



MEMORANDUM

DATE: October 5, 2021

TO: Anne, McEnerny-Ogle, Mayor
City Council

FROM: Eric Holmes, City Manager

RE: **Strategy and Methodology for equitable deployment of ARPA funding**

This memo outlines a proposal for focusing American Rescue Plan (ARPA)-funded investments in the City of Vancouver, in alignment with Council direction and grounded in an equitable development framework.

The American Rescue Plan (ARPA)

The COVID-19 pandemic created dual nationwide crises: a public health crisis combined with an economic crisis. More than 9.5 million workers lost their jobs as a result of COVID-19, with 4 million out of work for half a year or longer. ARPA aims to deliver immediate relief for American workers and build a bridge to an equitable economic recovery through:

- Mounting a national vaccine program, containing COVID-19, and safely reopen schools.
- Delivering immediate relief to American families bearing the brunt of this crisis.
- Supporting communities that are struggling in the wake of COVID-19.

One of the ways ARPA provides support to struggling communities is through the distribution of more than \$360 billion in emergency funding for state, local, territorial, and Tribal governments. The City of Vancouver is receiving \$32.6 million in funding to help support the City in our efforts to recover from the pandemic-induced economic crisis, which disproportionately impacted socially vulnerable communities and small independent businesses. This funding must be spent by 2026, so it will be important to choose projects that can be completed in this timeframe.

In addition to the ARPA allocation, the negative impacts of the pandemic on City revenues have not been as severe as originally forecasted at the onset of the pandemic. The continuous fiscal restraint applied by the City as we have managed through the pandemic, along with better-than-expected revenues driven by federal stimulus and high new construction activity levels, is expected to result in at least \$8 million in undesignated general fund balance at the end of 2021 that can further leverage ARPA funds to serve critical needs in the community.

In total, the City is anticipated to have at least \$40.6 million of one-time resources to deploy in service to the key priorities and values identified by the Council. For the purposes of this discussion, this pool of resources is referred to as ARPA+.

Previous Council Direction

In July of this year, the City Council endorsed a macro level framework to guide the use of these funds. Consistent with this, the recommended investment strategy outlined here is intended to ensure ARPA+ funding:

- Is equitably distributed to benefit vulnerable community members and advance social justice
- Enhances post pandemic recovery and resilience
- Supports climate action goals, and
- Improves community safety and mobility.

In addition, the proposed investment strategy reflects the previously endorsed Council framework that aims to focus ARPA+ funds on one-time, community-informed investments that have measurable, long-term impacts. Leading with equity, staff identified two key focus areas for investment that build off existing planning and policy direction and, within those focus areas, utilize a data-driven process for engaging the community in identifying investment priorities.

Recommended ARPA+ Investment Focus Areas

Staff recommends focusing investments to provide a catalytic, generational investment in two areas of the City. Recommended focus areas reflect Council direction outlined above as well as the broader citywide context, known community-supported investment opportunities, and the ability for these investments to amplify current or forthcoming projects to result in long-term community benefits and system changes. The two focus areas recommended for investment are:

1. The Fourth Plain Corridor
2. The Main Street Corridor

The Fourth Plain Corridor includes the City's largest area of our most vulnerable neighborhoods, including higher percentages of lower-income residents, communities of color, renters, individuals who are transit dependent, families with children, residents over the age of 65, those with lower educational achievement rates, and households at higher risk of housing displacement than the citywide average. Fourth Plain Blvd. also has the highest collision rate of any arterial in the City, including for vulnerable road users like people walking, biking and using mobility devices. Given these factors and historical patterns of disinvestment, the City in recent years has focused significant resources on identifying and starting to implement investments that enhance access to employment and housing opportunities, business resources, and workforce and health services for Fourth Plain community members. These efforts have included a significant amount of community engagement and are reflected in a foundation of existing planning and policy work, which provide a context for developing an investment package that serves the needs and advances the aspirations of the broader Fourth Plain community. In addition, focusing on the Fourth Plain Corridor will allow the City to leverage existing partnerships with local community members and community-based organizations to drive a public engagement process and accelerated investment timeline that meets the requirements of ARPA.

The Main Street Corridor includes the City's central business district, as well as neighborhoods to the north and west that will be served by the forthcoming Highway 99 Bus Rapid Transit project that will be underway in early 2022. It includes a high concentration of small, independent businesses as well as large employers, and represents a significant economic engine for the City overall. In anticipation of the Interstate Bridge Replacement (IBR) program that is currently in the planning phase, City staff have started to identify a series of investments in public infrastructure and redevelopment opportunities in the corridor. This includes reconnecting Main Street south from 5th Street to the Columbia River, associated east-west connections, and other improvements that will support existing business recovery, long-term resilience and sustainability goals, and mobility and safety for future generations. These include a major investment in Main Street south of Mill Plain, which will update pavement, sidewalks, lighting, utilities, and public space infrastructure. It also includes a planning process for Main Street north of Mill Plain and adjacent neighborhoods, which will correspond and integrate with the forthcoming Highway 99 BRT project and include access and mobility improvements that can be implemented in future years.

Delivery of the engagement, design and construction contemplated by this approach will necessitate the addition of project management and program staff, the costs of which can be covered as part of the overall ARPA+ expenditure.

Methodology for Prioritizing Projects within Focus Areas

Utilizing Geographic Information System (GIS) software, staff have mapped social vulnerability and overlaid it with various project-specific datapoints, such as existing infrastructure and potential project locations, in order to embed equity into an informed, data-driven, decision-making process. This will be used to select potential projects for ARPA funding within designated focus areas and engage the community in an inclusive decision-making process, and includes the following components and elements:

- *Existing Infrastructure:*
 - Sidewalks: Illustrates where sidewalks are located citywide
 - Bike Routes: Illustrates where bike routes are located citywide and specifies the type of facility (multi-use paths versus shared roadway/difficult connection)
 - Transit: Illustrates C-TRAN bus routes and bus stops citywide, which can be used to select potential projects that would improve safety and/or access to transit
 - Parks: Illustrates where parks are located city- and county-wide
 - Trails: Illustrates existing and proposed trail locations citywide
 - Schools: Illustrates where schools are located citywide
 - Roads: Can use to prioritize sidewalk infill or other projects based on road classification
- *Vulnerability Analysis:* The vulnerability analysis includes the percentage of residents in each census tract that are 65 and over, people of color (non-white and/or Hispanic/Latino), people with at least a bachelor's degree, households with children, renters, and the median family income for each census tract. These various demographic markers are combined into overall vulnerability index, which provides a way to ensure projects serve vulnerable residents as well as overall systems that benefit the entire community. The combined vulnerability index map is included as an exhibit at the end of this memorandum.
- *Traffic Collisions:* The traffic collisions layer can be used to highlight higher crash corridors and intersections to help prioritize potential projects.

- *Population Density*: Illustrates the level of population density in each census tract that will allow potential projects to target areas that will benefit the most people.
- *Subarea Plan Boundaries*: Illustrates where subarea plans have been completed citywide. Each of these plans incorporated significant public outreach and include projects and goals that have already been vetted by the public.
- *Potential Projects*: The following projects have been included because they are capital projects that have already had some level of public outreach done on them and can therefore be implemented relatively quickly:
 - Transportation Improvement Program (TIP) 2022-2027
 - Stronger Vancouver Projects
 - Fourth Plain Forward Pedestrian Safety and Access Implementation Strategy projects. Note: this layer only includes proposed projects that have not already been completed as of September 2021.
 - Sidewalk complaints: This layer includes locations where sidewalk complaints have been made and the City's action taken in response.
 - Pedestrian Access Status: This layer illustrates where sidewalks are missing citywide and denotes if sidewalks are missing on either one or both sides of the street.

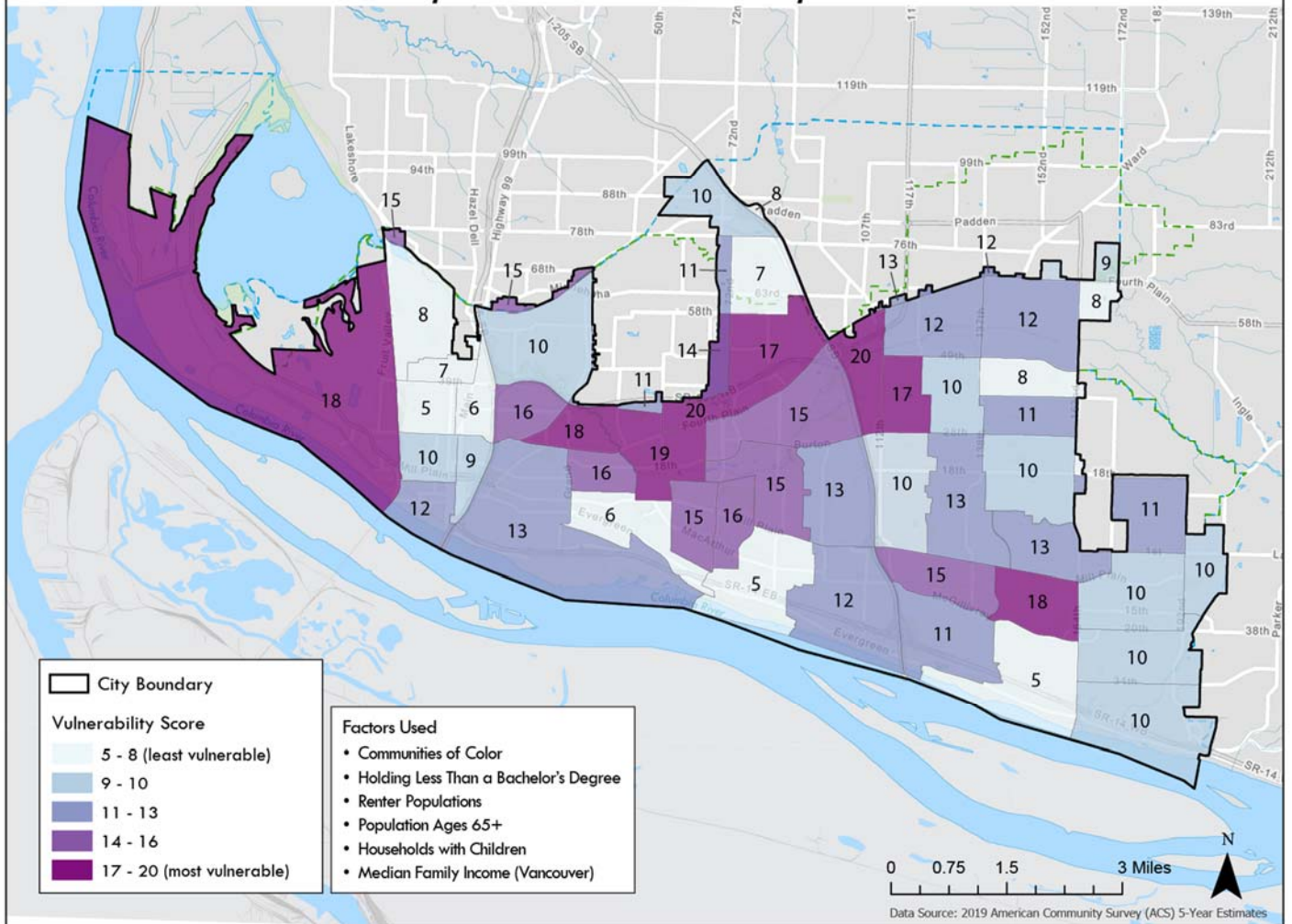
Next Steps

Pending confirmation from Council, project staff anticipate initiating a community planning process in the Fourth Plain Corridor, utilizing the existing policy foundation and community partnerships. The goal of this process is to develop a community-supported investment package that accelerates equitable investment in the Fourth Plain Corridor by the end of 2022.

For the Main Street Corridor, and again pending Council approval and direction, staff envision refining and advancing existing Main Street design concepts in parallel with a community process to identify additional near-term investments in business support and resiliency. Following this, and in alignment with forthcoming investment via the IBR program and C-TRAN Highway 99 Bus Rapid Transit project, staff anticipate a planning process that identifies a set of future investments for the broader corridor, including urban design considerations, safety and mobility upgrades, and new redevelopment opportunities.

CC: Lon Pluckhahn, Deputy City Manager
 Lisa Brandl, Deputy City Manager
 Chad Eiken, Community Development Director
 Patrick Quinton, Director, Economic Prosperity and Housing Director
 Jennifer Belknap-Williamson, Public Works Director
 Ryan Lopossa, Streets & Transportation Manager
 Rebecca Kennedy, Deputy Director, Community Development
 Shannon Williams, CDD and Aman Singh, IT-GIS

City of Vancouver Vulnerability Index



General Investment Strategy Development Timeline

The below high-level timeline outlines the anticipated process for developing community informed investment packages for both focus areas, and allows for sufficient time for design, procurement and construction to conclude prior to the Dec. 2026 deadline for ARPA funding expenditures.

	2021	2022				2023				2024				2025				2026			
	Q1	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Engagement & Outreach																					
Design																					
Bidding/Procurement																					
Construction																					

Fourth Plain

Main Street

ARPA Funds Investment Framework

City Council Workshop

November 15, 2021

Presentation Overview

- Overview of available resources
- Review macro framework
- Review existing policy foundation
- Equity lens and other considerations
- ARPA funds investment framework
- Engagement approach & next steps

Target Workshop Objectives

- Confirm:
 - Recommended investment framework
 - Engagement approach and next steps

Vancouver ARPA+ Allocation

The City of Vancouver is estimated to received approximately **\$32.6 million** in direct funding under the ARPA.

+

Estimated **\$8 million** in undesignated general fund balance

Total Estimated on-time resources=
~\$40.6m



Endorsed Macro Framework (July 2021)

Climate Action

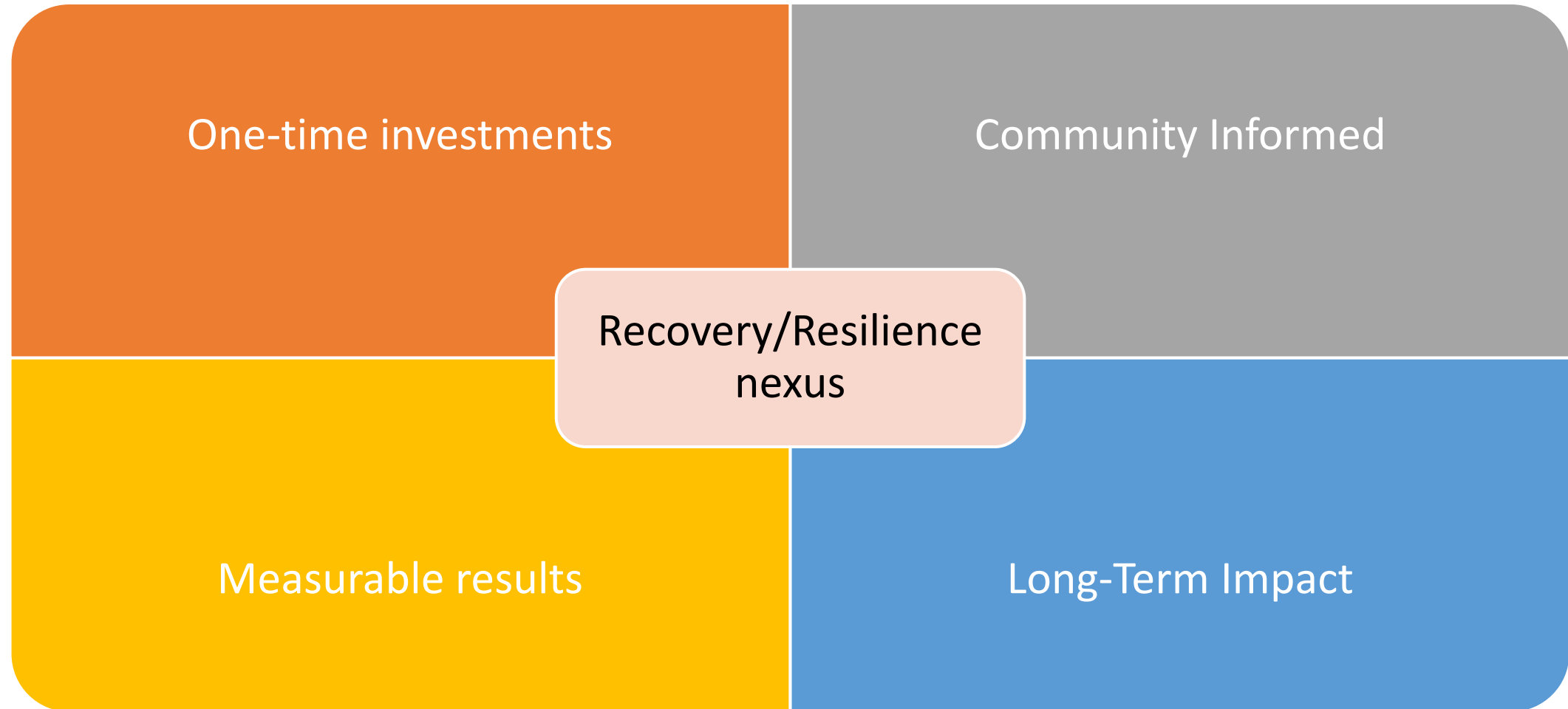
Equity &
Social Justice

Community Safety

Pandemic
recovery/resilience
nexus

Boldness/Courage

Endorsed Macro Framework (July 2021)



Existing Policy Foundation:

District based and
city-wide analysis

US Treasury
Guidance

City of Vancouver
Financial policies

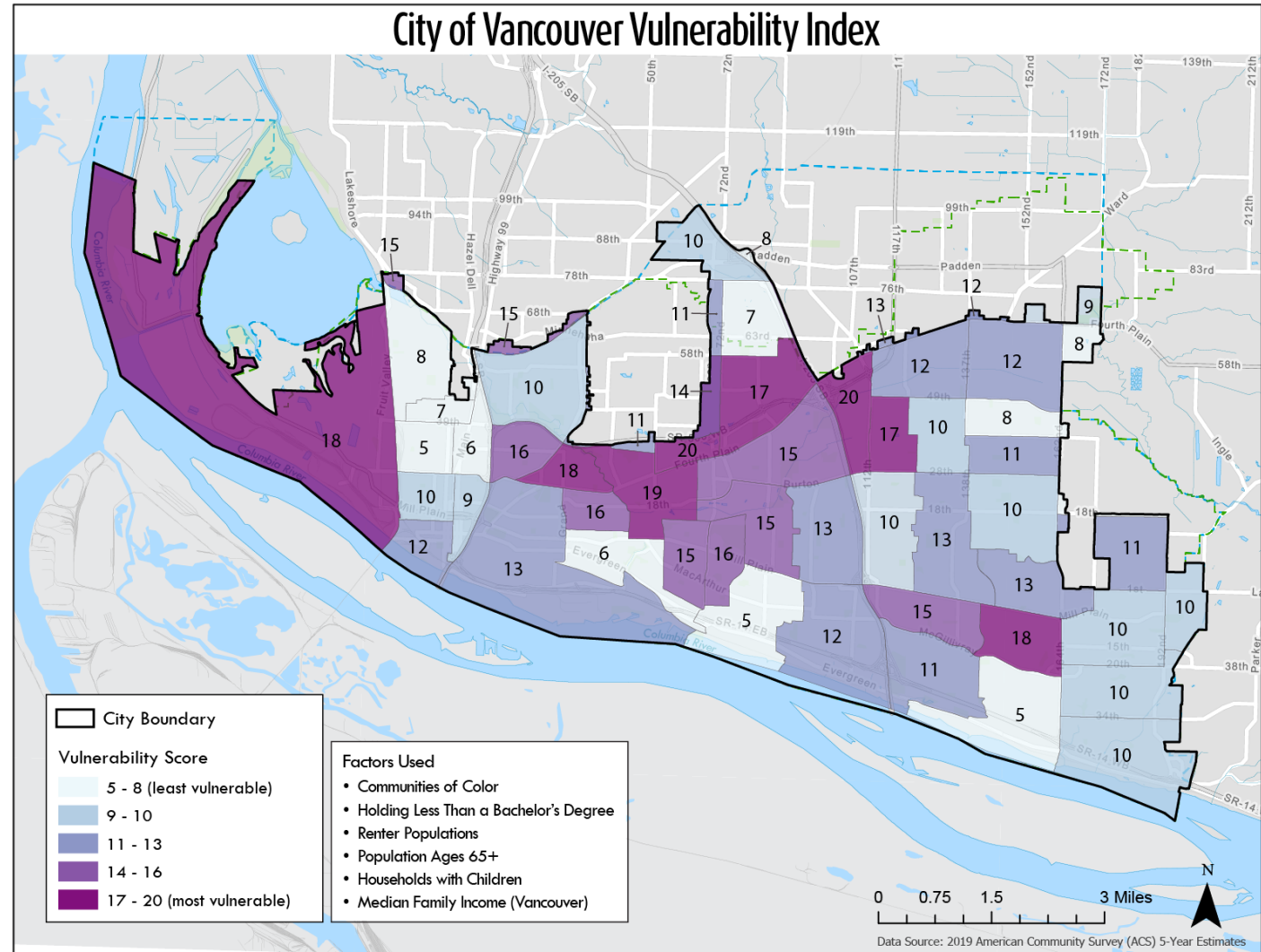
2022-28 Prospective Strategic Plan
Framework

Climate Roadmap
Framework

Comprehensive plan(s)

Equity Lens

- Vancouver's Citywide Vulnerability Analysis weights demographic and socioeconomic factors that contribute to social vulnerability



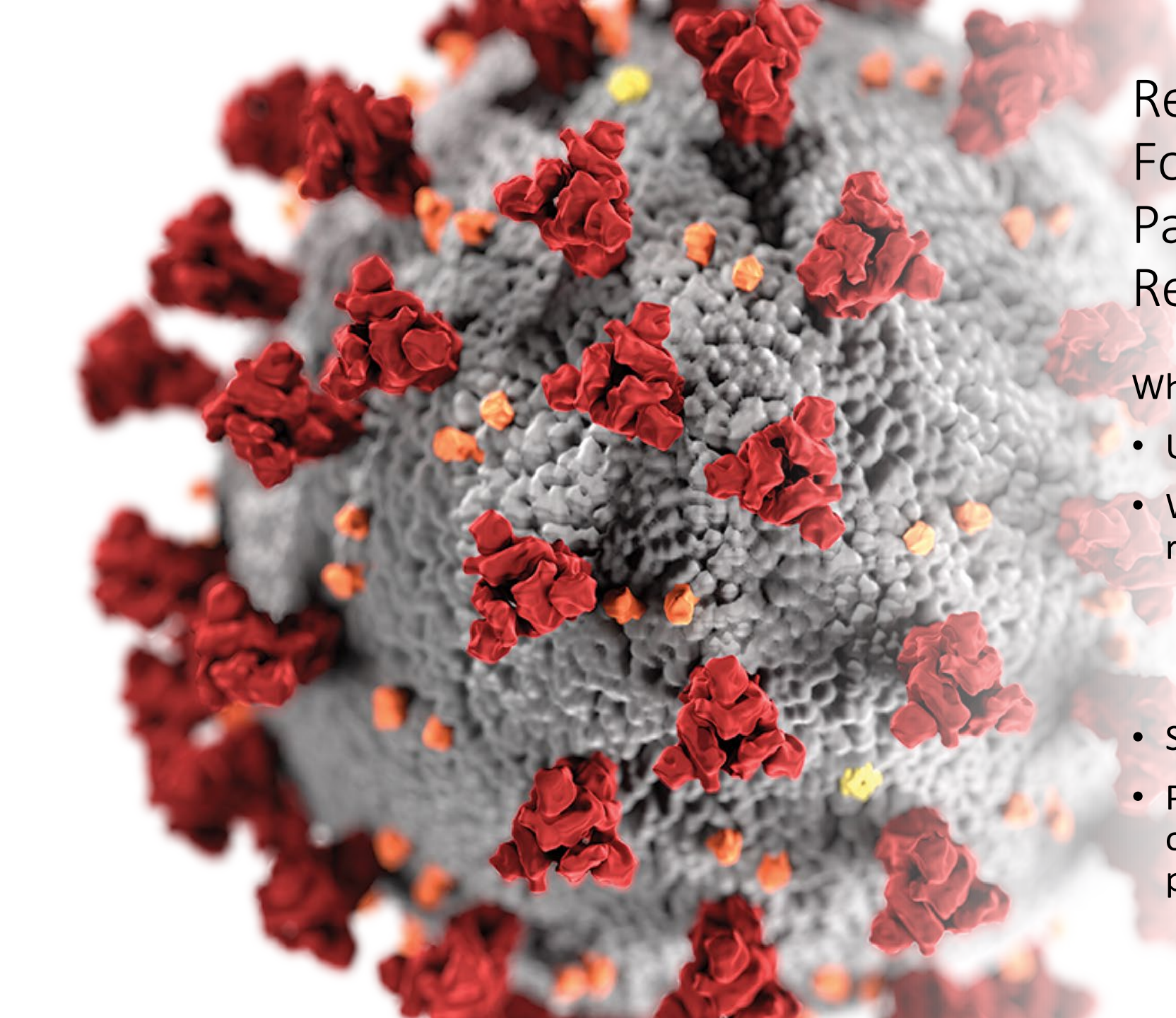
Other Considerations

- City-wide context
- Opportunity
- Other planned investments & projects
 - Transportation
 - Parks
 - Economic development
- Policy toolbox
 - Other tools available to address other geographies
- 2023-24 biennial budget

Recommended Investment Framework

Areas of Focus





Recommended Areas of Focus: Ongoing Pandemic Operations Response (<2%)

Why this?

- Uncertainty in environment
- Workplace safety and workforce relations
 - Possible testing, ongoing PPE, workplace safety, COVID related leave
- Safety of community we serve
- Potential for prolonged disruption of community-oriented services, particularly recreation

Recommended Areas of Focus: Fourth Plain area (~75%)

Why this?

- Disproportionate pandemic related public health impacts
- Largest, most socially vulnerable district in the City
- 40% more diverse than city as a whole – both residents and school children
- Significant transportation safety challenges, particularly for pedestrians and cyclists
- Substantial existing policy work established for this area



Recommended Investment Framework

Facets of Focus – Fourth Plain Area



Recommended Areas of Focus: Main Street (~25%)

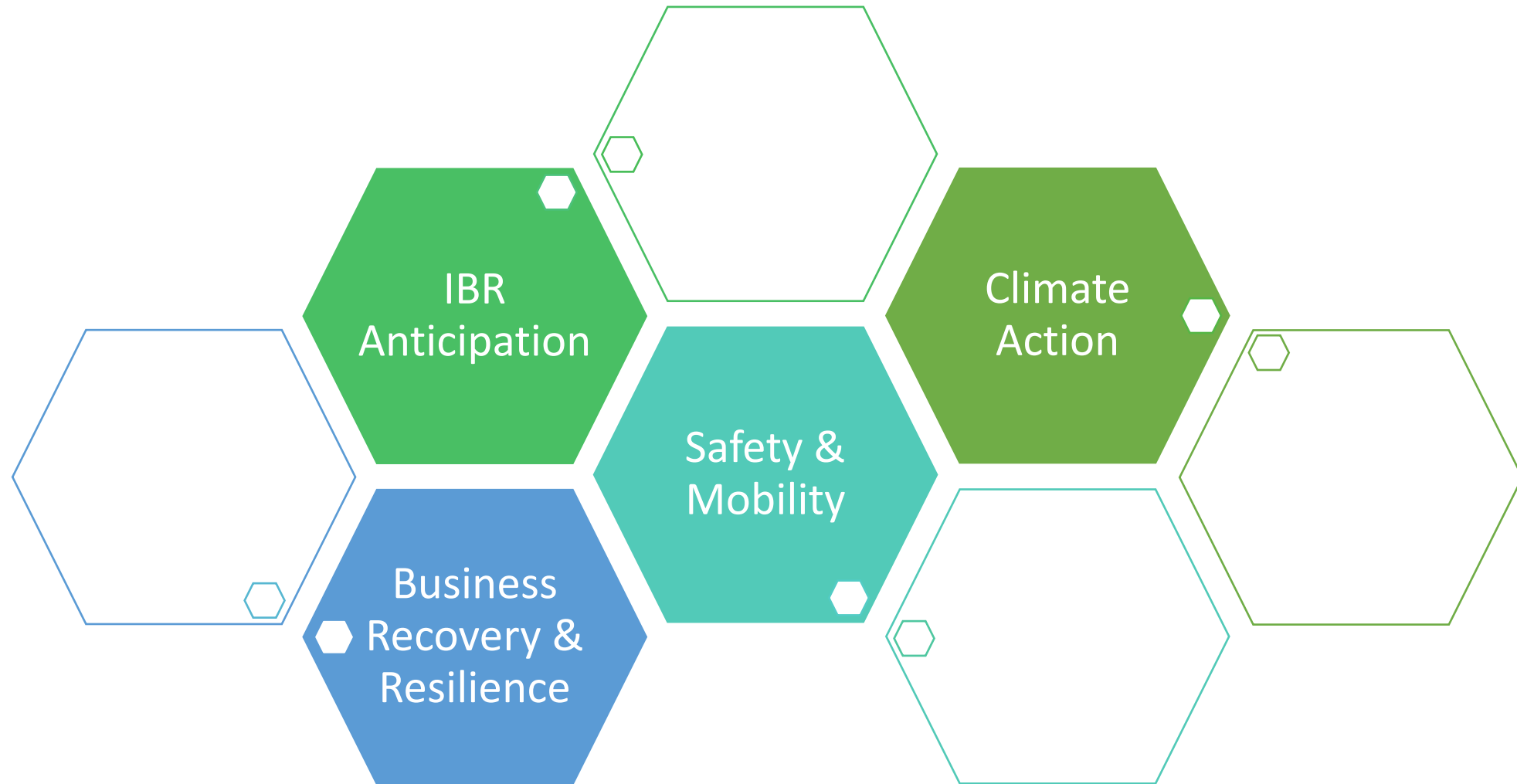
Corridor strategy & improvements –
45th to the Columbia River

- High concentration of small, independent businesses
- Central Business District critical economic engine for region
- Resilience in anticipation of Interstate Bridge replacement
- Aspects include:
 - Long term corridor plan
 - Infrastructure/streetscape
 - business technical assistance



Recommended Investment Framework

Facets of Focus – Main Street Corridor

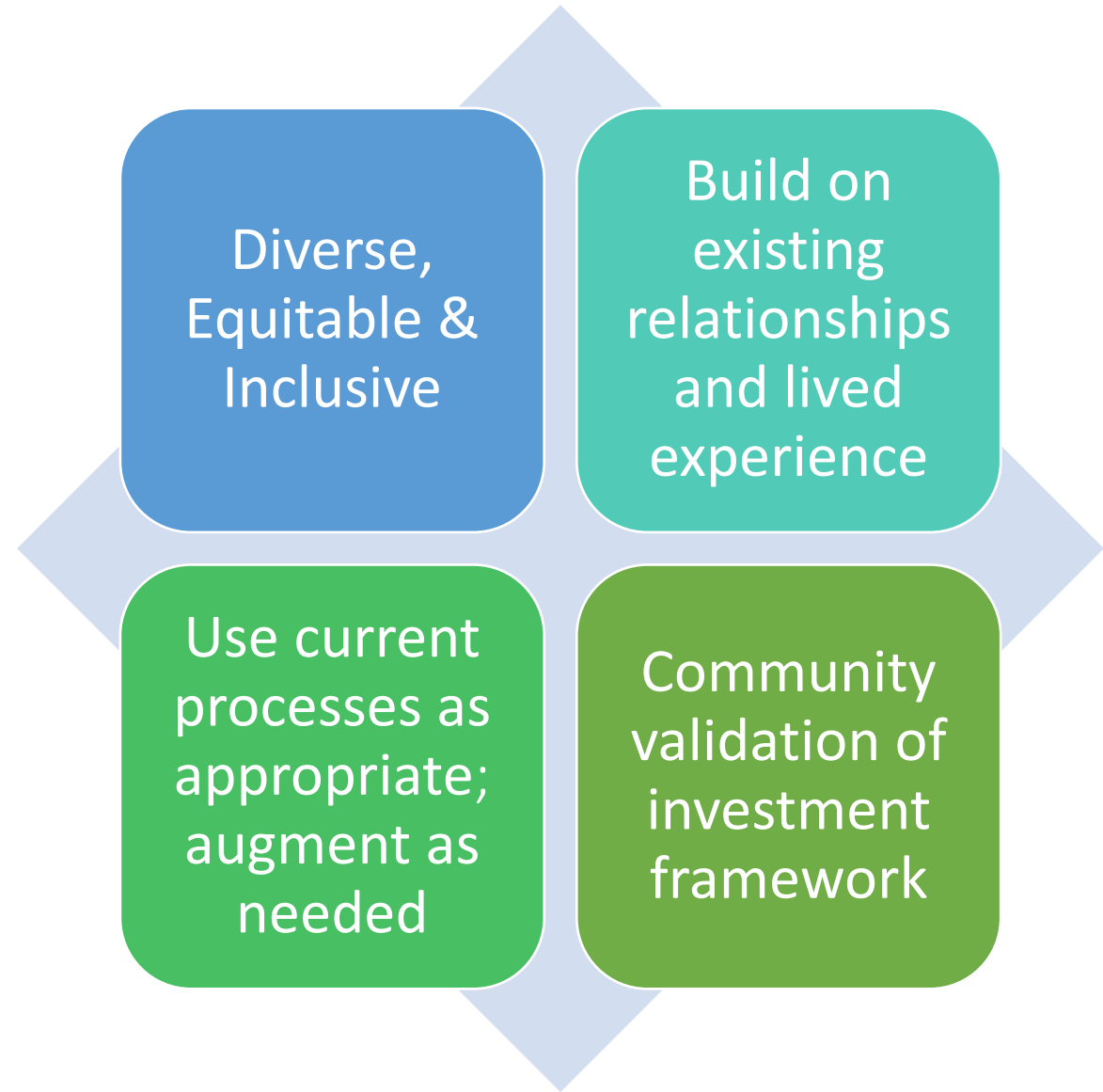


Recommended Investment Framework

- Why these areas?
 - Supported by existing and ongoing policy work
 - Opportunity for legacy scale impact
 - Nexus with pandemic impacts and recovery
 - Equity, climate, safety



Engagement Approach



Engagement Approach & Next Steps

- Fourth Plain Corridor:
 - Using existing policy foundations and community partnerships, develop a community-supported investment package of approximately \$30 million by the end of 2022 that accelerates equitable investment in the Fourth Plain Corridor through 2026 and beyond.
 - Complete design of community improvements by Q2 2024
 - Award contract by Q4 2024
 - Construction complete by Q4 2026

Engagement Approach & Next Steps

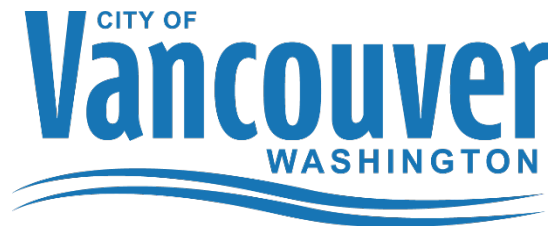
- Main Street Corridor
 - Work with stakeholders to refine and advance existing Main Street design concepts
 - Engage in parallel community process to identify additional near-term investments in business support and resiliency.
 - Finalize lower Main Street design by Q4 2022
 - Construction 2023
 - Engage in corridor planning in concert with C-TRAN Highway 99 Bus Rapid Transit project to identify a set of future corridor investments including urban design, safety and mobility upgrades, new redevelopment opportunities.

