

## Title 3 - Finance

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### Chapter 3.04 - Purchasing

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#### **3.04.010 Responsibility for Purchasing**

The City Manager shall be responsible for all City purchasing and may appoint a contracts officer who shall be employed in the purchasing and warehousing division of the administrative service department and who shall, subject to the exceptions stated in the charter and in this chapter, make all purchases of materials, supplies, equipment and contractual services and assist in the procurement of professional services, for all departments, offices, boards and other agencies of the City.

The contracts officer shall be responsible for enforcement of this chapter. (Ord. 32.101: Ord. 4-94: Ord. 32-01: Ord. 48-03).

#### **3.04.020 Cooperative Purchasing**

The contracts officer shall have the authority to join with the state, counties, cities or other public agencies in cooperative purchasing agreements as allowed by Chapter 39.34 of the revised code of Washington when the best interests of the City would be served thereby. (Ord. 32 1.02: Ord. 4-94: Ord. 32-01: Ord. 48-03).

**3.04.030 State Contract Purchases**

The City frequently purchases items made available under the state contract procedure. Purchases made on the state contract will not be subject to any additional City bid process. (Ord. 4-94: Ord. 32-01).

**3.04.040 Specifications**

- A. Maximum Practicable Competition. Specification shall reflect actual requirements identified by the City. All specifications shall be drafted so as to promote overall economy for the purposes intended and encourage maximum free and open competition in satisfying the City's needs. The policy enunciated in this section applies to all specifications including but not limited to those prepared for the City by architects, engineers, designers and drafters.
- B. "Brand Name or Equivalent: Specification. Brand name or equivalent specifications may be used only when warranted.
- C. Brand Name Specification. Because use of a brand name specification is often restrictive of competition, it may be used only when warranted.
- D. Experience Clause Restrictions. Experience clauses requiring prospective bidders to have a record of satisfactory operation or performance may only be used when warranted. (Ord. 4-94: Ord. 32-01).

**3.04.050 Competitive Bidding**

Competitive quotations or bids for all purchases and public works and improvements shall be obtained except as otherwise provided herein; and the purchase made from, or the contract awarded to, the lowest responsible bidder. The formal sealed bid process described in Richland Municipal Code Section 3.04.110 shall be followed when required by state law for public works projects or whenever deemed appropriate by the City Manager for other City projects. (Ord. 4-94).

**3.04.060 Local Preference**

The City shall when awarding a purchase contract, take into consideration tax revenue it would receive from purchasing the supplies, materials, or equipment from a supplier located within the City limits. The City contracts officer, when considering local preference, shall first consider:

- A. Richland businesses;
- B. Then Tri-City area businesses;
- C. Then businesses located in the state of Washington;
- D. Finally businesses located out of state. (Ord. 32: Ord. 4-94: Ord. 32-01: Ord. 48-03).

**3.04.070 Unauthorized Purchases**

Purchases or contract for any supplies, materials, equipment, or contractual services contrary to the provisions of the charter or this chapter, shall be void and of no effect, except as provided in this chapter and except as authorized by administrative procedures. No City employee shall purchase or contract for any material, supplies or equipment or make any contract within the purview of this chapter other than through the contracts officer.

Any purchase or contract made contrary to the provisions hereof shall not be approved by any City officer and the City shall not be bound thereby, except as may be required or provided by law. (Ord. 4-94: Ord. 32-01: Ord. 48-03).

**3.04.080 Inspection and Testing**

The contracts officer shall inspect or supervise the inspection of all deliveries of supplies, materials, equipment, or contractual services to determine the conformance with the specifications set forth in the order or contract.

- A. The contracts officer shall have the authority to authorize using departments and offices to inspect deliveries made to such using departments and offices.
- B. The contracts officer shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries, which are necessary to determine their quality and conformance with the specifications. (Ord. 32 1.06: Ord. 4-94: Ord. 32-01: Ord. 48-03).

**3.04.090 Professional Service Contracts**

Contracts for professional services, including contracts for architectural, engineering, legal and consulting services, are not subject to the requirements of this chapter. Contracts for architectural and engineering services shall be awarded in accordance with Chapter 39.80 of the revised code of Washington.

Professional Services. For the purposes of this chapter "Professional services" are those services involving labor, skill, education and special knowledge and where the labor and skill involved is predominately mental or intellectual, rather than physical or manual. (Ord. 4-94).

**3.04.100 Lowest Responsible Bidder**

Contracts and purchases shall be awarded to the lowest responsible bidder. In determining the "lowest responsible bidder," in addition to price, the following may be considered:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
- B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- C. The character, integrity, reputation, judgement, experience and efficiency of the bidder;
- D. The quality of performance of previous contracts or service;
- E. The previous and existing compliance by the bidder with laws and ordinances relating to contracts or services;
- F. The sufficiency of the financial resources and ability of the bidder to perform the contracts or provide the service;
- G. The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- H. The ability of the bidder to provide future maintenance and services for use of the subject of the contract;
- I. The number and scope of conditions attached to the bid; and
- J. Whether the bidder has a place of business within the City. (Ord. 4-94).

**3.04.110 Public Works**

- A. Except as otherwise authorized by the revised code of Washington relating to emergency public works, or other applicable law, as now enacted or as hereafter amended, all public works shall be done by contract pursuant to public notice and call for competitive bids whenever the estimated cost of such public works or improvements, including the cost of materials, supplies, equipment and labor will exceed the sum of fifty thousand dollars (\$50,000), and in the year 2010 and thereafter sixty-five thousand dollars (\$65,000) if more than one (1) trade or craft is involved in the project, or in excess of thirty thousand dollars (\$30,000), and in the year 2010 and thereafter forty thousand dollars (\$40,000) if only a single trade or craft is involved in the work.
- B. For projects of lesser value, the City may have the public works performed by City employees. The total value of this work performed by City employees may not exceed ten percent (10%) of the annual public works construction budget, including that work done by the county for the City. In addition, when work done by the City employees reaches ten percent (10%), all remaining public work within the budget period will be done by contract pursuant to competitive bids.
- C. The finance manager will annual prepare a report for the state auditor which:
  1. Identifies total public works construction budget and the supplemental budget;
  2. Total dollar amount of public works done by City employees;
  3. Identifies the amount of work done by the City employees above or below ten percent (10%) of the budget as listed in (1) above; and
  4. The City shall account and record costs of public works in excess of five thousand dollars (\$5,000) that are not let by contract.
- D. The cost of a separate public works project shall be the costs of materials, supplies, equipment and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the annual budget period.
- E. Requirements. All bids for public works projects where the cost is fifty thousand dollars (\$50,000), and sixty-five thousand dollars (\$65,000) in the year 2010 or thereafter, or more shall be submitted to and approved by the City Council. The bidding process for these projects shall adhere to the following formal contract procedure.
  1. The contract documents shall be prepared under the supervision of and approved as to legal form by the City Attorney.

2. The Administrative Services Director shall examine all such contracts, purchase orders and other documents which involve financial obligations against the City and approve the same only upon ascertaining that moneys have been appropriated and that an unexpended and unencumbered balance is available to meet the same. All Public Works contracts shall be filed with the City Clerk.
  3. All such contracts shall be executed on behalf of the City by the City Manager.
  4. Calls for bids shall be published in the official newspaper of the City once not less than ten (10) days before the deadline for submission of bids.
  5. Each bidder shall make a deposit in the form of a cashier's check, certified check, bid bond, or other City approved form of deposit in an amount equal to not less than five percent (5%) of the total bid, which percentage shall be specified in the call for bids. The successful bidder shall furnish a faithful performance or surety bond in the amount equal to the total amount of the contract.
  6. Bid Opening. Bids shall be submitted sealed to the contracts officer and shall be identified as bids on the envelope. Bids shall be opened in public by the contracts officer at the time and place stated in the call for bids. The contracts officer shall make a tabulation of all bids received and forward the bids and the tabulations to the appropriate department for recommendation. A copy of the bid tabulations shall be available for public inspection during regular office hours.
  7. Award or Rejection of Bids. The City Manager shall forward to the City Council a tabulation of all bids received, together with his recommendation. Upon approval of such contracts and purchases by the City Council, the award shall be made by the contracts officer based on the lowest responsible bidder, as set forth in Section 3.04.100. The Council may by resolution rejected any and all bids for any transaction. If the Council, in its judgement, determines that public work or improvements can be done by the City at less cost than the lowest bid submitted, or if no bids are submitted, it may authorize the work to be done by day labor.
  8. Award to Other than Low Bidder. When the award is not made to the lowest bidder in price, the reasons for placing the order elsewhere shall be stated in the Council minutes.
- F. For public works projects under thirty thousand dollars (\$30,000) and in the year 2010 and thereafter forty thousand dollars (\$40,000), single craft or trade or fifty thousand dollars (\$50,000) and in the year 2010 and thereafter sixty-five thousand dollars (\$65,000) multiple craft or trade, the contracts officer shall solicit competitive quotes using the open market procedure in Section 3.04.120 of the Richland Municipal Code and shall approve or disapprove contract award to the lowest responsible bidder in accordance with Section 3.04.100. The contracts officer is authorized to execute the Agreement without further approval by Council. (Ord. 4-94: Ord. 32-01: Ord. 48-03).

### **3.04.120 Open Market Procedure**

All contracts for purchases of materials, supplies, equipment and nonprofessional services not required to be made by formal contract procedure shall be made in the open market except as provided in this chapter.

- A. Competitive Quotes. Subject to the provisions of this chapter, all open market contracts and purchases shall be based on competitive quotes, and wherever practicable, there shall be a minimum of three (3) such quotes.
- B. Call for Quotes. The contracts officer shall solicit quotes by a direct mail request to prospective vendors, by telephone, by facsimile, by personal contact with sales representatives, or by other appropriate means.
- C. Award of Purchases. The contracts officer shall award the quote on open market contracts and purchases to the lowest responsible bidder, in accordance with requirements of the chapter and Section 3.04.100; except that the City Manager may require any such contract or purchase, in amounts as he may prescribe, to be first approved by him.
- D. Filing of Statements of Awards to Other than Low Bidder. When the award is not given to the lowest bidder in price, a statement of the reasons for placing the order elsewhere shall be prepared and filed with the other papers relating to the transaction, and shall be open to public inspection during regular office hours.
- E. Rejection of Quotes. The contracts officer may reject all quotes for transactions when the public interest would be served thereby, and upon the rejection of such quotes shall include the reasons therefore in the records of the transaction, which shall be open for public inspection.
- F. Performance or Surety Bond. When required by the contracts officer, the successful bidder shall furnish a faithful performance of surety bond in the amount equal to the total amount of the contract.

- G. Noncompetitive and Special Purchases. The contracts officer is granted authority to make purchases without obtaining competitive bids or quotes therefore, under the following conditions:
1. When an item required is of special design, shape or manufacture to match or fit in with an existing installation and competitive bidding for it is impracticable;
  2. When it is possible to procure obvious bargains in surplus or distress material, supplies or equipment;
  3. When the obtaining of competitive bids will cause delay in the progress of the job or project resulting in appreciable loss to the City; and
  4. When the cost of obtaining competitive bids is expected to be greater than the savings generated as a result of the competitive bid process.
- H. The contracts officer is authorized to establish local supply contracts with local vendors. Such local vendors shall be selected on the basis of best overall price policies, breadth and depth of stocks and delivery service.
- I. Annual Agreements. The contracts officer shall have the authority to negotiate with vendors following a solicitation period designed to obtain pricing information. The City Manager, or his designee, is authorized to execute the annual agreement without further approval by Council. (Ord. 4-94: Ord. 32-01: Ord. 48-03).

#### **3.04.130 Emergency Contracts and Purchases-Authorization**

Subject to the charter, the City Manager is hereby authorized to award emergency contracts and make emergency purchases, such emergencies being:

- A. In the event of any breakage or loss of equipment or in other circumstances in which any necessary service is or is about to be interrupted; or
- B. In cases where the City will suffer a substantial loss by following the regular contract or purchasing procedures. (Ord. 32 1.24: Ord. 4-94).

#### **3.04.140 Recycling Procurement Policy**

- A. Intent. The City finds it desirable to adopt procurement policy promoting the use of recycled products and recyclable products by the City departments, thereby stimulating the demand for these products and helping to develop markets for materials that have been diverted from the solid waste stream.
- B. Use of Recycled Materials. All City departments shall use recycled products and recyclable products whenever practicable and reasonable.
- C. Duty of Purchasing Agent. The contracts officer shall establish and maintain a list of recycled and recyclable products that are available to be purchased by departments whenever practicable. (Ord. 4-94: Ord. 32-01: Ord. 48-03).

#### **3.04.150 Severability**

The invalidity of any article, section, subsection, provision, clause, or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances. (Ord. 32 1.26: Ord. 4-94).

