

Kelso City Council Agenda

Special Meeting, 6:00 pm

June 28, 2016

Kelso City Hall, Council Chambers

203 South Pacific Avenue

Kelso, WA 98626



**Special accommodations for the handicapped and hearing impaired are available
by special arrangement through the City Clerk's Office at 360-423-0900**

Call to Order:

1. Council Business:

1.1. Kelso City Charter Proposed Amendments

AGENDA SUMMARY SHEET

Business of the City Council City of Kelso, Washington

SUBJECT TITLE:

Kelso City Charter – Proposed Amendments

Agenda Item: _____

Dept. of Origin: _____ City Manager _____

For Agenda of: _____ June 28, 2016 _____

Originator: _____ Steve Taylor _____

City Attorney: **Janean Parker**

City Manager: **Steve Taylor**

PRESENTED BY:

Steve Taylor
Janean Parker

Agenda Item Attachments:

Agenda/Minutes - 4/26/16 City Charter Review Committee Meeting
Minutes – 5/2/16 City Charter Review Committee Meeting
Minutes – 5/16/16 City Charter Review Committee Meeting
Agenda/Minutes – 5/23/16 City Charter Review Committee Meeting
Agenda/Draft Minutes – 6/13/16 City Charter Review Committee Meeting
City Attorney Memo – 6/23/16 re: City Charter Review
City of Kelso Charter – Redlined/Proposed Amendments

SUMMARY STATEMENT:

Kelso is Washington State's only municipality operating under both a city charter and the state's Optional Municipal Code (Title 35A Revised Code of Washington). The City uses the Council-Manager form of government. The Council's 2015 Budget Goals and Action Plan called for the review of the city charter to evaluate potential amendments for voter consideration.

Concerns have been raised by Councilmembers in prior years of the charter's continued necessity given the City's adoption of the Optional Municipal Code. The charter contains several cumbersome administrative provisions including inflexible council meeting attendance requirements. Any change to the charter requires a public vote, so obsolete provisions or those with unintended consequences cannot be easily changed.

This item was previously brought to Council in March of 2016 and discussed. It was determined that a committee of citizens would be formed, review of the current charter would ensue, and proposals would be made in one of three ways; leave the charter as is, amend sections as appropriate, or repeal it in its entirety.

That committee has since met on several occasions to review and discuss potential action. The attached information and memo from the city attorney outlines those discussions and proposed action to be taken.

OPTIONS:

1. Accept the Charter Review Committee's recommended amendments and determine the appropriate number of ballot measures
2. Reject the committee's recommendation and place alternative measures on the ballot
3. Provide direction for a ballot measure that repeals the charter
4. Take no action or continue the charter review process

RECOMMENDED ACTION:

Staff recommends Council approve a course of action that improves the efficiency of administering the city's legislative functions.



CITY OF KELSO

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



Charter Agenda

4/26/16

Welcome and Committee Introductions

Committee Purpose and Expectations

City Charter Context

- Charter vs. RCW 35A Code City

Charter Amendment Process

- Timeline for Ballot Measures
- Amendment/Disposition Options
- Ballot Measure Promotion and Public Information

Effectiveness of Governing with the Charter

- Identified Challenges
- Have Original Charter Adoption Goals Been Met

Public Comment

General Discussion

Future Meeting Dates

City of Kelso – City Charter Review Committee Meeting Minutes

April 26, 2016

I. Call to order

Steve Taylor, City Manager called to order the regular meeting of the City Charter Review Committee at 5:35 p.m. on April 26, 2016 at 203 S. Pacific Ave – Kelso Council Chambers.

II. Roll call

The following persons were present:

Committee Members: Gary, Schimmel, Keith Lawrence, Wallace Hall, Clarice Hall, Adena Grigsby, Patricia VanRollins, Betty Wilson – Not present was Ann Hight due to illness

Staff: Steven Taylor, Janean Parker, Todd McDaniel, and Jessica Bronstein – Not present was Brian Butterfield (excused by S. Taylor for initial meeting)

Why did you volunteer for this committee?

Gary – As a former council member he knows they had questioned the charter and its necessity. He still wants to follow through with some of those concerns.

Keith – Original part of the creation.

Wallace – He has questioned the purpose of the charter and its benefits/negatives for the citizens of Kelso

Clarice – Wants to be involved in assisting Kelso and furthering its processes.

Adena – Is interested in the Charter process and being a part of doing what's best for the city.

Patricia – Is a resident of Kelso and has been a public servant for most of her life.

Betty – Was a part of the committee in 1993. As a long-time resident she also encourages citizens to be a part of the community and get involved in any committee they can and be aware of what's going on. Being a part of the community now and looking out for the younger generations.

After nomination and 2nd, Keith Lawrence was voted as Chair of this committee

III. Open issues

- a) Steve Taylor gave an overview of the how the proceedings of the committee would flow; the timeline of events that need to occur in order to get any changes/repeal onto the November ballot; basic content of the meetings to follow; options this committee would be able to bring forward – i.e. amendments to current charter, repeal of entire charter, leaving it as it is.
- b) Keith Lawrence – having been a part of the original Charter implementation in 1991 – gave a history on how the Current Charter came to be and how it evolved into what it is now.
 - a) Specific council member issues, City was in ill-repair, questionable moral/ethical practices by current council.
 - b) Agreed the Council/City Manager style of government was the most responsible but that it needed “tightening up” in order to curb the feeling of abuse of power being shown.
 - c) Kelso is the only Charter/Code City currently in WA State as well as in the history of WA State.

IV. Legal Definitions/Understandings of City Classifications – Forms of Government

- a) **Three forms of government:** Mayor/Council, Manager/Council, Commission
- b) **Four classifications of cities in Washington State:** 1st Class City which has a population of 10,000 or more at the time of organization or reorganization that has an adopted charter. 2nd Class City which has a population over 1,500 at the time of organization or reorganization that does not have a charter and does not operate as a code city. Towns which have a population of less than 1,500 at the time of organization or reorganization and does not operate under the Optional Municipal Code. Code City which offers the broadest rule of authorities in matters of local concern and operates under RCW 35A.
- c) **Review of the Charter v. RCW 35A:** Approximately 75% of the current charter is covered in RCW 35A.