Engagement Approach & Next Steps

Estimated time frames

[illegible]

Questions & Discussion



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

DATE: November 15, 2021
TO: Mayor and City Council
CC: Eric Holmes, City Manager
FROM: Jonathan Young, City Attorney
RE: City Council Policy Updates

MEMORANDUM

A handwritten signature in black ink, appearing to be "JY", is written over the "FROM:" line of the memorandum.

Mayor, City Council:

On November 15, 2021, we have reserved time for a 1-hour Workshop for you to review your current City Council Policies and provide Staff direction on any policies you might wish to modify or update. To assist in facilitating this discussion, I have noted the following points as a non-exhaustive list of possible changes for your consideration:

1. All Council Policies¹

- a. Pronoun modernization: replace all pronouns with the gender inclusive "they/their."
- b. Citizenship neutrality: replace all instances of "citizen" with either "resident", "community member" except where citizenship is required by law (e.g., Council Vacancies must be filled with a "qualified elector" which requires U.S. citizenship. Washington State Constitution Article VI, Section 1. In these instances, I would propose using the legally precise term "qualified elector.")

2. Policy 100-06 Appointments to Citizen Boards and Commissions

- a. Term limits – Section 4.2 of Policy 100-06 imposes term limits for certain board and commission positions. Looking ahead to issues that may arise in the years ahead, the City has a number of boards and commissions that were placed on-hold and did not meet during the first year of the pandemic.

¹ City Council policies can be found online at: www.cityofvancouver.us/citycouncil/page/city-council-policies

City Council may wish to provide direction to City Staff to ensure that the impact of this period of inactivity is uniformly addressed across all City boards and commissions. If desired, this could be done in at least three different ways:

- i. Provide general direction *without amending your policy* but directing Staff to calculate term limits so that all effected board and commission members are afforded additional time on their term limits (e.g., one extra year or one extra term) in consideration for the period of inactivity caused by the pandemic; or
- ii. Modify policy 100-06 to create an express (written) tolling provision specifying that in calculating term limits, any periods of prolonged board/commission inactivity should be excluded; or

Alternatively:

- iii. Direct staff to calculate term limits as written in the policy, without regard to tolling periods of inactivity.

Selecting any one of the above would bring clarity to the question of whether the time period that boards, commissions and committees were placed on hold during COVID-19 should be counted for purposes of calculating future term limits or whether Staff should deem members' term limits tolled for periods of inactivity due to COVID-19.

- b. Board/Commission Member Reappointment Process. Council may wish to review and discuss possible modifications to the Reappointment Process (City Council Policy 100-06, Section 4.4.) Currently:

- i. Board and Commission members who desire reappointment should submit a letter of continued interest which should trigger a review of factors including attendance, effectiveness, and duration of service.
- ii. The position is re-advertised even if the incumbent wishes to retain their seat.
- iii. Interviews are conducted with all candidates if fewer than 10 applications are received. Interviews are conducted with candidates selected by the Council subcommittee if more than 10 applications are received.

There are recognized benefits and drawbacks to the current process. A benefit is that the selection of board and commission members is an impactful process and Councilmembers are currently closely involved in the selection process.

A corresponding drawback is that Staff recognize that this process requires a significant time investment from Councilmembers. Should Council wish to make any modifications to the current process, Staff would welcome that feedback.

- c. Minor technical revisions. The City's Boards & Commissions Coordinator has identified a short list of additional updates, including updating the list of Boards and Commissions to include PDX Community Advisory Committee.

3. Policy 100-31a City Manager Evaluation

- a. No proposed revisions identified for discussion at this time.

4. 100-32 City Council Meetings

- a. Councilmember Seniority and Seating. Policy 100-32, Section 4.0 and Section 5.6 reference Councilmember seniority. However, these sections are silent as to seniority is established between two (or more) councilmembers who are elected in the same election cycle. Staff recommends clarifying the process for establishing Councilmember seniority in the event that two City Councilmembers join the City Council from the same election cycle. Options include:
 - i. The Councilmember-Elect who received the greatest *number of votes* is sworn in first and afforded higher seniority; or
 - ii. The Councilmember-Elect who won by the greatest *percentage margin*, or alternate suggestions are welcome.
- b. Duration of Public Communication on Consent Items and Public Hearings. Section 10.5 of Policy 100-32 governs public communication regarding the Consent Agenda and Public Hearings. Staff suggests considering limiting the total duration of community communication on items that appear on the Consent Agenda and as Public Hearings to 90 minutes for consistency with the time limits imposed at the Community Communication Forum. (Section 10.11). As within Section 10.11, Staff would suggest permitting extension of these time limits by majority vote of the Council.
- c. Community Communication Forum. Policy 100-32 Section 10.11 provides an opportunity for community members to speak to the City Council on topics related to City business. City Council may wish to consider whether this process could be improved by one or more of the following:

- i. Discontinue broadcasting coverage of community communication forum.
To facilitate the free exchange of dialog with community members and minimize the trepidation some community members face when speaking to their elected officials (particularly, members of historically marginalized communities), it is recommended that Council consider revising Policy 100-32, Section 5.7 to discontinue broadcasting community communication forums on CTV, Facebook-Live and similar platforms. (Attendance would still be open to the public in-person and/or via telephone and GoToMeeting platform as applicable).
- ii. Receptions or Sub-Quorum Breakouts: Consider transitioning to a community reception before in-person meetings of the Vancouver City Council and/or increased opportunities for sub-quorum meetings with community members.
- iii. Other ideas welcome. There is no legal requirement to host a community communication forum, therefore there is broad latitude to change and improve the opportunities for Councilmembers to connect with, and listen to, the community members we serve.

5. 100-33 Councilmember Appointments on Boards and Commissions

- a. No proposed revisions identified for discussion at this time.

6. 100-34 Relations with Staff

- a. No proposed revisions identified for discussion at this time.

7. 100-35 Miscellaneous Procedures

- a. Section 7.0 of Policy 100-35 contains a cross-reference to answering identical emails addressed to City Council. This Section should be revised to reflect any changes to the City Council Email Policy (100-37) for sake of consistency.

8. 100-36 Code of Ethics

- a. Staff would suggest Council consider adding harassment prevention and reporting in a manner similar to that used by the Washington State Legislature (see e.g., WA House of Representatives [Respectful Workplace Policy](#).)

9. 100-37 Email Policy

- a. As a cybersecurity measure, Staff recommend that the City Manager's Office monitor all email to new, proprietary Councilmember email addresses. Doing so will allow CMO Staff to quickly ascertain whether duplicate emails have been sent to all Councilmembers. Doing so will also allow City Communications Staff to better identify recurring themes of interest to our community.
- b. As a means of modernizing communication with the City's 190,000 residents, City Council may wish to consider employing automated responses acknowledging receipt of all email messages and inquiring whether further follow-up is desired.

10. 100-38 Filling City Council Vacancies

City Council may wish to consider one or more of the following:

- a. Referring a proposed Charter Amendment that would establish one or more 'freeze periods' during which City Council vacancies would remain open and unfilled. Such 'freeze periods' might be proposed for:
 - i. The time-period when Council has the heaviest perceived influence on selection of the next Councilmember-Elect (i.e., vacancies that occur on or after the first day of the regular filing period through completion of the general election as in partisan offices. *See e.g., [RCW 42.12.040](#)*); and/or
 - ii. Periods in which the selection of an appointed Councilmember are impracticable due to timing of vacancy (e.g., less than 90 days before a successor will take office through election).
- b. Direct Staff to develop an implementation strategy to create new opportunities for a diverse pool of community members to increase their knowledge, skill and qualifications for elected leadership through service opportunities on the City's boards and commissions. Such strategies may include implementation of one or more of the [Final Recommendations](#) of the Community Task Force on Council Representation.
- c. Explore the possibility of establishing a slate of prospective Councilmember-appointees who would serve on the condition of not seeking election in the next general election.

11. 100-39 Appearance of Fairness

- a. Establish uniform, equal, time limits for proponents and opponents of parties with direct interests in quasi-judicial hearings (e.g., generally 15 min. per side unless otherwise specified by the Mayor.)
- b. Establish uniform briefing deadlines for parties to closed-record hearings (e.g., briefs must be submitted to the Assistant to the Council and Mayor no later than the Tuesday before the hearing to ensure timely inclusion in Council's packet.)
- c. Consider directing Staff to explore alternatives to having Council serve as quasi-judicial decision makers wherever legally permissible. As this Council has observed, conducting quasi-judicial hearings can be time-intensive and require considerable legal guidance. Other Washington cities have observed the same. (See [MRSC - Should Legislative Bodies Conduct Quasi-Judicial Hearings?](#)) As the City's business and regulatory environments continue to grow in vibrancy and complexity, it may be prudent to look for opportunities to amend City Code to maximize the use of hearing examiners in conducting quasi-judicial hearings wherever allowed by law.

12. 100-40 Social Media

- a. To ensure compliance with applicable Public Records laws, Staff suggests adding requirement that all Councilmembers who use social media to conduct any manner of City business register their accounts with the City's Information Technology Department for inclusion in Social Capture.

13. 100-41 Council Health Insurance Opt-Out

- a. No proposed revisions identified for discussion at this time.

14. City Council Compact

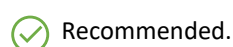
- a. To be discussed at 2022 Council Retreat.

Workshop format and deliverables.

Mayor and City Council – As a final note, I would simply emphasize that the hour that has been set aside for your discussion on November 15, 2021 belongs to you. I will be prepared to guide your discussion to the extent you desire, but I invite you to request topics out of sequence and flip freely between topics, particularly as several subjects are inter-related. For ease of reference (mine and yours) a table containing a summary of discussion topics appears below.

Vancouver City Council Policy Updates
(Sample Table for Ease of Reference)

Vancouver City Council Policy Updates (Sample Table for Ease of Reference)			
All Council Policies	☒ Pronoun Modernization		☒ Citizenship Neutrality
Community Member Appointment to Boards & Commissions 100-06	Term Limits: ☒ General Direction to allow 1-extra term to all Bd/Commission members serving during COVID-19 ☐ Written change to Council policy, or ☐ Strict enforcement of term limits.	Bd/Commission Reappointment Process: ☐ No change desired ☐ Less Council involvement ☐ Other:_____.	
Council Meetings 100-32	Councilmember Seniority: ☐ Highest number votes rec’d ☐ Highest percentage of votes ☐ Other:_____.	Total time for testimony: ☒ All Consent agenda items limited to 90 min. ☒ Public Hearings limited to 90 min. each. ☒ All time limits may be extended by majority vote.	Community Forum: ☐ Discontinue CVTV ☐ Add Reception Format upon return to in-person meetings ☐ Pilot sub-quorum break-out groups ☐ Other:_____.
Code of Ethics 100-36	Addition of Harassment Prevention Policy: ☒ Direct Staff to formulate harassment prevention policy comparable to WA Legislature. ☐ Revisit in the future.	Other revisions: ☐ _____ _____ _____	
Email Policy 100-37	☐ Implement proprietary Councilmember addresses for cyber-security. ☐ Direct Staff to explore auto-responses to ensure prompt feedback. ☒ Take no action at this time.		
Filling Council Vacancies 100-38	Direct Staff to: ☐ Draft proposed Charter amendment re: appointment freeze from filing week through general election. ☐ Draft proposed Charter amendment re: appointment freeze for periods when appt. impracticable < 90 days. ☐ Develop work plan to broaden diverse pool of exceptional candidates. ☐ Establish slate of prospective Councilmember-appointees to serve on condition of not seeking election. ☐ Take no action at this time. ☐ Other: _____.		
Appearance of Fairness 100-39	☒ Establish uniform time-limits of 15 min. per side. ☒ Set briefing deadlines for Tuesday before hearing. ☒ Direct Staff to explore options for increased utilization of hearings examiners.		
Social Media	☒ Add language directing use of Social Media Capture whenever social platforms used for City business.		



Recommended.



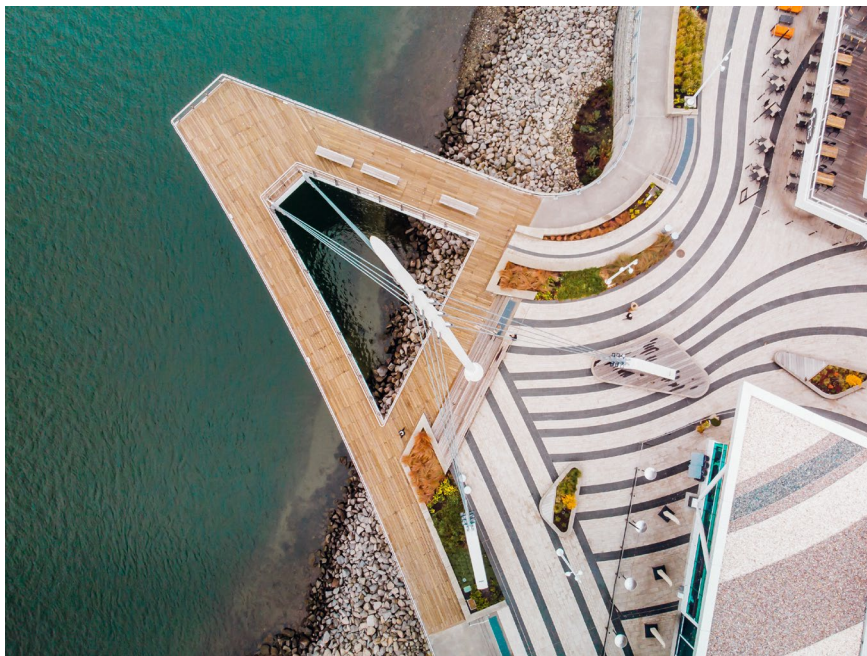
Not advised but legally permissible.

City Council Policies Review and Update

CITY OF
Vancouver
WASHINGTON

November 15, 2021
Vancouver City Council Workshop
Jonathan Young, City Attorney

Overview



City Attorney's guided discussion of selected Council policies:

- Six Recommended Updates
- Councilmember Seniority (100-32)
- Email Policy (100-37)

City Council Discussion (Sequence Optional):

- Filling Council Vacancies (100-38)
- Board / Comm'n. Appointment (100-06)
- Community Forum (100-32)
- Other Topics

Six Recommended Updates

Vancouver City Council Policy Updates (Sample Table for Ease of Reference)		
#1	9th Council Briefing	☒ Pronoun Modernization ☒ Citizenship Neutrality
#2	Community Member Appointment to Board & Commissions 100-06	☒ General Direction to allow 1 extra term to all Bd/Commission members serving during COVID-19 ☐ Written change to Council policy, or ☐ Strict enforcement of term limits. Bd/Commission Reappointment Process: ☐ No change desired ☐ Less Council Involvement ☐ Other: _____
#3	Council Meetings 100-32	Councilmember Seniority: ☐ Highest number votes rec'd ☐ Highest percentage of votes Total time for testimony: ☒ All Consent agenda items limited to 90 min. ☒ Public Hearings limited to 90 min. each. ☒ All time limits may be extended by majority vote. Community Forum: ☐ Discontinue CTV ☐ Add Reception Format upon return to in-person meetings ☐ Pilot sub-quorum break-out groups ☐ Other: _____
#4	Code of Ethics 100-36	Addition of Harassment Prevention Policy: ☒ Direct Staff to formulate harassment prevention policy comparable to WA Legislature. ☐ Revisit in the future. Other revisions: ☐ _____ ☐ _____ ☐ _____
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#5	Appearance of Fairness 100-39	☒ Establish uniform time-limits of 15 min. per side. ☒ Set briefing deadlines for Tuesday before hearing. ☒ Direct Staff to explore options for increased utilization of hearings examiners.
#6	Social Media	☒ Add language ensuring use of social Media capture whenever social platforms used for City business.

☒ Recommended.

☒ Not advised but legally permissible.

In your view, would the following policy sections benefit from the changes described in the detailed briefing memo?

1. Pronoun modernization, and citizenship neutrality (all policies)
2. Board & Commission Term Limits (100-06)
3. Council Meetings: 90 min testimony (100-32)
4. Draft Harassment Prevention Policy (100-36)
5. Appearance of Fairness (100-39)
6. Social Media (100-40)

Councilmember Seniority (Policy 100-32)

As between two (or more) new council members elected in the same general election, seniority shall be established according to:

- ☐ Greatest number of votes received;
- ☐ Greatest percentage of votes regardless of total vote count;
- ☐ Other?

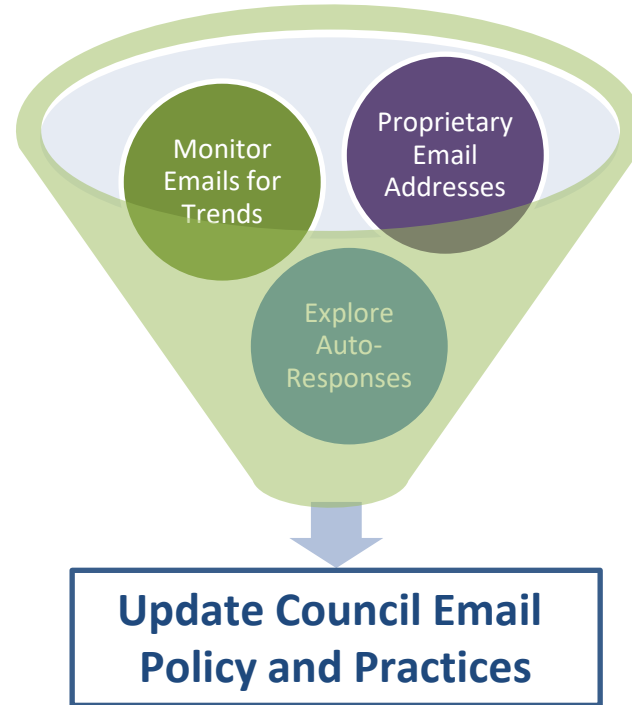


Email Policy (100-37)

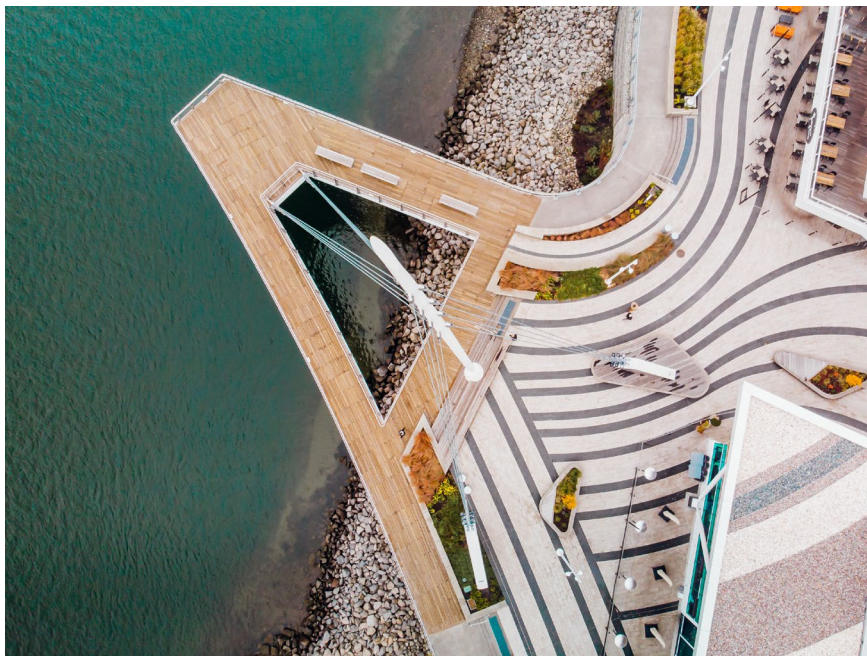


**(Not advised but
legally permissible)**

OR



Overview



City Attorney's guided discussion of selected Council policies:

- Six Recommended Updates
- Councilmember Seniority (100-32)
- Email Policy (100-37)

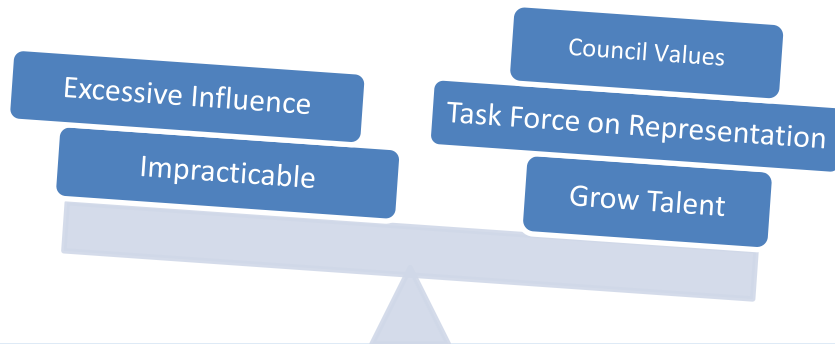
City Council Discussion (Sequence Optional):

- Filling Council Vacancies (100-38)
- Board / Comm'n. Appointment (100-06)
- Community Forum (100-32)
- Other Topics

Filling Council Vacancies (Policy 100-38)

Freeze

Appoint

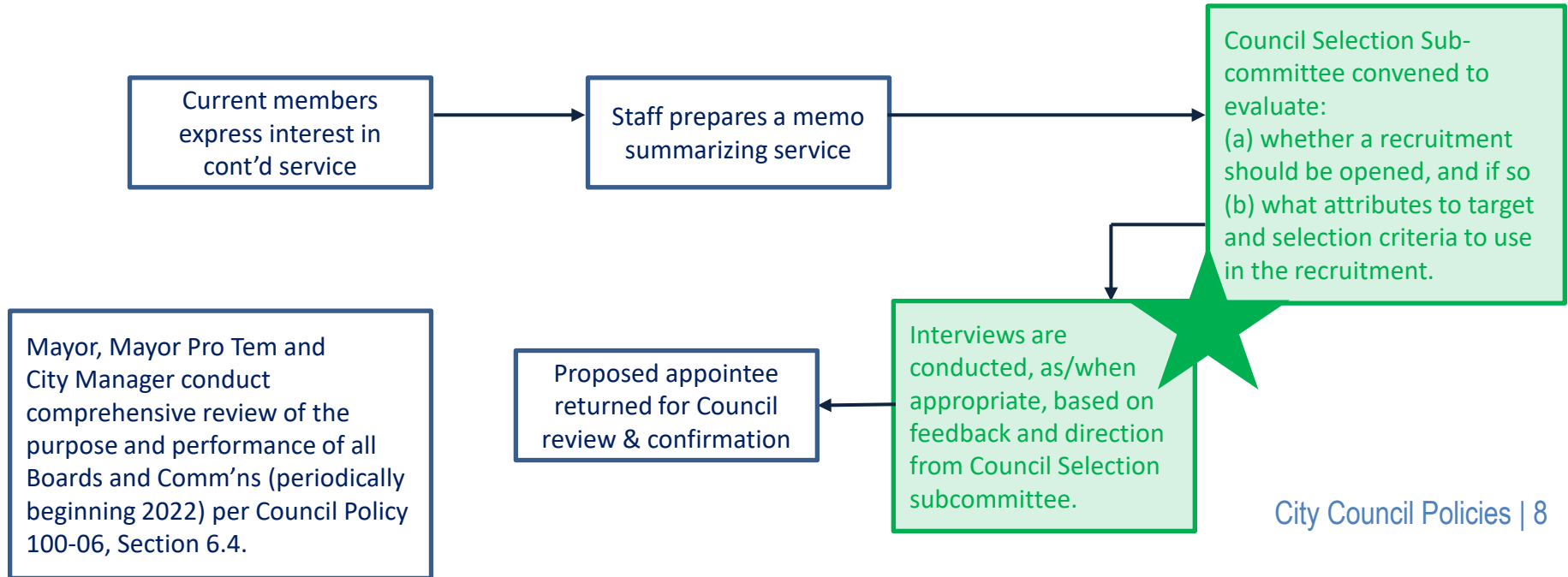


Direct Staff to:

- ☐ Draft proposed Charter amendment re: appointment freeze from filing week through general election.
- ☐ Draft proposed Charter amendment re: appointment freeze for periods when appt. impracticable < 90 days.
- ☐ Develop work plan to broaden diverse pool of exceptional candidates.
- ☐ Establish slate of prospective Councilmember-appointees to serve on condition of not seeking election.
- ☐ Take no action at this time.
- ☐ Other: _____.

Community Member Boards Comm'ns (100-06)

(1) Is Council getting the desired deliverables out of the current appointment process as written? (2) Are modifications★ desired?



Community Forum (Policy 100-32)

Which changes (if any) would Council be interested in seeing to the format of Community Communication Forum:

- ☐ Explore Sub-Quorum Breakouts
- ☐ Explore Reception Format
- ☐ Discontinue CTV Coverage
- ☐ No changes at this time
- ☐ Other

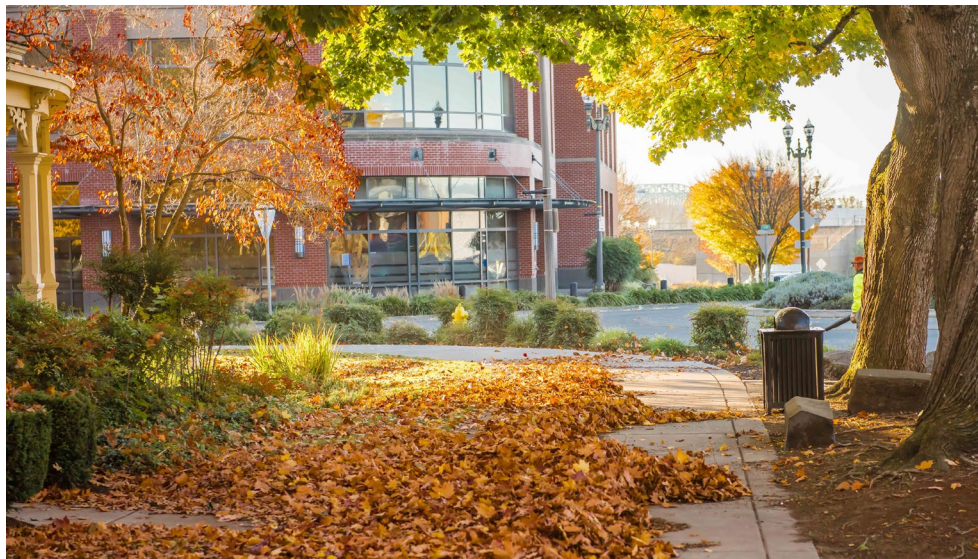


Additional Topics – Ethics Policy (100-36)

Possible revision to the City Council's Ethics Policy:

The question of whether allegations, if true, constitute an ethics violation should be referred to:

- ☐ City Hearings Examiner
- ☐ A new City-commissioned Ethics Board
- ☐ Remain with City Council (current)



Additional Topics and Discussion



October 18, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Fox was absent from workshops. Councilmember Paulsen arrived at 5:31 p.m.

4:30-5:30 p.m. Procurement Policy Discussion

Anna Vogel, Procurement Manager, 360-487-8429

Summary

Staff provided Council with an overview of proposed short- and long-term modifications to the City's Apprenticeship Program.

5:30-6:00 p.m. Heights District Plan Implementation

Rebecca Kennedy, Deputy Director of Community Development, 360-487-7896; Dave Perlick, Interim Director of Parks, Recreation and Cultural Services, 360-487-8314

Summary

Staff provided Council with an update on the implementation steps of the Heights District Plan.

REGULAR COUNCIL MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony were also facilitated via the GoToMeeting conference call.

Call to Order and Roll Call

The consent agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnery-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky Glover, Stober, Hansen, Mayor McEnery-Ogle

Absent: None

Councilmember Hansen left at 8.29 p.m.

Approval of Minutes

Minutes - September 20, 2021

Motion by Councilmember Hansen, seconded by Councilmember Glover, and carried unanimously to approve the meeting minutes of September 20, 2021. Councilmember Fox abstained.

Minutes - September 27, 2021

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve the meeting minutes of September 27, 2021.

Minutes - October 4, 2021

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve the meeting minutes of October 4, 2021.

Community Communication (Items 1-4)

Mayor McEnerny-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-4)

Council requested Item 1 be pulled for discussion.

Councilmember Fox noted this contract had been approved for increased spending authority earlier in the year and asked why an additional increase is needed again so soon and which departments are anticipating additional staffing needs.

Dean Perez, Deputy HR Director explained the spending authority for the temporary staffing contract was previously exhausted due to staffing needs at the COVID testing and vaccination site. Since the last spending increase, staff have encumbered the need for this resource but the funds largely have not been spent; rather than pulling the funding back from staff, HR is asking for an increased spending authority. Mr. Perez stated Parks and Recreation utilizes a lot of temporary staff during the summer months. Public Works and Community Development departments also utilize the contract. He stated there have also been significant increases to wages necessary to attract candidates.

Councilmember Fox stated she gets nervous when the City uses increased temporary staffing resources, but understands the seasonal needs. She encouraged staff to look ahead and evaluate whether some of these positions should be converted to full time permanent positions.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to approve the Consent Agenda.

1. Northwest Staffing Resources Agreement C-100478, Contract Increase

Staff Report 153-21

Summary

The City of Vancouver, through the Human Resources Department, currently contracts with Northwest Staffing Resources to provide staff augmentation services on an on-call, as-needed, and occasionally on-going basis. The services required may include, but are not limited to, clerical, light industrial, technical, and professional level staffing. The contract with Northwest Staffing Resources began on November 20, 2020, and ends November 19, 2025. It is anticipated the contract not-to-exceed amount (C-100478) of \$880,000 will be exhausted by the end of October if not increased. Staff requests an increase to the authorized amount of the contract.

Request: Authorize the City Manager or designee to execute an amendment increasing the authorized not-to-exceed amount of

the contract with Northwest Staffing Resources from \$880,000 to \$1,380,000.

Dean Perez, Human Resources Deputy Director, 360-487-8406

Motion approved the request.

2. Ratify Memorandum of Understanding (MOU) Between the City of Vancouver and the Vancouver Police Command Guild (VCG) to Implement Policy 701 for a Comprehensive Police Camera Program

Staff Report 154-21

Summary

Over the last several months, the City has been engaged with the community via the Community Task Force on Policing to explore a range of policy and operational changes within the Vancouver Police Department (VPD), including establishing a police camera program. This community engagement informed the City's development of a new camera program policy for VPD, which was the foundation for bargaining contract terms with both the Vancouver Police Officer Guild and Vancouver Police Command Guild to implement this key program. The resulting policy and contract terms establish management and employee rights and responsibilities, community rights and protections, as well as compensation for officers associated with establishment and deployment of a camera program.

Based on this, the City of Vancouver and the VCG jointly wish to implement a comprehensive police camera program, to include body-worn and in-car cameras, for purposes of enhancing the safety of police officers and building transparency with the public, along with increasing the availability and protection of evidence during civil, administrative, and criminal investigations.

The camera program is anticipated to be fully implemented in the second quarter of 2022.