### Chapter 3.06 - Sale or Lease of City Real Property

#### Sections:

- 3.06.010 Purpose – Policy - Objectives**
- 3.06.020 Authority**
- 3.06.030 Declaration of Surplus**
- 3.06.040 Sale or Lease Procedures**
- 3.06.050 Conveyance Procedures**
- 3.06.060 Exceptions**

#### **3.06.010 Purpose - Policy - Objectives**

- A. Purpose. The purpose of this chapter is to establish policies and procedures regarding the surplusing and the sale or lease of certain real property owned or otherwise controlled by the City.
- B. Policy. It shall be the policy of the City to consider sale or lease of real property owned or controlled by the City when such property is determined to be surplus to the needs of the City, and where it is demonstrated to the satisfaction of the City Council that sale or lease will best serve the public interest. For purposes of this chapter, the public interest will best be served when a transaction accomplishes one or more of the objectives listed in subsection (C) of this section.
- C. Objectives. The purpose and policies of this chapter are intended to accomplish the following basic objectives, which should be achieved in a balanced manner to ensure that none are over emphasized to the detriment of the others:
  - 1. Stimulate the development of the City's economic base to provide employment opportunities and tax revenues for the City and other local taxing entities.
  - 2. Meet the financial obligations resulting from prior property transactions of the City;
  - 3. Provide capital for economic development purposes, for parkland operations (planning, acquisition, design, construction and maintenance and operation), and such other purposes as the Council determines are necessary and appropriate; and
  - 4. Provide a source of general revenue to the City over and above the tax yields from such real property. (Ord. 24-84).

#### **3.06.020 Authority**

Whenever it is determined by the City Council that it is in the best interest of the City that real property owned by the City should be sold or leased, the Council may authorize the sale or lease and conveyance of such real property, upon any terms and conditions which it deems appropriate. In taking such action, the Council may reserve, sell or lease mineral, or other resources on any such real property separate and apart from the land in the same manner and upon the same terms and conditions as provided for in this chapter. (Ord. 24.84).

#### **3.06.030 Declaration of Surplus**

Prior to the sale or lease of any City owned real property, the City Council shall determine that the property is excess to the present and future municipal needs of the City.

- A. In making such a determination, the Council shall utilize the following criteria:
  - 1. Conformance with the City's comprehensive plan as provided in Title 23 of this code;
  - 2. Recommendations from the economic development board and the physical planning commission, and, as deemed appropriate and requested by the Council, recommendations from other City boards and commissions such as the utility advisory board and the parks and recreation commission;
  - 3. Input from the public at a duly advertised public hearing;
  - 4. Recommendations within the 1973 report prepared for the Council by the Land Sale/Lease Policy Committee entitled, "Proposed Policy for the Sale or Lease of Excessed City Owned Property", and adopted as a guideline by Council by resolution (#64-84); and
  - 5. Other forms of input determined appropriate or desirable by the Council.
- B. If the Council determines the property to be no longer necessary for present and future municipal use, it may declare by resolution the property to be surplus. Upon making such declaration of surplus, the Council may also make the following determinations:
  - 1. Whether the parcel should be sold or leased;
  - 2. Whether special consideration should be given to abutting land owners;

3. Whether special covenants or restrictions should be placed on the real property as a condition of sale or lease;
  4. Whether the parcel should be sold or leased by sealed bid;
  5. What formality of appraisal is necessary to set the minimum acceptable price to achieve reasonable value.
- C. Upon declaration of surplus by the Council, the City Manager or designee shall undertake disposal of the parcel(s) in accordance with the Council's directives. (Ord. 24-84).

### **3.06.040 Sale or Lease Procedures**

Sale or lease procedures may be initiated following one of two events: a determination by the City Council that economic indicators favor sale or lease or upon specific request by a firm or individual to lease or purchase City property. In determining which process to utilize, the Council shall give consideration to the findings and recommendation of the economic development board.

- A. Sealed Bid Process. If the Council requires the real property to be sold or leased upon competitive bids, the following procedures shall be utilized:
1. The City Clerk shall give notice that the City will invite bids for purchase or lease of the property by one (1) publication in the official newspaper of the City, posting in a conspicuous place in the City Hall and on the subject real property, and/or such other notification or advertising determined to be appropriate. The publication and posting shall be at least ten (10) calendar days before the final date for submitting bids;
  2. Publication and posting for bids shall particularly describe the property or portion thereof proposed to be sold or leased, shall designate the place and the time of the bids to be opened, and shall set forth any terms and minimum price, if any, established by the Council;
  3. Bids shall be opened in public at the time and place stated; and
  4. The Council may reject any and all bids, or the bid for any one or more of the parcels included in the advertisement for bids, and reserves the right to waive any irregularities in the bid process.
- B. Negotiation Process. The Council may determine that property should be sold or leased through negotiations, either as a result of a specific request, or as a result of City-initiated advertising or other solicitation. In either event, sale or lease consideration shall proceed as follows:
1. All requests shall be directed to the City Manager or his designee;
  2. The City Manager or his designee shall schedule the request for review and consideration by the economic development board, along with a report discussing the following:
    - a) Status of the surplus property;
    - b) Whether the property should be considered for public bid offerings;
    - c) Whether, and for what reason(s), sale or lease would be advantageous to the City; and
    - d) Any other special considerations which apply to and which will aid the board in considering the request.
  3. The economic development board shall review the request and make findings, based on the policy and objectives and the criteria provided in this chapter, for the Council's consideration;
  4. The Council shall act on the request, with due consideration to the findings and recommendation of the economic development board and, as appropriate, other boards, commissions, or individuals. (Ord. 24-84)

### **3.06.050 Conveyance Procedures**

Upon receipt of an acceptable bid or negotiated offer for sale or lease of City real property, the City Manager or his designee shall submit a report and recommendation to the City Council for action. The Council shall proceed as follows:

- A. The Council may solicit additional information it deems necessary and appropriate, including input from the public at a duly advertised public hearing, prior to taking action to accept or reject any sale or lease offer.
- B. Upon determination of an acceptable bid or offer, the Council shall authorize the City Manager to cause the necessary instruments to be prepared and executed.
- C. Copies of such instruments shall be filed with the Benton County Assessor's Office by the City Clerk.
- D. The title to any sold City real property shall not be transferred until the purchase price therefor has been fully paid and any applicable terms or conditions have been fully satisfied.
- E. The net receipts from sold City real property, not designated for other purposes, shall be deposited into the capital improvement fund. (Ord. 24-84; Ord. 41-93).

**3.06.060 Exceptions**

This chapter shall not apply to the following dispositions of real property:

- A. When selling to another governmental agency in which event the transfer is approved by the court as provided by law; and
- B. When provisions of the RCW impose conditions for the disposition of municipal property, those laws shall be treated as limited exceptions to this chapter. Exceptions include, but are not limited to the following as they may from time to time be amended:
  1. RCW 35.21.660 -.680 and 35.31.725 - .755 relating to transfers to corporations charter by the City;
  2. RCW 35.94 relating to surplus utility property; and
  3. RCW 39.33 and .34 relating to intergovernmental transactions.
- C. Sale of properties that have been acquired by the City by means of foreclosures of real estate sales contracts or for non-payment of LID or other assessments and whether by deed in lieu of foreclosure or by judgment of foreclosure and attendant sheriff's deed. (Ord. 24-84).

**Chapter 3.08 - Sale of Personal Property****Sections:****3.08.010 Sale of Personal Property One Thousand Dollars or Less****3.08.010 Sale of Personal Property One Thousand Dollars or Less**

The City Manager or designee is authorized to sell or dispose of personal property of the City having a value of one thousand dollars or less if he finds that such property is surplus to the foreseeable needs of the City and that such sale or disposition is in the best interest of the City. Such sale or disposition may be made in accordance with informal procedures. (Ord. 156 1.01: Ord. 16-99).

## Chapter 3.12 - Local Improvements

### Sections:

- 3.12.010 Proceedings Subject to Statutes and Ordinances**
- 3.12.020 Initiation of Improvement-Petition-Resolution**
- 3.12.025 Inclusion of Street Lighting Improvements Within Local Improvement Districts**
- 3.12.030 Establishment of Local Improvement Districts-Enlarged Districts**
- 3.12.040 Making of Improvements-Competitive Bids**
- 3.12.050 Manner of Assessments**
- 3.12.060 Bonds Permitted**
- 3.12.065 Installment Notes Permitted-Issuance and Sale**
- 3.12.070 Bonds-Issuance and Sale**
- 3.12.080 Warrants-Lien on Fund**
- 3.12.090 Collection of Assessment-Local Improvement District Fund**
- 3.12.095 Segregation of Assessments**
- 3.12.100 Bonds-Installment Notes-Assessments**
- 3.12.110 Bond Installation Plan**
- 3.12.120 Bonds-Form**
- 3.12.125 Installment Note Plan**
- 3.12.126 Installment Notes-Form**
- 3.12.130 Local Improvement Guaranty Fund Created**
- 3.12.140 Financing Fund-Tax Levy-Subrogation Rights**
- 3.12.150 Payment of Defaulted Interest Coupons, Bond or Warrants**
- 3.12.160 Warrants-Interest-Payment-Limitation**
- 3.12.170 Financing Fund-Interest-Local Improvement District Fund Surplus**
- 3.12.180 Nonliability of City**
- 3.12.190 Installment Notes-Interest Default**
- 3.12.200 Installment Notes-Default of Principal**
- 3.12.210 Installment Notes-Redemption**
- 3.12.220 Foreclosure of Delinquent Assessments**
- 3.12.230 Notice to Property-Owners**
- 3.12.240 Acceleration of Installments and Attorney's Fees**
- 3.12.250 Severability**

### **3.12.010 Proceedings Subject to Statutes and Ordinances**

Whenever the City Council of the City of Richland provides for making local improvements and for paying for whole or any portion of the cost and expense thereof by levying and collecting special assessments on property especially benefited, the proceedings therefor shall be in accordance with the provisions of an act of the legislature of the state of Washington entitled, "An Act Relating to Local Improvements in Cities and Towns and Repealing Certain Acts and Parts of Acts," approved March 17, 1911, and acts amendatory thereof (being RCW Chapters 35.43, 35.44, 35.45, 35.49, 35.50 and 35.53) and the provisions of this chapter and ordinances amendatory thereof. (Ord. 28 1.01).

### **3.12.020 Initiation of Improvement-Petition-Resolution**

Any such improvement may be initiated either upon petition or by resolution therefore, but such improvement may be ordered only by ordinance.

In case the improvement is initiated by petition, such petition shall be presented to and filed with the City Clerk or such other officer as may be designated by the City Council. The City Manager shall thereupon examine such petition, determine the sufficiency thereof and ascertain if the facts therein stated are true and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the City Council, together with all papers and information in his possession regarding the same, together with his recommendation thereon and a description of the boundaries of the district and a statement of the proportionate amount of the cost and expense of such improvement which shall be borne by property within the proposed assessment district. In case the petition is sufficient, the City Manager shall also submit a diagram showing thereon the lots, tracts or parcels of land and other property which will be especially benefited thereby, and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of property; provided, that no such diagram

shall be required where such estimates are on file in the office of the City Engineer or other designated City office, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement.

The City Council may initiate such improvement directly by resolution, declaring its intention to order such improvement and setting forth the nature and territorial extent thereof and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the City Council, or a committee thereof, at the time specified in such resolution. Such resolution shall be published in at least two consecutive issues of the official newspaper, in a newspaper of general circulation within the City, and the date of hearing thereon shall be at least fifteen days after the date of the first publication of the resolution. The City Manager shall submit to the City Council, at or prior to the date fixed for such hearing, the same data and information required to be submitted in the case of a petition.

Notice of the hearing upon such resolution shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county treasurer, directed to the address thereon shown. The notice shall set forth the nature of the proposed improvement, the estimated cost and the estimated benefits of the particular lot, tract or parcel.

The City Council may by ordinance authorize the making of any such improvement and, in case of an improvement initiated by resolution of the City Council, such ordinance may be passed on or at any time after the date of the hearing specified in the resolution. (Ord. 28 1.02: Ord. 741 1.01).

#### **3.12.025 Inclusion of Street Lighting Improvements within Local Improvement Districts**

After the effective date of the ordinance codified in this section, it shall be the policy of the Richland City Council to refuse to give favorable consideration to any LID ordinance proposed pursuant to RCW 35.43.070, involving the construction of streets and/or water and sewer facilities in any new subdivision of the City unless the proposed design thereof includes within such proposal a system of street lights to serve the total area of the proposed LID acceptable in design to the Richland development services department and to the utility services department. (Ord. 54-75 1.05).

#### **3.12.030 Establishment of Local Improvement Districts-Enlarged Districts**

Every ordinance ordering a local improvement to be paid in whole or in part by assessments against the property specially benefited shall establish a local improvement district to be known as "Local Improvement District No. \_\_\_\_\_," which shall embrace as nearly as practicable all the property specially benefited by the improvement.

