City Council Meeting Schedule June 2019

June 4, 2019
Tuesday, 6:30 p.m. — REGULAR COUNCIL MEETING

June 8, 2019
Saturday, 8:05 a.m. — SPECIAL COUNCIL MEETING – Interviews for Council Vacancy

June 11, 2019
Tuesday, 6:00 p.m. — SPECIAL COUNCIL MEETING – Oath of Office for New Councilmember

Tuesday, 6:30 p.m. — WORKSHOP MEETING
1. Legislative Updates (Mosley – 15 minutes)
2. Zintel Canyon Mitigation Update (Emily/Beasley – 15 minutes)
3. Mixed-Use Master Plan Code Amendment (McCormick – 15 minutes)
4. Columbia Park Reconveyance (Walsh/Mosley – 15 minutes)
5. KMC Policy Changes (Beaton – 20 Minutes)

June 18, 2019
Tuesday, 6:30 p.m. — REGULAR COUNCIL MEETING

June 25, 2019
Tuesday, 6:30 p.m. — WORKSHOP MEETING
1. Committee Updates
2. KPD Mental Health Professionals Partnership (Hohenberg – 30 minutes)

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio Taped

Council Workshop Coversheet

Agenda Item Number	1.	Meeting Date	06/11/2019	Info Only ☐
Agenda Item Type	Reports/Plans			Policy Review ☒
Subject	2019 Legislative Session Update			
Ordinance/Reso #		Contract #		Policy DevMnt ☐
Project #		Permit #		Other ☐
Department	City Manager			

Summary

The 2019 legislative session began on January 14th and concluded on April 28th. During this time, there were many bills that were considered. Our lobbyist, Tom McBride will provide council with an update on the 2019 legislative session.

Through		*Attachments:*
Dept Head Approval		
City Mgr Approval	Marie Mosley Jun 06, 16:59:05 GMT-0700 2019	

Council Workshop Coversheet

Agenda Item Number	2.	Meeting Date	06/11/2019	Info Only ☒
Agenda Item Type	Presentation			Policy Review ☐
Subject	Zintel Canyon Mitigation Update			
Ordinance/Reso #		Contract #		Policy DevMnt ☐
Project #		Permit #		Other ☐
Department	Employee & Community Relations			

Summary

Staff will provide an update on the continuing mitigation efforts in Zintel Canyon.

Through	Evelyn Lusignan Jun 06, 12:00:59 GMT-0700 2019	*Attachments:*	Presentation
Dept Head Approval			
City Mgr Approval	Marie Mosley Jun 06, 16:36:51 GMT-0700 2019		

Zintel Canyon Mitigation Update
June 11th, 2019

KENNEWICK
WASHINGTON

Cross-Functional Mitigation Team

- City Manager
- Communications
- Parks
- Fire
- Police
- Public Works
- GIS
- Attorney's office
- Kennewick Irrigation District

Zintel Canyon Fire Features Map

June 3, 2019

1:4,000

0 0.03 0.07 0.13 mi

0 0.05 0.1 0.2 km

Zintel Canyon Fire Features Map

June 3, 2019

1:4,000

0 0.03 0.07 0.13 mi

0 0.05 0.1 0.2 km

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TOP PRIORITIES
1.
2.
3.
4.
5.

Emergency Response Access

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Fire Mitigation Examples

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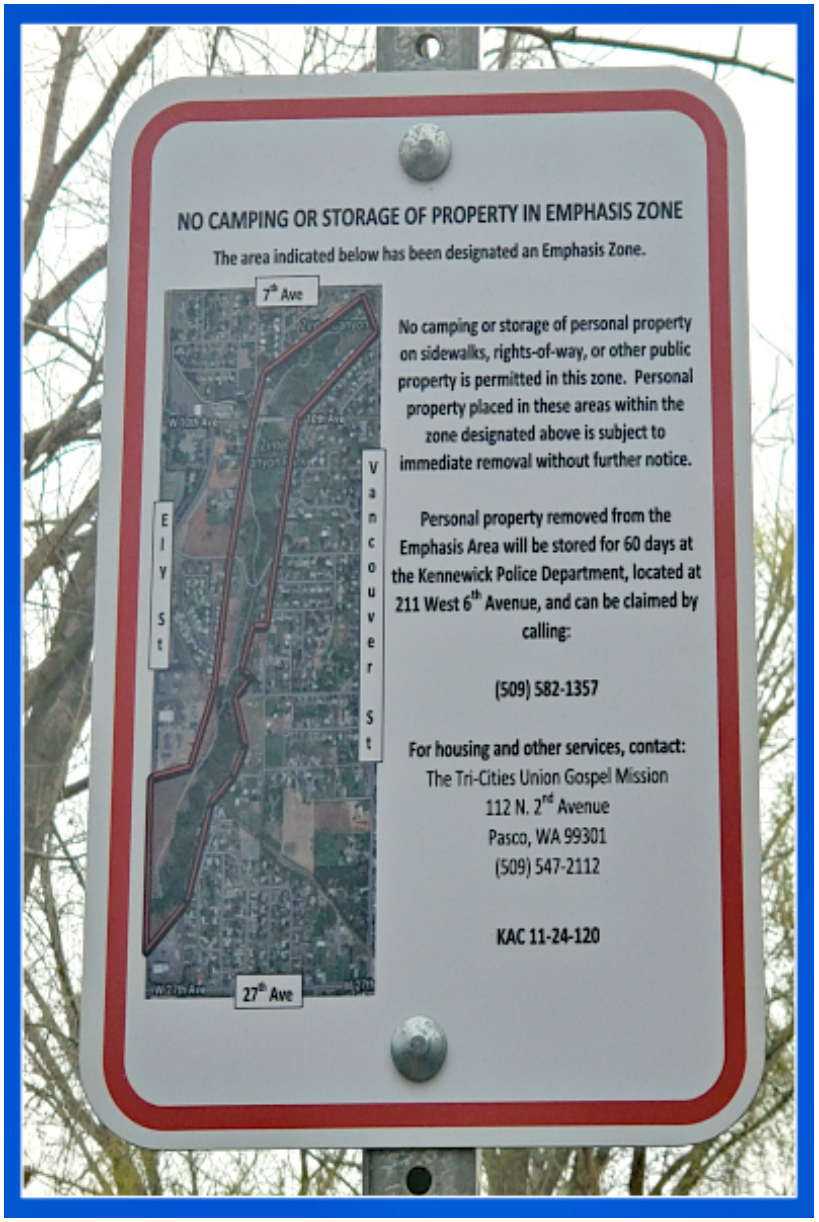

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We Love Our Volunteers!

