, except to the extent such costs, claims, injuries, damages, losses, expenses, suits, or liabilities are caused by the negligence of the City.

B. Grantee shall defend, indemnify and hold the City and its officers, officials, agents, employees, and volunteers harmless from any and all costs, claims, injuries, damages, losses, expenses, suits, or liabilities of any nature including attorneys' fees arising out of or in connection with any damage or loss to Grantee's facilities caused by maintenance and/or construction work performed by, or on behalf of, the City within the Franchise Area or any Right-of-Way, or other property, except to the extent any such damage or loss is directly caused by the negligence of the City.

C. If separate representation to fully protect the interests of both parties is or becomes necessary, such as a conflict of interest between the City and the counsel selected by Grantee to represent the City, Grantee shall pay, from the date such separate representation is required forward, all reasonable expenses incurred by the City in defending itself with regard to any action, suit or proceeding indemnified by Grantee. The City's expenses shall include all reasonable out-of-pocket expenses, such as consultants' and attorneys' fees, and shall also include the reasonable value of any services rendered by the City Attorney or her/his assistants or any employees of the City or its agents but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by Grantee.

D. The fact that Grantee carries out any activities under this Franchise through independent contractors shall not constitute an avoidance of or defense to Grantee's duty of defense and indemnification under this Section.

E. In the defense of any action subject to this Section, Grantee shall solely control the defense and any decision to settle any claim, which shall be at Grantee's sole expense and provided that the City is completely released in writing from any liability regarding the claim.

Section 14. Insurance

A. Grantee shall procure and maintain for the duration of this Franchise, and for one (1) year thereafter, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Grantee, its agents, representatives, or employees in the amounts and types set forth below:

1. Commercial General Liability insurance with limits no less than \$5,000,000 each occurrence, \$5,000,000 general aggregate and a \$5,000,000 products-completed operations aggregate limit. Coverage shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, products-completed operations, stop gap liability, and personal injury and advertising injury and liability assumed under an insured contract. There shall be no exclusion or modification of the Commercial General Liability insurance for liability arising from explosion, collapse, or underground property damage.

2. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles with a combined single limit for bodily injury and property damage of \$5,000,000 per accident. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage.

3. Intentionally left blank.

4. Workers' Compensation coverage as required by the Insurance laws of the State of Washington.

5. Employers Liability insurance in the amount of \$2,000,000.

6. Umbrella or excess liability insurance in the amount of \$5,000,000.

B. Grantee's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of Grantee's insurance and shall not contribute with it.

C. Grantee's insurance shall be endorsed to state that coverage shall not be canceled except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City. If the insurance is canceled so as to be out of compliance with the requirements of this Franchise, Grantee shall provide a replacement policy.

D. All policies shall contain, or be endorsed so that the City, City Council, officers, officials, boards, employees and agents are to be covered as, and have the rights of, additional insureds under the policies.

E. Grantee's insurance shall apply separately to each insured against whom a claim is made, or lawsuit is brought, except with respect to the limits of the insurer's liability.

F. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy are to be on standard forms or such forms as are consistent with standard industry practices.

G. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

H. Grantee shall furnish the City with original certificates of insurance and a copy of amendatory endorsements before commencement of the work.

I. Any deductible of the policies shall not in any way limit Grantee's liability to the City.

J. Grantee shall have the right to self-insure any or all of the above-required insurance subject to prior, written approval by the City.

K. Grantee's maintenance of insurance as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy to which the City is otherwise entitled at law or in equity.

Section 15. Generally Applicable Bonds/Performance Bond

A. Generally Applicable Bonds. During construction of the Telecommunications System, Grantee may be required to obtain bonds, such as generally applicable construction bonds, in accordance with State law and the City's published, non-discriminatory and ordinary policies and procedures to cover remedial work and restoration of the Right-of-Way. The bonds shall cover the cost of labor, materials and all other items associated with such work by geographic area (to be mutually determined between the City and Grantee) with the intention that the bond will apply only to projects covered by a permit until completion as opposed to covering the costs of construction for the entire Telecommunications System.

B. Performance Bond.

1. Grantee shall provide a performance bond in the amount of fifty thousand dollars (\$50,000) to ensure the faithful performance of its responsibilities under this Franchise and applicable law, including, by way of example and not limitation, its obligations to relocate and remove its facilities. The performance bond shall be in a standard industry form. Grantee shall pay all premiums or costs associated with maintaining the bond and shall keep the same in full force and effect at all times.

2. The bond shall not be canceled or materially altered so as to be out of compliance with the requirements of this Section without forty-five (45) days written notice first being given to the City. If the bond is canceled or materially altered so as to be out of compliance with the requirements of this Section within the term of this Franchise, Grantee shall provide a replacement bond.