V. New business

- a) **Identified Challenges noted by Council & Staff:**
 - b) Effectiveness of the Charter – There are several areas outlined in the Charter that mimic State Law making them redundant.

- c) Ward System (4 geographical areas of N. S. E. W. represented specifically) – This restricts candidates eligible for office to reside in the district they are running for. W. Kelso is a very small area of residents and even less are registered voters leaving that area with few eligible candidates for representation. Also forces already elected or running candidates to remain in that area of town rather. In emergency situations this could cause a council member to forfeit their seat should they have to move out of that district.
- d) Attendance – restricts to 6 missed meetings in one year whether regular or special. This has resulted in members having to forfeit their seats in the event of new special meetings set after plans to be out of town were already in place as well as medical situations arising unexpectedly. Special meetings only require 2 members to call a meeting; this could lead to abuse and targeting of specific council members. (State law allows for only 3 consecutive unexcused absences with Council choosing what is excused)
- e) Leasing or Conveyance of Property – Currently all leases or conveyances have been required to go to council for approval. This is an obvious need when large pieces of property are being conveyed but cumbersome and not necessary when only dealing with leases; i.e. airport hangars, Amtrak, etc.
- f) Utility rates involving a public utility – Requires more than one ordinance since it has to be separate. Would be nice to have all together so we can publish the rates and make changes all at once rather than breaking our per residential/commercial v. public utility.
- g) Ordinance Readings – while it is the basic practice to offer 2 readings before passing, state law only requires 1 reading. With the current technology citizens are offered the entire ordinance for review in ample time prior to meetings, therefore, allowing them an opportunity to comment before it passes.
- h) Section 4.01 Creation of Departments – This undermines the authority of the City Manager and brings Council into the administrative duties given to the City Manager.
- i) Section 4.02 Personnel System – Redundant to the way the City operates in its basic practices. Collective bargaining agreements dictate a majority of how raises/promotions are handed down. The remaining non-represented positions are all on a “step-system” outlined in the employee

handbook and published for public review at the time of Council review/action.

- j) Section 4.04 Planning – Requiring a City Planner to be on staff again undermines the authority of the City Manager’s administrative duties and limits the abilities of how the department can function in the event of high or low volumes of growth.
- k) Section 5.08 Competitive Bidding – Again covered in State Law and outlined in our procurement policy and procedure.

l) Homework for Committee Members

- m) Review charter and comparison of charter v. RCW 35A
- n) Note any missing elements not noted on the comparison
- o) Have the goals of the Charter been met?

VI. General Comment

- a) Todd McDaniel stated he is open to hearing what the people want and wants to hear what options there may be.
- b) Janean, Steve, and Todd all made it very clear that, as staff, they are only there to assist in the process. The committee is solely responsible for making the choice of how to move forward. The city is not involved to sway the members of the committee one way or the other on any issue or the charter as a whole.

VII. Adjournment

Steve Taylor, City Manager adjourned the meeting at 7:45 p.m.

****Reminder that 5 members of the committee make a quorum so be aware of email group conversations as well as discussing issues outside of regular meetings.****

Minutes submitted by: Jessica Bronstein

Minutes approved by: Keith Lawrence as currently amended

City of Kelso – City Charter Review Committee

Meeting Minutes

May 2, 2016

I. Call to order

Keith Lawrence, Chairperson called to order the regular meeting of the City Charter Review Committee at 4:35 p.m. on May 2, 2016 at 203 S. Pacific Ave – Kelso Council Chambers.

II. Approval of minutes from last meeting

Jessica Bronstein distributed the draft minutes from the April 26th meeting. The minutes were approved as amended.

III. Roll call

The following persons were present:

Committee Members: Gary, Schimmel, Keith Lawrence, Wallace Hall, Clarice Hall, Adena Grigsby, Patricia VanRollins, Betty Wilson, Ann Hight

Staff: Steven Taylor, Janean Parker, Todd McDaniel, Brian Butterfield, and Jessica Bronstein

Why did you volunteer for this committee?

Ann – Has been a lifelong resident of Kelso and is interested in seeing the city thrive.

IV. Open issues

- a) Steve Taylor again explained the options this committee would be able to bring forward – i.e. amendments to current charter, repeal of entire charter, leaving it as it is. There is no formal agenda for this meeting; we will just go through the comparison matrix J. Parker compiled of the Charter vs. State Law. Those items that need further discussion will be flagged for the next meeting.
- b) J. Parker reviewed each section of the Charter as it compares to the current State law and explained the differences (highlighted in gray).

V. Sections Flagged for Further Discussion

- a) **2.02(a), (b), and (c) Comparison, Eligibility, Election and Terms** – G. Schimmel explained issues as it pertains to equal district eligible candidates/voters.
- b) **2.03 Mayor** – S. Taylor made note of the sentence reading “The mayor shall....present an annual state of the city message”. Not necessarily a bad thing but since it states “shall”, what are the consequences if he/she doesn’t?
- c) **2.06 Vacancies, Forfeiture of Office; Filling of Vacancies** – J. Parker to bring copy of oath for review.
- d) **2.07 Judge of Qualifications** – What are the qualifications? Code of Ethics is in RCW42.23
- e) **2.09 Procedure** – (a) A. Hight noted the last line allows the Council to appear more transparent. (c) B. Wilson gave history as to why abstentions were not allowed; personal interest.
- f) **2.10 Action Requiring an Ordinance** – (1) Needs further discussion, (5) Stormwater Enterprise was created, needs further discussion; (7) Airport hangar leases, Amtrak, etc.
****Mr. & Mrs. Hall had a prior engagement requiring them to have to leave at 5:55 p.m. so they were not privy to the discussion after this****
- g) **2.11 Ordinance in General** – Needs further discussion; specifically the line “read in full”
- h) **2.12 Emergency Ordinance** – Needs further discussion
- i) **2.14 Authentication and Recording; Codification; Printing** – (b) it is already standard practice to have hard copies in all departments of the City as well as electronically via our website.
- j) **3.01 City Manager – Appointment** – Complications arise from the requirement that he/she be required to live within City limits. State law allows this to be waived as well as require only 1 year difference for a council member to be eligible for appointment as city manager.
- k) **3.02 City Manager – Removal** – Needs further discussion
- l) **3.04 Powers and Duties of City Manager** – Staff to review & check for issues.