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TEAM RUBICON

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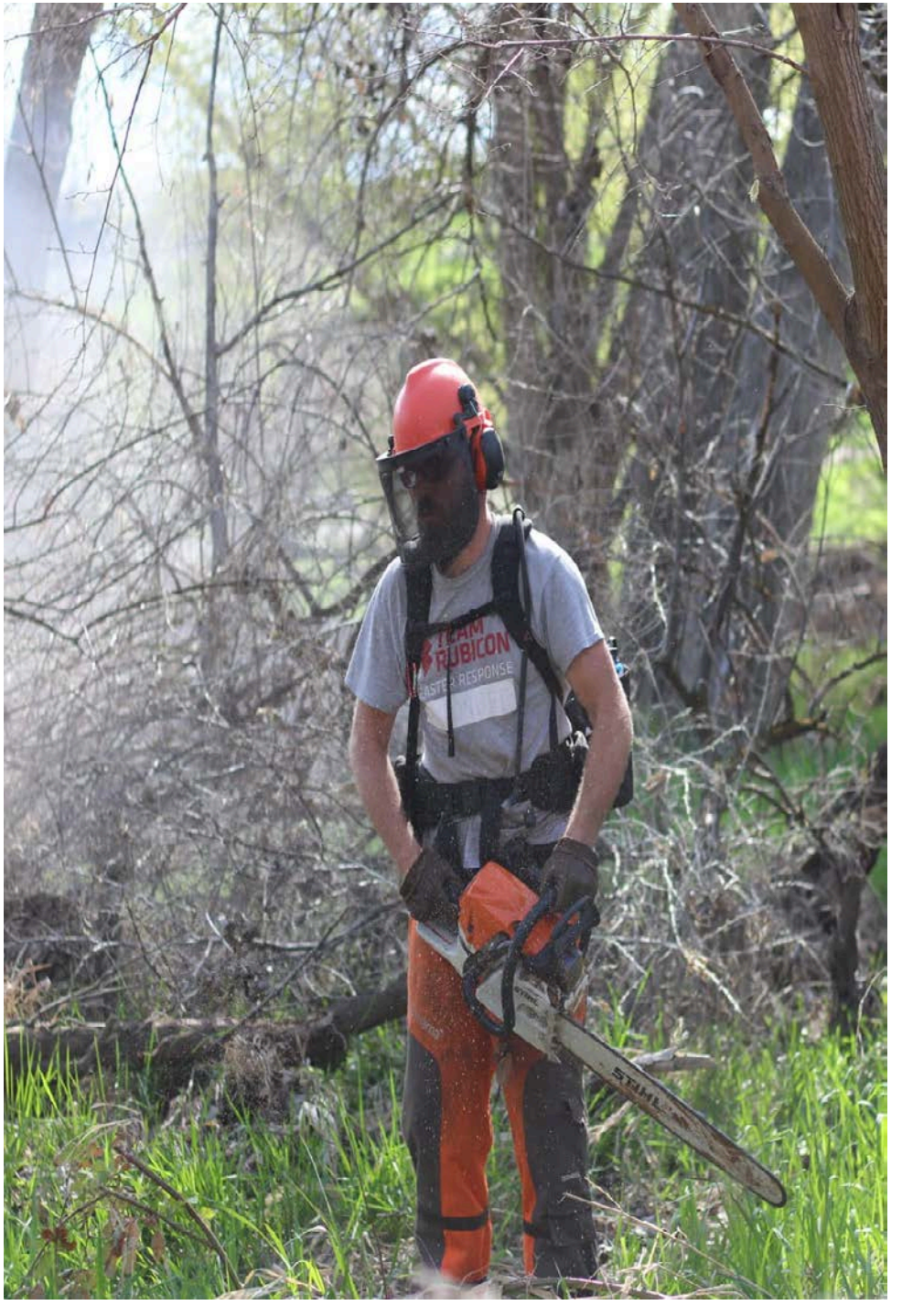
TEAM RUBICON

City Facts
- Our History
- Accolades

City News

Libraries

Local Attractions
- Community Events
- Kennewick Public Art
- Golf Courses
- Holiday Events
- Historic Downtown & Waterfront
- July 4 River of Fire
- Playground of Dreams

Meetings & Conventions

Parks & Facilities

Schools

Why Kennewick?

Relocation

Getting Around
- Trails & Bike Paths
- Bicycle News
- Traffic Information
- Ben Franklin Transit

Zintel Canyon Mitigation

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ONLINE SERVICES

AGENDAS & MINUTES

https://www.go2kennewick.com/1257/Zintel-Canyon-Mitigation

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Questions

Council Workshop Coversheet

Agenda Item Number	3.	Meeting Date	06/11/2019	Info Only ☐
Agenda Item Type	Presentation			Policy Review ☒
Subject	Mixed Use Master Plan Code Revision			
Ordinance/Reso #		Contract #		Policy DevMnt ☐
Project #		Permit #		Other ☐
Department	Planning			

Summary

In 2018 the Council denied to process a Comprehensive Plan Amendment request to change nearly 300 acres of land from a variety of land use designations to the Mixed Use designation. Several concerns were voiced by Council including no concept plan or any details as to what would be built within the Mixed Use area. Council pointed out examples of the Vista Field Master Plan prepared by the Port of Kennewick and the Bridge-to-Bridge/River-to-Rails Revitalization Plan; both of which went through extensive planning and public processes prior to being designated Mixed Use. Staff has drafted a code revision that adds a Master Plan requirement to any request for the Mixed Use comprehensive plan designation. The Planning Commission conducted a public hearing on the proposed code amendment at their June 3, 2019 meeting after which the Commission took action on a recommendation to Council.

Through		*Attachments:*	Mixed-Use Master Plan Presentation
Dept Head Approval	Gregory McCormick Jun 05, 17:08:22 GMT-0700 2019		
City Mgr Approval	Marie Mosley Jun 06, 16:43:25 GMT-0700 2019		

CITY COUNCIL

6/11/19 – WORKSHOP

MIXED USE MASTER PLAN CODE REVISION

MIXED USE COMP PLAN DESIGNATION

- Created primarily for Vista Field & the B2B
  - Sub-area Plan - Bridge-to-Bridge
  - Master Plan – Vista Field
- 2018 - Council denied Mixed Use Request
  - Concern – no Master Plan (nearly 300 acres requested)
  - Example – Port of Kennewick Vista Field Plan (103 acres)
  - Vista Field Environmental Impact Statement

KMC 4.12.110 – COMP PLAN AMENDMENT PROCEDURES

- Adds Master Plan Requirement (KMC 4.12.110(3)(d)
  - Submitted with CPA application
- Includes:
  - Narrative
    - Gross square feet of floor area by use
    - Number of proposed dwelling units by unit type
    - Nature and extent of off site improvements
    - Project meets spirit and intent of MU designation
    - Identify “New Urbanism” concepts

CONCEPTUAL SITE PLAN

- Required Elements
  - Boundaries, dimensions, site acreage
  - Critical areas
  - Lot lines, rights-of-way, easements and tracts
  - Vehicular and pedestrian transportation network within and abutting
  - Location of buildings, structures, parking areas and other improvements
  - Conceptual landscape plans
  - Traffic study
  - Development schedule/phasing plan
  - Additional information as determined by Community Planning Director

- Utilities Element
  - Requirements
    - Location/size of existing utilities
    - Location/size of proposed utilities
- Covenants, conditions, restrictions (CCR's)
- Public Outreach
  - Must hold at least 1 community meeting

MASTER PLAN MODIFICATION

- Criteria –
  - Proposed modification SEPA exempt;
  - Modification consistent with purpose/intent of original approval
  - Modification consistent w/KMC provisions
  - Modification adds <10% square footage
- If criteria not met Council approval required

QUESTIONS???

KMC 4.12.110

Comprehensive Plan Amendment and Area-Wide Rezone Procedures

4.12.110: - Comprehensive Plan Amendment and Area-Wide Rezone Procedures.

(1) Initiation. Comprehensive Plan Amendments and area-wide rezones may be initiated by any of the following:

(a) Property owner(s) or their representatives;

(b) Any citizen, agency, neighborhood association, or other party; or

(c) City Council or city staff.

(2) Applications. Applications shall be made on forms provided by the City.

(3) Application Submittal.

(a) Applicant Initiated. Comprehensive Plan Amendments and area-wide rezones shall be subject to a fully complete determination pursuant to KMC 4.12.060. The date upon fully complete determination shall be the date of registration with the department.

(b) Applicants are encouraged to utilize the City's Pre-Application Meeting process prior to submitting a Comprehensive Plan Amendment application, however applicants requesting a change to Mixed Use are required to go through the Pre-Application Meeting process.

(c) Non-Applicant Initiated. After submittal of a non-applicant-initiated application, the application shall be placed on the docket.