3. After the giving of notice by the City to Grantee, and expiration of any applicable cure period, the performance bond may be drawn upon by the City for purposes that include, but are not limited to the following:

a. Failure of Grantee to pay the City sums due under the terms of this Franchise.

b. Reimbursement of costs borne by the City to correct Franchise violations not corrected by Grantee; and

c. Damages assessed against Grantee as provided in this Franchise.

4. The City shall give Grantee written notice of any withdrawal under this Section upon such withdrawal. Within ten (10) days following receipt of such notice, Grantee shall restore and replenish the performance bond to the amount required under this Franchise. Grantee's maintenance of the performance bond shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the amount of the performance bond or otherwise limit the City's recourse to any other remedy available at law or in equity.

5. Grantee shall have the right to appeal to the City Council for reimbursement in the event Grantee believes that the performance bond was drawn upon improperly. After a determination by the City Council, Grantee shall also have the right of judicial appeal if Grantee believes the performance bond has not been properly drawn upon in accordance with this Franchise. Any funds the City erroneously or wrongfully withdraws from the performance bond shall be returned to Grantee with interest, from the date of withdrawal at a rate equal to the prime rate of interest as quoted in The Wall Street Journal on the date the City withdrew funds from the performance bond until the date the City returns the funds to Grantee.

Section 16. Successors and Assignees

A. All of the provisions, conditions and requirements herein shall be binding upon the permitted successors and assigns of Grantee, and all rights and privileges, as well as all obligations and liabilities of Grantee shall inure to its permitted successors and assigns as if they were specifically mentioned herein wherever Grantee is mentioned.

B. Neither this Franchise nor the Telecommunications System shall be leased, assigned or otherwise alienated in whole or in part without the express prior written consent of the City by ordinance, which consent shall not be unreasonably withheld. In the event such a transfer or assignment is part of a corporate transaction approved by the Washington Utilities and Transportation Commission ("WUTC"), the approval by the WUTC shall be deemed consent to the transfer or assignment from the City. Grantee shall notify the City as soon as practicable at the time of the filing of any petition with the WUTC in this regard.

C. Grantee and any proposed assignee or transferee shall provide and certify the following to the City not less than sixty (60) days prior to the proposed date of sale or transfer: (a) Complete information setting forth the nature, terms and conditions of the proposed assignment or transfer; (b) All information required by the City of an applicant for a Franchise with respect to the proposed assignee or transferee; and, (c) An application fee which shall be set by the City, plus any other costs actually and reasonably incurred by the City in processing and investigating the proposed assignment or transfer, such additional costs not to exceed \$7,500.

D. The proposed assignee or transferee shall file with the City a written agreement to unconditionally accept all of the terms of the Franchise, effective upon such transfer or assignment of the Franchise. The City is under no obligation to undertake any investigation of Grantee's state of compliance and failure of the City to insist on full compliance prior to transfer does not waive any right to insist on full compliance thereafter.

Section 17. Dispute Resolution

In the event of a dispute between the City and Grantee arising by reason of this Franchise, the dispute shall first be referred to the operational officers or representatives designated by the City and Grantee to have oversight over the administration of this Franchise. The officers or representatives shall meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies.

Section 18. Enforcement and Remedies

Ordinance No. 1645

DATE

Page 16 of 22

A. If Grantee shall willfully violate or fail to comply with any of the provisions of this Franchise for any reason, including without limitation, through negligence, or should it fail to heed or comply with any directive given to Grantee under the provisions of this Franchise, the City will provide Grantee with written notice and an opportunity to cure the breach within thirty (30) days of notification. If the City determines the breach reasonably cannot be cured within thirty (30) days, the City may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty-day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or Grantee does not comply with the specified conditions, the City may, at its discretion, either (1) revoke the Franchise with no further notification, or (2) claim liquidated damages of two hundred fifty dollars (\$250.00) per day against the performance bond set forth in this Franchise for every day after the expiration of the cure period that the breach is not cured, up to a maximum of \$5,000 per year.

B. Should the City determine that Grantee is acting beyond the scope of permission granted herein for Grantee's facilities or Grantee's services, the City reserves the right to cancel this Franchise and require Grantee to apply for, obtain, and comply with all applicable City permits, franchises, or other City permissions for such actions, and if Grantee's actions are not allowed under applicable federal, State or City laws, to compel Grantee to cease such actions through injunctive relief.

Section 19. Compliance with Laws and Regulations

This Franchise is subject to, and Grantee shall comply with, all applicable federal, State and City laws, regulations and policies, now existing or hereafter enacted. Grantee shall be subject to the police power of the City to adopt and enforce general ordinances necessary to protect the safety, health and welfare of the public.

