CITY OF WASHOUGAL
CITY COUNCIL WORKSHOP AGENDA
Monday, June 22, 2020
5:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

IV. NEW BUSINESS

- **A. Public Works: Jemtegaard Trail Improvements Supplemental Professional Service Agreement #6**
- **B. Administration: Resolution regarding Police**
- **C. Administration: Resolution placing Ballot Proposition Designating Council Position 1 as Mayor on November 2020 Ballot**
- **D. Administration: Ordinance amending WMC 3 creating a new Affordable Housing Sales Tax (existing tax credit)**
- **E. Administration: COVID-19 Update**

V. PUBLIC COMMENTS

VI. REPORTS AND COMMUNICATIONS

- **A. CITY MANAGER**
- **B. MAYOR**
- **C. CITY COUNCIL**

VII. ADJOURNMENT

UPCOMING MEETINGS: Monday, July 13, 2020 - Workshop at 5:00 pm and Council at 7:00 pm

BUSINESS OF THE CITY COUNCIL
City of Washougal, Washington

FOR AGENDA OF:
6/22/2020

SUBJECT:
Supplemental Amendment #6 to Professional Service Agreement with Harper Houf Peterson Righellis for the Washougal Jemtegaard Trail (Safe Routes To School) Project

DEPT. OF ORIGIN:
Public Works

REVIEWED AT:

TO BE RETURNED TO COUNCIL:
Yes

ATTACHMENTS:

- **Contract Info Sheet**
- **Supplemental Professional Services Agreement #6**

EXPENDITURE REQUIRED:	BUDGETED:	APPROPRIATION REQUIRED:
$30,000.00	No	Yes

SUMMARY STATEMENT

RECOMMENDED ACTION

City of Washougal

Contract Information Sheet

Project Name: Jemtegaard Trail Improvements (Safe Routes To School) Project ________

Funding Source (State, Local, Federal): Local/State/Federal ________________________

Vendor/Vendor Number: Harper Houf Peterson Righellis / #155

Budget Code: 353-47-595-615-5041 TP1903

Engineer's Project Estimate: N/A – Professional Services __________________________

Contract Price: $30,000.00 Supplemental Increase _______________________________

Type of Procurement Method (ie, small works, sealed bid, or N/A): _____ ____________

N/A ____

Project specifically identified in approved budget: N/A ☐ YES ☐ NO ☒ * if NO see below if project cost is greater than $25,000 for public works, professional services, and personal services.

*If project not approved in budget, approved by Council on Date 6/22/2020

SUPPLEMENTAL PROFESSIONAL SERVICES AGREEMENT NO. 6

This Supplemental Agreement modifies the Professional Services Agreement (AGREEMENT) between Harper Houf Peterson Righellis (Contractor) and City of Washougal (OWNER) signed 12/17/2013 for a PROJECT known as Washougal Jemtegaard Pedestrian Trail (SRTS).

The following modifications are made to the PROFESSIONAL SERVICES AGREEMENT and all other terms and conditions remain unchanged:

> **Maximum payable amount shall be $195,300.00 which is an increase of $30,000.00**

The Agreement shall be amended per this Supplemental Agreement. The fixed fee for this additional work shall not exceed $30,000.00, as outlined in the attached Supplemental Scope of Work EXHIBIT "A" – Scope of Services (Supplemental Agreement No. 6)

The Contractor shall be registered with the Department of Homeland Security E-verify program. The Contractor shall provide a fully executed Declaration of Participation in E-Verify Form to the City. If the Contractor described herein uses a subcontractor in connection with the performance of the Contract, the subcontractor shall, as a condition of the Contract, certify their participation in the E-Verify program by submitting a Declaration of Participation Form. The Contractor and any subcontractors will not knowingly employ or contract with an unauthorized alien.

IN WITNESS WHEREOF this Supplemental Agreement is made and executed this _____ day of __________________, 2020.

BY: ______________________________
City Manager

Consultant: ______________________________

BY: ______________________________

ATTEST: ______________________________
City Clerk

Title: ______________________________

Approved as to Form:

____
City Attorney

Washington State Department of Transportation

Supplemental Agreement Number 06	Organization and Address Harper Houf Peterson Righellis Inc. (HHPR) 1220 Main Street, Suite 150 Vancouver WA 98660 Phone: 360-750-1131	
Original Agreement Number		
Project Number SRTS-7099(001)	Execution Date 12/17/2013	Completion Date 12/31/2020
Project Title Washougal Jemtegaard Pedestrian Trail (SRTS)	New Maximum Amount Payable $195,300.00	
Description of Work This Supplement Number 06 addresses Construction Phase Engineering Services for the project.		