(d) All requests to change a comprehensive plan land use map designation to the "Mixed Use" designation must be accompanied by a master development plan that includes the following:

i. A narrative of planned improvements including gross square feet of floor area to be occupied by different types of uses, the number of proposed dwelling units by unit type, the nature and extent of off-site improvements. The narrative must also explain how the proposal will meet the spirit and intent of the Mixed Use designation and ultimately the new urbanism concepts of the Urban Mixed Use zoning district;

ii. A conceptual site plan conceptually illustrating planning development, including the following:

(A) Boundaries, dimensions and acreage of the site;

(B) Any critical areas (identify type) within the site or immediately adjacent to the site;

(C) Location of lot lines rights-of-way, easements, and tracts within the site;

(D) Location and nature of planning improvements to the vehicular and pedestrian transportation network within and abutting the site;

(E) Location of planned buildings, structures, parking areas and other improvements within the site;

(F) Conceptual landscaping plans for all exterior boundaries, interior streets and common open space areas;

(G) A traffic study that examines the impacts on the surrounding street network and identifies mitigation measures addressing identified impacts;

(H) A development schedule or phasing plan showing the estimated start date, probable stages of development, and the estimated completion date;

(I) Any other relevant information required by the Community Planning Director.

iii. A utilities element that considers all utilities necessary to serve the proposed development shall be provided in the master development plan providing the following information:

(A) The location and size of all existing city utilities which are developed within the area or lead to the site;

(B) Plans for the location and sizing of utilities extensions and/or improvements that will be necessary as the site is developed.

iv. Covenants, conditions and restrictions proposed by the applicant to control future development of the master development plan;

v. Prior to the formal filing of an application for the Mixed Use designation, the applicant shall hold at least one public meeting to discuss the proposal and address the concerns of the affected area residents and property owners. The master development plan shall reflect the various concerns raised during the public input process.

vi. Modification of an Approved Master Development Plan. The Community Planning Director may determine that a modification to a previously approved Master Development Plan is exempt from further review as a new application, provided the following criteria are met:

(A) The proposed modification is exempt from SEPA review; and

(B) The modification is within the general scope of the purpose and intent of the original approval; and

(C) The modification complies with all applicable provisions of the Kennewick Municipal Code; and

(D) The modification does not add more than 10% of the square footage assigned to any single building in the approved Master Development Plan and in no event may the modification exceed the development limitations for the area that is subject to the Master Development Plan approval.

(4) Docket of Comprehensive Plan Amendments and Area-Wide Rezones. The department shall establish and maintain a docket of all applications.

(5) Annual Review of Docket.

(a) Sixty days prior to May 1 in each calendar year, the City shall notify the public that the amendment process has begun. If May 1 falls on a non-business day for the City, the due date shall be the first business day after May 1. Notice shall be distributed as follow:

i. Notice published in appropriate regional or neighborhood newspaper or trade journal;

ii. Notice posted on all of the City's official public notice boards;

iii. Notice posted on the City's website; and

iv. Notice sent to all agencies, organizations and adjacent jurisdictions with a known interest.

(b) All docketed applications shall be reviewed concurrently, on an annual basis and in a manner consistent with RCW 36.70A.130(2). Applications docketed after May 1 of the previous calendar year and before May 1 of the current calendar year shall be included in the annual review. Those docketed after May 1 of the calendar year shall be placed on the docket for review at the following annual review.

(c) City Council Review of Docketed Requests. After the May 1 deadline, city staff will present the docketed requests to the Planning Commission (Commission) for review and a recommendation. The Commission's recommendation shall be forwarded to the City Council (Council) as soon as practical for Council review. The Council shall determine which specific docketed requests are processed based on the following criteria:

i. Timing of the requested amendment is appropriate and Council will have sufficient information to make an informed decision;
ii. The City will be able to conduct sufficient analysis, develop policy and related development regulations;
iii. The requested amendment has not been recently rejected by Council;
iv. The amendment will further implement the intent of the City's adopted Comprehensive Plan; and
v. The amendment is not better addressed through another planning process such as a sub-area plan update.

(d) Statutorily Mandated Periodic Review. Amendment requests will not be docketed for review the year of, and the year prior to the deadline for completion of the periodic review. The deadline for completion of this review is specified in RCW 36.70A.130.

(e) Emergency Amendments. The City may review and amend the Comprehensive Plan when the Council determines that an emergency exists or in other circumstances as provided for by RCW 36.70A.130(2)(a).

(6) Notice of Open Record Hearing. Comprehensive Plan Amendments and area-wide rezones require an open record hearing before the Commission.

(a) Contents of Notice. A notice of open record hearing shall include the following:

i. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
ii. A statement of how the proposal would change the affected provision;
iii. A statement of what areas, Comprehensive Plan designations, zones, or locations will be directly affected or changed by the proposal;
iv. The date, time, and location of the open record hearing;
v. A statement of the availability of the official file; and
vi. A statement of the right of any person to submit written comments to the Commission and/or appear at the open record hearing of the Commission to give oral testimony on the proposal.

(b) Distribution of Notice. The department shall distribute the notice pursuant to KMC 4.12.090.

(7) Approval Criteria. The City may approve Comprehensive Plan Amendments and area-wide zone map amendments if it finds that:

(a) The proposed amendment bears a substantial relationship to the public health, safety, welfare, and protection of the environment;

(b) The proposed amendment is consistent with the requirements of Chapter 36.70A RCW and with the portion of the City's adopted Comprehensive Plan not affected by the amendment;

(c) The proposed amendment corrects an obvious mapping error; or

(d) The proposed amendment addresses an identified deficiency in the Comprehensive Plan.

(e) A rezone shall be treated as an area-wide map amendment when:

i. It is initiated by the City and a significant class of property is similarly affected by the proposed rezone; and

ii. It is either:

(A) Based upon an adopted or ongoing comprehensive planning process or undertaken to ensure compliance with or to implement the provisions of the Growth Management Act; or

(B) Part of the process that includes amending text for this title where such amendments will have a significant impact on a large area of the City.

(8) Additional Factors. The City must also consider the following factors prior to approving Comprehensive Plan Amendments:

(a) The effect upon the physical environment;

(b) The effect on open space and natural features including, but not limited to, topography, streams, rivers, and lakes;

(c) The compatibility with and impact on adjacent land uses and surrounding neighborhoods;

(d) The adequacy of, and impact on community facilities, including utilities, roads, public transportation, parks, recreation, and schools;

(e) The quantity and location of land planned for the proposed land use type and density and the demand for such land;

(f) The current and projected project density in the area; and

(g) The effect, if any upon other aspects of the Comprehensive Plan.

(9) Planning Commission Recommendation - Procedure. Following the open record hearing, the Commission shall consider the applications concurrently, and shall prepare and forward a recommendation of proposed action for all applications to the Council. The Commission shall take one of the following actions on each application:

(a) If the Commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the Council adopt the proposal. The Commission may make modifications to any proposal prior to recommending the proposal to Council for adoption. If the modification is substantial, the Commission must conduct an open record hearing on the modified proposal;

(b) If the Commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the Council not adopt the proposal; or

(c) If the Commission is unable to take either of the actions specified in subsection (9)(a) or (b) of this section, the proposal will be sent to Council with the notation that the Commission makes no recommendation.

(10) City Council Action. Within 60 days of receipt of the Commission's findings and recommendations, the Council shall consider the findings and recommendations of the Commission concerning the applications. The Council may hold additional public hearings as necessary to make a decision. The City shall distribute notice of a Council public hearing pursuant to KMC 4.12.090. All annual amendments to the Comprehensive Plan shall be considered concurrently. By a majority vote of its membership, the Council shall take one of the following actions on each application:

(a) Approve the application;

(b) Deny the application;

(c) Modify the application. If the modification is substantial, the Council must either conduct a public hearing on the modified proposal; or

(d) Refer the proposal back to the Commission for further consideration.

(11) Transmittal to the State of Washington. At least 60 days prior to final action being taken by the Council, the Washington State Department of Commerce (DOC) shall be provided with a copy of the proposed amendments in order to initiate the 60-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to DOC.

