

**CITY OF CLARKSTON  
CITY COUNCIL AGENDA  
829 5<sup>th</sup> Street  
MONDAY, December 22, 2014**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL:**
- 4. AGENDA CHANGES:**
- 5. APPROVAL OF MINUTES:  
December 8, 2014, Regular Meeting**
  
- 6. COMMUNICATIONS:**
  - A. From the Public (Please limit comments to 3 minutes)**
  - B. From the Mayor**
  - C. From Staff or Employees**
  
- 7. COMMITTEE REPORTS:**
  - A. Finance – Audit Report on Current Bills**
  - B. Public Safety – December 16**
  - C. Public Works –**
  - D. Administrative/Intergovernmental – December 22**
  - E. Community Development – No meeting**
  
- 8. UNFINISHED BUSINESS:**
  - A. Ordinance No. 1535, 2014 Budget Amendment, 2<sup>nd</sup> Reading for Action**
  - B. Ordinance No. 1536, 2015 Annual Budget, 2<sup>nd</sup> Reading for Action**
  - C. Discussion and Recommendation on District Court Agreement (PS)**
  
- 9. NEW BUSINESS:**
  - A. Contract for Public Defense, Neil Cox**
  - B. Resolution No. 2014-18, Salaries for Non-represented Employees**
  - C. Resolution No. 2014-19, Position Allocation List**
  
- 10. COUNCIL COMMENTS**
- 11. MEDIA QUESTIONS**
- 12. EXECUTIVE SESSION – Litigation and Negotiations**
- 13. ADJOURN**

Time limits for addressing the council have been established by council direction. Presentations are limited to 15 minutes and public comments are limited to 3 minutes per person, per topic.

**CLARKSTON CITY COUNCIL MINUTES**  
**December 8, 2014**

COUNCIL:

<input checked="" type="checkbox"/> Beadles	<input checked="" type="checkbox"/> Nash
<input checked="" type="checkbox"/> Provost	<input checked="" type="checkbox"/> Baumberger
<input checked="" type="checkbox"/> Kolstad	<input checked="" type="checkbox"/> Blackmon
<input checked="" type="checkbox"/> Manchester	

STAFF:

Chief Hastings  Chief Cooper  Clerk Storey  City Attorney Grow  PWD Martin

**AGENDA CHANGES:**

**APPROVAL OF:** MOTION BY BEADLES/BLACKMON to approve the minutes of the November 24, 2014, Regular Meeting and November 17 and November 25, 2014 Budget Workshops. Motion carried.

**COMMUNICATIONS:**

**A. From the Public:**

**B. From Mayor:**

**C. From Staff:** PWD Martin said he spoke with Avista after a council inquiry about changing to LED street lights. Avista is planning to make that change, possibly next year.

**COMMITTEE REPORTS:**

**Finance:** Councilmember Provost reported the bills were reviewed and approved for payment. Total expenditures for November 30, 2014 of \$340.90 and for December 8, 2014 of \$695,182.74. MOTION BY PROVOST/BEADLES to approve the bills. Motion carried.

**Public Safety:** Committee met December 2. Councilmember Beadle said committee discussed placing signage to discourage panhandling. Chief Hastings presented an opportunity to apply for a Traffic Safety grant. Chief Cooper presented two FEMA grant opportunities, one for an exhaust system for the fire bay and one for the purchase of a brush truck. These items are all on the agenda. The Interlocal dispatch agreement and the dispatch contract between Whitcom and Asotin County were discussed and the district court issue was discussed.

**Public Works:** No meeting.

**Admin Committee:** Councilmember Manchester said committee met earlier today. There was no business to discuss.

**Community Development:** Councilmember Kolstad reported on the meeting held on December 2<sup>nd</sup>. There was nothing to report.

**UNFINISHED BUSINESS:**

**A. Ordinance No. 1533, Setting 2015 Sewer Rates – 2<sup>nd</sup> Reading for Action.**

Ordinance No. 1533 was read by title. MOTION BY NASH/BEADLES to approve Ordinance No. 1533. Motion carried; 6-1, Kolstad opposed.