Unless otherwise provided in the ordinance ordering the improvement, the improvement district shall include all the property between the termini of the improvement abutting upon, adjacent, vicinal or proximate to the street, avenue, lane, alley, boulevard, park drive, parkway, public place or square proposed to be improved to a distance of ninety feet back from the marginal lines thereof or to the centerline of the blocks facing or abutting thereon, whichever is greater (in the case of unplatted property, the distance back shall be the same as in the platted property immediately adjacent thereto); provided that if the local improvement is such that the special benefits resulting therefrom extend beyond the boundaries as above set forth, the Council may create an enlarged district to include as nearly as practicable all the property to be specially benefited by the improvement. The petition or resolution for an enlarged district and all proceedings pursuant thereto shall conform as nearly as is practicable to the provisions relating to local improvement districts generally, except that the petition or resolution must describe it as an enlarged district and state what proportion of the amount to be charged to the property specially benefited shall be charged to the property lying between the termini of the proposed improvement and extending back from the marginal lines thereof, to the middle of the block (or ninety feet back) on each side thereof, and what proportion thereof to the remainder of the enlarged district; provided further that whenever the nature of the improvement is such that the special benefits conferred on the property are not fairly reflected by the use of the aforesaid termini and zone method, the ordinance ordering the improvement may provide that the assessment shall be made against the property of the district in accordance with the special benefits it will derive from the improvement without regard to the zone and termini method. (Ord. 28 1.03).

**3.12.040 Making of Improvements-Competitive Bids**

All local improvements, funds for the making of which are derived in whole or in part from assessments upon property specially benefited, shall be made either by the City itself, or by contract upon competitive bids in the manner provided by law. The City Council shall determine whether such local improvement shall be done by contract or the City itself. (Ord. 28 1.04).

**3.12.050 Manner of Assessments**

The cost and expense of any such improvement, or such portion thereof as the City Council may determine to be assessed, shall be distributed and assessed against all the property included in such local improvement district, in accordance with the special benefits conferred thereon, and in the manner provided by law. (Ord. 28 1.05).

**3.12.060 Bonds Permitted**

The City Council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by bonds of the improvement district, but no bonds shall be issued in excess of the cost and expense of the improvement, nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest. (Ord. 28 1.06).

**3.12.065 Installment Notes Permitted-Issuance and Sale**

The City Council may provide by ordinance for the payment of the whole or any portion of the cost and expense of any local improvement by installment notes payable out of the local improvement district fund. Such installment notes may be issued at any time after the thirty days allowed for the payment of assessments without penalty or interest. (Ord. 28 1.06: Ord. 196: Ord. 616 1.01).

**3.12.070 Bonds-Issuance and Sale**

Local improvement bonds may be issued to the contractor or sold by the officers authorized by the ordinance directing their issue to do so, in the manner prescribed therein, and at no less than par and accrued interest. Any portion of the bonds of any issue remaining unsold may be issued to the contractor constructing the improvement in payment thereof.

The proceeds of all sales of bonds shall be applied in payment of the cost and expense of the improvement. (Ord. 28 1.07).

**3.12.080 Warrants-Lien on fund**

The City Council may provide by ordinance for the issuance of warrants in payment of the cost and expense of any local improvement district fund. The warrants shall bear interest at the rate of not to exceed eight percent per year and shall be redeemed either in cash or by local improvement bonds or installment notes for the same improvement authorized by ordinance.

All warrants against any local improvement fund sold by the City or issued to a contractor and by him sold or hypothecated for a valuable consideration shall be claims and liens against the improvement fund against which they are drawn prior and superior to any right, lien, or claim of any surety upon the bond or bonds given to the City by or for the contractor to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or provisions and supplies for the carrying on of the work. (Ord. 28 1.08: Ord. 196).

**3.12.090 Collection of Assessment-Local Improvement District Fund**

All assessments for local improvements shall be collected by the director of finance and shall be kept in a separate fund to be known as "Local Improvement Fund, District No. \_\_\_\_" and shall be used for no other purpose than the redemption of warrants drawn upon the bonds or installment notes issued against the fund to provide payment for the cost and expense of the improvement.

As soon as the assessment roll has been placed in the hands of the director of finance for collection, he shall publish a notice in the official newspaper of the City for ten consecutive daily or two consecutive weekly issues, or if there is no official newspaper, in a newspaper of general circulation within the City, that the roll is in his hands for collection and that any assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or costs. (Ord. 28 1.08: Ord. 196).

**3.12.095 Segregation of Assessments**

Whenever any land against which there has been levied any special assessment shall have been sold in part and subdivided, any person desiring to have a special assessment against a tract of land segregated to apply to smaller parts thereof, shall apply to the City for a segregation of assessments pursuant to RCW Section 35.44.410. A fee of fifty dollars shall be tendered with the application for reasonable engineering and clerical costs incident to making the segregation and, in addition, a fee of ten dollars shall be tendered to the finance director for each tract of land for which a segregation is to be made for segregation on the assessment roll. (Ord. 103-76 1.03).

**3.12.100 Bonds-Installment Notes-Assessments**

In all cases where bonds or installment notes are issued to pay the cost and expense of a local improvement, the ordinance levying the assessments shall provide that the sum charged against any lot, tract, and parcel of land or other property, or any portion thereof, may be paid during the thirty-day period allowed for the payment of assessments without penalty or interest and that thereafter the sum remaining unpaid may be paid in equal annual installments. The number of installments shall be less by two than the number of years which the bonds or notes issued to pay for the improvement are to run. Interest on the whole amount unpaid at the rate fixed by the ordinance shall be due on the due date of the first installment of principal and each year thereafter on the due date of each installment of principal. The first installment shall become due and payable during the thirty-day period succeeding the date one year after the date of first publication of the notice by the director of finance as provided in Section 3.12.090, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remains unpaid after the first thirty-day period herein provided for, interest upon the whole unpaid sum shall be charged at the rate to be fixed by the ordinance not exceeding the maximum rate permissible under RCW 19.52.020, and each year thereafter one of such installments, together with interest due upon the whole of the unpaid balance, shall be collected. Any installment not paid prior to the expiration of the thirty-day period during which such installment is due and payable shall thereupon become delinquent. All delinquent installments shall be subject to a penalty charge in an amount which shall be equal to the bond or installment note interest rate plus five percent, levied upon both principal and interest due on each installment or installments. (Ord. 28 1.10: Ord. 196: Ord. 8-79 1.01).

**3.12.110 Bond Installment Plan**

In case the improvement is made on the bond installment plan, the director of finance shall, at the expiration of thirty days after the first publication of the notice to pay assessment, report to the City Council the amount collected by him upon the roll and shall specify in the report the amount remaining unpaid upon the roll, and the City Council may then, or at a subsequent meeting, by ordinance direct the mayor and City Clerk to issue the bonds on the local improvement district established by the ordinance ordering the improvement in an amount equal to the amount remaining unpaid on the assessment. The ordinance shall specify the denomination of the bonds which, except for bond numbered "one," be in multiples of one hundred dollars each. (Ord. 28 1.11).

**3.12.120 Bonds-Form**

All bonds, unless otherwise specially ordered by the Council, issued in pursuance of the provisions of this chapter, may be in substantially the following form:

NO. \_\_\_\_\_ \$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF WASHINGTON

LOCAL IMPROVEMENT BOND  
CITY OF RICHLAND

LOCAL IMPROVEMENT DISTRICT NO.

N.B. This bond is issued by virtue of the provisions of RCW 35.45.010 et seq., 35.45.070 of which reads as follows:

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the City or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund of such City or town, and the City or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the City or town. The remedy of the holder or owner of a bond or warrant in case of nonpayment, shall be confined to the enforcement of the assessment and to the guaranty fund."

The City of Richland, a municipal corporation of the State of Washington, hereby promises to pay to \_\_\_\_\_ or bearer \_\_\_\_\_ dollars (\$\_\_\_\_\_), in lawful money of the United States, with interest thereon at the rate of \_\_\_\_\_ per cent per annum, payable annually out of the fund established by Ordinance No. \_\_\_\_\_ of said City, and known as "Local Improvement Fund, District No. \_\_\_\_\_," and not otherwise, except from the guaranty fund, as herein provided. Both principal of and interest on this bond are payable at the office of the Director of Finance of said City.

A coupon is hereto attached for each installment of interest to accrue hereon and said interest shall be paid only on presentation and surrender of such coupon to the Director of Finance.

This bond is payable on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, but is subject to call by the director of finance of said City whenever there shall be sufficient money in said Local Improvement Fund to pay the same, and all unpaid bonds of the series of which this bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series. The call for payment of this bond, or of any bond of the series of which this is one, shall be made by the director of finance by publishing the same once in the official newspaper, or, if there is no official newspaper, in a newspaper of general circulation within the City, and when such call is made for the payment of this bond it will be paid on the day the next interest coupon thereon shall become due after said call and upon said day interest upon this bond shall cease and any remaining coupons shall be void.

The City Council of said City as the agent of said Local Improvement District No. \_\_\_\_\_, established by Ordinance No. \_\_\_\_\_, has caused this bond to be issued in the name of said City as the bond of said Local Improvement District, the bond or the proceeds thereof to be applied in any part payment of so much of the cost and expense of the improvement of \_\_\_\_\_, under said Ordinance No. \_\_\_\_\_, as is levied and assessed against the property included in said Local Improvement District No. \_\_\_\_\_ and benefited by said improvement and the said Local Improvement Fund has been established by ordinance for said purpose; and the holder or holders of this bond shall look only to said fund and to the Local Government Guaranty Fund of the City of Richland for the payment of either the principal of or interest on this bond.

This bond is one of a series of \_\_\_\_\_ bonds aggregating in all the principal sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_), all of which bonds are subject to the same terms and conditions as herein expressed.

IN WITNESS WHEREOF, the City of Richland has caused these presents to be signed by its Mayor and attested by its City Clerk and sealed with its corporate seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_."

CITY OF RICHLAND, WASHINGTON  
By \_\_\_\_\_  
MAYOR

ATTEST:  
\_\_\_\_\_  
CITY CLERK

“There shall be attached to each bond such a number of coupons as shall be required to represent the interest thereon payable either annually or semiannually, as the case may be, for the term of said bonds, which coupons shall be substantially in the following form:

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the CITY OF RICHLAND, STATE OF WASHINGTON, promises to pay to the bearer at the office of the director of finance \_\_\_\_\_ dollars (\$ \_\_\_\_\_), being (six) (twelve) months' interest due that day on Bond No. \_\_\_\_\_ of the bonds of Local Improvement District No. \_\_\_\_\_, and not otherwise provided that this coupon is subject to all the terms and conditions contained in the bond to which it is annexed, and if said bond shall be called for payment before maturity hereof, then this coupon shall be void.”

CITY OF RICHLAND, WASHINGTON  
 By \_\_\_\_\_  
 MAYOR

ATTEST:

\_\_\_\_\_  
 CITY CLERK

The director of finance shall keep in his office a register of all such bonds in which he shall enter the local improvement district for which the same are issued and the date, amount and number of each bond and the term of payment. (Ord. 28 1.12).

**3.12.125 Installment Note Plan**

In case said improvement is made on the installment note plan, the director of finance shall, at the expiration of thirty days after the first publication of the notice to pay assessment, report to the City Council the amount collected by him upon the said roll and shall specify in said report the amount remaining unpaid upon said roll, and the City Council may then, or at a subsequent meeting, by ordinance, direct the City Manager and City Clerk to issue one or more installment notes on the local improvement district established by the ordinance ordering the improvement in an aggregate amount equal to the amount remaining unpaid on said assessment. Said ordinance shall specify the denomination of said notes. (Ord. 28 1.12.5: Ord. 196).

**3.12.126 Installment Notes-Form**

If more than one local improvement installment note is issued for a single district, said notes shall be numbered consecutively. All installment notes issued shall bear on the face thereof: (1) The name of the payee; (2) the number of the local improvement district from whose funds the notes are payable; (3) the date of issue of each note; (4) the date on which the note, or the final installment thereon shall become due; (5) the rate of interest, not to exceed eight per cent, to be paid on the unpaid balance thereof, and; (6) the manual signature of the City Manager and the attestation of the City Clerk.

The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by said notes. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting said note for the manual signature of the director of finance or other properly designated receiving officer of the City. (Ord. 28 1.12.6: Ord. 196).

**3.12.130 Local Improvement Guaranty Fund Created**

In accordance with Chapter 141, laws of 1923, and acts amendatory thereof (being Chapter 35.54, RCW), the City of Richland hereby establishes and creates a fund for the purpose of guaranteeing, to the extent of such fund, the payment of its bonds and warrants issued to pay for any local improvement ordered in local improvement districts in the City of Richland created subsequent to the effective date of this chapter. This fund shall be known and designated as Local Improvement Guaranty Fund. (Ord. 29 1.01).

**3.12.140 Financing Fund-Tax Levy-Subrogation Rights**

After April 6, 1959, there shall be levied, from time-to-time as other taxes are levied, such sums as may be necessary to meet the financial requirements of the Local Improvement Guaranty Fund created by this chapter; and whenever the City of Richland shall have paid out of said Guaranty Fund any sum on account of principal and interest on a local improvement bond or warrant hereunder guaranteed, the City of Richland, as trustee for such fund, shall be subrogated to all of the rights of the holder of the bond, interest coupon, or warrant so paid; and the proceeds thereof, or of the underlying assessments, shall become a part of said fund. (Ord. 29 1.02).