(Ord. 5740 Sec. 1, 2017 ; Ord. 5644 Sec. 2, 2016; Ord. 5421 Sec. 2, 2012; Ord. 5338 Sec. 1, 2011)

Council Workshop Coversheet

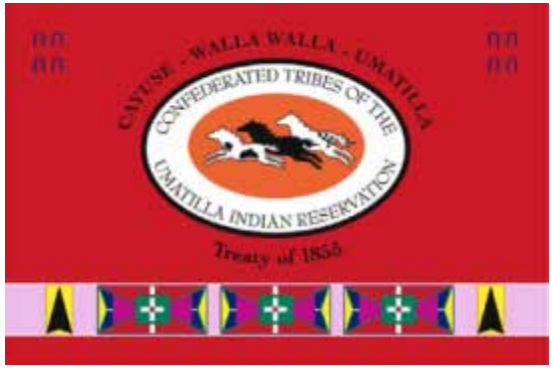
Agenda Item Number	4.	Meeting Date	06/11/2019	Info Only ✘
Agenda Item Type	Reports/Plans			Policy Review ✘
Subject	Reconveyance of Columbia Park			
Ordinance/Reso #		Contract #		Policy DevMnt ☐
Project #		Permit #		Other ☐
Department	City Manager			

Summary

Staff will update City Council on the current status of our request for reconveyance of Columbia Park, as well as the on-going recreational reconveyance efforts of 72 acres at the east end of the Park.

Through	Terry Walsh Jun 06, 09:58:17 GMT-0700 2019	*Attachments:* Presentation
Dept Head Approval	Terry Walsh Jun 06, 09:58:19 GMT-0700 2019	
City Mgr Approval	Marie Mosley Jun 06, 17:01:34 GMT-0700 2019	

Council Workshop
June 11, 2019



U.S. Army Corps of Engineers®

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Government to Government Meeting

- Discussed Co-sponsored events
- Cultural learning opportunities
- New amenities highlighting the past and future
- Memorandum of Agreement

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2010 West End Master Planning
City of Richland and City of Kennewick

City of Kennewick Staff
City of Richland Staff
CTUIR Staff: Armand Minthorn
Carey Miller

Today

Vision

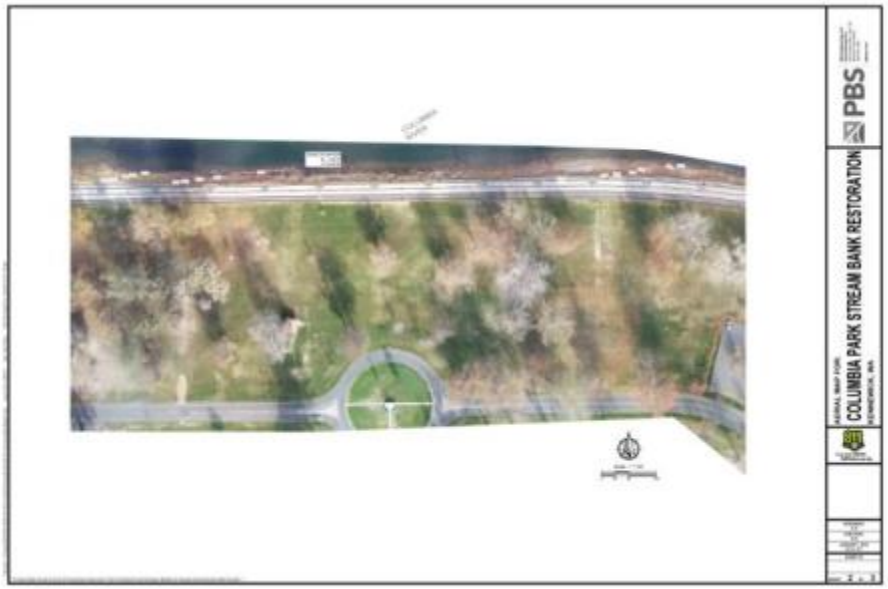
2018 Kennewick Parks and Recreation Comprehensive Plan Vision

- Columbia Park Master Plan Vision:
  - March of 2017 through September 2017
    - Visual preference displays
    - Dot activities to pick top 3
    - Mini polls were done for prioritization
    - Comments and discussion
    - Top three activities were ropes course, aquatic playground and equipment rentals
    - Review of current inventory, current usage and location mapping

2018 Kennewick Parks and Recreation Comprehensive Plan Vision

- The Plan Vision combines the 2000 Columbia Park Master Plan and the 2010 Columbia Park West Master Plan
- These two plans, along with the outreach conducted during 2017, creates a vision that represents zones:
  - Active Play
  - Recreation
  - Multi-Use/Economic
  - Native Restoration/Passive Recreation
  - Regional Recreation and Events

Shoreline Erosion



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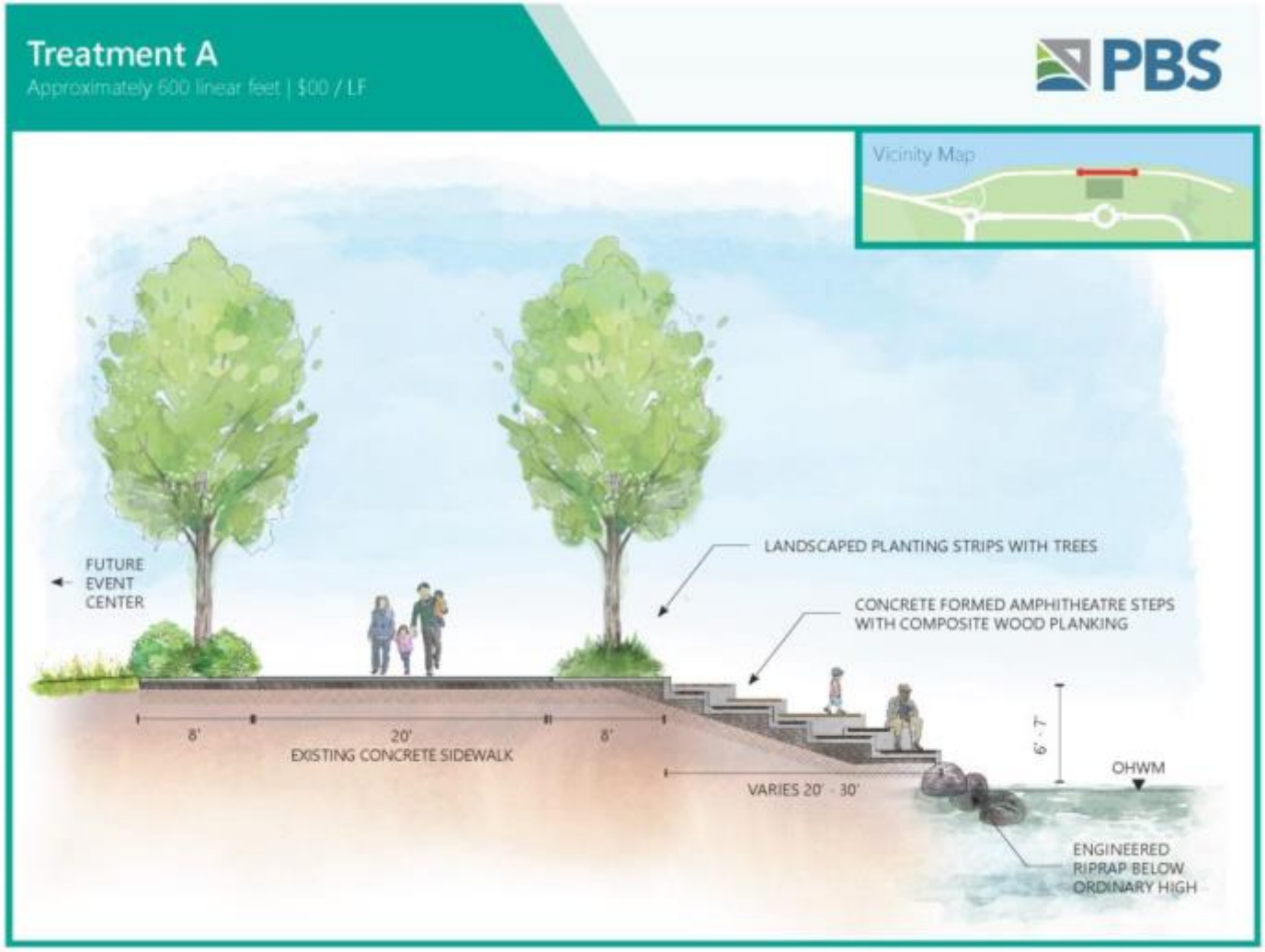
Shoreline Erosion Control