Request: Ratify a Memorandum of Understanding between the City of Vancouver and the Vancouver Police Command Guild regarding the police camera program.

Lisa Takach, Human Resource Director, 360-487-8611

3. Nomination for Appointment to Clark County Public Health

Advisory Council

Summary

The Clark County Public Health Advisory Council is a 20-member volunteer body that makes recommendations to Clark County Councilors who also serve as the county's Board of Health.

The advisory council helps protect the community's health by preventing disease, responding to health threats, and reducing health disparities. The advisory council's top priorities are addressing adverse childhood experiences, community health improvement planning, and support for healthy children.

After a recent set of interviews, Council Committee 1 nominated a candidate for appointment to this Public Health Advisory Council and that candidate had to step-down. Due to the close proximity of those interviews and the need to re-nominate a candidate, Council Committee 1 chose to recommend the nomination of a second, qualified candidate, Elma Blum. This nomination would then be brought before the Board of Health to be fully appointed to the Clark County Public Health Advisory Council.

Request: Nominate Elma Blum for appointment to the Clark County Public Health Advisory Council, with a term beginning as determined and expiring September 30, 2024.

Council Committee 1

Motion approved the request.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for October 18, 2021.

Motion approved claim vouchers for October 18 in the amount of \$7,423,626.94.

Closed-Record Appeal Hearing (Item 5)

5. Academy Smokestack Demolition Appeal

Staff Report 155-21

On January 26, 2021, the Applicant submitted a demolition permit application for the Smokestack building located on parcel 5 of the Providence Academy property located at 400 E. Evergreen Blvd. The

property is also located in Heritage Overlay District Number One[1].

The main Academy building is the major historic asset in the area, but the outbuildings and the grounds of the Academy are also important historical and architectural features because of their relationship to the main building, and their influence on views of the main building and on the character of the immediate environs. The Providence Academy site is on the National Register of Historic Places, the highest level of recognition for historic sites and buildings in the US. According to the Vancouver Municipal Code, Providence Academy is the "...most important historic building in downtown Vancouver."[2]

Begun in 1873, the complex was built to serve as a boarding school, orphanage, convent, and headquarters for the Sisters of Charity of the House of Providence, incorporated in 1859, and one of the oldest corporations in the northwest. The main building was designed by and constructed under the direction of Mother Joseph of the Sacred Heart. It is widely regarded as one of her most outstanding architectural achievements and is one of only two buildings remaining today which bear her design imprint, though many of the institutions created under her direction remain in other buildings.

The Academy grounds have historically included numerous outbuildings, up to a total of as many as 14 at a time. The remaining historic outbuildings include the Laundry Building (c. 1884), Boiler Building and Boiler Smokestack (c.1910), and the Gymnasium (c. 1930). Today, most of the site is used for parking both paved and gravel surfaced.

The Smokestack is appended to the Boiler Building which historically heated the main Academy Building, the 1911 St. Joseph's hospital building formerly located to the north across 12th St., and the Laundry Building. The Smokestack and Boiler Building were designed by Portland architect Robert Tegen.

In January of 2018, the City received an application for redevelopment of the Academy site. Shortly thereafter, the City met with the property owner to discuss safety concerns related to the Smokestack, Laundry and Boiler buildings. Over the course of the next year the Historic Trust enlisted the efforts of four engineering firms to determine the overall condition of the Laundry, Boiler and Smokestack buildings.

Based on the primary reports and visible concerns about the buildings, the City required the property owner to provide an action plan to address the structural condition of the buildings. The City required the property owner to submit the action plan by March 1, 2020, the date was extended to September 1, 2020, due to the COVID-19 pandemic. On September 1, 2020, the property owner provided the City with a request for an unfit

building determination, per VMC 17.32 Unfit Buildings and Premises Code, for the Smokestack. The primary purpose of the “Unfit Building and Premises Code” is to provide a just, equitable and practicable method for determining if buildings, structures and/or premises are unfit for human habitation or other uses and are inimical to health and welfare of the general public and may be required to be repaired, vacated or demolished.

The City’s Building and Fire Code Commission (BFCC) held a public hearing on October 27, 2020, to review the Building Official’s preliminary determination of the smokestack as an unfit structure. At the conclusion of the hearing, the BFCC passed a unanimous resolution supporting the Building Official’s preliminary determination that the smokestack is an unfit structure under VMC 17.32.

On December 15, 2020, the City of Vancouver Building Official declared the Smokestack unfit and ordered it to be repaired or demolished (Order to Repair or Demolish). The Building Official also required a permit application for structural rehabilitation or demolition be filed with the City of Vancouver by March 31, 2021. As stated previously, the property owner filed the demolition permit application on January 26, 2021.

Per VMC 20.510.040, demolition permits for buildings listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places requires the approval of the HPC.

Procedures for Processing Applications for Demolitions

The standards by which the Commission must evaluate the Demolition Application at the Public Hearing are prescribed in VMC 20.510.050(A)(3) (b) and VMC 20.510.050(A)(3)(d), as outlined below. The HPC’s determination of whether to approve the Demolition Application is limited to whether the applicant can demonstrate that renovation, restoration, or reuse of the structure will impose an economic hardship on the property owner that makes any outcome other than demolition impractical. (emphasis added)

On July 7, 2021, the HPC held a public hearing regarding the Applicant’s request for approval of a demolition permit (“Demolition Application”) for the smokestack associated with the Providence Academy.

Process for Review

Per VMC 20.510.050.A.3 - A structure that is listed on the National Register of Historic Places and such structure is located within a Historic Preservation Overlay District shall not be demolished except in the

following manner:

a. Demolition of Unsafe Buildings. If the City Building Official has found the structure to be unsafe under the provisions of Chapter 17.32 VMC, Unfit Buildings and Premises Code, and has ordered that the structure be demolished.

b. Demolition of Other Buildings in a Historic Preservation Overlay District. If a proposed reuse of the site requires the demolition of a structure listed on the National Register of Historic Places and such structure is located within a Historic Preservation Overlay District. The proponent of the demolition shall submit an Application for Demolition together with a report demonstrating that preservation of the building or structure and important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impractical to renovate, restore, or reuse the structure. (emphasis added)

As stated earlier, the Building Official deemed the Smokestack unfit on December 15, 2020, and ordered the repair or demolition of the smokestack. On January 26, 2021, the property owner filed a request for demolition of the smokestack. Because the Building Official did not outright order the smokestack demolished but rather repaired or demolished, the approval process is subject to the requirements of VMC 20.510.050.A.3.b noted above. A report detailing that the preservation of the building will demonstrate an economic hardship is required if the building is to be demolished. The report shall contain the following information:

- 1. Ownership history during the past ten years including the buyers and sellers, sales prices, dates of sales and the relationships, if any, between the present owner(s) and the most recent previous owner(s).*
- 2. The outstanding balance of the mortgage and other financing secured by the property.*
- 3. The most recent assessed value and present property taxes levied.*
- 4. All appraisals on the property performed during the past three years and an estimate of the property's present fair market value.*
- 5. A summary of listed prices, if any, for the property during the most recent three years.*
- 6. Cultural significance as described in nominations for listing in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places or in any consultant report determining that the building may be an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places.*
- 7. Professional quality as-built drawings of the building and renderings of all exterior elevations showing the building's architectural features and black and white photographs on acid free photographic paper of*

- the building interior and exterior, its site and adjacent structures.*
- 8. Current level of economic return including annual gross income, itemized operating and maintenance expenses, capital expenditures, depreciation and debt service for the most recent three full years.*
 - 9. An analysis of reasonable economic alternatives to demolition, including:*
 - a) redevelopment of the building in its present location independent of other development of the site;*
 - b) redevelopment of the building in its present location in conjunction with new development on the balance of the site; and relocation to a different location and whether such redeveloped or relocated alternatives are capable of providing reasonable economic return upon completion of renovation / repair / relocation activities.^[3]*

The Applicant addressed each of these items in detail as part of the record from the July 7, 2021 HPC meeting (pp. 1-194).

Criteria for Approval of an Application for Demolition:

Per VMC 20.510.050.A.3.d., the following criteria for approval or denial shall be considered when reviewing an Application for Demolition:

- 1. The extent to which the demolition of the building will have a serious adverse impact on the cultural significance of the Historic Preservation Overlay District.*
- 2. The extent to which the building is so deteriorated and so lacking in historical fabric, that it would not be viable to retain the historic, cultural and architectural significance of the building through rehabilitation or renovation.*
- 3. There is no reasonable alternative to demolition that would provide the owner with a reasonable economic return.*
- 4. The extent to which the denial will deprive the owner of reasonable economic use of the underlying property.*

The Applicant addressed each of these items in detail as part of the record from the July 7, 2021 HPC meeting (pp. 195-198).

The Commission acted on the Demolition Application at the public hearing and issued a formal written decision on July 9, 2021 ("Commission Decision"). The Commission approved issuance of the applicant's demolition permit by the City of Vancouver, subject to the additional condition of approval that the effective date of the permit be delayed for 90 days to allow third parties to propose alternatives to demolition to the owner. Based on the applicant's submitted demolition application and report reviewed by the Commission at the public hearing, the Commission

determined that the record created by the applicant satisfied the requirements of VMC 20.510.050(A)(3)(b).

On July 29, 2021, an appeal of the Commission Decision ("Appeal") was submitted by Connie and Lee Kearney ("Appellant") and is properly before the Vancouver City Council in accordance with VMC 20.510.040.

Appeal of the Commission's decision is processed as a Type III land use action pursuant to VMC 20.220.030 and this appeal was timely submitted by a party with standing under VMC 20.210.130(B)(3). The hearing date for the appeal was set upon mutual agreement of the Appellant, the Applicant, and the planning official, in accordance with VMC 20.210.130(C). Under Table 20.210.130-1 of VMC 20.210.130(C)(3), the appeal hearing must be conducted on a closed record. A closed-record appeal hearing is limited to argument from the appellant, the applicant and city staff, and deliberation by the City Council. Argument and deliberation shall be limited to the record established at the original open-record hearing. The record shall consist of testimony and deliberation at the original hearing as recorded by an audio/visual tape or transcript certified as accurate and complete, any other materials submitted into the record, and the final order being appealed.

[1] VMC 20.510.020.

[2] VMC 20.510.020.A.1.

[3] VMC 20.510.050A.3.b.i-ix.

Basis of Appeal #1 – The City Council should remand the Demolition Application to the Clark County Historic Preservation Commission to require analysis of the proper underlying properties and redevelopment project.

Response #1:

In reviewing a demolition permit application under VMC 20.510.040, as the Commission properly did here, the HPC may not consider real property beyond the impacted parcel, except to the extent of evaluating the impact that demolition will have on the cultural significance of the Historic Preservation Overlay District (VMC 20.510.050(A)(3)(d(i))). The Demolition Application considered by the HPC is specific to a particular structure and that structure is located on a particular parcel of real property. Only that parcel and the ownership of that parcel is included in the report submitted to the HPC (VMC 20.510.050(A)(3)(b) itemizes the information to be included in the report, limited to the subject structure and property on which that structure is located) and the HPC would be acting *ultra vires*, outside of its legal power and authority, if it were to consider the economic benefit that might be achieved by other owners or other real property not the subject of the demolition application and therefore not before the HPC. The criteria for approval or denial of a demolition application that the Commission may consider is prescribed by VMC 20.510.050(A)(3)(d) and the appeal before City Council does not contest these criteria, which are expressly limited to the owner of the property in question:

Criteria for Approval of an Application for Demolition. The following criteria for approval or denial shall be considered when reviewing an Application for Demolition:

i. The extent to which the demolition of the building will have a serious adverse impact on the cultural significance of the Historic Preservation Overlay District.

ii. The extent to which the building is so deteriorated and so lacking in historical fabric, that it would not be viable to retain the historic, cultural and architectural significance of the building through rehabilitation or renovation.

iii. There is no reasonable alternative to demolition that would provide the owner with a reasonable economic return.

iv. The extent to which the denial will deprive the owner of reasonable economic use of the underlying property.

Basis of Appeal # 2 – The City Council should remand the application to the HPC to allow it to impose appropriate mitigation, if after evaluating an analysis of the proper underlying properties and redevelopment project, it concludes that demolition is warranted.

Response #2:

The prehearing guidance memo dated June 22, 2021, and provided to the Commission in advance of the public hearing (“Prehearing Guidance Memo”), includes the full language of VMC 20.510.050(A)(3)(e) regarding conditions that the HPC may impose upon its approval of a demolition permit. During the public hearing, legal counsel also advised the Commission that it could impose other requirements on The Historic Trust, as applicant, to expand or clarify the record before making a determination as to whether demolition was appropriate (at 2:29 in the Audio of the HPC July 7, 2021 public meeting). Furthermore, the plain language of VMC 20.510.050(A)(3)(e) does in fact limit the conditions the HPC may impose on the applicant because principals of statutory construction provide that illustrative examples are intended to limit the scope of a statute. Specifically, the provision “including but not limited to” is to be interpreted as allowing conditions similar to the designated list, not unfettered authority to apply any sort of condition at all.^[1] Enumerated conditions are expressly connected with the HPC’s scope of authority and process and do not allow the Commission to reach beyond.

The advice provided by legal counsel, as cited by the appeal, while perhaps abbreviated, was specifically responsive to additional conditions the Commission was inquiring about imposing that are not within the scope

of the enumerated conditions of VMC 20.510.050(A)(3)(e) and are outside the Commission's scope of authority defined in the powers and duties of VMC 20.220.050(D).

In the first instance, the appeal objects to counsel having advised the Chair that the Commission could not impose the condition of requiring the property to be listed on the Clark County Historic Register. This advice is correct. While the Commission is tasked under VMC 17.39.040(D)(2) and (3) with the power and duty to maintain the Clark County Historic Register ("CCHR") and to review nominations to the CCHR pursuant to the criteria specified in VMC 17.39.070, nomination of a structure for inclusion on the CCHR cannot be made without consent from the owner and such consent must be granted prior to consideration for CCHR designation by the Commission (VMC 17.39.070(B)(1)). Therefore, the very process of nominating, designating, and listing properties on the CCHR eliminates the possibility for the Commission to impose the CCHR designation on a property through the demolition application process to which the Smokestack was subject.

In terms of the claim that the HPC has authority under this VMC 20.510.050 review to impose additional mitigation measures preserving the historic significance of the Smokestack, the appeal appears to be conflating the authority of the Commission for structures to be demolished that are in fact designated on the Clark County Historic Register, as provided in VMC 17.39.080(C)(5)(g). That code section expressly grants authority to the Commission to impose mitigation measures that "may include, but are not limited to, photo documentation of the building or site, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource," but VMC 20.510.050, under which the HPC was reviewing the Demolition Application, grants no such option. Any historic mitigation measures to be imposed upon the applicant for the Smokestack demolition will be appropriately imposed under the State Environmental Policy Act, RCW Chapter 43.21C ("SEPA").

SEPA requires that the City consider the environmental impact of a proposal, such as the Demolition Application, before making decisions and expressly treats "historic and cultural preservation" as elements of the built environment to be considered when evaluating the impact of a land use project (WAC 197-11-447(2)(b)(vi)) under SEPA. Consideration must be given to preservation of historic sites and cultural resources in determining the environmental impact of the Demolition Application (WAC 197-11-330(3)(e)(i)) and incorporate, when appropriate, mitigation measures for historic and cultural resources in any Environmental Impact Statement (EIS) issued under SEPA (WAC 197-11-440(6)(d)(iv)).

Basis of Appeal #3 – THE HPC making a decision without having the final MDNS violated the State Environmental Policy Act (SEPA).

Response #3:

The HPC is not making a final decision on the issuance of the demolition permit and does not have the authority to issue the demolition permit. The City Building Official, assuming HPC approval, may only issue the demolition permit for the smokestack pursuant to the Demolition Application upon completion of the SEPA process and subject to mitigation measures imposed by SEPA.

The actual issuance of the demolition permit is made by the City Building Official, not the HPC, pursuant to the building code regulations of VMC Chapter 17.08, where issuance of a building permit for demolition is included in the scope of VMC 17.08.030. Permit issuance is subject to review by other departments and agencies to ensure compliance with applicable laws under VMC 17.08.110(A)(1). In the present case, the Building Official may not act on the Demolition Application and issue an actual demolition permit, subject to any conditions imposed by the HPC or by SEPA, until both approval by the Commission under the historic preservation, restoration, and reuse requirements of the VMC has been granted and until a determination of nonsignificance (DNS) or a mitigated determination of nonsignificance (MDNS) has been issued through the SEPA process.

Under WAC 197-11-704, the City's issuance of a demolition permit is an action subject to the authority of SEPA and subject to the authority of the HPC under the Heritage Overlay District requirements of VMC 20.510.050. While the Commission could fall within the SEPA definition of an "Agency" for purposes of WAC 197-11-714 as a "state or local governmental body, board, commission" etc., the definition of "Agency" for purposes of an agency that must have the final SEPA determination before taking action depends on the "Agency" taking a qualifying "Action" under WAC 197-11-704. Here the HPC is not an "Agency" because the qualifying "Action" is an agency decision authorizing a project through issuance of a demolition permit and the final authority for such permit issuance resides with the Building Official under VMC Chapter 17.08.

To determine whether a land use proposal will have a significant adverse impact on the quality of the environment, including the historic and cultural built environment, the City collects information pursuant to the SEPA Environmental Checklist prescribed by WAC 197-11-960. Question 13 of the Environmental Checklist addresses historic and cultural preservation as follows:

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

To the extent the City, as Lead Agency, determines that additional expertise on archaeological and historic preservation environmental matters is required under a SEPA review, the Washington State Department of Archaeology and Historic Preservation, not the HPC, is the agency expressly designated by WAC 197-11-920(11) as providing this special expertise on which the City can rely.

The City has adopted regulations under VMC 20.790.620 giving the City substantive authority to attach express conditions on a permit or proposal approval pursuant to SEPA. Subject to 43.21C.060 RCW and 43.21C.240 RCW, the City (here the Building Official as the final issuer of the demolition permit, not the HPC) may attach conditions to the permit so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

2. Such conditions are in writing; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The City has considered whether other local, State or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in Section 20.790.720 VMC and cited in the decision document.

The Commission was advised in a publicly disclosed legal memorandum dated June 14, 2021, ("SEPA Memo"), of the SEPA review process and the appropriate process available to the Commission to speak into the SEPA review process and recommend any mitigation measures. The appeal does

not contest any of the legal guidance provided to the Commission in the SEPA Memo. If the SEPA process and any mitigation provisions provided therein are deemed insufficient by the Appellant, there is a direct avenue to appeal the SEPA determination, but the adequacy and application of the SEPA determination for the demolition permit is not properly before the Council under this appeal

*[1] “[I]llustrative examples were intended to limit the scope of the statute. We apply the principle of statutory interpretation that ‘general terms, when used in conjunction with specific terms in a statute, should be deemed only to incorporate those things similar in nature or “comparable to” the specific terms.’ Simpson Inv. Co. v. Dep’t of Revenue, 141 Wn.2d 139, 151, 3 P.3d 741 (2000) (quoting John H. Sellen Constr. Co. v. Dep’t of Revenue, 87 Wn.2d 878, 883-84, 558 P.2d 1342 (1976)); see also State v. Gonzales Flores, 164 Wn.2d 1, 13, 186 P.3d 1038 (2008) (“specific words modify and restrict the meaning of general words when they occur in a sequence” (describing the principle of ejusdem generis) (citing State v. Roadhs, 71 Wn.2d 705, 708, 430 P.2d 586 (1967))).” State v. Larson, 184 Wn.2d 843, 849, 365 P.3d 740, 743, 2015 Wash. LEXIS 1451, *7*

Request: Council is being asked to decide if the Historic Preservation Commission's decision to authorize the issuance of a demolition permit for the Academy Smokestack should be upheld or overturned.

Staff's position is that the Historic Preservation Commission appropriately applied the Vancouver Municipal Code to the record and that its decision was properly issued. The HPC followed the criteria laid out in VMC 20.510, it reviewed the documentation that was submitted into the record by the Historic Trust, and through public comment, and it properly applied the VMC criteria to the supporting documentation in reaching its decision to authorize the Building Official to issue a demolition permit.

Jason Nortz, Development Review Manager, 360-487-7844

The following is a procedural summary of this closed-record appeal. The video record, including presentations and full discussion, is available on www.cvtv.org at:

https://www.cvtv.org/vid_link/33921?startStreamAt=0&stopStreamAt=10872

At 6:42 p.m., Mayor Pro Tem Glover recused herself from the discussion and action pertaining to this item, as she sits on the board of directors for The Historic Trust.

Mayor McEnerny-Ogle stated this item is a quasi-judicial hearing, which

invokes the Appearance of Fairness Doctrine. She asked City Attorney Jonathan Young to outline the protocol for this hearing and required disclosures.

City Attorney Jonathan Young stated Council would be presiding over a closed-record appeal of the Historic Preservation Commission's (HPC) authorization of the issuance of a demolition permit for the Academy Smokestack. He stated no new testimony or evidence will be entered into the record at this appeal hearing. He stated the Council would be hearing arguments from both parties, but those arguments and the Council's decision should be based upon the record from the Historic Preservation Commission's meeting.

Mr. Young stated the Council would be asked to disclose any ex parte communication or other Appearance of Fairness issues pertaining to this matter. Mr. Young stated the City Attorney's Office conducted an email search for any emails sent or received by any member of the City Council pertaining to this application and the HPC's decision and determined there were no messages requiring disclosure.

Mr. Young then asked each member of the Council to disclose any direct or indirect financial benefit they could derive from the decision to affirm or reverse the HPC's decision; any ex parte communication they have had about this matter; and whether they are prepared to listen to all of the testimony and consider all of the evidence presented before making up their mind about the appeal.

Councilmember Fox reported nothing to disclose, but she did note she previously sat on the Historic Preservation Commission and participated in a preliminary walk-through of the site in the context of an HPC workshop, but she had not participated in any process having to do with this particular appeal.

Councilmember Paulsen reported nothing to disclose.

Councilmember Lebowsky reported nothing to disclose.

Councilmember Stober reported the appellants, Connie and Lee Kearney, contributed to his last fundraising campaign and he has made donations in the past to The Historic Trust, but he does not stand to benefit from this decision, he can be fair minded and impartial, and reported no ex parte communication to disclose.

Councilmember Hansen reported nothing to disclose.

Mayor McEnemy-Ogle reported nothing to disclose.

The hearing was opened to all members of the public present on the video conference or on the phone to provide any testimony regarding any of the Council's Appearance of Fairness disclosures. No testimony was received.

Mr. Young stated Council would first hear a background presentation from City staff, followed by up to 15 minutes of oral argument from the appellant, and then up to 15 minutes of oral argument from representatives for The Historic Trust.

Jason Nortz, Development Review Manager, presented a background presentation and an overview of the process to date. Philip Gigler, Assistant City Attorney, was also available to respond to Council questions.

Councilmember Lebowsky asked if The Historic Trust has a full 90 days to proceed with demolition if the Council upholds the HPC decision. Mr. Nortz confirmed this, stating the 90 days does not start until the demolition permit is issued.

Councilmember Stober asked if The Historic Trust is required to allow a third-party proposal to come together once the 90 days begins. Mr. Nortz stated it would be at their discretion to entertain proposals.

Mayor McEnemy-Ogle opened oral arguments at 7:15 p.m.

Appellants Connie and Lee Kearney presented their oral arguments, based on the written statement (attached) submitted in advance of the appeal hearing.

Maren Calvert then presented the oral argument on behalf of The Historic Trust.

Council asked clarifying questions of both parties regarding the parcels of the subject site, fundraising efforts, and estimates for potential stabilization efforts.

As outlined in the applicant's brief (attached) submitted in advance of the appeal hearing, Ms. Calvert presented a motion to strike four arguments presented by the appellants because they are new arguments or present new evidence not confined to the record of the HPC meeting and decision or the notice of appeal.

Council reviewed the record and considered the request to strike the following as not included in the original record:

- Council first considered the request to strike the appellants' argument that they asked the HPC to require the Trust to allow the Kearneys to conduct their own independent feasibility and cost study.

Council reviewed the documentation provided as part of HPC record. Councilmember Paulsen noted a July 23, 2021, letter to City planning staff indicates the Kearney's made request to access the site to conduct an independent analysis, and as such, he believes this argument can appropriately be considered to be part of the closed record.

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and carried unanimously to deny the motion to strike the appellant argument that the appellant's asked the HPC to require the Trust to allow the Kearneys to conduct their own independent feasibility and cost study.

- Council next considered the motion to strike the appellants' argument that the repair estimates provided to the HPC were invalid or inflated.

Motion by Councilmember Paulsen, seconded by Councilmember Lebowsky, and carried 5-1 to uphold the motion to strike the appellant argument that the repair estimates provided to the HPC were invalid or inflated. Councilmember Fox voted No.

Councilmember Fox stated she recalls discussion during the HPC hearing regarding cost estimates, including other letters submitted that challenged the estimate.

- Council next considered the motion to strike the appellants' oral argument pertaining to intimidation of the Historic Preservation Commissioners during its hearing.

Ms. Calvert noted this issue was not raised in the notice of appeal. Ms. Kearney agreed they did not raise it in the notice of appeal but did raise it in the October 12 Appellant Statement to the City Council.

Councilmember Fox expressed concerns regarding how the Historic Preservation Commissioners were treated during the hearing but stated she does not see this issue has weight on the issues Council is being asked to consider under this appeal.

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to uphold the motion to strike the appellant argument pertaining to intimidation of Historic Preservation Commissioners.

- Council next considered the motion to strike the appellants' oral argument that Historic Preservation Commissioner Jan Bader failed to make appropriate disclosures under the Appearance of Fairness Doctrine during the HPC hearing.

Ms. Calvert stated this issue was not raised in the notice of appeal. Ms. Kearney agreed it was not raised, and stated she has no reason to believe Ms. Bader's comments during the HPC hearing were biased, but she raised it during her oral argument as evidence of the atmosphere of the HPC hearing that the appellants believe possibly contributed to the HPC making a hasty decision.

Motion by Councilmember Paulsen seconded by Councilmember Stober, and carried unanimously to uphold the motion to strike

the appellant argument regarding Commissioner Bader's Appearance of Fairness disclosures during the HPC hearing.

Mayor McEnemy-Ogle concluded oral arguments at 8:20 p.m.

Mr. Young reminded the Council if they affirm the HPC decision, the decision will stand subject only to further judicial appeal, and the Historic Trust will be allowed to move forward in the demolition process. If the Council overturns the decision, it will go back to the Historic Preservation Commission for a further hearing and consideration.

Councilmember Hansen left the meeting at 8:29 p.m.

Council considered each basis of appeal:

1. Failure to require information about and analyze the appropriate properties in applying VMC 20.510.050(A)(3)(d).
2. Failure to impose conditions on the demolition permit based on erroneous legal advice.
3. Failure to consider the final mitigated determination of nonsignificance (MDNS) through the SEPA process.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to affirm the Historic Preservation Commission's decision to authorize the issuance of a demolition permit for the Academy Smokestack.

Councilmember Stober stated the Council was constrained in what it could consider in making this decision, but outside of the hearing, he stated he is thinking about the health of the community in general, and he encouraged the Historic Trust to use the next 90 days to build and repair relationships and to look for any potential solutions that may exist.

Councilmember Paulsen agreed, and he stated it is appropriate outside of the discussion on the HPC's decision to ask why there was reluctance to get a second estimate on the stabilization efforts.

Councilmember Glover returned at 9:08 p.m.

Councilmember Fox stated this was not an easy decision knowing the Council could not consider new evidence. She stated she really appreciates the work of appointed volunteers, and she was appalled by the way the Historic Preservation Commissioners were treated during their hearing on this. She stated she hopes in the future staff is able to help coach volunteer commissioners and provide support during such hearings.

Mayor McEnemy-Ogle closed the appeal hearing at 9:13 p.m.

Communications

A. From the Council

B. From the Mayor

a. Interstate Bridge Replacement Program - Executive Steering Group Update

Councilmember Lebowsky disclosed she is employed by the Washington State Department of Transportation.

Katherine Kelly, Senior Transportation Policy Advisor, provided a preview of the next meeting of the Interstate Bridge Replacement Project Executive Steering Group.

C. From the City Manager

Adjournment

9:30 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio records are kept on file in the office of the City Clerk for a period of six years.

To: Amanda Delapena
From: Connie and Lee Kearney, Appellants
Date: October 12, 2021

Re: Appeal to Vancouver City Council of the Historic Preservation Commission's July 9, 2021 decision. (PRJ-163699/LUP-80658)

Sent via email this date to Amanda.delapena@cityofvancouver.us

The record before the Council contains Appellants' appeal and attachment A. Attachment A is the written testimony Appellants provided to the Historic Preservation Commission at its July 7, 2021 hearing.

We believe the Commission's errors are clearly set out in these two documents.

We urge the Council to pay particular attention to the action by the Trust in requesting recusal of certain Commission members. (29:50 and following)

We also reference testimony by the Trust stating that \$600,000 had been pledged for smokestack stabilization. (1:49:01 and following)

Prior to the Commission's July 7 hearing we had asked the Trust many times for access to the smokestack and were refused; thus, we had no opportunity to provide testimony contradictory to that offered by the Trust as to the cost of stabilization. (Exhibit A)

We have offered to the Trust that we would fund an independent feasibility study to determine whether the smokestack can be stabilized and what the estimated cost may be. We remain willing to do so. We found a firm which specializes in the rehab of historic structures and would perform, at our expense, such study for \$37,500. We contend that the \$2.5-\$3M estimate cited by the Trust to rehabilitate the smokestack is excessive. (1:42:18 and following)

CC: Stacey Graham, Trust CEO, via email
Maren Calvert, Horenstein Law Group, via email
Jacqui Kamp, Historic Preservation Commission, via email

Maren L. Calvert
maren@horensteinlawgroup.com
(360) 597-0978 Dir. Tel. & Fax

October 12, 2021

VIA EMAIL AT: jason.nortz@cityofvancouver.us
Amanda.delapena@cityofvancouver.us

City Council
415 W. 6th Street
Vancouver, WA 98660

Re: Appeal of PRJ-163699/LUP-80658 – The Historic Trust
– Response Brief to Kearney Notice of Appeal, dated July 29, 2021

Dear City Council,

Our office represents The Historic Trust (the “Trust”) in relation to the letter of appeal filed by Connie and Lee Kearney on July 29, 2021, of the Historic Preservation Commission’s July 9, 2021, decision approving The Historic Trust’s application to demolish the Smokestack at the Providence Academy within Heritage Overlay District Number One, case number PRJ-163699/LUP-80658 (“HPC Decision”).¹

The Kearneys’ Letter of Appeal identified three alleged Errors of Fact and Law. The Kearneys claim the HPC failed to:

- (1) require information about and analyze the appropriate properties when applying VMC 20.510.050(A)(3)(d);
- (2) impose conditions on the demolition permit based on erroneous legal advice; and
- (3) consider the final MDNS prior to making a decision.

The Trust provides the following authorities and arguments in response to the Kearneys’ Letter of Appeal and respectfully requests that the City Council affirm the HPC Decision.

STANDARD OF REVIEW

Vancouver Municipal Code (VMC) chapter 20.510 governing review of demolition applications in the Heritage Overlay District explains that appeals of Clark County

¹ The Record on Appeal (“ROA”) is available on the HPC’s website, <https://clark.wa.gov/community-planning/historic-preservation-commission>, immediately after the 7/07/21 Agenda. All references to the ROA in this brief will embed a hyperlink in the title of the document being referenced, such as “[HPC Decision](#).” Press CTRL Click on a computer or click on the blue text on a touch screen to open the ROA reference.

Historic Preservation Commission (HPC) decisions shall be appealed to the City Council.² The multitude of city code cross-references relating to appeals do not explain the standard of review the City Council is to apply.³

If subsequently appealed, the City Council's decision will be reviewed under the Land Use Petition Act ("LUPA").⁴ The standards for review under LUPA require an appellant to establish the City Council erred in one of six ways:

- (a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;
- (b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;
- (c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;
- (d) The land use decision is a clearly erroneous application of the law to the facts;
- (e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or
- (f) The land use decision violates the constitutional rights of the party seeking relief.

RCW 36.70C.130(1). "Standards (a), (b), (e), and (f) present questions of law we review de novo." *Julian v. City of Vancouver*, 161 Wn. App. 614, 623-24, 255 P.3d 763, 769 (2011) (citation omitted). Standard (c) requires a review for substantial evidence supporting the decision, which means "evidence that would persuade a fair-minded person of the truth of the statement asserted." *Id.* (Citation omitted). Under the clearly erroneous test in standard (d), the Court will determine whether it is "left with a definite and firm conviction that a mistake has been committed." *Id.* (Citations omitted). The Court is required to consider "all of the evidence and reasonable inferences in the light most favorable to the party who prevailed in the highest forum that exercised fact-finding authority." *Id.* (Citation omitted). If appealed, the City Council will be the highest forum that exercised fact-finding authority regarding the Trust's demolition application.

Alleged Error 1 – Consider Other Properties

The Kearneys contend the HPC did not properly interpret VMC 20.510.050(A)(3) and "erred by limiting its analysis to the parcel on which the Smokestack is located rather than the larger properties proposed to be redeveloped."⁵

² See [VMC 20.510.040](#).

