



**CITY OF WASHOUGAL
CITY COUNCIL REGULAR MEETING
Monday, June 26, 2023
7:00 PM**

MEETING INFORMATION

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/89892109398>

- I. INVOCATION - Bishop Frank Smith**
- II. CALL TO ORDER**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. AMENDMENTS TO THE AGENDA**
- VI. PRESENTATION: East County Citizens Alliance - Melanie Wilson**
- VII. COMMUNITY RECOGNITION: ROSE M. JEWELL VOLUNTEER OF THE YEAR 2022**
- VIII. PUBLIC COMMENTS**
- IX. CONSENT AGENDA**

The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately - after the motion has been made and passed to approve the remaining items.

- A. Workshop Minutes of June 12, 2023**
- B. Council Minutes of June 12, 2023**
- C. Payroll Claims June 15, 2023, Totaling \$324,776.22**
- D. Accounts Payable June 8, 2023, Totaling \$317,955.85**
- X. NEW BUSINESS**
 - A. Public Hearing/Resolution: 6-Year Transportation Improvement Program**
Agenda Bill #23-2023
 - B. Ordinance/Resolution: Amending WMC 3.88 City Fees and Charges**
Agenda Bill #24-2023
 - C. Ordinance: Adding WMC 9.85 and Repealing WMC sections 9.84, 9.100, and 9.64**
Agenda Bill #25-2023
- XI. PUBLIC COMMENTS**
- XII. REPORTS AND COMMUNICATIONS**
 - A. CITY MANAGER**

B. MAYOR

C. CITY COUNCIL

XIII. ADJOURNMENT

UPCOMING MEETINGS: Monday, July 10, 2023, Workshop at 5:00 pm and Council at 7:00 pm

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

MEETING INFORMATION

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89892109398>

DEPT. OF ORIGIN:

Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Workshop Minutes of June 12, 2023

DEPT. OF ORIGIN:

Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

📎 **Workshop Minutes 6.12.23.pdf**

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION



**CITY OF WASHOUGAL
CITY COUNCIL WORKSHOP MEETING
MINUTES**

Monday, June 12, 2023

5:00 PM



MEETING INFORMATION

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/85804526199>

VIDEO I. CALL TO ORDER

Mayor Pro Tem Suggs called the meeting to order at 5:00 pm.

II. ROLL CALL

Present: Mayor David Stuebe (via) zoom, and Councilmembers Michelle Wagner, Janice Killion, Molly Coston, Julie Russell, and Ernie Suggs **Absent:** Councilmember David Fritz

Staff:

David Scott, City Manager
Daniel Layer, Finance Director
Wendi Steinbronn, Police Chief
Scott Collins, City Engineer
Rose Jewell, Community Engagement Manager

III. PUBLIC COMMENTS

None

IV. NEW BUSINESS

VIDEO A. Fire: CARES - Cliff Free, Fire Chief

Chief Cliff Free and **Shawn Ford** presented the following:

- Community Assistance Referral and Education Services (CARES)
- Program process and accessibility and referrals options
- Currently exist in SW WA
- Experienced Community Paramedicine SW WA
- Countywide program
- Southwest Washington Accountable Community of Health (SWACH)
- Clark County Proposed Model
- Multiple jurisdictional participation will allow for state and federal funding
- Program benefits
- First two years paid by grant
- Could be additional capital costs such as a vehicle and equipment
- Summary

VIDEO B. Police: Body Worn Cameras Update

Chief Wendi Steinbronn gave an update on the following:

- Acronyms

- Implementation June 19th
- Purpose
- Goals for Body Worn Cameras (BWC)
- Concerns - cost, privacy, trust, video footage, and review approvers
- Processes - access, chain of custody, and public records request
- Legislative changes - Police Reform
- Auto activation
- Policy development completion this week
- Cost recovery for redaction
- Reference resources
- Open house in the fall

C. Police: Ordinance/Resolution amending WMC 3.88 City Fees and Charges

Chief Wendi Steinbronn introduced the ordinance and related resolution. This item will be on the June 26 council agenda for consideration.

- Attorneys and victims will not be charged for public records
- Others will be charged according to the fees schedule
- Reasonable cost recovery for redacting video
- Policy development in process
- Financing from Dept. of Justice
- Additional fees are updated on the schedule

D. Police: Ordinance adding WMC 9.85 and repealing WMC sections 9.84, 9.100, and 9.64

Chief Wendi Steinbronn introduced and explained the ordinance. This item will be on the June 26th council agenda for consideration.

- Change in state ruling
- Two referrals for services required
- Services are now in place
- Repeal of existing ordinances
- Adopt new RCWs

Additional discussion ensued regarding the clark county regional training center set to open in November.

VIDEO

E. Public Works: Six Year Transportation Improvement Plan (TIP)

Scott Collins presented the following:

- State requirements
- Six Year TIP Projects
 - 27th Street Shared Use Path
 - 32nd Street Safety Improvements
 - 32nd Street Underpass
- 19 projects listed; many do not have funding
- TIP inclusion is often a requirement in funding applications
- Partnership with the Burlington North Santa Fe (BNSF)
- Recommendation to set the public hearing for June 26th through the consent agenda

VIDEO

F. Finance: 2023 Quarter 1 Update

Daniel Lauer presented the following:

- 2023 Finance Summary
- 2023 Adopted Budget
- General Fund revenue and expenditures (affected by school impact fees)

- Utility Funds revenue and expenses
- Revenue and expenses all funds
- Capital projects, utility, and ER&R
- LGIP investment update
- Bonds / Treasury Notes investment update

V. PUBLIC COMMENTS

None

VI. REPORTS AND COMMUNICATIONS

A. CITY MANAGER

Deferred to regular session.

B. MAYOR

Deferred to regular session.

C. CITY COUNCIL

Deferred to regular session.

VII. ADJOURNMENT

Meeting ended at 6:51 pm.