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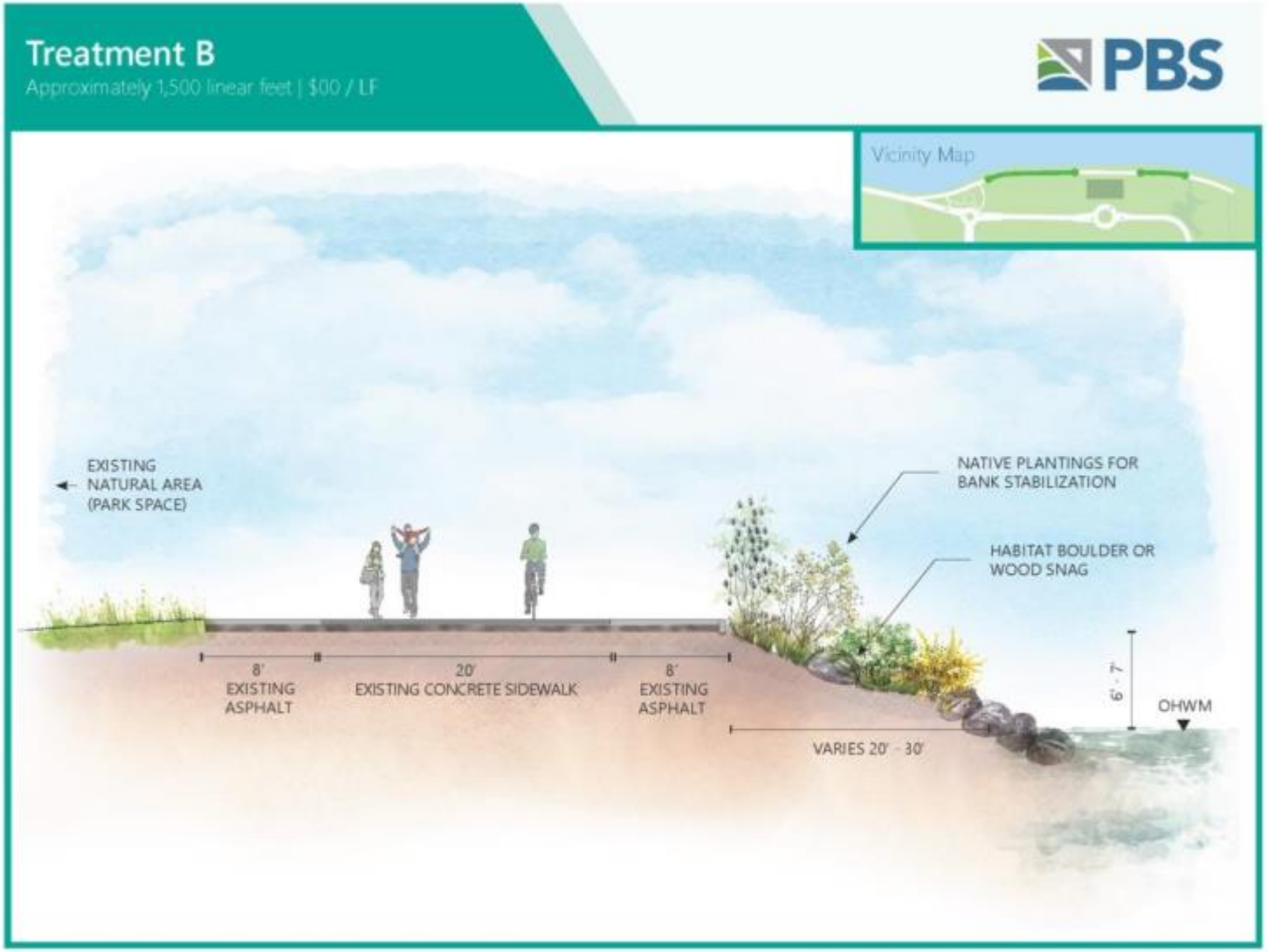
Shoreline Erosion Control



