



City Council Meeting Schedule September 2022

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

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

REGULAR COUNCIL MEETING

September 13, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Kennewick Housing Authority Interlocal Agreement
2. Council Code Amendments: Term Limits & Boards & Committees
3. Legislative Prayer

September 20, 2022
Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

September 27, 2022
Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. 2023/2024 Budget Assumptions
2. Comp Plan Amendments Part One
3. Economic Development Update

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

September 2022
Updated 09/07/22

**Council Workshop
Coversheet**



Agenda Item Number	1.	Meeting Date	09/13/2022
Agenda Item Type	Presentation		
Subject	Kennewick Housing Authority Interlocal Agreement		
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

An update on efforts to support affordable housing with an opportunity to enter into an interlocal agreement with the Kennewick Housing Authority, formalizing a partnership that would repurpose a portion of the City's 10th Ave shops property for a 52-unit housing community.

Through	Emily Estes-Cross Sep 07, 10:09:28 GMT-0700 2022	Attachments: Presentation
Dept Head Approval	Dan Legard Sep 07, 11:03:21 GMT-0700 2022	
City Mgr Approval	Marie Mosley Sep 09, 08:57:57 GMT-0700 2022	

AFFORDABLE HOUSING PARTNERSHIP

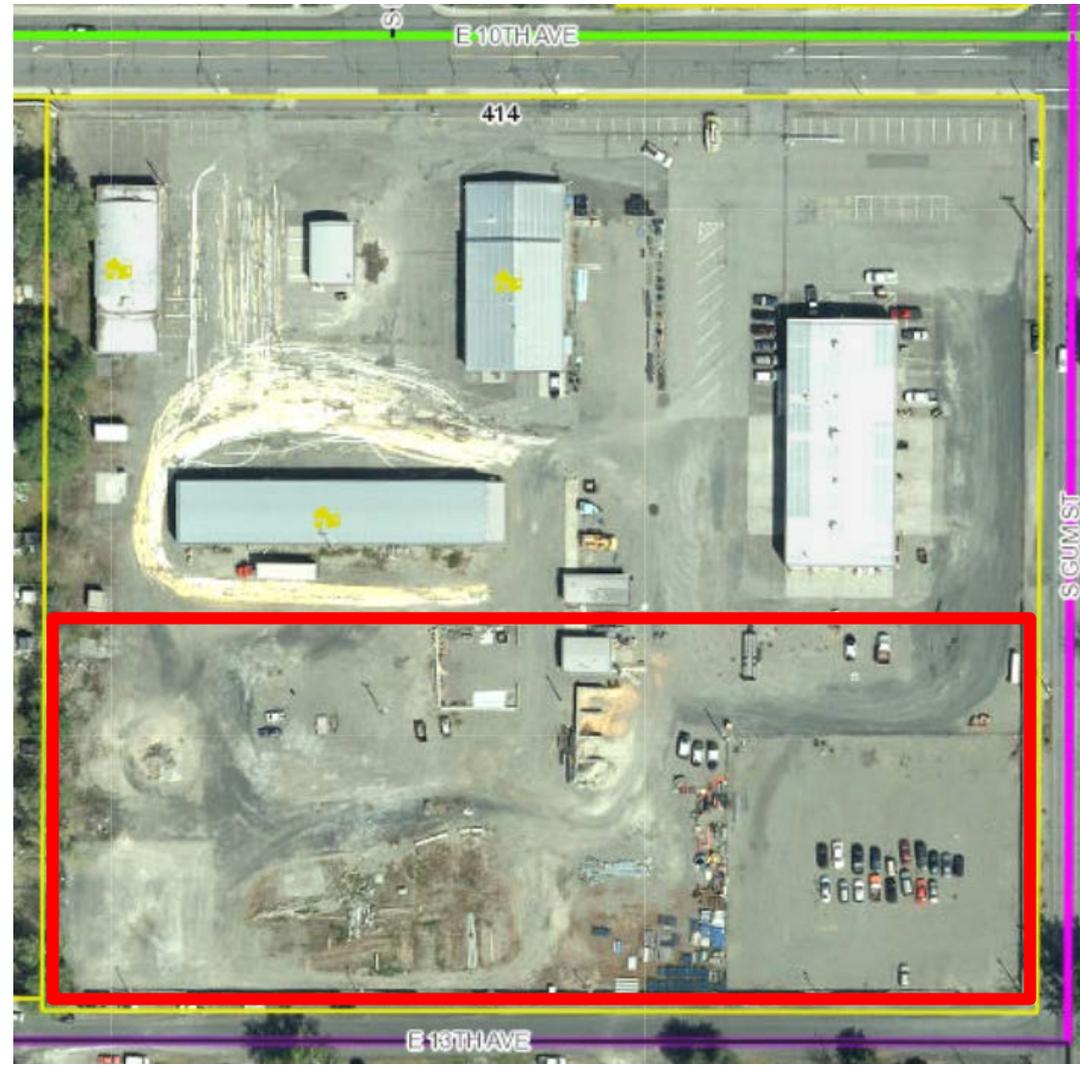
SEPTEMBER 13TH, 2022



BACKGROUND

414 E. 10th Ave

- City Facilities Assessment
 - Operations consolidation
 - Funding opportunities
- Dept. of Ecology Healthy Housing Grant
 - Environmental Assessment
 - Housing Market Study
 - Housing Feasibility Study
