



City Council Meeting Schedule July 2022

The City broadcasts City Council meetings on the City's website
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

July 5, 2022
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

July 12 2022
Tuesday, 6:30 p.m. WORKSHOP MEETING

1. Ethics Sub-Committee Policy Recommendations
2. Finance Department Update: Biennium Goals & Priorities
3. Legislative Prayer

July 19, 2022
Tuesday, 6:30 p.m. REGULAR COUNCIL MEETING

July 26, 2022
Tuesday, 6:30 p.m. WORKSHOP MEETING

1. Parks & Recreation Department Update: Biennium Goals & Priorities
2. Planning Department Update: Biennium Goals & Priorities
3. Redistricting

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

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

Council Workshop Coversheet



Agenda Item Number	1.	Meeting Date	07/12/2022
Agenda Item Type	Reports/Plans		
Subject	Ethics Sub-Committee Policy Recommendations		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Manager		

Info Only	<input type="checkbox"/>
Policy Review	<input checked="" type="checkbox"/>
Policy DevMnt	<input type="checkbox"/>
Other	<input type="checkbox"/>

Summary

A sub-committee of three councilmembers were asked to review the ethics policy and provide recommendations to the City Council. The sub-committee consisted of Councilmember Millbauer, Mayor Pro-Tem Crawford and Councilmember Anderson. The sub-committee met during the first part of February and provided the following considerations for Council to discuss and review relating to the existing ethics policy.

Items for Discussion and Consideration:

- * Initially require the complainant councilmember to have a one on one discussion with the alleged person or possible person's (without violating OPMA) - this could be a preferred step or it could be incorporate into the written policy;
- * After above step, call for an executive session to discuss with all councilmembers, City Manager & City Attorney
- * After executive session, provide a 15 day cool down period that could lead to a second executive session for further discussion;
- * If complaint is resolved, then the process is complete and all parties move on;
- * If the complaint is not resolved, the complainant councilmember(s) would file an ethics complaint through a formal process outlined in Chapter 2.06 with modifications as recommended below:

Suggestions:

- * KMC 2.06.050 - Position of ethics officer should be solicited from outside the Tri-Cities area
- * KMC 2.06.060 - Complaints, Investigations, Hearings and Enforcement:
 - * Ethics complaints must be initiated within 45 days of the complainant becoming aware of the potential ethics violation;
 - * If the official is no longer in office, the complaint is dropped (potentially could be based on the type of alleged violation)
 - * Do not require 2 or more signatures to file an official complaint after the cool down executive session

The ethics sub-committee also discussed having a general code of ethics similar to Yakima (attached) listing rules of conduct to be signed by council with perhaps some general training as a new council member is elected into office.

This workshop is an opportunity to discuss the code of ethics, recommendations by the ethics sub-committee and provide direction to staff on potential modifications to the existing ethics code KMC 2.06 (attached).

Through	
Dept Head Approval	
City Mgr Approval	<p style="text-align: center;">Marie Mosley Jul 07, 21:04:13 GMT-0700 2022</p>

Attachments:

KMC 2.06 Code of Ethics_Yakima

CHAPTER 2.06 COUNCIL CODE OF ETHICS

2.06.010: Policy:

- (1) Purpose. The Kennewick City Council has adopted a Code of Ethics for members of the City Council to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for Council Members; both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.
- (2) Intent. The citizens and businesses of Kennewick are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. The City Council is committed to upholding the City of Kennewick Core Values which state:

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

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

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

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

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

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

- (3) In keeping with the City of Kennewick's commitment to excellence, the effective functioning of democratic government therefore requires that:
 - (a) Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
 - (b) Public officials be independent, impartial and fair in their judgment and actions;
 - (c) Public office be used for the public good, not for personal gain; and
 - (d) Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

(Ord. 5812 Sec. 1(part), 2019)

2.06.020: Definitions.

- (1) "Official" means a member of the City Council elected or appointed.
- (2) "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law.

(Ord. 5812 Sec. 1(part), 2019)

2.06.030: Prohibited Conduct.

- (1) Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest:
 - (a) The official;
 - (b) A relative;
 - (c) An individual with whom the official resides; or
 - (d) An entity that the official serves as an officer, director, trustee, partner or employee.