Section 20. Damages Limitation

Notwithstanding any other provision of this Franchise, in no event shall either party be liable to the other for any special, incidental, indirect, punitive, loss of profits, loss of revenues, consequential or other similar damages.

Section 21. Notices

Written notices shall be sent postage prepaid, by certified mail, return receipt requested, to the following addresses, unless a different address shall be designated in writing and delivered to the other party.

City: City of Cle Elum - Mayor
119 West First Street
Cle Elum, Washington 98922

Ordinance No. 1645

DATE

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Grantee:

Inland Telephone Company
P.O. Box 171
Roslyn, WA 98941
(509)649-2211
jbrooks@inlandnet.com

Section 22. Reimbursement and Franchise Fees

A. A fee shall be charged to Grantee that recovers actual administrative expenses incurred by the City that are directly related to receiving and approving permits and this Franchise, and to inspecting plans and construction, and, if necessary, for the preparation of a detailed statement pursuant to Chapter 43.21C RCW. The City's outside consultants' and attorneys' fees and expenses in preparing, negotiating and finalizing this Franchise shall be up to a cap of \$3,400.

B. No permits shall be issued for the installation of authorized facilities until such time as the City has received payment of this fee.

C. Grantee shall reimburse the City within thirty (30) days of submittal by the City of an itemized billing for reasonably incurred costs by project and task, for Grantee's proportionate share of all actual, identified expenses incurred by the City in altering, constructing, installing, maintaining, planning, or repairing any City facility as the result of the presence of Grantee's facilities in the Right-of-Way.

D. Grantee hereby warrants that its operations as authorized under this Franchise are, in part, those of a telephone business as defined in RCW 82.16.010, or service provider as referenced in RCW 35.21.860. As a result, the City will not impose a franchise fee under the terms of this Franchise, other than as described herein. The City hereby reserves its right to impose a franchise fee on Grantee if Grantee's operations as authorized by this Franchise change such that the statutory prohibitions of RCW 35.21.860 no longer apply, or if federal or other State statutory prohibitions on the imposition of any types of fees are removed. In such instance, the City also reserves its right to require that Grantee obtain a separate franchise as allowed by law. Nothing contained herein shall preclude Grantee from challenging any such new fee or separate agreement under applicable federal, State, or local laws.

E. Grantee stipulates and agrees that certain of its business activities may be subject to taxation as a telephone business and that Grantee shall pay to the City the rate applicable to such taxable services consistent with local, State and federal law; provided that the City has taken all lawful and required steps to impose such tax. The parties agree that nothing in this Franchise shall limit the City's power of taxation or ability to impose franchise fees, as may exist now or as later allowed under applicable law.

Ordinance No. 1645

DATE

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Section 23. Miscellaneous

A. Force Majeure. Neither party shall be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged default occurred or was caused by a pandemic, epidemic, strike, riot, war, earthquake or other catastrophic act of nature, labor disputes or failure of electric service necessary to operate the Telecommunications System or other event that is reasonably beyond a party's ability to anticipate or control.

B. Entire Agreement. This Franchise represents the entire understanding and agreement between the parties hereto with respect to the subject matter hereof.

C. Severability. If any section, subsection, sentence, clause or phrase of this Franchise is for any reason declared invalid, in whole or in part, by any court, agency, legislative body, or other authority of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof, all of which shall remain in full force and effect.

D. Modification. No provision of this Franchise shall be amended or otherwise modified, in whole or in part, except by an instrument, in writing, duly executed by the City and Grantee.

E. No Third-Party Beneficiaries. Nothing in this Franchise is intended to confer third-party beneficiary status on any member of the public or person to enforce the terms of this Franchise.

F. No Waiver of Rights. Nothing in this Franchise shall be construed as a waiver of any rights, substantive or procedural, the City or Grantee may have under federal or State law. Without limitation, the City specifically reserves all of its governmental immunities under federal, State and local law.

G. Governing Laws. This Franchise shall be governed, construed and enforced in accordance with the laws of the State of Washington and any other applicable local and federal laws, rules, regulations, legislation or orders (as such now exist, are later amended or subsequently adopted).

H. Venue. Venue for any judicial dispute shall be in Kittitas County Superior Court, unless the dispute is required to be heard in federal court by applicable law.

I. Attorneys' Fees. In the event any suit or other proceeding is instituted to enforce or interpret any provision of this Franchise, the prevailing party in any such action or suit shall be entitled to its attorneys' fees and costs, which shall be fixed by the judge hearing the case, and such fees shall be included in the judgment.

J. Headings. The section and subsection titles used herein are for reference purposes only and shall not be used to interpret this Franchise.