- m) **4.01 General Provisions** – Conflicts with City Manager administrative duties as well as State Law. Needs further discussion.
- n) **4.02 Personnel System** – Needs further discussion; possible removal.
- o) **4.03 Legal Officer** – Needs further discussion
- p) **4.04 Planning** – Needs further discussion
- q) **4.05 City Clerk** – Redundant; already in State Code

VI. Sections NOT needing further discussion – Already noted as State Law

- a) 1.01, 1.02, 1.03, 1.04, 1.05, 2.01, 2.05, 2.08,2.13, 3.03, 5.01-11, Section 6, 7.01, 7.02, Section 8, Section 9

VII. Adjournment

Next Meeting is scheduled for May 16th @ 4:30 p.m. in Council Chambers

Keith Lawrence, Chairperson adjourned the meeting at 6:45 p.m.

Minutes submitted by: Jessica Bronstein

Minutes approved by: 1st Motion by P. VanRollins, 2nd by W. Hall – All voting yes.

City of Kelso – City Charter Review Committee

Meeting Minutes

May 16, 2016

I. Call to order

Keith Lawrence, Chairperson called to order the regular meeting of the City Charter Review Committee at 4:35 p.m. on May 16, 2016 at 203 S. Pacific Ave – Kelso Council Chambers.

II. Approval of minutes from last meeting

Sherri Booth distributed the draft minutes from the May 2nd meeting. Approved as written.

III. Roll call

The following persons were present:

Committee Members: Gary, Schimmel, Keith Lawrence, Wallace Hall, Clarice Hall, Adena Grigsby, Patricia VanRollins, Betty Wilson, Ann Hight

Staff: Stephen Taylor, Janean Parker, Todd McDaniel, Brian Butterfield, and Sherri Booth

IV. Open issues

- a) Voting on how to proceed – Leave Charter as is – no; Keep Charter but amend as needed – All voted yes; G. Schimmel noted that it could be possible to repeal entire charter but if we keep it amendments are definitely needed.
- b) Discussion occurred regarding how amendments/repeal goes to the ballot – there is a single subject limit so items need to be grouped together yet there is a limited number of words allowed for each subject. Could bring more cost and legal issues.
- c) **Section 4.04 Planning** – C. Hall concerned re: planner requirement. We currently do not have one on staff. S. Taylor explained we are currently advertising for one but in the meantime we have a contract with an outside consultant and with the City of Longview for our planning needs (section still flagged for further discussion).
- d) **2.02(a), (b), and (c) Comparison, Eligibility, Election and Terms** – Discussion as to whether or not to divide the sections into different districts based on equal size, vote each position in as “at large” but assign to specific areas upon appointment, to

eliminate ward system altogether, or leave as is. Final vote was to eliminate ward system altogether with motion by P. VanRollins, 2nd by G. Schimmel – vote was 5/2 w/C. Hall and A. Grigsby voting no. Motion carried – eliminate ward system; all positions will be at large.

Mr. & Mrs. Hall are still concerned that areas/citizens will be neglected if not specifically represented.

S. Taylor reminded committee of multiple ways a citizen can bring forward a concern: Directly to Staff, to any Council Member for forwarding, via the City Website using the Citizen Concern Form. By forcing districts we restrict the number of candidates coming forward to serve.

- e) **2.06 Vacancies, Forfeiture of Office; Filling of Vacancies** – Currently special meetings are included in the number of absences a member may miss. G. Schimmel moved to have special meetings removed from definition of meetings a member may miss. A. Hight 2nd to amend the section to remove special meetings and workshops as inclusion of the total number of meetings a member may miss. All voted yes – Regular meetings are the only meetings that will count toward the total number of meetings a member may miss in a calendar year.
- f) **2.12 Emergency Ordinance** – Discussion to amend language to read the Ordinance is to be reviewed at the conclusion of the emergency; G. Schimmel moved to strike “every emergency ordinance shall....” P. VanRollins 2nd, All voted yes.

All ordinances must have a firm vote from 5 members before passing. A simple quorum of 4 would not be enough.

Motion was brought forth and carried to remove the line automatically repealing the ordinance on the 61st day.

- g) **4.01 General Provisions; 4.02 Personnel System; 4.03 Legal Officer; 4.04 Planning; 4.05 City Clerk – J. Parker noted State Law allows the City Manager has control over these positions. This Charter section is inconsistent with State Law.**

G. Schimmel Motioned to remove Sections 4.01-4.05 from Charter, 2nd by B. Wilson. 6/1 Motion carried. C. Hall voted no.

C. Hall noted the law requires the functions be covered but not that a position be within the City to complete those functions. Concerned w/historic preservation.

S. Taylor noted the last planner on staff was M. Kerins. Contracts w/G. Dorhn have fulfilled the need in the interim. Planning work is still being completed.

Discussion followed regarding pros and cons of having planner on staff – Position currently being advertised for. In the meantime, functions are being covered. Not uncommon for planning functions to be contracted out as economy goes up and down. Noted that historic preservation discussions should begin with Planning Commission.

V. General Public Comment

- a) D. Myers- 615 S. 3rd Ave; Noted the Charter had its place 20 years ago but is no longer needed. State law covers the main points since.
- b) Karen Lawrence --1413 Behshel Heights Rd; Believes the Charter was put in place when it was needed and that in doing so has cleaned up the issues and needs to stay in place because it's continuing to work.

VI. Adjournment

Next Meeting is scheduled for May 23rd @ 4:30 p.m. in Council Chambers

Keith Lawrence, Chairperson adjourned the meeting at 6:30 p.m.