Officials shall abstain from participating in deliberations and decision-making where conflicts exist.

- (2) Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either:
 - (a) A personal or business relationship not covered under the foregoing subsection; or
 - (b) A transaction or activity engaged in by the official;the official shall disclose the facts giving rise to the appearance of a conflict before participating in the matter.
- (3) Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the City, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.
- (4) Representation of Third Parties. The members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.
- (5) Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.
- (6) Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.
- (7) Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means:
 - (a) Specific information, rather than generalized knowledge, that are not available to a person who files a public records request; and
 - (b) Information made confidential by law.

(Ord. 5812 Sec. 1(part), 2019)

2.06.040: Ethical Standards.

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

- (1) **Compliance with Other Laws.** Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW 42.17A.565, no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW 42.17A.555 no official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.
- (2) **Working for the Common Good.** Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Kennewick and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council. Officials need to be mindful that making special requests of staff - even when the response does not benefit the official personally - puts staff in an awkward position. Questions for city staff members shall be submitted to the City Manager who will then coordinate with staff to provide a response.
- (3) **Respect for Process.** Officials shall perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by city staff.
- (4) **Commitment to Transparency.** Transparency, openness, and accountability are fundamental values of the City and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email, text messages and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of "public record" and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.
- (5) **Conduct of Public Meetings.** Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
- (6) **Decisions Based on Merit.** Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

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- (7) Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
 - (8) Attendance. Attendance at regular council meetings by Council Members is required absent being excused per KMC 2.04.050(2). As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council.
 - (9) Nepotism. A Council Member may not vote or participate in the interview or appointment of a relative to boards or commissions or other appointed positions.
 - (10) Advocacy. When acting in an official capacity as a city official representing the City, officials shall represent the official policies or positions of the City Council, to the best of their ability when the City Council, has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kennewick, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings.
 - (11) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kennewick city government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the City or the professional duties of city staff; nor shall they impair the ability of staff to implement Council policy decisions.

APPENDIX A

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

(Ord. 5888 Sec. 1, 2020 ; Ord. 5812 Sec. 1(part), 2019)

2.06.050: Ethics Officer.

- (1) The City Council creates the office of the Ethics' Officer. The Ethics' Officer will interpret and apply the council code of ethics to complaints submitted to the Officer. The Ethics Officer will be appointed solely with regard to their qualifications for the duties of the office which shall include, but not be limited to, appropriate educational and legal experience. The Ethics' Officer, in addition to other duties, may recommend changes or additions to this Council Code of Ethics to the City Council.
- (2) The Council Interview Committee, City Manager and City Attorney will interview applicants who respond to the City's Request for Proposals for the Ethics Officer. The Committee will forward two candidates to the full City Council for review and appointment by a majority vote of the Council.

(Ord. 5812 Sec. 1(part), 2019)

2.06.060: Complaints, Investigations, Hearings and Enforcement:

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

- (1) Complaint Process.
 - (a) Complaint Requirements - Service. Two officials are required to sign off on a written complaint before it can be filed with the Ethics' Officer alleging one or more violations of this Code of Ethics by an official. The complaint must set forth specific facts with enough precision and detail for the Ethics' Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the officials submitting it in a manner consistent with Chapter 9A.72 RCW. The complaint shall be filed with the city clerk who will date-stamp it as received and forward it to the Ethics Officer.
 - (b) Finding of Sufficiency. The Ethics Officer shall make a determination of sufficiency within 30 days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section 2.06.030 or 2.06.040 of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.
 - (c) Dismissal. The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct. A decision for dismissal as noted above is final and not reviewable.
 - (d) Notice. Notice of action by the Ethics Officer shall be provided as follows:
 - (i) Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the officials who made the complaint and the official complained against within seven days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.
 - (ii) Within seven days of the Ethics Officer rendering a finding of sufficiency, the city clerk shall send notice to the officials who made the complaint and the official complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 2.06.030 or 2.06.040 has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least 30 days prior to the date set for the hearing. The following must be submitted to the Ethics Officer via the City Clerk at least fifteen days prior to the scheduled hearing:
 - A. Written response to the assertions in the complaint by the accused;
 - B. Any motions by the accused asserting Procedural or Technical challenges to the complaint;
 - C. Witness list including contact information (Name, Address, and Telephone number).