Mayor

City Clerk

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Council Minutes of June 12, 2023

DEPT. OF ORIGIN:

Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

📎 **Council Minutes 6.12.23.pdf**

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION



**CITY OF WASHOUGAL
CITY COUNCIL REGULAR MEETING
MINUTES**

Monday, June 12, 2023

7:00 PM



MEETING INFORMATION

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/87519573897>

VIDEO I. INVOCATION - Mike Hansen

VIDEO II. CALL TO ORDER

Mayor Pro Tem Suggs called the meeting to order at 7:04 pm.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

Present: Mayor David Stuebe, and Councilmembers Michelle Wagner, Janice Killion, Molly Coston, Julie Russell, and Ernie Suggs **Absent:** Councilmember David Fritz

Unanimous consent to excuse Councilmember Fritz. Coston / No objections.

Staff:

David Scott, City Manager
Robert Zeinemann, City Attorney
Daniel Layer, Finance Director
Wendi Steinbronn, Police Chief
Trevor Evers, Public Works Director
Monie Holmes, Assistant Finance Director
Mitch Kneipp, Community Development Director
Rose Jewell, Community Engagement Manager

V. AMENDMENTS TO THE AGENDA

None

VIDEO VI. PRESENTATION: Commission on Aging - Jenna Kay and Franklin Johnson

Jenna Kay, Planner III, and Franklin Johnson, Vice Chair, presented the following:

- Background
- Existing Aging Readiness Plan
- Board composition
- 2022 Work Program
- 2022 Focus Survey: Innovation through connection
- Survey findings
- Recommendations
- Aging Readiness Plan implementation
- Aging Readiness Plan update
- Project timeline

- Contact and resource information

Discussion ensued.

A. Presentation Material

VII. PUBLIC COMMENTS

None.

VIDEO VIII. CONSENT AGENDA

The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately - after the motion has been made and passed to approve the remaining items.

Unanimous consent to approve the consent agenda as read. Coston / No objections.

A. Workshop Minutes of May 22, 2023

B. Council Minutes of May 22, 2023

C. Payroll Claims of May 31, 2023, Totaling \$587,445.64

D. Accounts Payable of May 18-June 1, 2023, Totaling \$240,938.82

E. Set a Public Hearing: Six Year Transportation Program

Agenda Bill #20-2023

IX. NEW BUSINESS

A. Public Hearing: Block 8 Multi-Family Housing Tax Exemption

Agenda Bill #21-2023

Mitch Kneipp presented the staff report and the recommended action.

Discussion:

Councilmember Wagner inquired about the vehicle elevator height and location, the sunset date of the Washougal Mutli-Family Tax Exemption (MFTE) program and the effects of the MFTE on sales tax collected from the development. She requested a review of the specifics of MFTE program.

Councilmember Russell inquired about the rehabilitation of MFTE units and if retail space be converted to residential units if unoccupied. She commented on the need for electrical backup for vehicle elevator.

Councilmember Killion commented on parking status of the development.

Mayor Pro Tem Suggs opened the public hearing to take public comments. Hearing none, he closed the public hearing.

Motion: Pass and post the Resolution in the usual manner.

Molly Coston/Michelle Wagner Motion Passed.

B. Ordinance: 2023 Supplemental Budget

Agenda Bill #22-2023

Daniel Layer presented the staff report and the recommended action.

Motion: Pass, post, and publish the ordinance in the usual manner.

Molly Coston/David Stuebe Motion Passed.

X. PUBLIC COMMENTS

None.

XI. REPORTS AND COMMUNICATIONS

A. CITY MANAGER

David Scott reported on the following:

- Grants:
 - 32nd Ave Underpass:
 - Federal Railroad Crossing Elimination (RCE) Award - \$40.5m
 - Washington RCE - \$5m matching grant
 - Washington Department of Transportation (DOT) grant - \$1.9m for design
 - 32nd Ave Safety Improvement - close to \$1m
 - 27th St Shared Use Path - grants for \$226k design and \$816k right of way and construction
 - Civic Campus Project - \$2m Washington State Capital budget & \$3.6m American Rescue Plan Act (ARPA) funds appropriation
 - Wastewater Treatment Plant (WWTP) upgrades - \$1m Congressionally directed spending and \$3m submission to the House Appropriations Committee by Rep. Gluesenkamp Perez & Senate Appropriations Committee by Senator Cantwell
- Time off - leaving to visit sister city in Poland tomorrow, followed by vacation

B. MAYOR

Mayor Pro Tem Suggs reported on the following:

- Spanish Night at Park
- Disc Golf Ribbon Cutting
- Clark County Community Action Advisory Board (CAAB) appointment
- Citizenship Award for Camas/Washougal - Pat Suggs
- Washougal High School Graduation
- New grandson

Mayor Stuebe reported on the following:

- Expressed gratitude to the staff and community for all the grants received
- Washougal Salvation Army meeting
- Annual economic forecast meeting
- United Precision Corporation (UPC) ribbon cutting
- Park-a-bill Day
- East County Fire & Rescue (ECFR) quarterly meeting
- Chamber of Commerce Scholarship Program
- Bike ride around Washougal
- 2nd grade visit to the City
- Spanish night at park
- Mosquito Board meeting
- Poland trip

C. CITY COUNCIL

Councilmember Wagner reported on the following:

- Congratulated City Manager and staff on work towards all grants awarded
- Ribbon cutting at Hathaway Play Structure, Hartwood Disc Golf
- UPC ribbon cutting & tree planting along levy trail
- Parks Board 4pm 6/15/2023
- Art Commission draft RFPs for enhancements throughout City

Councilmember Killion reported on the following:

- Congratulations to city staff and City Manager for grants awarded to City
- Mosquitos Control Board will respond to requests reported at CCMB.org. They will spray if they receive enough requests.
- Grants restrictions for spending

Councilmember Coston reported on the following:

- Congratulations to city staff and City Manager for grants awarded to City
- JPAC meeting last Tuesday - moving forward with concepts for fire and EMS
- C-Tran board meeting 6/13/2023 - fare increase expected. Free youth passes and Senior Citizen passes will remain.
- Wildfire seasonal briefing
- WACA meeting 6/14/2023
- Susan Grover - celebration of life on 6/24/2023 at Skamania Lodge
- Blood Drive 6/29/2023 9a-3p by appointment

Councilmember Russell reported on the following:

- Congratulations to city staff and CM for grants awarded to City
- Memorial Day Event
- ECHO meeting 6/15/2023
- Annual budget is available online
- Suggested time change for ribbon cuttings

XII. ADJOURNMENT

Meeting adjourned at 8:16pm.