**B. Ordinance No. 1534, Setting 2015 Sanitation Rates – 2<sup>nd</sup> Reading for Action**

Ordinance No. 1534 was read by title. MOTION BY NASH/BEADLES to approve Ordinance No. 1534. Motion carried.

**NEW BUSINESS:**

December 8, 2014, Regular Meeting

**A. Ordinance No. 1535, 2014 Budget Amendment – 1<sup>st</sup> Reading**

Ordinance No. 1535 was read by title.

**B. Ordinance No. 1536, 2015 Budget – 1<sup>st</sup> Reading**

Ordinance No. 1536 was read by title. Councilmember Beadles commented that in the General Fund the City is spending about \$500,000 more than our revenue and council needs to find a way to address that.

**C. Installation of Signs Discouraging Panhandling**

MOTION BY BEADLES/PROVOST to authorize the installation of the proposed signs. Chief Hastings said three sites have been identified as probable locations for the signs. Motion carried.

**D. Safety Grant Application**

MOTION BY BEADLES/ NASH to authorize application for the Traffic Safety Grant, which would be used to purchase a radar unit. Motion carried.

**E. FEMA Grant Application for Fire Brush Truck**

MOTION BY BEADLES/NASH to authorize the FEMA grant application to purchase a fire brush truck. Nash asked what the truck would be used for. Chief Cooper said it would carry 250 gallons of water and have 4-wheel drive to be used in large grassy areas and the bank between Riverview and the River. Councilmember Provost asked if there is a grant match. Chief Cooper said the City would have a 5% match. Motion carried.

**F. FEMA Grant Application for Fire Bay Exhaust System**

MOTION BY BEADLES/NASH to authorize application of this grant to install an exhaust system for the fire bay and purchase a thermal imaging camera. This also would require a 5% match. Motion carried.

**G. Bid Award, 13<sup>th</sup> Street Overlay Project**

PWD Martin said bids were opened for the 13<sup>th</sup> Street Project. Engineers estimate was \$754,388. Low bid was \$717,677.05 by Poe Asphalt. MOTION BY NASH/BEADLES to award the bid to Poe Asphalt at \$717,677.05. Martin clarified that the funding is reimbursable. The City's match is approximately \$106,000 which is coming from the sealcoating budget. Beadles asked if the project will address bicycles routes. Martin said it will be similar to how 15<sup>th</sup> Street was done. New ADA sidewalk ramps will be included in the project. Motion carried.

**H. 2015 Contract with Jim Grow, City Attorney**

MOTION BY MANCHESTER/BEADLES to approve the contract with Jim Grow for city attorney services. Motion carried.

**COUNCIL COMMENTS:**

**MEDIA QUESTIONS:**

**ADJOURNMENT:**

Meeting adjourned at 7:22 p.m.

\_\_\_\_\_  
Vickie Storey, City Clerk

\_\_\_\_\_  
Kathleen A. Warren, Mayor

Total Fund Expenditures, 11/30/14	Ck #20141101, 03,06, 11	\$340.90
Total Fund Expenditures, 12/08/14	Ck #57993-58071, 20141201	\$414,902.80
Payroll, 11/30/14	Ck #57946-92	\$280,279.94

## Public Safety Committee

Attendance: Chief Hastings, Chief Cooper, Bill Provost, Dick Jones, Terry Beadles

Dick applied to serve on the Public Safety Committee (2015). Approval will be presented to Council in a January meeting

Chief Cooper discussed the Whitcom contract; the committee will meet this week.

Chief Cooper reported that the Clearwater Paper agreement is in process and the use of the retired fire engine at Clearwater Paper is being discussed.

Chief Hastings reported that the signs to discourage panhandling are in process.

The committee would like to respond to county District Court letter. We agree an increase in court filing fees is justified. However, the fees should be at two different levels. A lower fee would cover infractions and a higher fee for criminal cases. Higher court costs would be introduced in criminal cases to help cover filing fees. The city would advocate monthly reports covering dismissals and non-payment fines. The city attorney will need to review the above items before a contract can be presented.

ORDINANCE NO. 1535

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, AMENDING ORDINANCE NO. 1519 WHICH ADOPTED THE 2014 BUDGET, AND AUTHORIZING THE NECESSARY ADJUSTMENTS.