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(Supp. No. 10, Update 1)

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- (iii) If at any point in the process, a recall petition is filed based on substantially the same charges as the ethics complaint as determined by the Ethics Officer, the process will be stayed until final resolution of the recall petition.
- (e) Stipulations. At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the official complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the official complained against, a promise by the official complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the officials who made the complaint and the official complained against and forwarded to the City Council for action.
- (2) Conduct of Hearings.
- (a) All hearings on complaints found to be sufficient shall be conducted by the Ethics Officer and are open to the public. The official who is the subject of the complaint may appear at the hearing with or without counsel and may call witnesses and cross examine witnesses. The hearing shall be informal, meaning that the Ethics Officer shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Ethics Officer may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Ethics Officer shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Ethics Officer. The Ethics Officer may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Ethics Officer shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the Ethics Officer shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.
- (b) Within 30 days after the conclusion of the hearing, the Ethics Officer shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the officials who made the complaint and to the official complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the City Council.
- (3) City Council Action. Final City Council action to decide upon stipulations and recommendations from the Ethics Officer or findings, conclusions, and recommendations from the Ethics Officer shall be by majority vote in a public meeting. Deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint was made, a public meeting before the Council will be held on the issue of penalties.
- (4) Disposition. In the event the Ethics Officer finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (5) of this section.
- (a) Dismissal. Dismissal of the complaint without penalties.
- (b) Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

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- (c) Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the mayor pro-tem or his/her designee, to the official.
 - (d) Reprimand. A reprimand shall be administered to the official by a motion of reprimand by the majority of the City Council.
 - (e) Censure. A resolution of censure shall be a resolution read to the person in public. The resolution shall be prepared by the City Council and shall be signed by the mayor, or if the complaint is against the mayor, the mayor pro-tem. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least 20 calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.
 - (f) Civil Penalties. The City Council may assess a civil penalty of up to one thousand dollars or three times the economic value of anything received in violation of this Code of Ethics or three times the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund. The City Council may also suspend a portion of a civil penalty imposed on condition the Council Member have no other violations of the Council Code of Ethics for one year.
 - (g) Contract Void. As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of Ethics for municipal officers - contract interests," is void.
 - (h) Other Penalties. The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.
- (5) Review of Civil Penalties. If the City Council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter 7.16 RCW, within 30 days of the City Council's order.
 - (6) Protection Against Retaliation. Neither the City nor any official may take or threaten to take, directly or indirectly, official or personal action, including, but not limited to, discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any council member because that council member files a complaint with the Ethics Officer.
 - (7) Public Records. Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

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

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

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

- (a) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.
- (b) Any action taken under this Code of Ethics must be commenced within two years from the date of violation.

(Ord. 5888 Sec. 2, 2020 ; Ord. 5812 Sec. 1(part), 2019)

CODE OF ETHICS For YAKIMA CITY COUNCIL MEMBERS

Council Members will hereafter conduct themselves according to the following rules of conduct as they pertain to work for, and on behalf of, the City of Yakima:

- I. Council Members shall maintain decorum and set an example for conduct when representing the City, and endeavor not to disgrace or embarrass the City while acting in an official capacity.*
- II. Council Members shall represent that opinions stated are the Member's own and do not necessarily represent those of the Council unless the Council has voted and passed an ordinance, resolution or motion that so states the expressed policy.*
- III. Council Members shall not divulge information discussed in executive session.*
- IV. Council Members shall make public any conflict of interest the Member has with respect to any issue under consideration by the Council. The Council Member shall not participate in discussions of the subject and shall not vote on it if the Council Member has a personal, financial or property involvement in the subject.*
- V. Council Members shall not use their position or City resources for personal or family gain, especially financial gain, including the acceptance of gifts and gratuities.*
- VI. Council Members shall not hold or acquire a financial interest in any contract voted on by them for one year after leaving office.*
- VII. Council Members shall not assist or represent parties in official City matters they were involved in while in office for one year after leaving office.*
- VIII. Council Members shall not make knowingly and intentionally false statements on which the Council, City staff or other agencies rely to establish policy or make important decisions.*