Mayor

City Clerk

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Payroll Claims June 15, 2023, Totaling \$324,776.22

DEPT. OF ORIGIN:

Finance

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

📎 **PAYROLL CLAIMS VOUCHER 06.15.23.pdf**

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION

CITY OF WASHOUGAL

PAYROLL CLAIMS VOUCHER APPROVAL

I HEREBY CERTIFY THAT THE SERVICES CHARGED ON THE VOUCHERS ATTACHED HAVE BEEN
FURNISHED TO THE BEST OF MY KNOWLEDGE. I FURTHER CERTIFY THE CLAIMS BELOW TO BE VALID AND CORRECT.

FINANCE _____

WE THE UNDERSIGNED COUNCIL MEMBERS OF WASHOUGAL, WASHINGTON DO HEREBY CERTIFY THAT THE
EMPLOYEE CHECKS # NA and EMPLOYEE VOUCHERS # 30356 to #30425
ARE APPROVED FOR PAYMENT IN THE AMOUNT OF \$324776.22 ON THE 15TH DAY OF JUNE.

FINANCE COMMITTEE _____

FINANCE COMMITTEE _____

FINANCE COMMITTEE _____

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Accounts Payable June 8, 2023, Totaling \$317,955.85

DEPT. OF ORIGIN:

Finance

REVIEWED AT:

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

📎 [AP_CK_RUN_06.08.23_86796-86833.pdf](#)

EXPENDITURE REQUIRED:

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

RECOMMENDED ACTION



Washougal, WA

Check Register

Packet: APPKT01545 - MP060823

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-Accounts Payable						
2200	ANDERSON SIGNS INC.	06/08/2023	Regular	0.00	596.00	86796
4047	Beginright, INC	06/08/2023	Regular	0.00	1,202.63	86797
4038	Berry,Dunn,McNeil & Parker LLC	06/08/2023	Regular	0.00	3,653.25	86798
231	CAMAS POWER EQUIPMENT	06/08/2023	Regular	0.00	283.11	86799
3201	CAMAS-WASHOUGAL FIRE DEPART	06/08/2023	Regular	0.00	154.00	86800
2124	CINTAS CORPORATION	06/08/2023	Regular	0.00	12,696.91	86801
1578	CITY OF WASHOUGAL	06/08/2023	Regular	0.00	46,134.45	86802
125	CLARK COUNTY TREASURER	06/08/2023	Regular	0.00	21,164.92	86803
809	CLARK PUBLIC UTILITIES	06/08/2023	Regular	0.00	18,377.97	86804
	Void	06/08/2023	Regular	0.00	0.00	86805
262	CODE PUBLISHING COMPANY	06/08/2023	Regular	0.00	161.78	86806
1228	Columbia Laboratories Inc.	06/08/2023	Regular	0.00	178.20	86807
762	Conсор North America, Inc	06/08/2023	Regular	0.00	4,052.63	86808
619	DS SERVICES OF AMERICA, INC.	06/08/2023	Regular	0.00	163.87	86809
991	FCS GROUP	06/08/2023	Regular	0.00	9,478.83	86810
3400	GOVERNMENTJOBS.COM, INC	06/08/2023	Regular	0.00	532.48	86811
751	GRAINGER	06/08/2023	Regular	0.00	1,052.21	86812
380	H. D. FOWLER COMPANY	06/08/2023	Regular	0.00	2,091.67	86813
2642	INNOVATIVE SERVICES NW	06/08/2023	Regular	0.00	8,849.46	86814
418	J2 BLUE PRINT SUPPLY COMPANY	06/08/2023	Regular	0.00	137.27	86815
3737	Jubitz Corporation	06/08/2023	Regular	0.00	4.81	86816
2986	KCD LLC	06/08/2023	Regular	0.00	870.00	86817
1024	KENNEDY/JENKS CONSULTANTS, INC	06/08/2023	Regular	0.00	142,633.81	86818
433	L N CURTIS & SON	06/08/2023	Regular	0.00	224.05	86819
4119	Monument Policy Group, LLC	06/08/2023	Regular	0.00	10,000.00	86820
513	OFFICE OF THE STATE TREASURER	06/08/2023	Regular	0.00	3,790.66	86821
765	ONE CALL CONCEPTS	06/08/2023	Regular	0.00	101.65	86822
2682	OPENGOW, INC.	06/08/2023	Regular	0.00	14,950.21	86823
1684	OREILLY AUTO PARTS	06/08/2023	Regular	0.00	10.84	86824
1423	PITNEY BOWES GLOBAL FINANCIAL	06/08/2023	Regular	0.00	2,554.88	86825
1051	RAILROAD MANAGEMENT CO 111 L	06/08/2023	Regular	0.00	344.67	86826
4030	Reed Creative LLC	06/08/2023	Regular	0.00	1,143.75	86827
3782	Solutions Yes, LLC	06/08/2023	Regular	0.00	45.10	86828
971	THAD EAKINS	06/08/2023	Regular	0.00	340.89	86829
2383	TRANSUNION RISK AND ALTERNATI	06/08/2023	Regular	0.00	189.88	86830
3897	Washougal Studio Artists Tour	06/08/2023	Regular	0.00	1,776.90	86831
3823	Western Equipment Distributors Inc	06/08/2023	Regular	0.00	3,012.11	86832
147	YATES MARSHALL, PLLC	06/08/2023	Regular	0.00	5,000.00	86833

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	46	37	0.00	317,955.85
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	46	38	0.00	317,955.85

Agenda Bill #23-2023
BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Public Hearing and Resolution: 6-Year Transportation Improvement Program (TIP)

DEPT. OF ORIGIN:

Public Works

REVIEWED AT:

Workshop and City Council June 12, 2023

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

- ▢ **Six Year TIP Resolution**
- ▢ **COW 6-year TIP 2024-2029**

EXPENDITURE REQUIRED:

N/A

BUDGETED:

APPROPRIATION REQUIRED:

SUMMARY STATEMENT

Hold a Public Hearing for June 26, 2023 to take public testimony for the 6-year Transportation Program, per the State of Washington each legislative body or town/city to adopt comprehensive transportation program for the ensuing six calendar years. Adoption must be provided by July 1st of the State's fiscal year and is to ensure each City have advanced plans looking to the future in carrying out a coordinated transportation plan. Some transportation related grants require the project to be noted on the City's Six Year TIP for eligibility.