 - Public input



DEVELOPMENT CONCEPT



LADDERS OF OPPORTUNITY



LADDERS OF OPPORTUNITY

Area Amenities

- Local grocery store
- Tri-Cities Food Bank (2 miles)
- Police & Fire
- Elementary school
- Medical services
- Parks & public pool

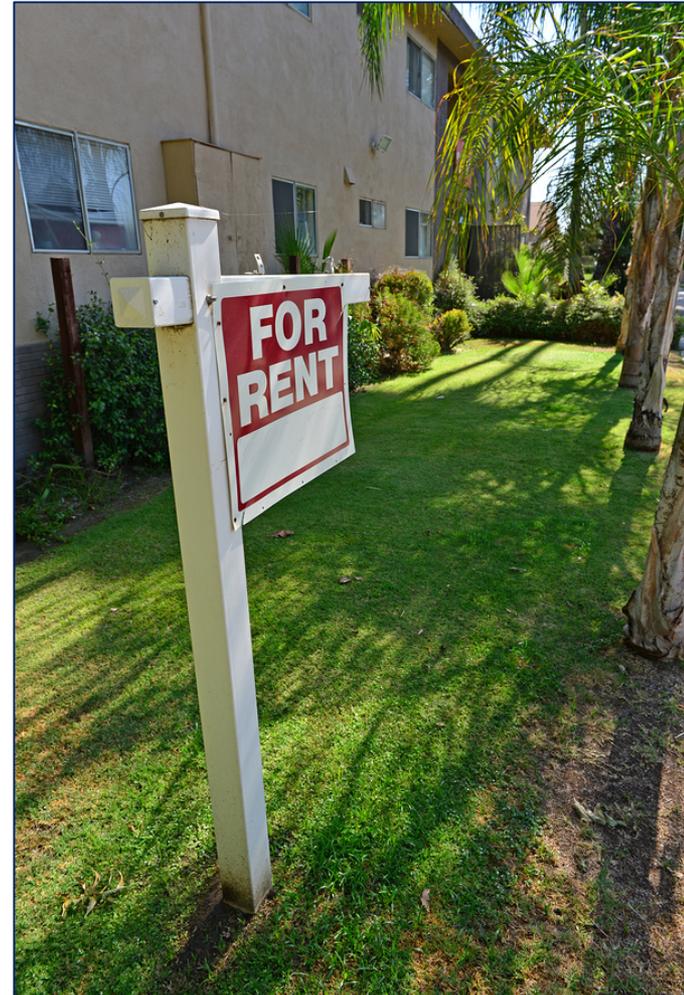
Site Amenities

- Tenant services
- Community gardens
- Computer lab
- Playground
- Courtyards & greenspace



MARKET STUDY FINDINGS

- **0% affordable housing vacancy rate in region,** and shortage will grow due to:
 - Job creation (4,500 new jobs projected)
 - Rent increases outpacing income
 - New apartments constructed for higher incomes
 - Existing “affordable” units being renovated for unaffordable rent rates
- Units should serve a **mix of income levels** (30%, 40%, 50% AMI)
- **1-, 2-, and 3-bd floorplans**, with highest demand for 1- and 2-bd units
- Amenities to include **clubhouse** and **playground**
- Set-asides for **homeless housing**
- **Rents projected at maximum allowable** for all AMIs



INTERLOCAL AGREEMENT

City Commitments

- Housing Cooperation Law (RCW 35.83) permits assistance to housing authorities
- Subdivide 10th Ave 9.5 acre property to create a new 3.7 acre parcel
- Clear the newly created parcel of city operations, property storage and equipment, and relocate security fencing
- Code amendment to allow for public housing authority projects to be a permitted use in the Public Facility zone
- Establish a purchase price commensurate with a cooperative affordable housing project

Housing Authority Commitments

- Apply for funding to purchase the property, complete the off-site infrastructure (bond for frontage improvements), and construct a 52-unit multifamily community
- Work with the City to negotiate a purchase and sale agreement