Dated the 1st day of September, 2009

David Edler, Mayor

Micah Cawley, Assistant Mayor

Bill Lover, Council Member

Rick Ensey, Council Member

Kathy Coffey, Council Member

Sonia Rodriguez, Council Member

Maureen Adkison, Council Member

Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	07/12/2022
Agenda Item Type	Presentation		
Subject	Finance Department Update		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	Finance		

Info Only	<input checked="" type="checkbox"/>
Policy Review	<input type="checkbox"/>
Policy DevMnt	<input type="checkbox"/>
Other	<input type="checkbox"/>

Summary

At the July 12th workshop, the Finance Department will provide an overview of the department's structure and scope of services currently provided, and review recent accomplishments as well as challenges and opportunities for the department as we prepare for the upcoming 2023/2024 biennium.

Through

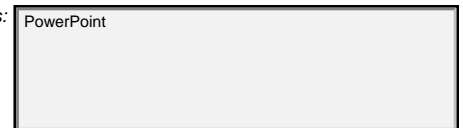
Attachments: PowerPoint

Dept Head Approval

Dan Legard
Jul 06, 11:13:46 GMT-0700 2022

City Mgr Approval

Marie Mosley
Jul 07, 20:08:32 GMT-0700 2022





Finance Department Update

July 12, 2022



Our Department



**PUBLIC RELATIONS &
GOVERNMENT AFFAIRS**

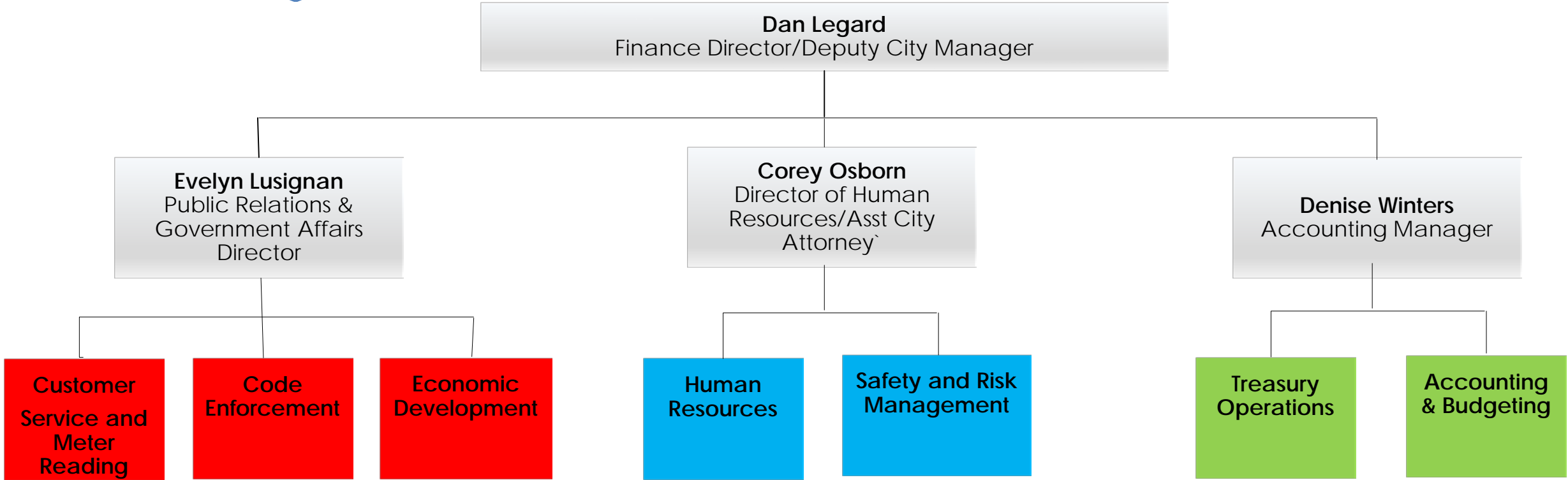


**HUMAN RESOURCES
& RISK/SAFETY**



FINANCE

Organization Chart



Public Relations & Government Affairs



CUSTOMER SERVICE

CODE ENFORCEMENT

METER READERS

ECONOMIC DEVELOPMENT



Customer Service



Customer Service

ACCOMPLISHMENTS 2021-2022



- 26,500 Utility Accounts and Growing!
- Over 154,000 Annual Billings
- 2,600 Service Orders for Account Closings
- 300-400 New Meter Sets per Year
- 80-100 telephone inquiries.
- Munis, Tyler Cashiering and Energov Upgrade Projects
- Continually Cross Training Accountability Areas
- Assisted customers with on-line services during COVID-19 closure.
- Ongoing Partnership with DOL's Business Licensing Service
 - 6,500 General Business Licenses & 70 Regulatory Licenses