Minutes submitted by: Jessica Bronstein

Minutes approved by: Keith Lawrence



CITY OF KELSO

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



Charter Agenda

5/23/16

- Continued Development of Amendments to current Charter
- Public Comment
- General Discussion
- Future Meeting Dates

City of Kelso – City Charter Review Committee Meeting Minutes

May 23, 2016

I. Call to order

Keith Lawrence, Chairperson called to order the regular meeting of the City Charter Review Committee at 4:35 p.m. on May 23, 2016 at 203 S. Pacific Ave – Kelso Council Chambers.

II. Approval of minutes from last meeting

Jessica Bronstein distributed the draft minutes from the May 16th meeting. Motion to approve made by P. VanRollins, G. Schimmel 2nd; All voting yes, approved as written.

III. Roll call

The following persons were present:

Committee Members: Gary, Schimmel, Keith Lawrence, Adena Grigsby, Patricia VanRollins, Betty Wilson, Ann Hight – Not present was Wallace Hall and Clarice Hall

Staff: Stephen Taylor, Janean Parker, Brian Butterfield, and Jessica Bronstein – Not present was Todd McDaniel

IV. Open issues

- a) **2.03 Mayor** – Discussion ensued; K. Lawrence noted the City is already very transparent on the day-to-day issues. The director reports at each regular council meeting give updates on what each department is doing.

S. Taylor noted the annual reports done by each department as well giving an overview of what was done throughout the previous year and the upcoming expectations.

P. VanRollins made argument that although those things are good, it never hurts to have one focused address to the City by the mayor as to the overall progress of the city from the previous year and what to expect in the next.

G. Schimmel made a motion to strike everything beginning with the line “The mayor shall preside....” A. Hight 2nd; 2-4 vote, motion failed, leave section as is.

- b) **2.07 Judge of Qualifications** – Discussion ensued; too many variables and possibilities for issues with no clear list of what is considered inappropriate behavior or misconduct. Covered well enough in state statute.

G. Schimmel motioned to remove this section in whole. P. VanRollins 2nd; All voting yes, motion carries.

- c) **2.09 Procedure** – Discussion as to whether or not public comment should be mandated at all meetings.

G. Schimmel motioned to strike “with a portion...” ending the section with “meetings shall be public. P. VanRollins 2nd; Vote 2-4, motion fails.

P. VanRollins motioned to amend the line “with a portion...” to “with a portion of each regular meeting set aside for public comment” removing the mandate to require public comment at special meetings and workshops. Vote 1-5, motion carries.

- d) **2.10 Action Requiring an Ordinance** – Discussion ensued; MRSC and State Law lay out several instances where action requires an ordinance.

A. Hight motioned to repeal entire section 2.10. P. VanRollins 2nd; all voting yes, motioned carries.

- e) **2.11 Ordinances in General (b) Procedure** – Discussion ensued regarding ordinances being available via hard copy by request of the clerk or electronically online in our agenda packets. Therefore:

G. Schimmel motioned to strike the words “and upon request of any person present shall be read in full” from the first line of the first paragraph regarding the first reading and the words “or upon the request...” In the first sentence of the 2nd paragraph. P. VanRollins 2nd; All voting yes, motion carries

- f) **2.14 Authentication and Records; Codification; Printing** – Discussion regarding this being available online as well as hard copies being kept in each department for viewing upon request. Therefore:

A. Hight motioned to repeal entire section 2.14. G. Schimmel 2nd; All voting yes, motion carries.

- g) **3.01 City Manager Appointment** – Discussion regarding residency requirement/waivable. Pros and Cons of requiring City Manager to live within city limits. State statute recommends CM live within city limits but allows Council to waive as necessary. State statute also covers sections 3.02-3.04. Therefore:

A. Hight motions to repeal everything after the first line in section 3.01 “The council shall appoint.....” through section 3.04 and follow state statute instead. G. Schimmel 2nd; all voting yes, motion carries.

h) **Option of Repealing Charter as a Whole –**

A. Hight discussed repealing Charter as it stands while still bringing forth the items they have left as amended and placing them in the city’s municipal code. K. Lawrence strongly feels that if we completely remove the charter and start having issues again like those that brought on the need for it to begin with, we will have to start all over. Keeping the pieces they have left allows for it to remain and the people to still have control.

A. Hight motions to repeal Charter while keeping amendments and placing in the code. G. Schimmel 2nd; 2-4 vote, motion fails.

V. General Public Comment

- a) Karen Lawrence --1413 Behshel Heights Rd; Continued comments/beliefs that the Charter should stay in place given the history of why it was implemented and the potential for history to repeat itself. The people need to keep a voice

VI. Final Comments/General Discussion

J. Parker to put together all of the proposed amendments in a way that would allow them to be put on the ballot with the least amount of measures while still making sense and not overwhelming the citizens. She will bring these to the next meeting for final review by the committee and ask for order of importance to present to Council.

The final amendments and recommendations will be presented to Council on July 5th. The committee should plan to attend this meeting with K. Lawrence speaking for the committee. Council will vote on what goes on the ballot at the July 19th regular meeting.

VII. Adjournment

Next Meeting is scheduled for June 13th @4:30 p.m. in Council Chambers with time set aside beginning at 5:30 specifically for public comment.

Keith Lawrence, Chairperson adjourned the meeting at 6:20 p.m.

Minutes submitted by: Jessica Bronstein

Minutes approved by: Keith Lawrence



CITY OF KELSO

203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626



Charter Agenda

6/13/16

- **Review**
 - **Final Amendments to current Charter**
 - **Proposed Ballot Measures**
- **Public Comment**
- **Final Proposal**

City of Kelso – City Charter Review Committee

Meeting Minutes - DRAFT

June 13, 2016

I. Call to order

Keith Lawrence, Chairperson called to order the regular meeting of the City Charter Review Committee at 4:37 p.m. on June 13, 2016 at 203 S. Pacific Ave – Kelso Council Chambers.

II. Approval of minutes from last meeting

Jessica Bronstein distributed the draft minutes from the May 23rd meeting. Motion to approve made by G. Schimmel, Betty Wilson 2nd; All voting yes, approved as written.