WHEREAS, the City Council has determined that the 2014 budget should be amended to take into account variations in actual revenues and expenditures from those projected at the time of adoption of the 2014 budget, now therefore,

THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Budget Amended. Section 2 of Ordinance No. 1519 passed by the City Council on December 23, 2013, shall be increased and amended as follows:

	EXPENDITURES	OTHER FINANCING USES
CURRENT EXPENSE (001)	80,915	
SEWER O & M FUND (400)		14,000
STORMWATER O&M (409)		50,000
SANITATION (410)	(4,975)	(20,000)
SANITATION RESERVE (411)		25,000
<b>TOTALS</b>	<b>75,940</b>	<b>69,000</b>

Section 2. Duties of City Treasurer. The City Treasurer of the City of Clarkston, Washington; is authorized to make the necessary changes to the 2014 budget on or before December 31, 2014, as set forth in attached Exhibit A.

Section 3. Severability Clause. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect upon the signing hereof by the Mayor, attestation by the City Clerk and publication as required by law.

DATED the 22<sup>ND</sup> day of December, 2014.

Authenticated:

\_\_\_\_\_  
Kathleen A. Warren, Mayor

\_\_\_\_\_  
Vickie Storey, City Clerk

**BUDGET AMENDMENT No 2 - 2014  
ORDINANCE NO. 1535**

Account Description	Adopted Bdgt	Amendment	Amended Bdgt	Explanation
<b>GENERAL FUND</b>				
001 000 001 313 10 00 00	\$ 1,530,000	\$ 50,000	\$ 1,580,000	Increased revenue
001 000 001 316 41 00 00	\$ 510,000	\$ 40,000	\$ 550,000	Increased revenue
<b>TTL REVENUES</b>	\$ 2,040,000	\$ 90,000	\$ 2,130,000	
001 000 010 511 30 31 30	\$ 1,500	\$ 700	\$ 2,200	Changes to Municipal Code
001 000 010 511 60 41 60	\$ -	\$ 1,000	\$ 1,000	Court study
001 000 020 512 50 49 21	\$ -	\$ 1,800	\$ 1,800	Jury trial expense
001 000 040 514 20 48 10	\$ 2,000	\$ 1,200	\$ 3,200	Furnace repairs
001 000 040 594 14 64 20	\$ -	\$ 7,315	\$ 7,315	Software Purchased in 2013, billed in 2014
001 000 050 515 91 41 51	\$ 8,000	\$ 1,500	\$ 9,500	Court assigned
001 000 060 517 21 26 11	\$ 7,500	\$ 1,500	\$ 9,000	LEOFF I Med Exp
001 000 060 594 21 63 00	\$ -	\$ 62,600	\$ 62,600	Bond Claims (PS Building)
001 000 110 576 80 10 10	\$ 1,500	\$ 1,300	\$ 2,800	Overtime
001 000 110 576 80 47 00	\$ 17,000	\$ 2,000	\$ 19,000	Park Water
001 999 001 508 80 00 00	\$ 463,181	\$ 9,085	\$ 472,266	Adj End Balance
<b>TTL EXPENDITURES</b>	\$ 500,681	\$ 90,000	\$ 590,681	
<b>SEWER O&amp;M</b>				
400 000 140 597 35 00 41	\$ 360,000	\$ 14,000	\$ 374,000	Adjust for payment
400 999 140 508 80 00 00	\$ 602,025	\$ (14,000)	\$ 588,025	Adjust
<b>TTL EXPENDITURES</b>	\$ 962,025	\$ -	\$ 962,025	
<b>STORMWATER O &amp; M</b>				
409 000 049 389 10 00 00	\$ -	\$ 45,000	\$ 45,000	Match from Capital Fund
<b>TTL REVENUES</b>	\$ -	\$ 45,000	\$ 45,000	
409 999 049 581 20 00 00	\$ -	\$ 50,000	\$ 50,000	Pay back 2013 loan
409 999 049 508 80 00 00	\$ 8,890	\$ (5,000)	\$ 3,890	
<b>TTL EXPENDITURES</b>	\$ 8,890	\$ 45,000	\$ 50,000	
<b>SANITATION O &amp; M</b>				
410 000 150 397 00 00 00	\$ 150,000	\$ 25,000	\$ 175,000	Cover additional totes
<b>TTL REVENUES</b>	\$ 150,000	\$ 25,000	\$ 175,000	
410 000 150 537 80 26 10	\$ 97,600	\$ 25,000	\$ 122,600	Coverage changes
410 000 150 537 80 35 10	\$ 160,000	\$ 5,000	\$ 165,000	Additional Totes