PATH FORWARD

- Concept feedback
- Interlocal Agreement
- Amend code
- Relocate/consolidate operations
- Seek funding
- Negotiate sale



Council Workshop Coversheet



Agenda Item Number	2.	Meeting Date	09/13/2022
Agenda Item Type	Boards and Commissions		
Subject	Code Amendments and Term Limits		
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

During the council retreat and the board and commission interviews, councilmembers discussed potential changes to the board and commission selection process criteria as well as term limits for City Council positions. Subsequent to the board and commission interviews the Interview Committee, consisting of Mayor McKay, Councilmember Trumbo and Councilmember Torelli, provided some recommendations to modify the Kennewick Municipal Code (KMC) 2.16 that outlines the criteria for selecting board and commission members.

The recommendations from the interview committee are summarized below and attached are the interview committee's recommended modifications to the KMC:

- * Require applicants to be residents of Kennewick
- * Require US Citizenship for the Planning Commission and Public Facilities District Board
- * Term limit applicants to two terms unless there are no other qualified candidates
- * Prohibit immediate family of Councilmembers from being assigned to the Planning Commission
- * Councilmembers may not vote on assignment of family members to board, commissions or committees

In addition to Board and Committee information, during the Council retreat, Mayor McKay asked about the ability to adopt term limits for City Council positions and if City Council positions can be partisan. The following are the responses that City Attorney Beaton provided for Council consideration:

Council can adopt term limits for city council positions. AGO 1991 No. 2 concluded that non-charter code cities may lawfully pass term limit ordinances.

Council cannot make City Council positions partisan. State Law dictates which elected positions are partisan. RCW 29A.04.110 states:

Partisan office means a public office for which a candidate may indicate a political party preference and that the preference appears on the primary and general election ballot in conjunction with his/her name. The following are partisan offices:

- (1) United States Senator & United State Representative
- (2) All State Offices, including legislative, except (a) judicial offices and (b) the office of superintendent of public instruction
- (3) All County Offices, except (a) judicial offices and (b) those offices for which a county home rule charter provides otherwise

The workshop is for Council to provide direction to staff on changes to the KMC regarding board & commission criteria and if Council wants to adopt term limits for City Council positions.

Through	<input type="text"/>	Attachments: <input type="text" value="Suggested Modifications"/>
Dept Head Approval	<input type="text"/>	
City Mgr Approval	<p style="text-align: center;">Marie Mosley Sep 09, 08:55:30 GMT-0700 2022</p>	

CHAPTER 2.16 BOARDS AND COMMISSIONS

2.16.010: Department of Emergency Services.

There is a Benton County Department of Emergency Services as required by RCW 38.52.070. Benton County Ordinance No. 59 entitled, "A County ordinance relating to civil defense" passed by the Board of Benton County Commissioners on April 27, 1959, Benton County Code Chapter 5.04, as now enacted or hereafter amended, be, and the same hereby is, adopted by reference.

(Ord. 2363, Sec. 1(part), 1979; Ord. 676, 1952)

2.16.020: Interview Committee—Establishment.

There shall be an Interview Committee consisting of three Council Members who shall interview applicants and make recommendations for appointment by the City Council.

(Ord. 5349 Sec. 1, 2011)

2.16.030: Interview Committee—Powers and Duties.

The Interview Committee shall have and exercise the powers, duties and responsibilities prescribed in KAC 7-28-060.

(Ord. 5349 Sec. 2, 2011)

2.16.100: Historic Preservation Commission—Establishment.

- (1) There shall be a Historic Preservation Commission consisting of seven members appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. Members must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and sound judgment. To the extent available in the Kennewick area, one member each shall be from the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology. ~~Professional members of the Commission need not be residents of the City of Kennewick.~~
- (2) In making appointments, the Council may consider names submitted from any source, but will notify history and development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

(Ord. 5363, Sec. 1, 2011; Ord. 3915 Sec. 13, 2000; Ord. 3661 Sec. 2(part), 1995; Ord. 3394 Sec. 1, 1992; Ord. 3193 Sec. 1, 1989; Ord. 3170 Sec. 1(part), 1988)

2.16.110: Historic Preservation Commission—Powers and Duties.