**3.12.150 Payment of Defaulted Interest Coupons, Bonds, or Warrants**

Whenever any interest coupon, bond, or warrant guaranteed under the provisions of the laws of the State of Washington in pursuance of which this chapter is passed shall be in default, the director of finance shall be and is hereby authorized and directed, upon the presentation and delivery of such defaulted coupon, bond, or warrant, to execute, issue in accordance with procedure prescribed by ordinance, and deliver to the person or persons presenting the same, in the order of their presentation, and shall honor and pay, a warrant on the Local Improvement Guaranty Fund in such amount as may be necessary to pay in full any such coupon, bond, or warrant with any interest that may be due thereon. Any defaulted coupon, bond or warrant received by the director of finance under the provisions of this chapter shall be held for the benefit of said Local Improvement Guaranty Fund. (Ord. 29 1.03).

**3.12.160 Warrants-Interest-Payment-Limitation**

Warrants drawing interest at a rate not to exceed six percent shall be issued, as other warrants are issued by the City, against the said Local Improvement Guaranty Fund to meet any liability accruing against it; and at the time of making its annual budget and tax levy, the City shall provide for the levying of a sum sufficient with the other resources of the fund to pay warrants so issued during the preceding fiscal year. Such warrants shall at no time exceed five percent of the outstanding bond obligations guaranteed by said Fund. (Ord. 29 1.04).

**3.12.170 Financing Fund-Interest-Local Improvement District Fund Surplus**

The director of finance is hereby authorized and directed to pay into such Local Improvement Guaranty Fund all interest received from bank deposits of said fund, as well as any surplus remaining in any local improvement district fund guaranteed under said state laws after the payment of all outstanding bonds or warrants payable primarily out of such local improvement district fund. (Ord. 29 1.05).

**3.12.180 Nonliability of City**

Neither the owner nor the holder of any bond, interest coupon, or warrant issued against a local improvement fund after the passage of this chapter shall have any claim therefor against the City, except for payment from the special assessments made for the improvement for which the bond or warrant was issued, and except as against the local improvement guaranty fund created by this chapter, and the City shall not be liable to any holder or owner of such bond, interest coupon, or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the City. The remedy of the holder or owner of a bond or warrant in case of nonpayment shall be confined to the enforcement of the assessment and to the guaranty fund. A copy of RCW 35.45.070, the provisions of which are embodied in this section, shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder. (Ord. 29 1.06).

**3.12.190 Installment Notes-Interest Default**

Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note, a noninterest-bearing defaulted installment interest certificate shall be issued by the director of finance which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the director of finance or his authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund. (Ord. 29 1.06: Ord. 616 1.03).

**3.12.200 Installment Notes-Default of Principal**

Whenever, at the date of maturity of any installment notes, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the notes shall be redeemed with any available funds in the local improvement guaranty fund for the amount of the final installment. (Ord. 29 1.06: Ord. 197: Ord. 616 1.03).

**3.12.210 Installment Notes-Redemption**

All certificates and notes are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in RCW Chapter 35.54, and whenever the certificates or notes issued as herein provided by the local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations. (Ord. 29 1.06: Ord. 197: Ord. 616 1.04).

**3.12.220 Foreclosure of Delinquent Assessments**

If, on the first day of January in any year, one installment of any local improvement assessment is delinquent, or if the final installment thereof has been delinquent for more than one year, the City may proceed with foreclosure on the delinquent assessments or delinquent installments by an appropriate action on behalf of the City in Benton County Superior Court. The foreclosure proceedings shall be in accordance with the provisions of RCW Chapter 35.50 as now exist or as may hereafter be amended, and in accordance with the provisions of this chapter. Such foreclosure proceedings shall be commenced on or before the first day of June of that year. (Ord. 27-83 1.01).

**3.12.230 Notice to Property-Owners**

The City support services director shall send by certified mail to each person whose name appears on the assessment rolls and/or tax rolls as owner of the property charged with any delinquent assessment or installment at each address listed on said assessment rolls and/or county tax rolls, a notice at least thirty (30) days before commencement of any action to foreclose a delinquent assessment or installment. The notice shall state the amount due on each separate lot, tract or parcel of land and the date after which the foreclosure proceedings will commence. (Ord. 27-83 1.02).

**3.12.240 Acceleration of Installments and Attorney's Fees**

In any action brought for the foreclosure of a delinquent assessment or installment, future installments not otherwise due and payable shall thereupon be accelerated and the entire balance of the assessment with interest, penalty and costs shall become due and payable and the collection thereof shall be enforced by foreclosure as set forth in this chapter; provided, however, that in the case of such foreclosure there shall be added to the costs and expenses as provided by RCW Chapter 35.50 such reasonable attorney's fees as the court may adjudge to be equitable, and the amount thereof apportioned to each delinquent assessment or installment appearing on the assessment rolls. (Ord. 27-83 1.03).

**3.12.250 Severability**

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 27-83 1.04).

### Chapter 3.16 - Contractors' Bonds

#### Sections:

##### **3.16.010 Bond Required**

##### **3.16.020 Conditions of Bond**

##### **3.16.030 Bond-Benefit-Right of Action**

#### **3.16.010 Bond Required**

Every person, firm or corporation who contracts with the City to do any work or make any improvements for the City shall make, execute and deliver to the City a good and sufficient bond, with two or more sureties, or with a surety company authorized to do business in the state, conditioned as required by Section 3.16.020, in an amount equal to the full contract price and shall be to the City of Richland, Washington. Such bond shall be filed with the director of finance. No such contract shall be valid or binding upon the City until the bond is delivered to the City. (Ord. 129 1.01).

#### **3.16.020 Conditions of Bond**

Such bonds shall be conditioned that the contractor shall faithfully perform such contract according to its terms, provisions and stipulations and pay all laborers, mechanics and subcontractors and materialmen and all persons who shall supply the contractor or subcontractor with provisions and supplies for the carrying on of the work, and to comply with all requirements of general laws and of the charter and ordinances of the City. (Ord. 129 1.02).

#### **3.16.030 Bond-Benefit-Right of Action**

Such bond shall be for the benefit and use of the City and also for the use and benefit of all laborers, mechanics, subcontractors, materialmen and all persons who supply the contractor and subcontractor with provisions and supplies for the carrying on of work. All such persons shall have a right of action in their own names upon the bond, as provided in RCW 39.08.030, upon complying with all the requirements as to notice of RCW 39.08.030, and in the case of persons furnishing materials, supplies or provisions to a subcontractor to be used in carrying on the work, with the provisions of RCW 39.08.065. (Ord. 129 1.03).

### Chapter 3.20 - Depositories

#### Sections:

##### **3.20.010 Depositories Designated**

##### **3.20.020 Agreement and Security**

##### **3.20.030 Deposit of Funds**

#### **3.20.010 Depositories Designated**

The official City depositories for all City funds shall be the Seattle First National Bank, a national banking corporation having a branch office in this City, the Rainier National Bank, a national banking corporation having a branch office in this City, the Old National Bank, a national banking corporation having a branch office in this City, and the People's National Bank, a national banking corporation having a branch office in this City. (Ord. 5 1.01: Ord. 553 1.01: Ord. 5-75 1.01: Ord. 46-81 1.01).

#### **3.20.020 Agreement and Security**

The director of finance, in the name of the City, shall enter into an appropriate agreement with the above depositories designated in Section 3.20.010, and shall have the authority to receive a surety bond or other collateral in lieu thereof as required by state law. (Ord. 5 1.02).

#### **3.20.030 Deposit of Funds**

No public moneys of the City shall be deposited in depositories until the depositary agreement has been entered into, until the surety bond or collateral in lieu thereof has been received by the City, and until the depositories otherwise satisfy the requirements of state law. (Ord. 5 1.03).

## Chapter 3.24 - Funds

## Sections:

- 3.24.010 General Fund-Created
- 3.24.020 General Fund-Use
- 3.24.030 Central Stores Fund-Created
- 3.24.040 Central Stores Fund-Administration
- 3.24.050 Central Stores Fund-Supplies and Materials
- 3.24.060 Central Stores Fund-Financial Control
- 3.24.070 Central Stores Fund-Purchases
- 3.24.080 Central Stores Fund-Expenditures
- 3.24.090 Central Stores Fund-Working Capital
- 3.24.100 Central Stores Fund-Deposits
- 3.24.110 Claims Fund-Created
- 3.24.120 Claims Fund-Transfers
- 3.24.130 Claims Fund-Payments
- 3.24.140 Claims Fund-Issuance of Warrants
- 3.24.150 Park Reserve Fund-Created
- 3.24.160 Park Reserve Fund-Use
- 3.24.170 Park Reserve Fund Accounts
- 3.24.180 Library Fund
- 3.24.190 Utility Clearing Fund-Created
- 3.24.200 Utility Clearing Fund-Transfers
- 3.24.210 Utility Clearing Fund-Administration
- 3.24.220 Utility Clearing Fund-Transition
- 3.24.230 Utility Clearing Fund-Working Capital
- 3.24.240 Electrical Fund-Created
- 3.24.250 Equipment Maintenance Fund-Created
- 3.24.260 Equipment Replacement Fund-Created
- 3.24.270 Equipment Funds-Administration
- 3.24.280 Equipment Funds-Equipment Included
- 3.24.290 Equipment Funds-Equipment Use charges
- 3.24.300 Equipment Funds-Financial Control
- 3.24.310 Equipment Funds-Purchases
- 3.24.320 Equipment Funds-Expenditures
- 3.24.330 Equipment Funds-Deposits
- 3.24.340 Employee Benefits Program Fund
- 3.24.350 Post Employment Benefits Program Fund
- 3.24.360 Police Relief and Pension Fund-Created
- 3.24.370 Firemen's Pension Fund-Created
- 3.24.380 Unemployment Compensation Trust Fund
- 3.24.390 Workers Compensation Payment Reserve Fund
- 3.24.400 Salary Fund-Created
- 3.24.410 Salary Fund-Transfers
- 3.24.420 Salary Fund-Payments
- 3.24.430 Salary Fund-Issuance of Warrants
- 3.24.440 Streets Fund-Created
- 3.24.450 Streets Fund-Use
- 3.24.460 Water Fund-Created
- 3.24.470 Sewer Fund-Created
- 3.24.480 Solid Waste Fund-Created
- 3.24.490 Storm Water Utility Fund
- 3.24.500 Industrial Development Fund-Created
- 3.24.510 Industrial Development Fund-Use
- 3.24.520 I-Net Fund
- 3.24.530 Public Works Administration and Engineering Fund
- 3.24.540 Community Development Block Grant Program Fund-Created-Use
- 3.24.550 Business Improvement District Fund-Created

- 3.24.560 Business Improvement District Fund-Distributions**
- 3.24.570 Business Improvement District Fund-Administration**
- 3.24.580 Real Estate Excise Tax Capital Improvements Fund-Created**
- 3.24.590 Real Estate Excise Tax Capital Improvements Fund-Use**
- 3.24.600 Criminal Justice Fund**
- 3.24.610 Southeast Communications Fund**
- 3.24.620 Reserved**
- 3.24.630 Reserved**
- 3.24.640 HOME Fund**
- 3.24.650 Golf Course Fund**
- 3.24.660 Medical Service Fund**
- 3.24.670 Emergency Management Fund**
- 3.24.680 Fire and Swim Refunding Debt Service Fund**
- 3.24.690 LTGO Improvement/Refund 98 Debt Service Fund**
- 3.24.700 Library Debt Service Fund**
- 3.24.710 Unlimited Tax General Obligation 1999 Bond Fund**
- 3.24.720 Unlimited Tax General Obligation 2000 Bond Fund**
- 3.24.730 LID 190 Tri-Cities Estates Construction Fund**
- 3.24.740 Reserved**
- 3.24.750 Reserved**
- 3.24.760 Library Construction Fund**
- 3.24.770 Richland Public Facilities District Fund**
- 3.24.780 Park Project Construction Fund**
- 3.24.790 Columbia Point Master Association Fund**
- 3.24.800 800 MHz Radio Project Fund**
- 3.24.890 Broadband Utility Fund-Created**

**3.24.010 General Fund-Created**

There is created the general fund into which shall be placed all moneys received by the City unless otherwise provided for. (Ord. 6 1.01)

**3.24.020 General Fund-Use**

The general fund shall be used to pay all warrants drawn for payment of claims and demands against the City unless otherwise provided for. (Ord. 102)

**3.24.030 Central Stores Fund-Created**

There is hereby created the central stores fund to be used as a revolving fund to be expended for the purchase of supplies and materials of kinds which are commonly used by more than one department of the City and for supplies, equipment and salaries required for the administration of the fund. (Ord. 81 1.01)

**3.24.040 Central Stores Fund-Administration**

The central stores fund shall be administered by the department of Administrative Services. (Ord. 81 1.02: Ord. 32-97: Ord. 45-05)