The Local Agency of City of Washougal

desires to supplement the agreement entered in to with Harper Houf Peterson Righellis Inc.

and executed on 12/17/13 and identified as Agreement No. ______

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

See Exhibit A for Scope of Additional Services to be authorized by this Supplement

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: Work shall be completed by 12/31/2020

III

Section V, PAYMENT, shall be amended as follows:

The new maximum payable amount shall be $195,300 which is an increase of $30,000.

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.
If you concur with this supplement and agree to the changes as stated above, please sign in the Appropriate spaces below and return to this office for final action.

By: Charles L. Harper

Charles L Harper 6/3/2020

Consultant Signature

By: ______

Approving Authority Signature

Date

EXHIBIT "A" – SCOPE OF SERVICES
(Supplemental Agreement No. 6)

JEMTEGAARD PEDESTRIAN IMPROVEMENTS – Construction Services

SCOPE OF SERVICES –

Project Description

The City of Washougal received a grant through the Safe Routes to School Program to construct a pedestrian project that will connect neighborhoods to the north of Sunset View Road to the Jemtegaard Middle School site. The project includes sidewalk along Sunset View Road and a paved trail including creek crossing through Washougal School District property south from Sunset View Road. The improvement will construct a pedestrian crossing of Sunset View Road that includes a Rectangular Rapid Flashing Beacon (RRFB) pedestrian signal.

CONSTRUCTION MANAGEMENT SERVICES – Civil / Environmental / Cultural

CONSTRUCTION SERVICES TASKS
Provide support to City of Washougal on as-needed basis throughout construction phase.
Attend pre-construction conference with Contractor and Washougal Staff
Federal/WSDOT Construction Project Documentation and LAA Supplements as needed
Review material submittals, shop drawings
Review traffic control plans, erosion and pollution control plans, quality control plan, SPCC plan, and others required by the specifications
Prepare a Record of Materials and document material submittals
Archaeology monitoring and other compliance documentation as required
Review Project Quantities, and Progress Pay Estimates in support of City
Responses to Contractor RFI and RFC
Prepare and Review Change Orders, if any
Assist City with UDBE Monitoring and Documentation
Participate in weekly/monthly meetings as needed
Prepare sketches, letters as needed and facilitate good communication between all parties
Prepare and maintain files per WSDOT standards
Prepare and deliver AS-BUILTS in format requested by City Staff
Assist City with final inspection, punch list, and letters of completion

City of Washougal || Jemtegaard Pedestrian Improvements
Construction Phase Engineering Service - Fee Summary
Harper Houf Peterson Righellis Inc.
May 18, 2020
(WAG-12/RAV)

Summary - Hours and Expenses	Hours	Rate	Totals	
Harper Houf Peterson Righellis Inc.				
Project Engineer	132	$162.27	$21,420	
Civil Engineer	12	$130.11	$1,561	
CADD Tech	20	$97.48	$1,950	
Senior Scientist	8	$132.64	$1,061	
Clerical	6	$67.91	$407	
Expenses			$601	
			HHPR Sub-Total	$27,000
Global Transportation Engineering				
Principal Project Manager	24	$125.00	$3,000	
			$0	
			$0	
			$0	
Expenses				
			GTE Sub-Total	**$3,000**
			Estimated Total Fee Budget - Construction Services	**$30,000**

EXHIBIT - CURRENT AUDITED RATES

Consultant Fee Determination - Summary Sheet

Rate Schedule

Harper Houf Peterson Righellis Inc.