RECOMMENDED ACTION

1. Hold a public hearing
2. Pass and post the Resolution for the Six Year Transportation Improvement Program for the years 2024-2029 in the usual manner.

Resolution No. _____

A RESOLUTION authorizing the City of Washougal to adopt a Six-Year Transportation Improvement Program for the years 2024-2029.

WHEREAS, Pursuant to RCW 35.77.010, the State of Washington requires each legislative body or town/city to adopt a comprehensive transportation program for the ensuing six calendar years; and

WHEREAS, the adopted plan must be provided by July 1st each year of the State's fiscal year and is to ensure each City have advanced plans looking to the future in carrying out a coordinated transportation plan;

WHEREAS, City Staff prepared a proposed Six Year Transportation Improvement Program for the period of 2024 to 2029; and

WHEREAS, the city the City Council conducted a public hearing on June 26, 2023 regarding the proposed plan; and

WHEREAS, Council finds that the proposed plan is consistent with the transportation element of the City's Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF WASHOUGAL, WASHINGTON as follows:

Section I

That the City of Washougal is hereby authorized to adopt a Six-Year Transportation Improvement Program for the years 2024-2029.

Section II

This resolution shall take effect after its passage and posting according to law.

PASSED by the Council of the City of Washougal on the 26th day of June 2023.

**City of Washougal,
Washington**

Mayor, Dave Stuebe

ATTEST:

Finance Director / City Clerk

APPROVED AS TO FORM:

City Attorney

City of Washougal Six Year Transportation Improvement Program 2024-2029														
Facility	Cross Streets	Project Description (include bike/ped facilities if part of project)	Project Cost Estimate	Improvement Type	Funding Status	Start Date	Funding Source				Expenditure Schedule			
							Grants	Local Funds	TIF	Other	1st	2nd	3rd	4th thru 6th
32nd Street	Evergreen Way to 34th Street	Widen to 3 lanes, plus bike lanes and sidewalk	\$17,430,138	Widening	Unfunded	TBD	\$8,715,069	\$5,054,740	\$1,045,808	\$2,614,521		\$500,000		\$16,930,138
32nd Street	Addy Street to Stiles Road	Safety enhancements to improve striping, add shoulders and install guardrail	\$896,000	Safety	Funding Secured	23-Sep	\$896,000	\$0	\$0	\$0	\$114,000	\$20,000	\$762,000	
6th Street	C Street to E Street	Striping to 3 lanes, plus bike lanes and sidewalk	\$357,960	Bike/Ped	Unfunded	TBD	\$143,184	\$143,184	\$0	\$71,592				\$357,960
27 th Street/ Index Street	SR-14 to Index/ 27th St. to west terminus	Widen to Industrial Collector standard, including modifications to lighting, storm drainage, and utilities	\$4,608,784	Widening	Unfunded	TBD	\$1,152,196	\$1,382,635	\$1,382,635	\$691,318				\$4,608,784
27th Street	Index to Main	Shared Use Pathway	\$1,917,500	Bike/Ped	Partially Funded	23-Aug	\$1,040,250	\$0	\$877,250	\$0	\$224,000	\$250,000		\$1,443,500
SR 14	SR 14and 27th St Ramps	Ramp Improvements	\$17,898,000	Highway	Unfunded	TBD	\$6,264,300	\$3,579,600	\$0	\$8,054,100			\$2,000,000	\$15,898,000
27th Street/ Index Street	Addy to Private Drive west of 27th	Street connection with pedestrian facilities	\$9,545,600	New Construction	Unfunded	TBD	\$2,386,400	\$4,295,520	\$477,280	\$2,386,400			\$900,000	\$8,645,600
2nd St	2nd St and A St	Roadway realignment	\$2,267,080	Reconstruction	Unfunded	TBD	\$0	\$1,949,689	\$317,391	\$0		\$1,133,540	\$1,133,540	
S 4th Street	S. 2nd St to S. Mariana Way	Street connection with bike and pedestrian facilities	\$918,764	New Construction	Unfunded	TBD	\$0	\$790,137	\$128,627	\$0			\$918,764	
Misc. Pedestrian Connections	Various locations	Added sidewalk connections	\$3,500,000	New Construction	Unfunded	TBD	\$1,750,000	\$1,575,000	\$0	\$175,000	\$100,000	\$300,000	\$500,000	\$2,600,000
Systemic Stop Controlled Intersections	Various locations	Safety improvements for stop controlled intersection which include signage and striping	\$350,000	Safety	Unfunded	TBD	\$315,000	\$35,000	\$0	\$0				\$350,000
Washougal River Road	Shepherd Road, 18th/O, 25th	Intersection improvements including bike and ped	\$3,500,000	Reconstruction	Unfunded	TBD	\$1,225,000	\$1,050,000	\$700,000	\$525,000		\$350,000	\$3,150,000	
Miscellaneous west city collectors	Various locations	Roadway improvements with bike and pedestrian access	\$6,344,692	Bike/Ped	Unfunded	TBD	\$0	\$0	\$0	\$6,344,692		\$500,000	\$500,000	\$5,344,692
32nd Street	Main Street to E Street	Grade separation and intersection/road improvements along 32nd Street. Includes bike and pedestrian facilities with a multi-use path	\$60,000,000	Grade Separation	Partially Funded	23-Oct	\$56,900,000	\$0	\$0	\$3,100,000	\$2,500,000	\$2,500,000	\$3,000,000	\$52,000,000