- (1) The Historic Preservation Commission shall identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; raise community awareness of the City's history and historic resources; and serve as the primary resource in matters of history, historic planning, and preservation.
- (2) Responsibilities. In order to carry out its responsibilities, the Historic Preservation Commission will:
 - (a) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and known as the Kennewick Historic Inventory; publicize and periodically update the Inventory. Properties listed on the Inventory will be recorded on official planning records with an HISI (for Historic Inventory). This classification does not affect the underlying zone classification.
 - (b) Initiate and maintain the City's Register of Historic Places. This official register of buildings, structures, sites, and objects identified by the Commission as having historic significance worthy of recognition is intended to encourage owners to maintain, rehabilitate, and preserve properties.
 - (c) Review nominations to the Kennewick's Register of Historic Places according to the criteria in Section 18.57.040 and adopt standards to be used to guide this review.
 - (d) Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties on the Register as provided in Section 18.57.050; and adopt standards to guide this review and the issuance or waiver of Certificates of Appropriateness.
 - (e) Provide for the review either by the Commission or its staff of all applications for approvals, permits, environmental assessments, impact statements, and other similar documents pertaining to identified historic resources.
 - (f) Conduct all Commission meetings in compliance with Chapter 42.30 RCW, the Open Public Meetings Act.
 - (g) Participate in, promote and conduct public information, educational and interpretive programs pertaining to history.
 - (h) Cooperate with federal, state and others in historic preservation and public education.
 - (i) Review and report to the City Council on land use, housing and redevelopment, municipal improvements and plans and programs if they affect the historic resources for the City.
 - (j) Advise the City Council generally on matters of history and historic preservation.
 - (k) Perform other tasks assigned by City Council.
 - (l) Serve as the local review board for special valuation and:
 - (i) Make determination concerning the eligibility of historic properties for special valuation;
 - (ii) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance.
 - (iii) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);
 - (iv) Approve or deny applications for special valuation;
 - (v) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the ten-year special valuation period; and

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- (vi) Adopt rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW or WAC 254-20.
 - (m) Adopt rules and regulations as may be helpful in implementing this chapter.
 - (n) Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops or similar activities.
 - (o) Officially recognize excellence in the rehabilitation of historic buildings, structures, and sites; and encourage appropriate measures for such recognition.
 - (p) Be informed about and provide information to the public and City departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
 - (q) Submit nominations to the State and National Registers of Historic Places.
 - (r) Investigate and report to the City Council on the use of various federal, state, local or private funds to promote historic preservation in the City.

(Ord. 5363 Sec. 2, 2011; Ord. 3915 Sec. 14, 2000; Ord. 3661 Sec. 2(part), 1995; Ord. 3394 Sec. 1, 1992; Ord. 3193 Sec. 1, 1989; Ord. 3170 Sec. 1(part), 1988)

2.16.200: Planning Commission—Establishment.

There shall be a Kennewick Planning Commission consisting of seven members to be appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected.

(Ord. 3915 Sec. 1, 2000; Ord. 2363 Sec. 1(part), 1979; Ord. 856 Sec. 2, 1955)

2.16.210: Planning Commission Powers—Duties.

The planning commission of the City shall have all of the powers and perform each and all of the duties prescribed by RCW 35A.63, together with any other duties or authority which may hereafter be conferred upon them by the laws of the state or the ordinances of the City. The performance of such duties and the exercise of such authority are to be subject to each and all of the limitations expressed in such legislative enactments.

(Ord. 2363 Sec. 1(part), 1979; Ord. 2070 Sec. 1, 1977; Ord. 1527 Sec. 8, 1970; Ord. 856 Sec. 4, 1955)

2.16.300: Civil Service Commission—Establishment.

There shall be a civil service system and a Civil Service Commission, as provided for in RCW 41.08 and 41.12, consisting of three members appointed by the City Manager for a term of four years, expiring on March 31 or until such time as their successor is selected. The Civil Service Commission shall have no jurisdiction concerning any person appointed as fire chief or chief of police after July 1, 1987.

(Ord. 3915 Sec. 2, 2000; Ord. 3448 Sec. 1, 1993; Ord. 3188 Sec. 1, 1989; Ord. 2363 Sec. 1(part), 1979; Ord. 772 Secs. 1, 2, 1954; Ord. 390 Secs. 1, 2, 1943)

2.16.400: Parks and Recreation Commission—Establishment.

There shall be a Parks and Recreation Commission consisting of seven members appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. In making

the appointment of the commission members, the City Council shall choose people who understand parks and recreational needs and interest of the inhabitants of the City and the nearby rural residents. No person shall be appointed if he holds any elective county, or city office, and the election or appointment of any member of this commission to any such elective state, county or city office shall operate to vacate his membership on the commission.

(Ord. 3915 Sec. 3, 2000; Ord. 3204 Sec. 2, 1989; Ord. 2363 Sec. 1(part), 1979; Ord. 1806 Sec. 1(part), 1975; Ord. 1567 Sec. 2, 1971)

2.16.410: Parks and Recreation Commission—Powers and Duties.