Customer Service

ACCOMPLISHMENTS 2021-2022



Building, Planning & DPW Permitting Support:

- Transitioned more customers to on-line services during COVID-19 closure.
- EnerGov Permitting system upgrade
- Permit Tech support for the Consolidated Intake Process
- PW Permitting with DPW Meter Set Permit Issuance
- Permit Tech assistance with the Express Permitting Program
- Manage the Phone Queue for Building & Planning.



Customer Service

GOALS & MAJOR PROJECTS 2023-2024

- AMI Implementation – meter exchanges and updates to utility accounts.
- New WaterSmart software implementation for customer interface to access water usage, leak detection alerts, conservation information and more.
- Continual Cross Training of New Staff on Core Accountability Areas and Permitting.
- Utility billing software upgrade preparations.



Code Enforcement

Team includes 2 Code Enforcement Officers and 1 Code Office Specialist that reactively ensure compliance with the Kennewick Municipal Code (KMC) by Citizens, Agencies or Businesses. Common Complaints include:

- Weeds & Grasses
- General Nuisance
- Substandard/Unfit/Vacant Land
- Title 18 Violations (Planning, Site Triangle, Fence Height, Etc.)



Multiple Partnerships Internally along with KSD, KID, PUD, BC Clean Air, Obnoxious Weed Board and various Non-Profit Organizations.

Code Enforcement

ACCOMPLISHMENTS 2021-2022

- Transitioned to EnerGov's Code Enforcement module.
- Implemented new 311 on-line reporting system with mapping functionality and streamlined interface to other departments – i.e. street parking violations to KPD.
- Approximately 400 new cases handled annually.
- Training of New Code Enforcement Officer and New Code Office Specialist.
- Continued Outreach to Local Rental Owners.



Code Enforcement

GOALS & MAJOR PROJECTS 2023-2024

- Increased enforcement in some highly visible commercial zones.
- Working with neighboring jurisdictions on some best practices for potential implementation.
- Working with the State, City Attorney and Internal Records experts to Manage Archiving of Data
- Evaluating Enhancements or Modifications to Current Processes
- Continue to work with Building Official and City Attorney on Stop Work Orders for Substandard/Unfit process



Meter Readers

- City is Divided into 102 Meter Reading Routes and Approximately 26,500 Meters
- Over 13,000 Meters Read each Month on Bi-Monthly Billing Cycle
- Meter Readers have Accountability for Other Tasks Including:



- Closing Bill Reads
- Meter Investigates
- Non-Pay/Delinquent Account Door Hangers
- Turn On/Offs
- Marking, Tagging and Digging out Meters As Needed

Meter Readers

ACCOMPLISHMENTS 2021-2022

- Continued Partnership with Public Works and Water Distribution Team
- Assisted in preparations for the Automated Meter Infrastructure (AMI) Project implementation.

GOALS & MAJOR PROJECTS 2022-2023

- AMI implementation and transition of staffing to Public Works.

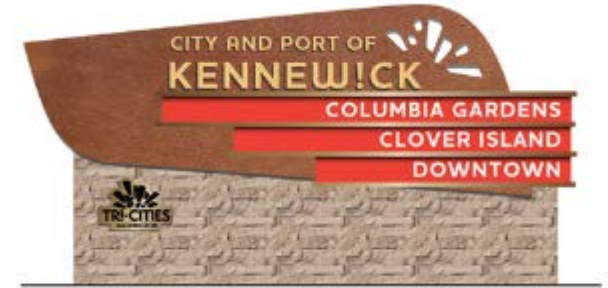




Economic Development

Support Existing Businesses and the Creation of Sustainable Family Wage Jobs

- New Economic Development Team!
- Enhanced Cross-Functional Team
- Leveraging Partnerships
- Opportunity Centers
- Public Relations