City of Washougal Six Year Transportation Improvement Program 2024-2029														
Facility	Cross Streets	Project Description (include bike/ped facilities if part of project)	Project Cost Estimate	Improvement Type	Funding Status	Start Date	Funding Source				Expenditure Schedule			
							Grants	Local Funds	TIF	Other	1st	2nd	3rd	4th thru 6th
Washougal River Road	N. 18th St to E Street	Safety improvements which include segment lighting, bridge endpoint protection, and striping improvements	\$500,000	Safety	Unfunded	TBD	\$450,000	\$50,000	\$0	\$0		\$250,000	\$250,000	
Citywide Pavement Preservation Program	Various locations	Pavement maintenance of all City Streets	\$6,000,000	Resurfacing	Funding Secured	Ongoing		\$6,000,000			\$1,000,000	\$1,000,000	\$1,000,000	\$3,000,000
Traffic Calming Program Projects	Various locations	Installation of traffic calming devices	\$550,000	Traffic Calming	Unfunded	TBD		\$300,000		\$250,000		\$75,000	\$75,000	\$400,000
Shepherd Road	3rd Avenue to Washougal River Road	bike & ped facilities	\$4,430,408	Bike/Ped	Unfunded	TBD	\$1,107,602	\$2,215,204		\$1,107,602			\$400,000	\$4,030,408
39th Street	W street to Evergreen Way	Bike & ped sidewalks	\$2,952,813	Bike/Ped	Unfunded	TBD	\$738,203	\$1,476,407		\$738,203		\$280,000	\$1,336,407	\$1,336,407

Agenda Bill #24-2023
BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/12/2023

SUBJECT:

Ordinance amending WMC 3.88 City Fees and Charges and a Resolution to adopt a fee schedule for those fees and charges.

DEPT. OF ORIGIN:

Police

REVIEWED AT:

Workshop June 12, 2023

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

- ❏ **RESOLUTION WMC 3.88 - Final DRAFT.docx**
- ❏ **ORDINANCE - 2023 Amendments to WMC 3.88 referencing fee resolution - Final.docx**

EXPENDITURE REQUIRED:

None

BUDGETED:

N/A

APPROPRIATION REQUIRED:

N/A

SUMMARY STATEMENT

A review of the City Fee schedule for public records requests was undertaken. This review revealed several updates to the WMC necessary to ensure a cost recovery fee structure was adopted for body-worn video footage redaction, update City fees, and adopt by reference the RCW and rates for all public records requests.

WMC 3.88.020 Copies of printed materials: remove fee language and reference the city's fee resolution. Add the fees to the resolution.

WMC 3.88.025 Scans of printed materials: add language referencing the city's fee resolution. Add the fees to the resolution.

WMC 3.88.030 Wage rate for billing purposes: remove the formula language and reference the city's fee resolution. Add the fees to the resolution.

WMC 3.88.040 Data or audio/video recordings: remove the fee language and reference the city's fee resolution. Add language to the fee resolution allowing for collecting of fees for staff time spent on redacting body-worn video footage. Add the fee to the resolution

WMC 3.88.050 Community garden plot annual fee: remove fee language and reference the city's fee resolution. Add the fees to the resolution.

Adopt by reference the RCW and rates for all public records requests.

RECOMMENDED ACTION

1. Pass, post, and publish the ordinance in the usual manner.
2. Pass and publish the resolution in the usual manner.

RESOLUTION 1195

A RESOLUTION OF THE CITY OF WASHOUGAL WASHINGTON ADOPTING CITY FEES FOR PUBLIC RECORDS

WHEREAS, the City of Washougal (“City”) is a local agency as defined in Ch. 42.56 RCW, commonly referred to as the Washington Public Records Act, and must therefore comply with its provisions; and

WHEREAS, the City may charge the fees set out in RCW 42.56.120, but only after an affirmative finding that calculating actual costs would be unduly burdensome; and

WHEREAS, pursuant to RCW 42.56.240(14)(f), the City may charge requestors for reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring body-worn video (“BWV”) recordings to comply with the records release exemptions in Chapter 42.56 RCW or other applicable laws; and

WHEREAS, the City has determined the per minute cost for redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring BWV recordings by using the 307-W Salary Schedule for a Senior Administrative Assistant at salary range 10, step 9; and

WHEREAS, it is important for a municipality to facilitate public knowledge of applicable City rates and charges; and

WHEREAS, City rates and charges require periodic adjustments to account for changes in City costs and for inflation; and

WHEREAS, the City believes it is helpful to place as many of the City’s fees and charges in one location to facilitate public reference; and

WHEREAS, City staff faces a large volume of public records requests, and in order to maintain the efficient operation of City administration and meet the City’s obligations under the Public Records Act, the City Council desires to authorize staff to charge the fees set out and allowed under state law; and

WHEREAS, the City desires to impose the rates and charges referenced in this Fee Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHOUGAL, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Determination of Actual Costs Unduly Burdensome. The City Council of the City of Washougal finds that it would be unduly burdensome for the City to calculate the actual

per page costs for processing public records requests. The actual costs can include all of the following, the calculation of which would be unduly burdensome for staff: (1) all costs directly incident to copying such public records including the actual cost of the paper and the per page cost for use of agency copying equipment; (2) all costs directly incident to shipping such public records, including the cost of postage or delivery charges and the cost of any container or envelope used; (3) any general administrative or overhead charges that are directly related to the actual cost of copying the public records; and (4) Staff time to copy and mail the requested public records may be included in an agency's costs. Calculating these amounts would slow the efficient operation of City administration and therefore would be unduly burdensome.

Section 2. Adoption of the Fee Schedule in RCW 42.56.120. The City Council adopts by reference the charges for the inspection of public records or locating public documents and making them available for copying set out in RCW 42.56.120.

Section 3. Adoption of Cost Recovery Allowed in RCW 42.56.240(14)(f). The City Council adopts and allows charges for reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring BWV recordings.

Section 4. Table of Fees for Various Records and Community Garden Plot. The City Council adopts the Table of Fees set forth herein as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF WASHOUGAL, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS ____ DAY OF JUNE, 2023.