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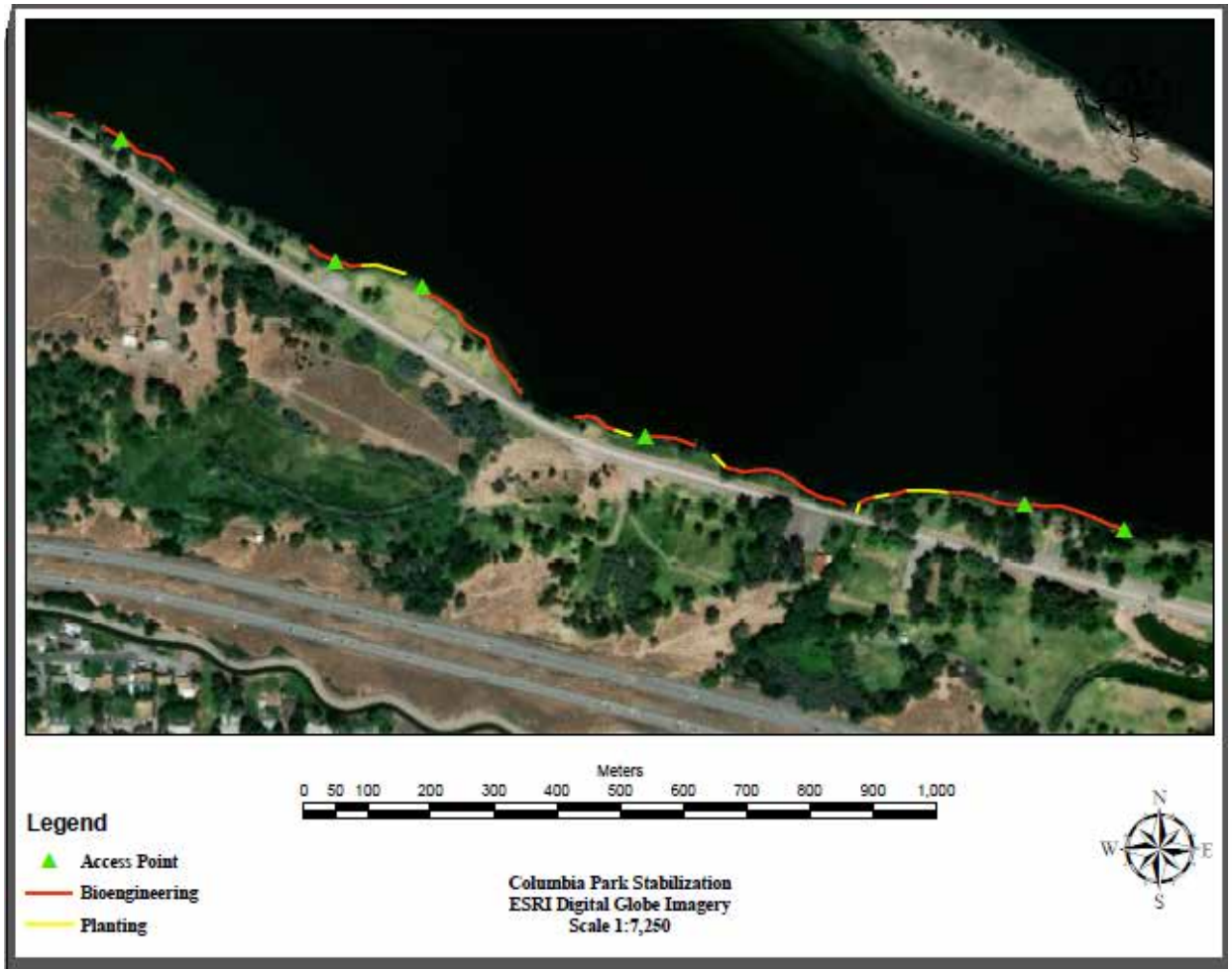
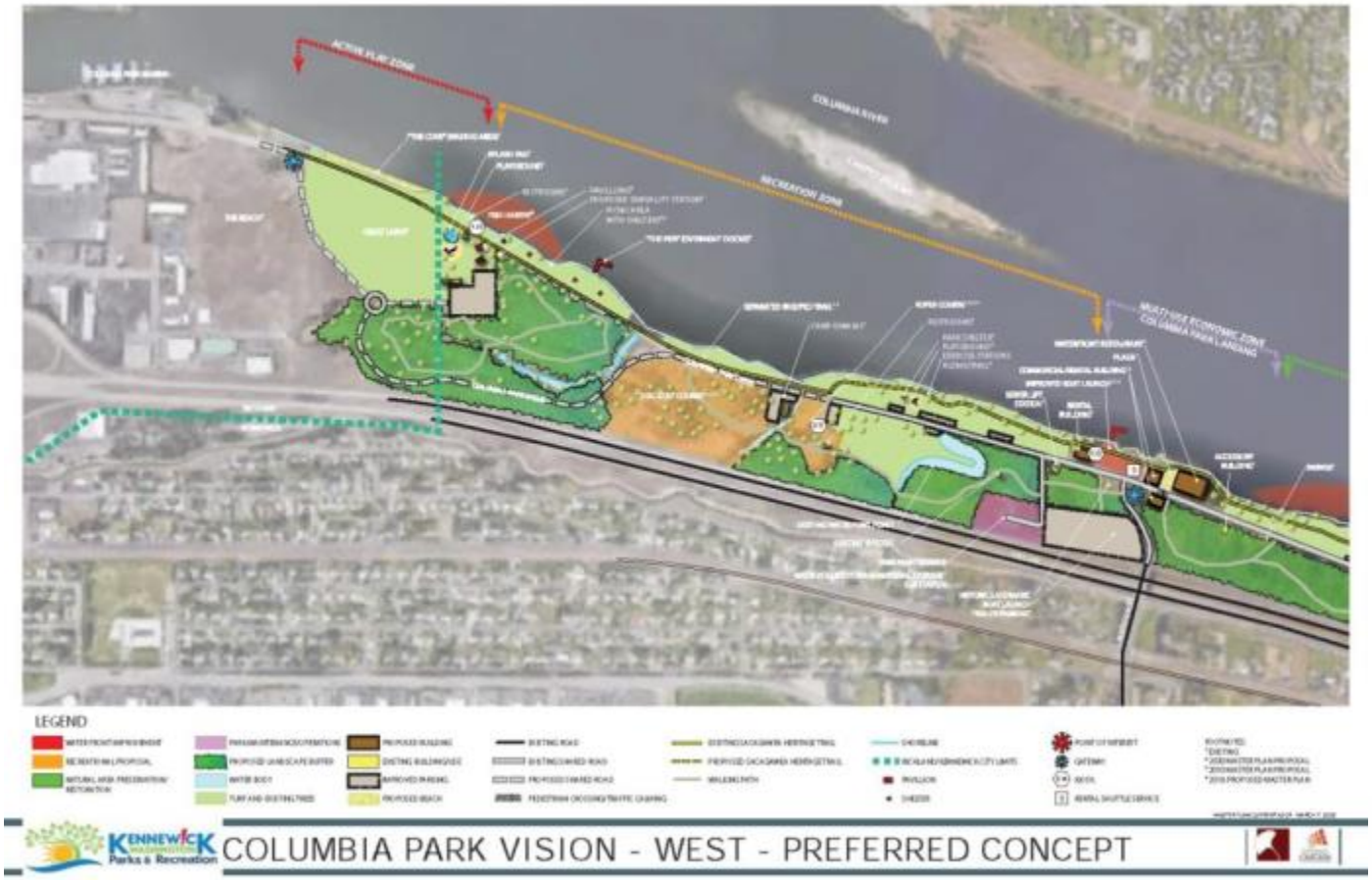
USACE Shoreline Restoration Project



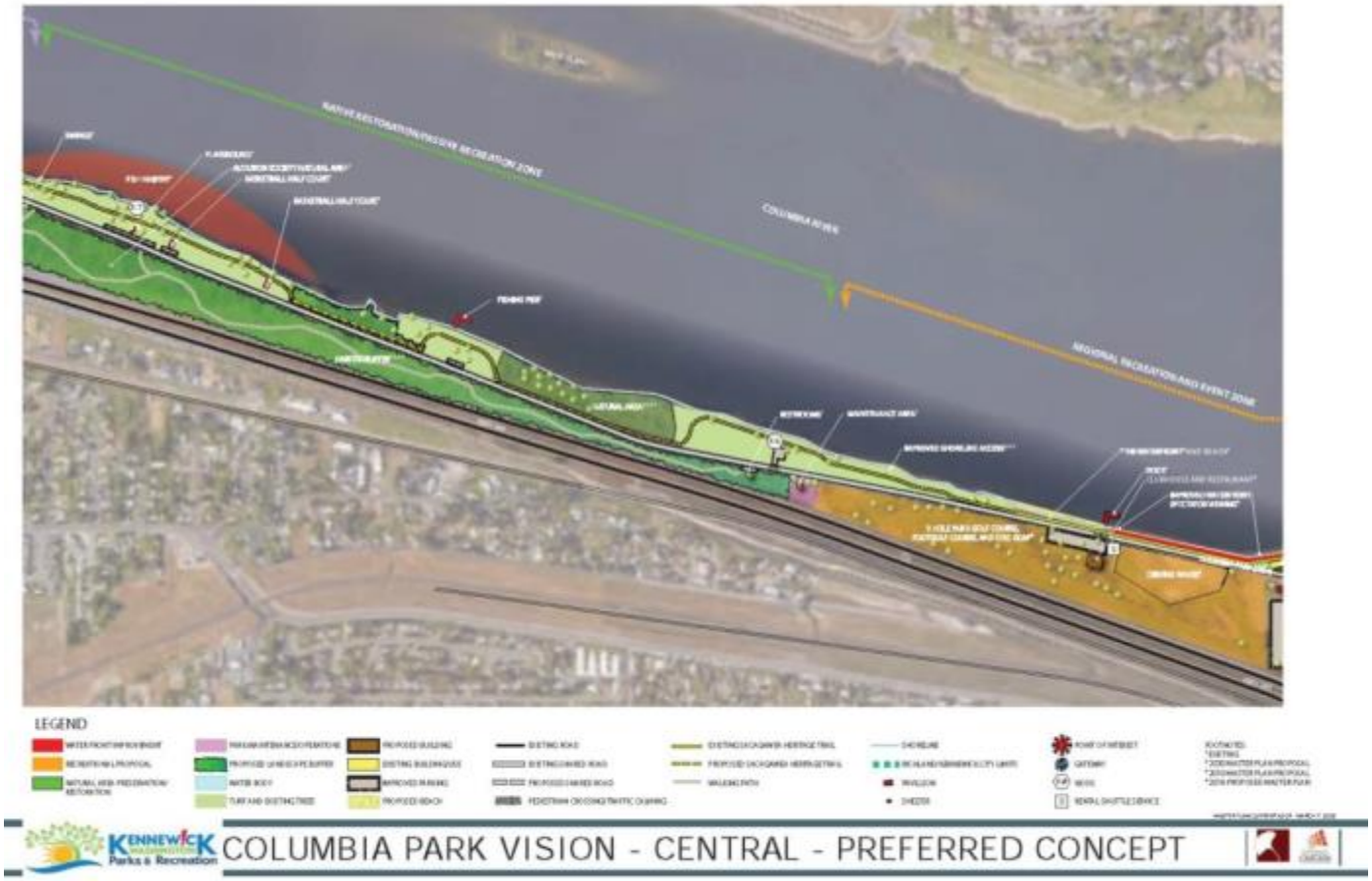
Columbia Park West

Appendix E: 2019-2024 Parks and Recreation Comprehensive Plan



Columbia Park Central

Appendix E: 2019-2024 Parks and Recreation Comprehensive Plan



Columbia Park East

Appendix E: 2019-2024 Parks and Recreation Comprehensive Plan

Draft Legislation

SEC. ___. LAND CONVEYANCE, TRI-CITY AND MCNARY RESERVOIR LANDS, WASHINGTON.