**BUDGET AMENDMENT No 2 - 2014  
ORDINANCE NO. 1535**

	Account Description	Adopted Bdgt	Amendment	Amended Bdgt	Explanation
410 000 150 591 37 83 10	Loan Interest	\$ -	\$ 3,625	\$ 3,625	Interest payment
410 000 150 594 37 64 10	Vehicles	\$ 300,000	\$ (38,600)	\$ 261,400	Adjust for cost of truck
410 000 150 597 37 00 10	Trf to 411, Equip Reserve	\$ 20,000	\$ (20,000)	\$ -	No. transfer
410 999 150 508 80 00 00	Ending Balance	\$ 33,829	\$ 25	\$ 33,854	Adjust Ending Balance
	<b>TTL EXPENDITURES</b>	\$ 611,429	\$ (24,950)	\$ 586,479	
	<b>SANITATION EQUIP RSRV</b>				
411 000 151 397 37 00 10	Trf from 400	\$ 20,000	\$ (20,000)	\$ -	
411 000 151 597 00 00 00	Trf to 400	\$ 150,000	\$ 25,000	\$ 175,000	
411 999 151 508 80 00 00	Ending Balance	\$ 46,342	\$ (45,000)	\$ 1,342	
	<b>TTL EXPENDITURES</b>	\$ 196,342	\$ (20,000)	\$ 176,342	
	<b>TOTAL EXPENDITURES</b>				
	Other financing		\$ 75,940		
			\$ 69,000		

ORDINANCE NO. 1536

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, ADOPTING THE FINAL BUDGET OF THE CITY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2015 AND APPROVING AN ORDINANCE SUMMARY FOR PUBLICATION.

WHEREAS, the Mayor of the City of Clarkston, Washington, completed and placed on file with the city clerk a proposed budget and estimate of the amount the moneys required to meet the public expenses, reserve funds and expenses of government of the City of Clarkston for the fiscal year ending December 31, 2015, and a notice was published that the council of said city would meet on the 24th day of November, 2014, at the hour of 7:00 p.m., at Clarkston City Hall, 829 5<sup>th</sup> Street, Clarkston, Washington for the purpose of making and adopting a budget for said fiscal year and giving taxpayers within the limits of said city an opportunity to be heard upon said budget; and

WHEREAS, the City Council did meet at said time and place and did then consider the matter of the proposed 2015 budget; and

WHEREAS, the 2015 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Clarkston for the purposes set forth in said budget, and the estimated expenditures set forth in said budget being all necessary to carry on the government of the City of Clarkston for the 2015 fiscal year and being sufficient to meet the various needs of the City of Clarkston during the 2015 fiscal year.

NOW, THEREFORE, the City Council of the City of Clarkston do ordain as follows:

Section 1. The budget for the City of Clarkston, Washington, for the year 2015 is hereby adopted at the fund level in its final form and content as set forth in the document entitled 2015 FINAL BUDGET, CITY OF CLARKSTON, three (3) copies of which are on file in the Office of the Clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Clarkston, and aggregate totals for all such funds combined, for the year 2015 are set forth in summary form on Exhibit A (attached) and are hereby appropriated for expenditure at the fund level during the year 2015 as set forth on Exhibit A.

Section 3. The City Clerk is directed to transmit a certified copy of the budget hereby adopted to the Division of Municipal Corporations in the State Auditor's Office and the Association of Washington Cities.

Section 4. This ordinance shall be in force and take effect five (5) days after publication of the attached summary, which is hereby approved.

Dated this 22<sup>ND</sup> day of December, 2014.