Economic Development

ACCOMPLISHMENTS 2021-2022

- COVID-19 Assistance and Recovery
- Continued Partnerships
- Rivershore Reconveyance Efforts
- Real Estate Promotion and Development
- Assist with Creation of Public Arts District
- Ribbon Cuttings & Events
- Cross-functional Team Efforts
- Wayfinding
- Arts Commission



Economic Development

GOALS & MAJOR PROJECTS
2023-2024

- Update Economic Development Strategic Plan
- Economic Development Analysis Data Utilization
- Continue Rivershore Reconveyance Efforts



- Increased Business Recruitment Efforts Towards Developers
- Business Recruitment for newly annexed light industrial zoning (prior UGA area).

Human Resources



HUMAN RESORCES

WORKPLACE SAFETY

Recruitment & Retention / Compensation

HR plays a key role in ensuring adequate staffing throughout the City.

- Assists hiring managers from recruitment request through onboarding
- Advises the Civil Service Commission and administers civil service testing
- Serves as the primary contact for job applicants

HR researches and recommends competitive benefits packages.

- Monitors the local job market and recommends compensation packages
- Responds to compensation surveys, requests for information, and employment verifications from other agencies

Recruitment & Retention / Compensation

ACCOMPLISHMENTS
2021-2022

- Facilitated hiring 76 full-time employees
 - 18 police officers
 - 16 firefighters
- Coordinated a comprehensive benefits survey
- Promoted employee health and wellness resources, including EAP



Training & Development / Legal Compliance

HR helps identify and deliver training and professional development.

- Conducts City-wide needs analysis and supports succession planning
- Facilitates supervisory and leadership training opportunities
- Administers the performance management program

HR ensures compliance with constantly changing employment laws.

- Advises managers, supervisors, and employees regarding employment laws
- Responds to internal and external complaints; conducts workplace investigations as needed

Training & Development / Legal Compliance ACCOMPLISHMENTS 2021-2022

- Partnered with WCIA and Summit Law Group to offer on-demand supervisory skills training
- Implemented Washington State Paid Family & Medical Leave policy
- Digitized all personnel files
- Successfully completed WCIA personnel audit



Labor Relations

HR helps to foster positive relationships with employees, including five labor unions.

- Drives and supports employee engagement for +400 full-time staff
- Researches and recommends appropriate personnel policies
- Collectively bargains wages, hours, and working conditions with 89 police officers, 13 police sergeants, 10 police support specialists, 71 operating engineers, and 91 firefighters
- Administers the “Wellcity” and “Worksafe Employer” programs
- Advises managers on all potential disciplinary action

Labor Relations ACCOMPLISHMENTS 2021-2022

- Implemented new bargaining agreements through 2024 with Operating Engineers and Police Support Specialists
- Obtained the AWC Wellcity Award
- Obtained the AWC Worksafe Employer Award (only city in AWC)





Workplace Safety

Workplace Safety

HR helps to maintain a safe and healthful work environment for all employees.

- Researches and recommends appropriate safety policies and practices
- Conducts workplace safety inspections and assessments
- Investigates any workplace accidents or injuries
- Administers workers compensation and return to work programs
- Oversees four safety sub-committees and the City-wide safety committee

Workplace Safety ACCOMPLISHMENTS 2021-2022



- Managed COVID-19 Impacts on City Staff
 - State vaccination requirements
 - L&I face covering requirements
 - In-house contact tracing
 - CDC isolation and quarantine protocols
- Updated Emergency Action Plan
- Partnered with KPD and KFD to develop a peer support program (ongoing)

Human Resources and Workplace Safety

GOALS & MAJOR CHALLENGES
2023-2024

- City-Wide Recruitment & Retention
 - Competing for talent with low unemployment
 - Facilitating continuity of leadership
 - Managing the ongoing generational shift
 - Evaluating compensation and benefit options
- Law Enforcement Recruitment & Retention
 - Increased rate of retirements & resignations
 - Negative attitudes toward police; fewer applicants
 - Challenging entry requirements



Human Resources and Workplace Safety

GOALS & MAJOR CHALLENGES
2023-2024

- COVID/Post-COVID and the “New Normal”
 - Promoting employee health and wellness
 - Evaluating changing workplace trends, including remote work and work/life balance