(a) CONVEYANCE REQUIRED.—

(1) The following lands owned by the U.S. Army Corps of Engineers, as described below and identified by the accompanying table and map, **shall be conveyed as described below no later than one year following the date of enactment of this Act:**

(a) To the City of Kennewick, Washington

(1) Columbia Park within the City of Kennewick Municipal Boundaries, beginning on the West at the City of Richland boundary and continuing East to the Pioneer Memorial Bridge (Blue Bridge), including all U.S. Army Corps of Engineers easements.

(2) Columbia Park within the City of Kennewick Municipal Boundaries from the Pioneer Memorial Bridge (Blue Bridge) East to the City of Kennewick Municipal limits, including all U.S. Army Corps of Engineers easements. The entirety of the area that falls in the public right-of-way should be included in the City of Kennewick's Conveyance request, except for those areas that are now defined privately owned parcels. Generally, the area between the monument identified on the exhibit as A-337 ECC.R and J-337-6 should be included, again excepting any and all parcels now privately owned.

(3**) Officially designated levee structures or flood control infrastructure shall remain the property of the United States.**

(b) APPLICABILITY OF FEDERAL LAW. –

(1) If a major change in the use of any parcel or tract of conveyed land is proposed subsequent to the land conveyance described in subsection

(a)(1), it will be considered a federal action requiring all federal laws and treaties that pertain to that land parcel or tract, including those related to the National Environmental Policy Act, 42 U.S.C. 4321 et seq., the National Historic Preservation Act, 16 U.S.C. 470 et seq., and relevant Indian treaties to be followed. Routine maintenance activities shall not be considered a federal action, but shall be subject to all relevant state laws and cultural resource review requirements.

(2) **This conveyance does not eliminate, alter, or reduce any rights or agreements currently in place pursuant to the Treaties signed in 1855** between the United States and Tribal Nations headquartered in the states of Oregon, Washington, and Idaho.

(3) **This conveyance does not eliminate, alter, or reduce any state laws that pertain to the identified land parcels or tracts.**

(c) CONSIDERATION.–

(1) The land described in subsection (a)(1) intended primarily for **public benefit shall be conveyed at no cost to the local jurisdictions.**

(d) RESTRICTIONS.–

(1) This land shall be conveyed as described in subsection (a)(1) with **no deed restrictions or limitations on use, except for as agreed between the relevant jurisdiction and the U.S. Army Corps of Engineers, or as described in subsection (b)(1-3).**

(e) NULLIFICATION OF EXISTING AGREEMENTS.–

(1) **Lease agreements** in effect as of the date of enactment of this Act between the cities of Pasco, Kennewick, and Richland, and Franklin County, Washington and the U.S. Army Corps of Engineers related to the land described in subsection (a)(1) **shall be nullified**.

(2) **Real estate lease agreements** in effect as of the date of enactment of this Act between private landowners and the U.S. Army Corps of Engineers related to the land described in subsection (a)(1**) shall be nullified.**

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Current Status of Legislation

- Will not be moving forward in the 2019/2020 legislation
- Armed services committee staffers have several questions and issues
- Colloquy on McNary Shoreline: Many points were addressed but many remain unanswered: *Rep. Mac Thornberry, Armed Services Committee Chair*
- Potential Opportunity for stand alone bill

Additional Policy Considerations

- MOA with CTUIR – Similar to that of Richland and Port of Kennewick
- CTUIR Letter – Concerns regarding issues such as NEPA and NHPA review and protection of known cultural resources
- ALSC Letter – Concerns about public involvement, preservation of recreation spaced and wildlife habitat, major land use changes
- 72 acre recreational conveyance with USACE

Questions

Council Workshop Coversheet

Agenda Item Number	5.	Meeting Date	06/11/2019
Agenda Item Type	Ordinance		
Subject	KMC Policy Changes		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only ☐
Policy Review ☐
Policy DevMnt ☒
Other ☐

Summary

On May 14, 2019, staff presented a proposed Council Code of Ethics to be adopted as a new chapter in the Kennewick Municipal Code (KMC). After review at the workshop meeting, a revised version of the proposed code was sent out to Council for additional review and comment in advance of the Budget and Administrative Committee Meeting which was held on June 4, 2019. It was decided by the Committee to put the proposed code back on a workshop agenda for discussion before consideration of formal adoption at a regular Council meeting. The proposed Council Code of Ethics is intended to replace the existing policy statement in the Kennewick Administrative Code (KAC). It will provide a more formal process to address ethics' complaints against Council Members. As noted in the prior workshop, there is no legal requirement to adopt an ethics' code nor is there a legal requirement to process complaints in a specific manner, with a specific outcome or remedy. Our insurance risk pool, WCIA, requires that we have an ethics' policy as a means to reduce risk related to Council conduct. The edits to the proposed code are shown in redline/strikeout so that Council can see the changes from the version provided on May 14th.

Through	Bonnie Lanning Jun 05, 12:17:40 GMT-0700 2019
Dept Head Approval	Lisa Beaton Jun 05, 13:35:22 GMT-0700 2019
City Mgr Approval	Marie Mosley Jun 06, 16:46:32 GMT-0700 2019

Attachments: Draft Ethics Code

CHAPTER 2.06 COUNCIL CODE OF ETHICS

2.06.010: Policy.
2.06.020: Definitions.
2.06.030: Prohibited Conduct.
2.06.040: Ethical Standards.
2.06.050: Ethics' Officer.
2.06.060: Complaints, Investigations, Hearings and Enforcement.

2.06.010: Policy:

(1) Purpose. The Kennewick City Council has adopted a Code of Ethics for members of the City Council to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for Council Members; both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(2) Intent. The citizens and businesses of Kennewick are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. The City Council is committed to upholding the City of Kennewick Core Values which state:

We will provide excellent public service and ensure the safety and wellbeing of our community and one another through the empowerment of each employee. We value integrity, inclusiveness, stewardship and communication.

We are accountable to our community for innovation and collaborative efforts that anticipate needs, leverage resources and deliver solutions.

Integrity: We hold ourselves to the highest standard of professionalism and ethical conduct.

Inclusiveness: We embrace diversity and value different perspectives as we work together for the common good.

Stewardship: We ensure the public's resources are used responsibly to provide the greatest benefit.

Communication: We will listen and engage in an open, honest and timely exchange of information.

(3) In keeping with the City of Kennewick's commitment to excellence, the effective functioning of democratic government therefore requires that:

(~~1~~a) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;

(~~2~~b) Public officials be independent, impartial and fair in their judgment and actions;

(~~3~~c) Public office be used for the public good, not for personal gain; and

(~~4~~d) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

2.06.020: Definitions:

(1) "Official" means a member of the City Council elected or appointed.

(2) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law.