III. Roll call

The following persons were present:

Committee Members: Gary, Schimmel, Keith Lawrence, Adena Grigsby, Patricia VanRollins, Betty Wilson, Ann Hight, Wallace Hall and Clarice Hall

Staff: Stephen Taylor, Janean Parker, Brian Butterfield, and Jessica Bronstein – Not present was Todd McDaniel

IV. Open issues

Review of final amendments as noted in the current charter –

- 1. Amendment 5 – 2.13:** Is covered is state law. Motion by A. Hight to strike 2.13 as a whole. P. VanRollins 2nd – All vote yes, motion passes to strike 2.13 as a whole.
- 2. Amendment 5 - 3.01:** Line left in “The council shall appoint a chief administrative officer of the city who shall have the title of “city manager” and who shall serve at the pleasure of the council” is covered in state law as well as our city code. Motion by A. Hight to strike remaining sentence and therefore amendment will remove section 3.01 entirely. P. VanRollins 2nd – All voting yes, motion passes.
- 3. Amendment 4 – 9.01:** All other sections of the charter relating to positions have been agreed upon to remove; this is a remaining clean-up of some of that leftover language. Motion by P. VanRollins to remove section 9.01(b)(c), 9.02,

9.03 – Pending Matters, and 9.05 – Time of Take Full Effect. A. Hight 2nd – all voting yes, motion passes.

V. General Public Comment

William McCausland – Disagreed with removing section referring to City Manager being appointed by Council. (S. Taylor explained that it was already covered in State Law as well as our City Code since we are a manager/council form of government. Therefore, keeping it in the Charter is redundant and unnecessary).

Agrees with change to make all council members “at large” so citizens don’t feel like there is only one council member they can come to at any given time.

Asked for clarification on number of absences from meetings members are allowed and if that included times when members are sick – explained it is in total for all general meetings in a given year and that it does include when the member is sick. It is 6 total – no excuses.

Believes we need to make a change that the mayor is not voted in by council but by the public.

Closed public comment at 5:45 p.m.

VI. Final Comments/General Discussion

G. Schimmel asked for clarification on process at presentation to council on 6/28. S. Taylor explained that J. Parker would present a brief overview of the amendments being brought forward, K. Lawrence would present a more detailed version of those amendments and why as the “voice” of the committee, then each member of the committee would be able to address the council even further and give their feedback on the process and the amendments as desired if they wish.

B. Wilson expressed thanks to all the members of the committee for their time in this process and encouraged everyone to attend the meeting and speak to council so as to show a full committee endorsement.

W. Hall thanked staff for facilitating this process and allowing the citizens to have input on the proposed changes.

J. Parker to make final changes on the proposed amendments and package them in a way that would allow them to be put on the ballot with the least amount of measures while still making sense and not overwhelming the citizens. She will bring these to the 6/28 meeting to present to Council.

VII. Adjournment

Next Meeting is a special meeting with Council scheduled for June 28th @ 6:00 p.m. in Council Chambers for presentation.

Keith Lawrence, Chairperson adjourned the meeting at 5:55 p.m.

Minutes submitted by: Jessica Bronstein

Minutes approved by:



City Attorney

Janean Parker



203 S. Pacific Avenue, PO Box 819 Kelso, WA 98626

MEMORANDUM OFFICE OF THE CITY ATTORNEY

To: Members of City Council
From: Janean Parker, City Attorney
CC: Steve Taylor, City Manager
Date: June 23, 2016
Re: Charter Review

The Charter Review Committee formed earlier this year has met several times in the last few months to discuss potential changes to the City Charter. Their meetings were very productive with good discussion and they recommended several changes that you see in the redlined version of the Charter in your packet materials. The Committee considered three options as a threshold matter: whether to make no changes, whether to repeal the charter entirely to be governed by the code city provisions at RCW 35A, or whether to amend the charter section by section. While there was some support for repealing the Charter, the majority expressed a desire to keep the charter and amend it to reflect problem areas. We did discuss that a great majority of the provisions in the existing Charter just restate the requirements at state law, but there were strong opinions that the few areas of difference were important and considered them individually.

The Committee considered the provisions of the charter, choosing to delete some, amend some, and retain some. Most notably, they are recommending removal of the districting residency requirements for council eligibility. They recommended amending but not removing the attendance requirement—narrowing to six (6) regular meetings during a calendar year instead of any six (6) meetings. Finally, they recommended removal of several areas that had only minor changes from state law requirement and opted to be governed solely by the state law requirements in those areas (city manager and city administration, ordinance procedures, meetings, and council qualification).

The process forward at this point is to determine if and how any measures should be placed on the ballot. In the packet materials there are seven (7) potential amendments that reflect the various types of changes. I have conferred with outside counsel and have confirmed that the City may group or package these amendments differently into as few or as many propositions as you wish for cost, efficiency, voter understanding, or other issues. The City Manager did reach out to the County who stated that 1-3 propositions would have a lower cost but if above that, they may have to print the ballots on larger paper and make other adjustments that would cost the City substantially more. In light of this, and what I understand are Council priorities, the City could group all Council eligibility matters together, group ordinance provisions together, and group all other administrative matters together for three (3) propositions. This is only one option. There are many ways the Council may choose to prioritize and present the measures.

CITY OF KELSO CHARTER 2006

ARTICLE I GOVERNMENT

- Section 1.01 Incorporation
- Section 1.02 Powers of the City
- Section 1.03 Construction
- Section 1.04 Intergovernmental Relations
- Section 1.05 Form of Government

1.01 Incorporation.

The municipal corporation now existing and known as Kelso shall remain and continue a body politic and corporate in name and in fact by the name of KELSO.

1.02 Powers of the City.

The city shall have all the powers granted to charter code cities by the constitution and general laws of the state and all powers implied hereby, and shall exercise all municipal functions and have all municipal rights, privileges, and immunities except as prohibited by law or by this charter. The enumeration of particular powers by this charter shall not be deemed to be exclusive. The city shall directly or indirectly provide for police, fire and public safety services and for public works and improvements.