**3.24.050 Central Stores Fund-Supplies and Materials**

Each department shall pay into the central stores fund monthly an amount equal to the cost of supplies and materials requisitioned by it from the central stores fund, including a proportionate share of the cost of administering the fund. (Ord. 81 1.03)

**3.24.060 Central Stores Fund-Financial Control**

The finance manager shall keep such books, accounts and records as are necessary to control and report the financial operations of the central stores fund. (Ord. 81 1.04: Ord. 32-97)

**3.24.070 Central Stores Fund-Purchases**

All purchases made from said fund shall be governed by the charter and ordinances of the City relating to purchasing. (Ord. 81 1.05)

**3.24.080 Central Stores Fund-Expenditures**

Any withdrawals or expenditures from said fund shall be made only upon approved payrolls and vouchers in the City. (Ord. 81 1.06)

**3.24.090 Central Stores Fund-Working Capital**

The City Council may from time to time appropriate money from the general fund to central stores fund to provide adequate capital to enable it to discharge its function. (Ord. 81 1.07)

**3.24.100 Central Stores Fund-Deposits**

All moneys deposited in said central stores fund and not expended as provided herein shall remain in said fund from year to year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as is herein provided; provided, however, any moneys in the fund not needed therein may from time to time be transferred by appropriate action of the Council of the City of Richland to the general fund of the City of Richland. (Ord. 81 1.08)

**3.24.110 Claims Fund-Created**

There is hereby created a fund, known and designated as the claims fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various claims against the City for any purpose. (Ord. 36 1.01)

**3.24.120 Claims Fund-Transfers**

On the last day of each and every month, the finance manager is hereby authorized, empowered and directed to transfer from the funds of the various departments and offices to the claims fund sufficient moneys to pay the claims against the various departments and offices of the City. (Ord. 36 1.02: Ord. 32-97)

**3.24.130 Claims Fund-Payments**

The claims fund shall be used and payments therefrom shall be made only for the purpose of paying any claims against the City. (Ord. 36 1.03)

**3.24.140 Claims Fund-Issuance of Warrants**

The finance manager is hereby authorized, empowered and directed to issue warrants on and against said fund in payment of materials furnished, service rendered, or expense or liability incurred by the various departments and offices of the City. Said warrants shall be issued only after there has been filed with the finance manager properly certified vouchers, stating the nature of the claim, the amount due or owing and the person, firm or corporation entitled thereto. All warrants issued on or against said fund shall be solely and only for the purposes herein set forth, and shall be payable only out of and from said fund. Each warrant issued under the provisions of this chapter shall have printed upon its face the words "Claims Fund." (Ord. 36 1.04: Ord. 32-97)

**3.24.150 Park Reserve Fund-Created**

There is created the park reserve fund for City parks and for public open spaces devoted to public parks, playgrounds, trails and recreational facilities, into which shall be placed all funds received by the mitigation fees levied on new development, the income from leases on or of park property, and any sale of park property. Items included in the City's annual budget for the park reserve fund may include any gifts and bequests given or bequeathed to the City for the acquisition or development of public open spaces devoted to public parks, playgrounds, and trails, and other recreational purposes. The Council may by resolution otherwise designate such funds as may from time to time be received from the sale of non-industrial lands to the Park Reserve Fund. (Ord. 76-74 1.02: Ord. 52-92; Ord. 07-02)

**3.24.160 Park Reserve Fund-Use**

The park reserve fund for public open spaces shall be used to acquire (by purchase or condemnation) and develop public open spaces devoted to public parks, playgrounds, trails, and recreation facilities. The moneys in the fund shall be allowed to accumulate from year to year until the City Council shall determine to expend all or a part of the moneys in the fund for the specified purpose. (Ord. 76-74 1.04: Ord. 52-92; Ord. 07-02)

**3.24.170 Park Reserve Fund Accounts**

The park reserve fund shall contain five (5) park zone accounts and an undesignated park account. The five (5) park zone accounts are described as follows: Horn Rapids Zone bounded by the Richland Urban Growth boundary on the north and southwest, Van Giesen Street on the south, and State Route 240 (By-Pass Highway) on the east; North Richland Zone bounded by the Richland Urban Growth boundary on the north, Stevens Drive and State Route 240 (By-Pass Highway) on the west, Van Giesen Street on the south, and the Richland city limits line on the east; Central Richland Zone bounded by Van Giesen Street on the north, State Route 240 (By-Pass Highway) on the west, Interstate 182 on the south, and the Richland city limits line on the east; Yakima Corridor Zone bounded by Van Giesen Street on the north, the Yakima River to Riverview Natural Preserve on the west, Columbia Park Trail to the Columbia River levee at the Richland Wye, then along the ordinary high watermark on the south, and the Richland city limits line on the east; and South Richland Zone bounded by the Yakima Corridor Zone on the north and the Richland Urban Growth boundary on the west, south, and east. Proceeds from any leases of or on park property or sale of park property shall be placed in the undesignated park account. Monies received from fees upon new development shall be credited to the park zone account in which the plat or subdivision from which the fees are received is located. (Ord. 07-02)

**3.24.180 Library Fund**

There is hereby created a library fund which shall consist of (a) gifts, bequests and devises given, bequeathed or devised to or for the use or benefit of the Richland Public Library (hereinafter referred to as the "library"), (b) the income from property held or owned in trust for said library, and (c) sums appropriated by the City Council for the library. All expenditures from the library fund shall be authorized by the board, who shall certify expenditures to the finance manager. The finance manager shall thereupon issue warrants therefore payable out of any money in the library fund not otherwise appropriated. (Ord. 67 1.05; Ord. 181; Ord. 32-97; Ord. 25-08).

**3.24.190 Utility Clearing Fund-Created**

There is hereby created a fund, known and designated as the utility clearing fund, into which shall be paid all sums received from the sale of water and electricity and for sewer and garbage and trash removal services and for any other public utility service furnished by the City.(Ord. 82 1.01; Ord. 25-08).

**3.24.200 Utility Clearing Fund-Transfers**

On the first regular business day of each month, the finance manager is authorized, empowered and directed to transfer from the utility clearing fund to each of the utility departments, the total amount billed during the preceding month for services rendered for water, electricity, sewer, garbage and trash removal services furnished, as the case may be, for each such department. Appropriate adjustments shall be made to reflect bills uncollected. (Ord. 82 1.02; Ord. 32-97; Ord. 25-08).

**3.24.210 Utility Clearing Fund-Administration**

The finance manager shall keep a full and careful record of receipts and transfers with respect to each utility department. No warrants shall be issued against the utility clearing fund. The fund shall be used only to facilitate the billing and collection of utility accounts. (Ord. 82 1.03; Ord. 32-97; Ord. 25-08).

**3.24.220 Utility Clearing Fund-Transition**

Utility bills assigned to the City for collection for water or electricity sold or services rendered by the General Electric Company prior to the transfer to the City of such functions shall be paid into the utility clearing fund and the amounts collected shall be transferred to the general fund, notwithstanding any other provisions of this chapter. (Ord. 82 1.04; Ord. 25-08)

**3.24.230 Utility Clearing Fund-Working Capital**

The City Council may appropriate from the general fund for the utility clearing fund from time to time such amounts as are reasonably necessary to enable the fund to function as a revolving fund. Any amount so appropriated as is excess to the needs of the utility clearing fund shall be returned to the general fund. (Ord. 82 1.05; Ord. 25-08)

**3.24.240 Electrical Fund-Created**

All revenues collected by the City from sale of electrical energy or for services rendered by the department under the provisions of this code shall be deposited in the treasury of the City in a separate account to be known as the electrical fund. All warrants for purchase of electrical energy, for salaries, materials, supplies, equipment, and repairs relating to sale of electrical energy by the City shall be paid out of such fund. (Ord. 90 9.01; Ord. 25-08)

#### **3.24.250 Equipment Maintenance Fund-Created**

There is hereby created the Equipment Maintenance Fund to be used as a revolving fund to be expended for salaries, wages and operations required for the repair, maintenance and operation of equipment and the purchase of equipment, materials and supplies to be used in the administration and operation of the fund. (Ord. 137 1.01; Ord. 37-06; Ord. 25-08)

#### **3.24.260 Equipment Replacement Fund-Created**

There is hereby created the Equipment Replacement Fund to be used as a revolving fund to be expended for the purchase of new equipment and for replacement of existing equipment. (Ord. 137 1.02; Ord. 1-95; Ord. 37-06; Ord. 25-08)

#### **3.24.270 Equipment Funds-Administration**

The Equipment Maintenance Fund and the Equipment Replacement Fund shall be administered by the Administrative Services Department. (Ord. 137 1.03; Ord. 1-95; Ord. 45-05; Ord. 37-06; Ord. 25-08)

#### **3.24.280 Equipment Funds-Equipment Included**

All trucks, passenger cars and equipment belonging to the City may be in an Equipment Replacement Fund operated by the Administrative Services Department within said funds. (Ord. 137 1.04; Ord. 1-95; Ord. 45-05; Ord. 37-06; Ord. 25-08)

#### **3.24.290 Equipment Funds-Equipment Use Charges**

Each department shall pay into the Equipment Replacement Fund monthly a charge for replacement based on the estimated useful life of the equipment and for the purchase of new equipment subject to budgetary availability. (Ord. 137 1.05; Ord. 1-95; Ord. 37-06; Ord. 25-08)

#### **3.24.300 Equipment Funds-Financial Control**

The finance manager shall keep such books, accounts and records as are necessary to control and report the financial operations of the Equipment Maintenance Fund and the Equipment Replacement Fund. (Ord. 137 1.06; Ord. 1-95; Ord. 37-06; Ord. 25-08)

#### **3.24.310 Equipment Funds-Purchases**

All purchases made from said Funds shall be governed by the charter and ordinances of the City relating to purchasing. (Ord. 137 1.07; Ord. 25-08)

#### **3.24.320 Equipment Funds-Expenditures**

Any withdrawals or expenditures from said Equipment Maintenance Fund shall be made only upon approved payrolls and vouchers of the City. Any expenditure from the Equipment Replacement Fund shall be made only upon approved vouchers of the City. (Ord. 137 1.08; Ord. 37-06; Ord. 25-08)

#### **3.24.330 Equipment Funds-Deposits**

All moneys deposited in the Equipment Maintenance Fund and in the Equipment Replacement Fund, including amounts included therefore in the annual budget of the City, and not expended as in this code provided, shall remain in the respective Funds from year-to-year and shall not be transferred to any other fund or expended for any purpose whatsoever, except as in this code provided; provided, however, that any money in the Equipment Maintenance Fund not needed therein may from time-to-time be transferred by appropriate action of the City Council to the appropriate funds of the City. (Ord. 137 1.09; Ord. 1-95; Ord. 37-06; Ord. 25-08)

#### **3.24.340 Employee Benefits Program Fund**

There is created an employee benefits program fund into which shall be placed health and dental insurance premiums and reserves, and such other funds as may be available therefore, and from which shall be paid all health, dental and vision insurance claims, administrative costs, wellness program costs

and expenses deemed appropriate by the City Council provided reserves are adequately funded. (Ord. 2-83 1.01: Ord. 5-90: Ord. 32-97; Ord. 25-08)

#### **3.24.350 Post Employment Benefits Program Fund**

There is hereby created a Post Employment Benefits Program Fund into which shall be placed health and dental insurance premiums paid by retirees and payments by the City on behalf of current and future retirees for the purpose of paying healthcare insurance premiums for eligible retirees. (Ord. 25-08)

#### **3.24.360 Police Relief and Pension Fund-Created**

There is hereby created and established in the Finance Division a Police Relief and Pension Fund into which shall be placed such moneys as required or authorized by Chapter 41.20, RCW, and which shall be used as required or authorized by that chapter. (Ord. 31 1.02: Ord. 32-97; Ord. 25-08)

#### **3.24.370 Firemen's Pension Fund-Created**

There is hereby created and established in the Finance Division a Firemen's Pension Fund into which shall be placed such moneys as required or authorized by Chapters 41.16 and 41.18, RCW, and which shall be used as required or authorized by those chapters. (Ord. 30 1.02: Ord. 32-97; Ord. 25-08)

#### **3.24.380 Unemployment Compensation Trust Fund**

There is created an unemployment compensation trust fund into which shall be placed funds appropriated in the City budget for such purpose and such other funds as may be available therefore, and from which shall be paid all unemployment compensation claims and administrative costs. (Ord. 2-83 1.02; Ord. 25-08)

#### **3.24.390 Workers Compensation Payment Reserve Fund**

There is created a workers compensation payment reserve fund into which shall be placed such moneys as shall from time-to-time be appropriated or budgeted in amounts sufficient in the determination of the finance manager to pay estimated uninsured losses, resulting from claims against the City and from which shall be paid such amounts as shall be required for the payment of such uninsured losses. Monies shall also be used to pay for preventive education programs and expenses deemed appropriate by the City Council provided reserves are adequately funded. (Ord. 37-78 1.01: Ord. 5-90: Ord. 32-97; Ord. 25-08)