K. Cost of Publication. Grantee shall pay the cost of notice and publication of this Franchise.

Section 24. Severability

Should any portion of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 25. Effective Date

This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED by the City Council of Cle Elum, Washington this ____ day of _____, 2023.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Published: _____

EXHIBIT "A"

STATEMENT OF ACCEPTANCE

Inland Telephone Company, hereby accepts and agrees to be bound by all of the terms, conditions and provisions of the Franchise, subject to applicable law.

Inland Telephone Company

By: _____

Date: _____

Name: _____

Title: _____

CITY OF CLE ELUM Item #10 B
WASHINGTON
RESOLUTION NO. 2023-012

A RESOLUTION OF THE CITY OF CLE ELUM, WASHINGTON ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM, FROM 2024 TO 2029

WHEREAS the City of Cle Elum is required by Washington State to annually adopt a Six-year Transportation Improvement Program (TIP); and

WHEREAS, ON June 26, 2023, the City Council for the City of Cle Elum held a Public Hearing to receive comments on the proposed Six-Year Transportation Improvement Program; and

WHEREAS the City Council for the City of Cle Elum finds it is in the best interest of the residents of the city to adopt the attached Six-Year Transportation Improvement Program for the years 2024 through 2029.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLE ELUM, WASHINGTON, DOES RESOLVE AS FOLLOWS:

The attached City of Cle Elum Six-Year Transportation Improvement Program for the years 2024 through 2029 is hereby adopted and shall be forwarded to Quad County Regional Transportation Planning Organization and Washington State Department of Transportation.

PASSED BY THE CLE ELUM CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 26th DAY OF JUNE 2023.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Debbie Lee, City Clerk

INVENTORY SURPLUS LIST

[illegible]

INVENTORY SURPLUS LIST

INVENTORY SURPLUS LIST

Resolution 2023-017

Public Works Surplus

Exhibit A

Item #10 C

[illegible]

INVENTORY SURPLUS LIST

INVENTORY SURPLUS LIST

[illegible]

INVENTORY SURPLUS LIST

CITY OF CLE ELUM

Item #10 C

WASHINGTON RESOLUTION NO. 2023-017

A RESOLUTION PROVIDING FOR THE DISPOSAL OF CERTAIN INVENTORY ITEMS:

- **Public Works Equipment/Tools, See Exhibit A**

WHEREAS certain items of equipment belonging to the City of Cle Elum are obsolete, no longer used by the City or damaged;

WHEREAS the value, obsolescence, and condition of these items of inventory make it impractical to trade the same in the future purchase of new inventory items. It would be in the best interest of the City to dispose of the same in a manner that will be to the best advantage to the City of Cle Elum.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cle Elum as follows:

1. Based on the findings and recommendations of the City, the items of inventory for said City as shown attached hereto, is declared to be surplus to the foreseeable needs of the City.
2. That it is deemed to be for the common benefit of the residents of said City to depose of said inventory.
3. That the City Public Works Director is authorized to dispose of items attached is a manner that will be to the best advantage to the City of Cle Elum

Passed by the City Council and approved by the Mayor this 26th day of June 2023.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Debbie Lee, City Clerk

Approved as to form:

Alexandra Kenyon, City Attorney

Filed with the City Clerk:

Passed by the City Council: 06/26/2023

Resolution No:

2023-017

Date Posted:

CITY OF CLE ELUM

Item #10 D

WASHINGTON RESOLUTION NO. 2023-18

A RESOLUTION PROVIDING FOR THE DISPOSAL OF CERTAIN INVENTORY ITEMS:

- City Hall

PLACE	INV. #	EF DESCRIPTION (Make, Model, Color,	Serial Number	Location/Possession	Date (In Service	Date (Out of Service)
City Hall	746	iphone 11 White 64 GB	FFWFR2PWN72K	Broken -waiting to surplus	7/30/2021	

WHEREAS certain items of equipment belonging to the City of Cle Elum are obsolete, no longer used by the City or damaged.

WHEREAS the value, obsolescence, and condition of these items of inventory make it impractical to trade the same in the future purchase of new inventory items. It would be in the best interest of the City to dispose of the same in a manner that will be to the best advantage to the City of Cle Elum.

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2. That it is deemed to be for the common benefit of the residents of said City to depose of said inventory.
3. That the City Public Works Director is authorized to dispose of items attached is a manner that will be to the best advantage to the City of Cle Elum

Passed by the City Council and approved by the Mayor this 26th day of June 2023.

CITY OF CLE ELUM

Jay McGowan, Mayor

ATTEST/AUTHENTICATED:

Debbie Lee, City Clerk

Approved as to form:

Alexandra Kenyon, City Attorney

Filed with the City Clerk:
Passed by the City Council: 06/26/2023.
Resolution No: 2023-017
Date Posted:

