

Council Policy Updates



August 27, 2018
Vancouver City Council Workshop

E. Bronson Potter, City Attorney
Amanda Delapena, Council Assistant

Presentation Overview

- 2018 Policy Review Timeline
- Policies Overview
- Review & Discussion of Proposed Edits
- Next Steps

2018 Review of Policies

Aug. 20

- Preview & Council feedback

Aug. 27

- Detailed review of proposed text edits

September

- Council action via resolution on Consent

Policy No.	Title	Last update
100-06	Council Appointment of Citizens to Boards, Commissions, Advisory Committees and Task Forces	2011
100-31(A)	City Manager Evaluation Process	2014
100-32	City Council Meetings	2016
100-33	City Council Appointment to Boards and Commissions	2014
100-34	City Council Relations with Staff	2011
100-35	City Council Miscellaneous Procedures	2011
100-36	City Council Code of Ethics and Conduct	2011
100-37	City Council Electronic Mail (email) Policy	2011
100-38	Filling City Council Vacancies	2011
100-39	City Council Appearance of Fairness Standards and Procedures	2007
100-40	Social Media Policy	2014
	Council Compact	2013

100-33 Council Appointment to Boards and Commissions

Request: Consideration of provision regarding Councilmember seniority

See → Section 4.0 Process for Making Appointments

Other questions or requests?

100-32 City Council Meetings

Issue of note: Quorum requirement

See → [Section 5.2 Quorum](#)

Issue of note: OPMA clarification

See → [Section 5.10 Executive Sessions](#)

Issue of note: Protocol for potential quorum at outside meetings

See → [Section 5.11 Special Meetings](#)

Other questions or requests?

100-38 Filling Council Vacancies

Issue of note: Initiation of vacancy and appointment process

See → Section 4.0 Notification Process

Issue of note: Include a detailed appointment process

See → Section 5.1 The Application

See → Section 5.2 Supplemental Materials

See → Section 5.3 Conclusion of Application Period

See → Section 6.0 Council Evaluation of Candidates

See → Section 7.0 Interview Meeting

Other questions or requests?

100-06 Appointments to Citizen Boards/Commissions

Issue of note: Reappointment of incumbent members

See → Section 4.5 Reappointment

Issue of note: Timeline and detailed recruitment process

See → Section 4.6.2 Announcement of Position Recruitment

See → Section 4.6.3 Assessment of Applicant Pool

See → Section 4.6.4 Confirmation of Interview Process

See → Section 4.7 Interview and Selection

Issue of note: Regular review of all B&Cs for effectiveness and relevance

See → Section 6.4 Periodic Review of Effectiveness

100-35 Miscellaneous Procedures

Issue of note: Inclusion of Council's Sunshine Fund

See → [Section 8.0 Council Sunshine Fund](#)

Other questions or requests?

New Policy: Electronic Written Communications

Issue of note: Consolidates exiting email and social media policies with new texting policy.

Notable changes to Email Policy:

See → Section 5.0(d) avoid using personal devices for City email

See → Removes outdated Section 8.0 Sensitive or Confidential Information

See → Removes from email policy existing sections 8.0 Sensitive or Confidential Information and requirement to forward or copy City Manager with all emails (existing Section 9.0)

New Policy: Electronic Written Communications

Issue of note: Consolidates exiting email and social media policies with new texting policy.

Notable changes to Social Media Policy:

See → Section 8.0(b) and (c) provides for use of “official” social media sites administered by the city as opposed to using personal sites for city

See → Section 8.0(e)(iii) prohibits “crossposts”

New Policy: Electronic Written Communications

Issue of note: Consolidates exiting email and social media policies with new texting policy.

New Texting Policy:

See → Section 7.0(a) requires certain software on City-owned devices

See → Section 7.0(b) if using personal device, forward texts to City email account

See → Section 7.0(d) cooperation with public records requests

Other questions or requests?

New Policy: Health Insurance Opt-Out

Issue of note: Two options for the method by which Councilmembers may be authorized to received the opt-out benefit

See → [Section 4.0 Councilmembers Ability to Receive Opt-Out Payment](#)

Option 1: Council authorizes payment; effective after next election

Option 2: Eligibility tied to Salary Review process

Council Compact

Issue of note: Non-binding, articulation of shared and mutual expectations between Councilmembers – Adopted 07.15.13

- Discussion of potential revisions

Next Steps/Timeline

Aug. 20

- Preview & Council feedback

Aug. 27

- Detailed review of proposed text edits

September 24

- Council action via resolution on Consent

Questions and Discussion

- Bronson Potter, City Attorney
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- Amanda Delapena, Council Assistant
amanda.delapena@cityofvancouver.us

DATE: Monday, August 27

TO: City Council

FROM: Eric Holmes

RE: **Boards and Commissions Program Update**

OVERVIEW

Boards, commissions and committees are essential to the successful function of City government. The City has more than 20 active committees that are comprised of volunteers appointed by City Council. We rely on these boards to provide guidance in City decisions and to serve as important forums for public participation.

A formal process that outlines the roles and responsibilities of this vital program does not currently exist. City staff recently developed an outline of the program's main components and mapped essential elements for each. This document provides a brief overview of the recommended process.

OBJECTIVES

- Define the city's process and administration for effective administration of our Boards and Commissions
 - Clarify the roles and responsibilities of Council and staff
 - Establish timelines for each step in the process
 - Create a professional, consistent experience for our volunteers
- Develop resources for Council, staff and board members that effectively outline the program

RECOMMENDED PROGRAM UPDATES

Below are several **Council-related** recommendations that were identified by staff after reviewing each component of the program. The Recruitment and Onboarding Manual (draft available) provides a detailed overview of the proposed process in its entirety.

Notice of Vacancy

- All vacancies will be advertised
 - News releases will clearly identify if we are advertising for a true vacancy, or if the current member is eligible for reappointment
- No automatic reappointments will be made
- Eligible incumbents wishing to reapply for their current position will be asked to submit a Letter of Continued interest. This will serve as their 'application' for reappointment.
- Eligible incumbents wishing to reapply will be interviewed

Advertisement of Vacancy

- News releases will be drafted by CMO and vetted by staff / communications before being posted
 - Additional means of advertising will be used to widen our reach (B&C website, social media, EMMA distribution lists, Office of Neighborhoods)
- B&C Coordinator will notify all previous unappointed applicants with valid applications of the vacancy via email
- If no qualified applications are received, the vacancy will be reposted

Application Process

- B&C Coordinator will assess the applicant pool and advance the process as follows:

Boards & Commissions Program Update

August 27, 2018

Page 2 of 2

NO Qualified Applicants	10 or Less Qualified Applicants	More than 10 Qualified Applicants
☐ If no qualified applications are received, the vacancy will be reposted for 30 days ☐ Staff Liaison and Support Staff will be notified	☐ All qualified applications and letters of continued interest will be scanned and posted to SharePoint for Council subcommittee review ☐ All applicants will be scheduled for an interview ☐ Current members that desire to be reappointed will be interviewed ☐ Staff Liaison and Support Staff will be notified	☐ All qualified applications and letters of continued interest will be scanned and posted to SharePoint for Council subcommittee review prior to scheduling of interviews ☐ B&C Coordinator will notify the Council subcommittee that a screening process is required ☐ Subcommittee will collectively review all qualified applications and identify those they would like to interview ☐ Current members that desire to be reappointed will be interviewed ☐ Subcommittee chair will communicate their selections to the B&C Coordinator ☐ Staff Liaison and Support Staff will be notified

- B&C Coordinator will provide Council subcommittee the option to meet with Staff Liaison prior to interviews (not required, but will always be presented as an option)
- Staff Liaisons will provide a Status Summary Memo to Council subcommittee as part of the interview packet. **This is not intended to be a recommendation memo** (identifies work over the past year, current environment, future goals, and other relevant information).

Interview Process

- A formal interview process will be implemented (standard interview questions; Rater Panel forms; Interview Outcome Forms)
- Prep time (15 minutes) will be built into each interview schedule for selection of interview questions and pre-meet with staff (if requested by the subcommittee)

Council Appointment

- Council subcommittee recommendations are brought forward for consideration of the full Council on the scheduled date (typically the Monday following interviews). No *same date* Council appointments.

Member Engagement and Support

- Several opportunities are being developed to ensure board members remain supported and engaged throughout their service (formal onboarding, training opportunities, recognition events, member handbook)

Off boarding

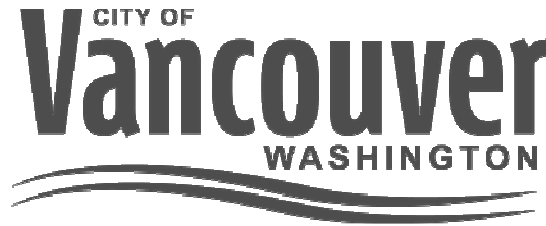
- Council will be informed of the board members final meeting and any additional appreciation activities/events.

Authority

- The City Manager is responsible for the oversight and administration of the process by which the advisory boards and commissions program is managed.
- The City Manager will assign primary coordination of the Boards and Commissions program to a staff member within the City Manager's Office.

NEXT STEPS

As this is a Council owned program, your approval will be necessary before staff can move forward with updating related Council policies and implementing recommendations. Once approved, staff will begin outreach and training for those who will be impacted. Our goal is to have all of the key elements in place and active by January 1, 2019.



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON		INDEX		
		Administrative/Council/City Manager		
Subject	Number	Rev.	Effective Date	Page
	100-06	C	1/4/11	1 of 9
Council Appointment of Citizens to Boards, Commissions, Advisory Committees and Task Forces	Supersedes	Prepared by:		Approved by:
	4/16/07 <u>1/4/11</u>	[City Manager]		[Mayor]

1.0 Purpose

The purpose of this policy is to establish policies and procedures for selection of citizens to serve on city boards, commissions, advisory committees and task forces.

2.0 Organizations Affected

All boards, commissions, and committees.

3.0 References

Resolution No. M-1751, March 25, 1974
Resolution No. M-2386, February 2, 1984
Memorandum to Mayor and City Council, April 15, 1998
Resolution No. M-3179, June 15, 1999
Resolution No. M-3254, November 22, 1999
Resolution No. M-3298, July 3, 2000
Resolution No. M-3347, June 25, 2001
Resolution No. M-3460, July 12, 2004
Resolution No. M-3607, April 16, 2007
Resolution No. M-3730, January 3, 2011
Resolution No. M-____, [date]

4.0 Declaration of Policy

The City of Vancouver's boards, commissions, committees and task forces provide an invaluable service to the City. Their advice on a variety of subjects aids the Mayor and

Councilmembers in the decision-making process. Effective citizen participation is an invaluable tool for local government.

City regulatory and advisory bodies provide an opportunity for citizens who want to participate in public service to be involved in governmental boards, commissions, committees and task forces. These bodies can also serve as a training ground or stepping-stone for qualified persons who are interested in seeking public office.

4.1 Authority

The City Council of the City of Vancouver is specifically empowered by state law, City Charter, and ordinance to fill by appointment all boards and commissions established by such state law, charter or ordinance, or such other advisory boards or commissions as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly select citizens of the community who desire to serve on boards or commissions. To this end, this policy has been created, and it shall remain in effect until such time as the City Council desires to amend or modify it in part or revoke it in whole.

The City Manager is responsible for the oversight and administration of the process by which the advisory boards and commission program is managed. The City Manager shall assign primary coordination of the Boards and Commissions program to a staff member within the City Manager's Office.

4.2 Length of Service for Boards and Commission Members

Appointees serving in a three- (3) year term may be reappointed twice for a maximum of three (3) terms.

Appointees serving in a four- (4), five- (5), or six- (6) year term may be reappointed once for a maximum of two (2) terms.

Appointees of less than two (2) years chosen to fill an unexpired term shall not be considered as a term in ~~this~~ these criteria. Appointments over two (2) years shall be considered a full term.

If a candidate is selected to fill the remainder of an unexpired term of six (6) months or less, ~~then~~ their appointment shall be for the unexpired term plus the next full term.

Specific boards and commissions may have different term lengths and term limits that are exceptions to the general rule above.

4.3 Established Terms Years per Term

Aviation Advisory Committee	3	
Building - Fire Codes Commission Board of Appeals	6	
Charter Review Committee	Meets every 5 years	
City/County Telecommunications Commission	3	
Lodging Tax Advisory Committee	2	
Civil Service Commission	6	
Clark County Arts Commission	4	
Clark County Public Health Advisory Council	3	
Clark County Mosquito Control District Board of Trustees	2	
Clark County Public Facilities District Board	3	
City Center Redevelopment Authority Board (concurrent with DRA)	4	
Cultural Commission (inactive)	3	
Design Review Committee (inactive)	4	
Downtown Redevelopment Authority Board (concurrent with the CCRA)	4	
Fort Vancouver Regional Library Board	7	
Lodging Tax Advisory Committee	2	
Parking Advisory Committee	4	
Parks and Recreation Advisory Commission	3	
Planning Commission	4	
Port of Portland Citizens Noise Advisory Committee	2 or 3	
Private for Hire Transportation Commission (<u>inactive</u>)	4	
Public Facilities District Board	4	
Salary Review Commission	4	
Urban Forestry Commission	4	
Vancouver Housing Authority Board (no limit on number of terms)	5	

4.4 **Initial Appointment Criteria**

It shall be the policy of the City Council to evaluate each applicant for appointment on an objective basis, utilizing the following criteria:

Residency - Appointments to certain boards and commissions must, by state law or local ordinance, be limited to residents of the City of Vancouver. It is preferable that all appointments be filled by city residents. However, persons living outside the City of Vancouver may be considered and appointed to positions not legally restricted to city residents when determined appropriate by the Council. City employees will not be appointed to City boards and commissions.

Contributive Potential – City Council shall evaluate the potential contribution that each applicant may make if appointed to a board or commission. Factors to guide Council in its evaluation of this could include:

- a) Desire to perform public service.
- b) Ability to express ideas, concepts or philosophies.
- c) Experience in the community on other boards and committees.

d) Special knowledge important to a particular board or commission.

Time Available to Serve – City Council will need to be assured that the candidate will be available to serve at the scheduled meetings.

Sectional Composition - Maintaining geographic balance of community representation is recognized as a desirable goal in the appointment of boards and commissions when applicable.

4.5 Reappointment

Incumbents who wish to be reappointed and who are eligible for reappointment in accordance with the provisions of section 4.2 shall ~~notify~~ provide a Letter of Continued Interest to the Mayor's Office within ~~690~~ days prior to the expiration of their term. There is not a vested right to reappointment for any position.

~~An incumbent seeking reappointment will be evaluated by the appropriate chair and City staff. The evaluation and their recommendation shall be given to the Council interview committee. This committee will also evaluate the candidate using the following performance criteria:~~ The board or commission Staff Liaison and Chair will provide an overview of the prior service for any incumbent seeking reappointment. This memo will accompany the incumbent's Letter of Continued interest and include the following information:

- a) Regularity of attendance. ~~If the incumbent has less than 75% attendance, the position may be advertised.~~
- b) Understanding of committee or commission function.
- c) Effectiveness.
- d) Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board, committee or commission.
- e) Number of terms served.

~~Once a Letter of Continued Interest has been received and City staff has determined the incumbent seeking reappointment is eligible to continue service, the position will be advertised as a position whose incumbent member is seeking reappointment and in accordance with Section 4.6. Incumbents seeking reappointment will be interviewed by the The Council interview committee shall either conduct an interview of the incumbent and along with any other eligible candidates who submit applications during the recommend reappointment by forwarding their recommendation to the full council for consideration, or decide to conduct an~~ open recruiting process in accordance with section 4.6.

4.6 Recruitment and Appointment Timeline

4.6.1 Announcement Determination of Vacancy

At such time as a vacancy occurs ~~that requires an open recruitment process~~ in a city board, commission or committee, or 90 days prior to the expiration of a term of office, it shall be the policy of the City Council to determine whether an incumbent member is interested in and eligible for reappointment in accordance with the provisions of Section 4.5. If so, City staff will request a Letter of Continued Interest from the applicant.

4.6.2 Announcement of Position Recruitment

60 days prior to the expiration of a term, staff in the City Manager's Office will:

- a) Schedule a tentative consent item on a future Council meeting agenda for appointment or reappointment for the subject recruitment;
- b) Accept a Letter of Continued Interest from incumbent, if applicable;
- c) Contact the Council subcommittee assigned to reviewing the subject recruitment to provide information pertinent to the recruitment and schedule a tentative date for the subcommittee to conduct candidate interviews;
- d) Establish a 30-day minimum filing period and publicly announce the position ~~vacancy~~ recruitment by ~~advertising~~ news release and other reasonable City communication methods;
- e) Notify previous applicants with valid applications (less than one year old) of the upcoming recruitment.

Subject to section 4.4, any interested resident of the community who is not at that time a member of that board or commission may submit an application and resume for consideration of appointment during the announced application filing period. Applications will remain active for one year from the date received by the City Manager's Office.

4.6.3 Assessment of Applicant Pool

30 days prior to the expiration of a term, and upon closure of the application filing period, staff in the City Manager's Office will:

- a) Confirm the date of the Council meeting agenda on which the subject appointment or reappointment will appear;
- b) Request from the subject board or commission Staff Liaison a Status Summary Memo to be provided as reference for the Council subcommittee assigned to evaluate candidates. Such memo should not include specific recommendations from the staff member but should rather include general information pertaining to the board or commission's work over the past year, the current environment, future goals, and other general information as appropriate;
- c) Assess the applicant pool and advance the process as follows:
 - a. If no qualified applications have been received, the recruitment will be reposted for an additional 30 days;

- b. If 10 or fewer qualified applications have been received, all applications and Letters of Continued Interest will be provided to the assigned Council subcommittee, and all applicants and incumbents (if applicable) will be scheduled for interviews;
- c. If 10 or more qualified applications have been received, all applications and Letters of Continued Interest will be provided to the assigned Council subcommittee, and the Council subcommittee will collectively review applicants and identify candidates to be interviewed. All incumbents and the candidates identified by the Council subcommittee will be scheduled for interviews.

4.6.4 Confirmation of Interview Process

Three weeks prior to expiration of term, staff in the City Manager's Office will:

- a) Confirm with the Council subcommittee members if they would like to meet with the subject board or commission Staff Liaison prior to candidate interviews, and if so, schedule such meeting immediately prior to the first candidate interview;
- b) Finalize the interview date and block of time with the Council subcommittee;
- c) Schedule interviews with candidates selected in accordance with the provisions of Section 4.6.2.
 - a. In-person interviews are preferred, but interviews via conference call are acceptable and may be scheduled when a candidate is unable to come in person.
 - b. Applicants unable to accommodate an in-person or phone interview on the scheduled date and time will not be considered for the current position, but such applicants will be notified of future board and commission openings for up to one year from the application submission date.

4.6.5 Distribution of Recruitment Packet

Two weeks prior to expiration of term, staff in the City Manager's Office will distribute the recruitment packet to the Council subcommittee evaluating candidate via email. Such packet will include the following:

- Interview schedule
- News release
- Status summary from board or commission staff member
- Current board or commission roster
- Individual applications of those candidates scheduled for interview and any Letter(s) of Continued Interest, if applicable

4.7 Interview and Selection

~~Council Interview Period~~—In accordance with Section 4.6.3, aAll candidates will be interviewed by the Council subcommittee assigned to the subject recruitment unless an

exceptionally large number of applications are received and the committee decides, after screening the applications, to interview a smaller number of applicants. If insufficient applications are received, the committee may decide to ~~re-advertise~~re-open the application period.

The Council subcommittee will conduct interviews at City Hall during the timeframe previously scheduled by staff in the City Manager's Office. Council subcommittee members will conduct individual interviews and utilize a Rater Panel Notes template to capture relevant information.

Upon conclusion of all interviews, the Council subcommittee will deliberate and complete an Interview Outcome Form, which will be provided to the City Manager's staff along with all interview notes for recordkeeping purposes.

Upon conclusion of all interviews, the Council subcommittee members will notify the City Manager's staff as to which candidate(s) they wish to recommend to the full Council for appointment and/or reappointment

4.8 Council Appointment

Council subcommittee recommendations are brought forward for consideration by the full City Council at a Council meeting. The appointment or reappointment will appear on the Council's Consent Agenda for the scheduled meeting date.

Upon recommendation of the Council subcommittee evaluating the subject recruitment, the City Manager's staff will prepare an appointment memo to be included in the advance packet provided to the full City Council for the scheduled Council meeting date.

Members of all boards and commissions will be appointed by a majority vote of the Council.

~~After each applicant or member has been interviewed, the committee shall forward a recommendation to the full council for consideration.~~

4.9 Notification of Council Decision –

Each applicant shall be notified by email of the decision of the Council.

The appointed applicant shall be provided information regarding next steps. A confirmation letter from the Mayor will be sent to the appointment applicant.

Applicants who were interviewed but not appointed will be notified via email and provided information regarding any upcoming potential opportunities to serve. A letter from the Mayor will also be sent.

The City Manager's Office will also notify the chairperson-Staff Liaison assigned to support of the subject advisory board, committee or commission concerned of the Council decision shall also be advised.

4.108 Records

The ~~Mayer's~~ City Manager's Office shall maintain records of persons who have applied for a vacancy on a given board, commission or committee for one (1) year after each filing period. If another appointment shall become available within that year, all such applicants shall be notified thereof by mail so that such persons can file for such new appointment.

The City Manager's Office shall collect and maintain Council subcommittee interview notes, including all Interview Outcome Forms completed upon conclusion of subcommittee deliberations.

4.119 Recognition

The Mayor will send a certificate of appreciation and letter of thanks to each member of a board or commission upon the completion of a term.

5.0 Definitions

5.1 Public Development Authority/ Public Corporation

A public development authority is an independent legal entity established pursuant to state statute (RCW 35.21.730 - .755) to administer and execute federal grants or programs and to receive and administer other public and private funds in order to accomplish a public purpose. Authorities include the Downtown Redevelopment Authority and the City Center Redevelopment Authority.

5.2 Board

A semi-autonomous body established pursuant to federal or state statute or authority or city ordinance. Actions of a board are usually appealable to designated courts of law. Boards related to city affairs include, Building - Fire Codes Board of Appeals, Vancouver Public Facilities District Board, Vancouver Housing Authority Board, and Fort Vancouver Regional Library District Board and Clark County Mosquito Control District Board of Trustees.

5.32 Commission

A body established by city ordinance to study and recommend action to the City Council. Authority of commissions is delegated from Council or, in the case of telecommunications and solid waste, in conjunction with the County Commissioners. With the exception of the Civil Service Commission, some actions of commissioners are appealed directly to City Council. Commissions established by city ordinances include: City/County

Telecommunications Commission, Cultural Commission, Civil Service Commission, Parks and Recreation Commission, Planning Commission, Private For-Hire Transportation Commission, Salary Review Commission, and Urban Forestry Commission.

5.43 Committee

A body appointed by Council with a specified task or function. Committee action ordinarily will be subjected to review and/or appeal to City Council or to a commission established by Council. City of Vancouver committees include the Aviation Advisory Committee, Charter Review Committee, Lodging Tax Advisory Committee, Parking Advisory Committee, Port of Portland Citizen Noise Advisory Committee, and the Design Review Committee.

5.54 Ad Hoc Task Force

A body appointed by Council to study or work on a particular subject or problem. A task force will cease to exist upon completion of its charge as given by the Council. Examples of previously appointed task force bodies are the Water/Sewer Rate Task Force and the Cruising Task Force.

6.0 Formation and Dissolution of Committees

6.1 Establishment

These advisory bodies originate from different sources. Some are established by ordinance while others are established by motion of the City Council. It is at the discretion of the Council as to whether or not any advisory body should be established by ordinance. See Section 4.2 for the current list of City Advisory Committees.

6.2 Statement of Purpose and Function

Every advisory body, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by City Council to determine its effectiveness. This statement of purpose is made available to all citizen members when they are appointed.

6.3 Size

The size of each advisory group is determined by City Council and the size is related to its duties and responsibilities. Another determination to be made prior to formation is the cost impact for City staffing a proposed advisory body.

6.4 Periodic Audit of Effectiveness

Every five years, all established advisory boards, commissions and committees will be evaluated by the City's Internal Auditor for necessity and effectiveness. The system of

audit will be determined by the City's internal auditor. The purpose of such audit is to determine whether an advisory body remains necessary to the work of the City and City Council and whether it continues to function as intended. The internal auditor shall prepare a report to the council stating his or her findings.

Size

~~The size of each advisory group is determined by City Council and the size is related to its duties and responsibilities. Another determination to be made prior to formation is the cost impact for City staffing a proposed advisory body.~~

6.54 Dissolution

City Council may dissolve any advisory body that, in their opinion, ~~has completed its working function~~is no longer necessary to the work of the city, is not functioning as intended or for any other reason.

7.0 Mayor Appoints Members for Vancouver Housing Authority Board of Directors and Recommends Appointments to the Charter Review Committee, and the Private for-Hire Transportation Commission

The Mayor shall review, interview and appoint members to the Vancouver Housing Authority Board of Directors (RCW 35.82.040); and, appoints members to the Charter Review Committee (City Charter 11.17) and the Private For-Hire Transportation Commission (VMC 5.76.210), subject to City Council confirmation

8.0 Council Committee Recommends Members for ~~all~~ Boards and Commissions

The Mayor, with the concurrence of Council, shall appoint two subcommittees consisting of three Councilmembers each to review, interview and recommend appointments to all boards and commissions, except the VHA Board of Commissioners. See Section 4.2, listing the current boards and commissions. The Council Committee assignments will be reviewed following the change of Councilmembers based on elections or appointments or at the beginning of the calendar year. The Council Committee will be chaired by the most senior Councilmember.

9.0 Council Concerns about Recommendations

Councilmembers should raise any concerns about any recommendation prior to the City Council meeting that is scheduled for the approval of the appointment.

10.0 Appointment of Members

Appointees to advisory committees should serve on only one committee, unless qualified applicants cannot be identified.

Members of all advisory bodies are appointed by a majority vote of the Council during a regularly scheduled meeting.

11.0 Removal of Members

Members may be removed from any advisory committee prior to the expiration of their term of office by a majority vote of the City Council.

12.0 Overlapping Terms Intended

Lengths of terms vary from one advisory body to another, but in all cases, overlapping terms are intended. On special work task forces, where a specific project is the purpose, there need not be terms of office.

13.0 Committee Operation

City Council expects new members will be oriented to the roles and responsibilities of their appointment.

14.0 Yearly Meeting with City Council

Each Committee should make a report to City Council each year. This report need not be presented in person.

15.0 Lobbying Efforts Consistent with City Policy

Lobbying efforts by any advisory bodies on legislative or political matters should first be checked for consistency with existing City policy by contacting the City Manager's office. In the event a position is taken that differs from that of the City's policy, an advisory body acting as an official body of the City of Vancouver cannot represent that position before another body, i.e., the State Legislature or the Clark County Board of Commissioners. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that he or she is not speaking as a representative of the City of Vancouver, or as a member of his or her commission, committee or task force.

16.0 City Advisory Committees Appointed by Council

- Aviation Advisory Committee (VMC 10.05.020; Resolution M-545)
- Building-Fire Code Commission Board of Appeals (VMC 17.08.040~~(C)~~)
- City/County Telecommunications Commission (VMC 5.19.300(a))
- Lodging Tax Advisory Committee (RCW 67.28.1817)
- Civil Service Commission (VMC 2.57.010)
- Clark County Arts Commission (Clark County Resolution # 2010-03-07)
- Clark County Historic Preservation Commission (County Code 40.250.030; Ord. M-3673; VMC 20.220.050)

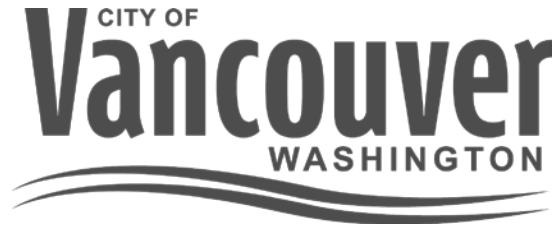
- Clark County Mosquito Control District Board of Trustees (RCW 17.28.110)
- Clark County Public Health Advisory Council (Clark County Resolution 2003)
- Clark County Public Facilities District (Clark County Code 2.19.010)
- City Center Redevelopment Authority Board (VMC 2.71.010)
- Cultural Commission (VMC 2.88.010~~(A) and 020(A)~~)
- Design Review Committee (VMC 20.61.200)
- Downtown Redevelopment Authority Board (VMC 2.73.080)
- Fort Vancouver Regional Library Board of Trustees (RCW 27.12.190, Charter Section 8.05)
- PDX Citizen Noise Advisory Committee (Port of Portland Port Executive Director)
- Parking Advisory Committee (VMC Section 2.6362-020(a))
- Planning Commission (Vancouver City Charter 8.01 (authorization); VMC 20.220.010 ~~18.04.010.~~)
- Private For-Hire Transportation Commission (VMC 5.76.205)
- ~~Salary Review Commission (Vancouver City Charter Section 2.178)~~
- Urban Forestry Commission (VMC 12.02.010030)
- ~~Vancouver-Clark~~ Parks and Recreation Advisory Commission (VMC 2.16.020-070, Vancouver City Charter Section 8.054)
- Vancouver Public Facilities District Board (RCW 35.57)

Mayor's Appointments

- Vancouver Housing Authority Board (RCW 35.82.040; Charter Section 8.03, VHA Resolution #2477)

Mayor's Appointments Subject to Council Confirmation

- Charter Review Committee (Charter Section 11.17)
- Private For-Hire Transportation Commission (VMC 5.76.205)
- Salary Review Commission (Vancouver City Charter Section 2.18)



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number	Rev.	Effective Date	Page 1 of 9
City Council Meetings	100-32	F	11/14/16	
	Supersedes 12/15/14 11/14/ 16	Prepared by: // SIGNED //	Approved by: // SIGNED //	

1.0 Purpose

The purpose of this policy is to establish formal procedures for the conduct of City Council meetings.

2.0 Organizations Affected

City Council/City Manager

3.0 References

City Council Resolution M-3239, August 9, 1999
City Council Resolution M-3258, November 22, 1999
City Council Resolution M-3350, July 23, 2001
City Council Resolution M-3412, December 12, 2002
City Council Resolution M-3607, April 16, 2007
City Council Resolution M-3737, March 21, 2011
City Council Resolution M-3844, December 15, 2014
City Council Resolution M-3912, November 14, 2016
City Council Resolution M-____, [adoption date]

4.0 Presiding Officer

4.1. Presiding Officer

The Presiding Officer at all meetings of the Council is the Mayor, and in the absence of the Mayor, the Mayor Pro Tempore will act in that capacity. If both the Mayor and Mayor Pro Tempore are absent, the next ranking member shall act in that capacity.

4.2. Choosing Mayor Pro Tempore

The Mayor Pro Tempore shall be chosen according to *Section 2.04 of the Vancouver City Charter and Roberts Rules of Order*.

4.3. Obligations of Presiding Officer

The Presiding Officer shall:

- (1) Preserve order and decorum in the Council chambers in accordance with sections 5.6.3.6 and 5.6.3.7;
- (2) Observe and enforce all rules adopted by the Council;
- (3) Decide all questions on procedure and order, in accordance with these rules, subject to appeal by a Councilmember;
- (4) Recognize Councilmembers in the order in which they request the floor, giving every Councilmember who wishes an opportunity to speak. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- (5) From time to time, appoint Councilmembers to serve on ad hoc committees.

5.0 Council Meetings

5.1. General Information

City Council meetings are held on the first, second, third, and fourth Mondays of a month in the City Council Chambers, 415 West 6th Street, Vancouver, Washington. Meetings are not scheduled on the fifth Monday of a month.

5.2. Quorum

At all meetings of the Council, a majority of the Council (~~four members, or five members for budget items and appropriations~~) constitutes a quorum for the transaction of business, but a lesser number may adjourn from day to day or until the time of the next regular meeting and may compel the attendance of absent members in such manner and under such penalties as the City Council shall prescribe. (*Section 2.1002 of Vancouver City Charter*)

5.3. Council Seating

The Presiding Officer and six elected Councilmembers sit on a dais facing the public with the Presiding Officer seated in the middle. The Councilmembers are seated based on seniority, with the most senior Councilmember seated on the Presiding Officer's left side and continuing in decreasing seniority away from the Presiding Officer to the end of the dais. The order is continued at the far opposite side of the dais and progressing toward

the Presiding Officer's right side, resulting in the least senior Councilmember seated on the Presiding Officer's right side.

5.4. Council Meeting Scheduled on Holiday

In the event a City-recognized holiday occurs on Monday, the Council meeting shall be cancelled. The Vancouver City Charter requires that Council conduct two "regular" meetings each month. Therefore, when such a Holiday falls on a first or third Monday (regular Council meeting nights), a regular Council meeting will be scheduled on the following Monday (second or fourth). The schedule for the entire year will be sent to the media, placed on the City's website and distributed to all City departments before January 1 of each year. City Council may, at any time, add or change a meeting date and time by a majority vote of the Council and proper notification to the press.

5.5. Recording Proceedings

The City Clerk or delegate shall maintain minutes an account of all ~~proceedings of the Regular, Consent, Special Meetings and Workshops of the~~ Council in accordance with statutory requirements and ~~such account shall be entered into a minute book constituting the official record of the Council according to~~ Section 2.11 of the Vancouver City Charter. Such minutes shall be open to public inspection and will also be posted on the City's website. City Council meeting minutes can be corrected if in error but shall not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

5.6. Regular Meetings

5.6.1. Meeting Dates

Regular meetings are held the first and third Mondays of each month at 7 p.m. and will adjourn no later than 11 p.m. To continue past this time of adjournment, a majority of the Council must concur.

A regular meeting may be canceled by a majority vote of the Council taken at least one week before said meeting.

5.6.2. Broadcasting

Regular meetings are cablecast live and replayed on CVTV-23 and CVTV-323, and streamed live at www.cvtv.org.

5.6.3. Agenda

5.6.3.1. Placing Item on the Agenda

An item may be placed on a Council meeting agenda by any of the following methods:

- (1) By any two (2) or more Councilmembers
- (2) By the City Manager, or
- (3) By the Mayor.

~~The Presiding Officer calls the meeting to order. The Presiding Officer will announce the attendance of Councilmembers and indicate any Councilmember who is not in attendance. A majority vote is required to excuse any Councilmember absence.~~

5.6.3.2. Roll Call

The Presiding Officer calls the meeting to order. The Presiding Officer will announce the attendance of Councilmembers and indicate any Councilmember who is not in attendance. A majority vote is required to excuse any Councilmember absence.

5.6.3.3. Agenda Item Order

The Presiding Officer may, with the concurrence of the Councilmembers, take agenda items out of order or change the order of the agenda.

5.6.3.4. Approval of Minutes

5.6.3.5. Formal Proclamations and Special Presentations

A proclamation is defined as an official announcement signed by the Mayor regarding a non-controversial event which will have a major citywide impact. Special presentations include, but are not limited to, retirements, commendations and recognition by the Mayor and City Council.

Proclamations will be briefly summarized by the Mayor and presented to the recipient(s). The recipient(s) will be allowed to make brief comments.

5.6.3.6. Citizen Communications on Agenda Items

Members of the public are invited to speak for approximately three minutes each about any item on that evening's Council Agenda that is not already scheduled for public hearing or which otherwise allows for public testimony.

5.6.3.7 Testimony to Council

Speakers who wish to testify before the City Council either during citizen communication on agenda items or as part of a scheduled public meeting or public hearing or during the Citizen Forum portion of the Council meeting as set forth in Section 5.8 are required to complete a “Testimony Registration Form” which provides their name, address, agency or group they represent, the item they wish to testify on, and their position on the subject.

At the appropriate time, speakers are requested by the Presiding Officer to step up to the podiumplace designated for testimony, give their name for the record, and asked to limit their remarks to approximately three minutes. (Council prefers lengthy written testimony to be submitted at least a week prior, so Council has a chance to fairly consider the comments.) All remarks will be addressed to the Council as a whole. Each person who addresses the Council shall do so in an orderly manner and shall not make slanderous or profane remarks to any member of the Council, staff or the general public. Any person who makes such remarks or who becomes boisterous, threatening or personally abusive while addressing the Council and which disrupts or otherwise impedes the orderly conduct of any Council meeting may be requested to leave the meeting.

The Presiding Officer and City Manager have the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct as described herein and which disrupts or otherwise impedes the orderly conduct of a Council meeting and to enforce the Rules of the Council. The Presiding Officer and City Manager may command assistance of any peace officer of the City to enforce all lawful orders to restore order at any meeting.

5.6.3.8. Consent Agenda

These are routine items voted on by a single motion. Typical items include payment of bills, awarding contracts, adoption of resolutions that do not require a public hearing, and first reading of ordinances. Any Councilmember may remove any item from the consent agenda for discussion and separate action.

Ordinances for First Reading: The City Manager presents information on a proposed new city law or practice, or a change to an existing law or practice. Council then sets a date for second reading and public hearing.

5.6.3.9. Public Hearings

Citizens are invited to present their views on specific issues being considered by Council. Speakers are asked to limit their testimony to

approximately three minutes. The Presiding Officer will state the public hearing procedures before each public hearing.

Public testimony is subject to the provisions of section 5.6.3.78.

5.6.3.10. Ordinances for Second Reading and Public Hearing

Citizens are invited to present their views on proposed ordinances before a final vote by Council. All public hearings on proposed ordinances are advertised in The Columbian at least three days in advance and information is posted on the City's website. (In an emergency, a public hearing can be called within 24 hours with proper media notification.) Public testimony is subject to the provisions of section 5.6.3.78.

5.6.3.11. Council and City Manager Communications

City Councilmembers, Mayor and the City Manager make special announcements or provide updates on current issues or items of Council interest.

5.6.3.12. Unfinished Business

Council discusses ongoing issues or items continued from earlier meetings.

5.6.3.13. New Proposals and Reports

These are presented by the Councilmembers for a brief discussion. They can include policy changes, new laws, regulations and resolutions. Action is not taken on items at this time.

5.6.3.14. Adjournment

There being no further business, the Presiding Officer adjourns the meeting.

5.7. Consent Agenda Meetings

Consent agenda meetings are held the second and fourth Mondays of the month at 6:30 p.m. Consent agenda items - such as first reading of ordinances, payment of bills and awarding of contracts - are considered at these meetings. Public comment regarding any item on that evening's agenda is taken at the beginning of the meeting under Citizen Communication and is subject to the provisions of section 5.6.3.7. Comments are limited to approximately three minutes per speaker.

Public hearings should typically appear on Regular Meeting agendas unless it is impractical to do so due to scheduling concerns. In such cases, they may be scheduled on for Consent Agenda Meeting, subject to the provisions of Section 5.6.3.10.

5.8 Citizen Forum

A Citizen Forum will be held at the end of the first and second Consent Agenda meetings of the month. A Citizen Forum includes up to ninety (90) minutes of public testimony or less depending on the number of speakers. Citizens may speak on any issue of concern or interest; provided that speakers may not use this opportunity to speak in favor of or opposition to any ballot measure or candidate for elected office. Speakers are asked to fill out testimony cards as provided for in section 5.6.3.7 and to limit their comments to approximately three minutes. Each speaker shall have one opportunity to address the Council. During Citizen Forum, Councilmembers have the ability to ask questions and reply to speakers.

5.9. Workshops

At the discretion of Council, Council workshops are held Mondays from 4 to 6 p.m. Occasionally, the Mayor and City Manager may extend workshops beyond this timeframe as needed. Workshop times will be published on the final agenda, and Councilmembers will be given as much advance notice as possible if a workshop is scheduled to fall outside this normal timeframe.

During these meetings, items needing in-depth discussion are introduced and reviewed. No formal action is taken at workshops. Formal action is defined as a collective positive or negative decision following an actual vote by a majority of the Council upon a resolution, order or ordinance. Workshops are open to the public. Workshops are cablecast live and replayed on CVTV-23 and CVTV-323, and streamed live at www.ctvtv.org.

Council will, on a regular basis, be provided with an on-going preview of upcoming workshops.

5.10. Executive Sessions

An Executive Session is a council meeting or portion of a council meeting that is closed except to the Council, City Manager and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive Sessions may be held during Regular, Consent Agenda, Workshops or Special council meetings and will be announced by the Mayor. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended and the duration of the extension. Executive Sessions shall be held in accordance with the provisions of the Washington State Open Meetings Act. Council Regular Meetings and Workshops are both “regular

meetings” as that term is defined by RCW 42.30.075 and used in RCW 42.30.110(1) from which council may convene into executive session.

5.11. Special Meetings

The city clerk shall call public meetings of the City Council upon the approval of the Mayor or a majority of the Councilmembers. Any request shall state the subjects to be considered at such special meeting and no other subject shall there be acted upon. (Section 2.10 of the Vancouver City Charter)

Notice of every special meeting shall be given in writing personally, by fax or email to every Councilmember, to the City Manager, to the City Attorney, and to all local news media representatives who have on file with the city clerk a request for such notices. The notice shall be posted on the City’s website, prominently displayed at the main entrance to City Hall and the meeting site if the meeting is not being held at City Hall. The notice must be delivered or posted personally, by mail, or otherwise, so as to be received at least 24 hours before the meeting. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice.

Councilmembers are active in their community and attend many meetings and events. The citizens of Washington have declared that all meetings of a public agency shall be open and public. When a quorum of the council is present at a meeting where action is taken, the meeting is subject to the Open Public Meetings Act. A “meeting” of the council occurs “when a majority of its members gathers with the collective intent of transacting the governing body's business.”¹ The transaction of the official business of an agency is broadly defined to include “deliberations, discussions, considerations, reviews, and evaluations”.² If councilmembers plan to attend an event or meeting with the intent of transacting city business, they should notify the City Manager’s Office so that it can be determined if a quorum of the council will be present. If a quorum will be present the City Manager’s Office will provide a notice of a special meeting of the council. In order to prepare and give notice of the meeting, councilmembers need to notify the City manager’s Office at least one week before the meeting.

6.0 Agenda Preparation

6.1. General Information

The City Manager’s office will prepare an agenda for each Council meeting specifying the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and the City Manager.

¹ Citizens All. for Prop. Rights Legal Fund v. San Juan County, 184 Wn.2d 428, 444, 359 P.3d 753, 761, 2015 Wash. LEXIS 1146, *18

² RCW 42.30.020

6.2. Adding an Item to a Published Agenda

An item may be placed on a ~~R~~regular or Consent Council meeting agenda after the agenda is closed and the notice published if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council at a public meeting.

6.3. Agenda Finalization Schedule

Agenda materials will be available at City Hall and on the City's website for City staff, the media and public on by Friday-Wednesday prior to the meeting. Agenda materials will be available for Councilmembers ~~on-by Thursday-Tuesday~~ prior to the meeting.

7.0 Councilmember Attendance at Meetings

Councilmembers shall inform the Mayor or City Manager if they are unable to attend any Council meeting, or if they will be late to any meeting. A majority vote is required to excuse any Councilmember absence.

8.0 Council Meeting Staffing

The City Manager shall attend all meetings of the Council unless excused. At the discretion of the City Manager, the ~~Assistant~~ Deputy City Manager, department heads, and other staff members shall attend. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote.

9.0 Media Representation at Council Meetings

All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television, electronic, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

10.0 Council Discussion

All Council discussion shall be governed by Robert's Rules of Order, Newly Revised. The City Attorney is the Parliamentarian. Every Councilmember shall be provided with a copy of Robert's Rules of Order, Newly Revised when first joining the Council.

11.0 Voting

11.1. Roll Call Votes

The ~~City Clerk~~Council Assistant will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law. The roll call vote shall be by seniority with the least senior member voting first.

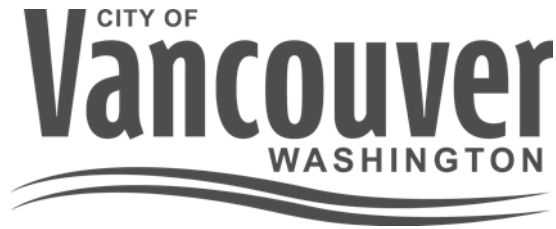
11.2. Tie Vote

The passage of a Motion, Resolution or Ordinance is lost by a tie vote, provided that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present.

11.3. Votes on Questions

Each member present shall vote on all questions put to the City Council except on matters on which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness Doctrine. Such a member shall disqualify himself or herself prior to any discussion of the matter. If abstaining, the Councilmember must state the reasons for abstaining, identifying one or more of the following: (1) an excused absence from the prior council meeting and/or (2) a conflict of interest and/or (3) an Appearance of Fairness issue. See Policy 100-39. A Councilmember, who abstains but fails to identify the absence, conflict of interest and/or Appearance of Fairness issue, will be considered to have voted for the majority's position in respect to questions before the council and have their vote so recorded. When disqualification of a member or members results, or would result, in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness Doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

C:\Council\Procedure 100-32 Council Meetings



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 100-33	Rev. C	Effective Date 12/15/14	Page 1 of 3
City Council Appointment to Boards and Commissions	Supersedes 01/03/11 12/15/14		Prepared by:	Approved by: [Mayor]

1.0 Purpose

The purpose of this policy is to establish formal procedures for making appointments to boards and commissions.

2.0 Organizations Affected

City Council/City Manager

3.0 References

City Council Resolution M-3255, November 22, 1999
City Council Resolution M-3299, July 3, 2000
City Council Resolution M-3607, April 16, 2007
City Council Resolution, M-3730, January 3, 2011
City Council Resolution, M-3844, December 15, 2014
City Council Resolution, M-____, [DATE]

4.0 Process for Making Appointments

At the beginning of the biennium following an election, the Mayor shall confer with each Councilmember in order to solicit information from Councilmembers as to those boards and commissions on which they wish to serve. Following these meetings, Council shall meet in a setting open to the public to discuss and approve final appointment assignments. At such public meeting, the Mayor shall lead a discussion of potential appointments to each position. Conflicts shall be resolved by giving the appointment to the most senior member desiring the appointment. A majority vote of the Council is required to approve all appointments.

5.0. Appointment Limits

The Council values continuity on boards and commission, providing experience to the boards and commissions, and providing learning opportunities for the growth of new Councilmembers. There shall be no limit to the number of terms any Councilmember may serve on any board or commission.

6.0 Councilmembers Representing an Official City Position

Individual Councilmembers serving on appointed boards and commissions represent the Council as a whole. Once the City Council has taken a position on an issue, either through a majority vote or consensus, all official City correspondence regarding that issue will reflect the Council's adopted position.

The Mayor is authorized to send letters stating the City's official position to appropriate officials. Councilmembers shall receive copies of all such letters. If a member of the City Council appears before another governmental agency or organization either as an appointed member of that agency or as a guest to give a statement regarding an issue affecting the City on which the City Council has taken a position, the Councilmember shall indicate the majority position of the Council. Personal opinions, minority positions and comments contrary to the majority position may be expressed only if the Councilmember clarifies that such statements do not reflect the official position of the City Council.

Councilmembers have a responsibility to bring significant policy decisions back to the whole Council for discussion and decision whenever possible.

7.0. Boards and Commissions: Council Participation Required

Council participation in the following boards and commissions is required by law:

- Bi-State ~~Transportation~~ Coordination Committee (Interlocal Agreement)
- C-TRAN (RCW 36.57A.050; Bylaws Section 3.1)
- Child Abuse Intervention Executive Board (Children's Justice Center) (Bylaws, Section 2(b))
- Lodging Tax Advisory Committee (RCW 67.28.1817)
- Metro Policy Advisory Committee ((MPAC) Bylaws, Article III, Section 1(b)(e))
- Southwest Clean Air Agency (RCW 70.94.100)
- Southwest Washington Regional Transportation Council (RCW 47.80.020; 1992 Interlocal Agreement)
- Clark County Elder Justice Center Executive Board (2012 Interlocal Agreement, Section IV(A)(2))

Clark Regional Wastewater District Oversight Committee (2010 Coordination of Services Agreement, Article 12)

8.0 Boards and Commissions: Council Participates by Choice

Council has decided Councilmembers will participate on the following, although not required by law:

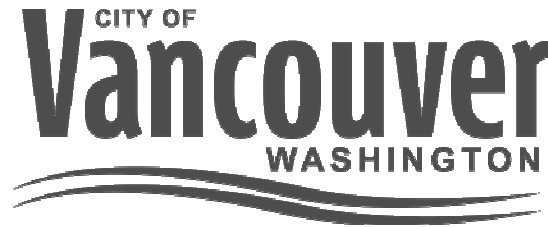
- Joint Policy Advisory Committee on Transportation ((JPACT) Bylaws, IV(f))
- Clark County Community Action Advisory Board (Bylaws require 3 local elected officials)
- Clark County Solid Waste Advisory Commission (RCW 24.16.040)
- Columbia River Economic Development Council (Bylaws)
- Council for the Homeless (Intergovernmental Cooperation Agreement between City, County and the Housing Authority, approved December 18, 1989)
- Regional Disaster Preparedness Organization (RDPO) Policy Committee (interlocal agreement)
- Safe Communities Task Force (voluntary membership).

9.0. Boards and Commissions: Mayor/Mayor pro Tempore Participation Required

The following boards and commissions require participation by the Mayor or the Mayor and Mayor Pro Tempore:

- Police Pension Board - (RCW 41.20.010) Mayor Pro Tempore participation required. The Mayor may appoint a designate representative who is an elected official.
- Fireman's Pension Board (RCW 41.16.020) The Mayor may appoint a designated representative who is an elected official.
- City Audit Committee
- Strategic Plan Oversight Committee – Mayor Pro Tempore participates as committee chairperson

C:\C\Procedure 100-33 Appointment to Boards & Comm (~~12/15/14~~)



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 100-35	Rev.	Effective Date 1/4/11	Page 1 of 2
City Council Miscellaneous Procedures	Supersedes 12/13/99	Prepared by: [City Manager]	Approved by: [Mayor]	

1.0 Purpose

The purpose of this policy is to establish formal procedures for endorsing or supporting political candidates, the State of the City Report, retreat reports, and answering identical letters addressed to a majority of Councilmembers.

2.0 Organizations Affected

City Council/City Manager

3.0 References

City Council Resolution M-3266, December 13, 1999.

4.0 Endorsing or Supporting Political Candidates

The Mayor and Council, as private citizens, are entitled to support any political candidates or support or oppose any ballot measure; however, such action might have an adverse affect on the City and/or the City Council and the Mayor and Council should consider the potential consequences prior to taking such action. Caution should be exercised in raising these issues at council meetings since State law prohibits the use of public facilities to support or oppose political candidates or ballot measures subject to certain exceptions as set forth in RCW 42.17.130.

5.0. State of City Report

The Mayor will make an annual State of the City report at a public meeting during the first quarter of each year. A written report will be made available to the public at the time of the meeting.

6.0. Retreat Report

The City Manager will provide an Executive Summary following each City Council retreat. A written report shall be made available to the public as soon as possible.

7.0. Answering Identical Letters Addressed to a Majority of Councilmembers

If a substantially similar letter, e-mail or other type of correspondence is sent to four or more Councilmembers, the Mayor will, in a timely manner, discuss the correspondence with the Council at the next available Council meeting and reply with a written response summarizing the Council's position.

A copy of the reply and original letter will, in a timely manner, be provided to all Councilmembers. At their discretion, individual Councilmembers may provide a follow-up reply after the Mayor's letter has been sent.

8.0 Council Sunshine Fund

A fund has been established to allow Councilmembers to acknowledge individuals and events, as appropriate. The Sunshine Fund is an account independent from all City of Vancouver funds and accounts and is to be managed by existing Councilmembers.

The Sunshine Fund is Council-supported and intended to cover expenses that cannot be paid for by City funds, which may relate to:

- Gifts for dignitaries;
- Acknowledgment of significant events and other personal issues among Council or staff.
- Other expenses as deemed appropriate by Council.

The Sunshine Fund account is co-owned by two active Councilmembers serving as double signatories on a voluntary basis. Each Councilmember is encouraged to donate \$300 annually.

In the event there is an ending balance in the Sunshine Fund bank account at the end of a calendar year, the Council may decide to:

- Roll the balance forward into the next year
- Make a group cash donation to a project or fund of the Council's choice



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 100-38	REV. B	Effective Date 1/4/11	Page 1 of 4
Filling City Council Vacancies	Supersedes 1/3/001/4/11	Prepared by:		Approved by:

1.0 Purpose

The purpose of this policy is to provide guidance to City Council when a Vancouver Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only to serve the remainder of the unexpired term until the next regular ~~municipal~~ election.

2.0 Organizations Affected

City Council/City Manager

3.0 References

Vancouver City Charter – Sections 2.01 Terms; 2.02 Qualifications; 2.06 Vacancies Defined; 2.08 Vacancies in Council

RCW 29A.60.270 Beginning of terms; RCW 29A.60.280 Term of office; RCW 35A.13.020 – Vacancies – Filling of Vacancies in Council/Manager Form of Government; 42.30.110(h) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment of Elective Office; RCW 42.30.060 – Prohibitions on Secret Ballots; RCW 42.12 – Vacant Position

City Council Resolution M-3274, January 3, 2000
City Council Resolution, M-3730, January 3, 2011

4.0 ~~Appointment Notification~~ Process

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in City of Vancouver Charter, Section 2.06, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The

Councilmember who is vacating his or her position cannot participate in the appointment process.

Vacancies in the City Council shall be filled by a majority vote of the remaining members of the City Council, but such appointee shall hold office only until the next regular general election, at which time a person shall be elected the appointee may run to serve for the remainder of the unexpired term.

City Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity. In the case of a councilmember submitting an intent to resign, the application process may commence prior to the effective date of the resignation. The overall length of the process timeline should allow for the expedient conclusion of the appointment process, but also sufficient time for Council evaluation of candidates. The City Manager's Office will propose an appointment schedule to the Council prior to advertisement of the vacancy.

The City Clerk's Office shall prepare and submit a display advertisement to *The Columbian*, *Oregonian* and *Daily Insider*, posted on the City's website and social media site, distributed via the City's internal and external newsletter services (*Currents*, *Emma*, *Office of Neighborhoods*, etc.), and distributed to all current members of Vancouver advisory boards, commissions, committees, and task forces (per Council policy 100-06) via email to the staff of those bodies with courtesy copies to all other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant be a registered-qualified elector¹ ~~voter of the City of Vancouver;~~ have a two-year continuous period of residency in the City of Vancouver; and hold no other public office; ~~or~~ and have no employment under the city government.

This display advertisement shall be published once each week for two consecutive weeks. This display advertisement shall contain other information, including, but not limited to, time to be served in the vacant position, election information, salary information, Councilmember powers and duties, complete list of materials required to apply for appointment, the deadline date and time for submitting applications, interview and appointment schedules, and such other information that the City Council deems appropriate. ~~Information about the vacancy will also be posted on the City's website and will be distributed through other electronic media.~~

5.0 Application Process

5.1 The Application

¹ To be a "qualified elector" a person must be at least 18; a citizen of the United States; have lived in the city for at least 30 days prior to the election at which they offer to vote; have not been convicted of a felony unless their civil rights have been restored. Washington State Constitution Article VI, Section 1.

The City ~~Clerk's~~Manager's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. The application form will request the following information from the applicant: include, among other requests for information, the question,

- Pertinent contact information
- Confirmation the applicant is a qualified elector¹
- Answers to the following:
 1. "Is there anything in your background that would bring discredit to this city if appointed?"
 2. Please give a brief summary of your background and experience, including education, work history and civic engagement activities.
 3. Why are you seeking appointment to the City Council? What do you feel your qualifications are for the position?

Applications will be available at City of Vancouver offices, on the City's website and such other locations that the City Council deems appropriate.

5.2 Supplemental Materials

In addition to the application form, t~~The~~ applicants will also be ~~requested~~required to provide a completed Washington State PDC form F-1 and a current resume. The F-1 form must be provided directly to the City Manager's Office. It should not be submitted on the Washington PDC website. Applications will be available at City of Vancouver offices, on the City's website and such other locations that the City Council deems appropriate. Copies of the display advertisement will be provided to current members of City of Vancouver commissions, committees, task forces and other City-sponsored citizen groups.

In addition to the required supplemental materials, candidates may also submit additional supportive information, such as a list of endorsements, up to three (3) letters of reference, and other pertinent materials. Endorsements and letters of reference should include contact information for the person(s) supporting the candidate.

5.3 Conclusion of Application Period

The application period shall be open for at least two weeks and no more than 30 days following the announcement of the vacancy and details of the appointment process. The length of the application period will be included in the proposed appointment schedule, as set forth in section 4.0.

Applications received by the deadline date and time will be copied and circulated by the City ~~Clerk's~~Manager's Office to the Mayor and City Council within one (1) business day following the deadline. ~~Packets may also contain additional information received such as endorsements, letters of reference and other pertinent materials. Candidates who submit completed application packets by the deadline will be required to also submit information~~

necessary for the City to conduct a criminal background check, the results of which will be provided to the City Council.

All completed candidate application packets will be posted on the City's website following the application deadline and delivery of the packets to the City Council. Applicant materials will be redacted for non-disclosable information prior to being made public.

6.0 Council Evaluation of Candidates

City Councilmembers, individually, will conduct an initial review of all completed applications within three (3) business days of receiving the packets.

Council will meet in executive session at the next Council meeting to discuss applicant qualifications. It is permissible to meet in executive session to "evaluate the qualifications of a candidate for appointment to elective office."² The City Manager's Office will provide Council with the results of the candidate criminal background checks during this executive session.

In the event the City receives more than 10 completed applications, each City Councilmember will submit to the Council Assistant an unranked list of names of the candidates the Councilmember wishes to move forward in the process. Each Councilmember's list should contain no more than 15 names. The Council Assistant shall aggregate all Councilmember lists into one unranked master list of candidates most commonly preferred by Council as a whole. This list shall be provided to the Council during the executive session held prior to the interview meeting.

Immediately following executive session, Council shall meet in public session to select which candidates to invite to participate in an interview at the next City Council meeting. The decision as to which applicants to interview will be based on the information contained in the application forms and Council's evaluation of the qualifications of the candidates. The decision as to which candidates will be interviewed will be at the sole discretion of the City Council.

~~The decision as to which applicants to interview will be based on the information contained in the application forms and council's evaluation of the qualifications of the candidates. In the event that more applications are received than the City Council wishes to interview, it may determine the number to interview. The decision as to which candidates will be interviewed will be at the sole discretion of the City Council.~~ The City ~~Clerk's~~Manager's Office shall notify applicants selected for interview of the location, date and time and format (per Section 7.0) of City Council interviews. In the event Council does not select all applicants to move forward to the interview, staff in the City Manager's Office will notify those candidates not selected of their status. Information about the interview meeting and those applicants selected for an interview will be

² RCW 42.30.110(1)(h).

announced to the public via a news release and posted on the City's website after all applicants have been contacted.

Prior to the date and time of the interview meeting, ~~the Mayor shall accept~~ each Councilmember shall submit one interview question and one back-up question to the Mayor and Council Assistant ~~from each Councilmember.~~

~~Prior to the interview meeting, the City Manager will provide Council with the results of a Criminal Background Check for each applicant.~~

6.0 7.0 Interview Meeting

An interview meeting shall be scheduled for a regularly scheduled Council meeting. The meeting will be open to the public and broadcast and live streamed by CVTV.

At the opening of the interview meeting, the Mayor shall provide an overview of the format and ground rules for the meeting. The applicant's order of appearance also shall be determined at this time by a random lot drawing performed by the Council Assistant.

In order to ensure each candidate has a fair and equal opportunity to speak with Council, all candidates shall be sequestered at City Hall for the duration of all candidate interviews. Access to electronic devices shall be prohibited during sequestration. Candidates will be ushered to and from the City Council Chambers by a member of City staff in order to participate in their interview at the pre-determined time. Candidates will be released from sequestration upon conclusion of the final interview and may observe the remainder of the public portion of the Council meeting.

Each ~~candidate~~ interview ~~of an applicant/candidate~~ shall be no more than 30 minutes in length. The Council may reduce the 30-minute interview time if the number of applicants exceeds six candidates. Each interview shall follow the following format: as follows:

- The applicant shall present his or her credentials to the City Council (up to 10 minutes).
- The City Council shall ask the predetermined set of questions, which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions and will have two (2) minutes to answer each question (up to 14 minutes)
- An informal question-and-answer period in-during which Councilmembers may ask and receive answers to miscellaneous or follow-up questions (10 minutes remainder of time).

~~The applicant's order of appearance will be determined by a random lot drawing performed by the City Clerk.~~

~~The Council may reduce the 30-minute interview time if the number of applicants exceeds six candidates, or alternatively, the Council may elect not to interview all of the applicants if the number exceeds six candidates.~~

~~Vacancies in the City Council shall be filled by a majority vote of the remaining members of the City Council, but such appointee shall hold office only until the next regular general election, at which time a person shall be elected to serve for the remainder of the unexpired term.~~

7.0 8.0 Voting

Upon completion of the interviews, Councilmembers may convene into Executive Session to further discuss evaluate the qualifications of the ~~applicants~~candidates; however, all interviews, nominations and votes taken by the Council shall be in open public session.

~~The new Councilmember shall be chosen according to Roberts Rules of Order.~~

Balloting will continue until a nominee receives a majority of four votes.

At any time during the balloting process, the City Council may postpone balloting until a date certain or regular meeting if a majority vote has not been received.

Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the ~~applicant~~/candidate qualifications.

The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and he or she shall be sworn into office ~~by the City Clerk~~ at the earliest opportunity, or no later than the next regularly scheduled City Council Meeting.

C:\C\Procedure 100-38 Council Vacancies (~~1/4/11~~)



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 2018-01	Rev. A	Eff. Date 9/05/2018	Pg. 1 of 9
Electronic Written Communications	Supersedes 100-37; 100-40		Prepared by:	Approved by:

1.0 **Purpose**

The purpose of this policy is to establish standards for the appropriate use of electronic written communications by the Mayor and individual Councilmembers in their capacity as elected officials of the City of Vancouver, and is intended to foster transparency and open communication between elected officials and members of the public through the use of electronic written communications.

2.0 **Applicability**

This policy applies to the City Council of the City of Vancouver.

3.0 **References**

Ch. 42.56 Revised Code of Washington ("RCW") – Public Records Act
Ch. 42.30 RCW – Open Public Meetings Act
Ch. 40.14 RCW - Preservation and Destruction of Public Records
Ch. 42.52 RCW – Ethics in Public Service Act

4.0 **Definitions**

- a. "City owned device" means a computer or other electronic device owned by the City which is used for the transmission of electronic written communications.
- b. "City business" means relating to the conduct of City government, or the performance of any governmental function, or the work of the elected official in their official capacity for the City of Vancouver.
- c. "Comment" is a response to a post, an article, or other social media content submitted by a visitor.
- d. "Elected official" or "user" means the Mayor, Councilmembers, and any staff working on an elected official's behalf to represent him or her, using an electronic written communication resource.

- e. "Electronic mail" or "email" means a type of electronic written communication sent from a sender's Email account (e.g. Microsoft Exchange, Gmail, Yahoo!) across a network (often the Internet) to a recipient's Email account.
- f. "Electronic written communication" or "e-communication" means a communication using electronic media for the transmission of a written message or information. Types of electronic written communication include a message in writing transmitted via electronic mail, social media, and/or text messaging.
- g. "Personal device" means a computer, cell phone, or other electronic device personally owned by the user which is used for the transmission of electronic written communications.
- h. "Post" is an original entry onto a social media site by the user of the site.
- i. "Social media" are collectively a variety of third-party hosted online technologies that facilitate social services and may be used by elected officials to informally communicate with the public. Such third party hosted services/tools may include, but are not limited to: social networking sites (Facebook, Linked-In), micro-blogging tools (Twitter, Instagram, Snapchat), audiovisual networking sites (YouTube, Vimeo), and blogs (Wordpress, Tumblr, etc.)
- j. "Text message" means a type of electronic written communication, commonly sent by a mobile device such as a smartphone or tablet computer, using a short message (SMS or text message), multimedia message (MMS), or instant messaging (IM) service.
- k. "Visitor" is a person who views an elected official's social media site.

5.0 General Policy – Electronic Written Communications

- a. Electronic written communications represent and reflect upon the City's public image and integrity. Therefore, elected official e-communications shall be courteous in their language and deportment and shall not engage in contemptuous or disorderly behavior, or indulge in derogatory remarks or insinuations with respect to any other member of the Vancouver City Council, or any member of the staff, or the public.
- b. Elected officials who use City e-communications resources are expected to do so responsibly and in compliance with all state and federal laws and Council policy.
- c. No Expectation of Privacy
 - i. Resources facilitating electronic written communications are for official City business use only and users should not have any expectation of privacy in any message, file, image, or data created, sent, viewed, retrieved, or received through or using City resources.
 - ii. The City Attorney should be contacted with questions about whether an e-communication may be considered private or otherwise confidential.
- d. Use of Personal Devices for City Business

- i. Elected officials should avoid using their personal devices for any electronic written communications pertaining to City business, and are strongly advised that City owned devices should be used for e-communications pertaining to City business.
- ii. E-communications related to City business will not be treated as private and may be subject to public disclosure or discovery in the event of a lawsuit, regardless of whether the e-communication was sent or received on a City owned or personal device.

6.0 Electronic Mail

- a. The information contained in the City’s email system is the property of the City.
- b. City system administrators and other authorized personnel may inspect, monitor, and disclose electronic written communications with or without notice as necessary to comply with State and Federal law and City policy.
- c. Email communications that are intended to be shared among a quorum (majority) of Councilmembers, whether concurrently or serially must be considered in light of the Open Public Meetings Act. Such emails should be restricted to providing information such as materials for later review or notice of a potential new agenda item. Responses to such emails should be limited to ensure that City business is conducted only at its scheduled meetings. Discussion of City business by a majority of the Council must be conducted in an open meeting. If the intended purpose of the email is to have a discussion that should be held at an open meeting, the electronic discussion should not occur. The use of email communication to form a collective decision of the Council is inappropriate and violates the Open Public Meeting Act.
- d. Email should be used cautiously when discussing matters of pending litigation or other “confidential” City business. In general, email is discoverable in litigation. Confidential email communications requesting or receiving legal advice should not be shared with individuals other than the intended recipients, or the attorney-client privilege protecting the document from disclosure may be waived.
- e. It is not recommended to use City email for personal or non-City Business reasons, as this resource is a public asset. Limited use of City equipment and facilities for personal email are limited to instances where:
 - i. The use causes no additional cost to the City;
 - ii. The use causes no disruption or disturbance to the conduct of City business or other City functions; and
 - iii. The use does not violate any local, state, or federal law, or Council policy.

- f. Email on an elected official's personal device pertaining to City business may be considered open to public disclosure, and may not be deleted.
- g. Elected officials responding to emails from outside the City organization, including communications with members of the public, should "cc" the City Manager and forward the message being responded to the City Manager's Office for retention.

7.0 Text Messaging

- a. All City owned devices are required to have mobile device management software approved by the City IT department installed and operational, including remote-wipe, message capture, and retrieval capabilities.
- b. If such mobile device management software is not installed and/or is not operational on the City owned device, or if a personal device is used for text messaging regarding City business, text messages used to conduct City business should be immediately forwarded to the elected official's City email account for retention and promptly deleted from the City owned or personal device.
- c. If the City owned or personal device is unable to directly forward text messages via e-mail, the elected official should create a screenshot of the relevant text message and forward such screenshot to their City email account.
- d. If an elected official uses a City owned device for text messaging, or a personal device for text messaging regarding City business, and the City receives a public records request for these text messages, the elected official shall be responsible for:
 - i. Searching for and reviewing all of his/her text messages to determine if they are public records subject to the applicable retention standards;
 - ii. Sending the requested text messages to the staff member processing the public records request; and
 - iii. Upon request of the City Attorney's Office, complete a notarized affidavit stating the nature and extent of the elected official's search and what, if any, responsive records were located and a description of any records withheld.

8.0 Social Media

- a. The City of Vancouver participates in social media to reach a broader audience, disseminate information, and to provide a limited forum to communicate with residents and other stakeholders.
- b. The City of Vancouver maintains or administers a limited number of elected official social media sites in order to communicate with members of the public regarding subjects directly related to the City of Vancouver.

- c. Elected officials may use elected official social media sites in strict compliance with this policy, city ordinances, administrative rules, and Washington State law regulating elected officials. Elected official social media site(s) shall not be used as mechanisms for conducting official city business other than to informally communicate with the public. Elected official social media site(s) do not constitute an official form of communication for legal notice, specific requests for service, making a public records request, registering a complaint, or filing a claim.
- d. Examples of City business that may not be conducted through elected official social media sites include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not previously been released to the public. Elected official social media site(s) should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct official City business.
- e. Social Media Disclaimers
 - i. Users and visitors of elected official social media site(s) who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between elected officials and the public regarding the City-related topics discussed.
 - ii. If the public is allowed to post comments to an elected official media site, the Content Restrictions set out in Appendix A must be displayed or made available by hyperlink.
 - iii. Elected officials are not allowed to post links to their personal social media accounts or "crosspost" between personal and elected official social media site(s).
 - iv. Any content removed from elected official social media site(s) must be retained, including the time, date, and identity of the poster when available, to the extent required by law.
- f. All users of social media sites are subject to the social media site's own privacy policy. The City and its elected officials have no control over a third party's privacy policy or their modifications to it.

9.0 Other Modes of Electronic Written Communications

If an electronic written communication is sent or received using another form of e-communication not specifically addressed herein, elected officials shall use such form of communication consistent with the intent of this policy to foster transparency and open communication between elected officials and the public.

10.0 Ethics and Elections Rules of Compliance

Elected officials shall not include in electronic written communications:

- Content that promotes or advertises commercial services, entities, or products;
- Proprietary, confidential or sensitive information;
- Any content that endorses or opposes political candidates or ballot propositions, including links to an elected officials campaign site;
- Obscene, profane, abusive, or threatening language or graphic representations except for a legitimate business purpose.
- Conducting business transactions of any non-City enterprise, either for profit or non-profit, or disseminating related material from these activities;
- Communications in furtherance of any illegal activity; or
- Statements or graphic representations that may be construed as harassing, discriminatory, or offensive by race, national origin, gender, religion, age, disability, sexual orientation, or other legally protected status.

11.0 Retention of Electronic Written Communications

- a. Elected official e-communications that are related to City business, including social media actions such as chatting, tagging, reacting, sharing, posting, and other communications between an individual elected official and constituents or the general public, and a social media site's listing of "friends" or "followers," may be considered a public record subject to disclosure under the Washington State Public Records Act.
- b. State and local records retention laws and schedules apply to e-communications. All social media content that is required to be retained shall be maintained for the legally required retention period based on the subject matter of the content. E-communications accounts owned or maintained by the City of Vancouver, will be retained through the City's archiving system.
- c. Any elected official social media sites used should clearly state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act, RCW 42.56 using the suggested language in Appendix B, or made available by hyperlink.
- d. Elected officials should avoid using their elected official social media site to comment on other social media account because those comments may not be captured for public records purposes.

12.0 Transitory Electronic Written Communications

- a. E-Communications which have little or no documentary or evidential value, thereby having minimal retention value, are considered transitory records. Retain these types of records only until they are no longer needed for City business, then delete.

b. Examples of transitory e-communications include, but are not limited to:

- i.** Unsolicited or misdirected messages that are not requested by the City nor used by the City in the normal course of business, including unrequested advertising & solicitations.
- ii.** Records related to the scheduling of appointments/meetings such as participant availability, rescheduling, declinations, etc. provided the calendar record of the appointment/meeting is retained in accordance with applicable retention schedule.
- iii.** Informational communications that do not document City decisions or actions are not used as the basis of City decision or actions; and are not otherwise covered by a more specific retention schedule.
- iv.** Internal announcements such as Council potlucks, birthdays, cookies in the Council Chambers, and other records of purely informational value.
- v.** Reference materials gathered from outside sources for reference/reading use which are not evidence of City's business transactions.

13.0 Assistance with Fulfilling Public Records Requests

Elected officials shall fully cooperate with the City and provide their fullest assistance in fulfilling the City's duties and obligations under the Public Records Act.

14.0 Legal Holds

- c.** The City must take reasonable steps to preserve records when it learns of pending or imminent litigation, or when litigation is reasonably anticipated. Legal holds seek to prevent spoliation (destruction, alteration, or mutilation) of evidence. A legal hold applies not only to paper-based documents but also to Electronic written communications.
- d.** In the event of a legal hold, the City Attorney's Office will submit a written request to preserve all records, including documents and electronically stored information that may relate to a pending or anticipated legal action involving the City.
- e.** When the litigation has been concluded, or the threat of litigation has been resolved, the City Attorney's Office will notify the affected elected official(s) that the record hold has been removed. Such records must be retained and not deleted or otherwise altered until the legal hold is removed.

15.0 Open Public Meetings

- a. Communication between elected officials via e-communications, as with telephone and email, may potentially constitute a "meeting" under the Open Public Meetings Act, Chapter 42.30 RCW.
- b. For this reason, elected officials are prohibited from participating in e-communications discussions/threads regarding City business that involve a quorum of councilmembers, and are strongly discouraged from "friending" of "following" other elected officials or reacting to other elected official's posts.
- c. Receiving or making posts or comments regarding quasi-judicial matters via e-communications may violate the Appearance of Fairness Doctrine (Ch. 42.36 RCW).
- d. To avoid receiving any comments on pending quasi-judicial matters that may violate the Appearance of Fairness Doctrine, elected officials are strongly encouraged to maintain social media sites with settings that can restrict users' ability to post content.

16.0 Appearance of Fairness

- a. E-communications to or from elected officials relating to pending quasi-judicial matters to be decided by the City Council should be treated as an ex-parte communication, requiring the elected official to:
 - i. Respond to the sender of the e-communication that "On the advice of the City Attorney, s/he may not comment outside a public meeting on a pending quasi-judicial matter before Council and that the sender's communication is being forwarded to the City Manager's Office for inclusion in the public record on the matter."
 - ii. Immediately forward the e-communication to the City Manager's Office for filing in the public record on the matter."
 - iii. Disclose on the record in the public hearing or public meeting that the electronic communication had been received, and included in the in the public record.

17.0 Equal Access

Elected officials are discouraged, in their official capacity, from posting or commenting on social media sites or other e-communication media that require membership or subscription. When posting information or soliciting feedback on such a site, elected officials should always provide an alternate source for the same information or mechanism for feedback on the City's public web site, so that those who are not members of the site may have equal access.

18.0 Enforcement

The Vancouver City Council has the power to impose punishment on its members, short of removal of office, for violation of state law or Council rules. The use of social media by elected officials may be otherwise limited or banned by Council if they are not or cannot be used in compliance with this policy.

19.0 Appendices:

a. Appendix “A” - Content Restrictions for Elected Official Social Media Site(s)

The following content will be removed from this site:

- Comments not related to the specified topics for discussion;
- Posts or comments in support of or opposition to political campaigns or ballot measures;
- Profane or obscene language;
- Posts or comments espousing or conveying racially, ethnically, religiously, gender-oriented,
- Discriminatory comments;
- Solicitations and/or transactions of commerce;
- Sexual content or links to sexual content
- Encouragement, promotion or undertaking of illegal activity;
- Information that may tend to compromise the safety or security of the public or any City equipment, property or system;
- Content that violates a legal ownership interest of any party; and
- Posts or comments that would constitute ex parte communications in violation of the Appearance of Fairness Doctrine.

b. Appendix “B” - Disclaimer for Elected Official Social Media Site(s)

The views expressed represent the views of the author and may not reflect the views of the City of Vancouver or the Vancouver City Council.

Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act under which a policy discussion must be held in an open public meeting if a quorum of the City Council participates.

Posts, comments, chat, or other content posted to this site, may be considered public records subject to public disclosure under the Washington State Public Records Act (RCW 42.56).



POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 2018-	Rev. A	Eff. Date	Page 1 of X
Health Insurance Opt-Out Payment	Supersedes	Prepared by:	Approved by:	

1.0 **Purpose**

The purpose of this policy is to establish the option for a councilmember to receive a payment in lieu of participating in the City's health insurance program.

2.0 **Applicability**

This policy applies to the City Council of the City of Vancouver.

3.0 **References**

Washington State Constitution Article XI, Section 8 – Limitations on Salaries
Washington State Constitution Article XXX, Section 1 – Authorizing Mid-term Compensation Increase
RCW 35.21.015 - Salary Commission
RCW 41.04.190 – Cost of medical insurance not compensation
Resolution 003-11

4.0 **General Policy – Councilmembers Ability to Receive Opt Out Payment**

Councilmembers are able to participate in the City's health insurance programs. However, a councilmember may have health coverage through other employment, a spouse's employment or other benefit provider. This policy is intended to provide councilmembers the option of declining city-provided health coverage and to receive an "opt-out" cash payment while avoiding the prohibition on mid-term adjustment to compensation.

Alternative 1:

The Washington State Constitution prohibits the mid-term adjustment of compensation of elected officials. It states:

The salary of any county, city, town, or municipal officers except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended which he is elected or appointed.

While the cost of a health insurance policy is statutorily exempted from this prohibition, the receipt of an opt-out payment is not. Thus, a councilmember wishing to receive an opt-out payment can only exercise this option prior to their beginning a successive term of office and the increase can only be effective upon the beginning of the new term.

Pursuant to this policy, the City Council hereby approves including in a councilmember's compensation an opt-out payment if a councilmember declines to participate in the City's health plan. The amount of the payment shall be the rate paid to nonrepresented employees at the time that the councilmember exercises their option and it shall not increase nor decrease during their term of office.

Alternative 2:

The constitutional prohibition on the increase or decrease of salaries after election or during a term of office has an exception for salaries that are established through a salary commission. Section 2.18 of the City Charter authorizes the salary commission to set the salary and compensation of the councilmembers. In fixing the salaries and compensation, the salary commission could authorize an opt-out payment.

Non-represented city employees are eligible for an "opt-out" payment if they choose to not be covered by the City's health insurance program. That payment is currently \$230.00 per month. councilmember's who choose to not be covered by the City's health insurance program are eligible to receive an opt-out payment. However, the Salary Commission must determine whether to include an opt-out payment in councilmembers' compensation and fix the amount to be paid to an eligible councilmember.

Concurrent with the adoption of this policy, the Council rescinded Section 2 of Resolution M-3734 which precluded the ability to be eligible for an opt-out payment.

COUNCIL COMPACT
Adopted July 15, 2013

To build a culture of trust and enhance the effective administration of City Council affairs, the City Council agrees to be bound by these practices:

- Councilmembers set the tone of every public meeting by exhibiting their professionalism, respect for all people, respect for the responsibilities of their elective office, and by their gracious treatment of each other, City employees and the public.
- Council recognizes that there will be times of strong disagreement among its members; however, Councilmembers understand the importance of working together on each item separately based on its own merits.
- The Council will deal with issues and not personalities.
- Councilmembers will be straightforward; with no hidden agendas.
- Council emphasizes the value of training for itself to improve skills/for the betterment of the community, etc.
- It is important to recognize that the City Council acts as a body - while individual Council members may disagree with policy decisions of the majority, a decision of the majority binds the Council to a course of action and provides staff with direction to follow.
- At all times, Councilmembers in the minority on an issue shall have the privilege of expressing their individual views while also respecting the decision and authority of the majority to establish policy.
- Council places a high priority on the need for confidentiality regarding items such as legal, personnel, negotiations, and other sensitive matters.
- The Council will set high priority majority goals on which the City will focus.
- Council will give clear and focused direction as early as possible in the formulation of policy.
- Councilmembers will confer with the City Manager on issues of concern so that they may be appropriately addressed.
- Councilmembers will show respect for those present at meetings.
- All written information requested by individual Councilmembers will be submitted to all Councilmembers.



Staff Report 124-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Construction Acceptance of the Premier Acres Sanitary Sewer Improvement Project

Key Points

- The project installed 3,569 linear feet of gravity sewer and 167 liner feet of pressure sewer.
- Public sanitary sewer is now available to 72 parcels
- Staff proposes awarding construction acceptance and release of the retainage.

Strategic Plan Alignment

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

Present Situation

Nutter Corporation of Vancouver, Washington, has completed construction of the Premier Acres Sewer Connection Incentive Program (SCIP) project. The project will provide reliable sewer service to 72 parcels by installing 3,569 linear feet of 8-inch gravity sewer mains in NE 119th, NE 121st and NE 122nd Avenues as well as NE 35th, NE 36th, and NE 37th Streets. The contractor also installed 167 liner feet of 2-inch pressure main in the private road portion of NE 122nd Avenue.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS

Labor, Equipment and Material	\$1,134,643.91
Sales Tax	\$60,547.13
Total	\$1,195,191.04
Retainage	\$56,732.20

The original contract amount, including sales tax, was \$1,185,808.22. The final project cost was \$1,195,191.04, which was \$9,382.82 (under 1%) greater than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to the typical variances in quantities commonly encountered during construction.

An apprenticeship goal of 3% was required with the solicitation of this project. The contractor, Nutter Corporation, exceeded the required goal with an apprenticeship utilization of 7.16% recorded on the Apprenticeship Verification Form submitted.

Advantage(s)

1. Provides reliable sanitary sewer service to residents.
2. Subsequent decommissioning of septic systems will protect the community's ground water supply.
3. Completes the City's contractual and statutory process for accepting the project.
4. Formal project acceptance allows for closure on third-party bond claims and facilitates release of the Contractor's retainage bond.

Disadvantage(s)

None

Budget Impact

None. Funds for this project are appropriated in the Sewer Construction Fund, in the 2017-2018 Budget via project number 083467.

Prior Council Review

- Approval of the 2017-2018 Capital Improvement Budget
- Award of contract at the February 12, 2018, Vancouver City Council Meeting

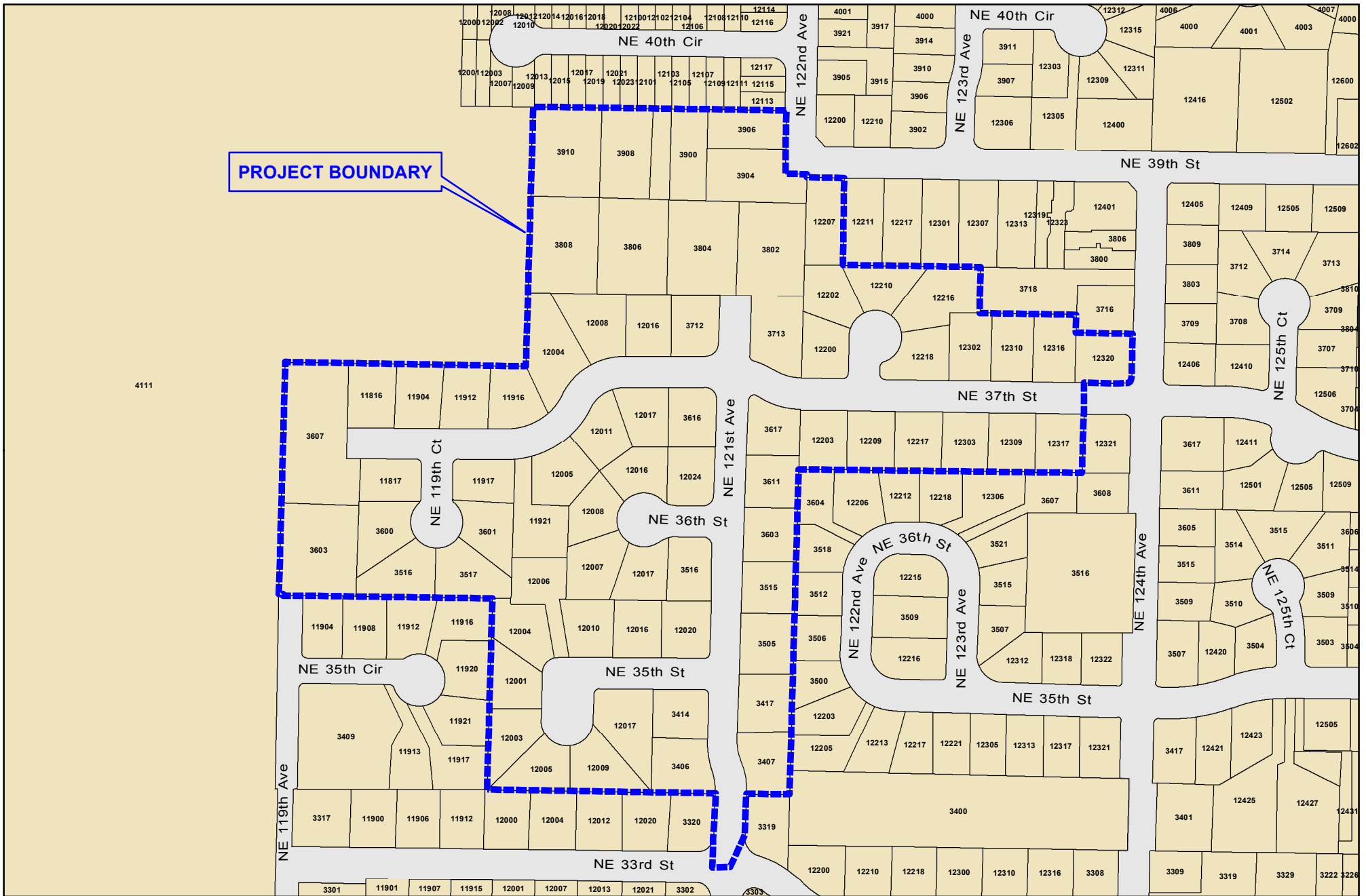
Action Requested

On August 27, 2018, accept the facilities as constructed by Nutter Corporation of Vancouver, Washington, and authorize release of the retainage in the amount of \$56,732.20 subject to receipt of all documentation required by law.

Sheryl Hale, Senior Engineering Supervisor, 487-7151

ATTACHMENTS:

- Premier Acres Project Boundary Map





Staff Report 125-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Award of Bid - Evergreen Airpark North Sewer Improvement Project

Key Points

- The project continues Vancouver's Sewer Connection Incentive Program (SCIP)
- The project will install approximately 1,975 lineal feet of 8-inch gravity sewer mains providing 29 parcels with reliable sewer service.
- The City received 6 bids for the project.
- Staff proposes awarding a contract to the lowest, responsive bidder, Advanced Excavating Specialists (AES), LLC,, of Longview, WA, at the bid price of \$365,323.18.

Strategic Plan Alignment

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

Present Situation

The Evergreen Airpark North project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 29 parcels by installing 1,975 linear feet of 8-inch gravity sewer mains in NE 139th Avenue between 9th Street and 18th Street.

On July 24, 2018, the City received 6 bids for the subject project. The bids ranged between \$365,000 and \$625,000. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Advanced Excavating Specialists, LLC, Longview, WA	\$365,232.18
Halme Excavating, Inc, Battle Ground, WA	\$387,295.31
NW Construction General Contracting, Battle Ground, WA	\$396,026.39

Nutter Corporation, Vancouver, WA	\$519,208.22
Tapani, Inc., Battle Ground, WA	\$542,371.81
Clark and Sons Excavating, Inc., Battle Ground, WA	\$621,351.51
Engineers' Estimate	\$350,200.00

This project was below the bid amount for a required minimum apprenticeship utilization.

Advantage(s)

1. Provide reliable sanitary sewer service to residents.
2. Subsequent decommissioning of septic systems will protect the community's water supply.

Disadvantage(s)

None

Budget Impact

None. Funds for the sanitary sewer improvements were appropriated in the Sewer Construction Fund, Capital Improvement Program 2017-2018 Budget via project number 083463.

Prior Council Review

Funding previously reviewed by Council as part of the 2017-2018 Sewer Construction Fund Capital Budget.

Action Requested

On August 27, 2018, award a construction contract for the Evergreen Airpark North Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, AES, LLC of Longview, WA, at their bid price of \$365,232.18, which includes Washington State sales tax.

Sheryl Hale, Senior Engineering Supervisor, 487-7151

ATTACHMENTS:

- ▢ Evergreen Airpark North Project Boundary
- ▢ Contract



Project Number: 083463

CITY OF VANCOUVER

CONTRACT # _____

**BID #18-13: EVERGREEN AIRPARK NORTH SANITARY
SEWER IMPROVEMENTS**

THIS CONTRACT is entered into by and between Advanced Excavating Services, 1010 Columbia Blvd, Longview, WA 98632, hereinafter referred to as the Contractor, and the City of Vancouver, a municipal corporation of the State of Washington, hereinafter referred to as the Owner.

1. **Contractor's Obligation:** The Contractor, for and in consideration of the sum to be paid to it by the Owner in the manner and at the times provided, hereinafter and in the Specifications, and in consideration of the covenants and agreements herein contained, which documents are incorporated into and made a part of this contract, hereby agrees to furnish all materials, labor, tools, machinery and implements of every description necessary for construction and installation of the following improvements:

Contractor shall furnish and install approximately 1,312 linear feet of 8-inch PVC gravity sewer main and approximately 662 linear feet of 8-inch C900 gravity sewer main within the North Hearthwood neighborhood. The sewer will be installed in NE 139th Avenue between NE 9th Street and NE 18th Street, including all laterals, manholes, and all appurtenances as shown on the plans and specified herein. The Contractor shall restore the pavement where pipe trenching takes place and protect and/or restore other facilities all in accordance with the attached Contract Plans, these Contract Provisions and the Standard Specifications.

The work under the contract shall be fully completed within 35 working days of the Notice to Proceed date.

The Contractor agrees to perform the work and furnish the materials in a most substantial and workmanlike manner and within the time limits stated in this Contract. The Contractor agrees that it will make all necessary arrangements for the obtaining of permits from the United States, State of Washington, and/or any of its agencies as may be necessary to do the work required and covered by this Contract.

2. **E-Verify Program:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.

3. **Subcontractor Responsibility:** The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier.

At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 2. Have a current Washington Unified Business Identifier (UBI) number;
 3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
 4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).
4. **City of Vancouver Business & Occupational License:** Contractors will be required to get a business license when contracting with the City of Vancouver, unless allowable exemptions apply. Businesses/Contractors shall contact the State of Washington Business License Service (BLS) at 800-451-7985, or [go to www.bls.dor.wa.gov/cities/vancouver.aspx](http://www.bls.dor.wa.gov/cities/vancouver.aspx) or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to VMC Ch. 5.04.
5. **Owner's Obligation:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the Vancouver City Council, the Owner agrees to pay to the Contractor in the manner and at the times provided hereinafter and in the Contract Documents, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does includes 8.4% Washington State Sales Tax (if applicable):

Three hundred sixty-five thousand three hundred twenty three dollars 18/100

\$365,323.18

The amount finally to be paid is, however, variable upon the work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Proposal and as modified by any and all approved Change Orders.

5. **Contractor's Insurance:** The Contractor agrees to procure insurance coverage as required by Section 1-07.18 of the Special Provisions.
6. **Contractor's Bond:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Contract Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price executed by itself as principal and by a surety company authorized to do business in the State of Washington as surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
7. **Employment of Labor:** The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by law.
8. **Payment of Labor:** The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto. The State of Washington prevailing wage rates applicable for this public works project, which is located in Clark County, may be found at the following website address of the Department of Labor and Industries: <https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx>. Based on the Bid submittal deadline for this project, the applicable effective date for prevailing wages for this project is **July 24, 2018**.

In case any dispute arises as to what the prevailing rates of wages for work of a similar nature are and such dispute cannot be adjusted by the parties involved, the matter shall be referred to the director of the Department of Labor and Industries of the State of Washington for arbitration, and the director's decision shall be final, conclusive and binding on all parties involved in the dispute.

9. **Payment to the Contractor:** Payment to the Contractor of the Contract price by the Owner shall be made in checks drawn on the fund provided therefore. Payment shall be in the manner provided below unless another manner has been specified in the Special Provisions.

Progress payments to the Contractor shall be made within 30 days of receipt of the signed progress payment request, as approved by the Owner, for work completed during the previous month. There will be reserved and retained from monies earned by the

Contractor on estimates during the progress of the improvements of work, a sum equal to 5 percent of all such estimates. Said retained amount shall be held in trust in accordance with the Specifications and Chapter 60.28 RCW.

Payment of the retained percentage shall be withheld, by the owner, for a period of 45 days following the completion of all Contract work, as defined by WSDOT Section 1-01.3, and shall be paid the Contractor at the expiration of 60 days per Chapter 39.12 RCW and Chapter 60.28 RCW, in the event no claims, as provided by law, have been filed against such funds; and provided further, that releases or certificates have been obtained from the State Department of Labor and Industries, from the State Department of Revenue, and the Employment Security Department and all other departments and agencies having jurisdiction over the activities of the Contractor. In the event such claims are filed, the Contractor shall be paid such retained percentages less an amount sufficient to pay any such claims, together with a sum sufficient to defray the cost of foreclosure action and to cover attorney fees as determined by the Owner.

Every person performing labor or furnishing supplies toward the completion of said improvement of work shall have a lien upon said monies so reserved; provided, that such notice of the lien of such claimant shall be given in the manner provided in RCW 39.08.030 and within the time provided in Chapter 60.28 RCW as now existing and in accordance with any amendments that may hereafter be made thereto.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed, with Procurement Services, the Labor and Industries executed Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in WAC 296-127-320 *Payroll*. A Contractor and all subcontractors shall, within ten days after it receives a written request, as defined by RCW 39.12.010(4) file a certified copy of the payroll records with the Owner. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

10. **Indemnity:** Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, or whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Agreement.

In the event that any suit based on such a claim, demand, loss, damage, cost, or cause of action is brought against the Contractor, the City retains the right to participate in said suit.

This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent of the Contractor, even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title

51 RCW. To the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such cost, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. This indemnity and hold harmless shall NOT apply in the case where liability arises from the sole negligence of the City. Contractor specifically acknowledges that the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115.

11. **Ownership of Records and Documents – Public Disclosure:** All materials, writings and products produced by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Contract, the Contractor hereby further assigns all copyright interests in such materials, writings and products to the City. A copy may be retained by the Contractor. In the event the City receives a public record request for such materials, writings of products the City may, in its discretion, notify the Contractor of such request and withholds disclosure of such information for not less than five (5) business days to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees, or penalty assessment under Chapter 42.56 RCW.
12. **Amendments:** All changes to this Agreement, including changes to the statement of work and compensation, must be made by written amendment and signed by all parties to this Agreement.
13. **Jurisdiction/Venue:** In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Clark. This Agreement shall be governed by the law of the State of Washington.
14. **Assignment:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without express written authorization.
15. **Termination for Convenience:** The City, at its sole discretion, may terminate this Contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.
16. **Bid Documents & Contract:** The complete Contract includes these parts: this Contract, the terms of this Invitation to Bid and any addenda thereto, the Contractor's complete Proposal Form, the Special Provisions and Plans are all incorporated herein and made a part of this Contract by this reference. These parts complement each other in describing a complete Work. Any requirement in one part binds as if stated in all parts.

17. **Order of Precedence:** Any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):

1. This Agreement and any Addenda thereto,
2. The Invitation to Bid and any Addenda thereto,
3. Proposal Form,
4. Special Provisions,
5. Project Plans,
6. Amendments to the Standard Specifications.

18. **Notices:** Whenever in this written Contract written notices are to be given or made, they may be sent by certified mail to the following people at the addresses as shown herein unless a different address is designated in writing or delivered to the respective party hereto:

Owner:
Procurement Services Manager
City of Vancouver
415 W 6th St.
P O Box 1995
Vancouver WA 98668-1995

Contractor: Advanced Excavating Services
1010 Columbia Blvd
Longview, WA 98632

Original signed at Vancouver, Washington, on the dates listed below.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:

Eric Holmes, City Manager

Signature:

DATE

By: Printed Name / Title

Attest:

Natasha Ramras, City Clerk

Approved as to form:

E. Bronson Potter, City Attorney

LABOR AND MATERIALS PAYMENT BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW ALL MEN BY THESE PRESENTS:

We the Undersigned _____ as
PRINCIPAL (Contractor) and _____
_____ a corporation organized and existing under and by virtue of the laws of the state of _____,
and duly authorized to do surety business in the state of
Washington and named on the current list of approved surety companies acceptable on federal
bonds and conforming with the underwriting limitations as published in the Authorized Insurance
List in the State of Washington published by the Office of the Insurance Commissioner and
which carries an "A" rating and is of the appropriate class for the bond amount as determined by
Best's Rating System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, unto CITY OF VANCOUVER, as
OBLIGEE, in the sum of _____
Dollars (\$_____) in lawful money of the United States of America, for the payment of that
sum for the use and benefit of claimants as defined below.

The condition of this obligation is such that whereas the PRINCIPAL entered into a
contract with CITY OF VANCOUVER dated _____, 20____, which
contract is hereunto annexed and made a part hereof, for accomplishment of the all contract
terms for the project described as follows:

BID #18-13: EVERGREEN AIRPARK NORTH SANITARY SEWER IMPROVEMENTS

NOW THEREFORE, if the PRINCIPAL shall promptly make payments to all persons,
firms, subcontractors, corporations and/or others furnishing materials for or performing labor in
the prosecution of the Work provided for in the aforesaid contract, and any authorized extension
or modification thereof, including all amounts due for materials, equipment, mechanical repairs,
transportation, tools and services consumed or used in connection with the performance of such
Work, and for all labor performed in connection with such Work whether by subcontractor or
otherwise, and all other requirements imposed by law, then this obligation shall become null and
void; otherwise this obligation shall remain in full force and effect, subject, however, to the
following condition:

The above-named PRINCIPAL and SURETY hereby jointly and severally agree that
every claimant, who has not been paid in full, may sue on this bond for the use of such claimant,
prosecute the suit to final judgment in for such sum or sums as may be justly due claimant, and
have execution thereon. The OBLIGEE shall not be liable for the payment of any judgment,
costs, expenses or attorneys' fees of any such suit.

PROVIDED, FURTHER, that SURETY for the value received, hereby stipulates and agrees that all changes, extensions of time, alterations to the terms of the contract or to Work to be performed thereunder or the Specifications accompanying the same shall be within the scope of the SURETY's undertaking on this bond, and SURETY does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the SURETY hereunder in a like amount, provided that the total of such increases shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the SURETY.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted, or if the full amount of the obligation is not exhausted and no claim is pending resolution, until such time as no further claims can be made pursuant to law with regard to the above-described project.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, materialpersons, or any other person who provides supplies or provisions for carrying out the work.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for all obligations of this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20____.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City, State ZIP

City, State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.

PERFORMANCE BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPAINED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW BY ALL MEN BY THESE PRESENTS:

We the undersigned _____ as
PRINCIPAL (hereinafter called CONTRACTOR), and _____
_____ a corporation organized and existing under and by virtue of the laws of the state of _____
_____ duly authorized to do surety business in the state of Washington
and named on the current list of approved surety companies acceptable on federal bonds and
conforming with the underwriting limitations as published in the Authorized Insurance List in the
State of Washington published by the Office of the Insurance Commissioner and which carries an
"A" rating and is of the appropriate class for the bond amount as determined by Best's Rating
System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, to pay to CITY OF VANCOUVER as OBLIGEE
(hereinafter called CITY OF VANCOUVER), the amount of _____
_____ Dollars (\$ _____) in lawful money of the United
States of America.

WHEREAS, the CONTRACTOR entered into a contract with CITY OF VANCOUVER
dated _____, 20____, which Contract is hereunto annexed and made a part
hereof, for accomplishment of the all contract terms for the project described as follows:

BID #18-13: EVERGREEN AIRPARK NORTH SANITARY SEWER IMPROVEMENTS

NOW, THEREFORE, the condition of this obligation is such that if the CONTRACTOR
shall promptly, truly and faithfully perform all the undertakings, covenants, terms, conditions,
and agreements of the aforesaid contract and having performed its obligations thereunder, then
this obligation shall be null and void; otherwise it shall remain in full force and effect.

Whenever CONTRACTOR shall be declared by CITY OF VANCOUVER to be in
default under the Contract Documents for the project described herein, the SURETY shall
promptly remedy the default by completing the project in accordance with the Contract
Documents and the project Specifications with a contractor approved by the CITY OF
VANCOUVER. SURETY, for value received, further stipulates and agrees that all changes,
extensions of time, alterations, or additions to the terms of the Contract or Specifications for the
above described contract are within the scope of the SURETY's undertaking on this bond, and
SURETY hereby waives notice of any such change, extension of time, alteration or addition to
the terms of the contract or to the Work or to the Specifications. Any such change, extension of
time, alteration or addition to the terms of the contract or to the Work or to the Specifications
shall automatically increase the obligation of the Surety hereunder in a like amount, provided that
such increase shall not exceed twenty-five percent (25%) of the original amount of the obligation
without the consent of the Surety.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to faithfully perform the terms of the contract.

No right of action shall accrue on this bond to or for the use of any person or corporation other than CITY OF VANCOUVER or its heirs, executors, administrators, successors or assigns.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for obligations on this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20____.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City State ZIP

City State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.



Staff Report 126-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Award of Bid - Evergreen Estates Sewer Improvement Project

Key Points

- The project is part of Vancouver's ongoing Sewer Connection Incentive Program (SCIP)
- The project will install approximately 5,450 lineal feet of 8 and 10-inch gravity sewer mains providing 99 parcels with reliable sewer service.
- The City received 6 bids for the project.
- Staff proposes awarding a contract to the lowest, responsive bidder, NW Construction General Contractors, Inc., of Battle Ground, WA, at the bid price of \$1,637,962.43.

Strategic Plan Alignment

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

Present Situation

The Evergreen Estates project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 99 parcels by installing 4,150 linear feet of 10-inch and 1,300 linear feet of 8-inch gravity sewer mains in NE 128th, 129th, 130th and 131st Avenues, NE 14th, 16th and 17th Streets as well as, 129th Court. On July 24, 2018, the City received 6 bids for the subject project. The bids ranged between \$1,637,000 and \$2,206,000. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
NW Construction General Contracting, Battle Ground, WA	\$1,637,962.43

Advanced Excavating Specialists, LLC, Longview, WA	\$1,648,773.68
Rotschy, Inc., Vancouver, WA	\$1,698,968.72
Tapani, Inc., Battle Ground, WA	\$1,711,816.80
Clark and Sons Excavating, Inc., Battle Ground, WA	\$2,098,802.83
Nutter Corporation, Vancouver, WA	\$2,205,999.22
Engineers' Estimate	\$1,499,125.51

Based on the amount of the bid, this project will have a required minimum apprenticeship utilization of 4%.

Advantage(s)

1. Provide reliable sanitary sewer service to residents.
2. Subsequent decommissioning of septic systems will protect the community's water supply.

Disadvantage(s)

None

Budget Impact

None. Funds for the sanitary sewer improvements were appropriated in the Sewer Construction Fund, Capital Improvement Program 2017-2018 Budget via project number 083677.

Prior Council Review

Funding previously reviewed by Council as part of the 2017-2018 Sewer Construction Fund Capital Budget.

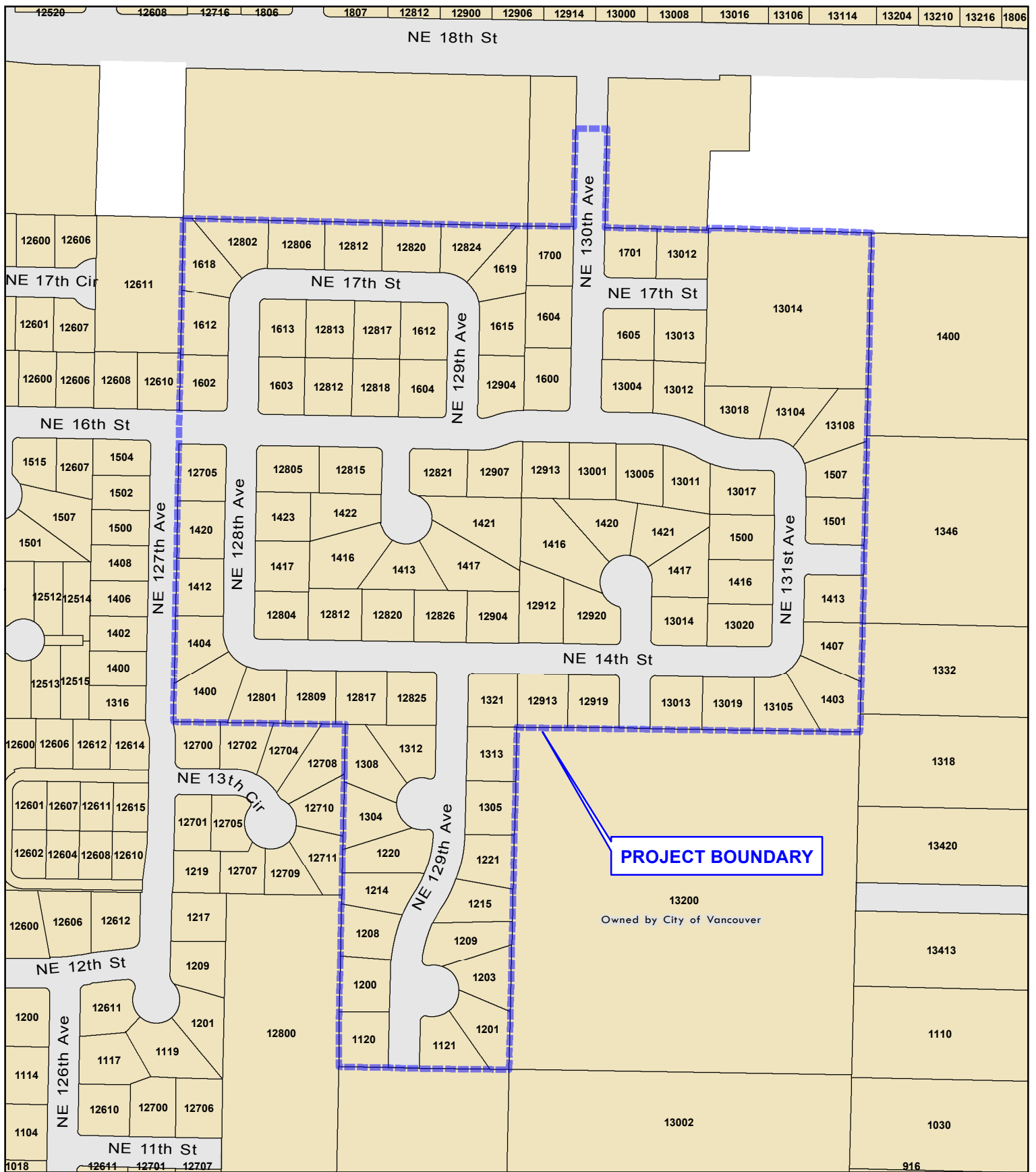
Action Requested

On August 27, 2018, award a construction contract for the Evergreen Estates Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, NW Construction General Contracting, Inc. of Battle Ground, WA, at their bid price of \$1,637,962.43, which includes Washington State sales tax.

Sheryl Hale, Senior Engineering Supervisor, 487-7151

ATTACHMENTS:

- ▣ Evergreen Estates Project Boundary
- ▣ Contract



Evergreen Estates Sewer Extension

Project Number: 083677

1 inch = 250 feet



CITY OF VANCOUVER

CONTRACT # _____

BID #18-14: EVERGREEN ESTATES SANITARY SEWER IMPROVEMENTS

THIS CONTRACT is entered into by and between NW Construction GC Inc, 22317 NE 72nd Ave, Battle Ground, WA 98604, hereinafter referred to as the Contractor, and the City of Vancouver, a municipal corporation of the State of Washington, hereinafter referred to as the Owner.

1. **Contractor's Obligation:** The Contractor, for and in consideration of the sum to be paid to it by the Owner in the manner and at the times provided, hereinafter and in the Specifications, and in consideration of the covenants and agreements herein contained, which documents are incorporated into and made a part of this contract, hereby agrees to furnish all materials, labor, tools, machinery and implements of every description necessary for construction and installation of the following improvements:

Contractor shall furnish and install approximately 4,150 linear feet of 8-inch PVC, 1,057 linear feet of 10-inch PVC, and 250 linear feet of 8-inch C900 gravity sewer mains within the Evergreen Estates neighborhood. The sewer will be installed in NE 128th Avenue, NE 129th Avenue, NE 129th Court, NE 130th Avenue, NE 131st Avenue, NE 14th Street, NE 16th Street, and NE 17th Street, including all laterals, manholes, and all appurtenances as shown on the plans and specified herein. The Contractor shall restore the pavement as detailed on the Pavement Plan sheet and place and protect and/or restore other facilities as shown on the plans and specified herein. All work shall be in accordance with the attached Contract Plans, these Contract Provisions and the Standard Specifications.

The work under the contract shall be fully completed within 100 working days of the Notice to Proceed.

The Contractor agrees to perform the work and furnish the materials in a most substantial and workmanlike manner and within the time limits stated in this Contract. The Contractor agrees that it will make all necessary arrangements for the obtaining of permits from the United States, State of Washington, and/or any of its agencies as may be necessary to do the work required and covered by this Contract.

2. **E-Verify Program:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.

BID #18-14: EVERGREEN ESTATES SANITARY SEWER IMPROVEMENTS

Contract

C-1

3. **Subcontractor Responsibility:** The Contractor shall include the language of this section in each of its first tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier.

At the time of subcontract execution, the Contractor shall verify that each of its first tier subcontractors meets the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. If applicable, have:
 - a. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - b. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - c. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - d. An electrical contractor license, if required by Chapter 19.28 RCW;
 - e. An elevator contractor license, if required by Chapter 70.87 RCW.
4. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

4. **City of Vancouver Business & Occupational License:** Contractors will be required to get a business license when contracting with the City of Vancouver, unless allowable exemptions apply. Businesses/Contractors shall contact the State of Washington Business License Service (BLS) at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to VMC Ch. 5.04.

5. **Owner's Obligation:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the Vancouver City Council, the Owner agrees to pay to the Contractor in the manner and at the times provided hereinafter and in the Contract Documents, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does includes 8.4% Washington State Sales Tax (if applicable):

One Million Six Hundred Thirty Seven Thousand Nine Hundred Sixty Two Dollars 43/100

\$1,637,962.43

The amount finally to be paid is, however, variable upon the work actually performed and final payment will be made upon the basis of the amount of work performed and the

materials furnished, and at the lump sum or unit prices fixed in the Contractor's Proposal and as modified by any and all approved Change Orders.

5. **Contractor's Insurance:** The Contractor agrees to procure insurance coverage as required by Section 1-07.18 of the Special Provisions.
6. **Contractor's Bond:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Contract Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price executed by itself as principal and by a surety company authorized to do business in the State of Washington as surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
7. **Employment of Labor:** The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by law.
8. **Payment of Labor:** The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto. The State of Washington prevailing wage rates applicable for this public works project, which is located in Clark County, may be found at the following website address of the Department of Labor and Industries: <https://fortress.wa.gov/lni/wagelookup/prvWagelookup.aspx>. Based on the Bid submittal deadline for this project, the applicable effective date for prevailing wages for this project is **July 24, 2018**.

In case any dispute arises as to what the prevailing rates of wages for work of a similar nature are and such dispute cannot be adjusted by the parties involved, the matter shall be referred to the director of the Department of Labor and Industries of the State of Washington for arbitration, and the director's decision shall be final, conclusive and binding on all parties involved in the dispute.

9. **Payment to the Contractor:** Payment to the Contractor of the Contract price by the Owner shall be made in checks drawn on the fund provided therefore. Payment shall be in the manner provided below unless another manner has been specified in the Special Provisions.

Progress payments to the Contractor shall be made within 30 days of receipt of the signed progress payment request, as approved by the Owner, for work completed during the previous month. There will be reserved and retained from monies earned by the Contractor on estimates during the progress of the improvements of work, a sum equal to 5 percent of all such estimates. Said retained amount shall be held in trust in accordance with the Specifications and Chapter 60.28 RCW.

Payment of the retained percentage shall be withheld, by the owner, for a period of 45 days following the completion of all Contract work, as defined by WSDOT Section 1-01.3, and shall be paid the Contractor at the expiration of 60 days per Chapter 39.12 RCW and Chapter 60.28 RCW, in the event no claims, as provided by law, have been filed against such funds; and provided further, that releases or certificates have been obtained from the State Department of Labor and Industries, from the State Department of Revenue, and the Employment Security Department and all other departments and agencies having jurisdiction over the activities of the Contractor. In the event such claims are filed, the Contractor shall be paid such retained percentages less an amount sufficient to pay any such claims, together with a sum sufficient to defray the cost of foreclosure action and to cover attorney fees as determined by the Owner.

Every person performing labor or furnishing supplies toward the completion of said improvement of work shall have a lien upon said monies so reserved; provided, that such notice of the lien of such claimant shall be given in the manner provided in RCW 39.08.030 and within the time provided in Chapter 60.28 RCW as now existing and in accordance with any amendments that may hereafter be made thereto.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed, with Procurement Services, the Labor and Industries executed Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in WAC 296-127-320 *Payroll*. A Contractor and all subcontractors shall, within ten days after it receives a written request, as defined by RCW 39.12.010(4) file a certified copy of the payroll records with the Owner. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

10. **Indemnity:** Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, or whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Agreement.

In the event that any suit based on such a claim, demand, loss, damage, cost, or cause of action is brought against the Contractor, the City retains the right to participate in said suit.

This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent of the Contractor, even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW. To the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such cost, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. This indemnity and hold harmless shall NOT apply in the case where liability arises from the sole negligence of the City. Contractor specifically acknowledges that the provisions

contained herein have been mutually negotiated by the parties and it is the intent of the parties that Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115.

11. **Ownership of Records and Documents – Public Disclosure:** All materials, writings and products produced by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Contract, the Contractor hereby further assigns all copyright interests in such materials, writings and products to the City. A copy may be retained by the Contractor. In the event the City receives a public record request for such materials, writings of products the City may, in its discretion, notify the Contractor of such request and withholds disclosure of such information for not less than five (5) business days to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees, or penalty assessment under Chapter 42.56 RCW.
12. **Amendments:** All changes to this Agreement, including changes to the statement of work and compensation, must be made by written amendment and signed by all parties to this Agreement.
13. **Jurisdiction/Venue:** In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Clark. This Agreement shall be governed by the law of the State of Washington.
14. **Assignment:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without express written authorization.
15. **Termination for Convenience:** The City, at its sole discretion, may terminate this Contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.
16. **Bid Documents & Contract:** The complete Contract includes these parts: this Contract, the terms of this Invitation to Bid and any addenda thereto, the Contractor's complete Proposal Form, the Special Provisions and Plans are all incorporated herein and made a part of this Contract by this reference. These parts complement each other in describing a complete Work. Any requirement in one part binds as if stated in all parts.
17. **Order of Precedence:** Any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):
 1. This Agreement and any Addenda thereto,
 2. The Invitation to Bid and any Addenda thereto,

3. Proposal Form,
4. Special Provisions,
5. Project Plans,
6. Amendments to the Standard Specifications.

18. Notices: Whenever in this written Contract written notices are to be given or made, they may be sent by certified mail to the following people at the addresses as shown herein unless a different address is designated in writing or delivered to the respective party hereto:

Owner:

Procurement Services Manager
City of Vancouver
415 W 6th St.
P O Box 1995
Vancouver WA 98668-1995

Contractor: NW Construction GC Inc.
22317 NE 72nd Ave
Battle Ground, WA 98604

Original signed at Vancouver, Washington, on the dates listed below.

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

Eric Holmes, City Manager

Signature:

DATE

By: Printed Name / Title

Attest:

Natasha Ramras, City Clerk

Approved as to form:

E. Bronson Potter, City Attorney

LABOR AND MATERIALS PAYMENT BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW ALL MEN BY THESE PRESENTS:

We the Undersigned _____ as
PRINCIPAL (Contractor) and _____
_____ a corporation organized and existing under and by virtue of the laws of the state of _____,
and duly authorized to do surety business in the state of
Washington and named on the current list of approved surety companies acceptable on federal
bonds and conforming with the underwriting limitations as published in the Authorized Insurance
List in the State of Washington published by the Office of the Insurance Commissioner and
which carries an "A" rating and is of the appropriate class for the bond amount as determined by
Best's Rating System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors,
administrators, successors and assigns, jointly and severally, unto CITY OF VANCOUVER, as
OBLIGEE, in the sum of _____
Dollars (\$_____) in lawful money of the United States of America, for the payment of that
sum for the use and benefit of claimants as defined below.

The condition of this obligation is such that whereas the PRINCIPAL entered into a
contract with CITY OF VANCOUVER dated _____, 20____, which
contract is hereunto annexed and made a part hereof, for accomplishment of the all contract
terms for the project described as follows:

BID #18-14: EVERGREEN ESTATES SANITARY SEWER IMPROVEMENTS

NOW THEREFORE, if the PRINCIPAL shall promptly make payments to all persons,
firms, subcontractors, corporations and/or others furnishing materials for or performing labor in
the prosecution of the Work provided for in the aforesaid contract, and any authorized extension
or modification thereof, including all amounts due for materials, equipment, mechanical repairs,
transportation, tools and services consumed or used in connection with the performance of such
Work, and for all labor performed in connection with such Work whether by subcontractor or
otherwise, and all other requirements imposed by law, then this obligation shall become null and
void; otherwise this obligation shall remain in full force and effect, subject, however, to the
following condition:

The above-named PRINCIPAL and SURETY hereby jointly and severally agree that
every claimant, who has not been paid in full, may sue on this bond for the use of such claimant,
prosecute the suit to final judgment in for such sum or sums as may be justly due claimant, and
have execution thereon. The OBLIGEE shall not be liable for the payment of any judgment,
costs, expenses or attorneys' fees of any such suit.

PROVIDED, FURTHER, that SURETY for the value received, hereby stipulates and agrees that all changes, extensions of time, alterations to the terms of the contract or to Work to be performed thereunder or the Specifications accompanying the same shall be within the scope of the SURETY's undertaking on this bond, and SURETY does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the SURETY hereunder in a like amount, provided that the total of such increases shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the SURETY.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted, or if the full amount of the obligation is not exhausted and no claim is pending resolution, until such time as no further claims can be made pursuant to law with regard to the above-described project.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, materialpersons, or any other person who provides supplies or provisions for carrying out the work.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for all obligations of this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20____.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City, State ZIP

City, State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.

PERFORMANCE BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPAINED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW BY ALL MEN BY THESE PRESENTS:

We the undersigned _____ as
PRINCIPAL (hereinafter called CONTRACTOR), and _____
_____ a corporation organized and existing under and by virtue of the laws of the state of _____
_____ duly authorized to do surety business in the state of Washington
and named on the current list of approved surety companies acceptable on federal bonds and
conforming with the underwriting limitations as published in the Authorized Insurance List in the
State of Washington published by the Office of the Insurance Commissioner and which carries an
"A" rating and is of the appropriate class for the bond amount as determined by Best's Rating
System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors, administrators,
successors and assigns, jointly and severally, to pay to CITY OF VANCOUVER as OBLIGEE
(hereinafter called CITY OF VANCOUVER), the amount of _____
_____ Dollars (\$ _____) in lawful money of the United
States of America.

WHEREAS, the CONTRACTOR entered into a contract with CITY OF VANCOUVER
dated _____, 20____, which Contract is hereunto annexed and made a part
hereof, for accomplishment of the all contract terms for the project described as follows:

BID #18-14: EVERGREEN ESTATES SANITARY SEWER IMPROVEMENTS

NOW, THEREFORE, the condition of this obligation is such that if the CONTRACTOR
shall promptly, truly and faithfully perform all the undertakings, covenants, terms, conditions,
and agreements of the aforesaid contract and having performed its obligations thereunder, then
this obligation shall be null and void; otherwise it shall remain in full force and effect.

Whenever CONTRACTOR shall be declared by CITY OF VANCOUVER to be in
default under the Contract Documents for the project described herein, the SURETY shall
promptly remedy the default by completing the project in accordance with the Contract
Documents and the project Specifications with a contractor approved by the CITY OF
VANCOUVER. SURETY, for value received, further stipulates and agrees that all changes,
extensions of time, alterations, or additions to the terms of the Contract or Specifications for the
above described contract are within the scope of the SURETY's undertaking on this bond, and
SURETY hereby waives notice of any such change, extension of time, alteration or addition to
the terms of the contract or to the Work or to the Specifications. Any such change, extension of
time, alteration or addition to the terms of the contract or to the Work or to the Specifications
shall automatically increase the obligation of the Surety hereunder in a like amount, provided that
such increase shall not exceed twenty-five percent (25%) of the original amount of the obligation
without the consent of the Surety.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to faithfully perform the terms of the contract.

No right of action shall accrue on this bond to or for the use of any person or corporation other than CITY OF VANCOUVER or its heirs, executors, administrators, successors or assigns.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for obligations on this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20____.

SURETY

CONTRACTOR

By:_____

By*:_____

Title:_____

Title:_____

Street Address

Street Address

City State ZIP

City State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.



Staff Report 127-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Resolution Approval for the Comprehensive General Sewer Plan, Clark Regional Wastewater District

Key Points

- Approximately 1600 acres of the Clark Regional Wastewater District service area is within Vancouver's Corporate limits. Approximately 36 square miles of the District's service area is within Vancouver's currently unincorporated urban growth boundary.
- The City provides wholesale wastewater treatment services to the District for approximately ten-percent of the wastewater generated within the District service area. This provision of service is pursuant to interlocal agreements (e.g. Wholesale Wastewater Treatment and Coordination of Services) between the City and the District.
- The District must plan to provide for a sewer system that is suitable and adequate for the present and reasonably foreseeable future needs.
- The District must adopt a plan for the facilities that the District proposes to provide, before constructing those facilities.
- The District's plan must be approved by resolution of any city, all or a portion of which is included in the Plan, RCW 57.16.010(7).
- The Plan is consistent with current comprehensive planning.

Strategic Plan Alignment

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

Present Situation

The Clark Regional Wastewater District's Comprehensive General Sewer Plan (CGSP) presents a sewer capital improvement program that supports implementation of the City's adopted comprehensive plan. The CGSP identifies the general location and size of sewer infrastructure and the estimated cost of the improvements, including a long-term plan for financing and distributing the cost and expense of the facilities and services. The capital improvements

identified in the unincorporated Vancouver Urban Growth Area total \$106.6 million in investment over the 20-year planning period. Approximately \$41.4 million is forecast for restoration and replacement projects (R&R) and \$65.2 million in capital improvement projects. The grand total investment in the Plan, across the entire District, is \$147.2 million. This plan replaces the District's 2001 General Sewer Plan, adopted by the City via Resolution No. M-3353 on August 6, 2001, which was subsequently amended in 2006 and 2013.

Advantage(s)

1. Adoption of the District's plan conveys the direction and intent of the District to provide certain sanitary sewer capital and restoration and replacement projects within the unincorporated Vancouver Urban Growth Area, as well as within the portion of the District's service area that lies within the current Vancouver city limits.
2. Adoption of the plan supports the standing level of service commitments and coordinated facility planning between the City of Vancouver and the District
3. Adoption of the plan supports implementation of the City's adopted comprehensive plan.
4. Adoption of the District's plan satisfies state law.

Disadvantage(s)

None.

Budget Impact

None of the capital improvements or maintenance projects contained in the plan will be funded by the City or our rate payers. The capital improvements contained in the plan will be tied directly to District adopted rates and charges.

Prior Council Review

None

Note: A copy of the Comprehensive General Sewer Plan is available to review on-line at www.crwwd.com/projects/gensewer.php, at the District office (8000 NE 52nd Ct Vancouver, WA), and at the City of Vancouver Engineering Services office.

Action Requested

Adopt a resolution approving the Clark Regional Wastewater District Comprehensive General Sewer Plan.

Sheryl Hale, Senior Engineering Supervisor, 487-7151

ATTACHMENTS:

- ▣ Resolution
- ▣ Executive Summary, Comprehensive General Sewer Plan

8/27/2018

RESOLUTION NO. M-

A RESOLUTION relating to review and approval of the December 2017 Clark Regional Wastewater District Comprehensive General Sewer Plan.

WHEREAS, the Clark Regional Wastewater District (the “District”) provides wastewater services within a portion of the City of Vancouver, in addition to all of the City of Ridgefield and portions of Battle Ground and unincorporated Clark County; and

WHEREAS, the District’s customer base has nearly doubled in 20 years, spurred by high rates of growth in Clark County, and the customer base is projected to continue to rise; and

WHEREAS, in accordance with local comprehensive planning efforts and state law, the District produced the December 2017 Comprehensive General Sewer Plan (the “Plan”) to present its plans for improving, operating, and extending its wastewater system through 2036; and

WHEREAS, under RCW 57.16.010, the Plan must be approved by Vancouver’s City Council;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City of Vancouver, in accordance with Chapter 57.16 RCW, hereby approves the December 2017 Clark Regional Wastewater District Comprehensive General Sewer Plan.

ADOPTED at regular session of the Council of the City of Vancouver, this 27th day of August, 2018.

RESOLUTION - 1

Anne McEnery-Ogle, Mayor

Attest:

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

Approved as to form:

E. Bronson Potter, City Attorney

RESOLUTION - 2



Comprehensive General Sewer Plan

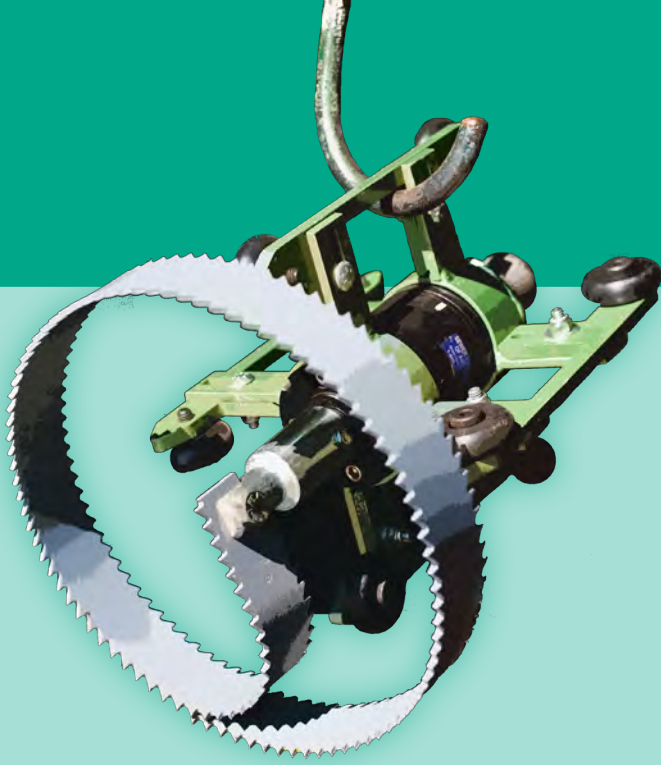
December 2017





Executive Summary





A root saw is used to cut through large roots intruding into a sewer main using a rotating blade driven by hydraulic water pressure

Executive Summary



1.1 Introduction

Clark Regional Wastewater District (District) operates a public wastewater system extending more than 50 square miles and serving nearly 100,000 residents in Clark County, Washington. The District serves all of the City of Ridgefield, portions of the cities of Battle Ground and Vancouver and large portions of unincorporated Clark County.

The District's customer base has nearly doubled in 20 years, spurred by high rates of growth in Clark County. Over the next 20 years, the customer base is projected to continue to rise rapidly in the Ridgefield area and more moderately in the other urban areas served by the District. Consistent with local comprehensive planning efforts and the state statute regulating discharge of pollutants to waters of the State (Chapter 90.48 Revised Code of Washington (RCW)), the District has produced this Comprehensive General Sewer Plan (Plan) to present its plans for improving, operating, and extending its wastewater system through 2036.

The Plan is an integral part of the District's ongoing focus on reliability, and its commitment to environmental stewardship and fiscal responsibility. It evaluates the current capacity of the collection and conveyance system, predicts future wastewater flows based on projected population changes, evaluates future capacity and schematically illustrates sewer extensions into areas where new growth is expected. The Plan incorporates management and policy recommendations, a capital improvement program (CIP) and a financial analysis.

The Plan satisfies the requirements for a General Comprehensive Plan (GCP) and a General Sewer Plan (GSP). The GCP is prepared in accordance with the requirements of Section 57.16.010 RCW. The GSP is prepared in accordance with the requirements of Section 90.48.110 RCW and Sections 173-240-010, 173-240-020, and 173-240-050 Washington Administrative Code (WAC).

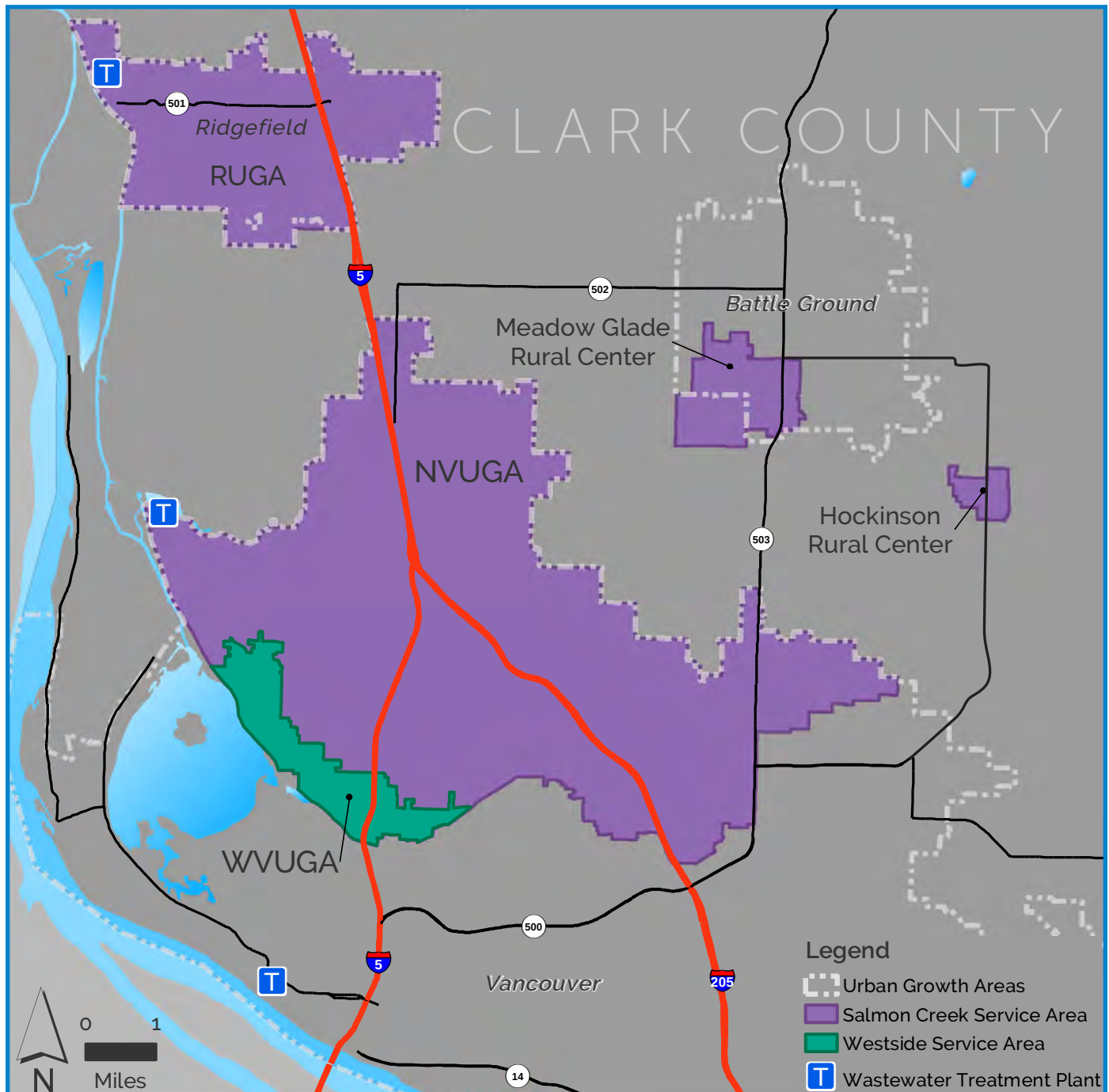
1.1.1 Service Area Description

The District is divided into 2 primary service areas, the Westside Service Area and the Salmon Creek Service Area, described below. The service area designations are based on the treatment facility ultimately receiving wastewater from the properties in each area.

A map of the District is presented in Figure 1.1.

FIGURE 1.1

Clark Regional Wastewater District





1.1.2 Land Use

The State of Washington adopted the Growth Management Act (GMA), Chapter 36.70A RCW, with the intent of concentrating new development and population gains within designated urban areas. Counties planning under GMA define a UGA within which urban services such as sewers can be provided. The District serves those areas where Clark County has designated it as the sewer purveyor. The service area is suburban in nature and is located within the UGA, except for isolated sites outside of the UGA where Clark County authorizes sewer service in accordance with local and state regulations.

The District relies on GMA-compliant land use planning by local governments to help predict where demand for its services will increase. Comprehensive plan and zoning designations regulate the types of development and densities allowed. The demand for wastewater varies depending upon these and other factors. Today, the service area is predominantly residential with a mix of commercial, retail, light industrial and institutional uses. Approximately 70% of the District's customer accounts are single-family residential, 15% are multi-family residential and 15% are non-residential. Continued growth in the non-residential sectors is expected over the planning horizon in accordance with adopted land use plans.

WESTSIDE SERVICE AREA

The Westside Service Area consists largely of a portion of the Vancouver UGA immediately north of Vancouver along Interstate 5 (I-5). A few parcels served by the District within the City limits are also included. This area is referred to in this Plan as the West Vancouver UGA (WVUGA), and it covers a total of 1,936 acres. Wastewater flows are conveyed to a point of connection to the City-owned conveyance system and ultimately to the Vancouver Westside Wastewater Treatment Plant (VWTP).

SALMON CREEK SERVICE AREA

The Salmon Creek Service Area is the largest component of the District's system, both in terms of number of customers and acreage. The area includes Ridgefield and its UGA (RUGA) and a portion of the Vancouver UGA referred to as the North Vancouver UGA (NVUGA) in this Plan. The Salmon Creek Service Area covers more than 30,000 acres (about 48 square miles). The RUGA is 6,314 acres. Wastewater flows from the RUGA are currently conveyed either to the Salmon Creek Wastewater Treatment Plant (SCTP) or to the Ridgefield Wastewater Treatment Plant (RTP). The NVUGA is 24,624 acres. Wastewater flows from the NVUGA are directed to the SCTP.

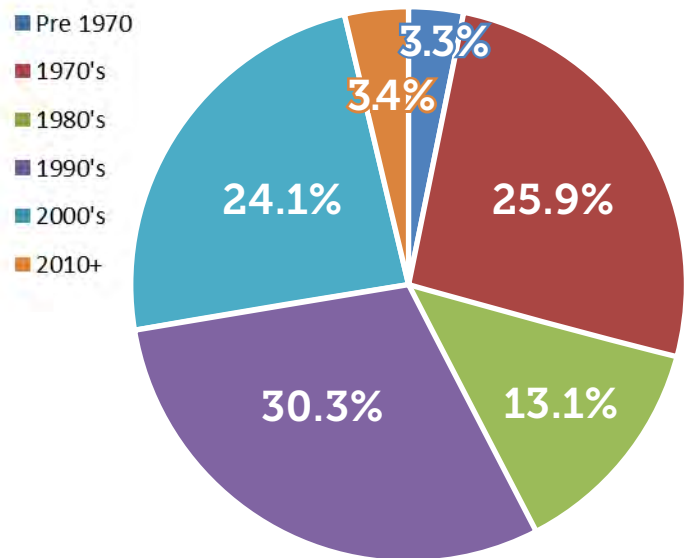
The designated rural centers of Hockinson and Meadow Glade in unincorporated Clark County are also a part of the Salmon Creek Service Area. For planning purposes, the rural centers are included with the NVUGA. Both areas are served with a residential scale Septic Tank Effluent Pumping (STEP) system. Hockinson is a standalone area of approximately 280 acres at NE 159th Street and NE 182nd Ave. Meadow Glade covers approximately 1,389 acres near and in Battle Ground.





FIGURE 1.2

Gravity Sewer Pipe Aging



1.1.3 System Inventory & Age

The District owns and operates a modern collection and conveyance system of gravity sewers, pump stations (with associated force mains) and STEP systems, including more than 370 miles of main-line gravity sewers and 67 pump stations. The system is in good condition and is relatively young. More than 50% of the District's gravity pipe inventory has been constructed since 1990. The aging of the District gravity pipes is shown in Figure 1.2. Pump station aging is similar, and approximately 80% of existing pump station inventory has been constructed since 1990.

Modern pipes are expected to have a typical usable life of 100 years. Modern pump station structures typically last 75 years; however, the control and mechanical equipment requires replacement every 10 to 20 years. Age is one of several factors used in determining maintenance levels and schedules for restoration and replacement of infrastructure.

1.2 Growth of Population and Wastewater Flows

The District must plan to collect and convey wastewater flows generated from expected future populations within its service area. Growing populations will generate related increases in wastewater flows, placing increased demand on the wastewater system. This Plan's demographic projections and engineering analyses anticipate continued growth of the customer base and associated increases in flows. Between 2016 and 2036 the WVUGA population will grow by 14%, NVUGA by 69%, and RUGA by 277%. On average, the District population is forecast to grow by 86%.

Future wastewater flows are estimated from population using a ratio of flow per capita. The unit flow values in Table 1-1 are used to estimate sewer flows. The values are based on observations of flows within the District's system and a review of values used around the region. Unit flow values are assigned to each of the 4 population segments studied in this Plan.

Expressed in gallons per day (gpd), average annual flows (AAF) in the District's systems are expected to rise from 8.3 million gpd in 2016 to nearly 16 million gpd in 2036. Table 1-2 presents expected flows by service area. By 2066, total District flows may rise to nearly 26.6 million gpd.



The unit values presented in Table 1-1 reflect an observed decrease in per capita flow within the District's system. Future populations are expected to generate less wastewater per capita. This trend is due in part to water conservation efforts and the promulgation of more efficient fixtures and equipment. Residential unit flows are forecast at 25% below planning values used in prior plans. If the unit values used in prior plans had been applied to this Plan's population projections, projected future wastewater demand would have been much higher.

TABLE 1-1
Flow Rates per Population Segment

SEGMENT	AAF (WITH BASELINE INFILTRATION AND INFLOW INCLUDED)
Residential	75 gal/capita/day
Employment	15 gal/employee/day
Student	15 gal/student/day
Industrial	1,500 gal/acre/day

TABLE 1-2
Predicted Flows, 2016 and 2036

	2016 AAF (MILLION GPD)	2036 AAF (MILLION GPD)
Westside Service Area (WVUGA)	0.8	0.9
Salmon Creek Service Area	7.5	15.1
RUGA	0.6	3.5
NVUGA	6.9	11.6
GRAND TOTAL	8.3	16

1.3 System Capacity Analysis

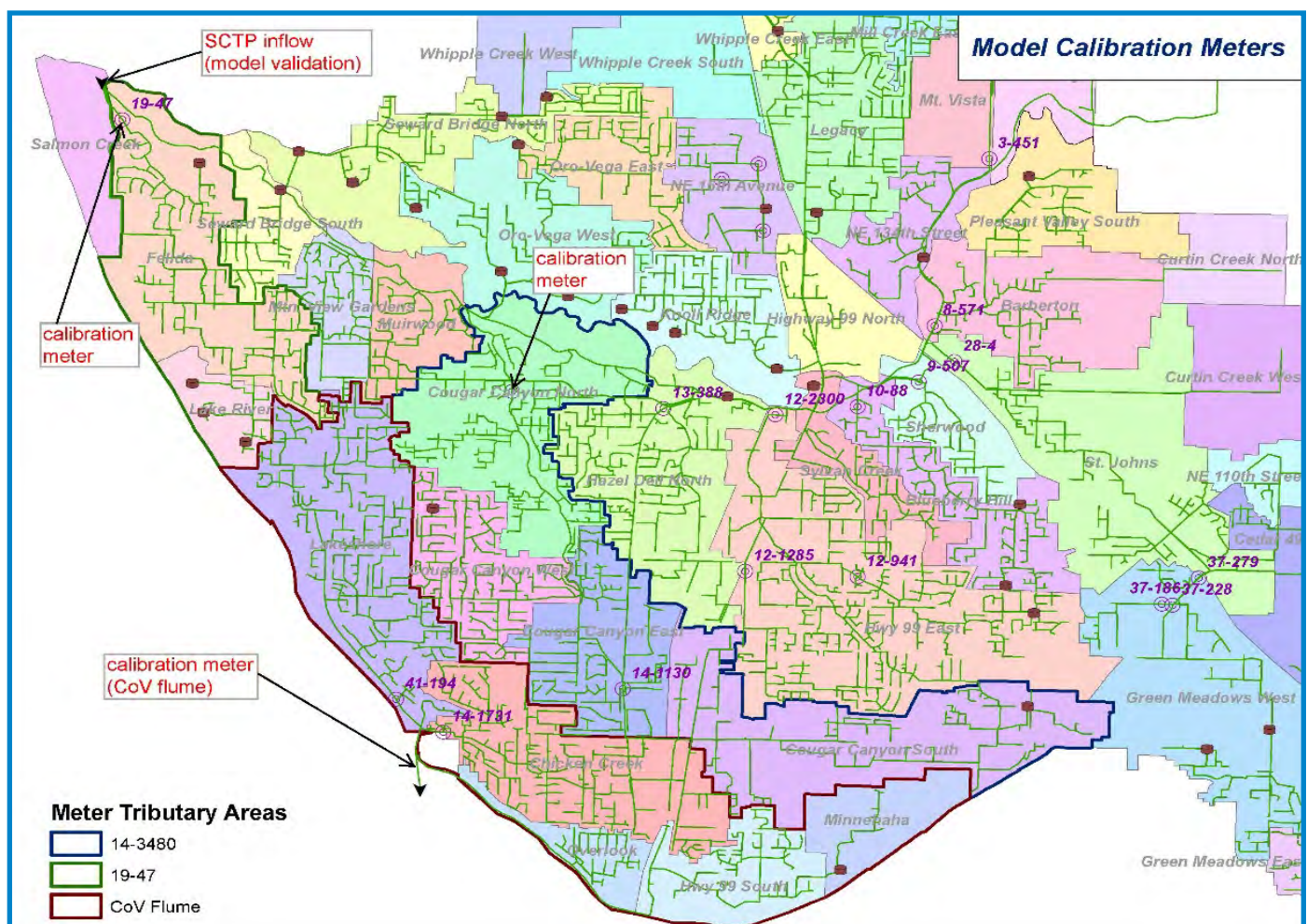
A hydraulic model is used to evaluate the capacity of the District's system to collect and convey wastewater flows under current and future projected flow conditions. The model constructed for this Plan shows that the majority of the District's existing pipes and pump stations are able to convey wet weather flows in the 2016 and 2036 modeled scenarios without surcharging. This result is influenced by conservative past engineering practices and the evident decline in wastewater flows per capita.

1.3.1 Hydraulic Modeling

The hydraulic model is a simplified digital simulation of the existing wastewater conveyance system. The model simulates wastewater flows through the system using a combination of flows projected based on population and flows simulated from a theoretical rain storm ("design storm").

The model is calibrated to ensure that the simulated collection system is an accurate representation of the physical system and its hydraulic response. The calibrated model output matches measured real world data within acceptable limits. Data from an inflow meter at the SCTP is used to validate the model after calibration at selected flow meters. Calibration flow meters and their respective contributing areas are shown in Figure 1.2.

FIGURE 1.2
Calibration Flow Meter Locations





1.3.2 Modeled Capacity

In the 2016 simulated scenario, only a few isolated locations are nearing capacity during the design storm. Only 3 gravity pipe segments, or less than 0.5% of the system, are capacity limited in the model. And only 4 pump stations, or approximately 6% of existing stations, are capacity limited.

In the 2036 simulated scenario, 13 locations in the District's wastewater system have capacity limitations during the design storm. These include 4 gravity pipe segments representing approximately 1% of the total system and 9 pump stations, or 13% of stations. Of the pump stations, 5 capacity limitations also include associated force mains and 1 includes an associated gravity pipe.

1.3.3 Conveyance Capacity Projects

Conveyance capacity limitations may be remedied by increasing the size of the infrastructure (upsizing) or by decreasing demand at the location by re-routing some or all flows directed to the pipe or pump station. Recommended capital projects include a mix of upsizing and diversion solutions for those pipes and pump stations with anticipated capacity limitations. Each capacity limitation has been resolved with the improvements proposed in this Plan

1.3.4 Treatment Plant Capacity

The District solely provides wastewater collection and conveyance, and it coordinates with local partners for treatment of its wastewater flows. Because it does not own a wastewater treatment plant, the District is not directly responsible for plant capacity planning, and the treatment plants are not a part of this Plan. However, the District's 20-year planning assumptions rely on certainty that it can continue to direct flows to two wastewater treatment plants in Clark County – the VWTP and the SCTP. Future flows predicted by the hydraulic model have been compared to plant capacity using information from approved facility plans provided by their operators. Both the VWTP and the SCTP will have adequate capacity to receive and treat projected District flows through 2036.

1.4 Operations Programs



District operations contribute to maintaining system functions and optimum capacity of conveyance components. A standardized level of service plan has been adopted throughout the service area providing for service at or above industry standards. The District uses an industry-standard maintenance management software to track inspections and work orders. The District maintains its conveyance system regularly and inspects components routinely. Maintenance and preventative activities are targeted where inspections show system functions are compromised by grease and grit or by deteriorating system conditions.

1.5 Policy Recommendations

Over time, the District's knowledge of its wastewater system has improved. Industry standards for modeling assumptions and risk assessment have also changed over the years. For instance, the hydraulic model used to simulate system capacity in 2036, carried out to support this Plan, demonstrates that previous design and planning policies have been conservative. This has allowed the District to, where appropriate, amend existing and adopt new policies as part of this Plan. In addition to unit flow values previously discussed, the following policies that influence the design and analysis of the collection system are adopted in this Plan:

- » A 25-year simulated storm is selected as the basis of design; infrastructure is sized to carry peak flows associated with the design storm.
- » Gravity sewer pipes may surcharge within established limitations during the peak flow conditions.
- » A flow trigger for managing pump station capacity has been established. Capital planning measures are initiated when the run time for the lead pump in a pump station approaches 45 minutes per hour under peak flow conditions.



1.6 Staffing Assessment

The District employs 55.5 full-time equivalent (FTEs) employees. Of these, 14 FTE are assigned to operation and maintenance of the collection system, including 7 assigned to gravity sewers and 7 assigned to pump station/force main facilities. Table 1-3 compares District staffing level to several similar utilities in western Washington.

The District has comparable or slightly higher staffing levels than the other wastewater service providers. Economy of scale normally suggests that agencies with smaller systems, fewer linear feet of pipe, typically would have a higher ratio of personnel to pipe length. Other variables, however, have a substantive impact on staffing needs. These include the numbers of pump stations and STEP systems, both of which increase staffing needs, and levels of service. This is evidenced clearly with the data presented in Table 1-3. Given these and other factors, the District staffing levels are reasonable and appropriate.

TABLE 1-3
O&M Staffing Comparison

AGENCY	PUMP STATIONS	CURRENT STAFF	LENGTH PIPE (LF)	FTE / 100,000 LF
City of Lacey*	47	6	898,000	0.67
Southwest Suburban Sewer District	11	6	1,219,000	0.49
Alderwood Water and Wastewater District	14	10	1,942,900	0.50
District*	67	14	1,971,700	0.71

*Substantial STEP systems

1.7 Capital Improvement Program (CIP)

The development of a realistic, feasible, and defensible CIP is one of the primary goals of this Plan. Based on analyses of population growth as well as system capacity, age and condition, the CIP includes projects falling into two categories: restoration and replacement (R&R) and capital projects.

R&R projects address improvements to the existing collection system. These are commonly related to operations and maintenance (O&M), poor condition or obsolescence of existing infrastructure.

Capital projects are those construction projects that, in general, address system improvements that are necessary to accommodate growth. Capital projects can be further categorized as capacity or expansion related projects. Capacity projects increase the size of infrastructure to accommodate increased flow resulting from population growth. Expansion projects construct new infrastructure required to extend service to undeveloped areas.



1.7.1 CIP Summary

Over a 20-year planning period, the District identifies a grand total of \$147.22 million in projects by 2036. The 6-year 2017 to 2022 CIP identifies a total of approximately \$47.10 million in capital and R&R projects.

The 6-year and 20-year CIPs are summarized in Table 1-4 and Figure 1.4.

TABLE 1-4
CIP Summary

	(MILLIONS OF \$)		
	R&R PROJECTS	CAPITAL PROJECTS	GRAND TOTAL
6-YEAR CIP (2017-2022)	10.34	36.76	47.10
Salmon Creek Service Area	8.19	36.13	44.32
NVUGA	7.73	22.08	29.81
RUGA	0.46	14.05	14.51
Westside Service Area (WVUGA)	2.15	0.63	2.78
20-YEAR CIP (2036)	35.32	64.80	100.12
Salmon Creek Service Area	31.97	64.44	96.41
NVUGA	28.13	42.15	70.28
RUGA	3.84	22.29	26.13
Westside Service Area (WVUGA)	3.35	0.36	3.71
GRAND TOTAL	45.66	101.56	147.22

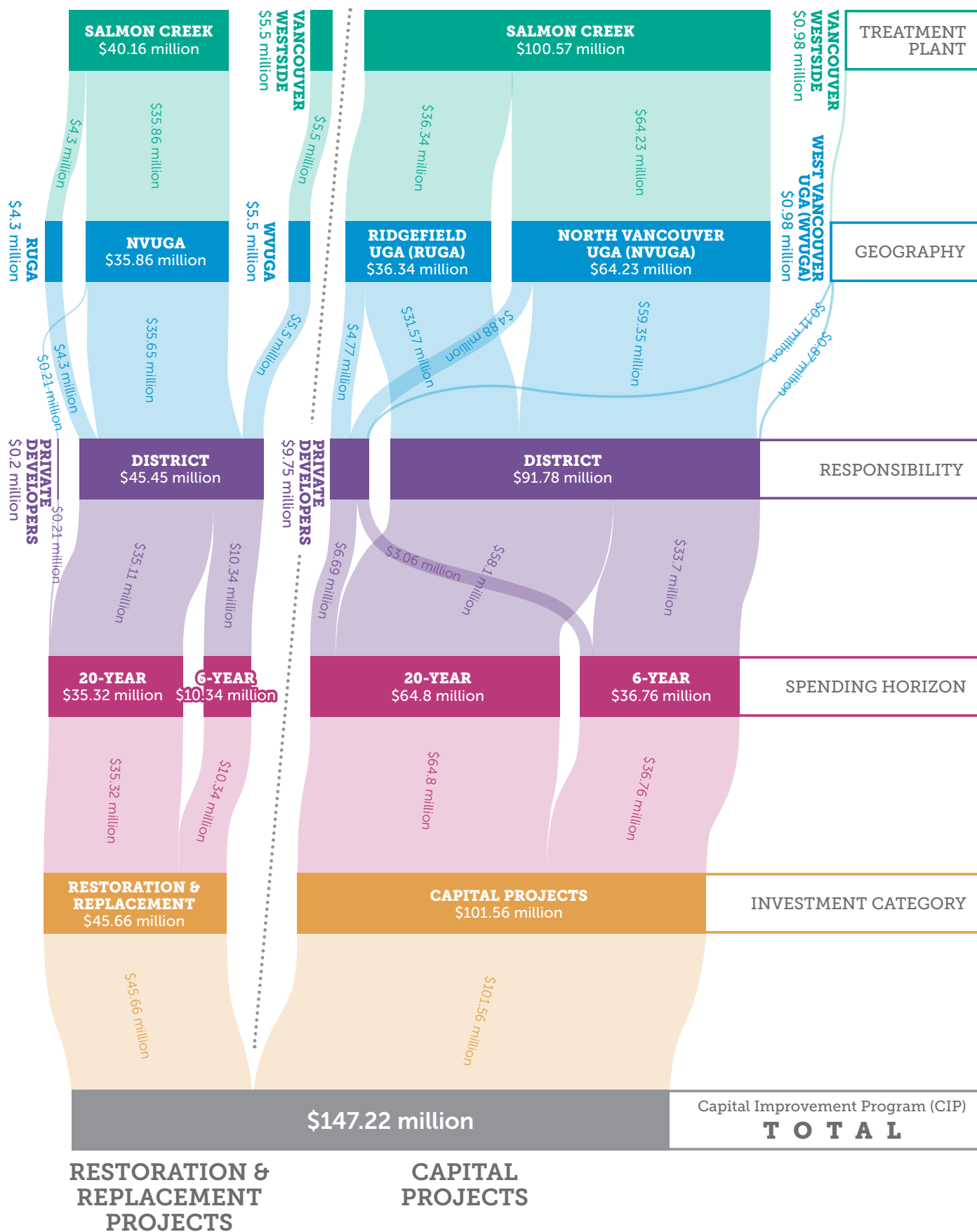


FIGURE 1.4

Capital Improvement Program Flow Diagram



1.8 Financial Analysis

The Plan includes the required 6-year financial analysis. The analysis estimates the total cost of providing wastewater service, including execution of the CIP, and defines a financial program of rates and charges to fund operations. The District Board has a practice to fund debt service on capital from rates, and to fund future capital needs from system development charges (SDCs) or debt undertaken to fund major discrete capital projects.

1.8.1 Financial Performance

The District has a long history of strong financial performance. Through the combination of customer growth and periodic rate increases, sewer rate revenue has increased to fund annual operating expenses. In addition, the District has maintained positive and healthy liquidity. Modest future rate increases are necessary to avoid eroding net income and to keep pace with inflation.

1.8.2 Sources of Funding (Resources)

To fund the CIP, the District will use its internal resources such as existing cash and investments, capital-related revenues and rate revenue. Ongoing revenues from rates are best suited to fund ongoing capital repair/replacement and maintenance needs. Furthermore, grant, loan, and bond opportunities can be available to the District through federal and state agencies to fund capital projects in the CIP. The District's revenue sources are:

- » Rates
- » SDCs
- » Local facilities charges
- » Developer extensions/latecomer agreements
- » Local improvement districts/utility local improvement districts
- » Government programs, such as the Public Works Trust Fund and the State Revolving Fund
- » Public debt (e.g. revenue bonds/private placements)

1.8.3 Financial Forecast

The financial forecast is developed from the 2017 budget. Rate revenue is projected based on actual 2016 rate collections and expected growth. The following assumptions are made in the analysis:

- » **Growth.** From a baseline 1,550 ERUs in 2017, strong growth continues in the next 5 years.
- » **Revenue.** Other (non-rate) revenues of \$1.6 million are forecast based on the 2017 Budget.
- » **O&M Expenses.** General cost inflation (3% per year), salary costs (5% per year), and benefit costs (6% per year) are expected.
- » **Capital.** Capital project costs are forecast to increase at 5% per year over the 6-year planning window based on the recent inflation in the ENR Construction Cost Index.
- » **Debt.** No new debt is forecast over the 6-year planning period; the District has an outstanding revenue bond and 3 outstanding loans.

A 6-year revenue requirement forecast is presented in Table 1-5. Annual revenue requirements based on the forecast of revenues, expenditures, fund balances and fiscal policies are summarized in Table 1-5. Planning period rate revenues and other revenues are forecast to incrementally grow over the following 5 years from 19.4 million and \$1.6 million in 2017 to \$23.5 million and \$1.8 million in 2022, respectively. SDC revenue is projected to be \$7.6 million.

As shown in Table 1-5, the combined fund balance will decrease over the planning period, beginning 2017 at \$35.2 million and ending 2022 with \$32.0 million. The District reserves are adequate to meet all financial needs and to permit the drawdown of fund balances while complying with all District financial policies.



TABLE 1-5**Revenue Requirement Forecast**

	2017	2018	2019	2020	2021	2022
Revenues						
Charges for Services	\$19,387,581	\$19,997,241	\$20,710,606	\$21,868,151	\$22,415,551	\$23,470,808
Other operating revenues	1,593,500	1,689,234	1,601,405	1,650,504	1,697,066	1,758,222
Total Revenues	20,981,081	21,686,475	22,312,011	23,518,655	24,112,617	25,229,030
Expenses						
Operating expenses	18,286,500	19,373,791	19,758,880	20,319,825	21,379,864	22,019,457
Debt service	1,921,089	1,914,544	1,907,998	1,901,452	1,894,906	1,888,360
Rate funded capital	1,335,204	3,122,688	1,348,974	1,961,639	1,331,270	1,240,225
Total Expenses	21,542,793	24,411,023	23,015,852	24,182,916	24,606,040	25,148,042
Surplus/(Deficiency)	\$(561,712)	\$(2,724,548)	\$(703,841)	\$(664,261)	\$(493,423)	\$80,988
Annual Rate Adjustment	0.00%	0.00%	0.00%	2.63%	0.00%	2.56%
Collection/(Use) of Reserves for Rate Management	\$(695,233)	\$(3,036,817)	\$(838,738)	\$(860,425)	\$(626,550)	\$(43,034)
Coverage Ratio Realized	1.10	1.10	1.10	1.10	1.10	1.10
Coverage Ratio Required	1.10	1.10	1.10	1.10	1.10	1.10
Ending Combined Fund Balance	\$35,194,407	\$38,240,466	\$35,138,730	\$33,639,810	\$32,849,218	\$32,024,020
<i>Combined Minimum Target Balance</i>	<i>\$23,239,252</i>	<i>\$22,910,455</i>	<i>\$23,261,978</i>	<i>\$23,672,194</i>	<i>\$25,286,397</i>	<i>\$25,634,404</i>



1.8.4 Current and Projected Rates

EXISTING AND PROJECTED RETAIL RATES

The District's current and projected rate structure for residential customers is a fixed monthly charge per Equivalent Residential Unit (ERU) (see Table 1-6). The fixed base rate applies to all residential customers. Residents in Ridgefield pay the base rate plus a system integration charge. Eligible low-income senior customers pay a discounted rate depending on their specific qualifying income levels. Multi-family residential units are charged 0.80 ERU per unit.

TABLE 1-6
Rate Forecast

	2017	2018	2019	2020	2021	2022
SALMON CREEK SERVICE AREA						
NVUGA						
Monthly Sewer Rates	\$38.00	\$38.00	\$38.00	\$39.00	\$39.00	\$40.00
Senior Discount - 20%	30.40	\$30.40	\$30.40	31.20	31.20	32.00
Senior Discount - 35%	24.70	\$24.70	\$24.70	25.35	25.35	26.00
Multi-family Unit	30.40	\$30.40	\$30.40	31.20	31.20	32.00
RUGA						
Monthly Sewer Rates	55.70	\$55.00	\$54.10	54.30	53.70	54.10
Senior Discount - 20%	44.56	\$44.00	\$43.28	43.44	42.96	43.28
Senior Discount - 35%	36.21	\$35.75	\$35.17	35.30	34.91	35.17
Multi-family Unit	44.56	\$44.00	\$43.28	43.44	42.96	43.28
WESTSIDE SERVICE AREA (WVUGA)						
Monthly Sewer Rates	38.00	\$38.00	\$38.00	39.00	39.00	40.00
Senior Discount - 20%	30.40	\$30.40	\$30.40	31.20	31.20	32.00
Senior Discount - 35%	24.70	\$24.70	\$24.70	25.35	25.35	26.00
Multi-family Unit	30.40	\$30.40	\$30.40	31.20	31.20	32.00

EXISTING AND PROJECTED SYSTEM DEVELOPMENT CHARGES

SDCs are a form of connection charge authorized by Section 57.08.005 RCW. SDCs are imposed on new customers connecting to the system as a condition of service. The underlying premise of the SDC is that new growth (i.e. future customers) will pay an equitable share of existing and future system costs through an upfront charge for system capacity. SDC rates are reviewed periodically to ensure the revenues generated from new connections will sufficiently fund new infrastructure (or capital purchases) added to the District's collection system. SDCs are forecast to remain level over the study period 2017-2022 as noted in Table 1-7 below.

TABLE 1-7
System Development Charge Forecast

	2017	2018	2019	2020	2021	2022
<i>Salmon Creek Service Area</i>						
RUGA	\$4,708	\$4,708	\$4,708	\$4,708	\$4,708	\$4,708
NVUGA	\$7,550	\$7,550	\$7,550	\$7,550	\$7,550	\$7,550
<i>Westside Service Area (WVUGA)</i>	\$1,720	\$1,720	\$1,720	\$1,720	\$1,720	\$1,720

1.9 Conclusion

Ample system capacity and a strong financial position suggest the District is in a position to provide excellent service to existing and future customers. Plans are in place to proactively accommodate expected growth and increasing demand for sewer services over the next 20 years. The 6-year capital projects may be funded without increasing SDCs, while the 6-year R&R projects and operating expenses may be funded with modest changes to monthly customer rates. District rates will remain competitive both locally and regionally.

A summary of the planning sequence and selected conclusions is presented in Figure 1.5.

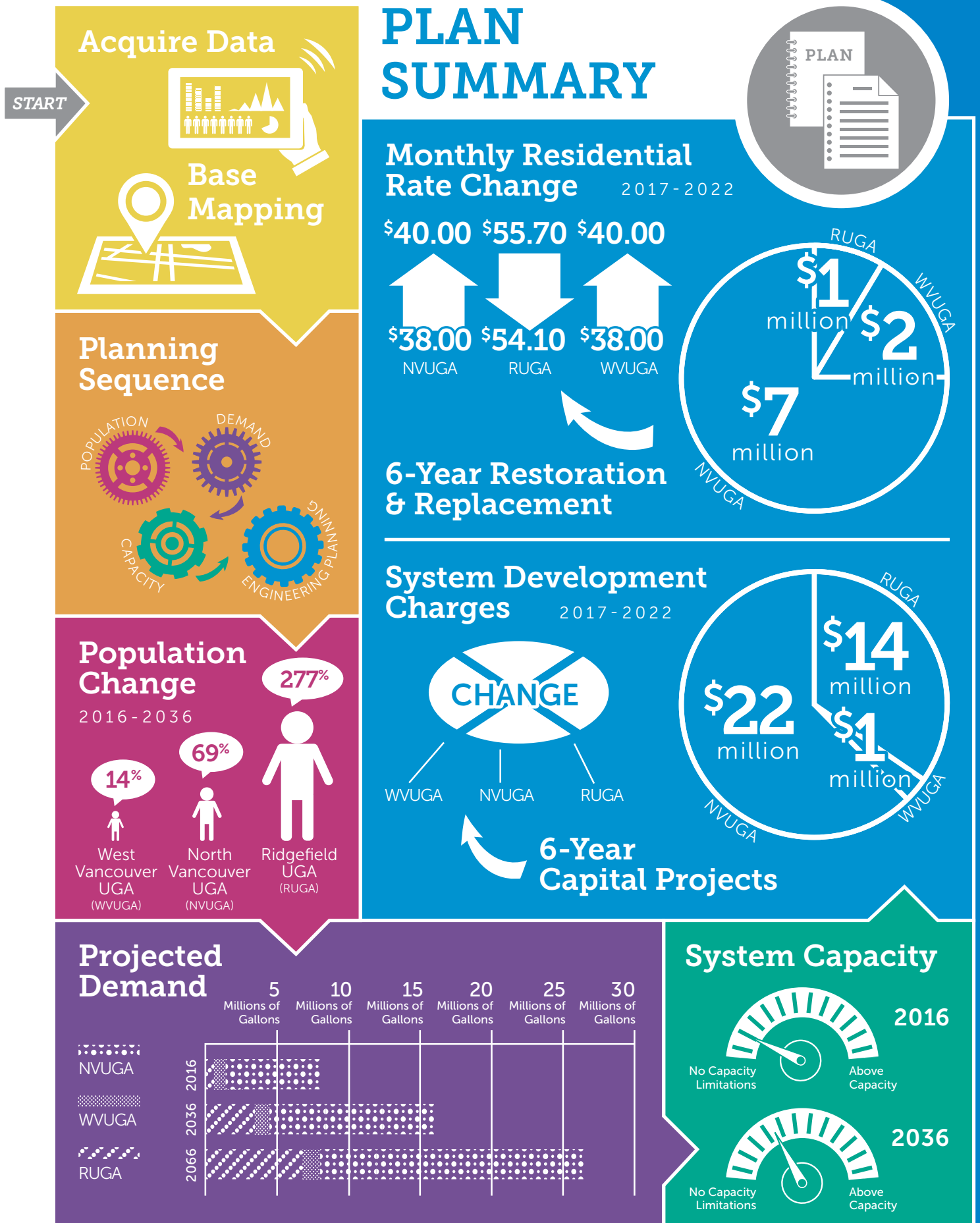


FIGURE 1.5

Plan Summary



Staff Report 128-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Memorandum of Understanding - Washington State Utilities and Transportation Commission

Key Points

- The City of Vancouver maintains multiple at-grade rail crossings along the various rail lines that operate within the City.
- The Washington State Utilities and Transportation Commission (UTC) regulates railroad crossings within the State of Washington with a strong emphasis on rail crossing safety for both the rail users and the general public.
- The UTC has developed a program wherein the City can participate in the Commission's rail safety program including regular inspections of all City rail crossings.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

- **Objective 1.1:** Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

Present Situation

The City currently maintains 17 at-grade railroad crossings that span the various rail lines that operate within the City limits. These rail lines include Burlington Northern/Santa Fe, the Columbia Business Center, and the Port of Vancouver. The Washington State Utilities and Transportation Commission (UTC) is charged with the regulation of all railroad crossings within the State of Washington, with specific emphasis on ensuring the safety of the rail line users and the general public that use the crossings.

The UTC has adopted rules to allow first-calls cities to request participation in the Commission's rail safety program, which includes regular inspections of the City's rail crossings, reporting of any defects

and development of corrective action plans.

The attached Memorandum of Understanding sets forth the terms and conditions under which the City will participate in the UTC's rail safety program.

Advantage(s)

- UTC staff has the resources and expertise to inspect at-grade rail crossings to ensure each crossing meets strict safety and operational requirements
- The UTC regulates use of the rail lines by the various operators and companies within the City and is better suited to engage these entities when issues arise at a crossing that are the responsibility of the rail operator
- Allows City staff to focus on other City transportation safety and operational issues.

Disadvantage(s)

None

Budget Impact

Pursuant to the terms of the MOU, the UTC will not require payment from the City for the inspection and reporting services rendered under the agreement. If a safety or operational defect is discovered at a crossing and it is determined that correction is the responsibility of the City, expenditures would be required to address the defect.

Prior Council Review

None

Action Requested

Adopt a resolution authorizing the City Manager to execute the Memorandum of Understanding with the Washington Utilities and Transportation Commission.

Ryan Lopossa, Streets & Transportation Manager, 487-7706

ATTACHMENTS:

- ▣ Memorandum of Understanding
- ▣ Resolution

MEMORANDUM OF UNDERSTANDING

BETWEEN THE WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION AND THE CITY OF VANCOUVER

This Memorandum of Understanding (MOU) is made between the WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION (Commission) and the CITY OF VANCOUVER, WASHINGTON (City).

Background and Purpose

The Commission regulates railroad crossings within the State of Washington under RCW 81.53.

RCW 81.53 is inoperative within first-class cities except “to the extent a first-class city requests to participate in the commission’s crossing safety inspection program within the city.” RCW 81.53.240(1).¹ For purposes of this MOU, the terms “crossing safety inspection program” and “rail safety program” are interchangeable.

The Commission has adopted rules to allow first-class cities to request participation in the Commission’s rail safety program. Under WAC 480-62-260(2), the city’s request “must be accompanied by documentation demonstrating that the city’s governing body has approved the terms and conditions set forth in a memorandum of understanding between the city and the commission governing the commission’s assumption of rail crossing safety inspection authority within the city limits.”² The city’s request “will become effective on the date requested by the city or the first day of the month following commission approval of the memorandum of understanding referenced [above], whichever occurs later.” WAC 480-62-260(2).

The City is a first-class city that intends to request participation in the Commission’s rail safety program. This MOU is intended to serve as the memorandum of understanding required by WAC 480-62-260(2).

The purpose of this MOU is to describe how the Commission intends to operate its rail safety program within the City, including how the Commission intends: (1) to inspect railroad crossings within the City; (2) to inform appropriate parties of any defects found at the crossing; and (3) to require corrective action by railroad companies when defects are found to be the responsibility of such companies.

This MOU is not intended to modify or construe any state law or Commission regulation. To the extent any provision in this MOU conflicts with a state law or a Commission regulation, the law or regulation controls.

This MOU is not a binding contract. It imposes no legal obligations and creates no enforceable rights. The undersigned parties do not intend to formalize this MOU as permitted by

¹ The text of RCW 81.53.240 is attached as Appendix A.

² The text of WAC 480-62-260 is attached as Appendix B.

the Interlocal Cooperation Act. The parties anticipate, however, that the City will bring this MOU before its governing body for approval as contemplated by WAC 480-62-260(2).

Intended Operation of the Commission's Rail Safety Program within the City

The Commission intends to conduct its rail safety program within the City according to the following non-binding guidelines:

1. Crossing Inspections:

- a. Commission-employed railroad inspector(s) (Inspectors) will inspect railroad crossings within the City.
 - i. For crossings not on an oil-by-rail route, Inspectors will conduct an inspection at least once every 36 months.
 - ii. For crossings on an oil-by-rail route, including private crossings, Inspectors will conduct an inspection at least once every 18 months.
 - iii. Inspectors will conduct an inspection if a complaint is filed with the Commission regarding conditions at a crossing.
 - iv. Inspectors will conduct an inspection if the Commission has information that leads it to believe an inspection is warranted.
- b. During a typical inspection of a public crossing, Inspectors will evaluate and make an appropriate record of:
 - i. The crossing, including its location, identifying information, type, configuration, dimensions, construction, physical condition, etc.
 - ii. The intersecting road, including its location, type, configuration, dimensions, speed limit, grade, usage, motorist sight distances, physical condition, etc.
 - iii. Safety systems, including signals, markings, gates, signs, barriers, etc., and the physical condition of such systems.
 - iv. Other relevant characteristics, such as the presence of sidewalks or bike lanes.
- c. The Commission has exclusive discretion to decide which crossings to inspect, when to inspect the crossings, and what procedures will apply during the inspections.
- d. The Commission will not bill the City for any expense related to an inspection.

2. Defect Notification Process:

- a. The Commission will use the information obtained by its Inspectors to determine a crossing's compliance with applicable safety rules.
- b. The Commission will issue a defect notice if the crossing fails to comply with any rule set forth in:
 - i. WAC 480-62-225 (crossing surfaces).³
 - ii. WAC 480-62-230 (traffic control devices).⁴
- c. For defects found at public crossings:
 - i. The Commission will issue a defect notice to the appropriate railroad company if the railroad company is responsible for the defect(s). The Commission may follow up with an enforcement action if the railroad company fails to take appropriate and timely corrective action.
 - ii. The Commission will issue an advisory defect notice to the City if the City is responsible for the defect. Advisory defect notices are not subject to Commission enforcement.
- d. The Commission has exclusive discretion over the issuance and content of defect notices.
- e. Nothing in this MOU affects agreements between railroad companies and landowners governing liability or cost allocation at private crossings.

Duration and Modification

This MOU is effective on the later of the two signing dates below. It will remain in effect until the City opts-out of the Commission's rail safety program by "submitting to the commission documentation that the city's governing body has approved the withdrawal." WAC 480-62-260(4).⁵ The notice "must be submitted to the commission at least ninety days prior to the date upon which the city intends to assume all rail crossing safety inspections within its jurisdiction." *Id.*

The parties may not modify this MOU. Because this MOU establishes no legal obligations or enforceable rights, the parties anticipate that any disputes will be resolved either informally or through the opt-out procedure referenced above.

³ The text of WAC 480-62-225 is attached as Appendix C.

⁴ The text of WAC 480-62-230 is attached as Appendix D.

⁵ The text of WAC 480-62-260 is attached as Appendix B.

Contact Information

Utilities & Transportation Commission Kathy Hunter, Assistant Director, Transportation Safety 1300 Evergreen Park Drive Southwest P.O. Box 47250 Olympia, WA 98501-7250 Phone: (360) 664-1257 Email: kathy.hunter@utc.wa.gov	City of Vancouver Ryan Lopossa, Streets & Transportation Manager Marine Park Engineering – 4500 SE Columbia Way P.O. Box 1995, Vancouver, WA, 98668-1995 Phone: (360) 487-7706 Email: ryan.lopossa@cityofvancouver.us
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Signatures

The undersigned officials acknowledge this MOU and its provisions:

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

CITY OF VANCOUVER

MARK L. JOHNSON
Executive Director and Secretary

Eric Holmes
City Manager

Date:

Date:

APPENDIX A

RCW 81.53.240

Scope of chapter.

(1) Except to the extent necessary to permit participation by first-class cities in the grade crossing protective fund, when an election to participate is made as provided in RCW [81.53.261](#) through [81.53.291](#), or to the extent a first-class city requests to participate in the commission's crossing safety inspection program within the city, this chapter is not operative within the limits of first-class cities, and does not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that a streetcar line outside of cities of the first class shall not cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the secretary of transportation, or the location of any crossing thereon adopted or approved by the department of transportation, or grant a railroad authority to cross a state highway at grade without the consent of the secretary of transportation.

(2) Within thirty days of July 1, 2015, first-class cities must provide to the commission a list of all existing public crossings within the limits of a first-class city, including over and under-crossings, including the United States department of transportation number for the crossing. Within thirty days of modifying, closing, or opening a grade crossing within the limits of a first-class city, the city must notify the commission in writing of the action taken, identifying the crossing by United States department of transportation number.

APPENDIX B

WAC 480-62-260

First-class cities opt-in.

(1) Participation in the commission's rail safety program. RCW 81.53.240 allows a first-class city to request participation in the commission's crossing safety inspection program. For the purposes of this section, the commission's crossing safety inspection program shall mean the inspection of grade crossings to ensure proper design and maintenance, as set forth in WAC 480-62-225. For the purposes of this section participation in the crossing safety inspection program shall not include the crossing petition process outlined in RCW 81.53.030 and 81.53.060.

(2) Process for opt-in. A first-class city must notify the commission of its intent to opt-in to the commission's rail safety program at least sixty days prior to the effective date requested by the city. A first-class city's request to opt-in must be accompanied by documentation demonstrating that the city's governing body has approved the terms and conditions set forth in a memorandum of understanding between the city and the commission governing the commission's assumption of rail crossing safety inspection authority within the city limits. A first-class city's request to opt-in will become effective on the date requested by the city or the first day of the month following commission approval of the memorandum of understanding referenced in this section, whichever occurs later.

(3) Technical assistance to first-class cities. For first-class cities that opt-in to the commission's crossing safety inspection program, the commission will provide technical assistance on grade crossing safety, maintenance, and modifications as agreed between the city and the commission.

(4) Process to opt-out. First-class cities that opt-in to the commission's crossing safety inspection program may opt-out of the program by submitting to the commission documentation that the city's governing body has approved the withdrawal of the city from the commission's crossing safety inspection program. A city's notice of withdrawal must be submitted to the commission at least ninety days prior to the date upon which the city intends to assume all rail crossing safety inspections within its jurisdiction.

APPENDIX C

WAC 480-62-225

Crossing surfaces.

(1) Areas of responsibility.

(a) Highway authorities must maintain and keep in repair the surfaces and the subgrades of the roadway approaches up to one foot from the outside of either rail at a grade crossing with one track. At crossings involving more than one track, the highway authority must maintain and keep in repair the roadway approaches up to one foot from the outside of each of the two outside rails.

(b) At a grade crossing with one track, railroad companies must maintain and keep in repair the crossing surfaces between the rails and for a distance of one foot on the outside of either rail. At crossings involving more than one track, railroad companies must maintain and keep in repair the crossing surfaces and the roadway for the entire area between the outermost rails at the crossing, and for a distance of one foot outside of the two outermost rails.

(c) If tracks at a crossing involving more than one track are owned by different railroad companies, each company must maintain and keep in repair the crossing surfaces and roadway within its right of way that is within the area specified in (b) of this subsection.

(2) Crossing surfaces.

(a) Crossing surfaces include shoulders and pedestrian walkways immediately adjacent to a roadway or shoulder. If reasonably possible, roadways and adjacent shoulders and pedestrian walkways must be continued through a crossing without narrowing the roadway, shoulder or walkway.

(b) The subgrade to a crossing surface must be maintained in a manner which minimizes damage to the crossing surface, taking into account the effects of topography, water tables, weather, and the types of vehicular traffic generally using the crossing.

(3) Roadways.

(a) Roadways between tracks at crossings involving more than one set of tracks, including the roadway subgrade, must be of the same quality as the roadway approaches to the crossing unless the highway authority and the railroad company agree to a higher quality.

(b) Roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is on the same plane and smooth.

(c) At grade crossings where track superelevation exists, roadway approaches must be constructed and maintained so that the transition between the roadway and crossing surface is as smooth as practicable.

(4) Standards for surface maintenance and repair. Crossing surfaces must be convenient and safe for passage. Some factors in determining compliance with this general standard are:

(a) Whether crossing surfaces and the adjacent roadways are level with the top of the rails on the plane created by each set of tracks.

(b) Whether crossing surfaces are broken or loose.

(c) The existence of potholes.

(d) The existence of curled or rolled asphalt.

(e) Whether traffic generally slows to traverse the crossing.

(f) Citizen complaints.

(5) Notice. Notice requirements for highway authorities and railroad companies when performing maintenance on a crossing surface are located in WAC 480-62-305 (4) and (5).

APPENDIX D

WAC 480-62-230

Traffic control devices.

(1) Whenever a railroad company performs any construction, maintenance or repairs at a grade crossing or grade separated crossing, the company must install and maintain traffic control devices adequate to protect the public and railroad employees as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD), Part 8, Traffic Control for Railroad and Light Rail Transit Grade Crossings, as published by the United States Department of Transportation. In addition, railroads must maintain all crossings with proper traffic control devices as prescribed in the MUTCD, Part 8. The commission adopts, by reference, the MUTCD, Part 8, as described in WAC 480-62-999. Flaggers must also be provided where necessary to adequately protect the public and railroad employees.

(2) Any traffic control device must be used only as long as the device is needed or applicable. Any device that is no longer needed or applicable must be immediately removed or inactivated so as to prevent confusion.

(3) All barricades, signs, and similar devices must be constructed and installed in a workmanlike manner.

(4) Bushes, weeds, or any other material or object must not be allowed to obscure any traffic control devices.

(5) All signs, barricades, and other control devices intended for use during hours of darkness must be adequately illuminated or reflectorized, with precautions taken to protect motorists from glare.

8/27/2018

RESOLUTION NO. M-

A RESOLUTION relating to approval of a memorandum of understanding (“MOU”) between the City of Vancouver and the Washington State Utilities and Transportation Commission (“UTC”) concerning participation in the UTC’s rail safety program.

WHEREAS, under RCW 81.53.240 and WAC 480-62-260, first-class cities may opt in to the UTC’s rail safety program; and

WHEREAS, under the rail safety program, the UTC inspects grade crossings to ensure proper design and maintenance, as set forth in WAC 480-62-225, and provides technical assistance on grade crossing safety, maintenance and modifications to cities that opt in to the program; and

WHEREAS, a first-class city’s request to opt in to the rail safety program must be accompanied by documentation demonstrating the city’s governing body’s approval of the terms and conditions set forth in a MOU, which is attached hereto as Exhibit A; and

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City of Vancouver, in accordance with WAC 480-62-260, hereby approves of the terms and conditions set forth in the MOU that is attached as Exhibit A.

Section 2. The City Manager or his designee is authorized to execute the MOU and opt in to the UTC’s rail safety program.

RESOLUTION - 1

ADOPTED at regular session of the Council of the City of Vancouver, this 27th day of August, 2018.

Anne McEnerny-Ogle, Mayor

Attest:

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

Approved as to form:

E. Bronson Potter, City Attorney

RESOLUTION - 2



Staff Report 129-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Interlocal agreement between City of Vancouver and Discovery Clean Water Alliance for coordination of Columbia River Water Quality Monitoring Program

Key Points

- The City and the Discovery Clean Water Alliance (Alliance) share a common interest to collect water samples from the Columbia River and submit high quality and representative analytical data to Washington Department of Ecology's Environmental Information Management System (EIM). Ecology's Water Quality program uses EIM data to assess environmental conditions of the Columbia River and accordingly establish policies and requirements for effluent released from municipal wastewater treatment plants.
- The City's Westside and Marine Park Wastewater Treatment Facilities and the Alliance's Salmon Creek Wastewater Treatment Plant release effluent into adjacent Ecology-defined reaches of the Columbia River where the EIM data impacts regulatory determinations for these three facilities.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

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

Present Situation

Water quality monitoring data for the the Columbia River reach between river mile 110 and river mile 88, which encompasses Vancouver's and the Alliance's treatment plant effluent outfalls, is very limited, outdated, and not representative of overall water quality in this 22-mile segment of the river. The last large-scale monitoring effort was conducted between 2006 and 2010, with limited sampling locations in shallow water along the river's shoreline. The data is currently in the EIM and though it is of sufficient quality for regulatory determinations it is not representative of dominant

conditions in the main stem of the Columbia River. The old data set needs to be replaced with recent and credible data for state regulatory agencies to make determinations that impact wastewater discharge permit requirements.

City staff and their contractor are currently collecting samples at many sites along this Columbia River segment and compiling analytical data in preparation for submittal to the EIM. This activity will occur during the periods June through September during years 2018 and 2019.

Advantage(s)

1. The City and the Alliance share the same interests to provide high quality data for Ecology's processes to promote regulatory determinations that are based on accurate and scientifically defensible data.
2. The interlocal agreement clearly establishes coordination of activities and funding for the Columbia River Water Quality Monitoring program.

Disadvantage(s)

None

Budget Impact

None. The 2017-2018 Sewer Operating Fund budget supports the City's financial share of the project.

Prior Council Review

None

Action Requested

Approve the Interlocal Agreement by and between the City of Vancouver and Discovery Clean Water Alliance, as provided in the Attachment, and authorize the City Manager or his designee to execute the same.

Frank Dick, Wastewater Engineering Supervisor, 487-7179

ATTACHMENTS:

- Interlocal Agreement

**CITY OF VANCOUVER AND DISCOVERY CLEAN WATER ALLIANCE
INTERLOCAL AGREEMENT FOR
COLUMBIA RIVER WATER QUALITY MONITORING PROGRAM**

This INTERLOCAL AGREEMENT FOR COLUMBIA RIVER WATER QUALITY MONITORING PROGRAM (this “**Agreement**”) is entered into as of the date of the last signature below (the “**Effective Date**”) by and between the CITY OF VANCOUVER, WASHINGTON, a Washington municipal corporation (the “**City**”), and the DISCOVERY CLEAN WATER ALLIANCE, a Washington municipal corporation (the “**Alliance**”) (each a “**Party**” and collectively the “**Parties**” to this Agreement). The Parties agree as follows.

1. RECITALS

1.1 Regulatory Requirements. The Washington State Department of Ecology (“**Ecology**”) administers water quality programs that, in part, regulate treated wastewater (or “effluent”) released by municipal treatment plants using National Pollutant Discharge Elimination System (NPDES) permits. Under these programs and permits, Ecology defines regulatory requirements for waters in Washington State, including the Columbia River. Ecology’s processes are informed by and rely on available surface water quality data collected by others and submitted to Ecology.

1.2 City Facilities. The City of Vancouver owns two municipal wastewater treatment plants that discharge effluent into the Columbia River – the Westside Wastewater Treatment Plant and the Marine Park Wastewater Treatment Plant.

1.3 Alliance Facility. The Discovery Clean Water Alliance owns one municipal wastewater treatment plant that discharges effluent into the Columbia River – the Salmon Creek Wastewater Treatment Plant.

1.4 Purpose and Authority. This Agreement is entered into under RCW 39.34.080 and chapters 35.22, 35.67 and 39.106 RCW for the purpose of cooperative water quality monitoring. The City and the Alliance agree that it is the interests of the customers served by their treatment plants to provide high quality data for Ecology’s processes to promote regulatory determinations that are based on accurate and scientifically defensible data. The City and the Alliance therefore agree to pursue efficiencies in working together to collect and submit water quality monitoring data from the Columbia River under the terms of this Agreement.

2. WATER QUALITY MONITORING PROGRAM

2.1 City Administration of Program. The City will prepare and implement a sampling and data reporting program for water quality monitoring on the Columbia River. The work is planned to occur in 2018 and 2019 (the “**Program**”). The Program includes:

- (i) *Planning.* The City will prepare or contract for the preparation of a Quality Assurance Project Plan (“**QAPP**”) to outline the Program’s procedures to collect and analyze water samples from the Columbia River. The City will submit the QAPP to Ecology for review.

- (ii) *Sampling.* The City will provide or contract for the provision of water quality sampling under the Program according to the requirements of the QAPP.
- (iii) *Initial Costs; Administrative Overhead.* The City will pay all initial startup costs for the QAPP and the Program. The City will be responsible for all City overhead costs for administration of the QAPP and the Program.
- (iv) *Data Submission.* The City or its contractors or consultants will submit the data collected under the Program to Ecology for use in regulatory determinations and other purposes required by law.
- (v) *Data Sharing.* The City will provide regular updates to the Alliance on the progress of the work under the Program. Upon request, the City will timely provide the Alliance with data collected under the Program.
- (vi) *Program Standards.* The City will administer the Program in accordance with Washington law and Ecology program requirements and guidance in order to gather and submit high quality data to Ecology.

2.2 Alliance Reimbursement. The Alliance will reimburse the City for one-third (1/3) of all third party contractor and consultant costs incurred by and invoiced to the City in providing the Program (the “**Alliance Share**”).

- (i) *Invoicing.* The City will provide an invoice to the Alliance that includes, at a minimum: (A) the total third party contractor and consultant costs incurred by and invoiced to the City in providing the Program and (B) a calculation of the Alliance Share (*i.e.*, 1/3 of those costs). The invoice for work completed in 2018 will be provided to the Alliance in the first calendar quarter of 2019. The invoice for work completed in 2019 will be provided to the Alliance in the first calendar quarter of 2020. Invoices for work completed in subsequent years (if any) will be provided to the Alliance in the first calendar quarter of the year following the applicable work year.
- (ii) *Payment.* The Alliance will pay the Alliance Share included in the invoices up to but not exceeding a total cost of \$90,000 for the 2019-2020 biennial budget period and, for work performed after 2020 (if any) up to but not exceeding a total cost of \$90,000 for the applicable biennial budget period.
- (iii) *Adjustments to Alliance Share.* Cost allocation under the Alliance Share is intended to reflect the Parties’ proportionate use of the Program (*i.e.*, 1 treatment plant out of 3 under the Program is allocated to the Alliance, and approximately 1/3rd of the residential customers under the Program are served by the Alliance). If a Party determines that the Alliance Share ceases to reflect the Alliance’s proportionate use of the Program, that

Party may request an adjustment to the Alliance Share under the mutual cooperation process in Section 2.3.

2.3 Mutual Cooperation Process. Upon mutual agreement between the Parties, or upon the request of either Party under Subsection 2.2(iii), the Parties will resolve issues related to this Agreement under the following process:

- (i) The Parties will first attempt to resolve the issue through routine meetings and communications in the ordinary course of business.
- (ii) If either Party determines that routine meetings and communications will not resolve the issue, the Parties will then attempt to resolve the issue through formal meetings or negotiations between representatives of the Parties appointed by their respective governing bodies.
- (iii) If either representative of the respective governing bodies of the Parties determines that formal meetings or negotiations will not resolve the issue, then either Party may demand mediation through a process mutually agreed to in good faith between the Parties within 30 days of the demand, which may include binding or nonbinding decisions or recommendations. The mediator(s) must be individuals skilled in the legal and business aspects of this Agreement. The Parties will share equally the costs of mediation and assume their own costs.
- (iv) If mediation does not resolve the issue, the Parties may pursue any available remedies under applicable law.

2.4 Duration and Termination. This Agreement is effective and in full force from and including the Effective Date and terminates on December 31, 2020 unless, before January 1, 2021, the Parties mutually agree in writing to extend this Agreement one or more calendar years. The City Manager is authorized to approve and execute such extension without further authorization of the Vancouver City Council. The Alliance Administrative Lead is authorized to approve and execute such extension without further authorization of the Alliance Board of Directors. Either Party may terminate this Agreement by providing written notice of termination to the other Party at least ninety (90) days prior to the date of termination.

3. GENERAL

3.1 Administration. The City will administer the Program. No new or separate legal or administrative entity is created to administer the Program or the provisions of this Agreement. Except as provided in this Agreement, each Party is individually responsible for financing its own actions under this Agreement.

3.2 Notices. All notices or other communications given under this Agreement must be in writing by email, facsimile, regular U.S. mail, or certified mail, return receipt requested.

If to the City, notice to:

City of Vancouver, Washington
Attn: Brian Carlson, P.E., Public Works Director
Marine Park Engineering Building
4500 SE Columbia Way
PO Box 1995
Vancouver, WA 98668-1995

If to the Alliance, notice to:

Discovery Clean Water Alliance
c/o Clark Regional Wastewater District
Attn: John Peterson, P.E., General Manager
8000 NE 52nd Court
PO Box 8979
Vancouver WA 98668-8979

Either Party may notify the other Party in writing of changes in the persons to whom that Party's notices are to be delivered. All notices are deemed given upon delivery or, if mailed, upon the earlier of actual receipt or three (3) business days after the date of mailing.

3.3 Entire Agreement. This Agreement contains the entire understanding between the Parties and supersedes any prior understandings regarding the Services. No amendment of or supplement to this Agreement is valid or effective unless made in writing and executed by the Parties.

3.4 Governing Law; Venue. This Agreement is governed by and construed according to the laws of the State of Washington. As against the other Party, each Party may file suit to enforce this Agreement only in the Superior Court of Clark County, Washington.

3.5 No Third Party Rights. This Agreement is solely for the benefit of the Parties and does not grant any right to any other party or person.

3.6 Severability. The provisions of this Agreement are separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, holds any provision of this Agreement invalid or unenforceable as to any person or circumstance, the offending provision, if feasible, is modified to be within the limits of enforceability or validity. If the offending provision cannot be modified, it is null and void with respect to the particular person or circumstance. All other provisions of this Agreement in all other respects, and the offending provision with respect to all other persons and all other circumstances, remain valid and enforceable.

3.7 Captions. Captions given to the various provisions of this Agreement are for convenience only and are not intended to modify or affect the meaning of any provision.

3.8 Authorization; Posting. The governing bodies of the Parties will authorize the execution of this Agreement. The Parties will prepare and distribute (3) duplicate originals of this Agreement for execution by the necessary officials of the Parties. Each Party will post a copy of this Agreement on its website.

This Agreement is executed by each Party as set forth below:

CITY OF VANCOUVER, WASHINGTON

DISCOVERY CLEAN WATER ALLIANCE

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____



Staff Report 130-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018
9/10/2018

SUBJECT Vancouver Police Department 2016-2020 Staffing Plan – Revenue replacement plan

Key Points

The attached ordinance would repeal and replace the per square foot and per multi-family unit Business License Surcharge (“new surcharges”) currently scheduled to go into effect on 1/1/2019 with a combination of utility tax increase on City-owned utilities and expansion of the per FTE Business License Surcharge. Specifically, this ordinance will:

- Phase in an elimination of the four hundred (400) employee cap on the number of employees subject to the FTE business license surcharge (VMC 5.04.095);
- Narrow current exemption of all not-for-profit companies to only those that currently have the Internal Revenue Service status of 501 (c)(3) and have fewer than 20 employees while preserving the exemption for nonprofit businesses that operate exclusively as a place of worship (5.04.020 and 5.04.075)
- Repeal provisions related to indoor space license fee surcharge on retail, commercial, industrial space and residential units, effective January 1, 2019. (VMC 5.04.096)
- Increase the gross receipts tax on water, sewer, storm/surface water and solid waste by 2.2% effective January 1, 2019, and by another 1.8% effective January 1, 2020 (VMC 5.92.010, 5.93.010, and 5.94.030)
- Increase water, sewer, surface water, and solid waste rates to reflect the new utility tax rates, effective January 1, 2019, and January 1, 2020 (VMC 14.04.210, 14.04.230, 14.09.060, 6.12.208, 6.12.209, 6.12.210, 6.12.211 and 6.12.212).

These changes were contemplated as part of the adoption of Ordinances M-4192 and M-4193.

Strategic Plan Alignment

N/A

Present Situation

In February 2017 the City Council adopted a revenue and staffing package (herein referred to as “resourcing package”) to support an increase in sworn and civilian positions that would close identified gaps in key service areas of the Vancouver Police Department (VPD). The resourcing package is intended to add 42 sworn and 19 civilian positions to VPD between 2016 and 2020.

The package was designed to be implemented over a 5-year period, with staffing increases generally matched with a concurrently phased in set of revenues. The package was adopted based Community Resource Team recommendations, which were developed through a broad-based, inclusive community engagement effort over the preceding 10 months.

This revenue package adopted by City Council included a \$20 increase in the existing per FTE business license surcharge (to a total of \$90 per FTE per year), a 3.4% increase to the utility tax rate on City-owned utilities (sewer, water, drainage, garbage) and a new indoor space business license fee surcharge for retail, commercial and industrial businesses and a per-unit surcharge for leased multi-family residential units. The new business license surcharges were approved to become effective on 1/1/2019, while other funding components of the package have already been implemented. Of the total combined resources dedicated to police, the new business license surcharges (per square foot and per multi-family unit) represent \$6.1 million in annual revenue. This dollar amount included the costs for the City to administer the new tax, which was estimated to be approximately \$0.25 million annually; the net revenue dedicated to police would have been approximately \$5.8 million.

The Council action to adopt a multi-year funding package for police included legislative intent to consider alternative funding sources to the new surcharges in the context of a larger, more comprehensive plan for sustainable, stable and streamlined resourcing for all City services.

As a result, the City initiated an extensive community engagement effort in the spring of 2017 referred to as Vancouver Strong. Central to the Vancouver Strong engagement efforts is the Executive Sponsors Council (ESC), a nine-member advisory group composed of leaders from business, not-for-profit, diverse and volunteer communities. Since May 2017 the ESC has been engaged in developing a recommended comprehensive, long-term, streamlined funding solution to close identified gaps in core City services and to more fully implement the City’s strategic plan. The first actionable component of their work is the replacement revenue source for the business license surcharge portion of the original police funding package.

On June 18, 2018, the ESC presented at a Council workshop their recommendation for replacement revenue to fund police. The ESC recommendation includes replacing the per square foot and per multi-family unit surcharge with a combination of increased utility tax on water, sewer, drainage and solid waste and an expansion of the per FTE business license surcharge to cover the not-for-profit businesses as well as eliminating the 400 FTE cap per business. Their recommendation included a recognition that Council may wish to consider phasing in implementation of the replacement revenue, as well as take into account the unique considerations of including nonprofits as subject to the FTE surcharge.

While eliminating the 400 FTE cap per business ultimately applies to a relatively small number of all businesses in Vancouver, in some instances the difference between the current cap and actual FTEs subject to the fee is substantial. By providing for a two-year phase out of the cap, the City provides a longer transition period and multiple fiscal periods for effected businesses to plan for and accommodate the change.

At the workshop, Council expressed an interest in additional engagement with the nonprofit sector to gather feedback on the recommendation to include them as subject to the surcharge. Through an online survey of almost 200 nonprofits, staff gathered feedback on the nonprofit component. This feedback is summarized in the attached memorandum dated August 21, 2018. A more detailed review of response themes is included in the attached memorandum.

In addition to the outreach to non-profits, staff conducted a finer grained analysis of the composition of the nonprofit sector in the City. Based on data from the Washington State Department of Labor, a sensitivity analysis examined the forecasted revenue to be derived from the nonprofit component at the 4 FTEs and above threshold, as well as at 10 and 20 FTEs and above levels. This analysis showed that at different thresholds, the following total number of nonprofits would be subject to the FTE surcharge with their associated projected revenue generation:

Nonprofit FTE threshold	Number of nonprofit businesses subject to surcharge	Total revenue derived from nonprofit sector
4 or fewer	122	\$900,000
10 or fewer	38	\$700,000
20 or fewer	27	\$650,000

Based upon the relative amount of revenue generated at each threshold, there is an opportunity to adopt a BLS surcharge applicable to nonprofit businesses with 20 or more FTEs, minimizing the impact on the smaller nonprofit sector while capturing a significant majority of the revenue contemplated by including the non-profit sector as a whole.

Based upon the above and attached, the draft ordinance presented to City Council would phase in the expanded applicability of the per employee surcharge as well as establish a threshold of applicability to nonprofits at 20 or more employees.

The proposed ordinance also includes a phasing proposal, with the cap of FTEs per business being increased from 400 to 799 per company in year 2019 and removing the cap in 2020. The City would utilize a combination of its undesignated General Fund in 2019 and savings from VPD vacancies to offset the lost revenue in 2019. The utility tax increase on water, sewer, drainage and solid waste is consistent with the Vancouver Strong recommendation to Council, increasing 2.2% in 2019 and an additional 1.8% in 2020.

In addition to the changes above, the 2017 Washington State Legislature passed a law requiring cities with business licenses to administer their business license program through the state's Business Licensing System by 2022 or File Local by 2020 and to adopt the model ordinance by October 17, 2018. The model ordinance includes a mandatory definition of "engaging in business" and a minimum threshold exception to establish when out-of-town or transient businesses are required to be licensed. The City is already administering its business license program through File Local and has current provisions compliant for the most part with the model ordinance. The model ordinance has recommended including a \$2,000 threshold level, or higher, per year for out-of-city businesses. The city's current limit is \$12,000 per year. The proposed ordinance brings the City in compliance with the model ordinance, but does not recommend changing income thresholds.

Advantage(s)

The proposed changes to funding of the increase in police services would replace the

cumbersome and complex to administer BLS per square foot and per multi-family unit with a combination of revenues that are significantly easier to administer for both the City and payers. In addition, the expansion of the base that pays the surcharge adds equity and resilience to this particular revenue stream.

Disadvantage(s)

- The proposed changes would result in not-for-profit companies with more than 20 employees paying for a business license and the per FTE surcharge.
- In general, the cost of water, sewer, drainage and solid waste will increase due to the increase in the utility tax on these utilities.

Budget Impact

None. The proposal would replace one revenue stream with an alternate stream resulting in no net change in resources.

Prior Council Review

- Council retreat - February 23, 2018
- Council workshop on recommended package - June 18, 2018

Action Requested

Approve the ordinance on first reading, setting date of second reading and public hearing for Monday, September 10, 2018.

Natasha Ramras, Chief Financial Officer, 487-8484

ATTACHMENTS:

- ▢ Ordinance
- ▢ ESC Recommendation Memo dated June 11, 2018
- ▢ Nonprofit Outreach Summary

This staff report references the terms and conditions of the request for approval. Any document referred to herein and that is not attached may be reviewed prior to the City Council meeting in the office of the City Manager. Documents may be reviewed following scheduled Council meetings in the office of Central Records, 415 West 6th Street, Vancouver, WA. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday.

08/27/18
09/10/18

ORDINANCE M- _____

AN ORDINANCE amending Vancouver Municipal Code (VMC) Sections 5.04.020, 5.04.075, 5.04.095, 5.92.010, 5.93.010, 5.94.030, 14.04.210, 14.14.230, and 14.09.060 to amend business license fee limitations and exemptions; to increase water, sewer, and stormwater rate and taxes; and to increase solid waste taxes to fund additional police protection services; and repealing Section 5.04.096 business license fees based on square footages for commercial, industrial, and multi-family residential rental properties; providing for savings, severability, ratification, and an effective date.

WHEREAS, the City business license fee provided for under VMC 5.04.095 is for purposes of revenue, and not regulatory purposes; and

WHEREAS, the City Council in 2016 appointed a 20-member Community Resource Team (CRT), representing community, business, faith organizations, neighborhoods and the City Council, whose charter was to develop sustainable approach to funding an increase in police service level between 2017 and 2020. The CRT recommended imposing a per square foot business license surcharge on retail, commercial and industrial properties and per multi-family unit business license surcharges on multi-family dwellings over four units to fund a large portion of the new revenue. and

WHEREAS, City Council, pursuant to the recommendations in the report of the CRT, adopted two ordinances M-4192 making changes to the City business license tax ordinance and M-4193 making changes to the City utility tax ordinance; and

WHEREAS, the local businesses and housing community has requested the Council to replace the per square foot license and per multi-family unit surcharge with an alternate revenue source and simplify the business license surcharge tool; and

WHEREAS, after adoption of 2017 business license and utility ordinances, the City Council initiated the Vancouver Strong process to engage the community in a discussion about a comprehensive, long term structural solution to funding the city's capital and service needs; and

WHEREAS, the Vancouver Strong Executive Sponsors Council, reviewed the funding mechanisms approved by the City Council to support police services and recommended a simpler way to raise the needed revenue; and

WHEREAS, the Vancouver Strong Executive Sponsors Council recommended elimination of the per square foot business license surcharges and per multi-family unit business license surcharge and replacement of the lost revenue by an increase in the utility tax and elimination of certain exemptions and limitations to the employee business license surcharge;

WHEREAS, Council agrees with the Vancouver Strong Executive Sponsors Council recommendations; and

WHEREAS, the revenue-raising purpose for businesses license surcharge does not require precision in making classifications but does require a rational basis in establishing fees among different classes of taxpayers; and

WHEREAS, Council has exempted non-profits from the surcharge in the past to support such non-profits charitable purpose and because such non-profits are typically small organizations and the surcharge will be an administrative and financial burden on them; and

WHEREAS, Council concludes that larger non-profits, with more than twenty employees, are in a better position to absorb the financial and administrative costs the surcharge will have; and

ORDINANCE - 2

WHEREAS, Council believes that the classification of taxpayers based on the number of employees and their nonprofit status established under this ordinance is rationally based to establish an equitable method of sharing the costs of enhanced police services.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCOUVER:

SECTION 1. Legislative Findings. The recitals set forth above are adopted as the legislative findings of the City Council of the City of Vancouver in support of adoption of this ordinance.

SECTION 2. Vancouver Municipal Code Section 5.04.020 as last amended by M-4192 is amended to read as follows:

Section 5.04.020 Definitions.

In construing the provisions of this chapter, except where otherwise declared or clearly apparent from the context, the following definitions shall be applied:

- a. "Tax" or "taxable year" means either the calendar year or the taxpayer's fiscal year when permission is obtained from the Director of Financial & Management Services to use a fiscal year in lieu of the calendar year.
- b. "Person" or "company," herein used interchangeably, means any person, individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, and also includes the United States or any instrumentality thereof, provided a valid tax may be levied upon or collected there from under the provisions of this chapter.

- c. "Sale" includes the exchange of property as well as the sale thereof for money; and also includes conditional sales contracts, leases with option to purchase and any other contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It shall also be construed to include the furnishing of food, drink, or meals for compensation, whether consumed upon the premises or not.
- d. "Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and for services rendered without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.
- e. "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.
- f. "Value proceeding or accruing" means the consideration, whether money, credits, rights or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The Director of

Financial & Management Services may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due.

- g. "Extractor" means every person who, from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or commercial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber or other natural products, or takes, cultivates, or raises fish, shellfish or other sea or inland water foods or products.
- h. "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his own materials or ingredients any articles, substances, or commodities. When the owner of equipment or facilities furnishes or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the Director of Financial & Management Services shall prescribe equitable rules for determining tax liability.
- i. "To manufacture" embraces all the activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of special-made or custom-made articles.
- j. "Business" includes all activities, engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

k. "Engaging in business" means ~~commencing, conducting or continuing in business, leasing or renting living space to residential tenants, and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.~~

1. Commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
2. This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the City without having to pay a business license fee. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection (1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.
3. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.
 - a) Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.

- b) Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.
- c) Soliciting sales.
- d) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
- e) Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
- f) Installing, constructing, or supervising installation or construction of, real or tangible personal property.
- g) Soliciting, negotiating, or approving franchise, license, or other similar agreements.
- h) Collecting current or delinquent accounts.
 - i) Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
- (j) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.
- (k) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists,

court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.

- (l) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 - (m) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
 - (n) Investigating, resolving, or otherwise assisting in resolving customer complaints.
 - (o) In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 - (p) Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.
- (4) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license.
- (a) Meeting with suppliers of goods and services as a customer.
 - (b) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 - (c) Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.
 - (d) Renting tangible or intangible property as a customer when the property is not used in the City.

(e) Attending, but not participating in a "trade show" or "multiple vendor events".

Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.

(f) Conducting advertising through the mail.

(g) Soliciting sales by phone from a location outside the City.

(5) A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the license fee under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

- l. "Cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

- m. "Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution; provided, that the term "educational institution," as herein used, shall be construed to mean only those institutions created or generally accredited as such by the state and offering to students an educational program of a general academic nature, or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture, but not including specialty schools, business colleges, trade schools or similar institutions.

- n. "Successor" means any person who shall, through direct or mesne conveyance, purchase or succeed to the business, or portion thereof, or the whole or any part of the stock of goods, wares or merchandise or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging or otherwise disposing of his business. Any person obligated to

fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is surety or guarantor.

- o. "Taxpayer" includes any individual, group of individuals, corporations or associations required to have a business license hereunder, or liable for any license fee or tax, or for the collection of any license fee or tax hereunder, or who engages in any business, or who performs any act, service, or labor receiving wages, salary, commission or other compensation having monetary value.
- p. Words in the singular number include the plural, and the plural include the singular.
Words in one gender include the other gender also.
- q. "Quarterly period" means the three-month period beginning on the first day of either the first, fourth, seventh or tenth month of any given year and ending on the last day of the third, sixth, ninth or twelfth month thereof.
- r. "City" means the City of Vancouver.

SECTION 3. Vancouver Municipal Code Section 5.04.075 as last amended by M-4192 is amended to read as follows:

Section 5.04.075 Exemptions - Review by director.

The following persons and organizations shall be exempt from paying the base business license fee and the business license fee surcharge, provided that they seek and obtain review and approval of same from the Director of Financial and Management Services or his or her

designate and are issued a determination of exemption, as set forth in VMC 5.04.180~~Section 7 of this amendatory ordinance.~~

A. Gross receipts threshold. A person who generates less than twelve thousand (\$12,000) dollars of ~~average~~ annual gross receipts from engaging in business within the city.

B. Governmental entities. A governmental entity engaging the exercise of governmental functions.

C. ~~Nonprofits and certain organizations exempt from federal income tax including but not limited to~~ The Persons identified in C1 – C32 below are exempt from paying the base business license fee and the business license surcharge but are required to obtain a nonprofit license:

1. Religious. A nonprofit business operated exclusively ~~for a religious purpose~~ as a place of worship.

2. ~~Civic, service and social organizations. Civic groups, service clubs, and social organizations that are not engaged in any profession, trade, calling, or occupation, but are organized to provide civic, service, or social activities.~~

32. Certain Organizations Exempt from Federal Income Tax. An organization that files with the city a copy of its current IRS 501(c)(3) exemption certificate issued by the Internal Revenue Service and which does not generate revenues from retail sales or services; provided that this exemption shall not apply to non-profits with twenty or more employees.

D. Casual or isolated sales. A person who engages only in casual and isolated sales, which means a sale made by a person who is not engaged in the business of selling the type of property involved. Persons who hold themselves out to the public as making sales at retail or

wholesale are deemed to be engaged in business, and sales made by them of the type of property which they hold themselves out as selling are not casual or isolated sales even though such sales are not made frequently.

E. State or federal preemption. A person whose business activities are exempt from business licensing due to preemption by state or federal law.

F. Medicaid funded nursing and boarding homes. Nursing homes licensed under Chapter 18.51 RCW and boarding homes licensed under Chapter 18.20 RCW which provide care under contract with the department of social and health services to persons who are Medicaid recipients.

~~G. Publicly funded multi-family housing, of more than one unit per facility, specifically provided for persons earning less than 60% of the Area Median Income (AMI) calculated annually by the United States Department of Housing and Urban Development for the Portland-Vancouver-Hillsboro metropolitan statistical area and adjusted based on household size, including senior and disabled persons.~~

SECTION 4. Vancouver Municipal Code Section 5.04.090 as last amended by Ordinance M-4091 is amended to read as follows:

Section 5.04.090 Business license required.

Except as provided in this chapter, no person shall engage in any business or activity in the city without having first obtained and being the holder of a valid and subsisting license so to do, to be known as a business license, issued under the provisions of this chapter, as hereinafter provided, and without paying the license fee or tax imposed by this chapter, if any; provided that those Persons exempted by VMC 5.04.075 shall not be required to pay a license fee.

Payment of the license fee, shall accompany the application for the license. Such license shall

expire on the last day of the month which is one calendar year from the day it was issued. The license may be prorated to match existing expiration dates. A new license and fee shall be required for each year. Application for the license shall be made to and issued by the City Manager or his designee on forms provided by him.

The license shall be personal and nontransferable.

There shall be a separate business license for each separate locate at which business is transacted.

For business licenses issued or renewed on or after January 1, 2007, the annual base business license fee shall be a flat fee of one hundred twenty five (\$125) dollars for each separate location at which business is transacted.

Each license shall be numbered, shall show the name, place and character of business of the taxpayer, such other information as the city manager or his designee deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer shall return such license to the City Manager or his designee, and a new license shall be issued for the new place of business free of charge.

A Business License Application must be filed with the State Department of Revenue Business Licensing Service to apply for a City business license. Special licenses may be issued by the City of Vancouver Finance Department. A business license does not authorize illegal activities.

No person to whom a license has been issued pursuant to this chapter shall allow any person for whom a separate license is required to operate under or to display his license, nor shall such other person operate under or display such license.

SECTION 5. Vancouver Municipal Code Section 5.04.095 as last amended by Ordinance M-4192 is amended to read as follows:

Section 5.04.095 Business license fee surcharge - calculation.

A. In addition to the annual base business license fee set forth in Section 1 of this ordinance and codified in VMC 5.04.090, there shall be a business license fee surcharge calculated as set forth in this section of this amendatory ordinance. The business license surcharge fee shall apply to business licenses issued or renewed after expiration on or after January 1, 2007.

B. The business license fee surcharge shall be calculated on the basis of ~~fifty~~ninety (\$~~50~~90) dollars per employee ~~up to four hundred (400) employees, and not to exceed a total business license fee surcharge of \$20,000 per business;~~ provided that:

1. Effective January 1, 201~~9~~6, the business license fee surcharge set forth in Subsection B above shall be applied up to a maximum of 799 employees per Taxpayer until January 1, 2020 ~~increased by ten dollars (\$10) per employee, to a total of sixty dollars (\$60) per employee.~~ ~~up to four hundred (400) employees, and not to exceed a total business license fee surcharge of \$24,000 per business; and~~

2. Effective ~~January 1, 2020~~May 1, 2017, the business license fee surcharge set forth in Subsection B and Subsection B.1 above shall be applied to all employees of the Taxpayer.~~increased by an additional 20 (\$20) dollars per employee, to a total of eighty dollars (\$80) per employee up to four hundred employees, and not to exceed a total business license fee surcharge of \$32,000 per business. Revenues from this increase shall be used to fund police staffing and associated services consistent with the recommendations from the Community Resource Team, presented to the Council on December 12, 2106~~ 2016.

3. ~~Effective January 1, 2018, the business license fee surcharge set forth in Subsection B and Subsection B.1 above shall be increased by an additional ten dollars (\$10) per employee, to a total of ninety dollars (\$90) per employee. up to four hundred (400) employees, and not to exceed a total business license fee surcharge of \$36,000 per business. Revenues from this increase for the first 400 employees per business shall be used to fund the street initiative. Revenue from this increase for employees in excess of 400 per business shall be used for funding police services.~~

3. The revenue from the business license surcharge set forth in Subsection B above shall be distributed as follows:

a.) \$70 of the surcharge assessed on the first 400 employees of the Taxpayer shall be distributed for transportation funding. The remaining \$20 of the surcharge shall be distribute for police funding, except as provided in c. below;

b.) \$90 of the surcharge assessed on the employees over 400 of the Taxpayer shall be distributed to fund police staffing and associated services consistent with the recommendations from the Community Resource Team, presented to the

Council on December 12, 2106, except as provided in c. below;

c.) \$90 of the surcharge assessed upon Taxpayers that are nonprofits shall be distributed to fund police staffing and associated services consistent with the recommendations from the Community Resource Team, presented to the Council on December 12, 2106.

C. Definition of “employee.” For the purposes of the per employee business license fee surcharge, the term “employee” means and includes each of the following persons who are not required by the city to have a separate city of Vancouver business license:

1. Any person who is on the business’ payroll, and includes all full-time, part-time, and temporary employees or workers; and
2. Self-employed persons, sole proprietors, owners, managers, and partners; and
3. Any other person who performs work, services or labor at the business, except:
 - a. An independent contractor who has a separate City of Vancouver business license;
 - b. An employee of a temporary employment agency provided that such temporary employment agency has a separate City of Vancouver business license and pays the per employee business license fee surcharge based on its own employees.

D. A person with some business activities or functions that are exempt from the basic business license fee and some that are not exempt shall pay the per employee business license surcharge based on the number of its employees that are involved in the functions or activities that are not exempt.

E. In the event that the taxpayer has a physical location within the city, the per employee business license fee surcharge shall be assessed based upon a rebuttable presumption that all of

the taxpayer's employees are working within the city of Vancouver.

F. In the event that the taxpayer has no physical location within the city, the applicable per employee portion of the business license fee surcharge shall be based upon the number of employees working within the city calculated based on the total number of Full Time Equivalent (FTE) employees working within the city or, alternatively, based on the total number of hours worked by employees within the city divided by two thousand eighty (2080). The minimum applicable per employee portion of the business license fee surcharge for such taxpayer shall be the amount for one (1) employee.

G. Calculating the number of employees. In determining the amount of the per employee business license fee surcharge to be paid for the upcoming license year, the number of employees shall be the total of the following:

1. Based upon the number of worker hours or units reportable by the business to the Washington Department of Labor and Industries (L&I) in the last four (4) quarterly reports of the business.

- a. Each employee who worked more than two thousand eighty hours (2080) during the previous four (4) quarters (including paid time off) shall be counted as one (1) employee.

- b. For individual employees who worked less than two thousand eighty (2080) hours during the previous four (4) quarters, the total number of hours worked by all such employees during the previous four (4) quarters shall be added together and divided by two thousand eighty (2080). A fraction of 0.5 or over shall be rounded up.

2. For persons who are defined as employees for business license fee surcharge

purposes, but for whom the business is not required to report hours to L & I, including but not limited to sole proprietors, owners, managers or partners:

a. Each such person shall be counted as one (1) employee for surcharge purposes if such person devotes more than two thousand eighty (2080) hours during the previous four (4) quarters to the business; and

b. For such persons who work less than two thousand eighty (2080) hours per year, the total number of hours worked by all such persons during the previous four (4) quarters shall be added together and divided by two thousand eighty (2080). A fraction of 0.5 or over shall be rounded up.

3. The Director of Financial and Management Services may require the business to submit copies of its L & I reports. The businesses that did not file the report may be required to file an affidavit with the City reporting hours worked or the equivalent number of employees.

H. New businesses. The per employee business license fee surcharge for a business that did not submit reports for each of the last four (4) quarters to L & I shall be based on the estimated number of employees of that business. The business shall provide its estimate of the average number of employees for the upcoming four (4) quarters. The city will determine the number of employees that will be used in calculating the amount of the per employee business license fee surcharge. If, during the license year, the city determines that the actual number of employees is more than twenty (20%) percent different than estimated, then the amount of the per employee business license surcharge will be recalculated for the new business. If the revised per employee business license fee surcharge is higher, the business shall pay the difference within thirty (30) days after notification. If the revised

surcharge is lower, then the difference will be refunded.

I. Over-reporting number of employees. A licensee may request that the city refund a portion of the per employee business license fee surcharge overpaid on the basis that the business miscounted the number of employees by more than twenty (20%) percent, resulting in payment of an excess surcharge. The request must be in writing and the city must receive the request and all supporting documentation no later than sixty (60) days after the end of the licensee's business license year in which the error was made. If the city is satisfied that the licensee paid an excess surcharge, then the city will refund the excess surcharge paid by the licensee for the immediately preceding license year.

J. Under-reporting of employees. If the city determines that the number of employees was under-reported by more than twenty (20%) at the time of application or renewal, the business shall pay the balance of the applicable per employee business license fee surcharge together with a penalty of twenty percent (20%) of such balance due. The business shall also reimburse the city for any accounting, legal, or administrative expenses incurred by the city in determining the under-reporting or in collecting the additional amounts. The Director of Financial and Management Services shall mail written notice of the amount to be paid and the business shall pay said amount to the city within thirty (30) days.

K. Waiver of Employee Surcharge. To promote business development, the City Manager may grant a waiver of the Business License Fee Surcharge provided for herein for businesses which meet the following requirements:

1. The Business License Fee Surcharge may be waived as specified in Table 1

for an initial five-year period from the date of the company's move or the date of expansion of an existing business. For purposes of Table 1, Median Individual Income shall be the median individual income in the Portland-Vancouver Metropolitan Statistical Area. The business owner shall commit, through a Development Agreement approved by City Council, to locate a number of new employees in conformance with the Business License Fee Surcharge Incentive in Table 1. The Development Agreement shall provide that in the event employment declines below the numbers specified in Table 1 that the fee waiver shall be reimbursed to the City.

Table 1 - Business License Fee Surcharge Incentive

Tier	Median Salary of All Business Employees	Number of New Full-Time Equivale	Annual Waiver
1	200% of Median Individual Income	200 - 249	Surcharge Waiver, \$10,000 - \$12,450 Effective January 1, 2016: Surcharge Waiver, \$12,000 - \$14,940 Effective May 1, 2017: Surcharge Waiver, \$14,000 - \$17,430 Effective January 1, 2018: Surcharge Waiver, \$16,000
2	175% of Median Individual Income	250 - 299	Surcharge Waiver, \$12,500 - \$14,950 Effective January 1, 2016: Surcharge Waiver, \$15,000 - \$17,940 Effective May 1, 2017: Surcharge Waiver, \$17,500 - \$20,930 Effective January 1, 2018: Surcharge Waiver, \$20,000 - \$23,920

3	175% of Median Individual Income	300 - 399	Surcharge Waiver, \$15,000 - \$19,950 Effective 1, 2016: Surcharge Waiver: \$18,000 - \$23,940 Effective May 1, 2017: Surcharge Waiver, \$21,000 - \$27,930 Effective 1, 2018: Surcharge Waiver: \$24,000 - \$31,920 Effective January 1, 2019: Surcharge Waiver
4	150% of Median Individual Income	400 - 499	Surcharge Waiver, \$20,000 capped Effective January 1, 2016: Surcharge Waiver: \$24,000 capped Effective May 1, 2017: Surcharge Waiver: \$28,000 capped Effective January 1, 2018: Surcharge Waiver: \$32,000 capped Effective January 1, 2019: Surcharge Waiver: \$36,000 capped
5	150% of Median Individual Income	500 - 599	Surcharge Waiver, \$20,000 capped Effective January 1, 2016: Surcharge Waiver: \$24,000 capped Effective May 1, 2017: Surcharge Waiver, \$28,000 capped Effective January 1, 2018: Surcharge Waiver \$32,000 capped Effective January 1, 2019: Surcharge Waiver: \$36,000 capped
6	125% of Median Individual Income	600 +	Surcharge Waiver, \$20,000 capped Effective January 1, 2016: Surcharge Waiver: \$24,000 capped Effective May 1, 2017: Surcharge Waiver: \$28,000 capped Effective January 1, 2018: Surcharge Waiver \$32,000 capped Effective January 1, 2019: Surcharge Waiver: \$36,000 capped

2. For any business specified in 5.04.095(K)(1) that retains the initial additional employment provided for therein and adds 20% or greater of additional new employee-filled positions during the first five-year period, of which 75% must meet the income levels specified in 5.04.095 (K)(1), the business license surcharge shall be waived for a

second five-year period; and

3. For any business specified in 5.04.095(K)(2) that retains the initial additional employment provided for in such subsection and adds 20% or greater of additional new employee-filled positions during the second 5-year period, of which 75% must meet the income levels specified in 5.04.095(K)(1), the business license surcharge shall be waived for a third five-year period.

Each business that meets this waiver will be required to apply for, or annually renew their existing business license with the State of Washington Business Licensing Service (BLS), pay their business license fee plus pay for one FTE surcharge fee at the then-current rate.

Separately, the business must provide an annual report to the City of Vancouver with backup documentation demonstrating how the business met the requirements of the surcharge waiver. If the business meets the waiver requirements, the \$50 surcharge fee paid at the time of initial application or annual renewal will be refunded.

SECTION 6. Vancouver Municipal Code Section 5.04.096 adopted by Ordinance M-4192 is hereby repealed.

~~Section 5.04.096 — Indoor Space License Fee Surcharge Calculation.~~

~~A. Any person subject to the license required by VMC 5.04.090 shall pay, in addition to the fee set forth therein and the surcharge codified at 5.04.095, an additional business license fee surcharge as provided for herein. The business license surcharge fee shall apply to business licenses issued or renewed after expiration on or after January 1, 2019.~~

~~B. Definitions. The following definitions shall apply to this section.~~

1. ~~“Commercial” means any Business activity that is not Industrial, Retail, or Residential.~~
2. ~~“Indoor Space” means the area of all floors, finish wall to finish wall, included in surrounding walls of a building.~~
3. ~~“Industrial” means any on-site Business activity that makes, processes, or stores a tangible thing.~~
4. ~~“Operating” or “Operate” means using directly or leasing to others owned Indoor Space for Business activity.~~
5. ~~“Net Square Footage” means Commercial, Industrial, or Retail Indoor Space in excess of five thousand (5000) square feet.~~
6. ~~“Residential” means Indoor Space, of more than one unit, leased or rented as living quarters that include kitchen and bathroom facilities for periods of one month or longer.~~
7. ~~“Retail” means any Business activity performed through direct on-premises sale to a customer.~~
8. ~~“Multi-family housing” means building(s) having more than one dwelling unit designed for permanent residential occupancy.~~
9. ~~“Unit” means a discreet residential area leased or rented to a Residential tenant for consideration.~~

~~C. Calculation.~~

~~1. Effective January 1, 2019, a Person Operating Retail Indoor Space shall pay an annual business license surcharge fee of \$.10 per square foot on all the Net Square Footage such person Operates in the City of Vancouver at a single or multiple locations.~~

~~B. On January 1, 2020 this fee shall increase to \$.20 per square foot.~~

~~2. Effective January 1, 2019, a Person Operating Multi-Family Residential Indoor Space shall pay an annual business license surcharge fee of \$90.00 per Residential Unit Operated.~~

~~3. Effective January 1, 2019, a Person Operating Commercial Indoor Space shall pay a business license surcharge fee of \$.07 per square foot on all the Net Square Footage such person Operates in the City of Vancouver at a single or multiple locations.~~

~~B. On January 1, 2020 this fee shall increase to \$.15 per square foot.~~

~~4. Effective January 1, 2019, a Person Operating Industrial Indoor Space shall pay an annual~~

~~business license surcharge fee of \$.05 per square foot on all the Net Square Footage such person Operates in the City of Vancouver at a single or multiple locations.~~

~~B. On January 1, 2020 this fee shall increase to \$.10 per square foot.~~

~~D. Exemptions. The following Persons are exempt from the Indoor Space fee provided under for under this section:~~

~~1. A Person Operating Indoor Space used for less than a consecutive 90 day period during a taxable year.~~

~~2. Any person exempt from the business license pursuant to 5.04.075.~~

~~E. Administrative Provisions:~~

~~1. The Director is authorized to adopt regulations to implement this Section.~~

~~2. The provisions of Chapter 5.87 VMC apply to this Section.~~

SECTION 7. Section 5.92.010 of the Vancouver Municipal Code as last amended by Ordinance M-4193, Section 1 is amended to read as follows:

Section 5.92.010 Tax imposed.

There is levied and there shall be collected from the water-sewer department of the City of Vancouver a tax in the amount of sixteen percent of revenue proceeding or accruing from the customer accounts in such department pursuant to VMC 14.04.210 and 14.04.230; provided, the tax is not collected from revenue proceeding or accruing by the city from any public sewer district.

(a) The tax imposed under this section shall increase by four percent to twenty percent, effective January 1, 2009.

(b) The tax imposed under this section shall increase by one and one-half percent (1.5%) to twenty-one and one half percent (21.5%), effective January 1, 2016. This additional

1.5% utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City of Vancouver, which are the City of Vancouver's Capital Facilities Plan, Transportation Improvement Plan, Pavement Management Plan, and Transportation element of the Comprehensive Plan.

(c) In addition to the increase provided for in subsection (b) the tax imposed under this section shall increase on April 1, 2017, to 24.9%. The tax imposed under this subsection 5.92.010(c) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016.

(d) In addition to the increase provided for in subsection (c), the tax imposed under this section shall increase on January 1, 2019 by 2.2% to 27.1%. The tax imposed under this subsection 5.92.010(d) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016.

(e) In addition to the increase provided for in subsection (d), the tax imposed under this section shall increase on January 1, 2020 by 1.8% to 28.9%. The tax imposed under this subsection 5.92.010(e) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016.

SECTION 8. Section 5.93.010 of the Vancouver Municipal Code as last amended by the Ordinance M-4193, Section 2 is amended to read as follows:

Section 5.93.010 Tax Imposed.

There is levied and there shall be collected from the storm water utility of the City of Vancouver a tax in the amount of twenty percent of the revenue proceeding or accruing from discharges into the City's surface water drainage system pursuant to VMC 14.09.060.

~~(a)~~A. The tax imposed under this section shall increase by one and one-half percent (1.5%) to twenty-one and one half percent (21.5%), effective January 1, 2016. This additional 1.5% utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City of Vancouver, which are the City of Vancouver's Capital Facilities Plan, Transportation Improvement Plan, Pavement Management Plan, and Transportation element of the Comprehensive Plan.

~~(b)~~B. In addition to the increase provided for in subsection (a) the tax imposed under this section shall increase by three and four-tenths percent (3.4%) to twenty-four and nine-tenths percent (24.9%). The tax imposed under this subsection 5.93.101(c) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016.

C. In addition to the increase provided for in subsection B, the tax imposed under this section shall increase on January 1, 2019 by an additional 2.2% to 27.1%. The tax imposed under this subsection 5.93.010.C shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016 .

D. In addition to the increase provided for in subsection C, the tax imposed under this section shall increase on January 1, 2020 by an additional 1.8% to 28.9 The tax imposed

under this subsection 5.93.010.D shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016 .

SECTION 9. Vancouver Municipal Code Section 5.94.030 as last amended by Ordinance M-4193, Section 3 is hereby amended to read as follows:

Section 5.94.030 Tax Imposed

A. In addition to the other business and license fees required by the ordinances of the city, there is levied upon all persons engaging in or carrying on a business of providing solid waste collection services, a tax equal to twenty (20%) percent of the gross income from such business in the city during the tax year as described in subsection B. herein.

1. The tax imposed under this section shall increase by one and one-half percent (1.5%) to twenty-one and one half percent (21.5%), effective January 1, 2016. This additional 1.5% utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City of Vancouver, which are the City of Vancouver's Capital Facilities Plan, Transportation Improvement Plan, Pavement Management Plan, and Transportation element of the Comprehensive Plan.

2. In addition to the increase provided for in subsection (A)(1) the tax imposed under this section shall increase on April 1, 2017, to 24.9%. The tax imposed under this subsection 5.94.030(A)(2) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendation dated December 12, 2016.

3. In addition to the increase provided for in subsection (2), the tax imposed under

this section shall increase on January 1, 2019 by 2.2% to 27.1%. The tax imposed under this subsection 5.94.010(3) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016 .

4. In addition to the increase provided for in subsection (d), the tax imposed under this section shall increase on January 1, 2020 by 1.8% to 28.9%. The tax imposed under this subsection 5.94.010(4) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the Community Resource Team recommendations dated December 12, 2016 .

B. In computing the tax provided in subsection (A), the taxpayer may deduct from total gross income the following items:

1. The actual amount of credit losses and uncollectibles sustained by the taxpayer.
2. Any amount collected for services other than the collection of “solid waste” as defined in VMC section 5.94.010. Including, but not limited to, pass through disposal charges.
3. Any customer late fees authorized to be charged by the taxpayer.
4. Income derived from transactions in interstate and foreign commerce which the city is prohibited from taxing under the laws and Constitution of the United States.

SECTION 10. Vancouver Municipal Code Section 14.04.210 as last amended by

Ordinance M-4193, Section 4 is hereby amended to read as follows:

Section 14.04.210 Water service--User charges.

A. Base charge, all customer classes.

4. For all water customers, each customer shall pay a monthly base charge as follows:
Effective January 1, 2017

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	7.17	10.76
b. 3/4 inch	per month	9.50	14.24
c. 1 inch	per month	14.51	21.76
d. 1 1/2 inch	per month	26.98	40.47
e. 2 inch	per month	41.81	62.72
f. 3 inch	per month	76.65	114.97
g. 4 inch	per month	126.29	189.45
h. 6 inch	per month	250.60	375.91
i. 8 inch	per month	399.73	599.59
j. 10 inch	per month	598.44	897.66
k. 12 inch	per month	1,162.82	1,744.23

Effective April 1, 2017

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	7.49	11.25
b. 3/4 inch	per month	9.93	14.89
c. 1 inch	per month	15.17	22.75
d. 1 1/2 inch	per month	28.20	42.30
e. 2 inch	per month	43.70	65.56
f. 3 inch	per month	80.12	120.18
g. 4 inch	per month	132.01	198.03
h. 6 inch	per month	261.95	392.94
i. 8 inch	per month	417.84	626.75
j. 10 inch	per month	625.55	938.32
k. 12 inch	per month	1,215.50	1,823.24

Effective January 1, 2018

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
a. 5/8 x 3/4 inch and under	per month	7.86	11.81
b. 3/4 inch	per month	10.43	15.63
c. 1 inch	per month	15.93	23.89
d. 1-1/2 inch	per month	29.61	44.42
e. 2 inch	per month	45.89	68.84
f. 3 inch	per month	84.13	126.19
g. 4 inch	per month	138.61	207.93
h. 6 inch	per month	275.05	412.59
i. 8 inch	per month	438.73	658.09
j. 10 inch	per month	656.83	985.24
k. 12 inch	per month	1,276.28	1,914.40

Effective January 1, 2019

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
a. 5/8 x 3/4 inch and under	per month	8.25 <u>8.50</u>	12.40 <u>12.75</u>
b. 3/4 inch	per month	10.95 <u>11.28</u>	16.41 <u>16.92</u>
c. 1 inch	per month	16.73 <u>17.23</u>	25.08 <u>25.85</u>
d. 1-1/2 inch	per month	31.09 <u>32.03</u>	46.64 <u>48.04</u>
e. 2 inch	per month	48.18 <u>49.64</u>	72.28 <u>74.46</u>
f. 3 inch	per month	88.34 <u>91.00</u>	132.50 <u>136.51</u>
g. 4 inch	per month	145.54 <u>149.93</u>	218.33 <u>224.90</u>
h. 6 inch	per month	288.80 <u>297.52</u>	433.22 <u>446.28</u>
i. 8 inch	per month	460.67 <u>474.57</u>	690.99 <u>711.86</u>
j. 10 inch	per month	689.67 <u>710.49</u>	1,034.50 <u>1065.74</u>
k. 12 inch	per month	1,340.09 <u>1380.55</u>	2,010.12 <u>2070.83</u>

Effective January 1, 2020

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	8.66 <u>9.15</u>	13.02 <u>13.73</u>
b. 3/4 inch	per month	11.50 <u>12.15</u>	17.23 <u>18.22</u>
c. 1 inch	per month	17.57 <u>18.55</u>	26.33 <u>27.83</u>
d. 1-1/2 inch	per month	32.64 <u>34.48</u>	48.97 <u>51.72</u>
e. 2 inch	per month	50.59 <u>53.44</u>	75.89 <u>80.16</u>
f. 3 inch	per month	92.76 <u>97.97</u>	139.13 <u>146.96</u>
g. 4 inch	per month	152.82 <u>161.42</u>	229.25 <u>242.13</u>
h. 6 inch	per month	303.24 <u>320.31</u>	454.88 <u>480.47</u>
i. 8 inch	per month	483.70 <u>510.93</u>	725.54 <u>766.39</u>
j. 10 inch	per month	724.15 <u>764.92</u>	1086.23 <u>1147.38</u>
k. 12 inch	per month	1407.09 <u>1486.30</u>	2110.63 <u>2229.45</u>

2. The monthly base charge set in (1) does not include any charge for consumption of water.

3. The monthly base charge for any single family residential customer shall not exceed the charge set in (b) above.

B. Volume Charge (uniform volume).

1. In addition to the monthly base charge in subsection A(1), each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

~~Effective January 1, 2017~~

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.02/CCF	3.03/CCF
Multi-Family:	1.74/CCF	2.62/CCF
Non-Profit Shelters:	0.45/CCF	0.69/CCF
Commercial⁺ and Industrial⁺:	1.74/CCF	2.62/CCF
Government⁺:	1.55/CCF	2.33/CCF

Effective April 1, 2017

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.11/CCF	3.17/CCF
Multi-Family:	1.82/CCF	2.74/CCF
Non-Profit Shelters:	0.47/CCF	0.72/CCF
Commercial ¹ and Industrial ¹ :	1.82/CCF	2.74/CCF
Government ¹ :	1.62/CCF	2.44/CCF

Effective January 1, 2018

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.22/CCF	3.33/CCF
Multi-Family:	1.91/CCF	2.88/CCF
Non-Profit Shelters:	0.49/CCF	0.76/CCF
Commercial ¹ and Industrial ¹ :	1.91/CCF	2.88/CCF
Government ¹ :	1.70/CCF	2.56/CCF

Effective January 1, 2019

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.33/CCF 2.40/CCF	3.50/CCF 3.60/CCF
Multi-Family:	2.01/CCF 2.07/CCF	3.02/CCF 3.10/CCF
Non-Profit Shelters:	0.51/CCF 0.53/CCF	0.80/CCF 0.80/CCF
Commercial ¹ and Industrial ¹ :	2.01/CCF 2.07/CCF	3.02/CCF 3.10/CCF
Government ¹ :	1.79/CCF 1.84/CCF	2.69/CCF 2.76/CCF

Effective January 1, 2020

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.45/CCF 2.59/CCF	3.68/CCF 3.88/CCF

14.0

Multi-Family:	2.11/CCF <u>2.22/CCF</u>	3.17/CCF <u>3.34/CCF</u>
Non-Profit Shelters:	0.54/CCF <u>0.57/CCF</u>	0.84/CCF <u>0.86/CCF</u>
Commercial ¹ and Industrial ¹ :	2.11/CCF <u>2.22/CCF</u>	3.17/CCF <u>3.34/CCF</u>
Government ¹ :	1.88/CCF <u>1.98/CCF</u>	2.82/CCF <u>2.97/CCF</u>

Note ¹: As this use is classified under Vancouver Municipal Code Title 20

2. All volume charges are computed per hundred cubic feet (CCF).

3. "Single family customer" class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This definition is for utility billing purposes only.

4. "Multi-family customer" class shall apply to customers with two or more living units per meter. This definition is for utility billing purposes only.

5. "Non-profit Shelter" For the purpose of applying the rates as set forth in subsection B(1) above, the term non-profit shelters shall be defined to mean a facility operated by a non-profit organization that provides clients with on site food, beds or shelter for free or at significantly below market rates.

C. Charges for Cutting Off and Restoring Service.

1. Service cut off.

a. Cutting off service for non payment. There shall be a forty dollar (\$40) charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.

b. Emergencies - cut off. No cut-off charge shall be made if service is cut off to meet an actual emergency.

c. Customer request. No cut-off charge shall be made if service is cut off at customer's request for the first such request.

2. Starting or Restoring Service.

a. For starting or restoring service at the customer's request, the charge shall be no charge for the first such request during regular working hours, and a fee of fifty dollars for each such request outside of regular office hours.

b. Altered service. If the meter or service has been altered without the written authorization of the Director Public Works or designee, the charge shall be fifteen dollars additional to all other charges in this section.

c. Multiple cut off/restoration requests. For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of twenty-five dollars per each additional trip during office hours.

D. Testing Meters - Customer's Request. Schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00
2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At Cost
Meter Resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. Testing Meters - Other Than at Customer's Request. The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary Water Use from Hydrant fees shall be set by the Director pursuant to VMC 14.04.100.L.

SECTION 11. Vancouver Municipal Code Section 14.04.230 as last amended by Ordinance M-4193, Section 5 is hereby amended to read as follows:

Section 14.04.230 Sanitary sewer service--User charges.

A. Monthly User Charges.

~~1.~~ Residential customers. Each residential customer shall pay a monthly user charge as follows: ~~Effective~~

~~January 1, 2017~~

Customer Class	Inside City Limits	Outside City Limits
a. Single Family Residential	\$48.10 per mo. or \$4.81 CCF	\$72.20 per mo. or \$7.22 per CCF
b. Multi Family Residential	\$38.48 per mo. or \$4.81 per CCF	\$57.76 per mo. or \$7.22 per CCF
c. Non Profit Shelter	\$1.30 per CCF	\$1.95 per CCF

~~Effective April 1, 2017~~

Customer Class	Inside City Limits	Outside City Limits
a. Single Family Residential	\$50.30 per mo. or \$5.03 CCF	\$75.50 per mo. or \$7.55 per CCF
b. Multi-Family Residential	\$40.24 per mo. or \$5.03 per CCF	\$60.40 per mo. or \$7.55 per CCF
c. Non-Profit Shelter	\$1.36 per CCF	\$2.04 per CCF

Effective January 1, 2018

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$51.80 per mo. or \$5.18 CCF	\$77.80 per mo. or \$7.78 per CCF
b. Multi-Family Residential	\$41.44 per mo. or \$5.18 per CCF	\$62.24 per mo. or \$7.78 per CCF
c. Non-Profit Shelter	\$1.40 per CCF	\$2.10 per CCF

Effective January 1, 2019

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$53.40 per mo. or \$5.34 per CCF <u>\$54.96 per mo. or \$5.50 CCF</u>	\$80.10 per mo. or \$8.01 per CCF <u>\$82.44 per mo. or \$8.24 per CCF</u>
b. Multi-Family Residential	\$42.72 per mo. or \$5.34 per CCF <u>\$43.97 per mo. or \$5.50 per CCF</u>	\$64.08 per mo. or \$8.01 per CCF <u>\$65.95 per mo. or \$8.24 per CCF</u>
c. Non-Profit Shelter	\$1.44 per CCF <u>\$1.53 per CCF</u>	\$2.16 per CCF <u>\$2.29 per CCF</u>

Effective January 1, 2020

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$55.00 per mo. or \$5.50 per CCF <u>\$58.04 per mo. or \$5.80 CCF</u>	\$82.50 per mo. or \$8.25 per CCF <u>\$87.06 per mo. or \$8.71 per CCF</u>
b. Multi-Family Residential	\$44.00 per mo. or \$5.50 per CCF <u>\$46.43 per mo. or \$5.80 per CCF</u>	\$66.00 per mo. or \$8.25 per CCF <u>\$69.65 per mo. or \$8.71 per CCF</u>
c. Non-Profit Shelter	\$1.48 per CCF <u>\$1.61 per CCF</u>	\$2.22 per CCF <u>\$2.42 per CCF</u>

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's water usage, either in the previous November/January billing period or in the previous December/February billing period provided each customer, other than qualifying low-income seniors as defined in subsection 2(E), is subject to a minimum volume charge of 3 CCF per month.

A. Single-family or multi-family residential customers who have "a complete two-month water consumption history" in either of the two billing periods specified above, shall be charged the applicable inside city or outside city rate per CCF for sewer as set forth in section 1 above. For new accounts in which the two month water consumption history has not been established, an interim rate may be established by the Director of Public Works in accordance with department policies. The Director of Public Works shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

B. The applicable inside city or outside city flat rate set forth in section 1 above shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

C. The Utilities Division shall develop written rules consistent with this subsection and this ordinance for the fair and efficient administration of such sewer rate.

D. For the purpose of applying the rates as set forth in subsection A(1)(c) above, the term non-profit shelters shall be defined to mean a facility operated by a non-profit organization that provides clients with on site food, beds or shelter for free or at significantly below market rates.

E. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection A(2) above, applicants shall meet the following:

1. Applications shall be obtained from and filed with the Public Works director, or his or her designee. The application shall be on a form prescribed by the Public Works director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

a. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

b. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

c. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to re-apply for successive 12-month periods of eligibility.

d. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.

e. The applicant must be the head of the household for the residence for which the rate reduction is requested.

f. The utility account must be in the applicant's name or the name of the applicant's spouse.

2. For purposes of this section, the term low income senior shall be defined as follows:

a. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

b. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

c. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding two hundred (200) percent of the Federal Poverty Guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. Commercial, industrial, electronics and government customers. Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection A.1. above:

~~Effective January 1, 2017:~~

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$5.63 per CCF	\$8.46 per CCF
b. Government	\$3.44 per CCF	\$5.16 per CCF
c. Industrial	\$5.84 per CCF	\$6.06 per CCF
d. Electronics	\$4.30 per CCF ⁷	\$4.45 per CCF ⁸

~~Notes for Electronic Customer Class—Effective January 1, 2017—December 31, 2017:~~

~~⁷For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.44 per CCF.~~

~~⁸For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.55 per CCF.~~

Effective April 1, 2017:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$5.89 per CCF	\$8.84 per CCF
b. Government	\$3.60 per CCF	\$5.39 per CCF
c. Industrial	\$6.10 per CCF	\$6.33 per CCF
d. Electronics	\$4.49 per CCF ⁹	\$4.65 per CCF ¹⁰

~~Notes for Electronic Customer Class—Effective January 1, 2017—December 31, 2017:~~

~~⁹For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.60 per CCF.~~

~~¹⁰For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.71 per CCF.~~

Effective January 1, 2018:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$6.07 per CCF	\$9.11 per CCF
b. Government	\$3.71 per CCF	\$5.55 per CCF
c. Industrial	\$6.28 per CCF	\$6.52 per CCF
d. Electronics	\$4.62 per CCF ¹¹	\$4.79 per CCF ¹²

Notes for Electronic Customer Class - Effective January 1, 2018 - December 31, 2018:

¹¹ For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.71 per CCF.

¹² For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.82 per CCF. Effective January 1, 2019:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$6.25 per CCF <u>\$6.63 per CCF</u>	\$9.38 per CCF <u>\$9.95 per CCF</u>
b. Government	\$3.82 per CCF <u>\$4.05 per CCF</u>	\$5.72 per CCF <u>\$6.08 per CCF</u>
c. Industrial	\$6.47 per CCF <u>\$6.86 per CCF</u>	\$6.72 per CCF <u>\$10.30 per CCF</u>
d. Electronics	\$4.76 per CCF¹¹ <u>\$5.05 per CCF¹³</u>	\$4.93 per CCF¹² <u>\$7.58 per CCF¹⁴</u>

Notes for Electronic Customer Class - Effective January 1, 2019 - December 31, 2019:

¹¹ ~~For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.82 per CCF.~~

¹² ~~For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.93 per CCF.~~¹³

For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.04 per CCF.

¹⁴ For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.06 per CCF.

Effective January 1, 2020:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$6.44 per CCF <u>\$7.00 per CCF</u>	\$9.66 per CCF <u>\$10.50 per CCF</u>
b. Government	\$3.93 per CCF <u>\$4.28 per CCF</u>	\$5.89 per CCF <u>\$6.42 per CCF</u>
c. Industrial	\$6.66 per CCF <u>\$7.25 per CCF</u>	\$6.92 per CCF <u>\$10.87 per CCF</u>
d. Electronics	\$4.90 per CCF ¹³ <u>\$5.33 per CCF</u> ¹⁵	\$5.08 per CCF ¹⁴ <u>\$8.00 per CCF</u> ¹⁶

Notes for Electronic Customer Class - Effective January 1, 2020 - December 31, 2020:

¹³ ~~For monthly average flows above 2.88 million gallons per day, the rate shall be \$3.93 per CCF.~~

¹⁴ ~~For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.05 per CCF.~~

¹⁵ For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.27 per CCF.

¹⁶ For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.40 per CCF.

4. The rate for discharging septage at the City's Publicly Owned Treatment Works (POTW) as provided for in VMC 5.72 effective January 1, 2013, shall be \$125.00 for each one thousand (1,000) gallons, or fraction thereof discharged in to POTW. If required, there shall also be added to such charge a tipping fee as determined by the Clark County Public Health District to support the Department's Septic System Preventive Maintenance Program.

5. INDUSTRIAL CUSTOMER is defined as an industrial user of the public sewer system who:

a. Has a discharge flow of ten thousand gallons or processed wastewater or more per average work

day; or

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of two hundred milligrams per liter per average work day; or

c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. ELECTRONICS USER is defined as an industrial user of the public sewer system who:

a. Has a discharge flow of five hundred thousand gallons or more per average work day; and

b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than two hundred milligrams per liter per average work day.

B. Liquids Not Originating From City Water System.

Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the Director of Public Works all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. Used Water Not Flowing Into Sewer System.

Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the Director of

Public Works to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. Computation of Utility Rates.

For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

SECTION 12. Vancouver Municipal Code Section 14.09.060 as last amended by Ordinance M-4193, Section 6 is hereby amended to read as follows:

Section 14.09.060 Rates for storm and surface water management.

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section. Monthly charges will have two components as follows:

1. Operation and Maintenance. To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.

2. Capital Expenditures. To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2017

Single Family	Multi-Family	Commercial	Industrial
\$9.23 per month	\$9.23 per 2,500 sq. ft. hard surface per month (\$9.23 minimum)	\$9.23 per 2,500 sq. ft. hard surface per month (\$9.23 minimum)	\$9.23 per 2,500 sq. ft. hard surface per month (\$9.23 minimum)

Effective April 1, 2017

Single Family	Multi-Family	Commercial	Industrial
\$9.65 per month	\$9.65 per 2,500 sq. ft. hard surface per month (\$9.65 minimum)	\$9.65 per 2,500 sq. ft. hard surface per month (\$9.65 minimum)	\$9.65 per 2,500 sq. ft. hard surface per month (\$9.65 minimum)

Effective January 1, 2018

Single Family	Multi-Family	Commercial	Industrial
\$10.13 per month	\$10.13 per 2,500 sq. ft. hard surface per month (\$10.13 minimum)	\$10.13 per 2,500 sq. ft. hard surface per month (\$10.13 minimum)	\$10.13 per 2,500 sq. ft. hard surface per month (\$10.13 minimum)

Effective January 1, 2019

Single Family	Multi-Family	Commercial	Industrial
\$10.64 per month <u>\$10.96 per month</u>	\$10.64 per 2,500 sq. ft. hard surface per month (\$10.64 minimum) <u>\$10.96 per 2,500 sq. ft. hard surface per month (\$10.96 minimum)</u>	\$10.64 per 2,500 sq. ft. hard surface per month (\$10.64 minimum) <u>\$10.96 per 2,500 sq. ft. hard surface per month (\$10.96 minimum)</u>	\$10.64 per 2,500 sq. ft. hard surface per month (\$10.64 minimum) <u>\$10.96 per 2,500 sq. ft. hard surface per month (\$10.96 minimum)</u>

Effective January 1, 2020

Single Family	Multi-Family	Commercial	Industrial
<u>\$11.17 per month</u> <u>\$11.80 per</u> <u>month</u>	<u>\$11.17 per 2,500 sq. ft.</u> <u>hard surface per month</u> <u>(\$11.17 minimum)</u> <u>\$11.80</u> <u>per 2,500 sq. ft. hard</u> <u>surface per month (\$11.80</u> <u>minimum)</u>	<u>\$11.17 per 2,500 sq. ft. hard</u> <u>surface per month (\$11.17</u> <u>minimum)</u> <u>\$11.80 per 2,500 sq.</u> <u>ft. hard surface per month</u> <u>(\$11.80 minimum)</u>	<u>\$11.17 per 2,500 sq. ft.</u> <u>hard surface per month</u> <u>(\$11.17 minimum)</u> <u>\$11.80</u> <u>per 2,500 sq. ft. hard</u> <u>surface per month (\$11.80</u> <u>minimum)</u>

C. "Multi-family Customer" class shall apply to customers with living units that share a common wall.

1. Multi-family customers with two or more living units per meter will be charged the effective rate per 2,500 sq. ft. of impervious surface.

2. Multi-family customers with one water meter per living unit will be charged the prevailing "Single-family customer rate" per unit.

D. State Highway Charge. Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30% of the charge provided in paragraph B above, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. Application to Publicly Owned Properties. Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. Application to active gravel mining operations and publicly owned streets, alleys and rights of way. Active gravel mining operations, publicly owned streets, alleys and rights of way shall be charged at the State Highway Charge rate provided in paragraph D as set forth herein.

G. Application to certain qualifying properties. For qualifying properties meeting all of the following criteria, the monthly charge shall be 30% of the charge provided in paragraph B above.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Secondary Permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended.

2. The qualifying property does not discharge stormwater into the City of Vancouver surface water drainage system.

SECTION 13. Savings. Those sections of the ordinances amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 14. Severability. If any provision of this Ordinance is held invalid, the validity of the Ordinance as a whole, or any portion thereof, shall not be effected.

SECTION 15. Ratification. Acts taken in conformity with this ordinance prior to its effective date are hereby ratified and affirmed.

SECTION 16. Effective Date. This ordinance shall be effective on January 1, 2019.

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 _____, 2018.

Anne McEnery-Ogle, Mayor

Attest:

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

Approved as to form:

E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE amending Vancouver Municipal Code (VMC) Sections 5.04.020, 5.04.075, 5.04.095, 5.92.010, 5.93.010, 5.94.030, 14.04.210, 14.14.230, and 14.09.060 to amend business license fee limitations and exemptions; to increase water, sewer, and stormwater rate and taxes; and to increase solid waste taxes to fund additional police protection services; and repealing Section 5.04.096 business license fees based on square footages for commercial, industrial, and multi-family residential rental properties; providing for savings, severability, ratification, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8799, or via www.cityofvancouver.us (Go to City Government and Public Records).

MEMORANDUM

DATE: June 11, 2018
TO: Vancouver City Council
FROM: Tim Schauer and Tim Leavitt, Co-Chairs, Vancouver Strong Executive Sponsors Council
RE: **Executive Sponsors Council Workplan Update and Recommendation for Replacement Revenue Sources for VPD funding**

The Vancouver Strong Executive Sponsors Council (ESC) continues to make progress on its work to develop for your review and consideration a long term, sustainable funding strategy that will ensure the future health and prosperity of our city by maintaining quality City services, improving our economy and creating opportunities for all residents.

The purpose of this memo is to request a timeline extension for presenting our final funding strategy recommendation, to deliver a recommendation for replacement revenue sources for Vancouver Police Department funding, and to provide a brief review of the Vancouver Strong initiative, our progress to date and the path forward.

TIMELINE EXTENSION

In February 2018, when the Vancouver Strong Mid-Point Report was provided to City Council, our goal was to present a proposed funding package for City services and capital improvements to City Council by May 2018. Since then, we have determined that additional time is needed to allow for a broad-based community engagement process and to place any elements in the package that would require voter approval on a future election ballot.

We appreciate the Council's concurrence with an extended timeline to deliver our comprehensive funding package recommendation for City service enhancements, capital investments, and policy adjustments to December 2018.

REPLACEMENT REVENUE FOR POLICE FUNDING

There is one aspect of the funding strategy that requires attention well before the end of the year: A recommendation to replace \$6.1 million for police services from a new indoor space license fee surcharge, currently set to go into effect on January 1, 2019.

For Council's review and consideration, our recommendation for replacement sources of revenue is outlined below.

RECOMMENDATION FOR POLICE FUNDING REPLACEMENT REVENUE

During our discussions, we have gained an appreciation of the complexity of the City as a service organization as well as a corporate entity. We have also come to appreciate the extreme difficulty of crafting a funding approach that balances a wide spectrum of competing interests in the community.

The police revenue package adopted in February 2017, provided a multi-year staffing strategy for VPD and included revenue from several sources, including a new indoor space license fee surcharge on retail/commercial/ industrial spaces and multi-family units. This new surcharge is set to become effective as of January 1, 2019, but the police funding revenue package included a contingent clause that would repeal the indoor space surcharge if an equivalent and more preferable method of funding is developed and enacted by the end of 2018 as part of the larger, more comprehensive funding discussion.

The new indoor space surcharge is complex to administer and would require the City to hire additional staff in order to implement. We recommend the new indoor space surcharge be repealed and the \$6.1 million in funding for police services be replaced with the below revenue sources:

Revenue Sources	Dollars generated (\$ millions)	Tax rate increase
Savings due to ease of implementation and revenue collection	\$0.25	
Utility tax increase 2019	\$2.39	2.2%
Utility tax increase 2020	\$2.00	1.8%
Business license surcharge (remove cap on companies with more than 400 FTEs)	\$0.56	
Business license surcharge (apply to not-for-profit companies with four or more employees or with revenue greater than \$12,000 per year)	\$0.90	
TOTAL	\$6.10	

The ESC utilized the following rationale in developing this recommendation:

- **More effectively applies the current business license surcharge to capture the existing base without raising rates.** The current \$90 per employee per year business license surcharge (BLS) is dedicated exclusively to funding improvements to the City's street system and paying off transportation bonds (generating \$2.6 million annually) and increasing capacity in the City's police department (generating \$0.8 million annually). These two services are used – either directly or indirectly - by every citizen, employee and business in the city. Further, the ESC recognizes that the business license surcharge is currently the only broadly applied tax exclusive to business activity in the city.

By eliminating the current cap of 400 employees on large employers, the base to which the business license surcharge applies is expanded in a way that more accurately captures the footprint of larger employers, dedicating this revenue to City services that all employers use.

Approximately 11 employers are anticipated to be impacted by this change. These companies employ an estimated total of 9,685 FTEs, and removing the cap is anticipated to result in the surcharge applying to 1.3 percent of total employment within the city. The adjustment also captures revenue from a measurable segment of employment within the city – the nonprofit sector. There are approximately 10,186 full time equivalent jobs in the city associated with a total of 186 individual nonprofits. Of these, 123 have four or more employees. Notably, the largest of these, PeaceHealth, employs approximately 4,500 FTEs. The ESC recognizes that the nonprofit sector by its very nature endeavors to meet community needs that otherwise may not be met at all. However, as noted above, nonprofit entities contribute to demand for essential services that the BLS is designed to fund. Given recent feedback from stakeholders, Council may want to consider phasing in the new requirement for non-profits and large businesses.

- **Preserves exemptions for the smallest non-profits:** The recommendation preserves the exemption to obtain a business licenses for any business that earns less than \$12,000 per year and for nonprofits with less than four employees.
- **Maintains engagement with the business community in a constructive manner.** The ultimate success of the Vancouver Strong effort will depend in part on the support of the business community. Consequently, there is measurable value in listening to concerns raised by the business community with respect to the new indoor space surcharge.
- **Ease of implementation and administration.** As we looked to replace the adopted, but not yet implemented, ordinance for indoor space and multi-family unit business surcharges, we learned of its complexity for those who would pay it as well as for the City, who would administer and account for it. Because the BLS and the utility tax are currently administered by the City, the recommended adjustments to these will not increase administrative burden for either the payer or the City, minimizing administrative complexity and costs.
- **Avoids new fees/taxes on new construction and multi-family housing.** The recommendation acknowledges the near-term shortage in affordable housing and endeavors not to aggravate this situation in the context of this recommendation for replacement revenue. (However, the ESC notes that the comprehensive service package may contemplate revenue sources that impact the cost of housing in Vancouver.)
- **Preserves flexibility for future adjustments to this revenue.** As we develop a comprehensive service and revenue package, further adjustments and refinements to this revenue may be needed. Consequently, replacement revenue should preserve the maximum flexibility for

refinement in the context of future phases of the Vancouver Strong recommendation while continuing to maintain ease of administration.

VANCOUVER STRONG INITIATIVE

In early 2017, the City, working with a Community Resource Team completed a focused effort to identify service gaps at the Vancouver Police Department and develop a funding package to address them. This effort resulted in the City Council adopting a package of fees and taxes to address the gaps in police service. In response, business and community leaders issued a call for the City to commit to a broad-based community engagement process to develop a structural funding solution that will provide stability and predictability for businesses, residents and for City services.

As a result of that call for action, in March 2017, the City convened a group of business and community leaders to play a key role in developing this structural solution. This group is referred to as the Executive Sponsors Council (ESC) and the initiative as Vancouver Strong.

The ESC has been meeting since May 2017, and through a series of meetings we have gained a thorough understanding of the scope of City services, funding challenges and opportunities, and financial tools. The ESC has come to understand how limited and shallow the revenue tool box is for the City to address growing service needs.

We began our work with an understanding of the City's Strategic Plan and a collective vision for a strong Vancouver. Our challenge is to improve our city by taking action to prevent a state of decline and to make viable the community's aspirations for Vancouver. We believe that through a strategic approach to investing in City services, we can maintain safety and improve livability, vibrancy, and economic vitality for all.

The goal of Vancouver Strong is to develop a long-term, comprehensive, streamlined and sustainable funding package that will enable the City to invest in the capital improvements and services identified in the Strategic Plan and other adopted City plans to serve the Vancouver community. The ESC will be conducting a community engagement process to inform development of a funding package before presenting a proposed funding package to City Council by the end of 2018.

FUTURE GROWTH AND REVENUE CONSTRAINTS

Vancouver is currently experiencing population and economic growth which has increased demand for City resources and services. Since the end of the recession, Vancouver's population has increased by over 3,200 new residents per year and is urbanizing at the fastest pace in a generation. In response, the City has made great strides to address some of our most critical service needs through a disciplined approach to managing resources, including cost containment, efficiency improvements and service reductions as well as a series of focused efforts around core service areas such as fire and emergency

medical services, affordable housing, streets and police. The City provides services to nearly 25,000 more citizens and 3,000 new businesses than it did just 10 years ago – with 110 fewer City employees.

Despite incremental adjustments to the City's revenue structure and an ongoing focus on efficiencies and fiscal discipline, gaps persist in key areas of City services. These gaps are forecast to continue to widen each year due to ongoing demand from a growing population paired with the constraints in the basic revenue structure that funds general City services.

The intricacies of the revenue system in Washington State and the compounded impacts of the City's repeal of the business and occupation tax in the early 1990s, the statewide tax reform initiatives passed in the late 1990s and early 2000s, and the economic impacts of the great recession, have all resulted in the City's general revenues lagging behind inflation and not keeping pace with the growth in demand for services.

The largest three revenues for the City's general fund – property tax, sales tax and utility tax on city owned utilities – make up 73 percent of the total revenues. The City's largest and most stable general revenue – property taxes – is the most constrained, with the revenue base limited to the lower of 1 percent annual growth or inflationary index regardless of how strong or weak the economy is. Sales tax is highly volatile and susceptible to economic swings.

While the near-term forecast for the City indicates financial stability, the impact of the structural imbalance in how core City services are funded will become challenging, and if not proactively addressed now, we will start experiencing declining service levels across all general City services in the very near future.

THE PATH FORWARD

The ESC will continue to meet through November 2018 and has developed a work plan (attached) to develop a final recommendation. This summer City staff, in partnership with ESC members, will implement a public engagement effort to gain broader input on a draft recommendation.

We have identified the following decision-making considerations to use in developing our comprehensive recommendations for City services, capital investments and policy changes:

- Helps retain and/or attract talent to the local community and economy
- Serves as a catalyst to lead and promote private investment
- Prevents problems or proactively addresses cause
- Provides a tangible benefit to residents, especially those who are the most vulnerable or underserved
- Enhances relationships and connections among Vancouver residents
- Promotes social and geographic equity of service delivery and social benefits
- Focuses on services or responsibilities that rest solely or primarily with the City
- Provides opportunities for positive financial or community return on investment
- Reflects stewardship of what we already have
- Has potential to increase city revenue base

- Focused toward the long-term (sustainability and prevention)

Considerations for development of a revenue package to fund new or enhanced services include:

- Fair and holistic: Distributes revenue generation across sectors, users and customers
- Sustainable: Keeps pace with inflation over time to help Vancouver achieve its vision
- Simple: Helps simplify the taxing structure
- Scalable: Can grow with Vancouver
- Stable: Generates reliable and predictable revenue
- Equitable: Results in no disproportionate impacts on certain groups or populations.

Thank you for considering our recommendation for replacement revenue for Vancouver Police Department funding. We believe this recommendation provides a more streamlined and equitable approach to raising the revenues needed for police services.

We look forward to continuing our work on developing a comprehensive funding package for your consideration later this year. We also look forward to engaging with a broad group of community leaders and Vancouver residents to seek feedback as we develop this plan.

We are committed to helping make our community a better place. By developing a comprehensive funding strategy for city services today we can maintain the safety and improve the livability in our city for the future. We believe this work will help to ensure a strong future for Vancouver, a place people are proud to call home.

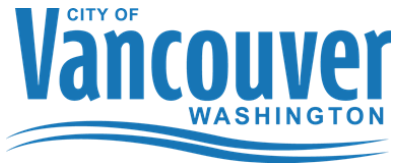
ATTACHMENT:

- Work plan

VANCOUVER STRONG
Executive Sponsors Council
Work Plan
DRAFT – May 13, 2018

	Meeting	Description	Public outreach
10	March 8	Topics: ESC workplan, revenue decision criteria, phase 1 recommendation Purpose: To move ahead with longer time frame and advance phase 1 recommendations Materials: Draft workplan, draft revenue criteria, revenue scenarios for phase one, calculator	Briefings with stakeholders Website
11	April 12	Topics: Phase 1 recommendation, revenue criteria, outreach plan Purpose: To finalize phase 1 recommendation and revenue criteria, to provide input on outreach and engagement plan Materials: Memo, revised phase 1 scenarios, draft revenue criteria, draft outreach and engagement plan	Website
12	May 24 (Operations center)	Topics: Formalize final initial phase recommendation, capital investments, decision-making framework for long-term investments Purpose: Consider scenarios for capital investments and how recommendations will be made Materials: Capital investment scenarios	Website Email update/social media
13	June 21 Note: 9am – 3pm (Tour of waterfront park)	Topics: Service package scenarios for operating investments, revenue scenarios Purpose: To advance package of investments and revenue package to present for broader public and stakeholder review Materials: Scenarios for operating investments	ESC led briefings with community groups and organizations (City staff provides tool kit of templates and materials) Enhance information sharing: - Newsletter/email - Factsheet - Website
14	July Date TBD (Added meeting)	Topics: Service package scenarios, revenue package scenarios and potential policy changes Purpose: To agree on public review package: operations, capital investments, revenue package and policy changes Materials: Scenarios for revenue enhancements and service enhancements	Information pop-ups and community awareness activities at farmer's market, park events, shopping center ESC led briefings with community groups and organizations (City staff provides tool kit of templates and materials)

	Meeting	Description	Public outreach
	July - Aug	Community Leaders Roundtable / Summit	Online feedback Information pop-ups and community awareness activities - Farmer's Market - Park events - Shopping center booth - information sharing: - Newsletter/email - Factsheet - Website, social media
14	Sept. 13	Topics: Public engagement results, refine recommendations for service package, revenue package and policy changes Purpose: To hear results of public engagement on capital investment package and operating package and refine for final consideration and recommendation to City Council Materials: Public comment report, preferred scenario, report outline	Information sharing: - Newsletter/email - Factsheet - Website, social media
15	Oct. 25	Topics: Recommendation to City Council Purpose: To advance the recommendation(s) and report to City Council Materials: Draft report with recommendations	Email update/social media Website
16	Nov. 7	Topics: Final recommendation to City Council Purpose: To adopt the final recommendation(s) and report to City Council and close out the ESC process Materials: Revised draft report with recommendations	Email update/social media Website
	December	n/a	
	January	ESC recommendations presented to City Council	



To: Eric Holmes
From: Carol Bua
Date: August 21, 2018
Re: Survey to nonprofits regarding proposed restructure of business license fee surcharge

In early August 2018, an invitation to participate in a survey requesting feedback on a proposal to restructure the business license fee and surcharge to apply to nonprofits within the city limits was sent to more than 100 nonprofit organizations in the city of Vancouver. 192 survey responses and 149 comments have been received to date.

The survey consisted of four questions: 1. Number of employees; 2. Age of organization; 3. Level of agreement with nonprofits helping to pay for police services through a business license fee surcharge; and 4. An open-ended request for comments.

SURVEY INSTRUMENT

Request for feedback on a proposal to restructure the business license fee and surcharge to apply to nonprofits.

The City of Vancouver is looking at funding options for its police services. As our community grows, and the need for services increases, the police department has not been able to keep pace with the demand.

Most businesses within the city limits of Vancouver currently pay a business license fee of \$125 a year, plus a business license surcharge per full-time employee (\$90 per FTE as of 01/01/19). Nonprofits have historically been exempt from these fees. The current proposal being considered would apply the annual business license fee and per employee surcharge to non-profit organizations with four or more full-time employees. Revenue generated from applying these fees to nonprofit organizations would be used to help fund police services.

The City recognizes that the nonprofit sector, by its very nature, endeavors to meet community needs that otherwise may not be met, but also that police services are used, either directly or indirectly, by every resident, employee, organization and business in the city – contributing to the demand for essential police services that the business license fee and surcharge is designed to help fund.

We would like to hear your feedback on this proposal. Please take a few moments to respond to a four-question survey by August 22. The survey should take less than five minutes to complete. The results of this survey and other information will be presented to the Vancouver City Council for their further consideration

Thank you for providing your feedback. If you have any questions or would like more information, please email vancmo@cityofvancouver.us.

Q1: How many full-time employees does your nonprofit currently employ in the city of Vancouver?

Q2: How long has your organization been in existence?

Q3: What is your level of agreement with nonprofits helping to pay for police services through a business license fee and per full-time employee surcharge?

Q4: Do you have any additional comments on this proposal?

SURVEY RESPONSE SUMMARY : Questions 1-3

Number of Employees: The majority of respondents (50%) indicated they had fewer than 4 full-time employees (FTEs), followed by 28% with 4-10 FTEs, and nearly 17% with more than 20 FTEs. Only 5% of respondents indicated they had 11-20 FTEs.

Age of organization: The majority of nonprofit organizations in the city of Vancouver who responded to this survey have been in existence for more than 10 years (79%).

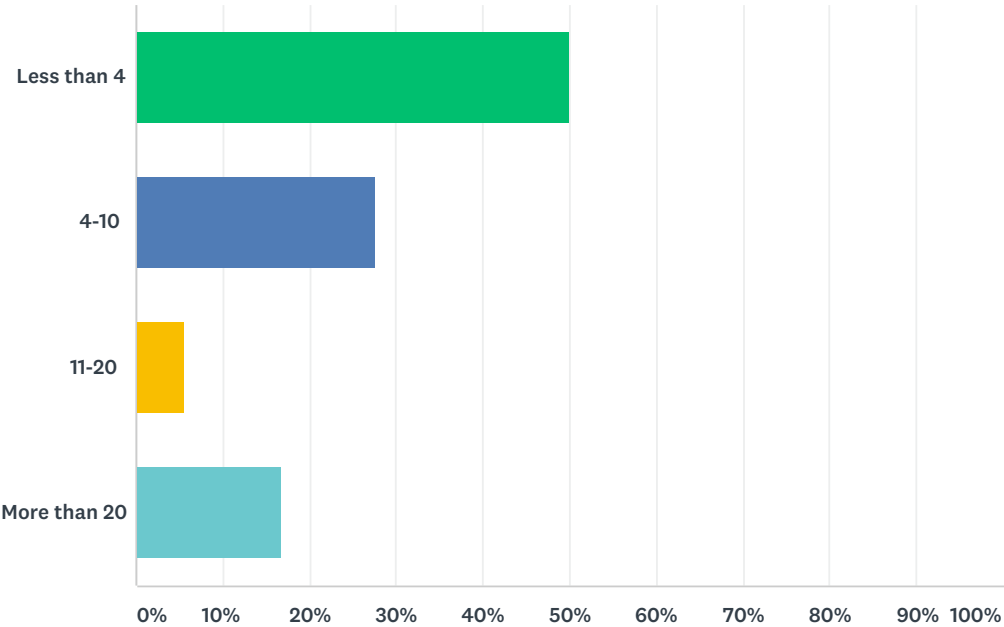
Level of agreement with funding proposal :	Of the 192 responses received, 76% indicated that they “strongly disagree” with non-profits helping to pay for police services through a business license fee and per-FTE surcharge. The remaining responses split between “somewhat disagree” (9%), “somewhat agree” (7%) and “strongly agree (5%), while 3% were undecided.
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SURVEY RESPONSE DATA and COMMENTS

Please see attached survey report with results data and comments received.

Q1 How many full-time employees does your nonprofit currently employ in the city of Vancouver?

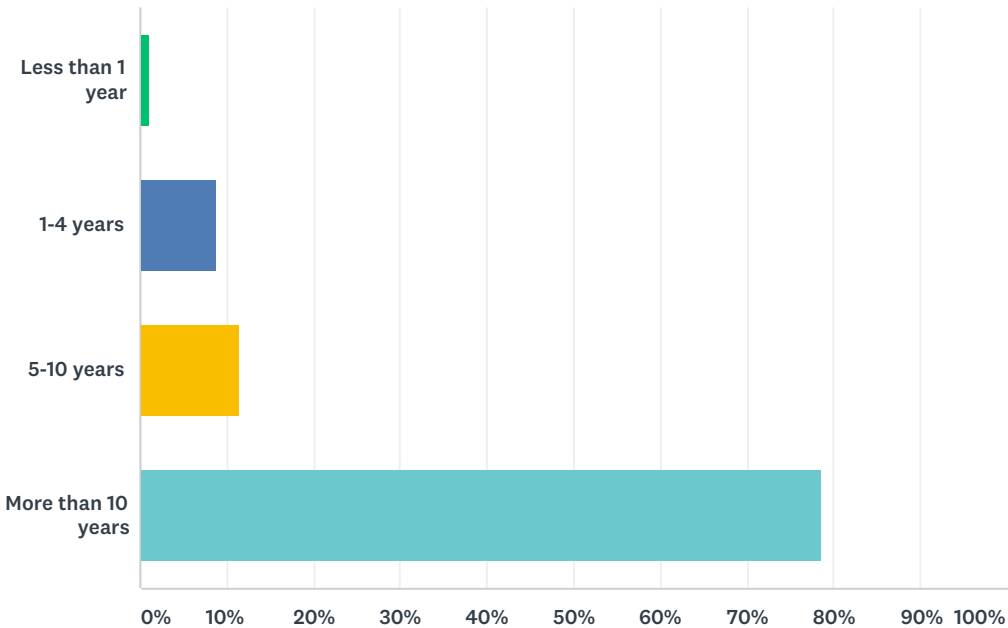
Answered: 192 Skipped: 0



ANSWER CHOICES	RESPONSES	
Less than 4	50.00%	96
4-10	27.60%	53
11-20	5.73%	11
More than 20	16.67%	32
TOTAL		192

Q2 How long has your organization been in existence?

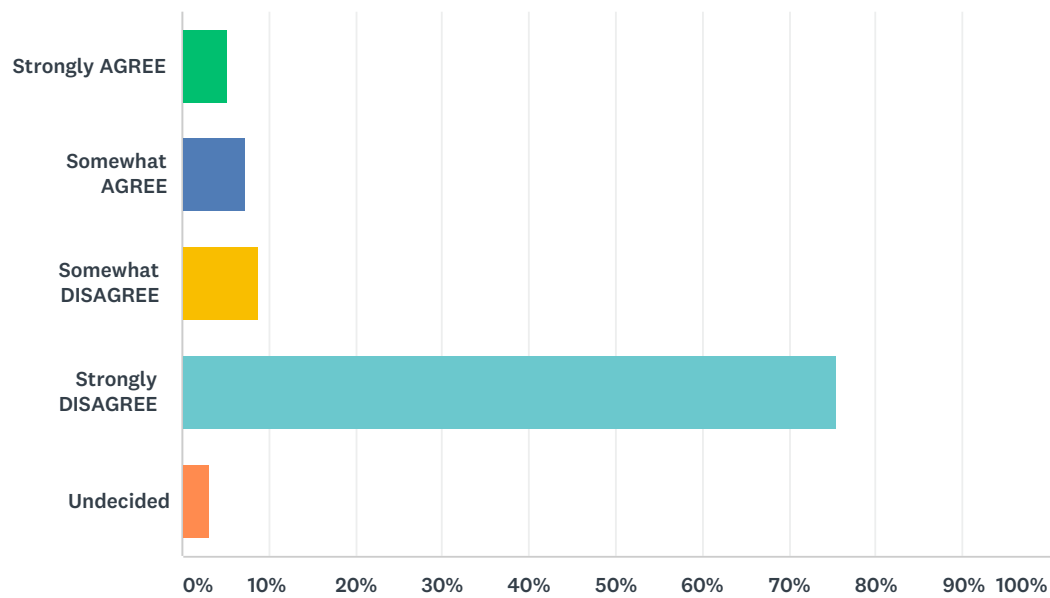
Answered: 192 Skipped: 0



ANSWER CHOICES		RESPONSES	
Less than 1 year		1.04%	2
1-4 years		8.85%	17
5-10 years		11.46%	22
More than 10 years		78.65%	151
TOTAL			192

Q3 What is your level of agreement with nonprofits helping to pay for police services through a business license fee and per full-time employee surcharge?

Answered: 192 Skipped: 0



ANSWER CHOICES		RESPONSES	
Strongly AGREE		5.21%	10
Somewhat AGREE		7.29%	14
Somewhat DISAGREE		8.85%	17
Strongly DISAGREE		75.52%	145
Undecided		3.13%	6
TOTAL			192

Q4 Do you have any additional comments on this proposal?

Answered: 149 Skipped: 43

#	RESPONSES	DATE
1	We have no employees for our organization. We are all volunteers nor do we rent a space to do our business. We are a small military organization, trying to help our vets where we can. We are a subsidiary of the MOAA of Clark County.	8/21/2018 11:30 AM
2	We run a very small non-profit mentoring group. Our budget is always dependent on donations and routinely comes in about \$8,000 a year. So every penny counts. Non-profits do a lot of good in our city. I'm sure some organizations are still struggling to find the income gap from your fireworks ban. So leave the non-profits alone, work on being financially responsible with our citizen's money and look elsewhere.	8/21/2018 11:16 AM
3	MOAA Chapter has NO fulltime employees!	8/21/2018 10:44 AM
4	I agree that our police officers need to be taken care of. I disagree that raising fees on non-profits is the best solution. There are much better ways to bring significant increase and bring our community closer together creating connection and increased support to our wonderful police officers. Maybe this was discussed in previous meeting but I would like to know the following. 1. How much extra annual revenue do we need to properly support our amazing police officers? 2. Have you discussed alternative solutions besides simply raising fees? 3. If you raise fees you may get desired out come but at what cost and are we bringing further disconnection to our relationships with non-profits? Final thoughts: I believe if the city of Vancouver and current non-profits in our region can work together and come up with the needed annual revenue solutions outside of raising fees. Btw, we are already paying \$30,000 (which is a lot for us) a month to the City of Vancouver for our space within Tower Plaza Mall with will be demolished in the near future. We either had to sign agreement to pay this amount or be evicted. There's a lot more to the story than this. My point is there has to be a better way than forcing non-profits to pay more fees and making them feel disconnected and not a part of the city of Vancouver family. There has to be a better way come together and rally around our police officers to provide the increased revenue needed and increase the connection between the city of Vancouver and non-profits. I believe there is a solution out there that would inspire and empower not only the non-profits but our entire Vancouver family to bring the much needed support for our police officers.	8/21/2018 10:16 AM
5	The City needs to review all of there budget items to see what can be cut out as I am sure there is some excess spending and departments that can be cut back on to free up funds for the police. One would be the Urban forestry department.	8/21/2018 9:45 AM
6	There has to be a better way. Nonprofit organizations provide services the City does not, and would not be able to afford without their work. They provide quality of life for citizens unmatched in the for profit sector.	8/21/2018 9:30 AM
7	This is a bad idea for non profit organizations. They are already working with a limited budget and to add this expense could put many out of business and we could lose a vital organization that is having a big positive impact on the community! We should not do this! This is wrong and we need to figure out another way to help the police! Not at the expense of nonprofit organizations!	8/21/2018 9:30 AM
8	On average NPOs struggle to meet their expenses. These organizations play a pivotal social role, helping communities in ways that directly help reduce the burden on police. Adding fees could place further stress on finances limiting the extent of the intended impact. Let's help these NPOs thrive and continue their positive contribution in our communities. Thank you.	8/21/2018 9:29 AM
9	Our nonprofit organization is totally made up of volunteers and the members make the donations to the organization. The proposed fee will be an additional burden on the organization since the fee would become a large percentage of the annual income.	8/21/2018 9:28 AM
10	Any additional fees on many nonprofits could challenge their viability. Many on shoe-string budgets have trouble staying afloat as it is. For example, the Southwest Washington Wind Symphony has no employees, is completely dependent on volunteer activity, and totally donation dependent, which is unpredictable. We already pay state fees, license fees, insurance fees, and more. We are already on the margin of viability. Additional fees at best add stress to our bottom line, and at worse, could potentially put us out of business.	8/21/2018 9:24 AM

11	Next they will propose a fee for breathing. Payable in advance with no rebate for early demise.	8/21/2018 9:23 AM
12	I'm very small and at times don't ever get pay check! I try to help parents in need and I would have to really raise my prices	8/21/2018 9:22 AM
13	I agree with the concept for taxation of non-profits. I agree with a flat rate if kept modest. I recommend that aspects of the non-profit entity be taxed other than number of employees. That puts a penalty on higher employment!! Rather, the sliding taxation should be based on variables such as income (annual member dues or donations in my case). There are certainly non-profits such as public radio stations and hospitals that have much larger operations and income than our small, volunteer-only-based association. The larger non-profits do make a profit (income greater than expenses) but they choose to spend it on equipment & facilities plus employee salaries and benefits rather than declare "profit" in accordance with accepted accounting & tax principles.	8/21/2018 9:15 AM
14	This is just Ludacris. It's getting to the point that I feel like moving out of the City of Vancouver is the only option.	8/21/2018 9:14 AM
15	While we are a non-profit we are all also citizens doing work for free to better our community. The reason non-profits are exempt from many of the fees for public officials is because we are doing work to strengthen our community and earning zero dollars for it. Taking away dollars from our already low budget takes away from those we serve. I use the police zero for the work we do. The county should be paying us.	8/21/2018 8:05 AM
16	Move the Chapter outside the Vancouver City limits.	8/21/2018 7:49 AM
17	Having higher nonprofit fees would make it extremely hard as we are a very small nonprofit.	8/21/2018 7:38 AM
18	Nonprofits greatly benefit the community in which they serve. Nonprofits are comprised of members of the community who fund public services through property taxes. Taxing nonprofits will incentivize the nonprofit to move or to greatly diminish their local effect. This is an exceptionally bad idea.	8/21/2018 7:09 AM
19	If you put this surcharge into effect it will take away funds that would go to community work.	8/21/2018 6:57 AM
20	On the back of nonprofits is the wrong approach.	8/21/2018 6:51 AM
21	NGO's will just move to the County.	8/21/2018 6:22 AM
22	How much money does the city plan to raise using this tax? How much of an increase in the sales tax would be required to raise that much money? Every citizen in the city benefits from the police services provided by the city. If insufficient funds are available, either raise the sales tax by whatever percentage or find the money in other areas. Non-profits should not bear any additional burden. This proposal merely moves the tax from everyone who benefits to organizations that survive using contributions. This proposal just becomes another way to tax the smaller population of citizens who donate rather than all citizens who benefit from receiving police services.	8/21/2018 5:59 AM
23	It makes no sense to put a greater financial burden on the very organizations working to directly address the social issues causing the need for more police involvement. The law organizations by nature are not in place to make profits and their employees are typically compensated less already. This proposal is misplaced, and will penalize good people for trying to do good things.	8/21/2018 12:30 AM
24	We support police and all first responders, but it is the primary consumers of these services who should be tapped - businesses and the Port of Vancouver.	8/20/2018 11:45 PM
25	Nonprofits such as ours, are very small and only bring in a few thousand dollars a year through member donations. We are a veterans organization and do not have any paid employees—we are all volunteers. While we financially support as many veterans groups as we can, we primarily support veterans through community service. While \$125 a year seems modest to you, it is not to us (and once imposed could easily be increased by future councils). Taxing us breaks the faith with nonprofits and would only diminish the little bit we receive from our members, and would hurt those we financially support. As president of our veteran's foundation, if this tax is imposed, I would change our registration (with the IRS and the WA Secretary of State) to a Camas address.	8/20/2018 11:21 PM
26	The non-profit I belong to is a volunteer only organization and is not within the city limits of Vancouver. Thank you for the information but it does not apply to us.	8/20/2018 11:15 PM
27	This proposal is ludicrous. Do we need to pay a tax to breath? So much for volunteerism.	8/20/2018 11:10 PM
28	Why would you want to add to the costs of numerous agencies which by the nature of their work are unlikely to add to the need for police services, and often by the nature of their service to the needs of the community, most likely reduce the need for police services. Puzzling?	8/20/2018 11:07 PM

29	The fact that a non-profit exists does not add to the demand for police services. Non-profits feed, cloth, shelter, and provide for basic mental, moral, and medical needs of the less fortunate members of our society. This is extremely misinformed public policy. If you think that adding costs to non-profits will have no effect on the number of non-profits or the amount of services they provide then you seriously delusional. Public policy does indeed have an effect on individual and non-profit decisions. An extra \$1,000 for a non-profit with 10 employees means a lot of services that can no longer be offered because most non-profits are extremely efficient by necessity, therefore every dollar taken by taxes represents a disproportionately large amount of services removed from our community. THIS PROPOSAL IF PASSED WILL COST OUR COMMUNITY A LOT OF MONEY AND ACTUALLY INCREASE THE COST OF POLICE SERVICES BY MUCH MORE THAN THE REVENUE IT BRINGS IN. THINK ABOUT IT-IF WE DO NOT GIVE FOOD, CLOTHING, AND SHELTER TO THE NEEDY THEN THEY WILL HAVE TO GET IT BY OTHER MEANS LIKE STEALING, ROBBING, OR OTHER ILLEGAL MEANS!!!	8/20/2018 10:54 PM
30	This is government interference in non-profit business.	8/20/2018 10:07 PM
31	The per employee fee is problematic for non-profits. Some non-profits have a larger number of employees, but very limited ability to pay the per employee fee. Also the number of employees does not seem well correlated with the non-profit's demand for police services. Number of locations would be a better gauge. If non-profits must pay a flat fee, that is probably fair. But I recommend exempting non profits from the per employee fee.	8/20/2018 10:04 PM
32	Nonprofits have a hard enough time covering costs as it is and often have to fundraiser to do that. People's donations to the organization will be used to pay taxes instead of helping support the function of the nonprofit. I strongly disagree with this idea.	8/20/2018 10:01 PM
33	non profits generally provide services that the government does not, and generally provides them more effectively and with less cost. They pay less than businesses because they are donor dependent so, in a sense, charging more fees, especially per employee, is essentially requiring more of the donor money for a service that helps the community and thus actually lowers the need for police services. Why would you penalize non profits that improve the quality of community life?	8/20/2018 8:25 PM
34	I disagree as to magnitude given non-profits are generally low wage payers and not focused on accumulating assets so an assessment equal to for profit businesses seems unwise given the social/community benefit many non-profits contribute. Thanks for asking for feedback.	8/20/2018 8:07 PM
35	The reason nonprofits are required is because there are not enough services to the community via state and local government agencies. We are providing services to help people, not make money! Why are we being asked to provide more support, when our main purpose is creating support for services not being provided?	8/20/2018 7:00 PM
36	We are an all volunteer Homeowner's Association. Our 94 Homeowner's pay considerable taxes in the City of Vancouver which include police and fire. Our HOA does not incur any additional police services as we do not have office space--we are simply volunteers and working out of our homes to assist our neighbors. I understand the top priority is for police and fire in the City of Vancouver. I also understand that the City is financially much stronger than several years ago due to the robust economy and strong market. I see no need to target our non-profits for additional tax revenue--their role in our community is to help others. The City of Vancouver should not seek additional tax revenue that will negatively impact what these organizations do for others. Employees of non-profits already make less then the for profit sector. Likely the impact of these additional taxes will mean fewer employees, loss of employees due to a lower salary, etc.	8/20/2018 6:42 PM
37	If this should happen I would make sure that my nonprofit is outside of the city of Vancouver.	8/20/2018 6:33 PM
38	If the tax/fee is to be imposed on non-profits, the floor at which charges are imposed should be raised so that non-profits with a small number of employees, but greater in number than four, are not subject to the tax.	8/20/2018 6:32 PM
39	As a nonprofit we already struggle for every dollar. With the new tax laws charitable donations are no longer deductible. This would hurt us even more. PLEASE NO	8/20/2018 6:29 PM
40	Nonprofits supply many essential services to people in need locally and around the world. We are hoping to expand our organization beyond it's current level to meet more needs in the mental health area and mentoring grade school children and these fees will make that much more difficult. Thank you!	8/20/2018 6:29 PM
41	none	8/20/2018 6:19 PM

42	I disagree at the steep fee. Perhaps a much lower fee since many non-profits contribute to reduction of needed police services. Seems to me this is somewhat of a deterrent to smaller non-profits to grow above 4 employees. Perhaps a lower fee and one that is much more gradually higher as number of employees increases. Give us a break!	8/20/2018 5:56 PM
43	Do not the police protection monies come from our property taxes. Homeowners are not going to be surcharged. This will place undo burdens on non profit organizations, especially the legitimate and good ones that really help people. Keep these kind of tactics up and not only will businesses leave the city of Vancouver, but also organizations that really help the citizens of Vancouver.	8/20/2018 5:50 PM
44	Since non profits by their nature are helping build stronger communities in some way or other, they already decrease police costs.	8/20/2018 5:20 PM
45	How about a compromise - the business license fee but not the per-employee surcharge?	8/20/2018 5:17 PM
46	Seattle tried this tactic to feed the homeless. It did not go well. The city of Vancouver needs to cut back it's bloated budget. Fire about 25 city administrators (some of the drones at city hall) and give their money to the homeless, which the city is paying to attract. Start with the mayor.	8/20/2018 5:11 PM
47	Social services reduce the need for police services. Charging the agencies is counterproductive. Federal support is being reduced which makes providing services more difficult. Why not just increase the existing fees by a modest amount paid by for profit businesses?	8/20/2018 5:08 PM
48	Taking from a non-profit for ANY reason is tantamount to theft. Instead of thieving from non-profits and the citizens of the City, how about reign in frivolous spending and start putting the tax money that is received to it's intended purpose instead of appropriating it to other things and projects. It's bad enough that the City shirks it's responsibility by exempting themselves from doing things that we the people are forced to do, but to steal from the non-profits?!?!?! I'm embarrassed to be a citizen of this City at this point due the mere proposal of this. I hope the City council wakes up and faces their shame.	8/20/2018 5:07 PM
49	We struggle just to pay for the expenses related to serving the homeless community. A fee like this would cause us to serve fewer struggling people.	8/20/2018 5:07 PM
50	We are providing a highly valuable service at little to no cost restoring marriages and lives. Taxing us may be too much for us to bear and cause us to no longer be able to provide the service. The juice is not worth the squeeze. Please do not tax us out of existence.	8/20/2018 4:56 PM
51	Non-profits have most of their income coming from donations. Resources are non-profits are increasingly challenging in the current environment. Additional burden on the resources will further hamstring the viability of non-profits.	8/20/2018 4:43 PM
52	Donors want their money to go to the specific purposes of the non-profit; not to Police services. With this knowledge out there, who would want to donate anymore? We will likely lose many donors and would be hard pressed to stay in business. There must be a better way to support the Police.	8/20/2018 4:43 PM
53	Adding a surcharge (bus license fee) to nonprofits burdens them while raising very little overall revenue. You would be far better served to raise the property tax, sales tax, or the general business licensing fee. Let nonprofits do what they are intended to do, make our community better. Without nonprofits we only need a greater police presence which will cost us all in the long run. Let's not be short sighted about this!	8/20/2018 4:35 PM
54	I participate in two small nonprofits in Clark County. Both small nonprofits, with zero full-time employees and all work done by volunteers, would struggle with the new fee structure. Our volunteer hours are our contribution to making our county a better place for all.	8/20/2018 4:30 PM
55	Non Profit organizations nowadays are very often extremely challenged to raise funds. This is in particular very true for small organizations who are just trying to make a difference in the community. We are trying very hard to get the raised funds with almost no administrative expenses, to the benefiting individuals and organizations, such as Vancouver Rotary Club (for Education), Cystic Fibrosis Foundation, KOMAK (Cancer Support) etc. With the proposed administrative fees from the City of Vancouver, these benefiting organizations will be the first to notice the difference. There will be less money available to the ones who need it most. Nonprofits are asking vendors and service providers for consideration regarding the nonprofit status, this should also apply to City and State Governments. Thank you!	8/20/2018 4:29 PM

56	The federal government, all state governments, and nearly all municipalities do not tax nonprofit organizations because of the recognition that such organizations serve the public good in lieu of the government needing to provide such services. The City of Vancouver should continue and respect this important relationship and not create this burden on such organizations.	8/20/2018 4:24 PM
57	Nonprofits need to pay their fair share for police and firemen as they use them just like everyone else.	8/20/2018 4:23 PM
58	Non profits are a help to the community, not an Hindrance. They should be supported as well as the police, not hindered by more fees.	8/20/2018 4:23 PM
59	We're not in the city of Vancouver, so I don't feel it appropriate for me to respond.	8/20/2018 4:22 PM
60	This is absolutely ridiculous to put the burden back on to non-profits. If this is the best the City could come up with you need to try harder. :(	8/20/2018 4:18 PM
61	As you said, you realize that nonprofits are usually working and serving entities within Vancouver community where there is little interest or financial support for the work that they do. Many like mine operate within a bare-bones shoestring income and still have to pay their own taxes etc. The police benefit from our services to the community because it often means lessening their need to intervene in many cases. So if anybody should be paying into the system to help with additional police support, it should be others with more resources.	8/20/2018 4:13 PM
62	First double license plates tabs then make nonprofits cough up money to the city. I may move the Non-Profit out of the city.	8/20/2018 4:09 PM
63	I think the per full-time employee surcharge could strongly hurt some of our larger non-profits doing really great work. I would be more open to a business license fee that is a one time annual fee.	8/20/2018 3:22 PM
64	I strongly disagree. Nonprofits provide a benefit to the community and are not able to pass on these type of mandated increases to the families they serve. Please don't do this.	8/20/2018 11:58 AM
65	The government/city needs to fund the programs they have instead of diverting allotted funds to other new programs such as building shelters for working age/ability homeless, free services for illegal people, sanctuary cities, ... the list can go on and on.... Government was given a budget for programs approved by the voters and laws! Use it that way.	8/19/2018 8:03 PM
66	Creating a financial hardship on many NPs that are also serving the City would not be a good idea.	8/19/2018 3:22 PM
67	An extra \$10,000 expense is almost impossible to replace. With the state mandates and lack of funding, we need every dime we raise. This will reduce our ability to provide services to those that need it the most. Our work does reduce the need for police involvement. The impact on our budget is far greater than the benefit to the Police budget. The must be a better way.	8/17/2018 6:25 PM
68	This is an unfair burden on already stressed non profits, particularly those providing social services support. Such agencies are already not fully compensated for their services due to decreasing state and federal payments and increasing legislative decision eg minimum wage. Fully support additional funding for police services but we must look towards other sources.	8/17/2018 2:35 PM
69	We are funded to help keep youth off the streets but funding does not even cover full cost of service. In addition, most staff are barely at or above minimum wage. These fees would literally force a reduction of wages or reduction of services. This is not a fee, it is a punishment for people who are doing incredibly demanding work to also keep our community and our children safe.	8/17/2018 10:43 AM
70	Perhaps you should target your fees on larger non profits with well established streams of revenue and except small non profits that often struggle just to survive. Perhaps target only non-profits with 30 employees or more.	8/17/2018 9:08 AM
71	Our organization provides end of life care and bereavement support to the community, much of which is charity care. Every dollar taken away from our mission impacts veterans, children, and elderly patients that receive our care. Increasing government fees and new regulations are already taking a huge toll on us, and therefore we are having to increasingly say "we can't" to the needy in our community. The government should be here to help us in our charitable mission. This new fee will cost our nonprofit agency about \$15,000. This could mean the end of our annual free kids' camp for families who've lost a loved one due to hospice, military action, suicide, violence, or accidents. I am beseeching the jurisdiction to not penalize nonprofits with this new tax burden, we play a vital role in our community.	8/17/2018 7:48 AM
72	Our funding sources are fixed and we cannot raise prices to offset this kind of increase. It will mean that we will serve less at-risk individuals and families in our community.	8/17/2018 7:46 AM

73	I think it is a good idea in general. Suggest just the flat fee, however, rather than adding the employee surcharge, at least as a starting place. The latter could encourage organizations to not hire a full-time person if their budget was super close to the bone.	8/16/2018 10:24 PM
74	A terrible idea which should be rejected out of hand.	8/16/2018 1:31 PM
75	What most people forget is that we are NONPROFITS. As in we don't make a lot of money, and all funds used are for services rendered. As much as we do understand the city would like to get an increase in revenue, this would mean an increase in Admin Charges, and with so many of us struggling to stay alive and well, this is just one more fee we have to find the funds for. Remember, our funds are often grants which are very specific about how the funds can be used, donations which aren't always in money, and fundraising which is often a cost needing to be incurred as well for the venue / space and the like. Not all of the non-profits can benefit from the c.3 status and still need to raise funds for their services and people. Please RECONSIDER what you are requiring of us. Our budgets are tight and you would be removing funds from services rendered.	8/16/2018 10:16 AM
76	Leveraging this fee on our organization would cause us to have to lay off at least one FTE thus reducing the services we can provide to residents. While the point of the fee is to make our city safer, the reality is it would be the cause of having less services available to help our own community members.	8/16/2018 9:15 AM
77	These fees would cause a financial burden on our agency and many other nonprofits. We should be looking for ways to support local nonprofits not taking funds that could be used to further their mission.	8/16/2018 8:07 AM
78	This would have a negative impact on our budget when we already struggle with funding cuts.	8/16/2018 7:38 AM
79	I could support an annual license fee, but the per employee fee seems excessive. I'd rather see some small increases to what for profit businesses pay to offset these needs.	8/15/2018 7:10 PM
80	I dont understandwhy they are considering this fee since non-profits help those most in need. Is this aimed at the non-profit hospitals.. and by the way schools are non-profit right..why not charge Vancouver Schools and evergreen schoos this charge too.	8/15/2018 6:29 PM
81	While I recognize and value the work of the police department, these proposed fees will have a significant impact on our budget and diminish our ability to serve the impoverished of our community.	8/15/2018 4:45 PM
82	I am not currently connected with a nonprofit but have been before and responded on the basis of that organization's data. I would be agreeable to the \$125/yr assessment, but not the per employee charge. Many nonprofits use part-time help, thus driving up the numbers of employees. Also, it adds another layer of "tracking" that adds to the cost of operation for the nonprofit.	8/15/2018 4:37 PM
83	business license fee is appropriate but not a per full time employee surcharge which could be a serious expense for a non profit. If decision is to charge both, then create different rates for non profits.	8/15/2018 3:44 PM
84	Sorry, the nonprofits provide a benefit to the community which is already not fully compensated. Nonprofit wages are historically low, and while we don't begrudge the police unions ability to offer fair compensation to police who do a difficult job - many nonprofit jobs are also incredibly challenging, sometimes dangerous, and at minimum wage. Wrong stakeholders to ask to sacrifice even more when it is state and federal government contracts which hold the wages of our folks down to start.	8/15/2018 3:39 PM
85	Although we are not working within the City of Vancouver, to see this sets a precedent which would be very difficult for us if it the county or nearby cities took up the same. However, we might fall below the number of employees where payment was required because we wouldn't have funds to pay the fee and employ people. Yes, we are that close to the edge.	8/15/2018 2:44 PM
86	While the service is needed, nonprofits do not have money to pay for police services. Raising the funds to keep the doors open is hard enough.	8/15/2018 2:35 PM
87	The additional fee would have a tremendous impact on our services. We currently fundraise for 85% of our operating expense. The additional cost would need to be passed onto the population we serve or raised within the community. More importantly our services are preventative in nature and reduce the number of youth that maybe influenced by negative life choices and thus the need for police services.	8/15/2018 2:09 PM
88	Non-profits typically run on a shoe-string budget to provide community services. This proposal could reduce the effectiveness of organizations that typically operate with mostly volunteers and donations. This is not good for Vancouver!	8/15/2018 1:34 PM

89	We will be moving out of Vancouver to one of the surrounding cities. As long as you chase businesses out with your taxes, the less taxes you will have to collect.	8/15/2018 12:56 PM
90	We have been in Vancouver for 115 years.	8/15/2018 12:36 PM
91	A structural and broad approach to funding essential services provided by the City of Vancouver is important. That said, in a climate where many small nonprofits struggle for funding, meeting basic program needs, and retaining a talented workforce, additional taxation mechanisms could prove overly burdensome. If a nonprofit business license fee and surcharge change is adopted, the structure should be dynamic and provide for appropriate exemptions for those nonprofits who operate with a smaller capital budget and that provide essential community, social or economic services.	8/15/2018 11:27 AM
92	We have no paid staff, if we did and had to pay this minimal amount to benefit LE, we would be okay with that as we work with VPD and missing children cases and know the funds would help offset expenses for the community's safety.	8/15/2018 11:15 AM
93	We have exactly 4 employees, a budget of 140,000/yr, and a mission (legal aid) that is complicated to fund. While we support and work alongside VPD, we would need to do additional fundraising just to cover this expense.	8/15/2018 10:43 AM
94	Based on the proposal, the fee for our non-profit would go from \$0 in 2018 to over \$2000 in 2019. As I am sure you are aware, non-profits run on a shoe string budget and finding over \$2000 in 4 months would be very difficult come up with as employee costs (medical benefits. minimum wage, etc.) continue to skyrocket every year. Our non-profit's budget runs July-June, a change like this after the budget has been approved would be tough to overcome.	8/15/2018 10:07 AM
95	Nonprofit organizations large, medium or small don't generate profit, as you know. The implication in the question is that if I don't support nonprofit taxing for police services that I don't support police. That is not true. Nonprofits provide many needed services in our community, we operate on very thin margins regardless of our employee size and our employees typically are paid less than similar sized for profit businesses. This tax will negatively impact nonprofit organizations and services in our community. I appreciate the need to increase revenue for police services. I think this cost should be shared by those of us that reside in the city (I live in the city limits and would support a different funding option) We should not put a burden on nonprofits that do so much for our community and struggle to make ends meet. I think you should find another solution to fund police.	8/15/2018 10:02 AM
96	Our nonprofit, as many others, reduces the demand for police services.	8/15/2018 9:56 AM
97	Nonprofits provide vital public service just like a library or school. So if those entities are exempt then so should nonprofits.	8/15/2018 9:44 AM
98	I am in favor of non profits paying to support these services.	8/15/2018 9:41 AM
99	This impact would be detrimental to most nonprofits. I can speak to the impact to our organization, in which it would mean reducing the number of people we employee, reduce the number of people we support and reduce our impact in the community. This fee would impact our organization by over \$15,000.00 annually. This would greatly impact Clark County and the City of Vancouver in more ways than just \$15k. Are there other ways we can contribute?	8/15/2018 9:38 AM
100	fee could be structured around income rather than a set fee that way nonprofits that are volunteer run and operating on limited funds would be treated different than a nonprofit with full time employees and more assets and resources.	8/15/2018 9:33 AM
101	This is fair and reasonable.	8/15/2018 9:33 AM
102	WE are a 199% volunteer organization	8/15/2018 9:30 AM
103	This would be a financial burden for small nonprofits such as ours. And I can't imagine it would raise much money. Nonprofits do important work in our community to the benefit of all, through social services and artistic endeavors. We also provide economic benefits through jobs. Please don't punish nonprofits through onerous fees.	8/15/2018 9:30 AM
104	Obviously, safety is a big issue that is critical to address. I would hope however that if a fee is applied, it is applied to all equally. Governmental organizations should also be required to contribute for this service.	8/14/2018 3:24 PM

105	I see the value in our police force, however non-profit organizations truly struggle financially already. Could the proposal be amended to have non-profits pay the \$125 but not be charged per employee? For-profit organizations have substantially more funding to work with and would likely have no problem with accommodating a higher annual fee as well as per-person fee. They would complain, but it wouldn't put them out of business or take food out of hungry kids' mouths, which is the scenario for many small non-profits. Thank you for the opportunity to offer feedback!	8/14/2018 3:07 PM
106	I can't pay full time employees enough to keep them and have had 6 different employee changes in the last few years with only one staff that has been here more than 5 years and she only 6. My point, non profits have a lot of turn over, because we are stepping stones, the head tax will hurt us even more and not allow for much overlap of employees coming and going. Hurts training and full time, I would consider making some of the older employees go part-time.	8/14/2018 2:46 PM
107	Business license okay, head tax no way!	8/14/2018 2:42 PM
108	Is this the fiscally conservative thing to do? Or is it just a quick fix for a growing spending problem, that will continue to outpace taxes/	8/14/2018 2:40 PM
109	I can't believe you want a head tax on nonprofits. Are you going to tax stay at home mothers next?	8/14/2018 2:38 PM
110	This is just a cash grab, if Vancouver is growing, then so should the new property tax revenue. It will add to city staff more than to city police. Manage your money better.	8/14/2018 2:37 PM
111	Our services as an NPO help protect the community in many ways similar to the police. Many of our services help prevent crime or deal with the after-effects of crime. Taxing us would be like taxing one department of the police to pay for another department. Doesn't make sense at all. Please find a way to make ALL citizens pay for the police if ALL citizens benefit from having police.	8/14/2018 9:10 AM
112	I think it's a bad idea across the board to charge businesses and non-profits for employees. This deliberately encourages businesses to not hire employees. It's a bad policy that drives businesses out of the city. It's already hard for non-profits to hire.	8/13/2018 5:59 PM
113	We have 250 employees, and depending on the details it would cost us \$15k - \$25k per year. This is more than our programs made as a cushion last year. This proposal, as presented, would seriously jeopardize our operations. While I understand that "nonprofit employees use services too", we also do jobs that others won't. Because we don't have profit as a motive, we don't have the ability to pay this type of tax. I hope that the City Council will strongly consider capping this tax on non-profits at a reasonable level. We simply cannot pay this much.	8/13/2018 2:32 PM
114	I am in full agreement with supporting our police services. Unfortunately, small businesses such as ours have been hit so hard with minimum wage increases. We are having a hard time keeping up. This would be an additional \$575 for our company that is already having to make cuts. Please consider working in the support for the police in a different area than non-profits. Many of these organizations are helping the community with their efforts. Please do not add another hardship that could cause the efforts to fade. Thank you.	8/13/2018 2:17 PM
115	Nonprofits help to serve the same populations that might require additional police presence. Our nonprofit already exists on the edge of financial survival even as it strives to expand its reach to serve more and more youth in our city, providing them with a safe space for growth and activity. To impose this on nonprofits is shooting ourselves in the foot.	8/13/2018 2:04 PM
116	There should be incentives for these organizations who meet the needs of the marginalized with little pay or encouragements. Your really want to get blood out of a turnip????	8/13/2018 1:59 PM
117	NPOs contribute so much to our community and often operate on a very tight budget.	8/13/2018 1:23 PM
118	Such a tax would put an unreasonable burden on our nonprofit and most others in the community. We who rely on charitable donations operate with very thin margins. When we are providing a service to the underserved, we cannot pass the burden of a tax /tax increase onto our end user the way a business can and does. There has to be a more equitable way to arrive at balancing the budget for law enforcement services and suggest the Council engage NPO leadership in the conversation to find ways to do so. Thank you for reaching out with this survey.	8/13/2018 1:13 PM
119	This will simply result in taking money away from the goals and purpose of nonprofits, therefore needing more funds from individuals/businesses. If the public needs additional funding for police services, then the public in general should pay for those services. I believe this would result in nonprofits being burdened with a public cost that the public should be responsible for.	8/13/2018 1:05 PM

120	I understand the need for more funds for police services, but I think it would be a mistake to put that burden on non-profit organizations that exist to address social needs in our community. Most of these organizations already have to stretch to cover expenses and imposing more fees on them would likely affect employees who already sacrifice by working for lower wages than a comparable job in the for-profit sector would provide.	8/13/2018 1:04 PM
121	Non-profits, by the nature of their organizational name, already struggle to retain funding, with their employees often having to chose between passions and paycheck. A tax would only further many non-profit's existential burden as well as the families and communities that they service.	8/13/2018 1:01 PM
122	There was a reason for the original policy of not having these fees apply to nonprofits. At least part of that reason was to assist them in their hope of helping people the government would otherwise need to help (hence saving the city government money). Any (more) taxation on them will hinder their ability to help that segment of our city. Thanks for asking.	8/13/2018 12:57 PM
123	Please don't make the mission of nonprofits harder. We already do so much good for our community and for the world.	8/13/2018 12:50 PM
124	Nonprofits by their very nature struggle to meet their expenses and typically employees are paid less than a comparable job in the for profit world. NPOs already pay sales tax and have relatively few breaks in WA. It would be a mistake to hurt non-profits that are already working to meet the social needs that reduce the burden on local police. Public policy should encourage this kind of organization and not penalize it.	8/13/2018 11:53 AM
125	Two employees live in Vancouver, I am in Camas. We have a choice to rent here or not. don't discourage us, values of rent are already getting high. No Head Hunter Tax that is going to get wasted.	8/13/2018 11:24 AM
126	No fee per employee. This is the Seattle Head hunter fiasco all over again.	8/13/2018 11:21 AM
127	Strongly encourage no fee per full-time employee.	8/13/2018 11:20 AM
128	We have 4 employees, in an office here in Vancouver, so we are the smallest NP that this will impact. Which will take \$485 out of our annual budget. I am not opposed to taxes but I am to waste and bureaucracy, so if this means more staff or contractors hired to handle the accounting and enforcement then it is a waste of money. I have desired to hire another employee, this discourages it. I would suggest just a business license fee for all sizes and no employee fee tied to it. Keep it simple, keep it cheap and give it all to the police if that is what it is for.	8/13/2018 11:18 AM
129	Funding police services would directly reduce services our donors are funding to help at-risk teens. If we are doing our job well, there are less police services required.	8/13/2018 9:33 AM
130	I am extremely concerned with this proposal to instill a tax on nonprofits. Most organizations are struggling to sustain services and provide robust support to the populations they serve. This additional fee would create an undue hardship on numerous organizations throughout our community. I strongly encourage the City of Vancouver to seek alternative options when trying to raise funds to pay for services. Nonprofits provide essential programs and services that make our city a better place to live and should not have additional strain on their already tight budgets.	8/13/2018 8:27 AM
131	Nonprofit organizations are truly that, nonprofit? Why would you tax them?	8/13/2018 7:18 AM
132	fees paid to police services or any other licenses would decrease funds for direct service to those in need...	8/12/2018 5:38 PM
133	While I understand the importance of having a great police force,I believe this tax requirement would be an additional burden on the non-profits ability to operate. I can tell you our non-profit reimburses the City of Vancouver for any police support we require for our events.	8/12/2018 5:32 PM
134	Has anyone really thought this through?? It makes no sense to establish a revenue stream for the City from the very organizations that help solve some of the biggest social issues facing our most vulnerable population. Non profits provide food, shelter, after school programs, safety for people, mentoring, other basic needs, etc... It is a long list of support provided to kids & families that actually keep many out of trouble with the law. You start cutting into their funding, you will eventually need MORE police because certain service they provide will go away. We are a non-profit that provides funds to many organizations locally.... including PAL. Do you really want to cut into their good work? This is a ridiculous idea!	8/12/2018 4:53 PM
135	This is not a burden to be placed on the non-profits backs the first thing you need to do is look at your budget for wants and needs and reduce the money in your want column. Don't put this on the back of your community partners that are helping in so many ways.	8/10/2018 5:10 PM

136	Non profit organizations DO provide services for the community. Many of which are not addressed by city and county governmental organizations. If these were not addressed by non-profits, governmental organizations would have to fill the gap. Non profits enjoy tax exempt status and that should be maintained for ALL governmental units.	8/10/2018 2:48 PM
137	We have no paid employees. I think the fire and police departments are crucial to our community so I don't mind paying.	8/10/2018 2:15 PM
138	We understand and agree that we need police services. Generally, it is more acceptable to spread the cost burden of these services to ALL those that benefit from them and not just to a small segment of the community. Non-profits often work towards bettering our community and there are enough hurdles to overcome without adding additional funding worries. Lastly, it is hard to swallow an increase in fees and taxes when the police department includes a scenario of adding mounted police and other very expensive and unnecessary services.	8/10/2018 2:10 PM
139	I think a business fee would be fair, but would support some level of exemption or reduced rate. Many nonprofits are providing social services intended to reduce the burden on our emergency services (police, fire and hospital) by treating underlying issues resulting in people accessing emergency services.	8/10/2018 2:00 PM
140	Non profits by their very nature struggle to meet their expenses and typically employees are paid less than a comparable job in the for profit world. NPOs already pay sales tax and have relatively few breaks in WA. It would be a mistake to hurt non-profits that are already working to meet the social needs that reduce the burden on local police.. Public policy should encourage this kind of organization and not penalize it.	8/10/2018 1:31 PM
141	The larger staffed non-profits have capacity to pay, the smaller ones (suggest 10 or less employees) should still be exempt.	8/10/2018 1:28 PM
142	We appreciate the services provided to all entities and individuals by the City, and want to be good citizens of the City. At the same time, I don't find the idea that nonprofits should pay this fee compelling. For one thing, we provide far more to the community in services that otherwise would not be provided or which the City or county would have to provide than we take back in City services, so the exemption seems like a fair recognition of that. For another, while we do not pay a fee like this directly, we employ quite a few residents of the City who themselves pay property taxes and we utilize local merchants--in that way we indirectly contribute to the funding of the City's services. Finally, although we have over 20 staff in Vancouver, the cost of the fee would not be immaterial in our budget. Even at just about \$2,500, something else would have to give in our budget. If I felt that the City was struggling financially I'd feel differently, but that's not my understanding.	8/10/2018 12:36 PM
143	Times are changing and we all need to adapt. Police services and a healthy balance sheet are critical to our future as a city.	8/10/2018 11:36 AM
144	Non-profits by their nature provide services to the communities they server and many also have very limited funding resources. While it may not seem like a large amount many non-profits operate on a very tight budget. So any fees paid would result in a reduction of some kind in the services provided by the organizations.	8/10/2018 11:35 AM
145	As a behavioral health services provider, we believe our services REDUCE demands on the police department. Shifting funds away from treatment to law enforcement would appear to be a step backward in reducing demands on the police.	8/10/2018 11:15 AM
146	It is not just the actual fee but the burden of annual filing that weighs on non-profits who already are required to file multiple fees and filings in Washington.	8/10/2018 10:58 AM
147	As a non-profit, our budget is tight and the surcharge per full-time employee would add an additional burden to an already tight budget. We have close to 50 full-time employees providing mental health services to children/youth on Medicaid. While I value the police and the services they provide, any consideration of reducing the \$90/per FT employee for nonprofits would be greatly appreciated.	8/10/2018 10:54 AM
148	Nonprofits should remain exempt from the business license and therefore the head tax surcharge. A less aggressive police expansion plan should be considered before taxing nonprofits.	8/10/2018 10:46 AM
149	I agree that every agency and business should share in the cost of supporting our police as it has benefit to all of us. However, I would be interested if there was another way to assess fees associated with non-profits--specifically the full-time employee surcharge.	8/10/2018 10:46 AM



Staff Report 131-18

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018
9/10/2018

SUBJECT Garbage, Yard Debris and Recycling Collection Rate Increases for 2019

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 (a combination of consumer price and fuel indices) to rates paid by customers.
- An increase to the tipping fee for waste disposal at the transfer stations also impacts the rate that customers will pay in 2019.
- Rates paid by customers for garbage and recycling collection services were last adjusted for inflation in January of 2018.
- Prior to that, pass-through adjustments in the City-imposed utility tax on the garbage portion of the rate (January 2016 and April 2017) were the only adjustments since 2013. Instead, the contractor's obligatory annual rate adjustment was achieved through reductions in the fee paid to the City's Solid Waste Fund.
- As addressed in Staff Report 130-18, in accordance with the proposed amendment to VMC 5.94.030, an increase to the gross receipts tax on the solid waste utility by 2.2 percent effective January 1, 2019 (this requires a 3% overall increase in rates charged for garbage collection, but not for recycling services). Future adjustments to the gross receipts tax will be incorporated in the annual rate-setting process for garbage and recycling collection.
- Amend VMC 6.12.208, 6.12.209, 6.12.210, 6.12.211 and 6.12.212, 6.12.213 to provide for increases in solid waste rates (due to both the annual rate-setting process and the increase in gross receipts tax) effective January 1, 2019.

Strategic Plan Alignment

N/A

Present Situation

City Council is the rate-making authority for garbage, residential recycling, and yard debris 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 yard debris

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 embedded within them. The City's utility tax does not apply to recycling or yard debris services.

For 2019, Public Works staff updated the model consistent with the contract and the anticipated increase in the utility tax and determined that garbage rates will need to increase by 6.6 percent while recycling and selected other fees, not linked to the disposal tip fee, will need to increase by 4 percent, effective January 1st. Key reasons for this increase are a 3.61 percent increase in the CPI, a 19.68 percent increase in the diesel fuel index, and a 2.7 percent increase in the disposal tip fees.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and yard debris adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) factor which leads to a 3.91 percent increase for the collection cost component and other miscellaneous fees. New this year, the CPI specified in the contract (Consumer Price Index First Half for the Portland Metropolitan Area for Urban Wage Earners and Clerical Workers, All Items (Revised Series) (CPI-W, 1982-1984=100), prepared and reported in August each year by the United States Department of Labor, Bureau of Labor Statistics) is no longer being calculated by the Bureau of Labor Statistics (BLS). Therefore, the parties have agreed to a replacement index as is permissible under the contract. The new CPI is the First Half for all items in Seattle-Tacoma-Bellevue, WA, urban wage earners and clerical workers, not seasonally adjusted (1982-84=100).

Disposal Tip Fees

On January 1st, the disposal tip fee is scheduled to increase \$2.49 per ton due to growth in the CPI (Waste Connections receives 75 percent of the CPI change). This \$2.49 per ton increase in the tip fee will take the current tip fee at the transfer stations from \$93.22 per ton to \$95.71 per ton (a 2.7 percent increase). The proposed tip fee for 2019 also includes a continuance of \$1.43 per ton surcharge approved by the Clark County Council to make up for a reduction in Department of Ecology grant funds of approximately \$540,000 per year in the 2017-2019 biennium, and an additional 9 cents per ton surcharge for the acquisition and development of private land near the Central Transfer Station to be developed into a drop lane for customers entering the transfer station heading south on SR 503. Those latter improvements were deemed necessary to handle increased traffic at Central Transfer Station.

Recycling Fees

The rates proposed for January 1, 2019, include adjustments to these fees based only on the Inflation Adjustment Factor detailed above. As a result of international recycling market conditions over the past 6 to 9 months, Columbia Resource Company (the designated processor of recyclable materials collected under this contract and a wholly owned subsidiary of Waste Connections of Washington) has requested increased compensation to offset increased processing costs as well as decreased market revenue. No specific strategy or a particular surcharge has been agreed to at this time, however, the City should anticipate that with involvement of Clark County and other cities that contract for recycling collection, some further increase to the recycling fee(s) may be proposed later this year or early in 2019.

City Fee

Garbage rates were last increased in January 2018 after remaining flat since 2013. Customer rates for those operating cost factors were kept stable by offsetting Waste Connections' contractually allowed cost increases using a combination of the Solid Waste Fund's Operating and Rate Stabilization Reserve and a reduction in the franchise fee paid by Waste Connections to the City used to fund the City's solid waste program. Increases to customer rates in January 2016 and April 2017 were a pass-through of the City-imposed Utility Tax on garbage services.

These adjustments are in line with the City policy to maintain steady rates to customers with reasonable increases. For 2019, contractual rate adjustments are proposed to be passed on to the customers. The combination of tip fee increases and the inflation adjustment factor results in a proposed rate increase of approximately 6.6 percent for most customer rates. For example, the typical customer with a 32 gallon cart currently pays \$20.87 per month for garbage and recycling services. With the proposed increase, for 2019 that service would cost \$22.17 per month. Households with subscription yard debris service currently pay \$7.15 per month and with the proposed increase that rate would grow to \$7.43 per month.

Staff recommends increasing customer rates to meet the contractual obligations of adjusting collection services by the defined Inflation Adjustment Factor. Garbage rates, which include disposal costs, will increase 6.6 percent while residential recycling, yard debris and other rates, which do not include disposal costs, will increase by about 4% as detailed on a two-page Proposed Rate Summary for 2019 (attached). All adjustments will be effective January 1, 2019.

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 yard debris (optional).
2. Continues to provide funds for the neighborhood cleanup programs including spring yard debris coupons, Saturday bulky waste collection events, and free Recycling 101 workshops.
3. Ensures funds for addressing solid waste code compliance and litter issues in 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)

All customers will pay higher garbage rates. For the average household with 32-gallon per week garbage and every-other-week recycling collection service, the combined monthly rate will increase by 6.2 percent from \$20.87 to \$22.17, or \$1.30 per month. For those with optional yard debris service, the rate for the yard debris service will increase by 3.9 percent from \$7.15 to \$7.43, or \$0.28 per month.

Budget Impact

Increasing the customer rates will provide the Solid Waste fund with an additional \$49,000 per year. It will also increase funds collected to support General Fund programs (including Streets and Police) via the higher utility tax.

Prior Council Review

This is an annual rate-setting process for Council.

Action Requested

On Monday, August 27, 2018, approve ordinance on first reading, setting date of second reading and public hearing for Monday, September 10, 2018.

Tanya Gray, Solid Waste Supervisor, 487-7163

ATTACHMENTS:

- ▢ Ordinance
- ▢ Summary of Proposed Solid Waste Rates

08/27/18
09/10/18

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to the collection of solid waste, recyclable materials and yard debris, and amending certain sections of VMC 6.12 to increase 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 yard debris rates were last changed by adoption of Ordinance M-4220 (November 20, 2017), and current rates became effective January 1, 2018; and

WHEREAS, the City Council is currently considering a proposal to fund additional police services which, if adopted, will require an increase in the solid waste utility tax rate along with other utility tax rates and an increase in the business license surcharge tax; and

WHEREAS, the proposal for such increases is being considered in a different ordinance that the Council may adopt with this ordinance; and

WHEREAS, such changes in the utility tax rate for solid waste will require changes to the solid waste rates which are incorporated in this ordinance; and

WHEREAS, utility taxes are applied to the gross revenues of each utility; and

ORDINANCE - 1

WHEREAS, utility rates need to be increased to ensure each utility collects the same amount of revenue it did prior to the utility tax increase; and

WHEREAS, the City's contract for solid waste, residential recyclables and yard debris collection services 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 2019 period has been calculated at 3.91% by combining a 3.605 percent increase in the Seattle-Tacoma-Bellevue CPI-W and a 19.68% percent increase 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

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 2.70 percent (75% of the CPI) to \$95.71 per ton of municipal solid waste effective January 1, 2019, and

WHEREAS, the City's comprehensive collection contract also contains provisions for annual adjustments in compensation of rates for recycling and yard debris collection services based on the above noted changes in the IAF, and

WHEREAS, Exhibit D of the contract will be utilized once rates are approved to adjust the monthly City Fee payments for 2019 to accurately balance approved compensation to the contractor.

NOW, THEREFORE,

ORDINANCE - 2

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of Section 20 of Ordinance M-2665, last amended by that part of Section 1 of Ordinance M-4220, codified as VMC 6.12.208, is hereby amended to read as follows:

Section 6.12.208 Residential/multifamily cart rates.

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

Curb Service:	<u>2018</u>	<u>2019</u>	
32-gallon cart service			
Weekly collection	\$17.97	<u>\$19.16</u>	per month
Each additional cart	17.97	<u>19.16</u>	per month
Every other week	13.48	<u>14.37</u>	per month
Each additional cart	13.48	<u>14.37</u>	per month
Once a month	8.09	<u>8.62</u>	per month
64-gallon cart service			
Weekly collection	\$35.94	<u>\$38.32</u>	per month
Each additional cart	33.94	<u>38.32</u>	per month
Every other week	17.97	<u>19.16</u>	per month
96-gallon cart service			
Weekly collection	\$53.91	<u>\$57.48</u>	per month
Each additional cart	53.91	<u>57.48</u>	per month
20-gallon cart service			
Weekly collection	\$13.48	<u>\$14.37</u>	per month
Every other week	10.78	<u>11.50</u>	per month
Carryout Service:			
32-gallon cart service			
Weekly collection	\$26.96	<u>\$28.74</u>	per month
Each additional cart	26.96	<u>28.74</u>	per month
Every other week	20.22	<u>21.56</u>	per month
Each additional cart	20.22	<u>21.56</u>	per month
Once a month	12.14	<u>12.93</u>	per month

64-gallon cart service			
Weekly collection	\$44.93	<u>\$47.90</u>	per month
Every other week	38.19	<u>40.72</u>	per month
96-gallon cart service			
Weekly collection	\$62.90	<u>\$67.03</u>	per month
20-gallon cart service			
Weekly collection	\$20.22	<u>\$21.56</u>	per month
Every other week	16.17	<u>17.25</u>	per month

Special / Optional Services:

Extra 32-gallon or equivalent (or portion thereof)			
Curb	\$7.07	<u>\$7.54</u>	per pick up
Carryout	10.60	<u>11.31</u>	per pick up
Return trip fee	10.39	<u>11.12</u>	per trip
Overweight/overfilled cart	Billed as an extra		
Cart replacement fee	At cost		
Cart delivery, initial	0.00		
Cart delivery, subsequent	13.01	<u>14.28</u>	

Service Stop for Vacation:

Minimum period of two weeks.
Maximum of three vacations per year.

Section 2. That part of Section 21 of Ordinance M-2665, last amended by that part of Section 2 of Ordinance M-4220, codified as VMC 6.12.209, is hereby amended to read as follows:

Section 6.12.209 Commercial cart rates.

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

Curb service:	2018	<u>2019</u>	
32-gallon cart service			
Weekly collection	\$19.98	<u>\$21.31</u>	per month
Each additional cart	19.98	<u>21.31</u>	per month

Every other week	14.99	<u>15.98</u>	per month
Each additional cart	14.99	<u>15.98</u>	per month
Once a month	8.99	<u>9.59</u>	per month
64-gallon cart service			
Weekly collection	\$39.96	<u>\$42.62</u>	per month
Each additional cart	39.96	<u>42.62</u>	per month
Every other week	19.98	<u>21.31</u>	per month
96-gallon cart service			
Weekly collection	\$59.94	<u>\$63.93</u>	per month
20-gallon cart			
Weekly collection	\$14.99	<u>\$15.98</u>	per month
Every other week	11.99	<u>12.79</u>	per month

Carryout Services:

32-gallon cart service			
Weekly collection	\$29.97	<u>\$31.97</u>	per month
Each additional cart	29.97	<u>31.97</u>	per month
Every other week	22.49	<u>23.97</u>	per month
Each additional cart	22.49	<u>23.97</u>	per month
Once a month	13.49	<u>14.39</u>	per month
64-gallon cart service			
Weekly collection	\$49.95	<u>\$53.28</u>	per month
Every other week	29.97	<u>31.97</u>	per month
96-gallon cart service	\$69.93	<u>\$74.59</u>	per month
20-gallon cart service			
Weekly collection	\$22.49	<u>\$23.97</u>	per month
Every other week	17.99	<u>19.19</u>	per month

Special / Optional Services:

Extra 32-gallon or equivalent (or portion thereof)			
Curb	\$7.84	<u>\$8.37</u>	per pick up
Carryout	11.81	<u>12.60</u>	per pick up
Return trip fee	10.39	<u>11.12</u>	

Overweight/overfilled cart	Billed as an extra	
Cart replacement fee	At cost	
Cart delivery, initial	0.00	
Cart delivery, subsequent	13.00	<u>13.91</u>

Late Fee:

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. That part of Section 13 of Ordinance C-33, last amended by that part of Section 3 of Ordinance M-4220, codified as VCM 6.12.210, is hereby amended to read as follows:

Section 6.12.210 Container rates.

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

Table 6.12.210 (~~2018~~ 2019 Rates)

Regular Containers

Size (In Yards)	Weekly Frequency					
	1	2	3	4	5	6
1	\$122.71	\$245.42	\$368.13	\$490.84	\$613.55	\$736.26
	<u>\$130.87</u>	<u>\$261.74</u>	<u>\$392.61</u>	<u>\$523.48</u>	<u>\$654.35</u>	<u>\$785.22</u>
1.5	153.39	306.78	460.16	613.55	766.94	920.33
	<u>163.59</u>	<u>327.18</u>	<u>490.76</u>	<u>654.35</u>	<u>817.94</u>	<u>981.53</u>
2	184.07	368.13	552.20	736.26	920.33	1,104.39
	<u>196.31</u>	<u>392.61</u>	<u>588.92</u>	<u>785.22</u>	<u>981.53</u>	<u>1,177.83</u>
3	245.42	490.84	736.26	981.68	1,227.10	1,472.52
	<u>261.74</u>	<u>523.48</u>	<u>785.22</u>	<u>1,046.96</u>	<u>1,308.70</u>	<u>1,570.44</u>
4	306.78	613.55	920.33	1,227.10	1,533.88	1,840.65
	<u>327.18</u>	<u>654.35</u>	<u>981.53</u>	<u>1,308.70</u>	<u>1,635.88</u>	<u>1,963.05</u>
5	368.13	736.26	1,104.39	1,472.52	1,840.65	2,208.78
	<u>392.61</u>	<u>785.22</u>	<u>1,177.83</u>	<u>1,570.44</u>	<u>1,963.05</u>	<u>2,355.66</u>
6	429.49	858.97	1,288.46	1,717.94	2,147.43	2,576.91

	<u>458.05</u>	<u>916.09</u>	<u>1,374.14</u>	<u>1,832.18</u>	<u>2,290.23</u>	<u>2,748.27</u>
8	<u>552.20</u>	<u>1,104.39</u>	<u>1,656.59</u>	<u>2,208.78</u>	<u>2,760.98</u>	<u>3,313.17</u>
	<u>588.92</u>	<u>1,177.83</u>	<u>1,766.75</u>	<u>2,355.66</u>	<u>2,944.58</u>	<u>3,533.49</u>

Compactor Containers

Size (in Yards)	Weekly Frequency					
	1	2	3	4	5	6
1	<u>275.43</u>	<u>550.86</u>	<u>826.29</u>	<u>1,101.72</u>	<u>1,377.15</u>	<u>1,652.58</u>
	<u>293.76</u>	<u>587.52</u>	<u>881.28</u>	<u>1,175.04</u>	<u>1,468.80</u>	<u>1,762.56</u>
1.5	<u>344.29</u>	<u>688.58</u>	<u>1,032.86</u>	<u>1,377.15</u>	<u>1,721.44</u>	<u>2,065.73</u>
	<u>367.20</u>	<u>734.40</u>	<u>1,101.60</u>	<u>1,468.80</u>	<u>1,836.00</u>	<u>2,203.20</u>
2	<u>413.15</u>	<u>826.29</u>	<u>1,239.44</u>	<u>1,652.58</u>	<u>2,065.73</u>	<u>2,478.87</u>
	<u>440.64</u>	<u>881.28</u>	<u>1,321.92</u>	<u>1,762.56</u>	<u>2,203.20</u>	<u>2,643.84</u>
3	<u>550.86</u>	<u>1,101.72</u>	<u>1,652.58</u>	<u>2,203.44</u>	<u>2,754.30</u>	<u>3,305.16</u>
	<u>587.52</u>	<u>1,175.04</u>	<u>1,762.56</u>	<u>2,350.08</u>	<u>2,937.60</u>	<u>3,525.12</u>
4	<u>688.58</u>	<u>1,377.15</u>	<u>2,065.73</u>	<u>2,754.30</u>	<u>3,442.88</u>	<u>4,131.45</u>
	<u>734.40</u>	<u>1,468.80</u>	<u>2,203.20</u>	<u>2,937.60</u>	<u>3,672.00</u>	<u>4,406.40</u>
5	<u>826.29</u>	<u>1,652.58</u>	<u>2,478.87</u>	<u>3,305.16</u>	<u>4,131.45</u>	<u>4,957.74</u>
	<u>881.28</u>	<u>1,762.56</u>	<u>2,643.84</u>	<u>3,525.12</u>	<u>4,406.40</u>	<u>5,287.68</u>
6	<u>964.01</u>	<u>1,928.01</u>	<u>2,892.02</u>	<u>3,856.02</u>	<u>4,820.03</u>	<u>5,784.03</u>
	<u>1,028.16</u>	<u>2,056.32</u>	<u>3,084.48</u>	<u>4,112.64</u>	<u>5,140.80</u>	<u>6,168.96</u>
8	<u>1,239.44</u>	<u>2,478.87</u>	<u>3,718.31</u>	<u>4,957.74</u>	<u>6,197.18</u>	<u>7,436.61</u>
	<u>1,321.92</u>	<u>2,643.84</u>	<u>3,965.76</u>	<u>5,287.68</u>	<u>6,609.60</u>	<u>7,931.52</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.

2018

2019

One-time delivery/pickup/disposal of

3-yard "Rent-a-Bin"	\$156.32	<u>\$166.72</u>	
Additional "Rent-a-Bin" pickup	96.87	<u>103.31</u>	
Return trip (blocked container, etc.)	15.21	<u>16.28</u>	
Lock charge (if automatic system used)	\$0.00	<u>\$0.00</u>	
Lock charge (if manual system used)	2.43	<u>2.60</u>	per collection
Subsequent deliveries/moves/replacements	27.70	<u>29.66</u>	per trip
Accessibility charge	3.46	<u>3.70</u>	per collection
Rollout charge			
Greater than 15 feet	3.46	<u>3.70</u>	per collection
Greater than 20 feet	5.54	<u>5.93</u>	per collection
Steam cleaning (customer request or requirement)	41.53	<u>44.45</u>	per container
Overfill/extra yardage (or portion thereof)	15.61	<u>16.65</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 surcharges 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:

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

Service Stops for Vacation:

Minimum period of two weeks.

Maximum of three vacations per year.

Section 4. That part of Section 23 of Ordinance M-2665, last amended by that part of Section 4 of Ordinance M-4220, codified as VCM 6.12.211, is hereby amended to read 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:	2018	<u>2019</u>	
Initial Placement fee	34.58	<u>37.01</u>	per trip
Moving fee	34.58	<u>37.01</u>	per trip
Steam clean (per customer request or as required)	3.73	<u>3.99</u>	per yard
Minimum	36.20	<u>38.75</u>	min
Plus: pickup and redelivery	34.58	<u>37.01</u>	per trip
Trucking Fee (empty and return - roundtrip haul charge):			
Drop Box			
10-yard	135.65	<u>145.21</u>	
20-yard	135.65	<u>145.21</u>	
30-yard	135.65	<u>145.21</u>	
40-yard	135.65	<u>145.21</u>	
Compactor			
10-yard	150.72	<u>\$161.35</u>	
20-yard	150.72	<u>\$161.35</u>	
30-yard	150.72	<u>\$161.35</u>	
40-yard	150.72	<u>\$161.35</u>	
Add disposal pass through at amount of tipping fee and disposal transaction fees or taxes to above charges.			
Daily demurrage – Per Day	3.23	<u>\$3.46</u>	per day
Monthly demurrage – Monthly Maximum	97.39	<u>104.26</u>	monthly max

Special/modified box rental (Lid/screen/winch, etc.) – Per Day	4.64	<u>4.97</u>	per day
Monthly Maximum	139.72	<u>149.57</u>	monthly max
Waiting Time (after first 10 minutes) – Charge Per Minute	1.64	<u>1.76</u>	per minute
Mileage charge (over 10)	3.00	<u>3.21</u>	per mile
Locking system Materials plus labor @ per hour	34.58	<u>37.01</u>	per hour
“Check only” service (price per container and per check)	10.37	<u>11.10</u>	
Return trip charge (per container)	27.70	<u>29.66</u>	

Yard debris collection drop box service -Same rate as regular drop box service, except that disposal will be charged at current yard debris processing rate.

Late Fee:

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

Section 5. That part of Section 24 of Ordinance M-2665, last amended by that part of Section 5 of Ordinance M-4220, codified as VCM 6.12.212, is hereby amended to read 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:	2018	<u>2019</u>	
Stove	15.53	<u>16.63</u>	each
Washing machine	16.99	<u>18.18</u>	each
Dryer	14.07	<u>15.06</u>	each

Water heater	47.27	<u>18.49</u>	each
Refrigerator, freezer	28.09	<u>30.07</u>	each
Sofa	14.07	<u>15.06</u>	each
Chair	11.23	<u>12.02</u>	each
Mattress or box springs	12.71	<u>13.60</u>	each
Tires			
Auto/light pickup	6.69	<u>7.16</u>	each
with rim	10.35	<u>11.08</u>	each
Bus/heavy truck	20.98	<u>22.46</u>	each
with rim	34.61	<u>37.05</u>	each
Other bulky items	14.79	<u>15.84</u>	each

Hourly equipment rental:

Sideloaded compactor truck	94.10	<u>100.73</u>	per hour
Rolloff truck/Front Load Compactor truck	96.91	<u>103.74</u>	per hour
Extra labor	42.91	<u>45.93</u>	per hour
Overtime rate	Extra labor rate X 1.5		

Section 6. Ordinance M-3069, last amended by that part of Section 6 of Ordinance M-4220, codified as VCM 6.12.213, is hereby amended to read as follows:

6.12.213 Residential recycling fees.

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

- (a) For each dwelling unit in a structure containing from one to four residential dwelling units, ~~\$2.90~~ \$3.01 per month.
- (b) Five or more residential dwelling units on a consolidated solid waste collection bill, ~~\$1.29~~ \$1.29 per month per unit.

The following optional fee shall be charged to those residents who voluntarily subscribe for service:

Yard Debris Collection Service	<u>2018</u>	<u>2019</u>	
Basic subscription, with 64-gallon cart	\$7.15	<u>\$7.43</u>	per month
1st additional 32-gallon equivalent (or portion thereof)	\$0.00	<u>\$0.00</u>	per month
Additional 32-gallon equivalent (or portion thereof, per item)	\$3.26	<u>3.39</u>	per pickup
Service restart fee, within one year of last service	\$10.00	<u>10.39</u>	
Subscription service, on-call with no cart	\$5.46	<u>5.67</u>	per pickup
Optional 64-gallon cart rental for on-call customers	\$1.66	<u>1.72</u>	per month
Cart replacement fee	At Cost		
Cart delivery fee, initial	\$0.00	<u>\$0.00</u>	
Cart delivery fee, subsequent	\$13.34	<u>13.86</u>	
32-gallon Wheeled-cart rental (if requested)	\$1.63	<u>1.69</u>	per month

Late fee: 1.5 percent of balance outstanding at 30 days

Vacation allowances in conjunction with garbage service vacations only.

Section 7. Savings. Those ordinances or parts of ordinances which are amended or repealed 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, 2019, following the date of final adoption.

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 _____, 2018.

Anne McEnery-Ogle, Mayor

Attest:

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

Approved as to form:

E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the collection of solid waste, recyclable materials and yard debris, and amending certain sections of VMC 6.12 to increase 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 SOLID WASTE COLLECTION RATES
for 1/1/19 as compared to rates in effect since 1/1/18
2.2% Utility Tax Increase**

Available Service Levels	Monthly Charge		
	Jan-18	Jan-19	Change

Residential/Multifamily Curb Service (VMC 6.12.208)

A	32-gallon cart service			
	weekly collection	\$17.97	\$19.16	6.6%
	each additional	\$17.97	\$19.16	6.6%
	every other week collection	\$13.48	\$14.37	6.6%
	each additional can	\$13.48	\$14.37	6.6%
	once per month collection	\$8.09	\$8.62	6.6%
	64-gallon cart service			
	weekly collection	\$35.94	\$38.32	6.6%
	each additional	\$35.94	\$38.32	6.6%
	every other week collection	\$17.97	\$19.16	6.6%
	96-gallon cart service			
	weekly collection	\$53.91	\$57.48	6.6%
	20-gallon cart service			
	weekly collection	\$13.48	\$14.37	6.6%
	every other week collection	\$10.78	\$11.50	6.7%

Residential Carryout Service

	32-gallon cart service			
	weekly collection	\$26.96	\$28.74	6.6%
	each additional cart	\$26.96	\$28.74	6.6%
	every other week collection	\$20.22	\$21.56	6.6%
	each additional cart	\$20.22	\$21.56	6.6%
	once per month collection	\$12.14	\$12.93	6.5%
	64-gallon cart service			
	weekly collection	\$44.93	\$47.90	6.6%
	every other week collection	\$38.19	\$40.72	6.6%
	96-gallon cart service			
	weekly collection	\$62.90	\$67.06	6.6%
	20-gallon cart service			
	weekly collection	\$20.22	\$21.56	6.6%
	every other week collection	\$16.17	\$17.25	6.7%

Residential Special/Optional Services

	Extra Cart (32-gallon equivalent)			
	Curb (per pick-up)	\$7.07	\$7.54	6.6%
	Carryout (per pick-up)	\$10.60	\$11.31	6.7%
	Return Trip fee	\$10.39	\$11.12	7.0%
	Overweight/overfilled can			
	Cart replacement fee			
	Cart Delivery, Initial	\$0.00	\$0.00	
	Cart Delivery, Subsequent	\$13.01	\$14.28	9.8%

Residential Recycling & Yard Debris Collection (VMC 6.12.213)

B	Single Family EOW Curbside	\$2.90	\$3.01	3.8%
	Multi-Family (per unit/month)	\$1.24	\$1.29	4.0%
C	Yard Debris Collection Service (every other week by subscription)			
	Basic subscription 64-gal.	\$7.15	\$7.43	3.9%
	1st additional 32-gal can	\$0.00	\$0.00	
	Additional 32-gal per pickup	\$3.26	\$3.39	4.0%
	Service restart fee (<1yr)	\$10.00	\$10.39	3.9%
	On-call/No Cart (per pickup)	\$5.46	\$5.67	3.8%
	Optional 64-gal Cart Rental	\$1.66	\$1.72	3.6%
	Cart replacement fee			
	Cart delivery fee, initial	\$0.00	\$0.00	
	Cart delivery, subsequent	\$13.34	\$13.86	3.9%
	32-gallon Wheeled-cart renta	\$1.63	\$1.75	7.4%

Standard Service Level for Residential Customers (A + B)

A	32-Gallon Weekly Garbage	\$17.97	\$19.16	6.6%	Added:
B	Single Family Weekly Curbside	\$2.90	\$3.01	3.8%	\$0.11
C	Yard Debris Collection (Subscribe)	\$7.15	\$7.43	3.9%	\$0.28
TOTAL A + B		\$20.87	\$22.17	6.2%	\$1.30
TOTAL A + B + C (w/ YD)		\$28.02	\$29.60	5.6%	\$1.58

\$X.XX Shaded values indicate adopted changes based on contract.

These changes were heard by Vancouver City Council, SR -18 & Ord M-:

First Reading: 8/27/18

Second Reading/Public Hearing: 9/10/18

The new fees are expected to remain unchanged for at least 12 months (until January 2020).

Questions on the rate changes may be addressed to Tanya Gray (487-7163)

Available Service Levels	Monthly Charge		
	Jan-18	Jan-19	Change

Commercial Curb Service (VMC 6.12.209)

	32-gallon cart service			
	weekly collection	\$19.98	\$21.31	6.7%
	each additional cart	\$19.98	\$21.31	6.7%
	every other week collection	\$14.99	\$15.98	6.6%
	each additional can	\$14.99	\$15.98	6.6%
	once per month collection	\$8.99	\$9.59	6.7%
	64-gallon cart service			
	weekly collection	\$39.96	\$42.62	6.7%
	every other week collection	\$19.98	\$21.31	6.7%
	96-gallon cart service			
	weekly collection	\$59.94	\$63.93	6.7%
	20-gallon cart collection			
	weekly collection	\$14.99	\$15.98	6.6%
	every other week collection	\$11.99	\$12.79	6.7%

Commercial Carryout Service

	32-gallon cart service			
	weekly collection	\$29.97	\$31.97	6.7%
	each additional can	\$29.97	\$31.97	6.7%
	every other week collection	\$22.49	\$23.97	6.6%
	each additional can	\$22.49	\$23.97	6.6%
	once per month collection	\$13.49	\$14.39	6.7%
	64-gallon cart service			
	weekly collection	\$49.95	\$53.28	6.7%
	every other week collection	\$29.97	\$31.97	6.7%
	96-gallon cart service			
	weekly collection	\$69.93	\$74.59	6.7%
	20-gallon cart service			
	weekly collection	\$22.49	\$23.97	6.6%
	every other week collection	\$17.99	\$19.19	6.7%

Commercial Special/Optional Services

	Extra Cart (32-gallon equivalent)			
	Curb (per pick-up)	\$7.84	\$8.37	6.8%
	Carryout (per pick-up)	\$11.81	\$12.60	6.7%
	Return Trip fee	\$10.39	\$11.12	7.0%
	Overweight/overfilled cart			
	Cart replacement fee			
	Cart Delivery, Initial	\$0.00	\$0.00	
	Cart Delivery, Subsequent	\$13.00	\$13.91	7.0%

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"	\$156.32	\$166.72	6.7%
	Additional "Rent-A-Bin"	\$96.87	\$103.31	6.6%
	Return Trip fee	\$15.21	\$16.28	7.0%
	Lock Charge (automatic system)	\$0.00	\$0.00	
	Lock Charge (manual system)	\$2.43	\$2.60	7.0%
	Subsequent Deliveries/Moves			
	Replacements (per trip)	\$27.70	\$29.66	7.1%
	Accessibility Charge	\$3.46	\$3.70	6.9%
	Rollout Charge (per collection)			
	Greater than 15 feet	\$3.46	\$3.70	6.9%
	Greater than 20 feet	\$5.54	\$5.93	7.0%
	Steam Cleaning (requested)	\$41.53	\$44.45	7.0%
	Overfilled/Extra Yardage (portion)	\$15.61	\$16.65	6.7%

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

	Stove	\$15.53	\$16.63	7.1%
	Washing Machine	\$16.99	\$18.18	7.0%
	Dryer	\$14.07	\$15.06	7.0%
	Water Heater	\$17.27	\$18.49	7.1%
	Refrigerator, Freezer	\$28.09	\$30.07	7.0%
	Sofa	\$14.07	\$15.06	7.0%
	Chair	\$11.23	\$12.02	7.0%
	Mattress or Box Springs	\$12.71	\$13.60	7.0%
	Tires			
	auto light pickup	\$6.69	\$7.16	7.0%
	with rim	\$10.35	\$11.08	7.1%
	bus/heavy truck	\$20.98	\$22.46	7.1%
	with rim	\$34.61	\$37.05	7.0%
	Other Bulky Items	\$14.79	\$15.84	7.1%
	Hourly Equipment Rental			
	Sideloaded compactor	\$94.10	\$100.73	7.0%
	Rolloff truck	\$96.91	\$103.74	7.0%
	Extra labor	\$42.91	\$45.93	7.0%
	Overtime rate			
	Extra labor rate X 1.5			

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Available Service Levels	Monthly Charge		
	Jan-18	Jan-19	Change
Commercial Container Service (Non Compacted - VMC 6.12.210)			
One Yard Container (includes disposal w/in weight limits)			
once per week collection	\$122.71	\$130.87	6.6%
twice per week collection	\$245.42	\$261.74	6.6%
three collections/week	\$368.13	\$392.61	6.6%
four collections/week	\$490.84	\$523.48	6.6%
five collections/week	\$613.55	\$654.35	6.6%
six collections/week	\$736.26	\$785.22	6.6%
1.5 Yard Container (includes disposal w/in weight limits)			
once per week collection	\$153.39	\$163.59	6.6%
twice per week collection	\$306.78	\$327.18	6.6%
three collections/week	\$460.16	\$490.76	6.6%
four collections/week	\$613.55	\$654.35	6.6%
five collections/week	\$766.94	\$817.94	6.6%
six collections/week	\$920.33	\$981.53	6.6%
Two Yard Container (includes disposal w/in weight limits)			
once per week collection	\$184.07	\$196.31	6.6%
twice per week collection	\$368.13	\$392.61	6.6%
three collections/week	\$552.20	\$588.92	6.6%
four collections/week	\$736.26	\$785.22	6.6%
five collections/week	\$920.33	\$981.53	6.6%
six collections/week	\$1,104.39	\$1,177.83	6.6%
Three Yard Container (includes disposal w/in weight limits)			
once per week collection	\$245.42	\$261.74	6.6%
twice per week collection	\$490.84	\$523.48	6.6%
three collections/week	\$736.26	\$785.22	6.6%
four collections/week	\$981.68	\$1,046.96	6.6%
five collections/week	\$1,227.10	\$1,308.70	6.6%
six collections/week	\$1,472.52	\$1,570.44	6.6%
Four Yard Container (includes disposal w/in weight limits)			
once per week collection	\$306.78	\$327.18	6.6%
twice per week collection	\$613.55	\$654.35	6.6%
three collections/week	\$920.33	\$981.53	6.6%
four collections/week	\$1,227.10	\$1,308.70	6.6%
five collections/week	\$1,533.88	\$1,635.88	6.6%
six collections/week	\$1,840.65	\$1,963.05	6.6%
Five Yard Container (includes disposal w/in weight limits)			
once per week collection	\$368.13	\$392.61	6.6%
twice per week collection	\$736.26	\$785.22	6.6%
three collections/week	\$1,104.39	\$1,177.83	6.6%
four collections/week	\$1,472.52	\$1,570.44	6.6%
five collections/week	\$1,840.65	\$1,963.05	6.6%
six collections/week	\$2,208.78	\$2,355.66	6.6%
Six Yard Container (includes disposal w/in weight limits)			
once per week collection	\$429.49	\$458.05	6.6%
twice per week collection	\$858.97	\$916.09	6.6%
three collections/week	\$1,288.46	\$1,374.14	6.6%
four collections/week	\$1,717.94	\$1,832.18	6.6%
five collections/week	\$2,147.43	\$2,290.23	6.6%
six collections/week	\$2,576.91	\$2,748.27	6.6%
Eight Yard Container (includes disposal w/in weight limits)			
once per week collection	\$552.20	\$588.92	6.6%
twice per week collection	\$1,104.39	\$1,177.83	6.6%
three collections/week	\$1,656.59	\$1,766.75	6.6%
four collections/week	\$2,208.78	\$2,355.66	6.6%
five collections/week	\$2,760.98	\$2,944.58	6.6%
six collections/week	\$3,313.17	\$3,533.49	6.6%

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)	\$34.58	\$37.01	7.0%
Moving Fee (per trip)	\$34.58	\$37.01	7.0%
Steam Clean (per yard)	\$3.73	\$3.99	7.0%
Minimum (Plus P/R)	\$36.20	\$38.75	7.0%
Box placement/move onsite	\$34.58	\$37.01	7.0%
Daily Demurrage	\$3.23	\$3.46	7.1%
Monthly Demurrage (Max.)	\$97.39	\$104.26	7.1%
Special/Modified Box Rent			
(lid,scrn,winch/day)	\$4.64	\$4.97	7.1%
monthly maximum	\$139.72	\$149.57	7.0%
Waiting Time (per minute)	\$1.64	\$1.76	7.3%
Mileage Charge (over 10/mi)	\$3.00	\$3.21	7.0%
Locking System (materials			
plus labor @: per hr)	\$34.58	\$37.01	7.0%
"Check Only" (per check)	\$10.37	\$11.10	7.0%
Return Trip Charge	\$27.70	\$29.66	7.1%

Tipping Fee at Columbia Resources Transfer Stations

Municipal Solid Waste (\$/ ton)	\$93.22	\$95.71	2.7%
Drop Box Waste (\$/ ton)	\$82.78	\$84.98	2.7%
Plus - Transaction Fee (per load)	\$10.00	\$10.00	0.0%

Tipping Fees
are set by
Clark
County.

Available Service Levels	Monthly Charge		
	Jan-18	Jan-19	Change
Commercial Compactor Container Service (VMC 6.12.210)			
One Yard Container (includes disposal)			
once per week collection	\$275.43	\$293.76	6.7%
twice per week collection	\$550.86	\$587.52	6.7%
three collections/week	\$826.29	\$881.28	6.7%
four collections/week	\$1,101.72	\$1,175.04	6.7%
five collections/week	\$1,377.15	\$1,468.80	6.7%
six collections/week	\$1,652.58	\$1,762.56	6.7%
1.5 Yard Container (includes disposal)			
once per week collection	\$344.29	\$367.20	6.7%
twice per week collection	\$688.58	\$734.40	6.7%
three collections/week	\$1,032.86	\$1,101.60	6.7%
four collections/week	\$1,377.15	\$1,468.80	6.7%
five collections/week	\$1,721.44	\$1,836.00	6.7%
six collections/week	\$2,065.73	\$2,203.20	6.7%
Two Yard Container (includes disposal)			
once per week collection	\$413.15	\$440.64	6.7%
twice per week collection	\$826.29	\$881.28	6.7%
three collections/week	\$1,239.44	\$1,321.92	6.7%
four collections/week	\$1,652.58	\$1,762.56	6.7%
five collections/week	\$2,065.73	\$2,203.20	6.7%
six collections/week	\$2,478.87	\$2,643.84	6.7%
Three Yard Container (includes disposal)			
once per week collection	\$550.86	\$587.52	6.7%
twice per week collection	\$1,101.72	\$1,175.04	6.7%
three collections/week	\$1,652.58	\$1,762.56	6.7%
four collections/week	\$2,203.44	\$2,350.08	6.7%
five collections/week	\$2,754.30	\$2,937.60	6.7%
six collections/week	\$3,305.16	\$3,525.12	6.7%
Four Yard Container (includes disposal)			
once per week collection	\$688.58	\$734.40	6.7%
twice per week collection	\$1,377.15	\$1,468.80	6.7%
three collections/week	\$2,065.73	\$2,203.20	6.7%
four collections/week	\$2,754.30	\$2,937.60	6.7%
five collections/week	\$3,442.88	\$3,672.00	6.7%
six collections/week	\$4,131.45	\$4,406.40	6.7%
Five Yard Container (includes disposal)			
once per week collection	\$826.29	\$881.28	6.7%
twice per week collection	\$1,652.58	\$1,762.56	6.7%
three collections/week	\$2,478.87	\$2,643.84	6.7%
four collections/week	\$3,305.16	\$3,525.12	6.7%
five collections/week	\$4,131.45	\$4,406.40	6.7%
six collections/week	\$4,957.74	\$5,287.68	6.7%
Six Yard Container (includes disposal)			
once per week collection	\$964.01	\$1,028.16	6.7%
twice per week collection	\$1,928.01	\$2,056.32	6.7%
three collections/week	\$2,892.02	\$3,084.48	6.7%
four collections/week	\$3,856.02	\$4,112.64	6.7%
five collections/week	\$4,820.03	\$5,140.80	6.7%
six collections/week	\$5,784.03	\$6,168.96	6.7%
Eight Yard Container (includes disposal)			
once per week collection	\$1,239.44	\$1,321.92	6.7%
twice per week collection	\$2,478.87	\$2,643.84	6.7%
three collections/week	\$3,718.31	\$3,965.76	6.7%
four collections/week	\$4,957.74	\$5,287.68	6.7%
five collections/week	\$6,197.18	\$6,609.60	6.7%
six collections/week	\$7,436.61	\$7,931.52	6.7%

Drop Box Trucking Fee (empty & return - roundtrip - VMC 6.12.211)

10-yard			
Drop Box	\$135.65	\$145.21	7.0%
Compactor	\$150.72	\$161.35	7.1%
20-yard			
Drop Box	\$135.65	\$145.21	7.0%
Compactor	\$150.72	\$161.35	7.1%
30-yard			
Drop Box	\$135.65	\$145.21	7.0%
Compactor	\$150.72	\$161.35	7.1%
40-yard			
Drop Box	\$135.65	\$145.21	7.0%
Compactor	\$150.72	\$161.35	7.1%

Disposal Fees: (pass through of tipping fee, transaction fee & taxes)
See box at left

Yard Debris Fees: (pass through at current material processing rate)

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

8/16/2018 12:13



Item #9.

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/27/2018

SUBJECT Lodging Tax Advisory Committee Appointments

Action Requested

Appoint Steve Bowers and Chandra Chase and reappoint Jordan Boldt, Melinda Capen, Kari Jonassen, Mike McLeod, Linda Reid and Mike Williams to the Lodging Tax Advisory Committee, terms beginning immediately and expiring September 30, 2020.

Council Committee 2 (Turlay, Topper, Lebowsky)

ATTACHMENTS:



MEMORANDUM

DATE: August 27, 2018

TO: Mayor and City Councilmembers

FROM: Council Committee II (Lebowsky, Topper, and Turlay)

RE: **RECOMMENDATIONS FOR APPOINTMENT & REAPPOINTMENT TO THE LODGING TAX ADVISORY COMMITTEE**

CC: Eric J. Holmes, City Manager
Michelle Bartley, Boards & Commissions

The Lodging Tax Advisory Committee was formed under RCW67.28.1817 which requires any City or County that wishes to impose a new hotel-motel tax, raise the rate of an existing tax, repeal an exemption from hotel-motel tax or change the use of the tax proceeds to form a hotel-motel tax advisory committee. The purpose of the Vancouver Lodging Tax Advisory Committee is to make recommendations to the Vancouver City Council regarding expenditures of lodging tax revenue. The Lodging Tax Advisory Committee has a minimum of 5 members including a non-voting chair. The committee is chaired by a Vancouver City Councilmember. 50% of the members must represent businesses that are required to collect the hotel-motel tax. 50% of the members of the committee must be staff, board members or volunteers from organizations or activities that are authorized to be funded by this tax.

Committee II recently interviewed four candidates for appointment and six candidates for reappointment to the Lodging Tax Advisory Committee, and recommends appointment of Steve Bowers and Chandra Chase, and reappointment of Jordan Boldt, Melinda Capen, Kari Jonassen, Mike McLeod, Linda Reid, and Mike Williams. All appointments would begin immediately and expire September 30, 2020.

If there are no objections, Committee II would like to recommend making these appointments and reappointments at the **Monday, August 27, 2018**, Council meeting.

Attachments:
Applications
Current Roster