\_\_\_\_\_  
Kathleen A. Warren, Mayor

Authenticated:

\_\_\_\_\_  
Vickie Storey, City Clerk

SUMMARY OF ORDINANCE NO. 1536  
OF THE CITY OF CLARKSTON, WASHINGTON

On December 22, 2014, the City Council of the City of Clarkston, Washington, approved Ordinance No. 1535, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF CLARKSTON, WASHINGTON, ADOPTING THE FINAL BUDGET OF THE CITY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2015 AND APPROVING AN ORDINANCE SUMMARY FOR PUBLICATION.

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of December 22, 2014.

\_\_\_\_\_  
Vickie Storey, City Clerk

Published: \_\_\_\_\_

2015 FINAL BUDGET  
 JANUARY 1, 2015

FUND	DESCRIPTION	BEG BAL	ACTUAL REVENUES	OTHER FINANCING SOURCES	ACTUAL EXPENDITURES	OTHER FINANCING USES	END BAL
001	CURRENT EXPENSE	\$ 1,051,961	\$ 3,481,050	\$ 127,630	\$ 3,900,100	\$ 240,620	\$ 519,921
004	CE RESERVE	\$ 586,161	\$ 1,000	\$ 70,000	-	\$ 30,000	\$ 627,161
006	EMP BENEFIT RESERVE	\$ 89,682	\$ 300	\$ 10,000	-	-	\$ 99,982
007	COMMUNITY PROJECTS	\$ 38,120	\$ 100	-	-	-	\$ 38,220
010	NATIONAL NIGHT OUT	\$ 3,411	\$ 500	-	\$ 1,050	-	\$ 2,861
011	VICTIM'S RIGHTS	\$ 49,958	\$ 5,100	-	\$ 10,500	-	\$ 44,558
016	VEHICLE REPLCMENT	\$ 321,204	\$ 128,800	-	-	\$ 154,345	\$ 295,659
017	D A R E	\$ 4,667	-	-	\$ 2,750	-	\$ 1,917
037	CDBG	\$ 32,154	-	-	-	\$ 25,000	\$ 7,154
102	RESCUE ONE	\$ 4,972	\$ 2,000	-	-	-	\$ 6,972
103	STREET FUND	\$ 214,788	\$ 1,301,500	\$ 90,000	\$ 1,582,840	-	\$ 23,448
105	STREET RESERVE	\$ 75,686	\$ 200	-	-	-	\$ 75,886

2015 FINAL BUDGET  
 JANUARY 1, 2015

FUND	DESCRIPTION	BEG BAL	ACTUAL REVENUES	OTHER FINANCING SOURCES	ACTUAL EXPENDITURES	OTHER FINANCING USES	END BAL
108	DRUG ENFORCEMENT	\$ 47,971	\$ 4,100	\$ -	\$ 13,000	\$ -	\$ 39,071
120	EMS / AMBULANCE	\$ 135,136	\$ 976,367	\$ 35,000	\$ 1,035,190	\$ 41,585	\$ 69,728
121	EMS CAP RESERVE	\$ 68,688	\$ 100	\$ 33,000	\$ -	\$ -	\$ 101,788
130	LODGING TAX FUND	\$ 539,253	\$ 86,200	\$ -	\$ 88,890	\$ -	\$ 536,563
202	MUNICIPAL CAP IMPRV	\$ 130,329	\$ 45,300	\$ -	\$ -	\$ -	\$ 175,629
400	SEWER O&M	\$ 666,979	\$ 1,739,500	\$ -	\$ 1,050,095	\$ 843,350	\$ 513,034
401	SEWER EQUIP RSRV	\$ 75,525	\$ 150	\$ 20,000	\$ -	\$ -	\$ 95,675
402	SEWER LINE RESERVE	\$ 475,778	\$ 1,700	\$ 20,000	\$ -	\$ -	\$ 497,478
403	SEWER CAPITAL REPLC	\$ 60,985	\$ 100	\$ 20,000	\$ -	\$ -	\$ 81,085
404	SEWER RESERVE	\$ 118,413	\$ 375	\$ -	\$ -	\$ -	\$ 118,788
405	WWTP CONSTRUCTION	\$ 1,151,636	\$ 1,000	\$ -	\$ 650,000	\$ -	\$ 502,636
406	SEWER REVENUE BOND	\$ 410,370	\$ 2,500	\$ 300,000	\$ 343,150	\$ -	\$ 369,720