³ ROA at [Prehearing Guidance Memo](#), p. 6-7.

⁴ See [VMC 20.210.130\(D\)\(1\)](#).

⁵ Letter of Appeal at p. 1.

Because the City Council is the legislative body that enacted VMC 20.510.050, it will be afforded substantial deference regarding the proper interpretation of VMC 20.510.050(A)(3).⁶

The Reason for the Trust's Demolition Application

The plain language of VMC 20.510.050(A)(3)(a) says it applies to buildings or structures the City Building Official has declared to be unsafe under VMC Chapter 17.32, the Unfit Buildings and Premises Code, and has ordered demolished.

The plain language of VMC 20.510.050(A)(3)(b) says it applies to “other buildings” in an Historic Preservation Overlay district, “[i]f a proposed reuse of the site requires” the demolition of that building. Demolition applications under subsection (A)(3)(b) must be accompanied by a report containing nine pieces of information.

The City Building Official declared the boiler, laundry, and smokestack on the Trust's property to be unsafe under the provisions of VMC Chapter 17.32.⁷ The Building Official ordered the boiler and laundry to be demolished and the smokestack to be demolished or repaired.⁸ Neither order was contingent upon, or otherwise related to, any “proposed reuse of the site.”⁹ That means, whether the Trust's property is redeveloped or not, the buildings have to be demolished – and in the case of the smokestack, demolished or repaired. If the property is not redeveloped – The Trust does not have the option of simply leaving the buildings in their current form. The Trust must act.

The plain language of VMC 20.510.050(A)(3)(b), therefore, does not apply.

As the record reflects, The Trust sought permission to demolish the boiler, laundry, and smokestack because they are unsafe buildings and seismically stabilizing them is not reasonably economically feasible.¹⁰ The Kearneys' unsubstantiated assertion that “the only reason The Historical Trust has sought a permit for demolition is to allow Aegis Phase II to be developed,”¹¹ therefore, is contrary to the substantial evidence in the record and simply not true.

Ultimately, however, the Kearneys' appeal on this point should fail either way. Whether the Trust's application should have been submitted under VMC 20.510.050(A)(3)(a) or VMC 20.510.050(A)(3)(b) is irrelevant. Either way, the

⁶ See *Phoenix Dev., Inc. v. City of Woodinville*, 171 Wn.2d 820, 256 P.3d 1150 (2011) (court deferred to city's determination of what constitutes “demonstrated need” under city code and found the City properly interpreted its own ordinance).

⁷ ROA at [Exhibit 4: A-T Economic Feasibility Report – Part 2](#), p. 24.

⁸ *Id.* at p. 32.

⁹ *Id.*

¹⁰ ROA at [Exhibit 4: A-T Economic Feasibility Report – Part 2](#) p. 24-40 and at Applicant Presentation, p. 12-14.

¹¹ Letter of Appeal at p. 1.

HPC Decision criteria were the same. The HPC Decision for all demolition applications are governed by the four criteria in VMC 20.510.050(A)(3)(d).¹²

HPC Decision Criteria

The Kearneys focus on the third and fourth criteria in VMC 20.510.050(A)(3)(d)(3) and (4).¹³

Criterion 3 requires the HPC to consider whether there is a “reasonable alternative to demolition that would provide the owner with a reasonable economic return.” The Kearneys contend the “reasonable alternative” the HPC should have considered is the redevelopment of all of the Trust’s properties.¹⁴ The Kearneys are wrong.

As explained above, the City Building Official declared the boiler and laundry unsafe and ordered them demolished.¹⁵ The Building Official’s order constitutes a determination that the building cannot be reasonably repaired or remedied. *See* VMC 17.32.060.C (“If, in the judgment of the building official, the dwelling, building, structure or premises cannot be reasonably repaired or remedied, the building official may order its demolition...”).¹⁶

Similarly, the City Building Official declared the smokestack unsafe, and ordered it to be demolished or repaired by October 31, 2021.¹⁷ HPC was required to consider whether repairing and seismically stabilizing the Smokestack – in

¹² Because the City Building Official ordered the smokestack to be demolished or repaired, the City asked the Trust to provide the report and nine data points outlined in [VMC 20.510.050\(A\)\(3\)\(b\)](#) with its application, to allow the HPC to assess whether seismically stabilizing the smokestack was reasonably feasible. ROA, [Staff Report](#), at pp. 3-4. The Trust did not agree that subsection (3)(b) applied but recognized the decision criteria were the same either way. So, the Trust reserved its rights regarding this issue and provided the requested report and information. ROA, [Exhibit 4: A-T Economic Feasibility Report-Part 1](#), at p. 2. The HPC found that the Trust’s application “satisfied the requirements of VMC 20.510.050(A)(3)(b). ROA at [HPC Decision](#), p. 1. (“Findings” section).

¹³ Letter of Appeal at p. 1.

¹⁴ *Id.*

¹⁵ ROA at [Exhibit 4: A-T Economic Feasibility Report-Part 2](#), p. 24.

¹⁶ The full text of subsection C is provided below:

If, in the judgment of the building official, the dwelling, building, structure or premises cannot be reasonably repaired or remedied, the building official may order its demolition, provided that the building official shall withdraw the order to demolish if the building owner repairs or remediates the condition within a reasonable time. The following standards shall be followed in substance in ordering repair, remediation, vacation or demolition of buildings, structures or premises:

1. If the unfit dwelling, building, structure or premises is 40 percent or more damaged or decayed or deteriorated in value, it may be ordered demolished. “Value” as used herein shall be the valuation placed upon the building or structure for purposes of general taxation.
2. If the cost of repair or remediation would exceed the value of the dwelling, building, structure or premises, it may be ordered demolished.
3. If the dangerous or unfit building, structure or premises cannot be repaired or remedied so that it will no longer exist in violation of the terms of this chapter, it may be ordered demolished.
4. If the unfit building, structure or premises is a fire hazard, it may be ordered demolished or abated.

VMC 17.32.060.C (emphasis added).

¹⁷ ROA at [Exhibit 4: A-T Economic Feasibility Report – Part 2](#), p. 32.

accordance with the City Building Official's Order – was a “reasonable alternative” to demolition that would provide the Trust with “a reasonable economic return.”¹⁸

The record is replete with evidence that it would not.¹⁹ Because the smokestack contains only 90 square feet, which would likely be filled with structural stabilizing materials – and because signs, billboards, and cell towers are prohibited uses in the Heritage Overlay District One – the repaired/stabilized Smokestack could not be used for *any* economic purpose.²⁰ It would only serve as a monument.²¹ Based on these facts, the HPC found it was impractical for the Trust to renovate, restore, or reuse the structure, pursuant to the decision criteria of Subsection (A)(3)(d).²²

Applying the fourth decision criterion to the facts of this case is straightforward. Subsection (A)(3)(d)(4) requires the HPC to consider “[t]he extent to which the denial will deprive the owner of reasonable economic use *of the underlying property*.” The Kearneys’ assertion that the HPC should consider *all* of the Trust’s real property, wherever located is directly contrary to this express code provision. City Code expressly instructs the HPC to consider the reasonable economic use of the property that is underlying – or *beneath* – the boiler, laundry, and smokestack.²³ Other outlying properties are not relevant to the analysis.

Because the HPC properly analyzed and applied the four decision criteria of VMC 20.510.050(A)(3)(d) to the facts of this case, the HPC Decision should be affirmed.

Alleged Error 2 – Conditions of Approval

The Kearneys’ second allegation of error contends that after the record was closed, the HPC received improper legal advice and, therefore, erred in failing to impose various conditions of approval.²⁴ Specifically, the Kearneys contend the HPC should have (a) required the Trust property to be “listed on the Clark County Heritage Register” and (b) imposed various unspecified “mitigation measures to

¹⁸ ROA at [Exhibit 1: Letter to the Historic Trust](#), p. 2 and [HPC Hearing Video](#) of July 7, 2021, at 1:37:52 (Building Official, Sree Thirunagari, testified that even though the smokestack is not a building, it still must meet all structural safety and stabilization requirements of the code), at 1:43:30 (Assistant City Attorney, Becky Rude, advised: “The premise before the Commission is that this structure has been deemed, um, unsafe and it either has to be demolished or repaired and so the alternative to demolition is repair and that is the economic analysis, is it economically feasible to repair the structure in such a way that will make it safe and satisfy the other city code requirements of having a stable structure...”), and at 1:44:10 (Ms. Rude: “you’re getting a structure that, um, the reason that (unintelligible) stabilization be economical is because the building can’t be left the way it is, it either has to be made safe or it has to be torn down”).

¹⁹ ROA at [Exhibit 4: A-T Economic Feasibility Report-Part 1](#), pp. 7-8, 12-13; at [Exhibit 4: A-T Economic Feasibility Report-Part 2](#), p. 186, 192, 198, 199; at [Staff Presentation](#), p. 10.

²⁰ ROA at [Exhibit 4: A-T Economic Feasibility Report-Part 1](#), p. 7.

²¹ *Id.* at p. 11.

²² ROA at [HPC Decision](#) at 2 (“Findings”).

²³ See “underlying,” Dictionary.com Unabridged (“lying or situated beneath, as a substratum”) available at <https://www.dictionary.com/browse/underlying>, accessed on 9/28/2021.

²⁴ Letter of Appeal at p. 2.

preserve the historic significance of the Smokestack.”²⁵ As discussed during the July 7 hearing, these conditions lie outside the HPC’s jurisdiction and it would have been inappropriate for the HPC to impose them.

The HPC did not receive inaccurate legal advice after the record closed at 2:28:10 in the video of the hearing, as the Kearneys contend. First, at 2:13:03 of the hearing, the *public comment period* closed, thus initiating the Commissioner Deliberations portion of the hearing.²⁶ The closing of the public comment period did not close the record of the proceedings.

Second, the advice the HPC received at 2:28:10 was not wrong. At 2:27:30, Commissioner Chair Gregg asked Assistant City Attorney Becky Rude if the Commission needed to make a general motion to demolish or if they could “build some recommendations into it.” At 2:28:10, Ms. Rude replied: “The guidance for the Commission’s decision, as you know, is in the Vancouver Municipal Code so the Commission’s decision is restricted to the um, the criteria that are in the code and the record before it.”²⁷ Ms. Rude then explained the first question is whether the...applicant’s report is complete. If it is, then the Commission shall consider the four criteria in VMC 20.510.050(A)(3)(d). There is nothing inaccurate about that advice.

At 2:30:00, a Commissioner asked whether the Commission could require the Trust property to be listed on the Clark County Historic Register (CCHR). Ms. Rude generally discussed the conditions of approval outlined in VMC 20.510.050(A)(3)(e), and then, at 2:32:00, replied “no.”²⁸ Ms. Rude did not explain why she said “no” – but she also did not say or suggest the Commission could only impose the conditions outlined in VMC 20.510.050(A)(3)(e). Indeed, if she had done so, Ms. Rude would have directly contradicted her previous legal advice.

Two weeks before the July 7 HPC hearing, Ms. Rude advised the HPC, in writing, that its ability to impose conditions of approval was not limited to the two conditions listed in VMC 20.510.050(A)(3)(e). Specifically, Ms. Rude advised: the conditions the HPC “may impose on issuance of a complete or partial demolition permit it has approved for a structure in the Historic Preservation (Heritage) Overlay District *include, but are not limited to*” delaying the effective date by up to 90 days and requiring additional information from the applicant.²⁹ The Kearneys’ assertion that the HPC received improper legal advice is contrary to and not supported by the substantial evidence in the record.

²⁵ *Id.*

²⁶ The video of the HPC hearing on July 7, 2021, is available on YouTube at [HPC Hearing Video](#) at 2:13:03.

²⁷ *Id.* at 2:28:10.

²⁸ [HPC Hearing Video](#) at 2:28:10.

²⁹ ROA at [Prehearing Guidance](#) Memo, p.5

Furthermore, as explained during the July 7 hearing, the conditions the Kearneys wish the HPC had imposed lie outside the HPC's jurisdiction and authority.

When asked of the Commission could require the Trust to place the smokestack on the CCHR, Ms. Rude responded that type of condition was not authorized by city code.³⁰ She was right. VMC 17.39.040.B.1 expressly provides: "[t]he owner must consent to placement of the nominated resource prior to consideration for designation" on the CCHR. Thus, the HPC is constitutionally prohibited from requiring the Trust to place the smokestack on the CCHR against its will. *See Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 605-606, 133 S.Ct. 2586 (2013) (the unconstitutional conditions doctrine prevents the government from leveraging its legitimate interests by imposing "[e]xtortionate demands" as conditions of approval to "pressure a[] [land]owner into voluntarily giving up property" rights).³¹

The Kearneys' desired second condition of approval requiring the Trust to take "mitigation measures to preserve the historic significance of the Smokestack," is also outside the scope of HPC's authority.³²

State law directs municipal governments to consider mitigation measures for the loss of historic and cultural resources, through project and nonproject actions, under the State Environmental Protection Act (SEPA).³³ As explained below, HPC's decision criteria do not include SEPA analyses or historic loss mitigation measures.³⁴ Instead, City Council exercised its legislative authority when drafting city code to place these environmental considerations on the planning official.³⁵ City Council then expressly authorized HPC to weigh in and provide its opinion for

³⁰ [HPC Hearing Video](#) at 2:59:55 and 2:32:00.

³¹ *See also id. citing Frost & Frost Trucking Co. v. Railroad Comm'n of Cal.*, 271 U. S. 583, 592-593, 46 S. Ct. 605, (1926) (invalidating regulation that required the petitioner to give up a constitutional right "as a condition precedent to the enjoyment of a privilege"); *Southern Pacific Co. v. Denton*, 146 U. S. 202, 207, 13 S. Ct. 44 (1892) (invalidating statute "requiring the corporation, as a condition precedent to obtaining a permit to do business within the State, to surrender a right and privilege secured to it by the Constitution"); *Town of Flower Mound v. Stafford Estates, L.P.*, 135 S. W. 3d 620, 639 (Tex. 2004) ("The government cannot sidestep constitutional protections merely by rephrasing its decision from 'only if' to 'not unless'").

³² [HPC Hearing Video](#) at 2:28:10.

³³ "Actions fall within one of two categories:" a project action and a nonproject action. WAC § 197-11-704(2). A project action "involves a decision on a specific project, such as a construction or management activity located in a defined geographic area." *Id.*

³⁴ ROA at [Prehearing Guidance](#) Memo, p. 4 & pp. 8-9 (regarding HPC's public comment on the Trust's SEPA application)

³⁵ Under WAC 197-11-050, the City of Vancouver is the "lead agency" with responsibility for complying with SEPA and its procedural requirements. [VMC 20.790.130](#) explains the City planning official is responsible for supervising compliance with any SEPA threshold determination.

the planning official's consideration.³⁶ HPC may also comment on a SEPA proposal pursuant to VMC 20.790.410, VMC 20.790.430, and VMC 20.790.440.³⁷

Given these provisions of State law and city code, it would be inappropriate and outside HPC's jurisdiction and authority to impose SEPA-historic loss mitigation conditions of approval on the Trust – thereby forcing the hand and restricting the City's decision-making authority under VMC 20.790.130.³⁸

The conditions of approval proposed by the Kearneys, therefore, lie outside the HPC's jurisdiction and authority. The HPC did not receive improper legal advice and did not err in deciding not to impose conditions of approval that lay outside its jurisdiction and authority. The HPC Decision should be upheld.

Alleged Error 3 – Failed to Consider the Final MDNS

Finally, the Kearneys contend that because the City's mitigated determination of non-significance was not final and was not available to the HPC prior to issuing the HPC Decision, the HPC Decision violates SEPA. The Kearneys, again, misunderstand the law.

The Kearneys correctly cite WAC 197-11-055(2)(c), which requires "appropriate consideration of environmental information [to] be completed before an agency commits to a particular course of action." The Kearneys incorrectly conclude, however, that this (and other) regulations require the HPC to wait for and consider the MDNS before entering its decision. This is not true – for three reasons.

First, the HPC's decision criteria for all demolition applications are listed in VMC 20.510.050(A)(3)(b). None of the four decision criteria require HPC to analyze environmental concerns or SEPA regulations.

Second, under city code and the Interlocal Agreement between the City and Clark County, the City is the "lead agency" with responsibility for complying with SEPA and its procedural requirements, and City Council appointed the City's planning official – not the HPC – to supervise compliance with any SEPA threshold determination. *See* WAC 197-11-050; WAC 1197-11-930; VMC 20.790.130.³⁹

³⁶ *See* [VMC 17.39.040.D.8](#) (HPC may comment on "all applications for approvals, permits environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) upon staff request").

³⁷ *See also* [VMC 20.790.440.C & D](#) (addressing timeliness of consulted agency responses to City request for comments and inability to object or challenge City decisions if consulted agency does not timely respond).

³⁸ [VMC 20.790.130.C](#) ("No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared or required by the lead agency, unless required under 197-11-600 WAC.")

³⁹ *See* Interlocal Agreement by and between Clark County and the City of Vancouver, WA concerning Cultural and Historic Resources, dated July 21, 2020 (the parties agreed to continue managing historic preservation objectives as codified in County and City Code), available at: https://clark.wa.gov/sites/default/files/dept/files/council-meetings/2020/2020_3Q/SR096-20.pdf.

Third, the HPC Decision is not a final action or final decision on the Trust's demolition permit application. The Trust's demolition permit applications are, arguably, a "project action" under SEPA.⁴⁰ State law requires lead agencies to consider environmental information "before an agency commits to a particular course of action" on project actions.⁴¹

Under city code, HPC does not make the final decision on or "commit to a particular course of action" on demolition permits. The City Building Official does.⁴²

The HPC is authorized to review and render its decision on a demolition permit application related to structures in Heritage Overlay District One. VMC 17.08.110.A.1 (demolition permit applications "may be reviewed by other departments and agencies to verify compliance [with] any applicable laws in this jurisdiction"); VMC 20.510.050 (requiring HPC review and decision on demolition permit applications within a Historic Preservation Overlay District).⁴³ The HPC's decision is then forwarded to the City Building Official – along with other required materials – for his review and decision.⁴⁴

The HPC Decision, therefore, is not a final agency action on a specific project under WAC 197-11-055(2)(c). It is merely one datapoint the City Building Official will consider when deciding to approve or deny the Trust's the demolition application.⁴⁵

The Kearneys may contend there is a "snowballing effect" from the HPC Decision that renders the ultimate approval of the demolition a fait-accompli. But this argument overstates reality.

Because SEPA is substantially similar to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321-4347, courts routinely look to federal case law for guidance on interpreting SEPA requirements. *See Int'l Longshore & Warehouse Union, Local 19 v. City of Seattle*, 176 Wn. App. 512, 525-26, 309 P.3d 654, 661 (2013). "Under NEPA, agencies must complete environmental review prior to the

⁴⁰ See footnote 33, above.

⁴¹ WAC 197-11-055(2)(c)

⁴² See [VMC 17.08.030](#) (the provisions of this chapter regulate construction and demolition of every building or structure in the City); VMC 17.08.170.A ("It shall be unlawful for any person, firm, or corporation to ...demolish or occupy any building, structure or equipment regulated by this code ...in conflict with or in violation of any provision of this code"); VMC 17.08.080 ("The building official shall issue permits pursuant to this code."); VMC 17.08.105.C (building official or his/her designee approves application); VMC 17.08.110.A.2 & C (building official issues permits); VMC 17.08.170.B ("Violations of this code are subject to enforcement by the Building Official").

⁴³ See also [VMC 20.510.030.C](#) and [20.510.040](#) (requiring approval of the HPC to demolish buildings on the "State Heritage Register or National Register of Historic Register [sic]," subject to appeal to the City Council)' VMC 17.39.040.D.5 (empowering HPC to "[p]rovide advisory review of structures located in the city's heritage overlay districts per Chapter 20.510 VMC").

⁴⁴ See e.g., [VMC 17.08.100.C & G](#) (listing requirements for "projects involving plan review by the Fire Department").

⁴⁵ See [VMC 17.08.100](#) (listing required items for building construction and demolition permit applications); VMC 17.08.100A.4 (requiring plans and "other data as required elsewhere in this code or technical codes") & A.11 (other data and information required by the building official).

‘go-no go’ stage of the project, which is to say before any “irreversible and irretrievable commitment of resources.’” *Id.* (Citations omitted).

“Preliminary steps that retain an agency's authority to “change course or to alter the plan it was considering implementing” are not “actions” requiring NEPA environmental review.” *Id.* Where an agency retains “absolute authority to decide” how to proceed, the project has not reached the ‘go-no-go’ stage. *See id.*

Here, the HPC Decision does not represent an irreversible and irretrievable commitment of resources. The City Building Official retains absolute authority to decide whether to approve the Trust’s demolition applications, or not. The HPC Decision is merely one municipal agency’s input the Building Official must consider.

Moreover, State SEPA regulations expressly provide that where – as here, one agency reviews or comments on the actions of another agency – the commenting agency (here HPC) is exempt from conducting a SEPA review. *See* WAC 197-11-800(22) (“Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.”)⁴⁶

In short, because the HPC Decision is not a “final” government decision and the City Building Official still retains absolute authority to approve or deny the Trust’s demolition permit applications, HPC was exempt from and was not required to conduct an environmental analysis or to consider City staff’s MDNS before entering the HPC Decision.

The Kearneys’ appeal based on alleged error 3 should be denied.

Preservation Opportunities

Although not identified as an error on appeal, the Kearneys attempt to raise new arguments in the Letter of Appeal, under the heading “preservation opportunities.” Specifically, the Kearneys assert the Trust’s seismic stabilization repair estimates were inflated and urge the City Council to require the Trust to allow the Kearneys on Trust property to conduct an independent cost analysis.⁴⁷ The Kearneys supplement this argument with their letter submitted to City Council on October 12, 2021. The Trust objects to these arguments because they were not raised during the proceedings below and these appeal proceedings are required to be conducted upon a closed record.

⁴⁶ *See also* [HPC Hearing Video](#) at 2:29:31 – 2:29:50 Assistant City Attorney, Becky Rude, expressly advised which four criteria were before the Commission for decision or consideration and that the ‘outcome of the demolition in terms of the environmental mitigation or other mitigating factors are not part of the equation for that consideration.’”

⁴⁷ Letter of Appeal at pp. 2-3.

Closed Record Appeal

Prior to the HPC hearing on July 7, 2021, Assistant City Attorney Becky Rude explained the appeals process for the HPC Decision. In that analysis, Ms. Rude explained: “City Council hears land use appeals pursuant to VMC 20.220.030(A)(5), which prescribes the form and manner of such appeals as being in accordance with those set forth in VMC 20.210 regarding land use decision making procedures.”⁴⁸ “The form of appeal submittal is provided in VMC 20.210.130(A),” and the appeal fee is \$1,969 for “all other” appeals.⁴⁹ Ms. Rude’s opinion continued, explaining:

Although the appeals process described here requires classification as a Type I, II, III, or IV land use decision for purposes of determining who has standing to appeal (VMC 20.210.130(B)), **only the form of Type III appeal (VMC 20.210.130(B)(3)) fits with the appeal process for this situation** (VMC Table 20.210.130-1, to City Council with further appeal to Superior Court...⁵⁰

The Kearneys’ appeal acknowledges that it was filed pursuant to VMC 20.210.130.B.3.⁵¹ Table 20.210.130-1 provides that Type III applications are appealed to City Council as closed record hearings.⁵²

A closed-record appeal hearing before the City Council shall be limited to argument from the appellant, the applicant and city staff, and deliberation by the City Council. **Argument and deliberation shall be limited to the record established at the original open-record hearing.** The record shall consist of testimony and deliberation at the original hearing as recorded by an audio/visual tape or transcript certified as accurate and complete, any other materials submitted into the record, and the final order being appealed.

VMC 20.210.130.C.3.b (emphasis added).

The Kearneys appeal of the HPC to the City Council, therefore, is a closed record appeal, confined to the facts and record presented to the HPC.

The Kearneys had the opportunity to submit written and oral comments to the HPC for its consideration during the July 7 hearing, and they did so.⁵³ The Kearneys, however, did not argue during the proceedings below that the Trust’s repair and

⁴⁸ ROA at [Prehearing Guidance](#) Memo, p. 7

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Letter of Appeal at p. 1.

⁵² [VMC 20.210.130](#),

⁵³ Letter of Appeal at p. 1, referring to ROA at [Public Comments](#), pp. 5-7.

seismic stabilization costs estimates were inflated. Nor did they ask the HPC to require the Trust to allow the Kearneys to conduct their own independent feasibility and cost study.⁵⁴

City Council should reject the Kearneys' attempt to raise new issues on appeal because doing so violates city code. *See* VMC 20.210.120(a)(4) (appellants must provide a "statement demonstrating that the specific issues raised on appeal were raised during the period in which the record was open"). *Accord Wells v. Whatcom Cnty. Water Dist.*, 105 Wn. App. 143, 154, 19 P.3d 453, 458 (2001) (striking evidence offered during the land use appeal that was not presented to the hearing examiner and thus, was not in record on appeal; granting sanctions and costs associated with motion to strike to objecting party).

In the event the City Council is inclined to consider the Kearneys' new arguments, the Trust requests leave to supplement this brief and its oral argument to refute the Kearneys' late-proffered information and arguments.

For all of the reasons stated above and to be discussed during a hearing on this appeal, The Historic Trust respectfully requests that the HPC Decision be affirmed in all respects. Thank you.

Sincerely,



MAREN L. CALVERT

⁵⁴ *See id.* *See also* Kearneys' October 12, 2021, letter to City Council attempting to raise these arguments.

October 25, 2021- Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Lebowsky was absent from workshops.

4:00-4:30 p.m. Strategic Planning Implementation: Incorporating A Stronger Vancouver

Eric Holmes, City Manager

Summary

The City Manager provided Council with an update on the Strategic Planning implementation approach moving forward.

4:30-5:00 p.m. Amendments to Business License Surcharge Ordinance

Natasha Ramras, Chief Financial Officer, 360-487-4848

Summary

Staff provided Council with proposed amendments to the Business License Surcharge program.

5:00-5:30 p.m. Resilient Water Utilities Strategy: Integrated Water Utilities Capital Program and Financial Strategies Review

Jennifer Belknap Williamson, Public Works Director, 360-487-7131

Summary

Staff previewed a Resilient Water Utilities approach pertaining to the update of the utility capital program and financial strategy.

5:30-6:00 p.m. Fall 2021 Zoning Map and Text Changes

Bryan Snodgrass, Principal Planner, 360-487-7946

Summary

Staff presented proposed amendments to the VMC Title 20 zoning map and text changes as part of the annual review process.

COUNCIL CONSENT AGENDA MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under the Community Forum were also facilitated via the GoToMeeting conference call.

Call to Order and Roll Call

The consent agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky Glover, Stober,
Hansen, Mayor McEnerny-Ogle

Absent: None

Proclamation: Dia de Muertos / Day of the Dead

Mayor McEnerny-Ogle read and presented a proclamation to Anna Cruz, Director of Vancouver Ballet Folklorico, recognizing Dia de Muertos/Day of the Dead.

Community Communication (Items 1-6)

Mayor McEnerny-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-6)

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve the Consent Agenda.

1. Water Tower 6 Coatings & Improvements, Construction Acceptance and Release of Retainage Bond

Staff Report 156-21

The existing steel water storage structure had internal and external coatings applied as well as improved operator tower access through the work on this project. The access improvements will allow Vancouver water operations staff to safely access the top of the tower. The coating replacements will protect the steel structure, improve water quality marginally and extend the asset's performance life. In August 2020, City Council approved a contract with HCI, Inc. to complete this work.

The contractor has satisfactorily completed this project in accordance with the provided plans & specifications.

TOTAL CONTRACT COSTS

Labor, Equipment and Materials	\$1,466,506.61
Sales Tax	\$ 123,186.56
Total	\$1,589,693.17
RETAINAGE	BOND

The final contract amount was significantly higher than the original \$1,305,829.76. The largest contract change was approved by the City Manager in June 2021 as it exceeded 10% of the contract cost. A significant interior area inside the tank required extra sandblasting to reach the surface preparation level necessary to apply the new paint coat. The contractor was reimbursed for time and materials to deal with these unforeseen conditions.

Apprenticeship Utilization goals of 3%, were not met with under 1% of qualified working hours delivered by apprentice employees. HCI delivered 57 hours of the required 257 hours. Because HCI is a union contractor, their sole source of apprentices is the International Union of Painters and Allied Trades, Local #10 (IUPAT #10). HCI made multiple apprentice requests to IUPAT #10. During many of the months when HCI needed apprentices, IUPAT #10 was not able to provide any response to HCI requests while IUPAT were focused on resolving a strike. HCI provided City staff with documentation of their IUPAT #10 apprentice requests as the project progressed.

Request: Accept the Water Tower 6 Coatings & Improvements project as constructed by HCI Inc., of Vancouver, WA. Authorize the release of the retainage bond, subject to documentation receipt as required by law.

Tyler Clary, Water Engineering Program Manager, 360-487-7169

Motion approved the request.

2. **Shared Equity Consideration for Households at 80% AMI or below**

Staff Report 157-21

History

In 1996, the CDBG funded First Time Homebuyers Program, which was developed to support homeownership for residents of Vancouver earning no more than 80% Area Median Income (AMI). The program was operated through a contractor, Columbia Non-Profit Housing, with additional funding through Clark County and the Washington State Department of Commerce. The program provided loans for households earning no more than 80% AMI using City of Vancouver CDBG funds as a down payment.

Loan terms

The down payment was provided as a loan, sitting behind the bank loan for the mortgage. The program utilized a shared equity model, with the intention of creating long-term, affordable homeownership opportunities. The program did not require payments until home sale or refinance. The down payments for the remaining 28 loans ranged from \$16,500 to \$35,000. Upon sale or refinance of the home, program participants are required to pay off the loan for the down payment and include an additional amount of the sale/refinance proceeds based on the property gain in equity. Any payments received from the homeowners are used to support other CDBG activities.

In 2011, Columbia Non-Profit Housing ended the program, and the down payment loans reverted to the funders including the City of Vancouver and Clark County. Due to the contract requirements, the state-funded program loans remained with Columbia Non-Profit. The City of Vancouver had approximately 110 loans, all funded with CDBG funds. There are currently 28 loans remaining ranging from 10 to 23 years old. The current notes have a 30 year-term that will trigger repayment of the down payment even if the original homeowner is still living there (forcing sale, refinance, etc.).

Issue we are addressing

Due to an unprecedented increase in local housing prices, the initial program design no longer meets its goal of long-term affordable housing through the shared equity model. In the past 20 years, the median sale price for a home in Clark County has increased by 204%. This has created many challenges for program participants and has motivated the City to propose a new policy for this program. Key issues include:

- In accordance with the initial terms of the program, homeowners would have to repay the City loan if they are taking out an equity loan or refinancing. In addition to repaying the City loan for the down payment, the homeowners are currently required to pay the City up to 50% of the increase in the value of the home. The combined payoff amount, including the original loan and shared equity, creates significant hardship for the homeowners. They will need to add the initial down payment and the shared equity to their current loan.*
- The average increase in assessed value for the homes of program participants between 2011-2021 was 148%, according to data from the Clark County Assessor's website. Under the current policy, this would require some participants to pay the City as much as double their original loan amount at the time of loan payoff.*
- The initial notes have a 30 year-term that will trigger repayment of the City-funded down payment along with the shared equity even if the original homeowner is still living there, which will force a sale or refinance of the home.*
- The City does allow for a subordination if the homeowner is interested in refinance with no cash out.*
- The City currently has three requests for consideration of the payoff amount, due to high payoff calculation caused by the shared equity requirement. We anticipate that this will be an issue with more participants seeking to pay off their loans in the future.*

In a July 2021 telephone survey, City staff was able to collect income and household size data from 22 of the remaining 28 First Time Homebuyers Program participants and learned that 20 of these participants are below 80% AMI with some households at or under 60% AMI. The goal of the housing component of the CDBG program is to support low (<50% AMI)/moderate (50-80% AMI) income households in the City of Vancouver to access affordable, safe, and quality housing. The cost burden created by the requirement of repaying a portion of the increase in equity to the City during home sale or refinancing directly contradicts these goals.

OPTIONS

Option 1 (staff recommendation): Base the Shared Equity on the Average of the shared equity payments for the past 10 years and adjust the payment based on the income of the household.

How the shared equity payment was calculated:

- Staff reviewed the last 20 loans that have paid off since 2012*
- Two were foreclosed and four had negative equity*
- For the remaining 14 loans that paid back both the loan and shared equity, the average amount of equity paid to the City is \$8,300 (rounded up)*
- Based on this average, households at 100% AMI would pay \$8,300 for the shared equity component. Households earning more or less than 100% AMI would pay a percentage of \$8,300 based on their AMI*

Example:

Shared Equity Household Income

<i>\$8,300</i>	<i>100 AMI</i>
<i>\$6,640</i>	<i>80 AMI</i>
<i>\$4,980</i>	<i>60 AMI</i>

Option 2: Forgive the shared equity component – The City would require the payback of the original down payment but forgive the shared equity component for households at or below 80% AMI, the definition of low-income established by HUD. This option would generate funds for the CDBG program but allow the current household to continue to live in the property with a reduced debt payment. This option provides the greatest relief to cost-burdened home owners and is also in line with the equity forgiveness policies of other loan-holders such as CNPH.

Request:

Authorize the City Manager to sign revised deeds and notes or other documents for any of the 28 homeowners to implement the cap on shared equity repayment as outlined under Option 1. *Please note, this would not affect current practice in the event that a home is foreclosed or would be in a negative equity position in the future.*

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Motion approved the request.

3. **Property Tax Levy for 2022**

Staff Report 158-21

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

On November 6, 2001, Washington voters approved Initiative 747 (I-747), which limits the allowable increase in the property tax levy to 1.0%, or the rate of inflation, whichever is less. The intent of the Initiative was reaffirmed by the Legislature in November 2007. The measure of inflation used under this law is the Implicit Price Deflator (IPD). The IPD inflation rate for 2022 levy calculations is 3.86%.

Staff recommends that City Council approve a 1.0% increase in the property tax levy, which is the maximum increase allowed. Based on last year's General Fund levy of \$52,527,179.31, the increase will be \$525,271.79. Authorization of this increase requires a simple majority vote of City Council.

Staff estimates that the City's general fund property tax levy rate in 2022 will range between \$1.73 per \$1,000 of assessed value to \$1.83 per \$1,000 of assessed value, compared to the actual 2021 general fund property tax levy rate of \$1.977 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2021 \$389,240	Levy Rate 2021 \$1.977 (per \$1,000 assessed value; General Fund Levy only)	2021 City Property Tax = \$769.53
Assessed Value 2022 \$436,709 (assumes assessed value increases 12.2%)	Estimated Levy Rate 2022 \$1.78 (per \$1,000 assessed value; General Fund Levy only)	2022 City Property Tax (hypothetical) = \$777.34
AV increases 12.2%	Levy Rate declines	Annual tax increase \$7.81 for this example taxpayer*

**If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If*

the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.

Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.

In addition to the base levy, the City collects new property tax revenue based on the value of new construction added to the assessment rolls during the prior year. The revenue to the City is calculated using the assessed value of new construction multiplied by the prior year's levy rate. The value of new construction is still being finalized by the County Assessor's Office and includes the value of utility new construction provided to the County Assessor by the State. The most recent estimate from the County Assessor's Office indicates more than \$453 million of new construction, which translates into \$897,000 of additional City property tax revenue, which is slightly more than the \$675,000 received for new construction values for 2021 taxes. The City's ordinance states the percentage and dollar amount increase in the City's base property tax levy as required by RCW 84.55.120. The County Assessor will determine the levy amount for new construction based on their final calculations.

Request: On October 25, 2021, approve the ordinance on first reading, setting the date of second reading and public hearing for November 1, 2021.

Carrie Lewellen, City Treasurer, 360-487-8482

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

4. **Property Tax Affordable Housing Levy for 2022**

Staff Report 159-21

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

Proposition 1 was approved by the citizens of Vancouver in November 2016, and authorized a \$6,000,000 annual property tax levy for 7 years, beginning in 2017. Information provided by the Washington State Department of Revenue states that the dollar amount stated in the ballot title is limiting amount, and the highest lawful levy amount is \$6,000,000.

Staff recommends that City Council approve a 0.0% increase in the property tax levy for the Affordable Housing Levy. Based on last year's Affordable Housing Fund levy of \$6,000,000, the increase will be \$0.00. Authorization of this requires a simple majority vote of City Council.

Staff estimates that the City's Affordable Housing Fund property tax levy rate in 2022 will range between \$0.20 per \$1,000 of assessed value to \$0.21 per \$1,000 of assessed value, compared to the actual 2021 affordable housing fund property tax levy rate of \$0.2258 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2021 \$389,240	Levy Rate 2021 \$0.22586 (per \$1,000 assessed value; Affordable Housing Levy only)	2021 City Property Tax = \$87.91
Assessed Value 2022	Estimated Levy Rate 2022	2022 City Property Tax

\$436,709 (assumes assessed value increases 12.2%)	\$0.20131 (per \$1,000 assessed value; Affordable Housing Levy only)	(hypothetical) = \$87.91
AV increases 12.2%	Levy Rate declines	Annual tax increase \$0.00 for this example taxpayer*

**If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.*

Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.

Request: On October 25, 2021, approve the ordinance on first reading, setting the date of second reading and public hearing for November 1, 2021.

Carrie Lewellen, City Treasurer, 360-487-8482

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

5. **Ad Valorem Taxes for 2022**

Staff Report 160-21

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2021/2022 Budget for the City of Vancouver; providing for an effective date.

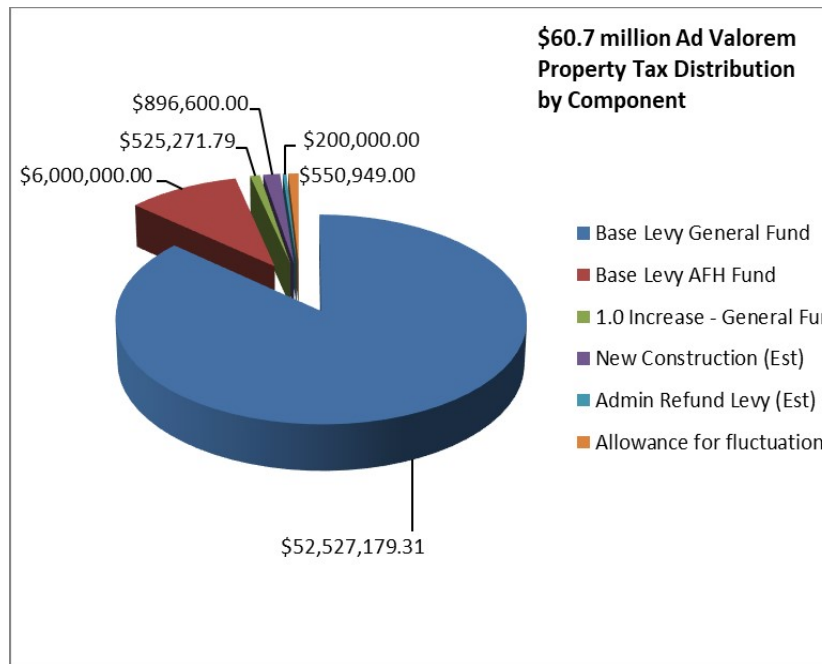
Pursuant to RCW 35.33.135, Council must approve an ordinance to fix and authorize the Clark County Assessor's Office to levy ad valorem taxes necessary to fund the City of Vancouver's 2021-2022 Biennial Budget.

An ad valorem tax (Latin for "according to value") is defined as a tax based on the value of real estate or personal property. An ad valorem tax is typically imposed at the time of a transaction(s) (a sales tax or value-added tax (VAT)), but it may be imposed on an annual basis (real or personal property tax) or in connection with another significant event (i.e. inheritance tax).

Staff currently estimates the 2022 real and personal property tax levy as \$60.7 million, which includes a preliminary estimate of \$897,000 in property tax revenue from new construction. The estimate of property tax from new construction will be updated based on the final new construction valuation provided by the Assessor's Office. The estimate of property tax revenue does not include the change in value of state-assessed utility property. Both of these amounts will not be final until December 2021.

City staff recommends that Council approve ad valorem taxes in the amount of \$60.7 million, which is needed to fund the City's 2021-2022 biennial budget. Of the total, \$54.7 million is for general fund purposes, and \$6 million is for the affordable housing fund. Approving ad valorem taxes of \$60.7 million allows the County Assessor's Office to levy real and personal property taxes to the full extent allowed under Washington State law. Staff anticipates that the final certified levy will be between \$60.1 million and \$60.3 million in 2022. If Council authorizes the ad valorem tax amount too low, the County Assessor's Office will only be allowed to levy up to the amount authorized by Council.

Staff recommends that City Council approve ad valorem taxes in the amount of \$60.7 million for the 2022 real and personal property tax levy within the city limits of Vancouver. This estimated revenue source is necessary to fund the 2021-2020 Biennial Budget for the City of Vancouver.



Request: On October 25, 2021, approve the ordinance on first reading, setting the date of second reading and public hearing for November 1, 2021.

Carrie Lewellen, City Treasurer, 360-487-8482

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

6. **Approval of Claim Vouchers**

Request: Approve claim vouchers for October 25, 2021.

Motion approved claim vouchers for October 25, 2021, in the amount of \$5,166,652.96.

Community Forum

Mayor McEnerny-Ogle opened the Community Forum and received the following testimony:

- Craig Lindell, Vancouver, urged the City to add cameras at intersections to capture traffic violations.
- Teresa Hardy, Vancouver, expressed concerns about a lack of clarity about how much of the forested area on the Vancouver Innovation Center site will be preserved when the land is developed.
- Cathryn Chudy, Vancouver, urged the City to extend the moratorium on large scale fossil fuel facilities.

- Don Steinke, Vancouver, spoke regarding actions that can be taken to reduce carbon emissions and support clean energy and resilience projects.
- Anita Thomas, Vancouver, urged the City to extend the moratorium on large scale fossil fuel facilities.
- Glen Yung, Vancouver, urged the City to explore a tiered rate system for utilities, and ensuring any business license surcharge program does not favor large businesses over small.
- Laurel Pascual, Vancouver, expressed concerns about the COVID-19 vaccine and state and federal mandates.
- Justin Forsman, Vancouver, urged the City to reopen City Hall and expressed concerns about state and federal pandemic-related mandates.

There being no further testimony, Mayor McEnerny-Ogle closed the Community Forum.

Adjournment

6:58 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio records are kept on file in the office of the City Clerk for a period of six years.

To: Vancouver City Council and Staff
Citizen Forum/10/25-21/Cathryn Chudy

In 2020 you wisely put in place a Moratorium on large-scale fossil fuel facilities here in Vancouver, demonstrating that you take the health and safety of our community seriously. This was not a radical local action, but an extension of an ordinance that Vancouver has had in place since 2016, keeping us safe from large-scale crude oil facilities.

In spite of dire warnings from the fossil fuel industry of “unintended consequences” back then, Vancouver has done quite well without having to spend staff time and city resources on vetting proposed crude oil facilities. And, our city has moved instead in the direction of recognizing that our local economy will better serve our citizens by reducing our reliance on fossil fuels and turning instead to energy sources that are clean and renewable.

The current Moratorium seeks to add other forms of bulk volatile fossil fuels to the current crude oil ordinance, and it is no surprise that the process to bring an updated ordinance to the City Council has been delayed by Western States Petroleum Association (WSPA) raising objections that clearly are not centered in protecting our health and safety, but rather in keeping the door open to an industry that intends to stall Vancouver’s forward movement in a necessary transition away from fossil fuels.

In 2019, the Port of Vancouver put in place a Renewable Energy Policy that determined our Port would not pursue new bulk fossil fuel terminals on port-owned industrial property. The Port heard the same dire predictions of “unintended consequences” back then, and has thrived instead in the two years since. An updated city ordinance, as proposed in the Moratorium, is the logical next step for Vancouver, and joining the Port in taking this action is clearly in the best interest of Vancouver’s future health, safety and well being.

WSPA’s objections mean that in order to continue protecting our community, the Moratorium must be extended to give city staff the necessary time to address those objections which can then clear the way for the protective updated ordinance to be completed and brought to you for a final vote. I urge you to extend the Moratorium one more time to accomplish this outcome.

From: [Don Steinke](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [Ace Vancouver](#); [Climate Action of Southwest Washington](#); [Coal-WA-SW-Leaders](#); [Editor Craig Brown](#); [Greg Jayne](#); [Shari Phiel](#); anthony.macuk@columbian.com; [Kerri Altom](#); [Lande, Aaron](#); [Tristan Smit](#); [P.J. Tillman](#)
Subject: Don Steinke's Clean Energy Comments for Oct 25, 2021
Date: Monday, October 25, 2021 11:42:42 AM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For the Vancouver City Council, Oct 25, 2021

Hello everyone, my name is Don Steinke

I attended the County Council meeting six days ago to speak in support of the C-PACER ordinance proposed by staff.

C-PACER is a lending tool that can be used to enable owners of commercial properties to borrow money for conservation, clean energy and resilience projects. As I understand it, the loan obligation stays with the property rather than with the loan applicant.

Some of the testimony was read into the record by staff, including one comment made by the general manager of the Port of Camas Washougal. He said he had several tenants that asked for the C-PACER loan option. Council approved unanimously.

Topic 2 Several weeks ago, I attended a meeting of the State Building Code Council where I spoke in support of a proposal to move forward with a new code that would require new construction to provide heat pumps for water and space heating, and if a large commercial property needed a permit to replace its old gas heating systems with a new system, it also would be required to go all electric.

The State Building Code Council agreed with the advocates to advance that proposal to public comment. It's not a done deal yet and the earliest it would take effect if approved is 2023.

Topic 3 According to the Guardian News Service, [here](#)

When the city of [Austin](#) drafted a plan to shift away from fossil fuels, the local gas company was fast on the scene to try to scale back the ambition of the effort.

The company asked customers to oppose the city plan and escalated its concerns to top city officials. The company drafted line-by-line revisions to weaken the plan,

In its suggested edits, the company struck references to "electrification", and replaced them with "decarbonization"— a policy that allows 1 part of dairy gas to be mixed with four parts of fossil gas and call it net zero. It offered to help the city to plant more trees to absorb climate pollution which might help it to keep burning gas.

The American Gas Association in a statement for the Guardian said it "will absolutely oppose any effort to sideline our infrastructure anywhere the effort materializes, state

house or city steps”.

I say this because I'm concerned that the gas industry is allowed to be in your stakeholder roundtable discussions for your climate action plan. The same applies to the builders. Links and more in my written comments. Thanks.

Topic 4 Builders

The National Home Builders association with the help of the American Gas Council sabotage efforts by city planners and architects to strengthen the National building Codes. They claimed that stronger building codes drive up the cost of housing.

Ever since the oil embargo of 1973, local governments has sought for and obtained grants to help residents conserve energy. You'd think by now, we'd be caught up, but we never are because the builders always oppose strong conservation measures. The low hanging fruit keeps growing back, and it is cost prohibitive to redesign the building to make it more efficient.

[Energy Department research](#) found that aggressive codes dramatically lowered homeowners' energy bills, and advocates say the cost of retrofitting already-built structures to make them more efficient down the road is even more expensive. It's also politically challenging.

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Dan Serres Comment for forum, in support of continuing moratorium
Date: Monday, October 25, 2021 2:41:41 PM
Attachments: [image001.png](#)

For council tonight

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON
City Manager's Office/Administrative Assistant
P: (360) 487-8616

www.cityofvancouver.us | www.cityofvancouver.us/socialmedia



[LEARN ABOUT VANCOUVER'S COVID-19 RESPONSE HERE](#)

From: Dan Serres <dan@columbiariverkeeper.org>
Sent: Monday, October 25, 2021 1:38 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Dan Serres Comment for forum, in support of continuing moratorium

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

(Please note - This request is late for the 12 noon cutoff for signing up for testimony. The statement would have to be curtailed, anyway, because it's longer than 2 minutes. Please enter this into the record, if I am unable to offer a portion of this statement tonight during the Citizen's Forum. I understand that there may not be time for me to speak, and that is okay with me. I will listen. Thank you. - Dan Serres)

October 25, 2021

Dear Mayor McEnerney-Ogle, Councilmembers, and Staff:

My name is Dan Serres. I am the Conservation Director for Columbia Riverkeeper, and I have many friends, family members, and colleagues who live and work in Vancouver. I want to begin by expressing my alarm and concern at the spate of violence that has impacted Vancouver communities, including BIPOC communities in Vancouver who have experienced violence from law enforcement officers.

I support the efforts of community members to demand accountability, transparency, and actions to reduce harm caused by gun violence in the Vancouver area. The loss of life and injuries have ramifications on both sides of the Columbia River, particularly for those with marginalized identities who bear the brunt of violence most often.

I also write to support the continuation of Vancouver's moratorium on the establishment or expansion of large-scale fossil fuel facilities. Communities on both sides of the Columbia River are already grappling with the risks imposed by current fossil fuel storage and export facilities as well as shipments that often move through Vancouver to other locations.

The public health and safety risks of large-scale fossil fuel facilities are significant and impose major environmental justice concerns on Vancouver neighborhoods close to the Port and major transportation corridors. Vancouver's moratorium is, first and foremost, a necessity for planning a healthy, safe, equitable transition away from highly polluting and hazardous fossil fuel developments.

Washington Department of Health's recently developed tool, the Environmental Health Disparities Map, provides useful, clear data and maps to support your ongoing work. We look forward to engaging in the process of evaluating these impacts further.

Thank you to Vancouver's staff, who are currently working to address issues raised by the Western States Petroleum Association (WSPA). WSPA and Vancouver are on different pages about the necessity to limit fossil fuel risks to Vancouver communities' health, safety, and climate stability.

Several years ago, WSPA unsuccessfully pushed for Vancouver to allow a major increase in oil train traffic by establishing new oil train unloading capacity in Vancouver. And it's no secret that WSPA promotes the agenda of its members, [which include some of the world's largest petroleum producers and refiners](#), such as Chevron, Exxon, Shell, and Marathon, which now owns what was once Tesoro.

I encourage the City Council and staff to consider WSPA's assertions carefully, acknowledging that WSPA and the City do not share common goals. The Port of Vancouver received harsh objections from WSPA when it developed its own resolution on these issues. Port Commissioners Eric LaBrant and Don Orange ultimately departed from WSPA's approach and listened to their community members instead, establishing a Port policy not to pursue large-scale fossil fuel terminals. The Port's policy would be strongest if paired with a permanent ordinance from the City of Vancouver.

This history is important: WSPA has stood in the way of reasonable policies to reduce fossil

fuel risks. Let's not let them set the agenda, now.

According to Investigate West, WSPA [even argued against](#) an effort to increase tug escorts when the issue was discussed at the WA State Capitol in Olympia. Tug escorts [can significantly reduce oil spill risks](#), according to the Department of Ecology. This is an example of how WSPA sought to prioritize the monetary interests of major oil companies over tangibly reducing oil spill risks in our communities.

Please continue the moratorium. I appreciate your careful diligence on such an important policy.

Thank you,

Dan Serres, Conservation Director, Columbia Riverkeeper
15506 SE La Bonita Way. Oak Grove OR. 97267.
503.890.2441
dan@columbiariverkeeper.org

From: [Jean M. Avery](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Fwd: Comment for 10/25 Citizen Forum
Date: Sunday, October 24, 2021 4:50:36 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Jean M. Avery** <jeanmavery@gmail.com>
Date: Sun, Oct 24, 2021 at 4:48 PM
Subject: Comment for 10/25 Citizen Forum
To: JMA <JeanMAvery@gmail.com>

Please consider trash clean-up work as a way to provide money to people experiencing homelessness. This link tells more:

<https://clbn.us/GyWTu>

The article states that this type of program is operating in Oakland, CA, Portland, OR, Tacoma, WA, and other cities. Please consider this win-win solution to two urban problems.

Thank you,
Jean M. Avery, Vancouver

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: City safety
Date: Monday, October 25, 2021 2:42:28 PM
Attachments: [image001.png](#)

Can you forward to council?

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON

City Manager's Office/Administrative Assistant

P: (360) 487-8616

www.cityofvancouver.us | www.cityofvancouver.us/socialmedia



[LEARN ABOUT VANCOUVER'S COVID-19 RESPONSE HERE](#)

From: Margot Rice <mrd303@gmail.com>

Sent: Monday, October 25, 2021 2:39 PM

To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>

Subject: City safety

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please add my comments below to the City Council meeting under the Community forum.

Dear Madam Mayor and Council members,

One of your greatest responsibilities to the citizens of Vancouver is to keep them safe. I have never felt less safe in the 8 years that I have lived here than I do now. Shootings, car theft, and so much more are now daily and not rare occurrences.

Our officers are under staffed and have been for far too long. The pandemic has been cited as the reason for not being able to hire and train officers. Other than wearing a mask, the previous restrictions are no longer a factor and have not been a reason for the past several months.

I think you owe your citizens communication on specific actions you are taking to improve safety in Vancouver.

Sincerely,

Margot Rice



Staff Report 170-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/15/2021

SUBJECT Renewal of an Interlocal Services Agreement between Clark County and the City of Vancouver in support of the Student Watershed Monitoring Network (SWMN) Program

Key Points

- This will be the fifth interlocal agreement between Clark County and the City of Vancouver for coordination on this program since 2002 and it provides for continued coordination from 2022 through 2026.
- Joint funding of this partnership program is more efficient and effective than for each agency to operate an independent effort.
- The program helps address the NPDES MS4 stormwater permit requirements for multiple jurisdictions.
- The program normally reaches up to 4,000 students each year and provides an important STEM connection for teachers who participate year after year.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained.

Present Situation

Since 1998, the City of Vancouver has worked closely with interested classroom teachers (currently 44 in 23 schools) to offer training, equipment, and other essential support that allows them and their students to monitor chemical, physical, and biological parameters in and around streams, lakes, and stormwater facilities. This affords the students frequent hands-on opportunities to be in and learn about their environment. Near the end of each school year a culminating event(s) is organized that provides an opportunity for many students (selected from all those participating, currently 2,240) to meet with their teachers, parents, and environmental professionals to share details of what they've learned about their monitoring location and

watershed throughout the year. Beginning in 2002, Clark County has helped make this program possible through an interlocal agreement to provide the City with financial support that extends the program to operate in schools located throughout Clark County. The most recent agreement will expire on December 31st of this year and needs to be renewed to allow for continued funding.

County funding in recent years has been \$60,000 per year and this amount has been allocated in the 2022 scope of work (Attachment A) as part of the new ILA. Direct City support for the program is currently projected to be approximately \$50,000 per year, however, the program also benefits from the City's "in kind" contribution of a full-time Water Educator who helps support other Water Center programming. The position was included in the 2021 budget as "limited-term", however, it had not been included in the adopted 2022 budget as the ILA was set to expire. Fund balance in 2021 is sufficient to continue the Water Educator position for the SWMN program through 2022 and the position is anticipated to be requested for an ongoing role as a part of the 2023/2024 Water Center budget. The new Interlocal Services Agreement for 2022 through 2026 includes a Budget and Scope of Work for 2022 (Attachment A), which can either be continued or adjusted as agreed to each year by the County and City Public Works Directors. The ILA and its scope do allow for other jurisdictions to join with Vancouver and Clark County in supporting the SWMN program as their funding becomes available during the term of the interlocal.

Advantage(s)

1. The City's continued expenditures on the program for in-city schools are leveraged to reach more students across the county contributing to a more effective program operating in diverse watersheds.
2. Community support for and understanding of environmental issues is increased while NPDES permit requirements for public education and outreach are addressed.
3. More students gain meaningful exposure to hands-on, standards-aligned science that could impact positive career choices and their life-long appreciation for properly managing our water resources.

Disadvantage(s)

The agreement requires an ongoing commitment for funding the effort, however, the interlocal provides for the annual review and adjustment of the budget or scope of work should resources or agency priorities shift.

Budget Impact

This interlocal agreement provides for annual funding from Clark County and will run for five years. The deliverables and tasks can be adjusted to match the level of funding available on an annual basis consistent with funds available in the County Clean Water Program. 2022 funding by Clark County is set at \$60,000 while Vancouver anticipates contributing additional expenditures of about \$50,000 from the Water Center's (Water Fund) budget. As noted, with the City's "in kind" contribution benefiting other Water Center programs the continuing position and SWMN effort has a total budget impact of about \$90,000 per year and this is covered within the existing 2022 budget. There is no obligation for the City to continue offering its Student Watershed Monitoring Network Program in schools outside of the City once the agreement ends or is terminated.

Prior Council Review

As required, the ILA is brought to the City Council for renewal every 5 years. The Student Watershed Monitoring Network (SWMN) program is a listed core service in the Water Center's 2021/2022 budget narrative and is reported on in the Center's annual reporting for the city's NDPEs MS4 permit.

Action Requested

Authorize the City Manager or his designee to sign the interlocal agreement with Clark County for support of the Student Watershed Monitoring Network program.

Rich McConaghy, Environmental Resources Manager, 360-487-7165

ATTACHMENTS:

- ▣ 2022-2026 Interlocal Agreement with Clark County
- ▣ Attachment A - 2022 Budget and Scope of Work for Student Watershed Monitoring Network Program

**INTERLOCAL SERVICES AGREEMENT
BETWEEN CLARK COUNTY AND THE CITY OF VANCOUVER
FOR
STUDENT WATERSHED MONITORING NETWORK PROGRAM**

THIS IS AN INTERLOCAL SERVICES AGREEMENT, entered into under the authority of the Interlocal Cooperation Act, RCW 39.34.080, between Clark County, a political subdivision of the State of Washington (the “County”), and the City of Vancouver, a municipal corporation of the State of Washington (the “City”).

WHEREAS, the City of Vancouver and Clark County are committed to protecting the health of Clark County watersheds and the Columbia River into which they drain; and

WHEREAS, the County must perform public education and outreach activities as required by the National Pollutant Discharge Elimination System permit issued to the County by the Washington State Department of Ecology; and

WHEREAS, the City and the County recognize that the hands-on activities and field trips associated with watershed monitoring are effective ways of educating our children about the threats to our water resources and involving them in the protection process; and

WHEREAS, pursuant to RCW 39.34.080 (Interlocal Cooperation Act), one or more public entities may contract with one another to perform government services which each is by law authorized to perform;

NOW, THEREFORE,

THE COUNTY AND THE CITY agree as follows:

SECTION 1. PURPOSE. The purpose of this Agreement is to extend, with County support, the City’s Student Watershed Monitoring Network, hereinafter referred to as the Student Watershed Monitoring Network Program (SWMN), into schools within the unincorporated area of Clark County. A secondary purpose of this agreement is to clearly define the legal relationship between the City and County in relation to the SWMN, generally in this Agreement and specifically in the 2022 Budget and Scope of Work, identified as “Attachment A,” a copy of which is attached hereto and incorporated herein by reference. In the absence of any apparent conflict, the terms and provisions contained within Attachment A shall be considered a part of, and inseparable from, this Agreement.

SECTION 2. TERM. The term of this Agreement is for a five-year period from January 1, 2022 through December 31, 2026, subject to earlier termination pursuant to Sections 3 and 5 of this Agreement.

INTERLOCAL SERVICES AGREEMENT
FOR THE STUDENT WATERSHED MONITORING NETWORK PROGRAM 2022 – 2026 - 1

SECTION 3. TERMINATION. Either party may choose to terminate this Agreement by notifying the other party in writing 30 days prior to termination. Thirty days after such notice is given, the withdrawing party shall have no further responsibility to fund the future activities of the SWMN regardless of any budgeting that may have taken place. All work that has been completed before the effective date of termination, but not yet invoiced, will be reimbursed by the County according to the established billing cycle. Based on a party's ability to withdraw, neither the City nor the County shall enter into an agreement of any kind that would prohibit or interfere with the discontinuance of the SWMN upon withdrawal of any party and the resulting lack of funding. It is the express intention of each party hereto that they retain the ability to cease funding their proportionate share upon 30 days' notice.

SECTION 4. SCOPE OF SERVICES. In exchange for the compensation noted in Section 5, the City shall perform the services detailed in Attachment A to this Agreement. The City and County shall review and update the scope of work each year, in the manner described in Attachment A. If neither party desires nor requests a change, the scope of work can be continued for subsequent years without modification through the term of this Agreement.

The City shall provide the necessary support for the day-to-day operation of the SWMN. This shall include office, telephone/technology, and administrative services required for the efficient operation of the program. The County will participate in an advisory and planning capacity and collaborate to conduct special events.

Funds from the County will be directed toward support for City staff time needed for coordinating, administering, and operating the SWMN and/or contractor's time, billed at hourly rates as required, to support participation of schools, teachers, and students located outside the City of Vancouver, as well as teacher training expenses, purchase of additional equipment and consumables, and transportation costs to monitoring or meeting sites as required.

During the term of this Agreement, if another jurisdiction wishes to participate in the City's SWMN, such participation and the allocation of any related funding will be negotiated as a separate agreement.

The City shall submit quarterly reports, including an annual evaluation to the County as detailed in Attachment A. The City shall provide supervision and program guidance and assure that the deliverables outlined in this Agreement and in Attachment A are met.

SECTION 5. COST OF SERVICE. On an annual basis, and in conjunction with reviewing and/or developing the scope of work, the County and City shall jointly establish a proposed budget for the operation of the SWMN during the upcoming year. The initial budget and scope of work for the first year is set at \$60,000 as outlined in, Attachment A. Each fall, the City shall propose the budget and scope of work for the upcoming year to the Clark County Public Works, Clean Water Division Manager, or the Manager's designee for approval. In the

event the parties are unable to agree upon a proposed budget and/or scope of work, this Agreement may be terminated as allowed in Section 3.

SECTION 6. BILLING METHOD AND PROCESS. The City shall submit an itemized invoice for payment for activities of the SWMN as outlined in the annual scope of work to the County on a quarterly basis. The invoice will be directed to the Clark County Public Works, Clean Water Division. In no event shall the County be responsible for costs incurred by the City that exceed the approved annual budget without prior written authorization of the Clean Water Division Manager.

SECTION 7. ADMINISTRATION/COMMUNICATIONS. Contract managers designated by the County Manager and City Manager shall administer this Agreement. Contract managers shall monitor service level and budget provisions of this Agreement. The contract managers shall communicate in person and via telephone or e-mail to relay information, answer questions, or raise concerns.

SECTION 8. INDEPENDENT CONTRACTOR. The City is and shall at all times be deemed to be an independent contractor in the provision of the services set forth in this Agreement. Nothing herein shall be construed as creating the relationship of employer and employee, or principal and agent, between the County and City or between any of the County's or City's employees. The City shall retain all authority for provision of services, standards of performance, discipline and control of personnel, and other matters incident to the performance of services by the City pursuant to this Agreement. Nothing in this Agreement shall make any employee of either party an employee of the other for any purpose, including but not limited to, for withholding of taxes, payment of benefits, workers' compensation pursuant to Title 51 RCW, or any other rights or privileges accorded their respective employees by virtue of their employment.

SECTION 9. HOLD HARMLESS/INDEMNIFICATION. Each party agrees to hold the other party harmless from any and all claims arising out of any work of the former party done pursuant to this Agreement, without regard to the identity or affiliation of the claimant. With regards to claims of employees of either party, each party expressly waives their immunity under the Industrial Insurance Act as to those claims which are brought against the other party; provided, however, that if the City and the County are both found to be negligent, each party's duty to indemnify shall be limited to the extent of its negligence.

SECTION 10. ASSIGNMENT/SUBCONTRACTING. Neither party shall transfer or assign, in whole or in part, any or all of its respective rights or obligations under this Agreement without the prior written consent of the other.

SECTION 11. NO THIRD-PARTY BENEFICIARY. The County and City do not intend that there be any third-party beneficiary to this Agreement.

INTERLOCAL SERVICES AGREEMENT
FOR THE STUDENT WATERSHED MONITORING NETWORK PROGRAM 2022 – 2026 - 3

SECTION 12. NOTICE. Any notices to be given under this Agreement are required to be in writing and shall at minimum be delivered, postage prepaid and addressed to:

To the City:

CITY OF VANCOUVER
WATER CENTER
P.O. Box 1995
Vancouver, Washington 98668-1995
Attention: Rich McConaghy
360-487-7165

To Clark County:

CLARK COUNTY PUBLIC WORKS
CLEAN WATER DIVISION
P.O. Box 9810
Vancouver, Washington 98666-9810
Attention: Justin Maynard
564-397-4233

The name and address to which notices shall be directed may be changed by either the County or City giving the other notice of such change as provided in this section.

SECTION 13. WAIVER. No waiver by either party of any term or condition of this Agreement, or incorporated into this Agreement, shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or different provision.

SECTION 14. INTERLOCAL COOPERATION ACT COMPLIANCE. This is an interlocal services agreement entered into pursuant to RCW 39.34.080. Its purpose, and the powers, rights, objectives, and responsibilities of the parties are as set forth in this Agreement.

SECTION 15. ENTIRE AGREEMENT. This Agreement contains all of the agreements of the parties with respect to the subject matter covered or mentioned therein, and no prior Agreements shall be effective to the contrary.

SECTION 16. ANNUAL CHANGES. The County or City may, in planning for the next calendar or school year, request or authorize changes in the amount of the City's compensation and/or in the scope of work to be performed hereunder. Such changes, if mutually agreed upon and allowed for within agency budgets, are considered administrative and do not require amendment to this Agreement. They may be approved by the County Public Works Director or the Director's designee and by the City's Director of Public Works or the Director's designee, who are hereby authorized as signers of the Annual Budget and Scope of Work as it may be modified over the term of the Agreement.

SECTION 17. AMENDMENT. Notwithstanding the provisions of Section 16, other provisions and sections of this Agreement may be amended with the mutual written consent of the parties that have signed below.

INTERLOCAL SERVICES AGREEMENT
FOR THE STUDENT WATERSHED MONITORING NETWORK PROGRAM 2022 – 2026 - 4

SECTION 18. DOCUMENT EXECUTION AND POSTING. The County and City agree that this Agreement shall be executed using electronic signatures. Upon execution, the County and City shall retain a fully executed Agreement. The City Clerk shall provide a fully executed copy of this Agreement to each of the persons listed in Section 12. Pursuant to Chapter 32, Laws of Washington 2006 (RCW 39.34.040), the Vancouver City Clerk shall cause a copy of this Agreement to be posted on the City website, and this Agreement must either be recorded with the Clark County Auditor or posted on the Clark County website. Upon execution of the originals and posting of a copy on the City's website, each such fully executed copy shall constitute an agreement binding upon all parties.

SECTION 19. RATIFICATION. Acts taken in conformity with this Agreement prior to its execution are hereby ratified and affirmed.

SECTION 20. SEVERABILITY. If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

IN WITNESS WHEREOF, the County and City have caused this Agreement to be executed in their respective names by their duly authorized officers and have caused this Agreement to be dated as of the _____ day of _____, 2021.

CITY OF VANCOUVER

CLARK COUNTY

Eric Holmes, City Manager

Kathleen Otto, County Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Jonathan Young, City Attorney

Bill Richardson
Deputy Prosecutor for the County

Attest:

Attest:

Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Rebecca Messinger, Clerk to the Board

Attachment A – 2022 Budget and Scope of Work

INTERLOCAL SERVICES AGREEMENT
FOR THE STUDENT WATERSHED MONITORING NETWORK PROGRAM 2022 – 2026 - 5

Attachment A
to Interlocal Services Agreement between
Clark County Public Works, Clean Water Division
and City of Vancouver, Water Resources Education Center

2022 Budget and Scope of Work

PROJECT: Student Watershed Monitoring Network Program (SWMN)

This is a binding agreement for the Student Watershed Monitoring Network Program incorporated by reference in an interlocal funding agreement entered into on _____ 2021, by and between the Clark County Public Works, Clean Water Division, hereinafter referred to as COUNTY, and the City of Vancouver, Water Resources Education Center, hereinafter referred to as CITY. This agreement outlines the scope of work and budget for the COUNTY'S funding portion of the 2022 Student Watershed Monitoring Network Program (SWMN).

Recipient Name:

City of Vancouver
Water Resources Education Center
4600 SE Columbia Way / PO Box 1995
Vancouver, WA 98661

Project Coordinator:

Rainy Rau, Water Educator
Telephone: 360-487-7121
rainy.rau@cityofvancouver.us

COUNTY Project Liaison:

Andrea Logue, Clean Water Outreach Program Coordinator II, 564-397-5268
andrea.logue@clark.wa.gov
Clark County Public Works, 1300 Franklin St. / PO Box 9810, Vancouver, WA 98666

COUNTY Funding Amount: **\$60,000 per year** (may be adjusted year to year as necessary)
Other Funding: **To be Determined** As noted in Section 4 of the 2022 Interlocal Agreement, the City may choose to apply for grants and/or form agreements with other jurisdictions to provide funding support for the SWMN.

This agreement takes effect upon signature of both parties. The Scope of Work described herein shall be completed in calendar year 2022 which covers portions of two school years (2021-22 and 2022-23). The period ends on December 31, 2022. As allowed for in SECTION 5 and SECTION 16 of the Agreement, the scope of work and budget for the SWMN can be reviewed, extended and/or adjusted annually as appropriate over the term of the Interlocal Services Agreement (2022 through 2026) upon approval of the County Public Works Director and the City Director of Public Works.

The scope and/or budget detailed below may be adjusted during this one-year period on the basis of changing budget authorizations, program priorities or other provisions of the Interlocal Services Agreement. The CITY's 2021/2022 adopted biennial budget provides funding for the SWMN Project Coordinator through December 31, 2021, however, the CITY plans to utilize fund balance for an extension of this position through 2022 and then include a request for this as

an ongoing role in its 2023/2024 Water Center budget. The operation of the SWMN for 2022 and beyond is therefore contingent upon CITY receiving budget authorization for the work to proceed.

SCOPE OF WORK

Background:

As a Phase I National Pollutant Discharge Elimination System (NPDES) permittee, the COUNTY recognizes that education is a key factor in encouraging behavior changes that will ultimately help to reduce the amount of pollution carried by stormwater runoff into local surface and groundwater. Furthermore, education and outreach benefits contribute significantly to overall permit compliance. To this end, the COUNTY's Clean Water Division seeks to sustain a student watershed monitoring program in local schools.

Over the past 25 years, more than 50,000 Clark County students have participated in the SWMN. The long-term viability of the program speaks to its success and the need it fulfills in educating students about stormwater and human actions that impact it. The hands-on activities, real-time monitoring, and field trips associated with watershed monitoring are effective and engaging ways to educate students about the threats to our water resources and to involve them in the protection process.

Overview of CITY's Student Watershed Monitoring Network Program:

In 1998, the CITY initiated a countywide water quality network with grant money from Hewlett-Packard. Over the years this network has grown into a robust student watershed monitoring program with partner funding from the CITY and the COUNTY as well as completed grants from the METRO Parks and Greenspaces Program, the Washington Department of Ecology, and the Lower Columbia Fish Recovery Board. Past partnerships include the Sierra Club, Habitat Partners, Lower Columbia Estuary Partnership, ESD 112 and Hewlett Packard. Through voluntary commitments of classroom teachers, local schools are invited to participate in the program, which culminates each year in the spring with an event(s) that aims to engage and inspire students. Through 2019 this was known as Watershed Congress. However, the nature of this event may adapt going forward as required in 2019-20 and 2020-21 in response to COVID-19 restrictions.

The CITY and COUNTY have partnered to fund the SWMN through interlocal agreements in 2002, 2008, 2014 and 2017. The current updated agreement starts January 2022 through December 31, 2026. This scope of work will be reviewed and updated as needed to detail the work and budget for the program in each year of the current interlocal agreement. If no changes are required, this Scope of Work and budget may be continued into future years.

The partnership funds the monitoring of physical, chemical, and biological water quality parameters as well as soil and vegetation studies as schedules and participant needs permit. Funding from the COUNTY enables the CITY staff and contractors as required, to encourage and facilitate participation by interested teachers from schools located within Clark County, as

well as support shared elements of the program such as the annual culminating event(s), teacher training workshops, equipment purchases and general program oversight.

As a result of the COUNTY's financial contributions, the program has expanded every year. A recent look at the proportion of students in COUNTY and CITY schools participating in the SWMN showed that nearly 88% of students were from Clark County schools including jurisdictions outside of Vancouver city limits, due to the proximity of their monitoring sites, and that field trip transportation is not currently funded.

Participation of schools within other jurisdictions outside of the CITY and unincorporated Clark County such as Camas, Washougal, Battle Ground and La Center has grown steadily. Partnering with the SWMN may provide benefits for the cities, including compliance with NPDES permit requirements. There is an opportunity to add the respective stormwater utility jurisdictions as SWMN funding partners over the next five years as their budgets allow per Section 4 of the agreement and transition the funding of the associated participating schools.

The goal of the CITY's program is to involve students of all ages in monitoring local watersheds in order to gain awareness and knowledge that could lead to acts of environmental stewardship and behavior change. All of the services and equipment needed for monitoring and the culminating event(s) are provided at no cost to schools. It should be noted that the primary value of this program is in supplemental science education, Level 1 data collection and analysis and fostering behaviors that will ultimately protect our water resources. As evidenced in examples below, the capabilities and tools for the SWMN continue to evolve over time. As partners, we're excited to see how these will grow in the 2022-2026 time period.

- The data obtained through SWMN sampling can provide important indicators and identify long-term trends; however, it is not intended to be of sufficient consistency and accuracy to be used in making technical and policy decisions. From 2018 through mid-2021, a Lower Columbia Fish Recovery Board (LCFRB) grant supported the development of an online program database, FieldScope, to house current and archival SWMN data. The FieldScope database supports and facilitates student learning in science communication, data analysis, watershed trend observations, upland land use effects on water quality and how this all ties to salmon habitat requirements. It is anticipated that FieldScope or a similar platform will be continued as a resource for student learning going forward.
- From January 2014 through February 2015, the CITY, COUNTY, and the City of Battle Ground were partners in undertaking a Department of Ecology grant to operate and expand the capabilities of the SWMN. This included the development of new Next Generation Science Standards-aligned soil and vegetation investigations, hands-on stewardship toolkits, and the creation of multiple Family Watershed Festivals. These new monitoring investigations were integrated into the program as expanded options for field monitoring in order to educate students on how upland land use, potential canopy cover, impervious surfaces and underlying geology can impact stormwater's effects on watershed health. Physical, chemical and biological water quality testing continues as the primary focus for the SWMN. However, as grade level science requirements and

standards have shifted, the additional investigations continue to offer more flexibility for a broader range of grade levels and participant outcomes.

A CITY Water Educator provides the lead coordination and education efforts in 2022

Before 2018, contractors had the lead role in accomplishing on-site activities for the SWMN program. However, performance of this lead role has transitioned over the last few years to a full-time Water Educator staff member. With CITY budget approval late in 2021, it is anticipated that the Water Educator position will be ongoing so, unless the need arises, we anticipate that contracted educators will not be used. These are the SWMN activities that the Water Educator will perform:

- Recruit new teachers and provide support to returning teachers.
- Provide an orientation event known as Kickoff once a year in the fall that offers OSPI STEM clock hour professional development to participating teachers. This may include in-person or remote meetings.
- Create and deliver one introductory presentation to teachers and their classes either virtually or in person, to prepare them for understanding watershed dynamics, salmon habitat requirements, field monitoring and interpreting data. Continue to support teachers, students, and chaperones in field investigations and data analysis throughout the school year. All levels of monitoring are acceptable. Most classes focus on monitoring for temperature, pH, dissolved oxygen, nitrate, phosphate, turbidity, macroinvertebrates, and intermittent fecal coliform/E. coli. Classes also make note of habitat changes and effects of land use and stormwater at their monitoring location by recording observations in the field.
- Periodically update the monitoring program to fully align with the Next Generation Science Standards (NGSS) to support teachers' participation in the program while meeting statewide, district and grade level educational goals.
- Plan and execute a culminating event(s) in person or virtually for students to share their monitoring experience and data. Encourage and support teachers in bringing students to the event(s).
- Provide connections to resources and community partners to facilitate stewardship or further educational goals of teachers that cannot be met through the SWMN.

Invoicing for SWMN Staffing and other expenditures in 2022

The CITY's Water Educator will have other Water Resources Education Center duties beyond coordination, management and leading all educational aspects of the countywide SWMN program; these vary seasonally, but generally the expectation is that 67% of their time will be dedicated to the SWMN for both County and City schools. Hours spent on the overall SWMN program will be tracked on timecards and reported as part of the quarterly report process, however, reimbursement will be invoiced through a quarterly billing for the project at a monthly allocation to the County of \$5,000 for both salary and benefits (this allocation generally is intended to balance schools in respective jurisdictions benefiting from the program with a reduction in administrative overhead for time tracking). The attached budget (page 9) provides assumptions applied to illustrate how the invoicing of staffing costs will be factored. It is understood that total County billings for the 4 quarters will not exceed the \$60,000 annual

budget. If grants or funding support from other jurisdictions materialize, the partners will review and consider for approval any needed mid-year or end of year budget or invoicing changes.

Tasks and Deliverables:

Task 1: Recruitment / Support for Teachers

The CITY'S Water Educator will actively promote the program until capacity is reached to increase teacher participation, as well as provide ongoing support to teachers already participating. Recruitment activities include the Educator's time in contacting teachers, as well as development of promotional materials.

Ongoing support for participating teachers includes Kickoff training in the fall, professional development (as needed and as budget permits), distribution of training materials and connections to other community watershed resources.

Deliverables:

- Fall:* Hold annual Kickoff for teachers.
- Ongoing:* Recruit teachers from elementary, middle, and high schools in the areas of Clark County outside Vancouver to participate in the program.
- Ongoing:* Provide Clark County with a master list, updated as necessary, of participating schools and/or sites, and teachers located in the areas of Clark County outside Vancouver.
- Ongoing:* Provide support for teachers participating in the program.

Task 2: Classroom and Site Visits

The CITY'S Water Educator will provide classroom or virtual presentations and assistance to teachers as needed. Activities include initial program overview, monitoring site selection, training of teachers and students in Level I monitoring, and continued work with the teachers and students at their selected site throughout the schoolyear. The Educator provides guidance for developing the culminating event presentation as needed and requested.

Deliverables:

- Ongoing:* Classroom or virtual presentation/orientation for each participating teacher.
- Ongoing:* Train teachers and students in Level I monitoring in the following water quality parameters: temperature, pH, dissolved oxygen, nitrate, phosphate, turbidity, macroinvertebrates, stream measurements, and bacteria. Lead observation activities at the monitoring site including investigating upland land use, habitat description and potential or witnessed effects of stormwater runoff. Add other tests or investigations according to teacher/student need
- Ongoing:* Work with teachers and students at selected sites throughout the schoolyear.

Task 3: Equipment and Data Management

The program will purchase additional equipment and maintain a system for limited loaning and continual refurbishing (re-stocking consumables). Equipment purchased with County funds with a unit cost between \$300 - \$4,999.99 (before tax and shipping) and a life expectancy longer than one year will be marked to indicate County ownership and tracked in the County's equipment inventory. Upon termination of the agreement, County-owned property will be returned to the County. The program will also maintain a SWMN database.

Deliverables:

- Fall/ongoing:* Purchase additional equipment to serve monitoring network. Replace consumables (e.g., reagents needed for testing, etc.).
- Ongoing:* Track equipment.
- Ongoing:* Enter and review for accuracy site-specific field data into a database.
- Ongoing:* Share data as requested by teachers, students, and regulatory agencies.
- Ongoing:* Evaluate database software options to identify the most suitable way to manage datasets produced by the SWMN.

Task 4: Annual Culminating Event

In return for the assistance and training offered by the program, teachers are encouraged to accompany some of their students to an annual culminating event(s) to share their monitoring experiences and data. Details and structure of this event(s) will be planned in the first quarter of the year in consultation with COUNTY staff. The expectation is that participating groups will prepare a presentation to be shared as an oral report with an audience composed of teachers, parents, other students, and community members, and also participate in learning and/or service activities based on enriching the experience of a year of monitoring.

For more than two decades, the annual culminating event was a day-long Watershed Congress hosted by WSUV. To optimize available resources, increase the event's sustainability, encourage participation from more teachers and students, and incorporate more activities with real world relevance, potential adjustments to the culminating event(s) include a change of venue and/or extending from one to multiple days.

The CITY will organize and host the annual culminating event(s) in May or June. Teachers participating in the program will be asked to involve a limited number of students to represent their program

Deliverables:

- March :* Invitations sent to teachers.
- May/June:* Host students and teachers at annual culminating event.
- July:* Provide post event summary as part of the second quarter/end of school year report.

Task 5: Stewardship and Optional Activities

A previous grant provided some financial support to participants dedicated to developing projects to address stormwater impacts. This task recognizes that this need continues, but supporting the large number of schools participating in the SWMN will fully utilize existing funds. Although no funding for projects is included in the SWMN budget, the CITY will connect interested teachers and schools to resources like Green Schools, the Clark Conservation District, the Watershed Alliance, Urban Forestry or others that may provide funding and technical support.

Deliverables:

Quarterly: Notification of interest by teachers of outside funding sources to support projects.

Task 6: Reporting and Administrative Activities

The CITY staff will involve the COUNTY Liaison in appropriate planning meetings, as well as provide program updates and statistical information as requested and in quarterly reports including an end of schoolyear report. Information will be reported by task number and include relevant statistics such as number of teachers, classrooms, students and other participants, as well as an evaluation of the program and suggestions for improvement. The partners recognize that a primary need of reporting is to document what is done and accomplished through shared support for the program. Concise and summary level information is sufficient in most cases for these reports and neither the volume of information nor the presentation of these reports is expected to be extensive or comprehensive.

Since the SWMN operates on a schoolyear versus a calendar year, the second quarter report (April-June) will be considered the annual report and will detail activities and statistics of the second quarter as well as summarize and critique the program over the previous schoolyear (both strengths and weaknesses), suggestions for improvement, and whether the yearly goals and objectives were met.

In addition to a brief narrative, the annual summary, at a minimum, will include the following:

1. The final master list of participating schools, teachers and associated sites monitored in Clark County outside Vancouver.
2. Total number of students, schools and teachers served by grade level.
3. Culminating event(s) number of students, teachers, other participants.

Prior to submission to the COUNTY, all reports require the signature of the Water Resources Education Center Manager.

Deliverables:

Ongoing: Informal activities and progress reports as needed and appropriate.
Ongoing: Inclusion of COUNTY staff in appropriate program planning meetings.

Quarterly: Written brief quarterly report of activities due on the 20th of the next month following the end of the quarter.

1 st quarter (Jan-March):	Due April 20
2 nd quarter/end of year (April-June)	Due July 20
3 rd quarter (July-Sept)	Due October 20
4 th quarter (Oct-Dec)	Due January 20

REPORTING

All reports shall be sent to the attention of the COUNTY Project Liaison identified on page 1.

Changes to the terms and conditions of this agreement may be made by mutual agreement between the COUNTY and the CITY

Clark County Public Works Department

City of Vancouver Public Works Department

Eva Haney, Interim Director

Jennifer Belknap Williamson Director

Date

Date

2022 ANNUAL PROGRAM BUDGET

Total Student Watershed Monitoring Program Budget:		\$114,051	(including In Kind, other than Educator)
Clean Water Program Share:		\$60,000	55.1%
City Program Share:		\$48,964	44.9%
TOTAL:	(without In Kind)	\$108,964	100.0%
City Total Cost (with Educator In Kind Included):		\$88,564	

Funding Source -->	notes	Clean Water Division	City of Vancouver	In Kind Contributions
City Water Educator (salary/benefits)	1	\$60,000	\$20,400	\$39,600
Other City Staff supporting SWMN	2		\$11,654	
Volunteer Hours	3			\$2,720
Culminating Event	4		\$5,000	\$2,367
Supplies - Miscellaneous	5		\$1,700	
Monitoring and Misc. Equipment	6		\$4,210	
Substitute reimbursement	7		\$3,750	
Bus Rental	8		\$2,250	
Totals:		\$60,000	\$48,964	\$44,687
Expenses Without Staff time:		\$0	\$16,910	

Footnotes:

- City Water Educator: On average, this individual will be available to the SWMN Program for about **67%** (2/3rds) of their time over the course of the year. The City's full cost for the position indicated above has been split between "City of Vancouver" and "In-Kind Contributions" columns, with the later representing the portion of the individual's time utilized for other WREC projects. SWMN total hours, recorded through time tracking, will be reported on monthly. Quarterly invoices to the County will be billed at \$5,000 per month to cover this salary/benefits expense so that, total invoices in the calendar year will not exceed \$60,000. Direct or other expenses, besides this salary and benefit allocation will not be invoiced.
- Other City Staff Time: Water Center staff will continue to have a key role in preparing for and supporting the Annual Culminating Event (formerly Watershed Congress) and in providing other administrative and logistical support. With the Water Educator available throughout the year to manage and support some of these responsibilities, past actual other City staff costs have been reduced by 50%.
- Volunteer Hours: This is estimated based on 100 hours (25% of past years) of volunteer contributions to the Culminating Event and field visits by community and agency participants calculated at national rate for 2020: \$27.20.
- Culminating Event(s): Estimated expenses (including food) for 3 all day events held at Water Center. In Kind assumes 60 hours of volunteer time at \$27.20 per hour plus \$245/day value of community room X 3 days.
- Supplies - Miscellaneous: The County will not be invoiced for this or other direct expenses, unless other sources or revenue are identified to help cover the salary and benefit costs.
- Monitoring and Miscellaneous Equipment: Purchase additional Hach/Chemetrics/miscellaneous kits and replenish consumables. Purchase classroom teaching tools and field equipment for macroinvertebrates or land-based investigations. Much of the programs equipment is used year after year. However, consumable and broken equipment is replaced about twice per year. Previous equipment donation not included as in kind estimate.
- Substitute Reimbursement: Funds substitutes for teachers to attend fall Kickoff event (as district policy permits) and Culminating events(s) held on a school day. Historic spending used.
- Bus Rental: Funds buses to bring students to Culminating event(s) and a few field visits. Green Schools funding is not assumed. Historic spending used.

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 3,309,081.24 this 15th day of November 2021.

MAYOR

COUNCILMEMBER

Natasha Ramras

AUDITING OFFICER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
November 2, 2021 - November 8, 2021	Accounts Payable Checks (see attached)	\$ 2,938,860.37
November 2, 2021 - November 8, 2021	Hansen City Payments (see attached)	\$ 368,925.30
November 2, 2021 - November 8, 2021	Visa Refunds (see attached)	\$ 1,295.57
November 2, 2021 - November 8, 2021	Payroll Checks (see attached)	\$ -
TOTAL		\$ 3,309,081.24

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Manual Wire	No Reference	11/1/2021	6,706.83	Athlactron Holding	
Supplier Payment	Manual Wire	No Reference	11/2/2021	39,429.74	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	11/4/2021	20,878.50	Bank Of America N.A.	
Supplier Payment	Manual Wire	No Reference	11/4/2021	126.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	11/4/2021	409,296.60	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	11/4/2021	8,792.89	VSP Vision Care Inc	
Supplier Payment	Manual Wire	No Reference	11/4/2021	186,825.00	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	11/5/2021	32,095.58	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	11/8/2021	216,976.14	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	11/8/2021	44,954.00	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	11/8/2021	12,393.50	Washington Dental Service	
Expense Payment	Direct Deposit	EFT-00122294	11/4/2021	54.19	Wayne Folkers	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122295	11/4/2021	208.55	William Zalpys	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122296	11/4/2021	214.50	Cale Baker	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122297	11/4/2021	668.37	Ross Keys	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122298	11/4/2021	15.00	Jason Ingram	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122299	11/4/2021	102.00	Jared Caldwell	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122300	11/4/2021	177.75	Patrick Kennedy	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122301	11/4/2021	1,135.54	Andrew Jorgenson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122302	11/4/2021	169.99	Chris Ferryman	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122303	11/4/2021	225.00	Glenn Donald	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00122304	11/4/2021	312.00	Robert Givens	Travel Advance
Expense Payment	Direct Deposit	EFT-00122305	11/4/2021	57.02	Joseph Lenahan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122306	11/4/2021	16.50	Sean Dumas	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122307	11/4/2021	102.00	Lanell Jackson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122308	11/4/2021	59.16	Ryan Powers	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122309	11/4/2021	50.70	Brian Viles	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122310	11/4/2021	288.89	Darren McShea	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122311	11/4/2021	404.50	Heidi Scarpelli	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122312	11/4/2021	16.50	James Dewey	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122313	11/4/2021	318.38	Dene Foral	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00122314	11/4/2021	10.93	Jordan Macfarlane	Employee Reimbursement
Supplier Payment	EFT	EFT-00122315	11/4/2021	987.25	Net Transcripts Inc	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	EFT	EFT-00122316	11/4/2021	4,760.76	Picard Corp	
Supplier Payment	EFT	EFT-00122317	11/4/2021	60,705.85	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00122318	11/4/2021	274,746.20	Tapani Inc	
Supplier Payment	EFT	EFT-00122319	11/4/2021	971.25	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00122320	11/4/2021	21,146.14	Lynn K Wittwer MD PC	
Supplier Payment	EFT	EFT-00122321	11/4/2021	5,129.19	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00122322	11/4/2021	4,087.71	YWCA Clark County	
Supplier Payment	EFT	EFT-00122323	11/4/2021	573.00	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00122324	11/4/2021	19,415.27	Evoqua Water Technologies LLC	
Supplier Payment	EFT	EFT-00122325	11/4/2021	219,886.08	Rotschy Inc	
Supplier Payment	EFT	EFT-00122326	11/4/2021	113,106.90	MHNW 18 Vancouver Family Housing, LLLP	
Ad Hoc Payment	Check	26169	11/3/2021	139.72	4 A ROOFING	RES-308841
Ad Hoc Payment	Check	26170	11/3/2021	25.00	Adrian Petras	Refund: ovpaymt of citation 7202605394
Ad Hoc Payment	Check	26171	11/3/2021	57.07	Alyssa Aguon and Anthony Savage	Utility Refunds: 0092027402-05
Ad Hoc Payment	Check	26172	11/3/2021	164.00	Beckwith,Shawn M	Utility Refunds: 0077000396-02 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	26173	11/3/2021	147.93	CHERRY AND TODD ROLFS	Utility Refunds: 0065023018-06
Ad Hoc Payment	Check	26174	11/3/2021	93.88	DOCKWEILER FAMILY REVOCABLE TRUST	Utility Refunds: 0012059600-21
Ad Hoc Payment	Check	26175	11/3/2021	40.00	Dot Com Vapor	Refund: Alarm billing acct 50967 inv 99434710 & 99439715
Ad Hoc Payment	Check	26176	11/3/2021	40.00	Dot Com Vapor	Refund: alarm billing acct 51314 inv 9944740 & 99439721
Ad Hoc Payment	Check	26177	11/3/2021	40.00	Dot Com Vapor	Refund: alarm billing acct 51313 inv 99434739 & 99439720
Ad Hoc Payment	Check	26178	11/3/2021	98.00	Doty,William	Utility Refunds: 0071069732-12
Ad Hoc Payment	Check	26179	11/3/2021	151.45	Elizabeth M Hover	Refund: COV11031 parking not working
Ad Hoc Payment	Check	26180	11/3/2021	270.00	Foode Fresh LLC	Refund: Bus Lic Fees COVID-19 Surch Ref Prog
Ad Hoc Payment	Check	26181	11/3/2021	84.24	FRIEDMAN,MICHAEL	Utility Refunds: 0165001580-03
Ad Hoc Payment	Check	26182	11/3/2021	393.96	Garrick Ashenfelter	Refund: LEP check returned ref 0173964780
Ad Hoc Payment	Check	26183	11/3/2021	57.15	Hanson,Diane and Everett	Utility Refunds: 0074022802-01
Ad Hoc Payment	Check	26184	11/3/2021	50.00	HOME A PLACE FOR YOU	VOUCHER 2008625.030
Ad Hoc Payment	Check	26185	11/3/2021	20.00	JCPENNEY	Refund: alarm billing acct 22238 inv99452820
Ad Hoc Payment	Check	26186	11/3/2021	92.60	Jones,Elizabeth	Utility Refunds: 0079078773-06
Ad Hoc Payment	Check	26187	11/3/2021	1,969.00	Josaundra Hansen	APL-81904
Ad Hoc Payment	Check	26188	11/3/2021	119.33	JOSHUA AND KAYLEIGH EASLEY	Utility Refunds: 0069033900-05 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	26189	11/3/2021	105.72	JUSTIN AND AMY ENGSTROM	Utility Refunds: 0000003147-05
Ad Hoc Payment	Check	26190	11/3/2021	72.00	Key Property Services, Inc	LUP-81942
Ad Hoc Payment	Check	26191	11/3/2021	209.79	Kory Kimball	Refund: COV10690 no longer working in Van
Ad Hoc Payment	Check	26192	11/3/2021	448.95	Michael Chang	Claim Payment - DOL: 10/05/21 - Risk
Ad Hoc Payment	Check	26193	11/3/2021	2,278.29	MIKOWSKI,SHAUN	Utility Refunds: 0037025700-08
Ad Hoc Payment	Check	26194	11/3/2021	80.00	MS Glass Outlet	Refund: CIVICGOV inv 77035484 cust 754316
Ad Hoc Payment	Check	26195	11/3/2021	70.00	PCS	Refund: alarm billing ARCO AMPM #7051 acct 22263 inv 99439239 & 99444680
Ad Hoc Payment	Check	26196	11/3/2021	31.05	PLAISTED,CHAD	Utility Refunds: 0126000656-05
Ad Hoc Payment	Check	26197	11/3/2021	55.00	Professional Credit Service	Refund: pymt rec after trans to coll agency 7202704347 Natany Reid
Ad Hoc Payment	Check	26198	11/3/2021	59.51	Proline Plumbing & Sewer	MPE-310153
Ad Hoc Payment	Check	26199	11/3/2021	2,188.00	Robert Gust	Funeral Benefit and Final Med B reimb
Ad Hoc Payment	Check	26200	11/3/2021	37.07	ROLFS,CHERRY	Utility Refunds: 0065023018-06
Ad Hoc Payment	Check	26201	11/3/2021	5,392.45	Sark Point Inc	SCIP Program M. Mijokovic (8316 SE Lorry Ave) inv 1225
Ad Hoc Payment	Check	26202	11/3/2021	90.00	Sunshine Management Group INC	Refund: Bus Lic Fees Ref COVID-19 surch ref prog
Ad Hoc Payment	Check	26203	11/3/2021	32.53	The Estate of Curtis L Harbaugh	Utility Refunds: 0023050424-03
Ad Hoc Payment	Check	26204	11/3/2021	2,011.26	Tina Lusk and/or Alice Bennett	Utility Refunds: 0028037000-05
Ad Hoc Payment	Check	26205	11/3/2021	450.00	Trang Family LLC	Refund: Bus Lic Fees Ref COVID-19 surch ref prog

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Ad Hoc Payment	Check	26206	11/3/2021	150.00	Twinstar Credit Union	Refund: Alarm Billing acct #17896 inv 99452573
Supplier Payment	Check	26207	11/3/2021	142.14	Accurate Corporate Services Inc	
Supplier Payment	Check	26208	11/3/2021	70.50	Airgas, Inc	
Supplier Payment	Check	26209	11/3/2021	29,228.72	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	26210	11/3/2021	60.00	American Sani-Can	
Supplier Payment	Check	26211	11/3/2021	393.75	Angela D Jackson	
Supplier Payment	Check	26212	11/3/2021	195.12	Annuncio Corporation	
Supplier Payment	Check	26213	11/3/2021	846.30	Arborscape Ltd Inc	
Supplier Payment	Check	26214	11/3/2021	1,746.00	Barran Liebman LLP	
Supplier Payment	Check	26215	11/3/2021	47,330.06	CECO Inc	
Supplier Payment	Check	26216	11/3/2021	629.92	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	26217	11/3/2021	260.00	Cellco Partnership - Remit-To: Cellco - NJ	
Supplier Payment	Check	26218	11/3/2021	389.75	City of Vancouver - Remit-To: COV - Vehicle Reg	
Supplier Payment	Check	26220	11/3/2021	727,560.99	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	26221	11/3/2021	687.28	Clark Public Utility District No. 1	
Supplier Payment	Check	26222	11/3/2021	45,698.19	Clary Longview LLC	
Supplier Payment	Check	26223	11/3/2021	27,959.47	Columbia Resource Company	
Supplier Payment	Check	26224	11/3/2021	104.92	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26225	11/3/2021	24.79	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26226	11/3/2021	181.52	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26227	11/3/2021	64.95	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26228	11/3/2021	1,929.37	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	26229	11/3/2021	229.59	Genuine Parts Company	
Supplier Payment	Check	26230	11/3/2021	24,520.80	Herrera Environmental Consultants Inc	
Supplier Payment	Check	26231	11/3/2021	7,045.99	Innovyze Inc	
Supplier Payment	Check	26232	11/3/2021	1,985.57	Invintus Media LLC	
Supplier Payment	Check	26233	11/3/2021	200.73	J-2 Blueprint Supply Co.	
Supplier Payment	Check	26234	11/3/2021	1,833.65	L.N. Curtis & Sons	
Supplier Payment	Check	26235	11/3/2021	740.00	Marquam Group LTD	
Supplier Payment	Check	26236	11/3/2021	2,016.08	McFarlanes Bark Inc	
Supplier Payment	Check	26237	11/3/2021	16,487.61	Murray Smith Inc	
Supplier Payment	Check	26238	11/3/2021	11,480.00	Nelson Nygaard Consulting Associates Inc - Remit-To: Nelson Nygaard Consulting Associates Inc	
Supplier Payment	Check	26239	11/3/2021	351.52	Northwest Cascade Inc	
Supplier Payment	Check	26240	11/3/2021	9,285.98	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	26241	11/3/2021	594.48	PBS Engineering and Environmental Inc	
Supplier Payment	Check	26242	11/3/2021	521.89	PMI Truck Bodies Inc	
Supplier Payment	Check	26243	11/3/2021	1,162.00	Portland Adventist Medical Center	
Supplier Payment	Check	26244	11/3/2021	2,190.24	PPC Solutions Inc	
Supplier Payment	Check	26245	11/3/2021	665.12	Qwest Corp - Remit-To: CenturyLink - Phoenix	
Supplier Payment	Check	26246	11/3/2021	1,509.65	Rapco Industries Inc	
Supplier Payment	Check	26247	11/3/2021	685.85	Seals Unlimited Inc	
Supplier Payment	Check	26248	11/3/2021	8,267.00	Sequence Graphics LLC	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Check	26249	11/3/2021	197.13	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	26250	11/3/2021	128.51	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Check	26251	11/3/2021	53.43	Stericycle Inc	
Supplier Payment	Check	26252	11/3/2021	51,191.10	Summit Law Group	
Supplier Payment	Check	26253	11/3/2021	12,057.61	Sunbelt Controls Inc - Remit-To: Sunbelt Controls - Pasadena	
Supplier Payment	Check	26254	11/3/2021	420.00	Tapani Materials Inc	
Supplier Payment	Check	26255	11/3/2021	5,249.24	Targetsolutions Learning LLC - Remit-To: Supplier Targetsolutions Learning LLC Tampa	
Supplier Payment	Check	26256	11/3/2021	9.48	United Parcel Service	
Supplier Payment	Check	26257	11/3/2021	35.51	US Bank National Association - Remit-To: Voyager Fleet Systems Inc	
Supplier Payment	Check	26258	11/3/2021	29,300.00	Vancouver Watersheds Council	
Supplier Payment	Check	26259	11/3/2021	35,364.25	Wallis Engineering PLLC	
Supplier Payment	Check	26260	11/3/2021	841.60	Walter E Nelson Company	
Supplier Payment	Check	26261	11/3/2021	7,392.88	Watershed Garden Works Inc	
Supplier Payment	Check	26262	11/3/2021	765.00	Williams Kastner & Gibbs PLLC - Remit-To: Williams Kastner - Seattle	
Supplier Payment	Check	26263	11/3/2021	53,089.62	Wilson Oil Inc	
Supplier Payment	Check	26264	11/3/2021	3,512.09	W Todd Pascoe	
Supplier Payment	Check	26265	11/3/2021	47.08	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	26266	11/3/2021	875.50	Yakima County	
Supplier Payment	Check	26267	11/3/2021	260.40	YOLO Washington LLC	
Customer Refund	Check	26268	11/3/2021	50.00	THOMAS BAUGUESS	Refund for November 2021 parking permit
Supplier Payment	Check	26269	11/3/2021	34,329.65	Life Insurance Company of North America	
			SUBTOTAL	2,938,860.37		
Hansen			11/8/2021	368,925.30	City Payments	Posted 11-01-21 thru 11-07-21
			SUBTOTAL	368,925.30		
Visa			11/8/2021	1,025.57	Miscellaneous	Parks Class Refunds - FCC 11-01-21 thru 11-07-21
Visa			11/8/2021	270.00	Miscellaneous	Parks Class Refunds - MCC 11-01-21 thru 11-07-21
Visa			11/8/2021	-	Miscellaneous	Parks Class Refunds - Special Events 11-01-21 thru 11-07-21
Visa			11/8/2021	-	Miscellaneous	Parks Class Refunds - WREC 11-01-21 thru 11-07-21
			SUBTOTAL	1,295.57		
			TOTAL	3,309,081.24		

City of Vancouver
Payroll Council Report
November 2, 2021 - November 8, 2021

Check No.	Date	Explanation	Amount
		No Payroll this period.	