- (1) The commission shall make recommendations for the establishment of needed recreational programs and facilities. The commission shall study and appraise recreational needs for the City and is empowered and authorized to solicit and receive gifts, bequests or endowments of money or property and donations and grants from persons, firms, or corporations, including county state or federal government agencies all of which shall be given to and accounted for by the City under applicable laws relating to such gifts.
- (2) The commission shall be entrusted with the duty and responsibilities of advising and making recommendations to the City Council for the management, control, improvements and beautification of all squares and parks of the City and all park drives, parkways, boulevards, play and recreation grounds and facilities. Said commission shall also periodically review whether the land that is being used for park purposes is adequate and shall recommend to the Council, when necessary, what additional land and grounds should be acquired and used for park purposes.
- (3) The commission shall approve and adopt such needful rules and regulations as may be necessary for the proper operation of the City's parks and recreation facilities.

(Ord. 3915 Sec. 4, 2000; Ord. 2855 Sec. 1, 1984; Ord. 2363 Sec. 1(part), 1979; Ord. 1806 Sec. 1(part), 1975; Ord. 1567 Sec. 4, 1971)

2.16.420: Arts Commission—Establishment.

There shall be an Arts Commission established consisting of at least seven members, but not more than nine appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. An optional student member is also authorized and shall serve as provided in KAC 9-11-070. The Commission shall consist of arts professionals or persons with an interest in art. The City Council shall consider "arts professionals" to be those people, both in the Kennewick community and outside, who have a professional background in the arts, are familiar with artists in specific categories, and exhibit a sensitivity to site placement, or have a demonstrated interest in art.

(Ord. 5546 Sec. 1, 2014; Ord. 5363 Sec. 3, 2011; Ord. 5304 Sec. 1, 2010; Ord. 5287 Sec. 1, 2009; Ord. 5187 Sec. 1, 2007; Ord. 4075 Sec. 1, 2003)

2.16.430: Arts Commission—Powers and Duties.

The Arts Commission shall have and exercise the powers, duties, and responsibilities prescribed by KAC 9-11.
(Ord. 4075 Sec. 2, 2003)

2.16.500: Disability Board—Establishment.

There shall be a Disability Board consisting of five members: two City Council Members appointed by the Council, one active or retired firefighter elected by the firefighters employed by or retired from the City, one active or retired law enforcement officer elected by the law enforcement officers employed by or retired from the City, and one member from the public at large who resides within the City, appointed by the other four members. Terms of Council Members shall be two years. Terms of non-council members shall be for four years expiring on March 31, or until such time as their successor is selected.

(Ord. 3915 Sec. 5, 2000; Ord. 3174 Sec. 1, 1988; Ord. 2363 Sec. 1(part), 1979; Ord. 1982 Sec. 1(part), 1976)

2.16.510: Disability Board—Powers and Duties.

The Disability Board shall have and exercise the powers, duties, and responsibilities prescribed by RCW 41.26 as now exists or may be hereafter amended and shall have jurisdiction over all of the members of the law enforcement officers' and firefighters' retirement system employed by the City.

(Ord. 3915 Sec. 6, 2000; Ord. 2363 Sec. 1(part), 1979; Ord. 1982 Sec. 1(part), 1976)

2.16.520: Block Grant Advisory Committee—Establishment.

- (1) There shall be a Block Grant Advisory Committee consisting of seven members. A Council liaison shall be appointed to assist the Committee.
- (2) Members are appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. Members shall be comprised of City of Kennewick residents with a demonstrated interest, competence or knowledge in banking and finance, construction, senior services, economic development, housing providers, housing services, social service providers or any other related field of interest.

(Ord. 5363 Sec. 4, 2011; Ord. 5349 Sec. 3, 2011)

2.16.530: Block Grant Advisory Committee—Powers and Duties.

The Committee shall serve in an advisory capacity to City Council on issues involving the use of the Community Development Block Grant and the HOME Grant and perform the following duties:

- (1) Review applications for the Community Development Block Grant and HOME Grant funds and make recommendations on project funding to the City Council. EXCEPT that in no instance will a member participate in the recommendation process when that member holds an interest in an application under consideration for funding.
- (2) Assist City staff in the development of new programs as future needs and funding opportunities arise.
- (3) Perform other related tasks as assigned by the City Council.

(Ord. 5349 Sec. 4, 2011)

2.16.600: Housing Authority—Establishment.