1.03 Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

1.04 Intergovernmental Relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any governmental entity or agency.

1.05 Form of Government.

The government provided by this Charter shall be the Council-Manager form.

ARTICLE II CITY COUNCIL

- Section 2.01 General Powers and Duties
- Section 2.02 Composition, Eligibility, Election and Terms
- Section 2.03 Mayor
- Section 2.04 Compensation; Expenses
- Section 2.05 Prohibitions
- Section 2.06 Vacancies, Forfeiture of Office, Filling of Vacancies
- Section 2.07 Judge of Qualifications
- Section 2.08 Independent Audit
- Section 2.09 Procedure
- Section 2.10 Action Requiring an Ordinance
- Section 2.11 Ordinances in General
- Section 2.12 Emergency Ordinance
- Section 2.13 Codes of Technical Regulations
- Section 2.14 Authentication and Recording, Codification, Printing

2.01 General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

2.02 Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a city council composed of seven members to be elected at large. ~~Four council members shall be assigned to certain geographic districts for liaison purposes to improve communications between City government and Kelso citizens as follows: Position No. 1 shall be assigned to the "south district," which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street south to the city limits. Position No. 3 shall be assigned to the "west district," which shall consist of that area within the city limits between the Cowlitz River west to the City limits. Position No. 5 shall be assigned to the "east district," which shall consist of that area within the city limits between Interstate 5 east to the city limits to the east, north, and south. Position No. 6 shall be assigned to the "north district," which shall consist of that area within the city limits between the Cowlitz River east to Interstate 5 and Allen Street north to the city limits.~~^[JP1] The mayor shall be elected as provided in Section 2.03.

(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member. ~~For those council member positions elected from districts, only those registered voters who shall have resided in the respective district for one year prior to the election shall be eligible to hold the office of council member.~~^[JP2]

(c) Election. The registered electors of the city shall elect a council of seven members, at large in the following manner. At the election approving this Charter, the candidates receiving the highest number of votes for each position shall serve. In the event of a tie vote, the election shall be decided by lot. Such lot shall be conducted no later than the second Tuesday after certification of the election.

(d) Terms. Candidates for positions 1, 2 and 3 shall be elected for a four-year term. In order to stagger the terms of office, candidates for positions 4, 5, 6 and 7 shall be elected for a two-year term. After completion of this initial term, the term of office for positions 4, 5, 6 and 7 will be for four years.

2.03 Mayor.

At its first meeting in January following their election to office, the city council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council for two years or until removed from the office by a vote of no less than four members of the council. The mayor shall preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, and other duties specified by the council. The mayor shall be recognized as head of the city government for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.

2.04 Compensation; Expenses.

The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the

terms of council members elected at the next regular election. The mayor and council members shall be eligible for only authorized expenses incurred in the performance of their duties of office.

2.05 Prohibitions.

(a) Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other City of Kelso office or City of Kelso employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the appointive governing boards of other regional or intergovernmental agencies.

(b) Appointments and Removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

2.06 Vacancies; Forfeiture of Office; Filing of Vacancies.

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law; in addition, the office of a council member shall also become vacant if any council member fails to attend six scheduled regular ~~and/or special~~^[JP3] meetings of the council during a calendar year unless on authorized City-related business, which shall be approved by a majority of the council.^[AMS4] ~~In the event that a duly elected council member elected by a district no longer resides within that respective district, said council member may serve as a council member until the next election, at which time the position shall be deemed vacant.~~^[JP5]

(b) Forfeiture of Office. A council member shall forfeit that office if the council member:

- (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law; or
- (2) violates any express prohibition of this charter; or
- (3) is convicted of a crime involving moral turpitude; or
- (4) discloses matters discussed in any executive session, unless authorized by a majority vote of the council.

(c) Filling of Vacancies. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

~~The council may appoint a council member not residing in the district from which a council member~~

~~position elected by a district is vacated, provided that no other qualified candidate from said district seeks appointment.~~^[JP6]

2.07 ~~RESERVED~~ Judge of Qualifications.

~~The City Council shall be the judge of the qualifications of its members. The Council shall have the power to set additional standards of conduct for its members beyond those specified in the charter and may provide for such penalties as it deems appropriate, including forfeiture of office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand. Decisions made by the council under this section shall be subject to judicial review.~~^[JP7]

2.08 Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the council may accept it as satisfying the requirements of this section.

2.09 Procedure.

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or two or more members, provided notice of such meetings is given in accordance with State law. Except as allowed by state law, all meetings shall be public, with a portion of ~~the each regular~~^[JP8] meeting set aside for public comment.

(b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by a majority of those present, except where a majority vote of the entire council is required by State law. Every Council member including the Mayor shall vote. Abstentions are not allowed except for conflict of interest, which shall be determined by the City Attorney.

~~2.10 Action Requiring an Ordinance.~~^[JP9]

~~In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:~~

- ~~(1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office or agency;~~
- ~~(2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;~~
- ~~(3) Levy taxes;~~
- ~~(4) Grant, renew or extend a franchise;~~
- ~~(5) Regulate the rate charged for its services by a public utility;~~
- ~~(6) Authorize the borrowing of money;~~
- ~~(7) Convey or lease or authorize the conveyance or lease of any lands of the city;~~
- ~~(8) Regulate land use and development; and~~
- ~~(9) Amend or repeal any ordinance previously adopted.~~

~~Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.~~

2.1011 Ordinances in General.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Kelso hereby ordains . . .". Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. At First Reading, the title of such ordinance shall be read, ~~and upon request of any person present shall be read in full.~~ [JP10] Copies of all such proposed ordinances shall be kept available to the public at the office of the city clerk. Ordinances granting a franchise shall be published once each week for three consecutive weeks prior to finally passing such ordinance.

At the Second Reading, the title of such ordinance shall be read, ~~or upon the request of any person present, the clerk shall read the proposed ordinance in full.~~ [JP11] All persons interested shall be given an opportunity to be heard on the proposed ordinance.