\$ -

2022 Garbage and Recycling Service Rates

VANCOUVER
CITY HALL



November 15, 2021

Vancouver City Council Public Hearing

Julie Gilbertson, Solid Waste Supervisor

Rich McConaghy, Solid Waste Manager

Presentation Overview

- Brief overview of Vancouver's Solid Waste Program
- Factors that affect rates
- Recommended garbage and recycling rates
- Comparison of regional garbage and recycling rates



Vancouver's Solid Waste Program Goals

Assure high quality and economical garbage and recycling services for City of Vancouver residents, businesses and neighborhoods

Engage the community in reducing volumes and toxicity of landfilled wastes



Conserve resources, and protect health and safety





Who We Serve:

- 47,148 Single-family households
 - 61% organics subscribers
- 29,979 Multi-family units
- 2,838 Commercial accounts



Factors that Affect Solid Waste Rates

- Adherence to City Financial Management Policies in 2021-2022 Budget (Nos. 3, 8, 12, and 21)
- City's collection contract specifies a unique rate model for calculating and annually adjusting Solid Waste rates.
- Data updated for 2022 includes:
 - Inflation adjustment factor of 2.12%
 - Garbage Tip Fee increase of 2.6%, or \$2.49 per ton
 - No change to City Utility Tax of 28.9% (garbage rates only)
 - City Fee (supports coupons, cleanups, Talkin' Trash etc.)
 - Other: Customer Census, Recycling Processing Surcharge

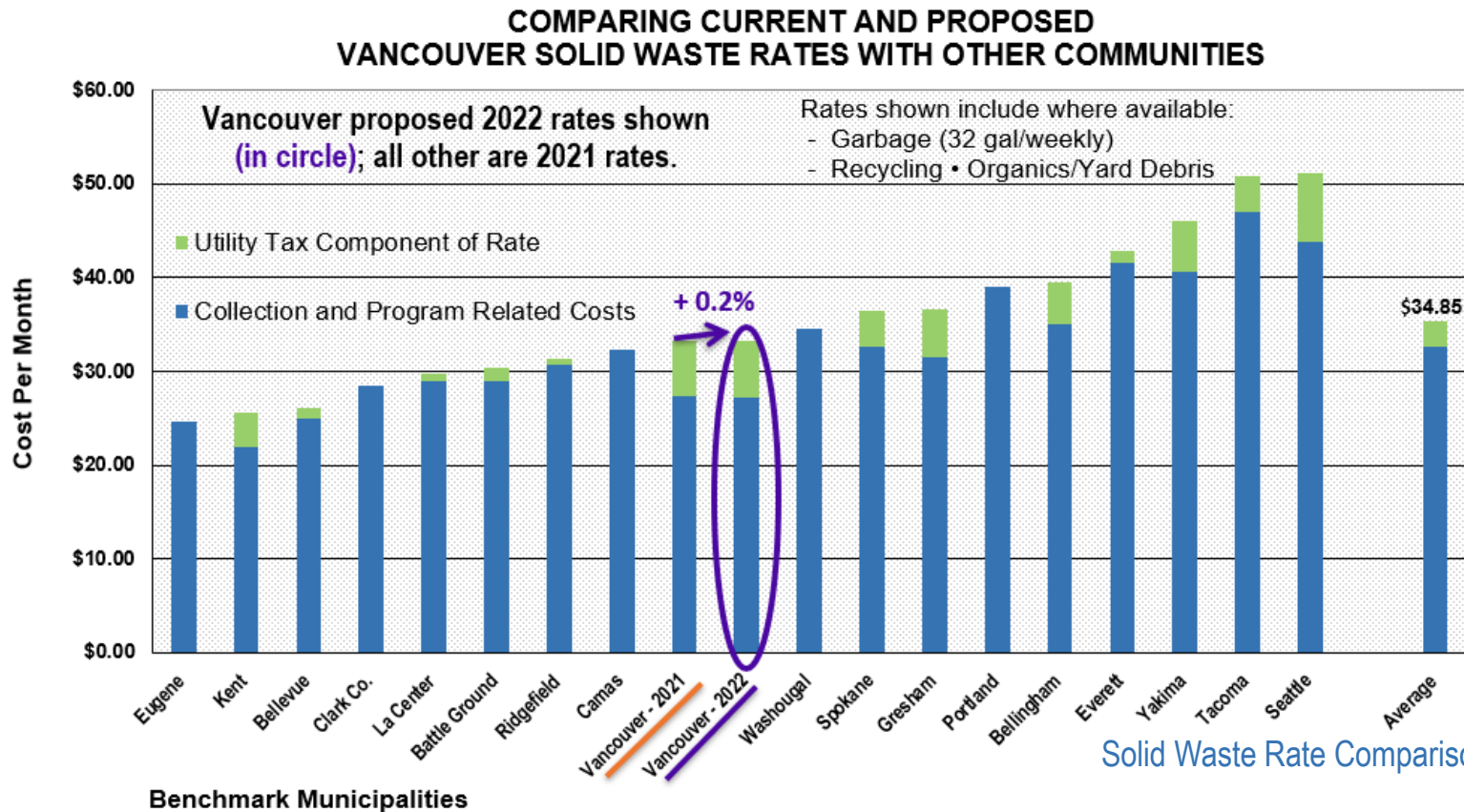
Result: 2.1% to 2.4% rate increase for typical services



Recommended Solid Waste Residential Rates

Current and Recommended Rates	2021	2022	Difference
Typical Residential Customer			
Garbage (32-gallon cart weekly)	\$20.63	\$21.10	\$0.47
Recycling (EOW)*	\$4.76	\$4.18	-\$0.58
Garbage and Recycling Combined	\$25.39	\$25.25	-\$0.11
Organics (optional 96-gallon cart EOW)	\$7.88	\$8.05	\$0.17
Garbage and Recycling Combined with optional Organics Service	\$33.27	\$33.33	\$0.06
All rates shown above are for single-family monthly service and include City of Vancouver utility tax on garbage * Recycling includes processing surcharge.			

Rate Comparisons – 2021 vs 2022 Proposed



Recommended Solid Waste Commercial Rates

Typical Commercial Customer	2021 Monthly Adopted Rates	2022 Monthly Recommended Rates	Monthly Difference
2-yards garbage picked up weekly	\$212.42	\$217.31	\$4.89

*Rate shown above includes
City of Vancouver utility tax.*



Recommended Monthly Solid Waste Commercial Rates - 8



Questions and Discussion

VANCOUVER
CITY HALL

- Julie Gilbertson, Solid Waste Supervisor
- Rich McConaghy, Environmental Resources Manager
 - Phone: 360-487-7160
 - Email: solidwaste@cityofvancouver.us



Staff Report 168-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/15/2021

SUBJECT Garbage, Recycling and Organics Collection Rate Increases for 2022

Key Points

- The comprehensive contract between the City of Vancouver and Waste Connections of Washington includes a rate-setting model that allows for an annual Inflation Adjustment Factor (IAF; a combination of the consumer price index and a fuel index) and adjustments to the City Fee to be applied to rates paid by customers.
- Rates paid by customers for garbage, recycling and organics collection services were last modified effective January 1, 2021.
- Rate increases calculated for January 1, 2022, and detailed in the attached ordinance and rate summary sheet, vary based on the type and level of service provided and range from 2.1 percent to 2.4 percent.
- On January 1, 2022, the tipping fee for waste disposal at the three transfer stations located in Clark County will increase by 2.6 percent (or \$2.49 per ton) to \$99.88 per ton and this also impacts the rates that customers will pay in 2022.
- A review of the Clark County approved per ton processing fee (going from \$62.52 per ton to \$48.56 per ton) results in changes to the recyclables processing surcharge amounts to be paid by City curbside (\$0.81/month decrease) and multi-family (\$0.29/month decrease) customers.
- The amounts of the recyclables processing surcharge fees being adopted also reflect a reduction in 2022 to correct for a revised per ton processing fee approved by the County and a billing error by the contractor that resulted in customers paying a bit more than authorized during 2021.
- The subject ordinance amends VMC 6.12.208, 6.12.209, 6.12.210, 6.12.211, 6.12.212, and 6.12.213 to provide for adjustments in solid waste rates effective January 1, 2022.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained.

Present Situation

City Council is the rate-making authority for garbage, residential recycling, and organics collection services within the City of Vancouver. The City contracts with a private hauling company, Waste Connections of Washington, to provide comprehensive garbage, recycling and organics collection services to residents and businesses within city limits. The contract terms authorize Waste Connections to receive annual adjustments to customer rates based on changing operating conditions including:

- an inflation adjustment factor tied to a percentage of the CPI and fuel costs,
- disposal tip fees,
- the number of customers served and,
- fees paid to the City to support solid waste related programs.

All adjustments to rates are made in accordance with Exhibit D of the contract. Garbage rates also include the City's utility tax that is embedded within them. The City's utility tax does not apply to recycling or organics collection services.

Consistent with the contract, the updated model for 2022 requires an increase of 2.3 percent for garbage rates, while recycling, organics and selected other fees not linked to the disposal tip fee or utility tax, will need to increase by 2.1 percent, effective January 1, 2022. Key reasons for this increase are a 3.29 percent increase in the CPI, a 4.75 percent decrease in the diesel fuel index, and a 2.6 percent increase in the disposal tip fees. For the most typical residential customer with 32gallons per week of garbage, every-other-week recycling and every-other-week organics collection (96gallons for each) this means a monthly rate increase of 0.2 percent, from \$33.27 per month to \$33.33 per month, or an increase of \$0.06.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and organics adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) – Inflation Adjustment Factor (IAF), which leads to a 2.12 percent increase for the collection cost component, the City Fee and other miscellaneous fees.

Disposal Tip Fees

On January 1, 2022, the disposal tip fee is scheduled to increase \$2.49 per ton (or 2.6 percent) from \$97.39 per ton to \$99.88 per ton. In addition to the allowed CPI increase on the base tip fee (going from \$95.72 per ton to \$98.08 per ton), this tip fee includes \$0.37 per ton for additional work being done under the Clark County contract by Columbia Resource Company at the Central Transfer and Recycling Station (\$0.31 of this is new for 2022 related to construction access improvements for safety) as well as \$1.43 per ton for a surcharge approved by the Clark County Council in 2017 to make up for lost state funding for regional solid waste programs and planning.

Recycling Fees

The rates proposed for January 1, 2022, include adjustments to curbside (increasing from \$3.30 to \$3.37) and multi-family collection fees (increasing from \$1.33 to \$1.36) based on the Inflation Adjustment Factor (2.1%) detailed above as well as adjustments to the recycling processing surcharges which were added April 1, 2019 to recover costs associated with the local response to the global market issues and the ongoing need for supplying quality materials to these markets. Based on a review of operational factors, Clark County has indicated that the \$62.52 per ton

processing fee in 2021 will be adjusted to \$48.56 on January 1, 2022. Through 2021, Vancouver residential customers paid recycling surcharges based on a \$68.11 “preliminary” per ton processing fee that was subsequently reduced by the County and Columbia Resource Company after City Council adopted the Vancouver 2021 rates. Also, during 2021 the contractor billed customers using the 2020 approved recycling surcharge rates rather than the lower rates authorized for 2021. Both of these overcharges are offset through a “true up” with 2022 reductions in the amounts of these fees. As a result, the proposed rates reflect a net \$0.25/mo. reduction for single family customers and a net \$0.20/mo. reduction for multi-family customers. The processing surcharge for curbside customers will decrease from \$1.46 per month to \$0.81 per month. The processing surcharge for multi-family customers goes from \$0.70 per month to \$0.29 per month. The combined impact for recycling fee components is a 12.1 percent decrease (\$0.58 per month) in curbside recycling charges and a 18.7 percent decrease (\$0.38 per month) in multi-family recycling charges.

Organics Fees

The rates proposed for January 1, 2022, include 2.1 percent adjustments to the organics rates, which are tied to the Inflation Adjustment Factor. For the standard subscription service of 96gallons collected every-other-week, the current rate of \$7.88 per month adjusts to \$8.05 per month. Recommended 2022 rates at other levels of service, following the same every-other-week schedule, are \$6.97 for 64-gallon carts, \$5.88 for 32-gallon carts, and \$4.80 for 20-gallon carts.

Typical Residential Rate Impact

For 2022 overall, the typical residential customer rates for 32gallons of weekly garbage service with recycling and organics collection increases 0.2 percent, or \$0.06 per month, under this recommendation. This reflects a \$0.47 increase in garbage charges, a net \$0.58 decrease in combined recycling collection rate and recycling processing surcharge fees, and a \$0.17 increase in the organics charge. Households that have chosen different service levels may experience slightly different rate impacts.

Staff recommends adjusting customer rates as detailed in the Summary of Proposed 2022 Solid Waste Rates to meet the contractual obligations associated with the defined Inflation Adjustment Factor and to set the City Fee amount for the coming year. If approved, all adjustments will be effective January 1, 2022.

Advantage(s)

1. Increasing customer rates maintains the City's high level of solid waste services including many different options for curbside collection of garbage, recycling and optional organics.
2. The recommendation continues to provide funds for the neighborhood cleanup programs including spring yard debris coupons and fall leaf coupons, Curbside Bulky Item Pickup or Saturday cleanup events and Saturday chipper events, as well as neighborhood mini grants.
3. Assures funds for addressing solid waste code compliance and litter abatement and illegal dumping response across the City.
4. Provides funds for regional Solid Waste programs for administration of the solid waste transfer and disposal system, long-term solid waste management planning, and education and outreach.

Disadvantage(s)

Customers will have rate increases ranging from 2.1 percent to 2.4 percent, depending upon the types and levels of service selected.

Budget Impact

Recommended rate increases will provide the Solid Waste fund with an additional \$36,838 per year in revenue for 2022. Increasing solid waste rates also positively impacts the General Fund programs through the embedded 28.9 percent City utility tax on city-owned utilities.

Prior Council Review

- This is an annual rate-setting process for Council.
- Council previously reviewed solid waste rates during the November 16, 2020, public hearings on the 2021 Solid Waste Rates and the 2021-2022 Biennial Budget Council Hearing.

Action Requested

On November 15, 2021, subject to second reading and public hearing, approve the ordinance.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162; Rich McConaghy, Environmental Services Manager, 360-487-7165

ATTACHMENTS:

- ▢ Ordinance
- ▢ Summary of Proposed 2022 Solid Waste Rates
- ▢ Presentation (*separate cover*)

11/08/21
11/15/21

ORDINANCE NO. M-

AN ORDINANCE relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

WHEREAS, solid waste collection, residential recycling, and organics rates within VMC 6.12 were last changed by adoption of Ordinance M-4316 (November 16, 2020), and current rates became effective January 1, 2021; and

WHEREAS, the City's contract for Comprehensive Garbage, Recyclables, and Organics Collection Services, effective April 1, 2019, contains provisions for annual adjustments to rates charged by the Contractor based upon changes in the Consumer Price Index (CPI), a Fuel Index, changes in disposal tipping fees, and changes in the City Fee as calculated through the contract's Exhibit D rate model; and

WHEREAS, the Inflation Adjustment Factor (IAF) for rates set for the 2022 period has been calculated at 2.12% by combining a 3.290 percent increase in the Seattle-Tacoma-Bellevue CPI-W and a 4.75 % percent decrease in the Fuel Index (weighted 92 percent and 8 percent respectively) factored at 80 percent as the allowed annual compensation adjustment for the collection contractor; and

ORDINANCE - 1

WHEREAS, per Clark County contract provisions with the facility operator, disposal fees at transfer stations used to dispose of waste collected by the Contractor under the specifications of the comprehensive collection contract are set to increase by 2.6 percent to \$98.08 per ton of municipal solid waste effective January 1, 2022, and

WHEREAS, Clark County established a recyclables processing fee on February 19, 2019 to be paid for residential recyclables delivered under the waste recycling, transfer and disposal contract with Columbia Resources Company, based on a review of operational factors, revenues and costs, which is to be adjusted to \$48.56 per ton on January 1, 2022 (a 22.3% decrease), impacting the recyclables processing surcharge amounts established for City curbside and multi-family customers; and

WHEREAS, the City's comprehensive collection contract also contains provisions for annual adjustments in hauler compensation through rates for recycling and organics collection services based on the above noted changes in the IAF (CPI and fuel index); and

WHEREAS, the City's Financial Management Policies, updated for the 2021-2022 Biennial Budget, provide guidance for balancing current revenues with current operating expenditures (#3), for exercising sound financial estimation of revenues through reasonably conservative but realistic assumptions (#8), for applying the principle of full cost recovery in enterprise (Solid Waste) fund operations (#12), and for maintenance of both working capital (#21) and designated liability funding (#23) reserves; and as these policies are variously addressed through the adjustment of rates and through a proportionate increase to the amount of the annual City Fee paid by the collector as allowed for in Exhibit D; and

WHEREAS, over the last seven years the City's share of market revenues received from the sale of hauler collected recyclable materials has been markedly reduced due to ongoing global

ORDINANCE - 2

recycling market conditions, and as this market factor is not anticipated to be reversed in the near-term, such that an increase to the City Fee has been incorporated into the rates and is warranted and necessary to comply with the noted Financial Policies.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. VMC 6.12.208, adopted by Ordinance M-2665 and last amended by M-4316, is amended as follows:

6.12.208 Residential/multifamily cart rates.

The following table lists rates charged for residential/multifamily cart service:

Curb Service:	2021 <u>2022</u>
32-gallon cart service	
Weekly collection	20.63 <u>21.10</u> per month
Each additional cart	20.63 <u>21.10</u> per month
Every other week	15.47 <u>15.83</u> per month
Each additional cart	15.47 <u>15.83</u> per month
Once a month	9.28 <u>9.50</u> per month
64-gallon cart service	

Weekly collection	41.26 <u>42.20</u> per month
Each additional cart	41.26 <u>42.20</u> per month
Every other week	20.63 <u>21.10</u> per month

96-gallon cart service

Weekly collection	61.89 <u>63.30</u> per month
Each additional cart	61.89 <u>63.30</u> per month

20-gallon cart service

Weekly collection	15.47 <u>15.83</u> per month
Every other week	12.38 <u>12.66</u> per month

Carryout Service:

32-gallon cart service

Weekly collection	30.95 <u>31.65</u> per month
Each additional cart	30.95 <u>31.65</u> per month

Every other week	23.21 <u>23.75</u> per month
Each additional cart	23.21 <u>23.75</u> per month
Once a month	13.92 <u>14.25</u> per month
64-gallon cart service	
Weekly collection	51.58 <u>52.75</u> per month
Every other week	43.84 <u>44.85</u> per month
96-gallon cart service	
Weekly collection	72.21 <u>73.85</u> per month
20-gallon cart service	
Weekly collection	23.21 <u>23.75</u> per month
Every other week	18.57 <u>18.99</u> per month

Special/Optional Services:

Extra 32-gallon or equivalent (or portion thereof)

Curb	8.12 <u>8.31</u> per pick up
Carryout	12.17 <u>12.45</u> per pick up
Return trip fee	11.77 <u>11.02</u> per trip
Overweight/overfilled cart	Billed as an extra
Cart replacement fee	At cost
Cart delivery, initial	0.00
Cart delivery, subsequent	14.64 <u>14.95</u>

Late Fee:

1.5 percent of balance outstanding at thirty days past due date.

Vacation Allowance:

Minimum period of two weeks.

Maximum of three vacations per year.

Section 2. VMC 6.12.209, adopted by Ordinance M-2665 and last amended by Ordinance M-4316, is amended as follows:

6.12.209 Commercial cart rates.

The following table lists garbage rates charged for commercial cart service:

Curb Service:	2021 <u>2022</u>
32-gallon cart service	
Weekly collection	22.94 <u>23.47</u> per month
Each additional cart	22.94 <u>23.47</u> per month
Every other week	17.21 <u>17.60</u> per month
Each additional cart	17.21 <u>17.60</u> per month
Once a month	10.32 <u>10.56</u> per month
64-gallon cart service	
Weekly collection	45.88 <u>46.94</u> per month
Each additional cart	45.88 <u>46.94</u> per month
Every other week	22.94 <u>23.47</u> per month

96-gallon cart service

Weekly collection	68.82 <u>70.41</u> per month
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20-gallon cart service

Weekly cart service	17.21 <u>17.60</u> per month
---------------------	---

Every other week	13.76 <u>14.08</u> per month
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Carryout Service:

32-gallon cart service

Weekly collection	34.41 <u>35.21</u> per month
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Each additional cart	34.41 <u>35.21</u> per month
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Every other week	25.82 <u>26.40</u> per month
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Each additional cart	25.82 <u>26.40</u> per month
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Once a month	15.48 <u>15.84</u> per month
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64-gallon cart service

Weekly collection	57.35 <u>58.68</u> per month
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Every other week	34.41 <u>35.21</u> per month
96-gallon car service	
Weekly collection	80.29 <u>82.15</u> per month
20-gallon cart service	
Weekly collection	25.82 <u>26.40</u> per month
Every other week	20.64 <u>21.12</u> per month

Special/Optional Services:

Extra 32-gallon or equivalent (or portion thereof)

Curb	8.99 <u>9.20</u> per pick up
Carryout	13.56 <u>13.87</u> per pick up
Return trip fee	11.77 <u>12.02</u> per trip
Overweight/overfilled cart	Billed as an extra
Cart replacement fee	At cost
Cart delivery, initial	0.00

ORDINANCE - 9

Cart delivery, subsequent ~~14.73~~ 15.04

Subscription-based commercial organics collection service is available at rates listed in VMC Section 6.12.213.

Late Fee:

1.5 percent of balance outstanding at thirty days past due date.

Vacation Allowance:

Minimum period of two weeks.

Maximum of three vacations per year.

Section 3. VMC 6.12.210, adopted by Ordinance C-33 and last amended by Ordinance M-4316, is amended as follows:

6.12.210 Container rates.*

The following Table 6.12.210 lists garbage rates charged for container service:

Table 6.12.210. (2021 ~~2022~~ Rates)

Regular Containers

Weekly Frequency

Size (In Yards)	1	2	3	4	5	6	7
1	\$ 141.61 <u>\$144.87</u>	\$ 283.22 <u>\$289.74</u>	\$ 424.83 <u>\$434.61</u>	\$ 566.44 <u>\$579.48</u>	\$ 708.05 <u>\$724.35</u>	\$ 849.66 <u>\$869.22</u>	\$ 991.27 <u>\$1,014.09</u>
1.5	\$ 177.01 <u>\$181.09</u>	\$ 354.03 <u>\$362.18</u>	\$ 531.04 <u>\$543.26</u>	\$ 708.05 <u>\$724.35</u>	\$ 885.06 <u>\$905.44</u>	\$ 1,062.08 <u>\$1,086.53</u>	\$ 1,239.09 <u>\$1,267.61</u>
2	\$ 212.42 <u>\$217.31</u>	\$ 424.83 <u>\$434.61</u>	\$ 637.25 <u>\$651.92</u>	\$ 849.66 <u>\$869.22</u>	\$ 1,062.08 <u>\$1,086.53</u>	\$ 1,274.49 <u>\$1,303.83</u>	\$ 1,486.91 <u>\$1,521.14</u>
3	\$ 283.22 <u>\$289.74</u>	\$ 566.44 <u>\$579.48</u>	\$ 849.66 <u>\$869.22</u>	\$ 1,132.88 <u>\$1,158.96</u>	\$ 1,416.10 <u>\$1,448.70</u>	\$ 1,699.32 <u>\$1,738.44</u>	\$ 1,982.54 <u>\$2,028.18</u>
4	\$ 354.03 <u>\$362.18</u>	\$ 708.05 <u>\$724.35</u>	\$ 1,062.08 <u>\$1,086.53</u>	\$ 1,416.10 <u>\$1,448.70</u>	\$ 1,770.13 <u>\$1,810.88</u>	\$ 2,124.15 <u>\$2,173.05</u>	\$ 2,478.18 <u>\$2,535.23</u>
5	\$ 424.83 <u>\$434.61</u>	\$ 849.66 <u>\$869.22</u>	\$ 1,274.49 <u>\$1,303.83</u>	\$ 1,699.32 <u>\$1,738.44</u>	\$ 2,124.15 <u>\$2,173.05</u>	\$ 2,548.98 <u>\$2,607.66</u>	\$ 2,973.81 <u>\$3,042.27</u>
6	\$ 495.64 <u>\$507.05</u>	\$ 991.27 <u>\$1,014.09</u>	\$ 1,486.91 <u>\$1,521.14</u>	\$ 1,982.54 <u>\$2,028.18</u>	\$ 2,478.18 <u>\$2,535.23</u>	\$ 2,973.81 <u>\$3,042.27</u>	\$ 3,469.45 <u>\$3,549.32</u>
8	\$ 637.25 <u>\$651.92</u>	\$ 1,274.49 <u>\$1,303.83</u>	\$ 1,911.74 <u>\$1,955.75</u>	\$ 2,548.98 <u>\$2,607.66</u>	\$ 3,186.23 <u>\$3,259.58</u>	\$ 3,823.47 <u>\$3,911.49</u>	\$ 4,460.72 <u>\$4,563.41</u>

Regular Containers at Space Constrained Locations (Space Saver Rate)

Weekly Frequency

Size (In Yards)	1	2	3	4	5	6	7
1		\$ 233.66 <u>\$239.04</u>	\$ 311.54 <u>\$318.71</u>	\$ 389.43 <u>\$398.39</u>	\$ 467.31 <u>\$478.07</u>	\$ 545.20 <u>\$557.75</u>	\$ 700.97 <u>\$717.11</u>
1.5		\$ 311.54 <u>\$318.71</u>	\$ 506.26 <u>\$517.91</u>	\$ 545.20 <u>\$557.75</u>	\$ 739.91 <u>\$756.95</u>	\$ 856.74 <u>\$876.46</u>	\$ 1,051.45 <u>\$1,075.66</u>
2		\$ 389.43 <u>\$398.39</u>	\$ 545.20 <u>\$557.75</u>	\$ 700.97 <u>\$717.11</u>	\$ 934.63 <u>\$956.14</u>	\$ 1,090.40 <u>\$1,115.50</u>	\$ 1,246.17 <u>\$1,274.86</u>
3		\$ 545.20 <u>\$557.75</u>		\$ 1,090.40 <u>\$1,115.50</u>	\$ 1,401.94 <u>\$1,434.21</u>	\$ 1,635.60 <u>\$1,673.25</u>	\$ 1,869.25 <u>\$1,912.28</u>
4		\$ 700.97 <u>\$717.11</u>		\$ 1,401.94 <u>\$1,434.21</u>		\$ 2,102.91 <u>\$2,151.32</u>	
5							
6							
8							

Compactor Containers

Weekly Frequency

Size (In Yards)	1	2	3	4	5	6	7
1	\$ 317.85 <u>\$325.16</u>	\$ 635.70 <u>\$650.32</u>	\$ 953.55 <u>\$975.48</u>	\$ 1,271.40 <u>\$1,300.64</u>	\$ 1,589.25 <u>\$1,625.80</u>	\$ 1,907.10 <u>\$1,950.96</u>	\$ 2,224.95 <u>\$2,276.12</u>
1.5	\$ 397.31 <u>\$406.45</u>	\$ 794.63 <u>\$812.90</u>	\$ 1,191.94 <u>\$1,219.35</u>	\$ 1,589.25 <u>\$1,625.80</u>	\$ 1,986.56 <u>\$2,032.25</u>	\$ 2,383.88 <u>\$2,438.70</u>	\$ 2,781.19 <u>\$2,845.15</u>
2	\$ 476.78 <u>\$487.74</u>	\$ 953.55 <u>\$975.48</u>	\$ 1,430.33 <u>\$1,463.22</u>	\$ 1,907.10 <u>\$1,950.96</u>	\$ 2,383.88 <u>\$2,438.70</u>	\$ 2,860.65 <u>\$2,926.44</u>	\$ 3,337.43 <u>\$3,414.18</u>
3	\$ 635.70 <u>\$650.32</u>	\$ 1,271.40 <u>\$1,300.64</u>	\$ 1,907.10 <u>\$1,950.96</u>	\$ 2,542.80 <u>\$2,601.28</u>	\$ 3,178.50 <u>\$3,251.60</u>	\$ 3,814.20 <u>\$3,901.92</u>	\$ 4,449.90 <u>\$4,552.24</u>
4	\$ 794.63 <u>\$812.90</u>	\$ 1,589.25 <u>\$1,625.80</u>	\$ 2,383.88 <u>\$2,438.70</u>	\$ 3,178.50 <u>\$3,251.60</u>	\$ 3,973.13 <u>\$4,064.50</u>	\$ 4,767.75 <u>\$4,877.40</u>	\$ 5,562.38 <u>\$5,690.30</u>
5	\$ 953.55 <u>\$975.48</u>	\$ 1,907.10 <u>\$1,950.96</u>	\$ 2,860.65 <u>\$2,926.44</u>	\$ 3,814.20 <u>\$3,901.92</u>	\$ 4,767.75 <u>\$4,877.40</u>	\$ 5,721.30 <u>\$5,852.88</u>	\$ 6,674.85 <u>\$6,828.36</u>
6	\$ 1,112.48 <u>\$1,138.06</u>	\$ 2,224.95 <u>\$2,276.12</u>	\$ 3,337.43 <u>\$3,414.18</u>	\$ 4,449.90 <u>\$4,552.24</u>	\$ 5,562.38 <u>\$5,690.30</u>	\$ 6,674.85 <u>\$6,828.36</u>	\$ 7,787.33 <u>\$7,966.42</u>
8	\$ 1,430.33 <u>\$1,463.22</u>	\$ 2,860.65 <u>\$2,926.44</u>	\$ 4,290.98 <u>\$4,389.66</u>	\$ 5,721.30 <u>\$5,852.88</u>	\$ 7,151.63 <u>\$7,316.10</u>	\$ 8,581.95 <u>\$8,779.32</u>	\$ 10,012.28 <u>\$10,242.54</u>

Note: Above rates are for containers supplied by contractor. Rates for compacted solid waste apply only when such waste has been compacted by any mechanical device prior to its pickup by the collector. Loose waste dumped into the collector's packer truck from a container will be subject to the rates for non-compacted material. However, waste that has been compressed or compacted by any mechanical device and then subsequently dumped

into a loose yard container to be picked up by the Contractor shall be subject to compacted container rates only upon prior written approval of the Director.

Special Services:

Special pickups shall be charged the extra yard rate multiplied by the size of the container plus the return trip charge.