- Assessing and Implementing New Technology
- Enterprise Replacement Project



Finance



TREASURY OPERATIONS

ACCOUNTING & BUDGETING



Treasury Operations, Accounting & Budgeting

- 10 Full-time Equivalent Positions
- Maintain a Citywide Biennial Budget of \$421.6m
- Budgeting & Financial Reporting for 27 Individual Funds
- Administer an Overall Debt Portfolio of \$57M
- Treasury Functions:
 - Oversee Investment Portfolio of \$80M - \$90M
 - Approximately 11,400 Payroll Disbursement Processed Annually
 - Over 14,000 AP Invoices Processed Annually
 - Over \$3.6M in Grant Billings Processed in 2021
 - Process 5,500 Billable Ambulance Transports Each Year



Treasury Operations, Accounting & Budgeting

ACCOMPLISHMENTS 2021-2022



- National Recognition From GFOA:
 - Excellence In Financial Reporting – 35th Consecutive!
 - Distinguished Budget Presentation – 17th Consecutive!
 - Popular Annual Financial Report – 12th Consecutive!
- Completed Financing for Replacement of Fire Station #1
 - Maintained City's AA Rating for Limited Tax General Obligation (LTGO) Bonds
- Transitioned to New Munis ERP Financial Software 6/1/2021
- Administered over \$20M in new federal funding associated with the COVID-19 pandemic

Treasury Operations, Accounting & Budgeting

GOALS & MAJOR PROJECTS
2023-2024

- Transition to New Munis Human Capital (Payroll/HR) Software 1/1/2024
- Automate Budget Document and Capital Improvement Plan Preparation
- Streamline/Automate Comprehensive Annual Financial Report (CAFR) Preparation Using New ERP System
- Implement Governmental Accounting Standards Board (GASB) Statements Applicable For 2023 and Beyond



OPPORTUNITIES & CHALLENGES



AUTOMATED METERING INFRASTRUCTURE



ADOPTION OF 2023/2024 BIENNIAL BUDGET



COMPLETION OF PUBLIC SAFETY LABOR CONTRACTS



Staff recruitment, retention, & succession planning



Thank You



Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	07/12/2022
Agenda Item Type	Presentation		
Subject	Legislative Prayer		
Ordinance/Reso #		Contract #	
Project #		Permit #	
Department	City Attorney		

Info Only	<input type="checkbox"/>
Policy Review	<input type="checkbox"/>
Policy DevMnt	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Summary

The City Attorney's Office will present an overview of the law that applies to Legislative Prayer, the parameters to consider before adopting a Legislative Prayer policy and suggestions regarding the next steps for City Council.

Through

Kristi Johnson
Jul 06, 11:14:07 GMT-0700 2022

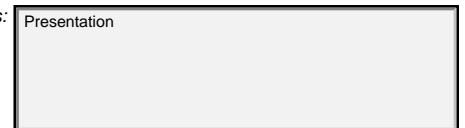
Dept Head Approval

Lisa Beaton
Jul 06, 11:34:21 GMT-0700 2022

City Mgr Approval

Marie Mosley
Jul 07, 20:11:52 GMT-0700 2022

Attachments: Presentation





City Council Invocations

Legislative Prayer

City Council Invocations

- The First Amendment of the U.S. Constitution provides, inter alia, that "Congress shall make no law respecting an establishment of religion".
- Referred to as the Establishment Clause, this section prohibits the government from passing laws which aid a religion or prefer one religion over another; neither can the government force or influence a person to go to or remain away from a church against his or her will or force a person to profess a belief or disbelief in any religion; and no person can be penalized for entertaining or professing religious beliefs or disbeliefs or for church attendance or nonattendance.

City Council Invocations

- Invocation: the act of appealing to God, a god, a higher authority for help.
- City Council invocations are a form of legislative prayer which occupies a unique place in Establishment Clause jurisprudence.
- Legislative prayer while religious in nature, has long been understood as compatible with the Establishment Clause. The early legislative practice of those who drafted the Establishment Clause reveals their intent as to its scope. *Marsh v. Chambers*, 463 U.S. 783, 793 (1983).