2015 FINAL BUDGET  
 JANUARY 1, 2015

FUND	DESCRIPTION	BEG BAL	ACTUAL REVENUES	OTHER FINANCING SOURCES	ACTUAL EXPENDITURES	OTHER FINANCING USES	END BAL
407	PWTF LOAN	\$ 678	\$ -	\$ 400,650	\$ 47,700	\$ 352,950	\$ 678
408	SRF LOAN	\$ 84,678	\$ 100	\$ 82,700	\$ 21,190	\$ 61,730	\$ 84,558
409	STORMWATER O & M	17,095	298,100	60,000	339,330	30,000	5,865
410	SANITATION O&M	\$ 54,129	\$ 1,072,400	\$ 64,300	\$ 1,117,865	\$ 54,000	\$ 18,964
411	SAN. EQUIP RSRV	\$ 1,372	\$ 300	\$ 20,000	\$ -	\$ -	\$ 21,672
<b>TOTALS</b>		<b>\$6,511,779</b>	<b>\$ 9,148,842</b>	<b>\$ 1,353,280</b>	<b>\$ 10,203,650</b>	<b>\$ 1,833,580</b>	<b>\$4,976,671</b>

**BRIAN SHINN**  
COMMISSIONER, FIRST DISTRICT

**JIM JEFFORDS**  
COMMISSIONER, THIRD DISTRICT



P.O. BOX 250  
ASOTIN, WASHINGTON 99402-0250  
PHONE (509) 243-2060  
FAX (509) 243-2005

**JIM FULLER**  
COMMISSIONER, SECOND DISTRICT

**VIVIAN BLY**  
CLERK OF THE BOARD/BENEFITS

December 8, 2014

Kathleen Warren, Mayor  
City of Clarkston  
829 5<sup>th</sup> Street  
Clarkston WA 99403

re: District Court Services

Dear Mayor Warren:

The County is very aware of your reluctance to increase the fee in District Court considering the resulting impact on your budget. The old agreement is 21 years old. For the last five years, the County has been covering the majority of this cost overrun, last year alone representing a shortfall of over \$100,000. This year will be even worse. We are not in a position to continue providing services without a more equitable cost sharing for those services.

In May of this year, we invited your council to come to the table with us to jointly examine and determine legitimate cost factors and their apportionment to each entity receiving services. We have heard nothing from you, the council, so we are proceeding as planned with a December 31<sup>st</sup> deadline.

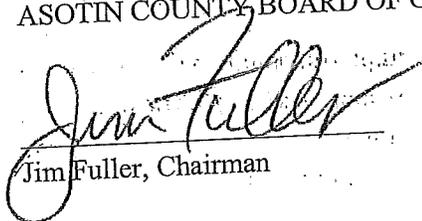
There are still a few days remaining wherein members from your council and our commission could sit down and discuss this. Adding another 60 days for you to work it through on your own will not bring you to the table. Coming to the table will not cost you anything but time and cooperation.

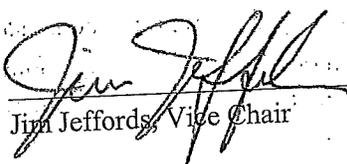
A couple of short term solutions would be for you to sign the agreement as provided, knowing that you have a built-in 60 day out clause for cancellation. Or, you can decide now to go your own way and set up a municipal court of your own.

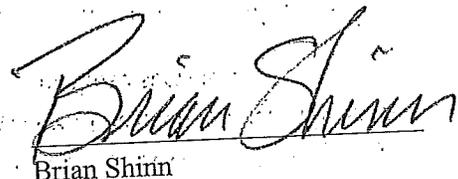
Shortly after the arrival of your City Clerk/Treasurer Vickie Storey, she pointed out to the that City Council the inefficiency of running your own municipal court. Perhaps a review of her calculations at the time would reveal that it hasn't gotten any less expensive to operate a municipal court.