November 4, 2019

Discipline or Job Title	AVG Hourly Rate $	Overhead @ %	Labor + Overhead $	Profit (% of AVG Hr Rate) @ %	Profit $	Billing Rate Per Hour $
Project Manager	$70.41	157.39%	$181.22	30.00%	$21.12	$202.34
Project Engineer	$56.46	157.39%	$145.33	30.00%	$16.94	$162.27
Civil Engineer	$45.27	157.39%	$116.53	30.00%	$13.58	$130.11
Civil Designer	$35.09	157.39%	$90.33	30.00%	$10.53	$100.85
CAD Technician	$33.92	157.39%	$87.31	30.00%	$10.18	$97.48
Structural Manager	$55.14	157.39%	$141.92	30.00%	$16.54	$158.47
Structural Engineer	$49.52	157.39%	$127.46	30.00%	$14.86	$142.31
Structural Designer	$29.90	157.39%	$76.97	30.00%	$8.97	$85.94
BIM Specialist	$40.56	157.39%	$104.39	30.00%	$12.17	$116.56
Senior Scientist	$46.15	157.39%	$118.80	30.00%	$13.85	$132.64
Scientist	$27.88	157.39%	$71.77	30.00%	$8.37	$80.14
Construction Manager	$55.29	157.39%	$142.31	30.00%	$16.59	$158.89
Landscape Architect	$35.58	157.39%	$91.57	30.00%	$10.67	$102.24
Senior Planner	$50.25	157.39%	$129.34	30.00%	$15.08	$144.42
Planner	$39.54	157.39%	$101.77	30.00%	$11.86	$113.63
Assistant Planner	$25.00	157.39%	$64.35	30.00%	$7.50	$71.85
Inspector	$38.75	157.39%	$99.74	30.00%	$11.63	$111.37
Survey Manager	$56.68	157.39%	$145.90	30.00%	$17.00	$162.90
Project Surveyor	$46.33	157.39%	$119.26	30.00%	$13.90	$133.16
Survey Technician	$32.22	157.39%	$82.93	30.00%	$9.67	$92.59
Survey Crew (Crew Chief)	$29.33	157.39%	$75.50	30.00%	$8.80	$84.30
Survey Crew (Instrument Person)	$26.38	157.39%	$67.91	30.00%	$7.91	$75.82
Clerical	$23.63	157.39%	$60.82	30.00%	$7.09	$67.91

Workshop Coversheet

BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:
6/22/2020

SUBJECT:
Administration: Resolution regarding Police

DEPT. OF ORIGIN:
Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:
Yes

ATTACHMENTS:

- **Police resolution 6-22-2020 worksession draft.pdf**

EXPENDITURE REQUIRED: **BUDGETED:** **APPROPRIATION REQUIRED:**

SUMMARY STATEMENT

RECOMMENDED ACTION

RESOLUTION NO. ______

A RESOLUTION of the City Council of the City of Washougal Supporting Washougal Police Officers, Declining to “Defund the Police”, Requesting a Review of Washougal Police Practices, and Calling for a Change in State Law Related to Arbitration Practices.

WHEREAS, the recent homicide of George Floyd by a Minneapolis police officer rightly caused national outrage and sorrow; and

WHEREAS, the Washougal City Council shares in that outrage and sorrow; and

WHEREAS, George Floyd’s death has resulted in many calls nationally to defund the police; and

WHEREAS, the meaning of such calls is not clear with some advocates stating “defund the police” means reallocating resources to mental health and social services while others are calling for an outright elimination of police departments; and

WHEREAS, eliminating the police department would be absurd because crime is not going away; and

WHEREAS, reallocating resources from police to mental health and social services is largely beyond the purview of city governments in Washington State; and

WHERAS, although there may well be a need for more mental health and social services funding, that funding should not come out of current police budgets; and

WHEREAS, reallocating resources from police to mental health and social services would be a poor public policy decision at other levels of government because however effective mental-health and social services resources may be, there will still be people who do evil and victimize others; and

WHEREAS, defunding the police would be devastating for people around the country hurting those who need protection the most; and

WHEREAS, regardless of the meaning of the term “defund the police”, the Washougal City Council has no intention of taking such action; and

WHEREAS, the City of Washougal is not aware of any incidents resulting in death or serious bodily injury arising from police misconduct or alleged police misconduct by Washougal police officers; and

WHEREAS, in the one fairly recent incident involving serious police misconduct, the City terminated the officer; and

WHEREAS, the binding interest arbitration process in the State of Washington should be reformed to ensure that cities have the ability to take appropriate action against officer misconduct; and

WHEREAS, the Council believes Washougal has an excellent police department with top quality officers; and

WHEREAS, the Council also wishes to express its support for police generally around the country; and

WHEREAS, nevertheless, in light of the serious misconduct in Minneapolis and a few other cities, the Council should take action to confirm its positive view of the Washougal Police Department; and

WHEREAS, the Council believes that it should review the use of force policy and internal affairs procedure as part of its oversight of the City Manager and his subordinates, including the Chief of Police;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Washougal, Washington, as follows:

Section I

The City Council commends its Chief of Police and officers and staff for doing an excellent job protecting the public responsibly and within the law. Further, the Council wishes to convey to the entire department that it has no intention of defunding the police and declines to do so.