City Council Invocations

- ***Town of Greece v. Galloway*, 572 U.S. 565 (2014)**
 - Monthly town meeting opened with roll call, recitation of the Pledge of Allegiance, and a prayer given by clergy selected from the congregations listed in local directory.
 - Prayer program open to all creeds, nearly all of the local congregations were Christian, thus nearly all of the prayer participants were as well.
 - Citizens who attended the meetings to speak on local issues, filed suit alleging that the town violated the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers.
 - Court ruled that starting local government meetings with prayer does not violate the Establishment Clause of the U.S. Constitution.

City Council Invocations

- Such prayer has been practiced by Congress since the framing of the Constitution, and “lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.” *Town of Greece, N.Y. v. Galloway*, 572 U.S. 565, 575 (2014).
- The relevant inquiry in legislative prayer cases is whether the prayer practice in question fits within the tradition long followed in Congress and the state legislatures. *Town of Greece*, 572 U.S. 565, 577 (2014).

City Council Invocations

- If so, it does not violate the Establishment Clause, even if the prayer is *sectarian* in nature. But once a local government invites prayer into the public sphere, it must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian. *Town of Greece, 572 at 582.*
- Legislative bodies cannot adopt a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, and they must maintain a policy of nondiscrimination. *Town of Greece at 585*

City Council Invocations

- A City cannot pick and choose from among religions – it cannot favor some and disfavor others. When a City discriminates because of an aversion or bias against minority faiths it violates the Establishment Clause. *Id. at 585.*
- So long as a City maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for certain prayer givers in an effort to achieve religious balancing. *Id. at 585.*

City Council Invocations Overriding Establishment Clause Questions:

- Does the prayer practice fit within the tradition long followed in Congress and State Legislatures?
- Does the prayer practice result in discrimination?
- Does the prayer practice have a coercive effect?

City Council Invocations

Recommendations pursuant to case law:

- The City should adopt a policy regarding legislative prayer and should make clear in the policy that the intention of allowing prayer is to “acknowledge and express the Council’s respect for Kennewick’s diversity of religious denominations and faiths,” as well as to “solemnize the proceedings” of the Council.
- The invocation should be held at the opening and ceremonial portion of a regular meeting and should be brief, solemn and respectful.
- Councilmembers and City Staff should not lead or invite others to join in the prayer and should not show any disfavor to those who choose not to participate.

City Council Invocations

Recommendations pursuant to case law:

- Audience, council and staff members must be free to not participate during the prayer without consequence.
- Selection of prayer-givers must be non-discriminatory; council should not comment about the content of the prayer provided or the prayer giver.
- The City is not required to search beyond its borders or solicit prayer-givers from certain faiths in order to achieve diversity.
- There is no requirement that prayers be non-sectarian and the City should not regulate the content of the prayers.
- Prayer givers should be volunteers.

City Council Invocations Next Steps:

- Adopt policy statement reinforcing the purpose of the invocation
- Adopt content neutral guidelines that have been upheld:
 - Allow each congregation only three, non-consecutive invocations per year
 - Consider proper time limit for the invocation 60 seconds, 90 seconds, 2 minutes
- City Clerk compile and maintain database of religious congregations with an established presence in the City of Kennewick
- City Clerk send out invitations to volunteer schedule on a first come first serve basis
- Schedule on a first come first serve basis

City Council Invocations
Legislative Prayer
Questions ?





City Council Meeting Schedule August 2022

The City broadcasts City Council meetings on the City's website
<https://www.go2kennewick.com/CouncilMeetingBroadcasts>.

August 2, 2022
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING - Cancel

CITY/NATIONAL NIGHT OUT

August 9, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Columbia Park Regional Summer Events Update
2. Entertainment District Partnership Update (A-1 Pearl)
3. Kennewick Public Facilities District Expansion Update
4. Existing Facilities and Six-Year Capital Improvement Plan

August 16, 2022
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

August 23, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING

1. Kennewick Irrigation District Update
2. Management Services Update: Biennium Goals & Priorities
3. Economic Development Update
4. Wastewater Treatment Plant Phase II Biosolids Update

August 30, 2022
Tuesday, 6:30 p.m.

NO MEETING SCHEDULED

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

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