There shall be a Housing Authority consisting of five commissioners appointed by the Mayor for a term of five years, expiring on March 31. If a vacancy shall occur, the Mayor shall appoint a new commissioner to complete the remainder of the unexpired term. No commissioner may be an officer or employee of the City. ~~Members of the Housing Authority need not be City of Kennewick residents.~~

(Ord. 5349 Sec. 5, 2011; Ord. 5024 Sec. 1, 2004; Ord. 3958 Sec. 1, 2000; Ord. 3915 Sec. 7, 2000; Ord. 3299 Sec. 1, 1991; Ord. 3173 Sec. 1(part), 1989)

2.16.610: Housing Authority—Powers and Duties.

The Housing Authority shall have and exercise the powers, duties and responsibilities prescribed by RCW 35.82 as now exists or may be hereafter amended.

(Ord. 3915 Sec. 8, 2000; Ord. 3173 Sec. 1(part), 1989)

2.16.620: Interested Commissioners or Employees.

No commissioner or employee of the Kennewick Housing Authority shall acquire any interest, direct or indirect, in any housing project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of the authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property.

(Ord. 3173 Sec. 1(part), 1989)

2.16.820: Fire Pension Board—Establishment.

There shall be a Firemen's Pension Board consisting of five members: the Mayor or the Mayor's designated representative who shall be an elected official, who shall chair the board, the City Clerk, the Finance Director, and two regularly employed or retired firefighters elected as provided in RCW 41.16.020 and an alternate, who shall serve in the absence of the regularly elected firefighter members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall, in the same manner, elect a successor to serve the unexpired term. The members to be elected by the firefighters shall be elected annually for a two-year term expiring on March 31, or until such time as their successor is elected.

(Ord. 5349 Sec. 5, 2011; Ord. 5024 Sec. 2, 2004)

2.16.830: Fire Pension Board—Powers and Duties.

The Firemen's Pension Board shall have and exercise the powers, duties, and responsibilities prescribed in the Firemen's Relief and Pension Act of 1947, RCW 41.16.020, as amended.

(Ord. 5024 Sec. 3, 2004)

2.16.840: Public Facilities District—Establishment.

- (1) There shall be a Public Facilities District Board consisting of five members appointed by City Council as follows:
 - (a) Two at large members appointed by the City Council; and
 - (b) Three members appointed by the City Council based on recommendations from local organizations that may include, but are not limited to, the local Chamber of Commerce and local Economic Development Council as provided in RCW 35.57.010.
- (2) The members appointed under (1)(a) shall not be members of the City Council.
- (3) The Board member appointment shall be for four years, expiring March 31, or until such time as their successor is selected.

(Ord. 5363 Sec. 5, 2011; Ord. 5078 Sec. 1, 2005)

2.16.850: Public Facilities District—Vacancies.

A vacancy on the District Board of Directors shall be deemed to exist in case of the death, disability, resignation, removal, forfeiture, or expiration of term of membership. A vacancy shall be filled by appointment in accordance with the terms of RCW 35.57 and KMC 2.16.840. Any person selected to fill a vacancy on the Board, other than the expiration of a term, shall serve the balance of the term of the person being replaced. Anyone selected to fill an expired term shall serve the same duration as the person being replaced. It shall be the responsibility of the Executive Director of the District or the President of the Board to notify the Kennewick City Clerk when a vacancy occurs.

(Ord. 5078 Sec. 2, 2005)

2.16.860: Public Facilities District—Powers and Duties.

The Board shall have and exercise the powers, duties, and responsibilities prescribed in RCW 35.57.

(Ord. 5078 Sec. 3, 2005)

2.16.900: General Powers.

Each board, commission and agency of City government shall have all necessary and proper powers to carry out the duties imposed by law and ordinance and may adopt and enforce needful rules and procedures to that end.

(Ord. 2363 Sec. 1(part), 1979)

2.16.910: Conduct of Members.

All members of each board, commission and agency of City government shall abide by the rules of conduct provided for public employees and officers and shall regularly attend meetings. Failure to comply with rules or the commission of a crime of moral turpitude is grounds for removal by the appointing authority.

(Ord. 3915 Sec. 15, 2000; Ord. 2363 Sec. 1(part), 1979)

2.16.920: Term of Office—Compensation.

The term of office for members of boards, commissions and agencies which are not for an indefinite period, shall commence on the 1st day of April and end on the 31st day of March, unless another date is prescribed by statute or ordinance. Members of boards, commissions and agencies shall receive no compensation for their services but may be reimbursed for actual expenses incurred during the course of their official duties.

(Ord. 3204 Sec. 1, 1989; Ord. 2363 Sec. 1(part), 1979)

2.16.925: Incumbent Must Reapply.

Incumbent members of boards, commissions and committees desiring to serve another term must so indicate by submitting the appropriate application form to the Interview Committee confirming their desire for reappointment. No reappointments shall be made automatically.