Section II

The City Manager is directed to cause that this resolution to be presented to every employee and volunteer of the Washougal Police Department.

Section III

The Council calls for reform of the state laws pertaining to arbitration for police personnel actions for misconduct.

Section IV

The Council requests that it receives a workshop presentation on use of force policy and internal affairs procedures.

PASSED by the City Council for the City of Washougal, Washington, and approved by the Mayor at the regular meeting of said council held this 22nd day of June 2020.

City of Washougal, Washington

By:________________________________
MAYOR

ATTEST:

____
Finance Director / City Clerk

APPROVED AS TO FORM:

____
City Attorney

Workshop Coversheet

BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:
6/22/2020

SUBJECT:
Resolution Placing Ballot Proposition Designating Council Position 1 as Mayor on November 2020 Ballot

DEPT. OF ORIGIN:
Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:
Yes

ATTACHMENTS:

- **Resolution regarding Proposition Designating Council Position 1 as Mayor 6-22-2020 worksession draft.pdf**

EXPENDITURE REQUIRED: **BUDGETED:** **APPROPRIATION REQUIRED:**

SUMMARY STATEMENT

RECOMMENDED ACTION

Resolution No. ______

A RESOLUTION of the City Council of the City of Washougal providing for the submission to the voters of the City, at the special election to be held in conjunction with the general election to be held therein on November 3, 2020, a proposition of whether the City should designate Council position number one as the Chair; (Mayor) and requesting the Clark County Auditor to place the proposition on such special election to be held in conjunction with the general election ballot.

WHEREAS, in November 2018, Washougal voters approved a proposition to change the form of government of Washougal from Mayor-Council to Council-Manager, operating pursuant to Washington law; RCW Chapter 35A.13;

AND WHEREAS, under the Council-Manager form of government, the Chair of the Council (Mayor) is selected every two-years by the Council from its own membership, pursuant to state law; RCW Chapter 35A.13.030;

AND WHEREAS, RCW 35A.13.033 provides for an alternative means of selecting the Chair (Mayor); providing that the City Council of a Council-Manager city may by resolution place before the voters of the city, a proposition to designate the person elected to Council position one as the Chair (Mayor) of the Council;

AND WHEREAS, in the resolution placing the change in form of government proposition on the November 2018 ballot, the Council resolved that if the proposition to change the form of government to Council-Manager was approved it was the Council's intention to submit to voters a proposition to designate Council position one as Chair (Mayor);

AND WHEREAS, if a proposition to designate Council position one as Chair (Mayor) is approved, it would not immediately affect the incumbent in Council position one, rather, at the next election for Council position one, it would be for Chair (Mayor);

AND WHEREAS, the City Council has determined that designating Council position one as Chair (Mayor) is preferable to the Council selecting the Chair (Mayor) from its own membership;

AND WHEREAS, the City Council has determined that the best interests and general welfare of the City would be served by submitting to the qualified voters in the City of Washougal, the proposition of whether the City should designate Council position number one as the Chair (Mayor);

AND WHEREAS, the City Council desires that the special election to be held in conjunction with the general election to be held therein on November 3, 2020, include on the ballot for qualified voters of the City of Washougal, the proposition of whether the City should designate Council position number one as the Chair (Mayor);

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

Section I

In accordance with RCW 35A.13.033 and RCW 29A.04.330 and other applicable state law, the City Council hereby requests and calls for the Clark County Auditor to include on the ballot for the special election to be held in conjunction with the general election to be held therein on November 3, 2020, in the City of Washougal, for the purpose of submitting to the qualified voters of the City of Washougal, the proposition of whether the City should designate Council position number one as the Chair (Mayor).