2.06.030: Prohibited Conduct:

(1) Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (a) the official; (b) a relative; (c) an individual with whom the official resides; or (d) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. ~~This section shall not apply: (a) to decisions regarding taxes or fees; (b) if the financial interest is shared with more than ten percent of the City's population; or (c) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.~~

(2) Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either: (a) a personal or business relationship not covered under the foregoing subsection; or (b) a transaction or activity engaged in by the official, the official shall ~~make a public, written disclosure of~~ disclose the facts giving rise to the appearance of a conflict before participating in the matter.

(3) Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the City, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

(4) Representation of Third Parties. ~~Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff.~~ The members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(5) Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

(6) Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to

have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.

(7) Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means: (a) specific information, rather than generalized knowledge, that are not available to a person who files a public records request; and (b) information made confidential by law.

2.06.040: Ethical Standards:

In addition to Section 2.06.030 of the Code of Ethics, which shall be administered by the Ethics' Officer, officials are also required to comply with the following standards:

(1) Compliance with Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW ~~42.17.750~~42.17A.565, no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW ~~42.17.130,~~42.17A.555 no official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) Personal Integrity. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kennewick and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council~~, boards and commissions~~. Officials need to be mindful that making special requests of staff – even when the response does not benefit the official personally – puts staff in an awkward position. Questions for city staff members shall be submitted to the City Manager who will then coordinate with staff to provide a response.

(4) Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the City Council ~~and board and commissions~~ governing the deliberation of public policy issues, meaningful

involvement of the public, and implementation of policy decisions of the City Council by city staff.

(5) Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the City – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email, text messages and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of "public record" and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) Attendance. Attendance at regular council meetings by Council Members is required absent being excused. The process for excusing an absence is as follows; after roll call at a regular city council meeting, the mayor will entertain a motion to excuse the absence of council members for that meeting, approval of the motion by a majority of the Council Members present is sufficient to excuse the absence. As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council.

(10) Nepotism. A Council Member may not vote or participate in the interview or appointment of a relative to boards or commissions or other appointed positions.

(11) Advocacy. When acting in an official capacity as a city official representing the City, officials shall represent the official policies or positions of the City Council, ~~board or commission~~ to the best of their ability when the City Council, ~~board or commission~~ has taken a position or given an instruction. When presenting their

individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kennewick, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. ~~However, this does not preclude officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.~~

(12) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kennewick city government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they impair the ability of staff to implement Council policy decisions.

APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A.13 RCW	Council-Manager plan of government
~~RCW 35A.13.020~~	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17A.555	Use of public office or agency facilities in campaigns – Prohibition – Exceptions
RCW 42.17A.565	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of Ethics for municipal officers – Contract interests
Ch. 42.36 RCW	Appearance of Fairness Doctrine – Limitations
Ch. 42.56 RCW	Public Records Act

2.06.050: Ethics Officer:

(1) The City Council creates the position of Ethics' Officer. ~~The City Manager will contract with one or more individuals to fill this position.~~ The Ethics' Officer shall be appointed by the City Manager and subject to confirmation by the Kennewick City Council. The Ethics' Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics' Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(2) The Ethics' Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. ~~The Ethics' Officer shall~~

~~provide input into and review the training materials and program developed for this Code of Ethics.~~

2.06.060: Complaints, Investigations, Hearings and Enforcement:

The Ethics' Officer may resolve inadvertent and minor violations of the Code of Ethics informally, unless the Ethics' Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics' Officer shall initiate an action in accordance with this section.

(1) Complaint Process.

(a) Complaint Requirements – Service. Two officials are required to sign off on a written complaint before it can be filed with the Ethics' Officer alleging one or more violations of this Code of Ethics by an official. The complaint must set forth specific facts with enough precision and detail for the Ethics' Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the officials submitting it in a manner consistent with Chapter 9A.72 RCW. The complaint shall be filed with the city clerk who will date stamp it as received and forward it to the Ethics' Officer.

(b) Finding of Sufficiency. The Ethics' Officer shall make a determination of sufficiency within thirty days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 2.06.030 or 2.06.040 of this code. The Ethics' Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics' Officer shall investigate the complaint as set forth below.

(c) Dismissal. The Ethics' Officer shall dismiss the complaint if the Ethics' Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct. A decision for dismissal as noted above is final and not reviewable.

(d) Notice. Notice of action by the Ethics' Officer shall be provided as follows:

(i) Notice of a finding of insufficiency or dismissal of a complaint by the Ethics' Officer shall be sent to the officials who made the complaint and the official complained against within seven days of the decision by the Ethics' Officer. A finding of insufficiency or dismissal of a complaint by the Ethics' Officer is final and binding, and no administrative or other legal appeal is available through the Ethics' Officer.

(ii) Within seven days of the Ethics' Officer rendering a finding of sufficiency, the city clerk shall send notice to the officials who made the complaint and the official complained against, of the Ethics' Officer's determination. If, after investigation, the Ethics' Officer has reason to believe that a material violation of Section 2.06.030 or 2.06.040 has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation

has occurred. Notice shall be provided at least thirty days prior to the date set for the hearing. The official complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(e) Stipulations. At any time after a complaint has been filed with the Ethics' Officer, the Ethics' Officer may seek and make recommendations that the City Council enter into a stipulation with the official complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics' Officer thinks a stipulation is appropriate, an admission of the violation by the official complained against, a promise by the official complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the officials who made the complaint and the official complained against and forwarded to the City Council for action.

(2) Conduct of Hearings.

(a) All hearings on complaints found to be sufficient shall be conducted by the Ethics' Officer. The hearing shall be informal, meaning that the Ethics' Officer shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Ethics' Officer may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Ethics' Officer shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Ethics' Officer. The Ethics' Officer may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Ethics' Officer shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the Ethics' Officer shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(b) Within thirty days after the conclusion of the hearing, the Ethics' Officer shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the officials who made the complaint and to the official complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the City Council.

(3) City Council Action. Final City Council action to decide upon stipulations and recommendations from the Ethics' Officer or findings, conclusions, and recommendations from the Ethics' Officer shall be by majority vote in a public meeting. Deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint

was made, a ~~public hearing or~~ public meeting before the Council will be held on the issue of penalties.

(4) Disposition. In the event the Ethics' Officer finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.

(a) Dismissal. Dismissal of the complaint without penalties.

(b) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(c) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the mayor pro-tem or his/her designee, to the official.

(d) Reprimand. A reprimand shall be administered to the official by a motion of reprimand by the majority of the City Council.

(e) Censure. A resolution of censure shall be a resolution read ~~personally~~ to the person in public. The resolution shall be prepared by the City Council and shall be signed by the mayor, or if the complaint is against the mayor, the mayor pro-tem. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.

(f) Civil Penalties. The City Council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this Code of Ethics or three times the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(g) Contract Void. As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of Ethics for municipal officers – contract interests," is void.

(h) Other Penalties. The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

(5) Review of Civil Penalties. If the City Council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter 7.16 RCW, within thirty days of the City Council's order.

(6) Protection Against Retaliation. Neither the City nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any ~~person~~ council member because that ~~person~~council member files a complaint with the Ethics' Officer.

(7) Public Records. Records filed with the Ethics' Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics' Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS' OFFICER. THE ETHICS' OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE ETHICS' OFFICER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Ethics' Officer Orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) Liberal Construction – Limitation Period – Effective Date.

(a) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(b) Any action taken under this Code of Ethics must be commenced within two years from the date of violation.

City Council Meeting Schedule July 2019

July 2, 2019
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

July 9, 2019
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. 2020 Census Update

July 16, 2019
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

July 23, 2019
Tuesday, 6:30 p.m. WORKSHOP MEETING
1. 2020 Legislative Priorities

July 30, 2019
Tuesday, 6:30 p.m. NO MEETING

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs.

Please be advised that all Kennewick City Council Meetings are Audio Taped