We request that you choose one of these alternatives so everyone can proceed and plan their budgets. If we have not heard from you by December 31<sup>st</sup>, we will assume you are going your own way and we wish you well. We genuinely hope you see fit to proceed together.

Sincerely,  
ASOTIN COUNTY BOARD OF COMMISSIONERS

  
Jim Fuller, Chairman

  
Jim Jeffords, Vice Chair

  
Brian Shinn

## INDIGENT DEFENSE ATTORNEY CONTRACT

THIS AGREEMENT, effective the \_\_\_\_ day of \_\_\_\_\_, 201\_\_, between the CITY OF CLARKSTON, a municipal corporation, in and for the State of Washington, hereinafter referred to as "City," and NEIL P. COX, hereinafter referred to as "Attorney,"

**NOW, THEREFORE**, it is agreed by the parties hereto as follows:

### 1. Scope of Service

Except as set out below, the Attorney shall be responsible for representing or providing suitable representation for every person involved as a party defendant in a case before Clarkston Municipal Court, whenever court appointed counsel for such person is required by the Constitution or the laws of the states or the State of Washington, and such representation has not been lawfully waived except those who have a direct conflict with the Attorney, Neil P. Cox.

#### *(a) Additional Duties – Appeals*

Whenever a person represented by the Attorney requests an appeal from a matter filed in the Municipal Court for the City of Clarkston, from a violation of a City ordinance, the Attorney shall assist said person in subsequent remands to District Court. The Attorney's duties shall include developing pleadings essential to preserve the right of the party represented to appeal, including application for appointment of counsel, but shall not include general appellate court practice or work on said appeals other than necessary to preserve the right of appeal and shall not include appearances in the Appellate Courts for the arguments or otherwise, or the submitting of other appellate motions and/or briefs connected with the completion and/or prosecution of any such appeals.

#### *(b) Expenses*

All expenses incurred by the Attorney under this Contract, except the cost of obtaining investigative, expert, or other services necessary to an adequate defense, shall be the sole responsibility of the Attorney, PROVIDED, HOWEVER, that the Attorney shall seek and obtain approval of the Court prior to incurring any expenses or investigative experts or other JcrR2.11(f)-type expenses for which additional payment will be requested.

### 1. Manner of Service

Services provided by the Attorney pursuant to this Contract shall be performed in a prompt and competent manner, in accordance with the rules and decisions of the Courts of this State, and the Lawyers' Code of Professional Responsibility. The non-extraordinary services to be provided by the

Attorney, insofar as applicable and necessary in any given case, shall include counseling, general investigation, preparation of motions and court papers, hearings and trial work, post trial motions, defense, pre-sentence reports, and other services as would normally be provided by private counsel.

## 2. Performance

The Attorney's performance shall commence January 1, 2015, and shall terminate December 31, 2015, both dates inclusive. Subject to other terms and conditions contained herein, the Attorney must provide representation for those qualified people who, during said period, request the assistance of appointed counsel and for whom appointed counsel is not provided for under some other agreement. It is also understood by all parties hereto that the Attorney's obligation to provide representation pursuant to this Contract includes only representation during the term of this Agreement; provided, however, that the Attorney hereby agrees to make a good faith and diligent effort to complete all cases during said contract period.

## 3. Payment

In consideration for Attorney's performance hereunder, the City shall pay the Attorney \$3,000.00 per month until termination, at an annual amount not to exceed \$36,000.00. This first payment is due on the last day of the month in which performance commences, and each succeeding payment is due on the last day of each month thereafter.

## 4. Termination

This Agreement may not be terminated by either party without good and sufficient legal cause, and only after sixty (60) days' written notice has been delivered to either party.

## 5. Determination of Indigence

For the purposes of this Contract, a person is indigent when a judge has determined, in accordance with any applicable law or court rule, that such person is financially unable to obtain the service of an attorney at law. However, any person arrested and held in custody for a crime and who claims to be indigent shall be represented by the Attorney until a magistrate determines that such person is not indigent and permits the Attorney to withdraw. The Attorney shall provide the City's law enforcement agency with the name and telephone number of the Attorney to be provided to person's claiming the right to court appointed legal counsel for violations of municipal

ordinances in each instance where the Attorney undertakes to represent an indigent person. The Attorney shall make an inquiry into such person's financial ability to employ private counsel unless such information has already been provided to the Court. The Attorney shall report to the Court any improvement in the person's financial condition which occurs subsequent to the initial appointment of counsel.