	2021 <u>2022</u>
One-time delivery/pickup/disposal of 3-yard "Rent-a-Bin"	179.50 <u>183.63</u>
Additional "Rent-a-Bin" pickup	111.23 <u>113.79</u>
Return trip (blocked container, etc.)	17.25 <u>17.62</u>
Lock charge (if manual system used)	2.76 <u>2.82</u> per collection
Subsequent deliveries/moves/replacements	31.40 <u>32.06</u> per trip
Accessibility charge	3.92 <u>4.00</u> per collection
Rollout charge	
Greater than 15 feet	3.92 <u>4.00</u> per collection
Greater than 20 feet	6.28 <u>6.41</u> per collection
Steam cleaning (customer request or requirement)	47.09 <u>48.09</u> per container
Overfill/extra yardage (or portion thereof)	17.92 <u>18.33</u> per event

Overweight charges for container service: If the Contractor identifies that a Customer's disposal weights are consistently in excess of 130 lbs. per loose yard (if charged loose container rates) or 455 lbs. per compacted yard, or per yard of heavy material such as dirt, rock, etc. (if charged compacted container rates) the Contractor may charge a flat overweight surcharge in addition to the regular rates. The surcharge will be equal to the weight in excess of 200 pounds per loose yard or 700 pounds per compacted yard multiplied by the current disposal rates per pound, multiplied by the number of yards serviced per month. The surcharge may also be applied to any extra or special pickups. The Contractor shall not charge the overweight container charge until the on-going overweight account has been brought to the attention of the Director. The Contractor may charge the overweight charge once the Director has investigated the issue and made a written determination as to whether or not the proposed charge is appropriate to the situation.

Late Fee: 1.5 percent of balance outstanding at thirty days past due date.

Vacation Allowance:

Minimum period of two weeks.

Maximum of three vacations per year.

Section 4. VMC 6.12.211, adopted by Ordinance M-2665 and last amended by Ordinance M-4316, is amended as follows:

6.12.211 Drop box and compactor rates.*

The following table lists garbage rates charged for drop box and compactor service:

Regular Service:	2021 <u>2022</u>
Initial placement fee	39.21 <u>40.04</u> per trip
Moving fee	39.21 <u>40.04</u> per trip
Steam clean	
(per customer request or as required)	4.22 <u>4.31</u> per yard
Minimum	41.05 <u>41.92</u> min
Plus: pickup and redelivery	39.21 <u>40.04</u> per trip

Trucking Fee (empty and return - roundtrip haul charge):

Drop box	
10-yard	153.81 <u>157.07</u>
20-yard	153.81 <u>157.07</u>
30-yard	153.81 <u>157.07</u>
40-yard	153.81 <u>157.07</u>

Compactor

10-yard	170.91 <u>174.53</u>
20-yard	170.91 <u>174.53</u>
30-yard	170.91 <u>174.53</u>
40-yard	170.91 <u>174.53</u>

Organics Trucking Fee (empty and return - roundtrip haul charge):

Drop box

10-yard	109.36 <u>111.68</u>
20-yard	109.36 <u>111.68</u>
30-yard	109.36 <u>111.68</u>
40-yard	109.36 <u>111.68</u>

Compactor

10-yard	121.52 <u>124.09</u>
20-yard	121.52 <u>124.09</u>
30-yard	121.52 <u>124.09</u>
40-yard	121.52 <u>124.09</u>

Add disposal pass through at amount of tipping fee and disposal transaction fees or taxes to above charges.

Daily demurrage - Per Day	3.67 <u>3.75</u> per day
Monthly demurrage - Monthly Maximum	110.42 <u>112.76</u> monthly max
Special/modified box rental	
(Lid/screen/winch, etc.) - Per day	5.26 <u>5.37</u> per day
Monthly Maximum	158.43 <u>161.78</u> monthly max

Waiting time

(after first 10 minutes) - Charge Per Minute	1.86 <u>1.90</u> per minute
Mileage Charge (over 10)	3.40 <u>3.47</u> per mile
Locking system	
Materials plus labor - per hour	39.21 <u>40.04</u> per hour
"Check only" service	
(price per container and per check)	11.75 <u>12.00</u>
Return trip charge (per container)	31.40 <u>32.06</u>

For Organics and/or Yard debris collection drop box service – the noted Organics Trucking Fee applies in place of the regular Trucking Fee, however, the same rates apply to these streams as for all other regular drop box related services, and disposal will be charged at current organics and/or yard debris processing rates.

Late Fee: 1.5 percent of balance outstanding at thirty days past due date.

Section 5. VMC 6.12.212, adopted by Ordinance M-2665 and last amended by Ordinance M-4316, is amended as follows:

6.12.212 Other rates.

The following table lists garbage rates for types of pickup other than those set out in Sections 6.12.208 through 6.12.211:

Bulky item pickup:	2021 <u>2022</u>	
Stove	17.23 <u>17.59</u>	each
Washing machine	18.84 <u>19.24</u>	each
Dryer	15.60 <u>15.93</u>	each
Water heater	19.15 <u>19.56</u>	each
Refrigerator, freezer	31.15 <u>31.81</u>	each
Sofa	15.60 <u>15.93</u>	each
Chair	12.45 <u>12.71</u>	each
Mattress or box spring	14.10 <u>14.40</u>	each
Tires		
Auto/light pickup	7.42 <u>7.58</u>	each
with rim	11.48 <u>11.72</u>	each
Bus/heavy truck	23.26 <u>23.75</u>	each
with rim	38.38 <u>39.19</u>	each
Other bulky items	16.41 <u>16.76</u>	each

Note: the above rates are for pre-scheduled curbside pick-up at residential locations, however, they also may be applied to commercial and multifamily site pickups. For commercial and multifamily collections additional fees, detailed in VMC 6.12.210, may apply for requested Special Services that differ from the standard pre-scheduled curbside bulky item pickup.

Hourly equipment rental:

Sideloaded compactor truck	104.36 <u>106.57</u>	per hour
Rolloff truck/Front Load Compactor Truck	107.48 <u>109.76</u>	per hour
Extra labor	47.59 <u>48.60</u>	per hour
Overtime rate	Extra labor rate x 1.5	

Section 6. VMC 6.12.213, adopted by Ordinance M-3069 and last amended by Ordinance M-4316, is amended as follows:

6.12.213 Residential recycling fees.

The following fees shall be charged for recycling program costs within the City of Vancouver:

1. *Curbside Recycling*
 - a. For each dwelling unit in a structure containing from one to four residential dwelling units, ~~\$3.30~~ 3.37 per month.
 - b. For each dwelling unit in a structure containing from one to four residential dwelling units, the contractor may invoice a “recyclables processing surcharge” of ~~\$1.46~~ 0.81 per month.
2. *Multi-family Recycling*
 - a. Five or more residential dwelling units on a consolidated solid waste collection bill, ~~\$1.33~~ 1.36 per month per unit.

b. For each dwelling unit in a structure containing five or more residential dwelling units, the contractor may invoice a “recyclables processing surcharge” of ~~\$0.70~~ 0.29 per unit per month.

The following optional fees shall be charged to those residents or businesses who voluntarily subscribe for service:

Organics Collection Service

Residential Subscription Options:

~~2021~~ 2022

Basic subscription, with 96-gallon cart	\$7.88 <u>8.05</u> per month
Basic subscription, with 64-gallon cart	6.82 <u>6.97</u> per month
Basic subscription, with 32-gallon cart	5.76 <u>5.88</u> per month
Basic subscription, with 20-gallon cart	4.70 <u>4.80</u> per month

Commercial / Multifamily Subscription Options:

Every Other Week subscription, with 64-gallon cart	\$8.76 <u>8.95</u> per month
Weekly subscription, with 64-gallon cart	17.52 <u>17.91</u> per month

Special/Optional Organics Services:

Additional 32-gallon equivalent (or portion thereof, per volume)	3.60 <u>3.68</u> per pickup
Service restart fee, within one year of last service	10.73 <u>10.96</u>
Optional extra cart rental	1.78 <u>1.82</u> per month

Cart replacement fee	At cost
Cart delivery fee, initial	0.00
Cart delivery fee, subsequent (including cart swap request)	14.32 <u>14.62</u>
Late fee: 1.5 percent of balance outstanding at 30 days	

Vacation allowances in conjunction with garbage service vacations only.

Note: For commercial and multifamily sites participating in Organics collection service, the above subscription rates and Special/Optional Services fees apply so long as the customer is responsible for placing the cart(s) curbside for the scheduled collection day(s). If the cart(s) at these sites is not placed at the curb on collection day(s) and/or if other special services are requested for these sites, then the Special Services fees detailed in VMC 6.12.210 may be added as additional charges for each collection. Depending on location specific challenges, organics collection service may not be offered at all multifamily or commercial sites.

Section 7. Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 8. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 9. Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

ORDINANCE - 22

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 23

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

**SUMMARY OF PROPOSED SOLID WASTE COLLECTION
RATES for 1/01/22 as compared to rates in effect since 1/01/21
(3 pages)**

\$X.XX shaded values are PROPOSED changes based on CPI/Fuel/Tip Fee, City Fee and adjusted Recycling Processing Fee. Changes will be reviewed by Vancouver City Council:

First Reading: 11/08/21

Second Reading/Public Hearing: 11/15/21

The fees are expected to remain unchanged through 2022 (until Jan. 2023).

Questions on the rate changes may be addressed to Julie Gilbertson (360-487-7162)

Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change

Residential/Multifamily Curb Service (VMC 6.12.208)

32-gallon cart service			
A weekly collection	\$20.63	\$21.10	2.3%
each additional	\$20.63	\$21.10	2.3%
every other week collection	\$15.47	\$15.83	2.3%
each additional cart	\$15.47	\$15.83	2.3%
once per month collection	\$9.28	\$9.50	2.4%
64-gallon cart service			
weekly collection	\$41.26	\$42.20	2.3%
each additional cart	\$41.26	\$42.20	2.3%
every other week collection	\$20.63	\$21.10	2.3%
96-gallon cart service			
weekly collection	\$61.89	\$63.30	2.3%
each additional cart	\$61.89	\$63.30	2.3%
20-gallon cart service			
weekly collection	\$15.47	\$15.83	2.3%
every other week collection	\$12.38	\$12.66	2.3%

Residential Carryout Service

32-gallon cart service			
weekly collection	\$30.95	\$31.65	2.3%
each additional cart	\$30.95	\$31.65	2.3%
every other week collection	\$23.21	\$23.75	2.3%
each additional cart	\$23.21	\$23.75	2.3%
once per month collection	\$13.92	\$14.25	2.4%
64-gallon cart service			
weekly collection	\$51.58	\$52.75	2.3%
every other week collection	\$43.84	\$44.85	2.3%
96-gallon cart service			
weekly collection	\$72.21	\$73.85	2.3%
20-gallon cart service			
weekly collection	\$23.21	\$23.75	2.3%
every other week collection	\$18.57	\$18.99	2.3%

Residential Special/Optional Services

Extra Cart (32-gallon equivalent)			
Curb (per pick-up)	\$8.12	\$8.31	2.3%
Carryout (per pick-up)	\$12.17	\$12.45	2.3%
Return Trip fee	\$11.77	\$12.02	2.1%
Overweight/overfilled can	<i>Billed as an extra</i>		
Cart replacement fee	<i>At cost</i>		
Cart Delivery, Initial	\$0.00	\$0.00	
Cart Delivery, Subsequent	\$14.64	\$14.95	2.1%

Residential Recycling & Organics Curbside (VMC 6.12.213)

B Single Family Recycling (EOW)	\$3.30	\$3.37	2.1%
B' Recycling Processing Surcharge	\$1.46	\$0.81	-44.4%
Multi-Family Recycling (per unit/month)	\$1.33	\$1.36	2.3%
Recycling Processing Surcharge	\$0.70	\$0.29	-57.7%
C Single Family Organics (EOW, subscription service)			
Basic subscription 96-gal cart	\$7.88	\$8.05	2.2%
Pg. 3 Lists all Organics Cart Size & Pricing Options			
Additional 32-gal per pickup	\$3.60	\$3.68	2.2%
Service restart fee (<1yr)	\$10.73	\$10.96	2.1%
Optional 64-gal Cart Rental	\$1.78	\$1.82	2.2%
Cart replacement fee	<i>At Cost</i>		
Cart delivery fee, initial	\$0.00	\$0.00	
Cart delivery, subsequent	\$14.32	\$14.62	2.1%

Standard Service Level for Residential Customers (A + B)

	Jan-21	Jan-22	Change
A 32-Gallon Weekly Garbage	\$20.63	\$21.10	2.3%
B Single Family Recycling B + B'	\$4.76	\$4.18	-12.1%
TOTAL A + B (+B')	\$25.39	\$25.28	-0.4%
C Single Family Organics (w/basic 96-gal)	\$7.88	\$8.05	2.2%
TOTAL A + B + C (Organics)	\$33.27	\$33.33	0.2%

Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change

Commercial Curb Service (VMC 6.12.209)

32-gallon cart service			
weekly collection	\$22.94	\$23.47	2.3%
each additional cart	\$22.94	\$23.47	2.3%
every other week collection	\$17.21	\$17.60	2.3%
each additional cart	\$17.21	\$17.60	2.3%
once per month collection	\$10.32	\$10.56	2.3%
64-gallon cart service			
weekly collection	\$45.88	\$46.94	2.3%
each additional cart	\$45.88	\$46.94	2.3%
every other week collection	\$22.94	\$23.47	2.3%
96-gallon cart service			
weekly collection	\$68.82	\$70.41	2.3%
20-gallon cart collection			
weekly collection	\$17.21	\$17.60	2.3%
every other week collection	\$13.76	\$14.08	2.3%

Commercial Carryout Service

32-gallon cart service			
weekly collection	\$34.41	\$35.21	2.3%
each additional cart	\$34.41	\$35.21	2.3%
every other week collection	\$25.82	\$26.40	2.2%
each additional cart	\$25.82	\$26.40	2.2%
once per month collection	\$15.48	\$15.84	2.3%
64-gallon cart service			
weekly collection	\$57.35	\$58.68	2.3%
every other week collection	\$34.41	\$35.21	2.3%
96-gallon cart service			
weekly collection	\$80.29	\$82.15	2.3%
20-gallon cart service			
weekly collection	\$25.82	\$26.40	2.2%
every other week collection	\$20.64	\$21.12	2.3%

Commercial Special/Optional Services

Extra Cart (32-gallon equivalent)			
Curb (per pick-up)	\$8.99	\$9.20	2.3%
Carryout (per pick-up)	\$13.56	\$13.87	2.3%
Return Trip fee	\$11.77	\$12.02	2.1%
Overweight/overfilled cart	<i>Billed as an extra</i>		
Cart replacement fee	<i>At cost</i>		
Cart Delivery, Initial	\$0.00	\$0.00	
Cart Delivery, Subsequent	\$14.73	\$15.04	2.1%

Container (Commercial) Special Services (VMC 6.12.210)

Special Pickup - yard rate X yards + return trip charge			
One Time Delivery/Pickup/Disposal			
of 3-yard "Rent-A-Bin"	\$179.50	\$183.63	2.3%
Additional "Rent-A-Bin"	\$111.23	\$113.79	2.3%
Return Trip fee	\$17.25	\$17.62	2.1%
Lock Charge (automatic system)	\$0.00	\$0.00	
Lock Charge (manual system)	\$2.76	\$2.82	2.2%
Subsequent Deliveries/Moves			
Replacements (per trip)	\$31.40	\$32.06	2.1%
Accessibility Charge	\$3.92	\$4.00	2.0%
Rollout Charge (per collection)			
Greater than 15 feet	\$3.92	\$4.00	2.0%
Greater than 20 feet	\$6.28	\$6.41	2.1%
Steam Cleaning (requested)	\$47.09	\$48.09	2.1%
Overfilled/Extra Yardage (portion)	\$17.92	\$18.33	2.3%

Other Garbage Rates (Bulky Items and Hourly - VMC 6.12.212)

Stove	\$17.23	\$17.59	2.1%
Washing Machine	\$18.84	\$19.24	2.1%
Dryer	\$15.60	\$15.93	2.1%
Water Heater	\$19.15	\$19.56	2.1%
Refrigerator, Freezer	\$31.15	\$31.81	2.1%
Sofa	\$15.60	\$15.93	2.1%
Chair	\$12.45	\$12.71	2.1%
Mattress or Box Springs	\$14.10	\$14.40	2.1%
Tires			
auto light pickup	\$7.42	\$7.58	2.2%
with rim	\$11.48	\$11.72	2.1%
bus/heavy truck	\$23.26	\$23.75	2.1%
with rim	\$38.38	\$39.19	2.1%
Other Bulky Items	\$16.41	\$16.76	2.1%
Hourly Equipment Rental			
Sideloaded compactor	\$104.36	\$106.57	2.1%
Rolloff truck	\$107.48	\$109.76	2.1%
Extra labor	\$47.59	\$48.60	2.1%
Overtime rate	Extra labor rate X 1.5		

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Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change
Commercial Container Service (Non Compacted - VMC 6.12.210)			
One Yard Container (includes disposal w/in weight limits)			
once per week collection	\$141.61	\$144.87	2.3%
twice per week collection	\$283.22	\$289.74	2.3%
three collections/week	\$424.83	\$434.61	2.3%
four collections/week	\$566.44	\$579.48	2.3%
five collections/week	\$708.05	\$724.35	2.3%
six collections/week	\$849.66	\$869.22	2.3%
seven collections/week	\$991.27	\$1,014.09	2.3%
1.5 Yard Container (includes disposal w/in weight limits)			
once per week collection	\$177.01	\$181.09	2.3%
twice per week collection	\$354.03	\$362.18	2.3%
three collections/week	\$531.04	\$543.26	2.3%
four collections/week	\$708.05	\$724.35	2.3%
five collections/week	\$885.06	\$905.44	2.3%
six collections/week	\$1,062.08	\$1,086.53	2.3%
seven collections/week	\$1,239.09	\$1,267.61	2.3%
Two Yard Container (includes disposal w/in weight limits)			
once per week collection	\$212.42	\$217.31	2.3%
twice per week collection	\$424.83	\$434.61	2.3%
three collections/week	\$637.25	\$651.92	2.3%
four collections/week	\$849.66	\$869.22	2.3%
five collections/week	\$1,062.08	\$1,086.53	2.3%
six collections/week	\$1,274.49	\$1,303.83	2.3%
seven collections/week	\$1,486.91	\$1,521.14	2.3%
Three Yard Container (includes disposal w/in weight limits)			
once per week collection	\$283.22	\$289.74	2.3%
twice per week collection	\$566.44	\$579.48	2.3%
three collections/week	\$849.66	\$869.22	2.3%
four collections/week	\$1,132.88	\$1,158.96	2.3%
five collections/week	\$1,416.10	\$1,448.70	2.3%
six collections/week	\$1,699.32	\$1,738.44	2.3%
seven collections/week	\$1,982.54	\$2,028.18	2.3%
Four Yard Container (includes disposal w/in weight limits)			
once per week collection	\$354.03	\$362.18	2.3%
twice per week collection	\$708.05	\$724.35	2.3%
three collections/week	\$1,062.08	\$1,086.53	2.3%
four collections/week	\$1,416.10	\$1,448.70	2.3%
five collections/week	\$1,770.13	\$1,810.88	2.3%
six collections/week	\$2,124.15	\$2,173.05	2.3%
seven collections/week	\$2,478.18	\$2,535.23	2.3%
Five Yard Container (includes disposal w/in weight limits)			
once per week collection	\$424.83	\$434.61	2.3%
twice per week collection	\$849.66	\$869.22	2.3%
three collections/week	\$1,274.49	\$1,303.83	2.3%
four collections/week	\$1,699.32	\$1,738.44	2.3%
five collections/week	\$2,124.15	\$2,173.05	2.3%
six collections/week	\$2,548.98	\$2,607.66	2.3%
seven collections/week	\$2,973.81	\$3,042.27	2.3%
Six Yard Container (includes disposal w/in weight limits)			
once per week collection	\$495.64	\$507.05	2.3%
twice per week collection	\$991.27	\$1,014.09	2.3%
three collections/week	\$1,486.91	\$1,521.14	2.3%
four collections/week	\$1,982.54	\$2,028.18	2.3%
five collections/week	\$2,478.18	\$2,535.23	2.3%
six collections/week	\$2,973.81	\$3,042.27	2.3%
seven collections/week	\$3,469.45	\$3,549.32	2.3%
Eight Yard Container (includes disposal w/in weight limits)			
once per week collection	\$637.25	\$651.92	2.3%
twice per week collection	\$1,274.49	\$1,303.83	2.3%
three collections/week	\$1,911.74	\$1,955.75	2.3%
four collections/week	\$2,548.98	\$2,607.66	2.3%
five collections/week	\$3,186.23	\$3,259.58	2.3%
six collections/week	\$3,823.47	\$3,911.49	2.3%
seven collections/week	\$4,460.72	\$4,563.41	2.3%

**** For Reference Only ****

Tipping Fees at Columbia Resource Company Transfer Stations			
	Jan-21	Jan-22	Change
Municipal Solid Waste (\$/ ton)	\$97.39	\$99.88	2.6%
Drop Box Waste (\$/ ton)	\$86.50	\$88.72	2.6%
Plus - Transaction Fee (per load)	\$10.00	\$10.00	0.0%
Organics Tip Fee (\$/ ton)	\$84.65	\$86.93	2.7%
Yard Debris - West Van (\$/ ton)	\$68.59	\$70.44	2.7%
Yard Debris - CTR (\$/ ton)	\$69.02	\$70.88	2.7%
Recyclables Processing (\$/ ton)	\$62.52	\$48.56	-22.3%

Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change
Commercial Compactor Container Service (VMC 6.12.210)			
One Yard Container (includes disposal)			
once per week collection	\$317.85	\$325.16	2.3%
twice per week collection	\$635.70	\$650.32	2.3%
three collections/week	\$953.55	\$975.48	2.3%
four collections/week	\$1,271.40	\$1,300.64	2.3%
five collections/week	\$1,589.25	\$1,625.80	2.3%
six collections/week	\$1,907.10	\$1,950.96	2.3%
seven collections/week	\$2,224.95	\$2,276.12	2.3%
1.5 Yard Container (includes disposal)			
once per week collection	\$397.31	\$406.45	2.3%
twice per week collection	\$794.63	\$812.90	2.3%
three collections/week	\$1,191.94	\$1,219.35	2.3%
four collections/week	\$1,589.25	\$1,625.80	2.3%
five collections/week	\$1,986.56	\$2,032.25	2.3%
six collections/week	\$2,383.88	\$2,438.70	2.3%
seven collections/week	\$2,781.19	\$2,845.15	2.3%
Two Yard Container (includes disposal)			
once per week collection	\$476.78	\$487.74	2.3%
twice per week collection	\$953.55	\$975.48	2.3%
three collections/week	\$1,430.33	\$1,463.22	2.3%
four collections/week	\$1,907.10	\$1,950.96	2.3%
five collections/week	\$2,383.88	\$2,438.70	2.3%
six collections/week	\$2,860.65	\$2,926.44	2.3%
seven collections/week	\$3,337.43	\$3,414.18	2.3%
Three Yard Container (includes disposal)			
once per week collection	\$635.70	\$650.32	2.3%
twice per week collection	\$1,271.40	\$1,300.64	2.3%
three collections/week	\$1,907.10	\$1,950.96	2.3%
four collections/week	\$2,542.80	\$2,601.28	2.3%
five collections/week	\$3,178.50	\$3,251.60	2.3%
six collections/week	\$3,814.20	\$3,901.92	2.3%
seven collections/week	\$4,449.90	\$4,552.24	2.3%
Four Yard Container (includes disposal)			
once per week collection	\$794.63	\$812.90	2.3%
twice per week collection	\$1,589.25	\$1,625.80	2.3%
three collections/week	\$2,383.88	\$2,438.70	2.3%
four collections/week	\$3,178.50	\$3,251.60	2.3%
five collections/week	\$3,973.13	\$4,064.50	2.3%
six collections/week	\$4,767.75	\$4,877.40	2.3%
seven collections/week	\$5,562.38	\$5,690.30	2.3%
Five Yard Container (includes disposal)			
once per week collection	\$953.55	\$975.48	2.3%
twice per week collection	\$1,907.10	\$1,950.96	2.3%
three collections/week	\$2,860.65	\$2,926.44	2.3%
four collections/week	\$3,814.20	\$3,901.92	2.3%
five collections/week	\$4,767.75	\$4,877.40	2.3%
six collections/week	\$5,721.30	\$5,852.88	2.3%
seven collections/week	\$6,674.85	\$6,828.36	2.3%
Six Yard Container (includes disposal)			
once per week collection	\$1,112.48	\$1,138.06	2.3%
twice per week collection	\$2,224.95	\$2,276.12	2.3%
three collections/week	\$3,337.43	\$3,414.18	2.3%
four collections/week	\$4,449.90	\$4,552.24	2.3%
five collections/week	\$5,562.38	\$5,690.30	2.3%
six collections/week	\$6,674.85	\$6,828.36	2.3%
seven collections/week	\$7,787.33	\$7,966.42	2.3%
Eight Yard Container (includes disposal)			
once per week collection	\$1,430.33	\$1,463.22	2.3%
twice per week collection	\$2,860.65	\$2,926.44	2.3%
three collections/week	\$4,290.98	\$4,389.66	2.3%
four collections/week	\$5,721.30	\$5,852.88	2.3%
five collections/week	\$7,151.63	\$7,316.10	2.3%
six collections/week	\$8,581.95	\$8,779.32	2.3%
seven collections/week	\$10,012.28	\$10,242.54	2.3%

Tipping fees approved by Clark County Public Health

Disposal Fees: (pass through of tipping fee, transaction fee & taxes)

Other Divertable Materials accepted at local transfer stations:
(pass through at current disposal fee or processing rate)

Yard Debris/Organics Fees: (pass through at current rate)

Recycling Processing Surcharge fee (pass through)

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Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change
Space Saver Rate - Regular Containers at Space Constrained Locations (VMC 6.12.210)			
One Yard Container (includes disposal w/in weight limits)			
once per week collection	\$141.61	\$144.87	2.3%
twice per week collection	\$233.66	\$239.04	2.3%
three collections/week	\$311.54	\$318.71	2.3%
four collections/week	\$389.43	\$398.39	2.3%
five collections/week	\$467.31	\$478.07	2.3%
six collections/week	\$545.20	\$557.75	2.3%
seven collections/week	\$700.97	\$717.11	2.3%
1.5 Yard Container (includes disposal w/in weight limits)			
once per week collection	\$177.01	\$181.09	2.3%
twice per week collection	\$311.54	\$318.71	2.3%
three collections/week	\$506.26	\$517.91	2.3%
four collections/week	\$545.20	\$557.75	2.3%
five collections/week	\$739.91	\$756.95	2.3%
six collections/week	\$856.74	\$876.46	2.3%
seven collections/week	\$1,051.45	\$1,075.66	2.3%
Two Yard Container (includes disposal w/in weight limits)			
once per week collection	\$212.42	\$217.31	2.3%
twice per week collection	\$389.43	\$398.39	2.3%
three collections/week	\$545.20	\$557.75	2.3%
four collections/week	\$700.97	\$717.11	2.3%
five collections/week	\$934.63	\$956.14	2.3%
six collections/week	\$1,090.40	\$1,115.50	2.3%
seven collections/week	\$1,246.17	\$1,274.86	2.3%
Three Yard Container (includes disposal w/in weight limits)			
once per week collection	\$283.22	\$289.74	2.3%
twice per week collection	\$545.20	\$557.75	2.3%
three collections/week	\$849.66	\$869.22	2.3%
four collections/week	\$1,090.40	\$1,115.50	2.3%
five collections/week	\$1,401.94	\$1,434.21	2.3%
six collections/week	\$1,635.60	\$1,673.25	2.3%
seven collections/week	\$1,869.25	\$1,912.28	2.3%
Four Yard Container (includes disposal w/in weight limits)			
once per week collection	\$354.03	\$362.18	2.3%
twice per week collection	\$700.97	\$717.11	2.3%
three collections/week	\$1,062.08	\$1,086.53	2.3%
four collections/week	\$1,401.94	\$1,434.21	2.3%
five collections/week	\$1,770.13	\$1,810.88	2.3%
six collections/week	\$2,102.91	\$2,151.32	2.3%
seven collections/week	\$2,478.18	\$2,535.23	2.3%
Five Yard Container (includes disposal w/in weight limits)			
once per week collection	\$424.83	\$434.61	2.3%
twice per week collection	\$849.66	\$869.22	2.3%
three collections/week	\$1,274.49	\$1,303.83	2.3%
four collections/week	\$1,699.32	\$1,738.44	2.3%
five collections/week	\$2,124.15	\$2,173.05	2.3%
six collections/week	\$2,548.98	\$2,607.66	2.3%
seven collections/week	\$2,973.81	\$3,042.27	2.3%
Six Yard Container (includes disposal w/in weight limits)			
once per week collection	\$495.64	\$507.05	2.3%
twice per week collection	\$991.27	\$1,014.09	2.3%
three collections/week	\$1,486.91	\$1,521.14	2.3%
four collections/week	\$1,982.54	\$2,028.18	2.3%
five collections/week	\$2,478.18	\$2,535.23	2.3%
six collections/week	\$2,973.81	\$3,042.27	2.3%
seven collections/week	\$3,469.45	\$3,549.32	2.3%
Eight Yard Container (includes disposal w/in weight limits)			
once per week collection	\$637.25	\$651.92	2.3%
twice per week collection	\$1,274.49	\$1,303.83	2.3%
three collections/week	\$1,911.74	\$1,955.75	2.3%
four collections/week	\$2,548.98	\$2,607.66	2.3%
five collections/week	\$3,186.23	\$3,259.58	2.3%
six collections/week	\$3,823.47	\$3,911.49	2.3%
seven collections/week	\$4,460.72	\$4,563.41	2.3%

*Note: For Space Saver Rates, the darker shaded cells indicate collection frequencies where space constrained customers will experience savings

Note: As a consequence of offering new "Space Saver" rates, all other commercial container rates increased 0.5% one time (before CPI/fuel/tip fee/etc. adjustments) for 2020. This increment of increase applied to all scheduled container service levels in VMC 6.12.210

Available Service Levels	Monthly Charge		
	Jan-21	Jan-22	Change
Drop Box and Compactor Services (VMC 6.12.211)			
Regular Service (pass through amount of tipping fee and transaction fee taxes)			
Initial Placement (per trip)	\$39.21	\$40.04	2.1%
Moving Fee (per trip)	\$39.21	\$40.04	2.1%
Steam Clean (per yard)	\$4.22	\$4.31	2.1%
Minimum (Plus P/R)	\$41.05	\$41.92	2.1%
Box placement/move onsite	\$39.21	\$40.04	2.1%
Daily Demurrage	\$3.67	\$3.75	2.2%
Monthly Demurrage (Max.)	\$110.42	\$112.76	2.1%
Special/Modified Box Rent			
(lid,screen,winch/day)	\$5.26	\$5.37	2.1%
monthly maximum	\$158.43	\$161.78	2.1%
Waiting Time (per minute)	\$1.86	\$1.90	2.2%
Mileage Charge (over 10/mi)	\$3.40	\$3.47	2.1%
Locking System (materials)			
plus labor @: per hr	\$39.21	\$40.04	2.1%
"Check Only" (per check)	\$11.75	\$12.00	2.1%
Return Trip Charge	\$31.40	\$32.06	2.1%
Drop Box Trucking Fee (empty & return - roundtrip) (VMC 6.12.211)			
10-yard			
Drop Box	\$153.81	\$157.07	2.1%
Compactor	\$170.91	\$174.53	2.1%
20-yard			
Drop Box	\$153.81	\$157.07	2.1%
Compactor	\$170.91	\$174.53	2.1%
30-yard			
Drop Box	\$153.81	\$157.07	2.1%
Compactor	\$170.91	\$174.53	2.1%
40-yard			
Drop Box	\$153.81	\$157.07	2.1%
Compactor	\$170.91	\$174.53	2.1%
Drop Box ORGANICS Trucking Fee (roundtrip haul - VMC 6.12.211)			
Other VMC 6.12.211 service rates apply to Organics drop boxes/compactors.			
	Jan-21	Jan-22	Change
10-yard			
Drop Box	\$109.36	\$111.68	2.1%
Compactor	\$121.52	\$124.09	2.1%
20-yard			
Drop Box	\$109.36	\$111.68	2.1%
Compactor	\$121.52	\$124.09	2.1%
30-yard			
Drop Box	\$109.36	\$111.68	2.1%
Compactor	\$121.52	\$124.09	2.1%
40-yard			
Drop Box	\$109.36	\$111.68	2.1%
Compactor	\$121.52	\$124.09	2.1%
Organics Tip Fees: (pass through at current material processing rate)			
2022 West Van Organics Tip Fee (\$/ ton):		\$86.93	2.7%

Organics Collection Service (Yard Debris + Food)

Residential/Commercial ORGANICS Fees (VMC 6.12.213)

Residential Subscription Options:

Single Family Organics - subscription service, every other week collection

	Jan-21	Jan-22	Change
C 96-gallon cart (EOW)	\$7.88 *	\$8.05 *	2.2%
64-gallon cart (EOW)	\$6.82	\$6.97	2.2%
32-gallon cart (EOW)	\$5.76	\$5.88	2.2%
20-gallon cart (EOW)	\$4.70	\$4.80	2.2%

*Basic Rate (Pg 1) charge

Commercial / Multifamily Subscription Options:

	Jan-21	Jan-22	Change
64-gallon cart service			
every other week collection	\$8.76	\$8.95 **	2.2%
weekly collection	\$17.52	\$17.91 **	2.2%

**Indicated monthly Commercial/Multi-Family Organics rates apply if carts are set at the curb for scheduled collection days - other 'Special Services' detailed in VMC 6.12.210 may be added as additional charges for each collection if the cart(s) are not placed at the curb. Depending on location specific challenges, organics collection service may not be offered at all multifamily or commercial sites.