After such opportunity for public comment, the city council may pass such ordinance, with or without amendment. Passage of an ordinance requires at least a majority vote in its favor and the vote shall be taken by yeas and nays, and entered in the public journal of city council proceedings. Every ordinance or resolution passed by the city council shall be signed by the mayor and filed with the city clerk, who shall record the same. When an ordinance fails to pass and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next meeting of the city council.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective 5 days after publication of the summary of the ordinance or at any later date specified therein. All ordinances shall be published promptly.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the city: (1) The summary of the ordinance thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

2.112 Emergency Ordinance.

To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, a summary of the ordinance shall be published and printed as prescribed for other adopted ordinances. ~~Every emergency ordinance shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.~~ [JP12] An emergency ordinance may ~~also~~ be repealed by adoption of a repealing ordinance in the same manner

specified in this section for adoption of emergency ordinances. An emergency ordinance shall become effective upon adoption or at such later time as it may specify.

~~2.13 Codes of Technical Regulations.~~^[JP13]

~~The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:~~

~~(1) The requirements of Section 2.12 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and~~

~~(2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk.~~

~~Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.~~

~~2.14 Authentication and Recording; Codification; Printing.~~^[JP14]

~~(a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.~~

~~(b) Codification. Regularly the city council shall provide for the preparation of a general codification of all city ordinances having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the State of Washington, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Kelso City Code. Copies of the code shall be furnished to city officers placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.~~

~~(c) Printing of Ordinances. The city council shall cause each ordinance having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Kelso City Code and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the State of Washington, or the codes of technical regulations and other rules and regulations included in the code.~~

ARTICLE III --RESERVED

CITY MANAGER

Section 3.01—City Manager—Appointment

Section 3.02—City Manager—Removal

Section 3.03—Acting City Manager

Section 3.04—Powers and Duties of City Manager

~~3.01 City Manager—Appointment.~~^[JP15]

The council shall appoint a chief administrative officer of the city who shall have the title of "city manager" and who shall serve at the pleasure of the council. The appointment shall require the affirmative vote of no less than four members of the council. The manager shall be chosen solely on the basis of demonstrated qualifications as an administrator with particular emphasis on training and actual experience as a professional municipal administrator. The manager need not be a resident of the state when appointed, but during the tenure of office, the manager shall reside within the city. No councilmember shall be eligible for appointment as manager within two years following the expiration of his/her latest term as councilmember.

3.02 City Manager—Removal.

The council may remove the manager from office in accordance with the following procedure:

(1) By first adopting by the affirmative vote of at least four of its members a preliminary resolution stating the reasons for the manager's removal. This resolution may also suspend the manager from duty. In either case, the manager shall continue to receive a salary until the final resolution of removal is adopted.

(2) Within fifteen days the manager may file with the council a reply in writing and request a public hearing. This hearing shall be held not earlier than fifteen days nor later than thirty days after filing the request.

(3) Not less than thirty days after the date of adoption of the preliminary resolution and after such public hearing, if any, the council by the affirmative vote of at least four of its members may adopt a final resolution of removal, at which time the manager shall be paid any balance of salary then due or accrued and an additional amount equal to two months' salary or as specified by an employment contract.

3.03 Acting City Manager.

In the event of the absence, suspension, or disability of the manager, or if a vacancy should occur in the office, the council may designate a qualified administrative officer of the city to perform the duties of the office until the manager shall return to duty or until the appointment of a successor.

3.04 Powers and Duties of City Manager.

The manager shall be the head of the administrative branch of the city government. The manager shall be responsible to the council for the proper administration of all city affairs under the manager's jurisdiction. Subject to the personnel provisions of this Charter, the manager shall:

(1) Give general direction to the programs and activities of all city departments and offices under the manager's jurisdiction. The manager shall update and maintain a city policy and procedures manual which shall assist employees in carrying out such programs and activities;

(2) Serve as personnel officer of the city and administer the city personnel system, unless the council on the recommendation of the manager authorizes the appointment of a personnel officer to administer the system;

(3) Appoint, and when the best interests of the city require, remove officers and employees of the city unless otherwise provided by this Charter or by general laws. The manager may authorize the head of a department or office to appoint and remove subordinates in such department or office;

~~(4) Prepare the annual budgets, including a five-year capital expense budget, and submit them to the council. Upon adoption of any budget by the council, the manager shall be responsible for its administration;~~

~~(5) Prepare and submit to the council, at the close of each fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;~~

~~(6) Keep the council informed on the financial condition and present and future needs of the city, making such recommendations as deemed desirable;~~

~~(7) Perform such other duties as may be prescribed by this charter or required by the council, not inconsistent with this Charter;~~

~~(8) Be authorized to sign such documents as necessary to execute City business, subject to approval by a majority of the city council.~~

~~ARTICLE IV--RESERVED~~

~~ADMINISTRATION^[JP16]~~

~~Section 4.01—General Provisions~~

~~Section 4.02—Personnel System~~

~~Section 4.03—Legal Officer~~

~~Section 4.04—Planning~~

~~Section 4.05—City Clerk~~

~~4.01 General Provisions.~~

~~(a) Creation of Departments. The city council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.~~

~~(b) Direction by City Manager. All departments, offices and agencies under the direction and supervision of the city manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of city council, the city manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.~~

~~4.02 Personnel System.~~

~~(a) Merit Principle. All appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.~~

~~(b) Merit System. Consistent with all applicable federal and state laws, the city council shall provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.~~

4.03 Legal Officer.

The manager, subject to the approval of the council, shall appoint or remove the city attorney who shall be an attorney admitted and qualified to practice before the Supreme Court of the State of Washington. The city attorney shall:

- (1) Act as legal advisor to and counsel for the council and manager in matters relating to their official duties;
- (2) Represent the city in litigation in which the city is interested, unless the manager, with the approval of the council, otherwise provides;
- (3) Provide legal opinions on official matters when requested by the council or manager;
- (4) Draft and review for legal correctness, contracts, bonds, franchises, and other instruments to which the city is a party;
- (5) Draft ordinances as requested by city council;
- (6) Perform such other duties as may be assigned by the administrative code or otherwise by general laws or ordinances.