#### **3.24.400 Salary Fund-Created**

There is hereby created a fund, known and designated as the Salary Fund, into which shall be paid and transferred from the various departments and offices an amount of money equal to the various salaries, wages and other compensations due City employees. (Ord. 35 1.01; Ord. 25-08)

#### **3.24.410 Salary Fund-Transfers**

On the last day of each and every month, the finance manager is hereby authorized, empowered and directed to transfer from the funds of the various departments and offices to the Salary Fund sufficient funds to pay the salaries, wages and other compensations of the employees of the various departments and offices of the City for that month. (Ord. 35 1.02: Ord. 32-97; Ord. 25-08)

#### **3.24.420 Salary Fund-Payments**

The Salary Fund shall be used and payments therefrom shall be made only for the purpose of paying and compensating employees of the City for services rendered, and paying employee deductions to those persons, agencies, organizations and funds entitled to such payments. (Ord. 35 1.03; Ord. 25-08)

#### **3.24.430 Salary Fund-Issuance of Warrants**

The finance manager is hereby authorized, empowered and directed to issue warrants on and against said Fund for payments authorized by Section 3.24.410. Said warrants shall be issued only after there has been filed with the finance manager properly certified payrolls, due bills, or time certificates stating the nature of the services rendered, the amount due or owing and the persons entitled thereto. All warrants issued on or against said fund shall be solely and only for the purpose herein set forth and shall be payable only out of and from said Fund. Each warrant issued under the provisions of this ordinance shall have printed upon its face the words, "Salary Fund." (Ord. 35 1.04: Ord. 32-97; Ord. 25-08)

**3.24.440 Streets Fund-Created**

There is hereby created a Streets Fund into which shall be placed motor vehicle license fees, gas tax and all other state and City revenue and moneys intended to be used for highway or street purposes. (Ord. 7 1.01; Ord. 25-08)

**3.24.450 Streets Fund- Use**

The Streets Fund shall be used to pay all warrants drawn for the payment of salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other purpose in connection with construction, alteration, repair, improvement, or maintenance of any City street or bridge, or viaduct or underpass along, upon or across such streets. Such expenditures may be made either independently or in conjunction with any federal, state or county funds. (Ord. 7 1.02; Ord. 25-08)

**3.24.460 Water Fund-Created**

There is created in the treasury of the City a special fund to be known as the water fund. Any and all revenues received from charges for services rendered by the department shall be credited to said fund, and all warrants for salaries, material, supplies and equipment and repair of the water system shall be paid out of such fund. Approved construction projects for the Water Utility will be paid from this fund. (Ord. 80 9.01; Ord. 25-08)

**3.24.470 Sewer Fund-Created**

There is created in the treasury of the City a special fund to be known as the sewer fund. Any and all revenues received from the sale of by-products of the sewer treatment plant, or from any other source for rental, use or services rendered by the municipal sewer system shall be credited to the fund; and all warrants for salaries, materials, supplies and equipment and repair of the municipal sewer system shall be paid out of such fund. Approved construction projects for the Sewer Utility will be paid from this fund. (Ord. 77 18.01; Ord. 25-08)

**3.24.480 Solid Waste Fund-Created**

There is created in the treasury of the City a special fund to be known as the solid waste fund. Any and all revenues from contracts for scavenging and garbage rights, from sale of any refuse, and from charges for services rendered by the City under the provisions of this section and Title 15 shall be credited to the fund; and all warrants for salaries, materials, supplies, equipment and repairs relating to refuse disposal shall be paid out of such fund. Approved construction projects for the Solid Waste Fund will be paid from this fund. (Ord. 830 1.01; Ord. 79 1.01; Ord. 25-08)

**3.24.490 Storm Water Utility Fund**

There is hereby created a fund, known and designated as the Storm Water Utility Fund, into which shall be deposited various monies received by the City of Richland for storm water utility charges as set forth in Title 16 of the Richland Municipal Code. This revenue and such other revenues as may be available to the storm water utility fund will be used to pay the expenses of the storm water utility program as set forth in Title 16 of the Richland Municipal Code. Approved construction projects for the Storm Water Utility will be paid from this fund. (Ord. 9-98; Ord. 25-08)

**3.24.500 Industrial Development Fund-Created**

There is created an industrial development fund into which shall be placed the proceeds from the sale of City real property. (Ord. 109 1.04; Ord. 769 1.03; Ord. 25-08)

**3.24.510 Industrial Development Fund-Use**

The industrial development fund shall be used for purposes of industrial development. The proceeds from the sale of City real property shall accumulate for the purchase and construction of major capital improvements, including financial support for industrial development activities. Use of this fund shall be approved by the City Council prior to its expenditure. The net receipts from the sale of City-owned property shall be deposited into this fund; however, if the sold property had been park land, such receipts shall be deposited in the park reserve fund. The receipts deposited shall then reimburse the various utility and all other pertinent accounts for contributed infrastructure, land acquisition costs and promotional

expenses as the ratio of various funds' investment bear to the total investment in the parcel as-a-whole. Such reimbursement shall be limited to the respective funds' total investment in the subject parcel. Such reimbursement procedure shall be further described in the administrative policies. (Ord. 109 1.05; Ord. 396 1.01; Ord. 769 1.03; Ord. 32-97; Ord. 25-08).

#### **3.24.520 I-Net Fund**

There is hereby created a fund, known and designated as the I-Net Fund into which shall be deposited a portion of funds from franchise fees received by the City of Richland, and such other funds as may be available therefore, for expenses related to the capital purchases for the I-Net project and from which shall be paid the expenses for the Cable Communications I-Net project. (Ord. 47-03; Ord. 25-08)

#### **3.24.530 Public Works Administration and Engineering Fund**

There is hereby created a fund, known and designated as the Public Works Administration and Engineering Fund, into which shall be deposited various monies received by the City for the engineering projects, administrative and engineering services charges from other funds and such other funds as may be available therefore, for the expenses related to the Public Works Administration and Engineering Fund and from which shall be paid the expenses for the Public Works Administration and Engineering Fund. (Ord. 45-05; Ord. 25-08)

#### **3.24.540 Community Development Block Grant Program Fund-Created-Use**

There is hereby created a fund, known and designated as the Community Development Block Grant Program Fund, into which shall be paid various federal or state moneys received by the City of Richland for community development programs such as the 1974 Housing and Urban Development Title 1 program. Appropriations from the fund may be made by the City Council of Richland for projects as approved by them. Warrants may be drawn upon the fund for purposes as provided in this section and to the extent that funds are available. (Ord. 21-75 1.02; Ord. 25-08)

#### **3.24.550 Business Improvement District Fund-Created**

There is hereby created a fund, known and designated as the Business Improvement Districts Fund (BID), into which shall be paid all BID revenues from special assessments levied under the authority of RCW 35.87A, gifts and donations for the BID fund, monies for expenditures made and reimbursements due to the BID fund, and interest and all other income from the investment of deposits according to established City procedures and policies. All activities of the Uptown and Downtown Districts as well as future districts will be identified within this fund by separate divisions. (Ord. 32-03; Ord. 25-08)

#### **3.24.560 Business Improvement District Fund-Distributions**

On the first regular business day of each month, the finance manager is authorized, empowered and directed to distribute from the BID Fund the total amount of special assessments collected for each district under RCW 35.87A.130 and Richland Ordinance No. 29-03 during the preceding month. (Ord. 32-03; Ord. 25-08)

#### **3.24.570 Business Improvement District Fund-Administration**

The finance manager shall keep a full and careful record of receipts and distributions with respect to each district within the Business Improvement District Fund. (Ord. 32-03; Ord. 25-08)

#### **3.24.580 Real Estate Excise Tax Capital Improvements Fund-Created**

There is created a special accounting fund to be known as the "Real Estate Excise Tax Capital Improvements Fund" into which fund there shall be placed all proceeds received from the County Treasurer from the City of Richland one half of one percent real estate tax and from the sale of City real property. (Ord. 28-86; Ord. 41-93; Ord. 32-97; Ord. 25-08)

#### **3.24.590 Real Estate Excise Tax Capital Improvements Funds-Use**

This real estate excise tax capital improvements fund which includes the one half of one percent real estate tax shall be used only for local improvements, including those listed in RCW 35.43.040 and for capital projects defined by RCW 82.46.010(6). (Ord. 28-86; Ord. 41-93; Ord. 32-97; Ord. 25-08)

#### **3.24.600 Criminal Justice Fund**

There is hereby created a special accounting fund to be known as the Criminal Justice Fund into which there shall be placed all monies received from the state of Washington for criminal justice. Monies are intended to be used for funding activities relating to the enforcement and administration of the criminal law. (Ord. 3-91; Ord. 25-08)

#### **3.24.610 Southeast Communications Fund**

There is hereby created a special accounting fund to be known as the Southeast Communications Fund into which there shall be placed all proceeds received for emergency dispatch services and various monies received by the City of Richland for emergency dispatch services and such other funds as may be available therefore for expenses related to emergency dispatch services and from which shall be paid the expenses of emergency dispatch services. (Ord. 47-91; Ord. 32-97; Ord. 25-08)

#### **3.24.620 Reserved**

#### **3.24.630 Reserved**

#### **3.24.640 HOME Fund**

There is hereby created a fund, known and designated as HOME Fund into which shall be deposited various monies received by the City of Richland for HOME program and such other funds as may be available therefore for the expenses related to the HOME program and from which shall be paid the expenses of HOME program. (Ord. 45-96; Ord. 25-08)

#### **3.24.650 Golf Course Fund**

There is hereby created a fund, known and designated as Golf Course Fund into which shall be deposited various monies received from charges for golf course services rendered by the City of Richland and such other funds as may be available therefore for the expenses related to the golf course fund and from which shall be paid the expenses of golf course services. (Ord. 32-97; Ord. 25-08)

#### **3.24.660 Medical Service Fund**

There is hereby created a fund, known and designated as Medical Service Fund into which shall be deposited various monies received from ambulance household charges and ambulance services rendered by the City of Richland and such other funds as may be available therefore for the expenses related to the medical service fund and from which shall be paid the expenses of medical services. (Ord. 32-97; Ord. 58-99; Ord. 25-08)

#### **3.24.670 Emergency Management Fund**

There is hereby created a fund, known and designated as emergency management fund into which shall be deposited various monies received by the City of Richland for emergency management services and such other funds as may be available therefore for expenses related to the emergency management services and from which shall be paid the expenses of emergency management services. (Ord. 32-97; Ord. 25-08)

#### **3.24.680 Fire and Swim Refunding Debt Service Fund**

There is hereby created a fund, known and designated as 1996 Refunding Debt Service Fund into which shall be deposited various monies received by the City of Richland for 1996 Refunding Debt Service Fund and such other funds as may be available for the expenses related to the 1996 Refunding Debt Service and from which shall be paid the expenses for 1996 Refunding Debt Service. (Ord. 45-96; Ord. 32-97; Ord. 25-08)

#### **3.24.690 LTGO Improvement/Refund 98 Debt Service Fund**

There is hereby created a fund, known and designated as the LTGO Improvement/ Refund 98 Debt Service Fund into which shall be deposited various monies received by the City of Richland for the LTGO Improvement/Refund 98 Debt Service Fund and such other funds as may be available for the expenses related to the LTGO Improvement/Refund 98 Debt Service and from which shall be paid the expenses for the LTGO Improvement/Refund 98 Debt Service. (Ord. 34-98; Ord. 25-08)

**3.24.700 Library Debt Service Fund**

There is hereby created a fund, known and designated as Library Debt Service Fund into which shall be deposited various monies received by the City of Richland for the Library Debt Service Fund and such other funds as may be available for the purposes related to the Library Debt Service and from which shall be paid the expenses for the Library Debt Service. (Ord. 36-07; Ord. 25-08)

**3.24.710 Unlimited Tax General Obligation 1999 Bond Fund**

There is hereby created a fund, known and designated as Unlimited Tax General Obligation 1999 Bond Fund into which shall be deposited various monies received by the City of Richland from property taxes for the debt service payments on the 1999 Unlimited Tax General Obligation Bonds, issued to pay for construction of the Richland Police Station. (Ord. 44-99; Ord. 25-08)

**3.24.720 Unlimited Tax General Obligation 2000 Bond Fund**

There is hereby created a fund, known and designated as Unlimited Tax General Obligation 2000 Bond Fund into which shall be deposited various monies received by the City of Richland from property taxes for the debt service payments on the 2000 Unlimited Tax General Obligation Bonds, issued to pay for construction of the Richland Community Center. (Ord. 25-00; Ord. 25-08)

**3.24.730 LID 190 Tri-Cities Estates Construction Fund**

There is hereby created a fund, known and designated as the LID 190 Tri-Cities Estates LID Construction Fund into which shall be deposited various monies received by the City of Richland for the LID 190 Tri-Cities Estates Construction Fund, and such other funds as may be available therefore, for the expenses related to the Construction Fund, and such other funds as may be available therefore, for the expenses related to the LID 190 Tri-Cities Estates Construction and from which shall be paid the expenses for the LID 190 Tri-Cities Estates Construction. (Ord. 37-06; Ord. 25-08)

**3.24.740 Reserved****3.24.750 Reserved****3.24.760 Library Construction Fund**

There is hereby created a fund, known and designated as the Library Construction Fund into which shall be deposited various monies received by the City of Richland for the Library Construction fund, and such other funds as may be available therefore, for the expenses related to the Library Construction and from which shall be paid the expenses for the Library Construction. (Ord. 37-06; Ord. 25-08)

**3.24.770 Richland Public Facilities District Fund**

There is hereby created a fund known and designated as the Richland Public Facilities District Fund into which shall be deposited a local sales tax of up to .0333 percent which would be a credit against the state sales tax and various monies received by the City of Richland for the Richland Public Facilities District Fund, and such other funds as may be available therefore, for the expenses related to the Richland Public Facilities District and from which shall be paid the expenses for the Richland Public Facilities District. (Ord. 39-02; Ord. 25-08)

**3.24.780 Park Project Construction Fund**

There is hereby created a fund, known and designated as the Park Project Construction Fund into which shall be deposited various monies received from grants and other financing sources related to the Park Project Construction Fund, and such other funds as may be available therefore, for the expenses related to the Park Project Construction Fund and from which shall be paid the expenses for the Park Project Construction Fund. (Ord. 47-03; Ord. 25-08)

**3.24.790 Columbia Point Master Association Fund**

There is hereby created a fund, known and designated as the Columbia Point Master Association Fund into which shall be deposited various monies received from the owner of each tract of Columbia Point including the City of Richland for such purpose, and other such funds as may be available therefore, and from which shall be paid expenses for Columbia Point Master Association and other related costs. (Ord. 49-99; Ord. 25-08).