Incumbent members of boards, commissions and committees may serve up to two consecutive terms but will not be considered for a third term unless there are no other qualified applicants for the position.

(Ord. 5349 Sec. 6, 2011)

2.16.930: Qualification.

Unless otherwise provided, members of boards, commissions or agencies shall be residents of the City ~~or an owner of a business whose primary office is located within the City~~, not employees or appointed or elected officers of the City, and qualified by experience or education to effectively perform their duties as members.

United States citizenship is required to serve on either the Planning Commission or Public Facilities District.

Immediate family members of sitting council members may not serve on the Planning Commission. NOTE: if a sitting Planning Commissioner has a family member elected to City Council after his/her appointment to Planning Commission, the balance of the term may be completed.

Council members shall recuse themselves from voting on family member assignment to a board, commission, or committee.

(Ord. 5607 Sec. 1, 2015; Ord. 2363 Sec. 1(part), 1979)

2.16.940: Perjury—Obstruction.

Any person who gives false testimony or other false information or who interferes with or obstructs any board, commission or agency shall be guilty of a gross misdemeanor.

(Ord. 2363 Sec. 1(part), 1979)

2.16.950: Subpoenas—Oaths.

All boards, commissions and agencies may issue subpoenas and administer oaths when conducting investigations.

(Ord. 2363 Sec. 1(part), 1979)

2.16.960: Filling of Vacancies.

If a vacancy should occur prior to the expiration of a term, a new committee member shall be appointed by a majority vote of the City Council to complete the remainder of the unexpired term.

(Ord. 5349 Sec. 7, 2011; Ord. 3915 Sec. 16, 2000)

2.16.970: Attendance Requirements.

All members of boards, commissions or agencies shall be removed from their appointment if they have two or more unexcused absences in any calendar year. An unexcused absence is defined as a failure to notify the chairperson or secretary of their absence prior to the meeting, unless for a bona fide emergency. The expected minimum standard of attendance at all meetings is 75 percent, regardless of whether absences are excused or unexcused.

(Ord. 5349 Sec. 9, 2011; Ord. 3915 Sec. 18, 2000)

2.16.975: Conflict of Interest.

All members of boards, commissions, or agencies shall avoid any instance of conflict of interest, real or perceived. No individual shall use an official position to gain a personal advantage.

(Ord. 3915 Sec. 19, 2000)

2.16.990: Applicability.

Insofar as the provision of Sections 2.16.900 through 2.16.990 are not inconsistent with express provisions otherwise, they shall apply to all boards, commissions and agencies of the City.

(Ord. 2363 Sec. 1(part), 1979)

Council Workshop Coversheet



Agenda Item Number	3.	Meeting Date	09/13/2022
Agenda Item Type	Resolution		
Subject	Legislative Prayer		
Ordinance/Reso #	22-17	Contract #	
Project #		Permit #	
Department	City Attorney		

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

Summary

At the August 16, 2022 Council Meeting the City Council directed staff to prepare a resolution approving Legislative Prayer at the beginning of regular council meetings and adopting a process to facilitate scheduling of volunteer invocation providers. Resolution 22-17 approves having an invocation at the beginning ceremonial portion of each regular meeting. Exhibit A to the Resolution provides the process through which staff will solicit and schedule the invocation providers.

In order to provide staff time to collect a list of providers and prepare a schedule, the Resolution states that the invocation portion of the regular council meetings will start with the first regular council meeting in November. Per the proposed procedures in Exhibit A, the invocation will not exceed 60 seconds. Selection of volunteer invocation givers will be nondiscriminatory and neither staff nor council will be allowed to review, comment, or inquire about the content of the invocation to be given. Per the procedures no city employee, elected official, or meeting attendee will be required to participate in or stand during the invocation. To avoid any concerns regarding Establishment Clause violations, the procedure limits individual/group invocation providers to three regular meetings per year. At the September 6th Council Meeting, City Council approved a motion to discuss the Resolution at the September 13th workshop and moved to delay the vote on the Resolution until the September 20th Council Meeting.