Section II

The proposition to be submitted at the special election to be held in conjunction with the general election shall be in the form of a ballot title prepared by the City Attorney to read substantially as follows:

PROPOSITION

DESIGNATION OF COUNCIL POSITION NUMBER ONE AS CHAIR WITHIN THE CITY OF WASHOUGAL

Shall the City of Washougal designate Council position number one as the Chair (Mayor)?

YES ____

NO ____

Section III

The City Clerk is authorized and directed to file a certified copy of this Resolution with the Clark County Auditor.

Section IV

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

PASSED by the Council of the City of Washougal on the 13th day of **July, 2020.**

City of Washougal, Washington

____
Mayor, Molly Coston

ATTEST:

____
Finance Director/City Clerk

APPROVED AS TO FORM:

____
City Attorney

Workshop Coversheet

BUSINESS OF THE CITY COUNCIL

City of Washougal, Washington

FOR AGENDA OF:
6/22/2020

SUBJECT:
Administration: Ordinance amending WMC 3 creating a new Affordable Housing Sales Tax (existing tax credit)

DEPT. OF ORIGIN:
Administration

REVIEWED AT:

TO BE RETURNED TO COUNCIL:
Yes

ATTACHMENTS:

- **SHB 1406 Affordable Housing Tax Credit June 22 2020 Council worksession.pdf**
- **Washougal SHB 1406 Ordinance 2020 June 22, 2020 worksession DRAFT.docx**

EXPENDITURE REQUIRED: **BUDGETED:** **APPROPRIATION REQUIRED:**

SUMMARY STATEMENT

RECOMMENDED ACTION

SHB 1406

Affordable Housing Sales Tax Credit

June 22, 2020 Council Worksession

City of Washougal

SHB 1406: Affordable Housing Sales Tax Credit

What We Will Cover:

- Background
- Prior Council Action
- Proposed Ordinance
- Next Steps

SHB 1406: Affordable Housing Sales Tax Credit Background

- In 2019, Washington State enacted Substitute House Bill 1406 (“SHB 1406"), a revenue sharing program with local governments for affordable housing to encourage investments in affordable and/or supportive housing
- Credit against state retail sales and use taxes, **no increase in sales or use tax for the consumer**
- Estimated to be $14,500 annually
- For the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and if eligible, for providing rental assistance to tenants
- May be used to finance grants or loans to nonprofit organizations or public housing authorities
- The City may enter into interlocal agreements with other cities or municipal corporations
- The credit can be in place for a maximum of twenty (20) years and will represent an additional source of funding to address housing needs in the City
- The tax must be used on projects that serve persons whose income is at or below 60% of the City's median income
- The state legislation requires the City adopt an ordinance authorizing the tax within twelve (12) months of the effective date of SHB 1406 (by July 28, 2020)

SHB 1406: Affordable Housing Sales Tax Credit
Prior Council Action

- November 18, 2019: Council adopted Resolution No. 1185, declaring its intent to adopt an ordinance authorizing the tax allowed by SHB 1406

SHB 1406: Affordable Housing Sales Tax Credit
Proposed Ordinance

- Authorizes the maximum capacity of the tax authorized under the provisions of Substitute House Bill 1406 for affordable and supportive housing and rental assistance for collection beginning January 1, 2021
- Amends Title 3 of the Washougal Municipal Code to create a new Affordable Housing Sales Tax Fund under WMC Ch. 3.66
- Amends, deletes and adds new sections to Chapter 3.05

SHB 1406: Affordable Housing Sales Tax Credit
Next Steps

- Adopt ordinance at July 13, 2020 meeting (late July deadline)

Ordinance No. ____

AN ORDINANCE of the City Council of the City of Washougal, Washington, relating to local sales and use taxes; authorizing the maximum capacity of the tax authorized under the provisions of Substitute House Bill 1406 for affordable and supportive housing and rental assistance for collection beginning January 1, 2021; amending Title 3 of the Washougal Municipal Code to create a new Affordable Housing Sales Tax Fund under WMC Ch. 3.66; and amending, deleting, and adding new sections to Chapter 3.05 Additional Sales and Use Tax of the Washougal Municipal Code as more particularly described herein.