**3.24.800 800 MHz Radio Project Fund**

There is hereby created a fund, known and designated as the 800 MHz Radio Project Fund which shall be deposited various monies received by the City of Richland for the 800 MHz Radio Project Fund, and such other funds as may be available therefore, for the expenses related to the 800 MHz Radio Project and from which shall be paid the expenses for the 800 MHz Radio Project. (Ord. 42-00; Ord. 25-08).

**3.24.890 800 Broadband Utility Fund-Created**

There is hereby created in the treasury of the City a special fund to be known as the Broadband Utility Fund. Any and all revenues received from the sale of services of the Broadband system, or from any other source for rental, use or services rendered by the municipal Broadband system shall be credited to the fund; and all expenditures for salaries, materials, supplies and equipment and repair of the municipal Broadband system shall be paid out of such fund. Approved construction projects for the Broadband Utility will be paid from this fund. (Ord.22-09)

### Chapter 3.26 - Utility Deposit System

#### Sections:

##### 3.26.010 Deposit for Utility Service

##### 3.26.020 Exemption from Deposit-Qualifications

#### 3.26.010 Deposit for Utility Service

Applications for electrical, water, or other utility service, made by the tenant of leased or rented residential premises, shall be accompanied by a utility services deposit, provided, however, that the deposit will not be required for electrical services for those set forth in Section 14.12.010 of this code. The deposit amount shall equal twice the monthly average bill of the previous twelve (12) months for that occupied location without regard to prior discounted rates. If the premises has not been occupied continuously for the last twelve (12) months, then the deposit will be determined by a methodology contained in the City of Richland's Administrative Policies – Customer Services Policies which reasonably estimates twice the monthly occupied average.

Upon termination of service to the tenant, the amount of the deposit may be applied against any electrical, water or other utility charges then due or to become due from the tenant, including any connection or reconnection charges and shall be remitted to the appropriate fund or funds. If the amount of the deposit is not sufficient to pay the total of the unpaid charges, remittance shall be made to the appropriate fund or funds on a pro rata basis. If there is a balance remaining after payment of all utility charges then due or to become due from the tenant, such balance shall be refunded. (Ord. 27-81: Ord. 34-83: Ord. 42-01).

#### 3.26.020 Exemption from Deposit-Qualifications

If a new customer presents a letter of credit reference that is for the immediate prior twelve (12) months of continuous service from a comparable utility company and meets the definition of good credit history, then there is an exemption from the requirement to make a deposit for utility services. Good credit history is defined as follows:

- A. One or fewer delinquent notices within the previous twelve (12) months and,
- B. No disconnects for non-payment of a bill or deposit within the previous twelve (12) months and,
- C. One or fewer checks returned to the City or prior utility for insufficient funds from his/her bank within the previous twelve (12) months and,
- D. No outstanding balances for utilities with the city within the last five years.

Existing utility customers who meet the qualifications for good credit, but who applied for services prior to the passage of this amendatory ordinance, will automatically have their deposit applied back to their account after the end of the month in which they are determined to qualify for the exemption. Upon completion of a twelve (12) month service period, all customers covered by the deposit will undergo an automatic review. If the above qualifications are met, the deposit shall be applied to the customer's account after the last day of the month in which they qualify.

Deposit Reinstated: The deposit requirement will be reinstated when:

- A. After receiving two delinquent notices since the start of the account, another delinquent notice is mailed within twelve (12) months of the last delinquent notice, or
- B. A customer is on the list for disconnects on the day disconnects are started, or
- C. Two payments are returned to the city for non-sufficient funds, or
- D. A customer has an outstanding balance for utilities with the City created within the last five (5) years, or
- E. A customer has a pattern of delinquent notices and one payment is returned to the city for non-sufficient funds.

The deposit will be retained until the customer re-establishes a good credit history for a period of twelve (12) months from the time the re-established deposit is fully paid. (Ord. 17-87: Ord. 16-89: Ord. 48-94: Ord. 34-96: Ord. 42-01: Ord.12-07).

**Chapter 3.27 - Utility Budget Payment Plan****Sections:****3.27.010 Utility Budget Payment Plan****3.27.020 Revision to the Utility Budget Payment Plan****3.27.010 Utility Budget Payment Plan**

Residential and small commercial (general service) customers, desiring to equalize their utility payments throughout the year, may apply for participation in the budget plan. The customer may sign up at any time during the year after 12 months of continuous service and the account will be adjusted every six months. Details of the complete plan are contained in the "Utility Customer Services Policies" within the Administrative Services Group. (Ord. 50-93: Ord. 30-95: Ord. 31-03: Ord. 12-07).

**3.27.020 Revision to the Budget Payment Plan**

Changes made to the budget plan, or the utility customer services policies dealing with the budget plan, will be subject to review by the finance manager and the City Manager. (Ord. 50-93: Ord. 30-95).

**Chapter 3.28 - Utility Services Liens****Sections:****3.28.010 Liens for Electrical, Water, Sewage and Refuse Services -Residential Accounts****3.28.020 Liens for Electrical, Water, Sewage and Refuse Services -Commercial Accounts****3.28.030 Severability****3.28.010 Liens for Electrical, Water, Sewage and Refuse Services - Residential Accounts**

The City shall have a lien against the premises to which electric light or power, water, sewage and/or refuse services were furnished for four (4) months charges therefore due or to become due, but not for any charges more than four (4) months past due; provided that the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to customer service to cut off service to such premises, accompanied by payment or tender of payment of the then delinquent and unpaid charges for such electric light or power, water, sewage and/or refuse service against the premises, together with reconnection charge, whereupon the City shall have no lien for service thereafter furnished nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof; unless such owner of the premises or such owner of a delinquent mortgage thereon shall give written notice to customer service requesting restoration of such electric light or power, water, sewage and/or refuse service. The City shall waive the lien right against the premises to which electric light or power, water, sewage and/or refuse services were provided for any unpaid bills left owing by a former tenant, leasing or renting residential premises, who has made a utility services deposit as provided in RMC 3.26.010, or where a former owner/tenant left any unpaid bills and a new tenant has come in and signed up for service before disconnection of service for non-payment of the bill. If service has been disconnected, past due bills and charges shall be paid before utility reconnection. The service will be restored and the reconnection charged to the account if restored for a new owner or tenant. The City shall have a lien against the premises to which electric light or power, water, sewage and/or refuse services were furnished and billed to the owner/landlord while premises were vacant or no tenant has notified the City of occupancy. Service furnished after the effective date of a request by a tenant for termination of service, and charges for service furnished after such date and prior to the effective date of an application for utility services by a new tenant, shall be the responsibility of the owner of the premises and subject to the City's lien. Should a residential tenant qualify for exemption from the utility services deposit under RMC 3.26.020, the lien for electrical, water, sewage and/or refuse services will not be an available source for funds to pay the unpaid utility charges. If the exemption under RMC 3.26.020 is revoked and a utility deposit required, the lien will not be available to assist in pursuing payment of delinquent charges. (Ord. 48-94: Ord. 20-08).

**3.28.020 Liens for Electrical, Water, Sewage and Refuse Services - Commercial Accounts**

The City shall have a lien against the premises to which electric light or power, water, sewage and/or refuse services were furnished for four (4) months charges therefore due or to become due, but not for any charges more than four (4) months past due; provided, that the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to customer service to cut off service to such premises, accompanied by payment or tender of payment of the then delinquent and unpaid charges for such electric light or power, water, sewage and/or refuse service against the premises, together with reconnection charge, whereupon the City shall have no lien service thereafter furnished nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof; unless such owner of the premises or such owner of a delinquent mortgage thereon shall give written notice to customer service requesting restoration of such electric light or power, water, sewage and/or refuse service. (Ord. 48-94).

**3.28.030 Severability**

The invalidity of any article, section, subsection, provision, clause or portion thereof, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Chapter or the validity of its application to other persons or circumstances. (Ord. 48-94).

**Chapter 3.29 – Utility Low Income Program**

**Sections:**

- 3.29.010 Special Residential Rates-Low Income Senior Citizens and Low Income Disabled Citizens**
- 3.29.020 Special Residential Rates-Discounts for Low Income Senior Citizens and Low Income Disabled Citizens**
- 3.29.030 Special Residential Rates-Qualifications as Low Income Senior Citizen or Low Income Disabled Citizen**

**3.29.010 Special Residential Rates-Low Income Senior Citizens and Low Income Disabled Citizens**

There shall be a discount applied to rates for services provided to residential customers qualifying as low income senior citizens or low income disabled citizens. (Ord. 40-02)

**3.29.020 Special Residential Rates-Discounts for Low Income Senior Citizens and Low Income Disabled Citizens**

The discounts shall be as follows:

<b>Service</b>	<b>Discount</b>
Residential Electrical Rate Schedule 10 per Section 14.24.060	33%
Residential Solid Waste per Section 15.20.020	60%
Residential Stormwater Rate per Section 16.08.035	33%
Residential Sewer Schedule 1 per Section 17.56.010	60%
Residential Water Table 1 per Section 18.24.020	60%
Provided that such water discount shall not apply to any billing cycle that water consumption exceeds 5,000 cubic feet.	

(Ord. 40-02: Ord. 12-07)

**3.29.030 Special Residential Rates-Qualification as Low Income Senior Citizen or Low Income Disabled Citizen**

- A. The special residential rate for low income senior citizens or low income disabled citizens specified in Section 3.29.020 shall be available to each person who shows satisfactory proof to the finance manager, or his designee, that he or she:
  - 1. a) Is sixty-two (62) years of age or over; or
  - b) Is a citizen qualifying for special parking privileges under RCW 46.16.381(1)(a) through (f) or a blind citizen as defined in RCW 74.18.020(4), or developmentally disabled as defined in RCW 71A.10.020(2) or a mentally ill person as defined in RCW 71.05.020(1); and
  - 2. Has a maximum annual income of not more than one hundred twenty-five percent (125%) of the poverty level established by the federal office of management and budget; and
  - 3. Is the sole occupant or the head of a household; and
  - 4. Resides in a dwelling unit served directly by the City's utility; and
  - 5. Is billed in his or her name by the City's utility.
- B. All information presented in support of such application shall be verified by the applicant who shall provide such other data as deemed appropriate upon forms and in a manner determined by the finance manager or his designee. (Ord. 40-02)

**Chapter 3.30 – Utility Billing and Collection****Sections:**

- 3.30.010 New Account Fee**
- 3.30.020 Meter Reading and Billing Frequency**
- 3.30.030 Billing for Fractional Month Service**
- 3.30.040 Delinquency and Utility Collection Charge**

**3.30.010 New Account Fee**

Each prospective customer desiring utility service shall be required to pay a new account fee of fifteen dollars (\$15.00) when service is supplied. A new account fee shall be required for each new service location for which utility service is requested. (Ord. 15-03: Ord. 12-07)

**3.30.020 Meter Reading and Billing Frequency**

Meter reading and billing will be done as follows:

- A. All meters will be read and the customer billed on a monthly basis. Meters will be read each month on as nearly the same day as possible.
- B. When the meter reader does not obtain the read on the scheduled reading day, the meter reading will be estimated and billings may be rendered on the basis of these estimated readings. Adjustments to correct for errors in estimating will be made on a subsequent billing.
- C. When a meter fails to register properly, the charge will be calculated on the average consumption on a seasonal basis. (Ord. 15-03)