4.04 Planning.

There shall be a city planner who shall be appointed by the city manager to assist the mayor, city council, and the planning commission as a technical advisor regarding the city's comprehensive plan, zoning, and capital improvements; prepare reports and recommendations relative to annexation review and urban renewal plans and projects; and shall have such further powers and perform other duties as may be prescribed by ordinance. The city planner shall have an educational background and practical experience commensurate with the responsibility of the position.

4.05 City Clerk.

The city manager shall appoint an officer for the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep a journal of its proceedings and perform such other duties as are assigned by this charter or by the council or the city manager, or by state law.

ARTICLE V

FINANCIAL PROCEDURES

- Section 5.01 Fiscal Year
- Section 5.02 Budget
- Section 5.03 Budget Control
- Section 5.04 Accounting and Auditing
- Section 5.05 Fiscal Control
- Section 5.06 Fees and Collection
- Section 5.07 Purchases
- Section 5.08 Competitive Bidding
- Section 5.09 Bonds and Indebtedness
- Section 5.10 Sale of Bonds
- Section 5.11 Taxes and Indebtedness

5.01 Fiscal Year.

The fiscal year of the city of Kelso shall be set by ordinance not in conflict with general laws.

5.02 Budget.

The annual budget shall be prepared and presented to the council by the manager and acted upon in the manner and within the time limits prescribed by general laws. The manager shall attach to each budget such supporting data and explanatory material relating to current operations, capital improvements, and other phases of the budget as may be deemed appropriate.

The manager shall annually prepare and present to the council a program of proposed capital projects for the five fiscal years next succeeding the budget year, with cost estimates relating thereto. This shall be known as the capital expense budget.

5.03 Budget Control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the council may reduce or transfer appropriations, except amounts required to meet conditional obligations and for debt service, interest, and other fixed charges, to keep expenditures within cash income.

5.04 Accounting and Auditing.

The manager shall be in charge of the administration of the financial affairs of the city and shall be responsible for maintaining proper books and records, for accounting, and for auditing all transactions affecting the city. Reserves for depreciation may be established in accordance with sound accounting practices.

5.05 Fiscal Control.

The manager shall appoint a director of finance who shall supervise the receipt, custody, and disbursement of all city funds and perform such other duties as may be required by general laws, this Charter, the council, or the manager.

5.06 Fees and Collection.

All fees and other moneys collected by any officer or employee shall belong to the city and shall be paid immediately to the finance director.

5.07 Purchases.

Except as otherwise provided in this Charter, the manager shall be responsible for all city purchasing, but this authority may be delegated to a city purchasing officer.

5.08 Competitive Bidding.

All contracts where the total contract is in excess of limits set by State law and all purchase of supplies, material, equipment, or nonprofessional services where the total cost exceeds the limits prescribed by State law shall be subject to sealed bids.

Bids shall be advertised by posting notice thereof in a public place in the city and by not less than one publication in the official newspaper of the city at least ten days prior to the date fixed for the opening of bids. All bids shall be sealed and shall be opened publicly at the time and place designated in the call for bids. The manager, or the manager's representative, shall analyze the bids and provide the council with a summary thereof. Except as hereinafter provided, the contract shall be awarded to the lowest responsible bidder. The council may reject any or all bids.

5.09 Bonds and Indebtedness.

The creation of indebtedness and the issuance of all bonds, warrants, and other evidences of indebtedness shall be governed and controlled by general laws.

No contract shall be executed, the payment of which will be financed by the issuance of bonds, warrants, or other evidences of indebtedness, until the ordinance authorizing the issuance of such bonds or other evidences of indebtedness shall have taken effect. Any contract executed before such time shall be unenforceable.

5.10 Sale of Bonds.

Subject to general laws, bonds, warrants, and other evidences of indebtedness may be sold at public or private sale in any manner and at any price the council deems the best interests of the city require.

5.11 Taxes and Indebtedness.

The city shall have all the powers granted to, or not withheld from, charter code cities by the Constitution and laws of the state in the levying and collection of taxes and incurring of indebtedness.

ARTICLE VI

ELECTIONS

Section 6.01 City Elections

Section 6.02 Initiative and Referendum

6.01 City Elections.

The regular city election shall be held at the time established by state law.

6.02 Initiative and Referendum.

The powers of initiative and referendum are hereby reserved to the electors of the city. Laws of the State of Washington, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.

ARTICLE VII

GENERAL PROVISIONS

Section 7.01 Conflicts of Interest

Section 7.02 Activities Prohibited

7.01 Conflicts of Interest.

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

7.02 Activities Prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of marital status, race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

ARTICLE VIII

CHARTER AMENDMENT

Section 8.01 Proposal of Amendment

8.01 Proposal of Amendment.

Amendments to this Charter may be submitted to the registered electors by the council or by petition of the electorate in the manner provided by the constitution or laws of the state.

ARTICLE IX

TRANSITION/SEPARABILITY OF PROVISIONS

Section 9.01 Officers and Employees

Section 9.02 Departments, Offices and Agencies

Section 9.03 Pending Matters

Section 9.04 State and Municipal Laws

Section 9.05 Time of Taking Full Effect

Section 9.06 Separability

9.01 Officers and Employees.

~~(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.~~

~~XX(JP17) (b) Continuance of Office or Employment. Except as specifically provided by this charter, if at the time this charter takes full effect a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he or she vacate the office or position.~~

~~(c) Personnel System. An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in paragraph 4.02.~~

9.02 Departments, Offices and Agencies:

(a) Transfer of Powers. If a city department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office or agency designated in this charter or if the charter makes no provision, designated by the city council.

(b) Property and Records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records or equipment shall be transferred to one or more departments, offices or agencies designated by the city council in accordance with this charter.

9.0~~23~~ Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

9.0~~34~~ State and Municipal Laws.

All city ordinances, resolutions, orders, regulations and laws which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent with this charter.

9.0~~45~~ Time of Taking Full Effect.

The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council.

9.0~~56~~ Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.