CITY OF WASHOUGAL

David Stuebe, Mayor

ATTEST:

Daniel Layer, Finance Director / City Clerk

APPROVED AS TO FORM:

Robert D. Zeinemann, City Attorney

Exhibit A
City Fees (addendum to current City fees and rates)

Effective _____ 2023

Code/RCW section	Description	New Fee
WMC 3.88.020	Copies of printed materials per page (black and white)*	\$0.15
WMC 3.88.025	Scans of materials per page	\$0.10
WMC 3.88.030	Wage rate for billing purposes	\$33.82 per hour
WMC 3.88.040	Data or audio/video recordings	\$10.00
WMC 3.88.050	Community garden plot annual fee	\$15.00 \$12.00 (seniors or low-income**) \$5.00 (disabled)
RCW 42.56.120	Electronic (files/attachments)	\$0.05/four files
RCW 42.56.120	Customized Service Charge***	Actual Costs
RCW 42.56.120	Mailing Container/Envelope	Actual Costs
RCW 42.56.120	Postage/delivery charges	Actual Costs
RCW 42.56.120	Outside Vendor fees****	Actual Costs
RCW 42.56.120	Digital Storage Media/Device (e.g. cd/dvd/flash drive)	Actual Costs

WMC 3.88.010	Fingerprint charges	\$16.00
WMC 9.28.040	Pistol License Issuance Fee (original CPL)	\$49.25
RCW 46.52.085	Copy of Collision Report (min/first 5 pages)	\$1.50
RCW 46.52.085	Copy of Collision Report - Additional pages	\$0.15/page
RCW 42.56.240(14)	Staff redaction time for body-worn camera footage*****	\$0.58/minute
RCW 10.97.100	Criminal History Record	\$12.00

Fee Schedule Notes:

**The fees for copying may be combined to the extent more than one applies to a particular request. The City may enter into alternative fee agreements with requestors as provided in RCW 42.56.120(4). Fees for copies will be as provided above if the total amount due (inclusive of multiple installments) is more than \$1.50; any charges where the total amount due is under \$1.50 will be waived. The City will also waive any fees for copies of case reports when the requestor is the victim of a crime documented in the requested report.*

*** The threshold for qualifying for the low-income fee shall be the same as the Low-Income Home Energy Assistance Program*

****The City may charge actual costs of obtaining specialized information technology expertise should a request require the use of these services to prepare data compilations or provide customized electronic access services (when not used for other City purposes) pursuant to RCW 42.56.120(3).*

*****The City will provide copies of paper records up to 11" X 17" at the fees listed above; for any copies of paper records requested at a size larger than 11" X 17", copies of records in a format that*

the City is not able to produce in-house, or copies that can be made more efficiently and/or less expensively at an outside vendor, records may be sent to a secure outside vendor for scanning/copying/reproducing through arrangement with the City, and the requestor shall arrange payment directly with the vendor for these services.

******The City will charge all requestors requesting body-worn camera footage except those listed in RCW 42.56.240(e)(i) for the time it takes the City to redact the footage, See RCW 42.56.240(14)(f)(1). These charges are based on the average per-minute salaries of the City employees responsible for video redaction. For the purposes of providing requestors estimated costs of a request under RCW 42.56.120(2)(f), the City estimates that redaction takes ten minutes of staff time per minute of raw footage for targeted video redaction (with or without audio redaction); five minutes of staff time per minute of raw footage for targeted audio redaction alone; and one minute total per video for complete screen blur and audio removal.*

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WASHOUGAL
WASHINGTON, AMENDING WASHOUGAL
MUNICIPAL CODE CHAPTER 3.88 CITY FEES
AND CHARGES, AND PROVIDING FOR
SEVERABILITY AND AN EFFECTIVE DATE**

WHEREAS, the City of Washougal (“City”) charges fees for certain functions to enable the City to recover costs where the City service is for the benefit or due to the actions of members of the public and not for the greater good; and

WHEREAS, the City Council wishes to provide flexibility to periodically adjust fees to account for internal cost changes and inflation; and

WHEREAS, the use of a Resolution affords such flexibility to allow changes without the cost of publication and codification associated with code amendments and ordinance adoption; and

WHEREAS, the City intends to incorporate most City fees and charges in a single Resolution to facilitate the public’s ability to locate specific fees and charges in a single location; and

WHEREAS, the City Council directs the City Manager to ensure each change to the Fee Resolution is included on the City website for easy access to the public; and

WHEREAS, RCW 42.56.120 allows the City to charge for public records under circumstances enumerated herein; and

WHEREAS, RCW 42.56.240 (14)(f) allows law enforcement agencies to charge the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring of body-worn video (BWV) recordings under defined circumstances to comply with the records release exemptions in Chapter 42.56 RCW or any other applicable law; and

WHEREAS, concurrently with the adoption of this ordinance, the City Council will approve a Fee Resolution adopting RCW 42.46.120 and RCW 42.56.240(14)(f) establishing fees for copies of printed materials, scans of printed materials, data or audio/video recordings, body-worn camera videos, the wage rate for billing purposes, fingerprints, pistol licenses, and annual fees for community garden plots; and

WHEREAS, the City Council has determined that it is in the best interest of the City to amend Washougal Municipal Code (“WMC”) Chapter 3.88;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHOUGAL, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. WMC 3.88 (City Fees and Charges), Amended. That Washougal Municipal Code Section 3.88 is hereby amended as set forth in Exhibit A which is hereby incorporated by reference into this Ordinance.