**3.30.030 Billing for Fractional Month Service**

- A. Monthly base rates will be prorated based on the number of days service provided divided by thirty (30) days. Consumption will be billed in addition to the prorated base rates.
- B. Demand charges will be computed on monthly demand meter readings. If service has been for a fractional month, the demand charge will apply for a full month. (Ord. 15-03)

**3.30.040 Delinquency and Utility Collection Charges**

Bills are due and payable upon receipt, and are delinquent after twenty (20) days from the billing date. Failure to receive a bill does not release the customer from payment of the obligation. Whenever a utility customer is contacted as the result of failure to make application for service or for nonpayment, a collection charge of ten dollars (\$10.00) will be charged. Interest may accrue on delinquent accounts at twelve percent (12%) per year. If the utility dispatches personnel to a customer's service location because of failure to make application for service or for nonpayment prior to dispatch then a collection charge of fifty dollars (\$50.00) will apply. Services will be disconnected until the customer makes satisfactory application for service, full payment including collection charges has been made or a payment arrangement agreement has been properly signed. Discontinuance of service does not release the customer from their obligation to pay charges for service provided. Upon execution of a utility application for service, payment arrangement or satisfactory payment, service will be restored before 5:00 p.m. Monday-Friday (except for holidays) without an additional service fee. Services restored after 5:00 p.m. Monday-Friday or holidays will also incur a seventy-five dollar (\$75.00) after-hours service fee. Active renter accounts that become 120 days past due will be terminated and turned over to collections. If a renter vacates the property and fails to request services be terminated, the service charges and associated fees or penalties remain the renter's responsibility up to the point in time the account and/or services are terminated. At the time the renter account is closed due to the 120 day past due status, the owner will be responsible for subsequent services or charges at that service location. Delinquent owner accounts are subject to a service lien in accordance with RMC 3.28. (Ord. 15-03: Ord. 20-08)

**Chapter 3.31 - Acquisition and Relinquishment of Public Utility Easements****Sections:**

- 3.31.010 Relinquishment of Easements Authorized**
- 3.31.020 Application for Relinquishment-Payment**
- 3.31.030 Procedure**
- 3.31.040 Relinquishment Deed**
- 3.31.050 Acquisition of Utility Easement**

**3.31.010 Relinquishment of Easements Authorized**

A public utility easement owned by the City may be relinquished, in whole or in part, to the owner of the property burdened by such easement in the manner and upon payment of the consideration provided in this chapter, provided such relinquishment meets the criteria established in this chapter. (Ord. 238 1.02).

**3.31.020 Application for Relinquishment-Payment**

The owner of land burdened by a public utility easement owned by the City may apply in writing for the relinquishment or partial relinquishment of such easement. The application shall be accompanied by a sketch of the property showing all existing structures, easements and existing utilities. The applicant shall pay the sum of ten dollars to the City at the time of making application. The sum shall be the consideration for the relinquishment if the application is granted, but if the application is denied shall nevertheless be retained by the City. (Ord. 238 1.03).

**3.31.030 Procedure**

- A. In the following cases the City Manager may approve the relinquishment.
1. Where all public utility facilities in the easement have been removed or abandoned and he finds that there is no reasonably foreseeable need for the easement for any public utility of the City, its licensees or franchise holders;
  2. Where the application is for a partial relinquishment, the City Manager may approve such partial relinquishment if he finds that any present use of the easement is protected, and that the partial relinquishment will leave enough of the easement to meet any reasonably foreseeable requirement for public utility easements over, under and across applicant's property;
  3. In the case of residential property, where the applicant offers the City, in addition to the payment required by this chapter, an easement for public utility facilities which will equally well serve the purpose of the easement whose relinquishment is applied for, or where an existing easement will equally well serve such purpose, provided, that in either case, the cost of relocating existing utilities shall be borne by the applicant.  
The City Manager shall keep the Council informed of all easement relinquishments approved or denied by him.
- B. In all other cases, the City Manager shall refer the application to the City Council for approval or disapproval. In such cases, the Council may fix a different consideration for the relinquishment.
- C. Any application denied by the City Manager may be reviewed by the City Council and approved by it, upon such terms as it deems proper. (Ord. 238 1.04).

**3.31.040 Relinquishment Deed**

The City Manager, in the name of the City, is authorized to execute and deliver, and the City Clerk to attest, deeds relinquishing easements upon the approval of the relinquishment under Section 3.28.030. In the case of the relocation of an easement, the relinquishment deed shall not be delivered until the owner has delivered to the City a good and sufficient deed, creating the new easement. (Ord. 238 1.04).

**3.31.050 Acquisition of Utility Easement**

At such times and under such circumstances as may be necessary for the public benefit, and upon recommendation by the development services director or the utility services director, the City Manager is authorized to enter into contracts and other forms of agreement for the purchase or acquisition of public utility easements. Such authorization shall include, but not be limited to, agreements to pay a fair and reasonable price for the acquisition or purchase of such easements, when appropriate, and, in addition, to take such steps as may be required by law for the recordation of any instruments evidencing such easements. (Ord. 64-76 1.02: Ord. 48-94: Ord. 40-02).

**Chapter 3.32 - Rewards for Information****Sections:****3.32.010 Authority****3.32.020 Payment Procedure****3.32.010 Authority**

The City Manager is authorized to offer a reward of not to exceed two hundred fifty dollars for information resulting in the arrest and conviction of any person knowingly and maliciously causing physical damage to any City property. (Ord. 60-79 1.01).

**3.32.020 Payment Procedure**

Recommendations for payment of rewards, including recommendations as to the amount or amounts to be paid and the person or persons to whom payment should be made, shall be made by the City Manager to the City Council, and when approved by the City Council, shall be paid from budgeted funds available for such purpose. (Ord. 60-79 1.02).

### Chapter 3.34 - Drug Investigation Fund for Seizure Proceeds

#### Sections:

- 3.34.010 Seizure and Forfeiture**
- 3.34.020 Hearing to Contest Seizure**
- 3.34.030 Disposition of Property or Proceeds**
- 3.34.040 Accounting Methods to be Established**
- 3.34.050 Authority of City Manager**

#### **3.34.010 Seizure and Forfeiture**

Pursuant to RCW 69.50.505, specified tangible and intangible property, including but not limited to conveyances, money, negotiable instruments and securities, may be seized and forfeited by the City if used to facilitate the sale or receipt of controlled substances in violation of RCW 69.50. (Ord. 29-85).

#### **3.34.020 Hearing to Contest Seizure**

- A. Notice to Presumed Owner. The City shall, upon seizure of property pursuant to this Chapter serve notice within fifteen days of seizure on the owner of the property, the person in charge, and any person having any right or interest, if any are known or can be identified. Notice may be served by any method authorized by law or court rule including, but not limited to, service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.
- B. Forfeiture if No Response. If no person notifies the City within forty-five days, in writing, of a claim of ownership or right of possession, the property seized shall be forfeited to the City of Richland.
- C. Hearing. A person who notifies the City within forty-five days of a claim of ownership or right to possession may request an administrative hearing before a hearing officer. The Chief of Police shall designate a hearing officer or hearing officer pro tem. The hearing may be removed to the Superior Court of Benton County by a person asserting a claim or right to property with aggregate value of \$500 or more. (Ord. 29-85).

#### **3.34.030 Disposition of Property or Proceeds**

Upon forfeiture, the City may:

- A. Retain property forfeited for its official use or release it to another law enforcement agency for its official use;
- B. Sell that which is not required by law to be destroyed or is harmful to the public.
- C. C. Dispose of the property, or forward it to the Drug Enforcement Administration for disposition, in accordance with applicable federal laws. (Ord. 29-85).

#### **3.34.040 Accounting Methods to Be Established**

The City of Richland Support Services Director and accounting section shall establish, separate and distinct from the general fund of the City, special accounts to be known as Seized Assets and Seized Drug/Money accounts.

- A. Purpose of Accounts. The purpose of the two accounts is to help off-set investigation expenses and enhance investigative ability by providing additional resources.
  - 1. The Seized Assets Account shall be used to augment investigative expenses.
  - 2. The Seized Drug/Money Account shall be used to augment the purchase of materials and supplies within the Police Department.
- B. Administration of Funds. The accounts established by the chapter shall be administered by the City of Richland Support Services Department according to sound accounting practices and principles consistent with the applicable laws, rules, regulations, and order consistent with the purpose of the chapter.
- C. Sources of Funding Seized Asset Account. The proceeds from sales authorized by RCW 69.50.505, less the amount to be forwarded to the Criminal Justice Training Commission, shall be credited to the Seized Assets Account.
- D. Sources of Funding for Seized Drug/Money Account. When currency is seized by the Richland Police Department for violation of RCW 69.50, Uniform Controlled Substance Act, or City ordinance, and after forfeiture is so ordered by a hearing Officer or judge of municipal, district or superior court, the currency so ordered forfeited shall be credited directly to the Seized Drug/Money Account after the

money is no longer of evidentiary value. Currency seized, which is not contested, shall be ordered forfeited by the City hearing officer and credited directly to this account.

- E. Definition. All terms used herein shall, in addition to their ordinary meaning, also be defined according to common law and any state statute or City ordinance (Ord. 29-85).

### **3.34.050 Authority of City Manager**

The City Manager is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this Chapter. (Ord 29-85).

## **Chapter 3.35 - Disposition of Forfeited or Abandoned Firearms**

### **Sections:**

#### **3.35.010 Procedures From Disposition of Forfeited or Abandoned Firearms**

#### **3.35.015 Severability**

#### **3.35.010 Proceeds from Disposition of Forfeited or Abandoned Firearms**

Firearms that have come into the possession of the Richland police department after June 30, 1993, and have been forfeited for failure to make a claim pursuant to RCW 63.32.010, or have been judicially forfeited and are no longer needed for evidence, shall at the direction of the police services director be offered for auction or trade to licensed firearms dealers except that a maximum of ten percent (10%) of legal firearms may be retained for police use. Such auction or trade, or combination of both, shall be conducted on at least an annual basis. Firearms offered for trade shall be in exchange for materiel or supplies necessary for police operations. Any proceeds realized from an auction shall be returned to the general fund of the City. Firearms that are, in the opinion of the police services director or designee, dangerous or unlawful to possess, shall be destroyed. (Ord. 29-96).

#### **3.35.015 Severability**

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter. (Ord. 29-96).

## HISTORICAL CHRONOLOGY OF ORDINANCES

Ord. 1	Ord. 79-77	Ord. 40-02
Ord. 5	Ord. 37-78	Ord. 15-03
Ord. 6	Ord. 78-78	Ord. 31-03
Ord. 7	Ord. 08-79	Ord. 47-03
Ord. 28	Ord. 27-79	Ord. 48-03
Ord. 29	Ord. 28-79	Ord. 20-05
Ord. 30	Ord. 60-79	Ord. 45-05
Ord. 31	Ord. 100-79	Ord. 37-06
Ord. 32	Ord. 27-81	Ord. 12-07
Ord. 35	Ord. 46-81	Ord. 36-07
Ord. 36	Ord. 18-82	Ord. 20-08
Ord. 67	Ord. 21-82	Ord. 25-08
Ord. 77	Ord. 02-83	Ord. 22-09
Ord. 79	Ord. 27-83	
Ord. 80	Ord. 34-83	
Ord. 81	Ord. 24-84	
Ord. 82	Ord. 29-85	
Ord. 90	Ord. 28-86	
Ord. 93	Ord. 17-87	
Ord. 102	Ord. 28-87	
Ord. 109	Ord. 16-89	
Ord. 129	Ord. 05-90	
Ord. 136	Ord. 18-90	
Ord. 137	Ord. 03-91	
Ord. 142	Ord. 47-91	
Ord. 156	Ord. 52-92	
Ord. 168	Ord. 41-93	
Ord. 182	Ord. 50-93	
Ord. 196	Ord. 56-93	
Ord. 197	Ord. 04-94	
Ord. 238	Ord. 48-94	
Ord. 278	Ord. 01-95	
Ord. 396	Ord. 14-95	
Ord. 398	Ord. 30-95	
Ord. 507	Ord. 29-96	
Ord. 553	Ord. 34-96	
Ord. 616	Ord. 45-96	
Ord. 625	Ord. 32-97	
Ord. 708	Ord. 09-98	
Ord. 741	Ord. 34-98	
Ord. 769	Ord. 16-99	
Ord. 830	Ord. 49-99	
Ord. 52-74	Ord. 55-99	
Ord. 75-74	Ord. 58-99	
Ord. 76-74	Ord. 28-00	
Ord. 77-74	Ord. 31-00	
Ord. 05-75	Ord. 40-00	
Ord. 20-75	Ord. 41-00	
Ord. 21-75	Ord. 42-00	
Ord. 54-75	Ord. 20-01	
Ord. 58-75	Ord. 32-01	
Ord. 64-76	Ord. 42-01	
Ord. 103-76	Ord. 07-02	
Ord. 12-77	Ord. 39-02	