WHEREAS, one of the stated goals of the Washington State Growth Management Act, and which is identified as an objective of the City in its Comprehensive Plan, is to encourage the availability of affordable housing to all economic segments of the population; and

WHEREAS, the City of Washougal's Comprehensive Plan notes that over 22% of households were "Low Income" and 14% were "Very Low Income" in 2014; and

WHEREAS, the City of Washougal's Comprehensive Plan Policy 6.1-G states, "The City will encourage the development of housing for low and moderate income and elderly households in proximity to schools, day care, public transportation, and retail services."; and

WHEREAS, in 2019, Washington State enacted Substitute House Bill 1406 ("SHB 1406"), a revenue sharing program with local governments for affordable housing which is intended to encourage investments in affordable and/or supportive housing; and

WHEREAS, the City Council has determined that imposing the sales and use tax to address this need will benefit its citizens; and

WHEREAS, on November 18, 2019, the City Council adopted Resolution No. 1185 declaring its intent to adopt an ordinance authorizing the tax allowed by SHB 1406; and

WHEREAS, the effective date of SHB 1406 is July 28, 2019, and the Washington State Code Reviser's Office codified that SHB 1406 as RCW 82.14.540; and

WHEREAS, through a credit against state retail sales and use taxes, the program allows the City to authorize and collect a local sales and use tax, estimated to be $14,500 annually, for the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of affordable or supportive housing, and if eligible, for providing rental assistance to tenants, with no increase in sales or use tax for the consumer; and

WHEREAS, the revenues may be used to finance grants or loans to nonprofit organizations or public housing authorities to carry out these provisions. The City may enter into interlocal agreements with other cities or municipal corporations in the execution of these provisions; and

WHEREAS, the credit against state retail sales or use taxes can be in place for a maximum of twenty (20) years and will represent an additional source of funding to address housing needs in the City; and

WHEREAS, the tax must be used on projects that serve persons whose income is at or below sixty percent of the City's median income; and

WHEREAS, the state legislation requires the City adopt an ordinance authorizing the tax within twelve (12) months of the effective date of SHB 1406; and

WHEREAS, the tax is considered to be restricted revenue subject to reporting requirements and audit review for compliance.

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

Section I

Chapter **3.05 Additional Sales and Use Tax** is hereby amended as identified in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2

A new **Chapter 3.66** is hereby adopted to create the **Affordable Housing Sales Tax Fund,** as set forth on Exhibit "B", attached hereto and by this reference incorporated herein.

Section 3

SEVERABILITY. If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

Section 4

EFFECTIVE DATE. This ordinance shall become effective five days following passage and publication as provided by law.

PASSED by the Council for the City of Washougal at a regular meeting this **13th** day of **July, 2020.**

Molly Coston, Mayor of Washougal

ATTEST:

Finance Director / City Clerk

APPROVED AS TO FORM:

City Attorney

Exhibit "A"

WMC Ch. 3.05 Additional Sales and Use Tax is hereby amended as set forth herein.

Key: New language = underlined
Deleted language = ~~strikethrough~~

Chapter 3.05

ADDITIONAL SALES AND USE TAX

Sections:
3.05.010 Imposition of additional tax.
3.05.020 Rate of additional tax.
3.05.025 Credit against state' s share of tax— sales or use tax for affordable housing—Imposition.
3.05.026 Credit against state' s share of tax— sales or use tax for affordable housing—Rate.
3.05.027 Credit against state' s share of tax— sales or use tax for affordable housing—Commencement of levy and collection.

3.05.010 Imposition of additional tax.

In addition to the tax proposed by WMC 3.04.020, there is imposed an additional sales or use tax, as the case may be, upon the same taxable events upon which the tax imposed under WMC 3.04.020 is levied and as specifically authorized by RCW 82.14.030.

3.05.020 Rate of additional tax.

(1) The rate of tax imposed by WMC 3.04.010 which is in addition to the rate of tax imposed by WMC 3.04.020 shall be increased to five-tenths of one percent of the selling price (in the case of sales tax), or the value of the article used, as in the case of use tax; providing, however, in the event Clark County imposes a sales and use tax, pursuant to RCW 82.14.030(2), at a rate equal to or greater than the rate imposed in this section, the county shall receive 15 percent of the city tax; and provided further, that in the event that Clark County imposes a sales and use tax, pursuant to RCW 82.14.030(2), less than the rate imposed under this section, the county shall receive the amount of revenue from the city equal to 15 percent of the rate of the tax imposed by the county.