Through

Kristi Johnson
Sep 07, 09:48:11 GMT-0700 2022

Attachments: Resolution 22-17

Dept Head Approval

Lisa Beaton
Sep 07, 09:53:46 GMT-0700 2022

City Mgr Approval

Marie Mosley
Sep 09, 09:00:31 GMT-0700 2022

CITY OF KENNEWICK
RESOLUTION NO. 22-17

A RESOLUTION OF THE CITY OF KENNEWICK ESTABLISHING A
WRITTEN POLICY FOR THE PRESENTATION OF INVOCATIONS AT CITY
COUNCIL MEETINGS

WHEREAS, an invocation is the act or process of petitioning for help or support, usually in the form of a prayer of entreaty to a higher authority;

WHEREAS, public meetings often open with a brief invocation to a higher authority asking for blessing and wisdom;

WHEREAS, beginning with the Continental Congress and proceeding to the present day, such invocations have been a traditional and institutional act of local, state and national legislative bodies;

WHEREAS, the Kennewick City Council fully supports and upholds the First Amendment to the United States Constitution which guarantees freedom of religious expression;

WHEREAS, by this Resolution the Kennewick City Council intends to open regular public meetings of the Kennewick City Council with an invocation for the benefit of the Council that is open to, and reflective of, the diversity of faith present within the City;

WHEREAS, this Resolution is not a violation of any constitutional principle based upon previous rulings of various courts, including the United States Supreme Court's decision in *Town of Greece v. Galloway*, 572 U.S. 565, 134 S.Ct. 1811(2014), wherein the Court held that invocations to open public meetings are not in violation of the Constitution, but are deeply rooted in the history of the United States of America from its inception to the present day;

WHEREAS, by enacting this Resolution the Kennewick City Council does not intend to establish a religion; to advance, disparage or exclude one religion over another; nor to show preference to or persuade any person concerning beliefs of the volunteer providing the invocation or the content of the invocation;

NOW, THEREFORE,

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK,
WASHINGTON, AS FOLLOWS:

Section 1. Starting with the first regular city council meeting in November, 2022, the City Council will begin each regular city council meeting with an invocation presented by a volunteer representative from one of the various religious congregations located in the City of Kennewick pursuant to the procedures outlined in the attached "Exhibit A" incorporated herein by this reference.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 6th day of September, 2022, and signed in authentication of its passage this 6th day of September, 2022.

Attest:

W.D. MCKAY, Mayor

TERRI L. WRIGHT, City Clerk

RESOLUTION NO. 22-17 filed and recorded in the office of the City Clerk of the City of Kennewick, Washington, this 7th day of September, 2022.

Approved as to Form:

LISA BEATON, City Attorney

TERRI L. WRIGHT, City Clerk

EXHIBIT “A”

Council Meeting Invocation Procedures

1. There will be one invocation at the opening and ceremonial portion of each regular City Council meeting preceding all legislative business; the invocation should not exceed sixty (60) seconds.
2. The City will advertise at least once per year that it is seeking interested members of the public from any and all religious denominations or spiritual organizations with an established congregation located in the City of Kennewick to present invocations at the City Council meetings.
3. In cooperation with such groups, the City Clerk shall establish a list of religious and spiritual organizations located within the City of Kennewick. The list shall be available to the public and additional organizations shall be added at the request of any religious or spiritual organization located in the City of Kennewick. Notice of the opportunity to give the invocation will be sent to all organizations on the list. In cooperation with such groups, a sign-up procedure will be established by the City for scheduling interested volunteers.
4. Selection of volunteer invocation givers shall be nondiscriminatory and the contents of the invocation may be dictated by the beliefs of the individual or organization offering the invocation.
5. Invocations shall be scheduled on a first come first served basis, however, to allow opportunity for persons of different beliefs to participate, preference shall be given to persons who have not yet given an invocation over persons who have already done so. Further, invocation givers are limited to three regular meetings per year.
6. The person who will be providing the invocation must be the one who contacts the City Clerk to sign up. A third-party may not sign up others to provide an invocation.
7. No city employee or elected official, or anyone in attendance shall be required to participate in an invocation.
8. No city employee or elected city official shall screen, inquire about, or prescribe the content of invocations to be given.
9. No city employee, elected official, or attendee shall be required to stand during an invocation. Persons scheduled to provide an invocation shall be informed that they should not request that those present at the meeting stand for the invocation.
10. No compensation shall be given for providing an invocation, nor shall any fee be required to participate.



City Council Meeting Schedule October 2022

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

October 4, 2022

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

October 11, 2022

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. Water/Sewer Rate Study
2. Entertainment District Partnership Update (A-1 Pearl)
3. Kennewick Public Facilities District Expansion Update
4. Existing Facilities and Six-Year Capital Improvement Plan

October 18, 2022

Tuesday, 6:30 p.m.

REGULAR COUNCIL MEETING

October 25, 2022

Tuesday, 6:30 p.m.

WORKSHOP MEETING (the workshop meeting will be done via Zoom and broadcast on the City's website

<https://www.go2kennewick.com/CouncilMeetingBroadcasts>)

1. 2023 TPA Budget & Marketing
2. Animal Control Update
3. Comp Plan Amendments Part Two
4. 2023/2024 Biennial Budget Presentation

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