Section 2. Severability. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 3. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This Ordinance shall be effective five (5) days after publication according to law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WASHOUGAL,
WASHINGTON, AT A REGULAR MEETING THIS 26TH DAY OF JUNE, 2023.**

CITY OF WASHOUGAL

David Stuebe, Mayor

ATTEST:

Daniel Layer, Finance Director / City Clerk

APPROVED AS TO FORM:

Robert D. Zeinemann, City Attorney

Exhibit "A"

Key: New language = underlined

Old language - ~~strikethrough~~

Chapter 3.88 CITY FEES AND CHARGES

Sections:

3.88.010 Fingerprint charges.

3.88.020 Copies of printed materials.

3.88.025 Scans of printed materials.

3.88.030 Wage rate for billing purposes.

3.88.040 Data or audio/video recordings.

3.88.050 Community garden plot annual fee.

3.88.010 Fingerprint charges.

The fee for fingerprinting shall be as set forth on the city's fee resolution. (Ord. 1939 (Exh. A), 2021; Ord. 1667 § 1 (Exh. A), 2010; Ord. 1115, 1993)

3.88.020 Copies of printed materials.

~~The fee for copies of printed materials shall be as set forth on the city's fee resolution. The city of Washougal will charge the public for the cost of standard copies (eight by 11 black and white copies) at the rate of \$0.15 per page. Nonstandard copies which would include all copies other than standard copies will be charged the actual cost to produce the record. (Ord. 1695 § 1 (Exh. A), 2011; Ord. 1159, 1995)~~

3.88.025 Scans of printed materials.

The fee for scans of printed materials shall be as set forth on the city's fee resolution.

3.88.030 Wage rate for billing purposes.

In all cases where the city billed citizens for special work projects for which the city is entitled to reimbursement, excluding employees covered by civil service, the billing rate shall be as set forth on the city's fee resolution or by agreement of the parties. ~~based on the following formula:~~

~~(1) Wages from Local 307W then current contract: Range 110, step 09 plus range 5, step 10/2/173.3 hours equals the billable hourly rate.~~

~~(2) Benefits ratio: Total of maximum benefit premiums for an individual person plus value of vacations/holidays/billable monthly rate equal percentage to be added to cover benefits. (Ord. 1176 § 1, 1995)~~

3.88.040 Data or audio/video recordings.

The costs for providing a copy of data or audio/video recordings of public records of the city of Washougal shall be as set forth on the city's fee resolution. ~~the sum of \$10.00.~~ (Ord. 1694 § 1 (Exh. A), 2011; Ord. 1416 § 1, 2001)

3.88.050 Community garden plot annual fee.

The annual charge for use of a community garden plot provided by the city of Washougal shall be as set forth on the city's fee resolution. ~~is \$15.00 per at grade or raised garden plot.~~

For those citizens that are disabled, the annual charge for an ADA garden plot shall be as set forth on the city's fee resolution. ~~will be \$5.00.~~

For those citizens who are either low income or a senior citizen, the annual rate for use of a city-owned garden plot shall be as set forth on the city's fee resolution. ~~is \$12.00 per at grade or raised garden plot.~~

For the purposes of this section, "senior citizen" is defined as a person who is 65 years of age or older at the time of the application of use of a community garden plot.

A "low income citizen" is defined as a citizen whose household income in the preceding calendar year is not greater than the sum set forth on the city's fee resolution. ~~of \$20,000 gross income.~~ (Ord. 1755 § 1 (Exh. A), 2014; Ord. 1745 § 1 (Exh. A), 2013; Ord. 1626 § 2, 2009)

Agenda Bill #25-2023
BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:

6/26/2023

SUBJECT:

Ordinance: adopting Chapter 9.85 of the Washougal Municipal Code and criminalizing the possession of a controlled substance without a prescription and repealing Chapters 9.84, 9.100, and 9.64 of the WMC relating to drugs and vagrancy and establishing an expiration for portions of WMC 9.85.

DEPT. OF ORIGIN:

Police

REVIEWED AT:

Workshop June 12, 2023

TO BE RETURNED TO COUNCIL:

No

ATTACHMENTS:

▯ **Ordinance WMC 9.85 Controlled Substances and Drug Paraphernalia 6.26.23.docx**

EXPENDITURE REQUIRED:

None

BUDGETED:

N/A

APPROPRIATION REQUIRED:

N/A

SUMMARY STATEMENT

On February 25, 2021, the Washington State Supreme Court held in the case of State v. Blake, No. 96873-0, that RCW 69.50.4013(10) – the statute that criminalized the possession of a controlled substance without a prescription – exceeds the state’s police power and violates the due process clauses of the state and federal constitutions.

As a result of the State v. Blake ruling, on July 1, 2023, RCW 69.50.4013 will revert to its prior form, which the state Supreme Court has also held was unconstitutional and void, effective July 1, 2023. Therefore, Washington state, and cities like Washougal that have adopted RCW 69.50.4013 by reference, will be left with no enforceable law to prohibit the possession of controlled substances.

The state Uniform Controlled Substance Act (USCA), chapter 69.50 RCW, preempts cities from adopting penalties that are inconsistent with the state UCSA. As a result:

WMC 9.84 Marijuana will be repealed in its entirety.

WMC 9.100 Drug Paraphernalia will be repealed in its entirety.

WMC 9.64 Vagrancy will be repealed in its entirety.

However, cities are authorized to enact local laws that are not inconsistent with state law. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the City is authorized to regulate or prohibit that use. As a result:

WMC 9.85 will be adopted as set for in Exhibit A.

The Washington State Legislature, on May 16, 2023, the Second Engrossed Second Substitute Senate Bill 5536 will, effective August 14, 2023, make intentional possession or public use of small amounts of illegal drugs a modified gross misdemeanor.

This ordinance will cover the time period from July 1, 2023, and August 14, 2023, when SSES 5536 goes into effect. The ordinance would be effective five (5) days from approval by Council and the following provisions will sunset on August 14, 2023.

WMC 9.85.030 Possession of 40 grams or less of cannabis – Penalty.

WMC 9.85.040 Use of a controlled substance in a public place

RECOMMENDED ACTION

1. Pass, post, and publish the Ordinance in the usual manner.

ORDINANCE NO. _____

AN ORDINANCE adopting Chapter 9.85 of the Washougal Municipal Code and criminalizing the possession of a controlled substance without a prescription; repealing Chapters 9.82, 9.100, and 9.64 of the Washougal Municipal Code relating to drugs and vagrancy; providing for severability; and establishing effective date, and establishing an expiration for portions of the newly adopted Chapter 9.85 of the Washougal Municipal Code.