(2) Administration and Collection of Tax. Collection of tax imposed by the ordinance codified in this section shall be in accordance with the provision of RCW 82.14.050 and the administration and collection of the sales or use tax imposed by section 3.05.025 shall be in accordance with the provisions of the RCW 82.14.540.

(3) Consent to Inspection of Records. The city consents to the inspection of such records

as necessary to qualify the city for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330.

(4) Authorizing Execution of Contract for Administration. The city manager of the city is authorized to enter into a contract with the Department of Revenue for the administration of this tax.

~~(5) Referendum Procedure.~~
~~(a) This section shall be subject to the referendum procedure. Any referendum petition to repeal this section or alter the rate of the tax authorized by this section shall be filed by the city clerk/finance director within seven days of the passage of the ordinance codified in this section. The city clerk/finance director, within 10 days, shall then confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure will result in the tax, or tax rate, increase being imposed and a negative answer to the question and a negative vote on the measure will result in the tax, or tax rate, increase not being imposed. The petitioner shall be notified of the identification number and ballot title within this 10-day period.~~

~~(b) After notification, the petitioner shall have 30 days in which to secure on petition forms the signatures of not less than 15 percent of the registered voters of the city, and to file the signed petitions with the city clerk/finance director. Each petition form shall contain the ballot title and full text of the measure to be referred. The city clerk/finance officer shall verify the sufficiency of the signatures on the petition. If sufficient valid signatures are properly submitted, the city clerk/finance officer shall submit the referendum measure to the city voters at a special election held on one of the dates provided in RCW~~ 29.13.010~~, as determined by the city council. This election shall not take place later than 120 days after the signed petition has been filed with the city clerk/finance director.~~

~~(6)~~ (5) Penalties. Any seller who fails or refuses to collect the tax as required, with the intent to violate the provisions of this section, or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined no more than $500.00, or impose imprisonment for not more than six months, or by both such fine and imprisonment.

3.05.025 Credit against state' s share of tax— sales or use tax for affordable housing— Imposition.

There is hereby imposed an additional sales or use tax, as the case may be, separate and apart from the tax referred to in Washougal Municipal Code Sections 3. 20. 010, 3. 20. 020, 3. 24. 010 and 3. 24. 020, as authorized by Laws of 2019, ch 338 § 1, upon every taxable event, as defined in RCW 82. 14.020, occurring in the City. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to RCW 82.08 and 82.12 but will be credited against the state' s share of the tax. Moneys collected under this Section must be used solely, as required by RCW 82.14.540 and as hereinafter amended, for the purpose of acquiring, rehabilitating, or constructing affordable housing, which may include new units of affordable housing within an existing structure or facilities providing supportive housing services under RCW 71.24.385, or funding the operation and maintenance of new units of affordable housing or supportive housing or for providing rental assistance to tenants.

3.05.026 Credit against state' s share of tax— sales or use tax for affordable housing— Rate.

The rate of the tax imposed by Section 3.24.025 of this chapter shall be .0073 percent of the selling price or value of the article used, as the case may be.

3.05.027 Credit against state' s share of tax— sales or use tax for affordable housing— Commencement of levy and collection.

Levy and collection of the tax imposed by Section 3.24.025 of this chapter shall commence January 1, 2021.

Exhibit “B”

A new **Chapter 3.66, Affordable Housing Sales Tax Fund**, is hereby added to the Washougal Municipal Code to read as follows:

Chapter 3.66

Affordable Housing Sales Tax Fund

Sections:

3.66.010 Affordable housing sales tax fund established.

There is hereby established a special revenue fund for the city of Washougal, to be known as the "Affordable Housing Sales Tax Fund," into which shall be deposited all monies received from a portion of sales and use taxes otherwise required to be collected and paid to the department of revenue pursuant to legislation enacted by the 2019 Washington State Legislature.

3.66.020 Authorized use of funds

This fund has been established to receive that portion of sales and use tax credited back to the city for use the acquisition, construction or rehabilitation of affordable housing or facilities providing supportive housing, and for the operations and maintenance costs of new units of affordable or supportive housing, and if eligible, for providing rental assistance to tenants.

3.66.030 Carryover of funds at year end.

Any unexpended funds remaining in the affordable housing sales tax fund at the end of a budget period shall not be transferred to the general fund or otherwise lapse, but funds shall be carried forward from year to year until expended for a purpose set forth in Section 3.66.020 above.