WHEREAS, the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death, can lead to addiction, and can exacerbate mental health conditions;

AND WHEREAS, using controlled substances can alter a person's brain or brain chemistry with negative health consequences;

AND WHEREAS, persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships;

AND WHEREAS, the use of control substances without a prescription is positively correlated with criminal behavior;

AND WHEREAS, the City has taken steps to address these problems by offering diversion to referral for assessment and services;

AND WHEREAS, public health officials in Clark County have reported an increase in opioid deaths due to fentanyl exposure and the use of naloxone to prevent overdoses over the last five years;

AND WHEREAS, on February 25, 2021, the Washington State Supreme Court held in the case of *State v. Blake*, No. 96873-0, that RCW 69.50.4013(10) – the statute that criminalized the possession of a controlled substance without a prescription – exceeds the state's police power and violates the due process clauses of the state and federal constitutions;

AND WHEREAS, as a result of the *State v. Blake* ruling, on July 1, 2023, RCW 69.50.4013 will revert to its prior form, which the state Supreme Court has also held was unconstitutional and void; effective July 1, 2023, therefore, Washington state, and cities like Washougal that have adopted RCW 69.50.4013 by reference, will be left with no enforceable law to prohibit the possession of controlled substances; and

AND WHEREAS, although state law preempts the field of setting penalties for violations of the state's Uniform Controlled Substances Act, Chapter 69.50 RCW, cities are authorized to enact local laws that are not inconsistent with state law. Because the Uniform Controlled Substances Act does not expressly permit or otherwise protect the public use of controlled substances, the City is authorized to regulate or prohibit that use; and

AND WHEREAS, the Washington State Legislature, on May 16, 2023, the Second Engrossed Second Substitute Senate Bill 5536 that will, effective August 14, 2023, make intentional possession or public use of small amounts of illegal drugs a modified gross misdemeanor; and

AND WHEREAS, the lack of criminal penalties for the possession of controlled substances without a prescription will immediately result in an increase in the negative health and safety consequences associated with the use of controlled substances without a prescription;

AND WHEREAS, the lack of enforcement authority of the police will interfere with the City's initiatives to address addiction and criminal activity associated with the use of controlled substances without a prescription by reducing incentives for individuals to enter treatment or obtain necessary social services;

AND WHEREAS, the effect of reducing or eliminating criminal penalties and police authority in regard to the possession and use of controlled substances without a prescription will have an immediate, direct, and negative impact on the health, safety, and welfare of the City's inhabitants;

AND WHEREAS, cities are authorized to enact local laws that are not inconsistent with the Uniform Controlled Substances Act, Chapter 69.50 RCW or when the state law does not fully occupy the field;

AND WHEREAS, the City Council finds it is in the best interest to establish a local ordinance to provide similar regulation for the period of time between July 1 and August 14, 2023;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WASHOUGAL DO HEREBY ORDAIN as follows:

Section I - The Recitals set forth above are adopted as findings of fact in support of this ordinance.

Section II – Chapter 9.85 of the Washougal Municipal Code is hereby adopted as set forth in Exhibit A.

Section III – Chapter 9.84 of the Washougal Municipal Code is hereby repealed in its entirety.

Section IV – Chapter 9.100 of the Washougal Municipal Code is hereby repealed in its entirety.

Section V – Chapter 9.64 of the Washougal Municipal Code is hereby repealed in its entirety.

Section VI – Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section VII – Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section VII – Effective Date. This Ordinance shall be effective five (5) days after publication according to law.

Section IX – Expiration Date. The following provisions shall expire on August 14, 2023, at midnight.

9.85.030	Possession of 40 grams or less of cannabis – Penalty.
9.85.040	Use of a controlled substance in a public place.

PASSED by the City Council of the City of Washougal at a regular meeting this **26th** day of **June 26, 2023**.

David Stuebe, Mayor

ATTEST:

Daniel Layer, Finance Director / City Clerk

APPROVED AS TO FORM:

Robert Zeinemann, City Attorney

EXHIBIT A

Chapter 9.85 CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA

Sections:

- 9.85.010** Statutes incorporated by reference.
9.85.030 Possession of 40 grams or less of cannabis – Penalty.
9.85.040 Use of a controlled substance in a public place.

9.85.010 Statutes incorporated by reference.

The following statutes regarding controlled substances and drug paraphernalia are incorporated by reference as currently adopted or hereinafter amended:

RCW

- 9.47A.010 Definition.
9.47A.020 Unlawful inhalation – Exception.
9.47A.030 Possession of certain substances prohibited, when.
9.47A.040 Sale of certain substances prohibited, when.
9.47A.050 Penalty.
69.41.010 Definitions of legend drugs.
69.41.030 Possession of a legend drug unlawful.
69.41.060 Search and seizure.
69.50.101 Definitions.
69.50.102 Definitions.
69.50.201 Authority to control.
69.50.202 Nomenclature.
69.50.204 Schedule I.
69.50.206 Schedule II.
69.50.208 Schedule III.
69.50.210 Schedule IV.
69.50.212 Schedule V.
69.50.4011 Counterfeit substances – Penalties.
69.50.4012 Delivery of substance in lieu of controlled substance—Penalty.
69.50.4013 Possession of a controlled substance.
69.50.4014 Possession of forty grams or less of cannabis – Penalty.
69.50.4121 Drug paraphernalia –Selling or giving – Penalty.
69.50.445 Opening package or consuming cannabis in view of general public or public place.
69.50.505 Seizure and forfeiture.

9.85.030 Possession of 40 grams or less of cannabis – Penalty.

Except as provided in RCW 69.50.401(3) or as otherwise authorized by Chapter 69.50 RCW, any person knowingly possessing 40 grams or less of cannabis is guilty of a misdemeanor.

9.85.040 Use of a controlled substance in a public place.

A. It is unlawful for any person to knowingly use a controlled substance in a public place unless the controlled substance has been lawfully prescribed to the person using it.

B. “Use” means any effort taken in furtherance of an attempt to inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

C. "Public place" means an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the public, and doorways, windows, drive-up windows, and entrances to buildings or dwellings that are visible to public view.

D. Use of a controlled substance in a public place is a gross misdemeanor.