6. Assignment

Attorney shall not assign or subcontract his responsibility for performance of this Agreement without prior written approval of the City.

7. Insurance

During the life of this Contract, Attorney shall maintain errors and omissions insurance and shall include anyone else acting for or on behalf of the Attorney in the performance of this Contract as an additional named insured on such policy. Such insurance shall be obtained from any insurance company authorized to do business in the State of Washington and shall have policy limits of one million dollars (\$1,000,000.00) or more.

8. Records

The Attorney agrees to make and maintain a record of time and expenses incurred in the performance of this Agreement.

9. Claims

The Attorney agrees to submit a claim to the City Clerk of the City of Clarkston on forms approved by said Clerk for compensation in accordance with Contract terms set forth herein.

10. Affirmative Action: Non-discrimination in Employment

During the performance of this Contract the Attorney shall comply with the Washington "Law Against Discrimination" and should any part of the performance contemplated hereunder be financed by federal funds, the Attorney shall comply with all applicable federal laws against discrimination in employment. Satisfactory performance of this clause by the Attorney shall

include, but not be limited to, the following:

- (a) During the performance of this Contract, the Attorney shall not discriminate against any employer or applicant for employment because of race, color, religion, sex, national origin, creed, marital status, age, or the presence of any sensory, mental or physical handicap.
- (b) The Attorney shall ensure that applicants are employed and that employees are treated during employment without discrimination because of their race, color, religion, sex, national origin, creed, marital status, age, gender identity or expression, sexual orientation or the presence of any sensory, mental or physical handicap.

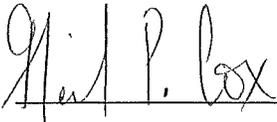
Performance under (a) and (1) above shall include but not be limited to employment upgrading, demotion or transfer, recruitment, advertising, lay-off or termination, rates of pay, or other forms of compensation and programs for training, including apprenticeships, unless such distinctions are based upon a bona fide occupational qualification.

1. Pending cases

It is understood that the Attorney shall be responsible for assuming and completing all pending cases involving indigent appointments during the terms of this contract.

DATED this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

ATTORNEY

  
\_\_\_\_\_

NEIL P. COX

CITY OF CLARKSTON

\_\_\_\_\_  
MAYOR

**RESOLUTION NO. 2014-18**

**A RESOLUTION OF THE CITY OF CLARKSTON, WASHINGTON, ESTABLISHING SALARIES FOR NON-REPRESENTED EMPLOYEES.**

WHEREAS, the City Council of the City of Clarkston determines the annual salary for non-represented employees;

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

Effective January 1, 2015 the following base salaries shall be in effect for the non-represented employees:

Fire Chief	\$72,905.00	Annually
Police Chief	\$72,905.00	Annually
Public Works Director	\$72,905.00	Annually
City Clerk/Treasurer	\$72,905.00	Annually
Commander, Police Dept.	\$ 5,855.00	Monthly

DATED this 22<sup>nd</sup> day of December, 2014.

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Kathleen A Warren, Mayor

ATTEST:

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Vickie Storey, City Clerk

**RESOLUTION NO. 2014-19**

A RESOLUTION OF THE CITY OF CLARKSTON, WASHINGTON, ESTABLISHING THE 2015 POSITION ALLOCATION LIST.

THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Position Allocation List Approved. The 2015 Position Allocation List as set forth on Exhibit A, which is attached hereto and incorporated herein by this reference as if set forth in full, is hereby approved.

Section 2. Effective Date. All allocations for the various positions indicated on the attached Exhibit A will become effective January 1, 2015.

DATED this 22<sup>ND</sup> day of December, 2014.

\_\_\_\_\_  
Kathleen A Warren, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Storey, City Clerk

EXHIBIT A  
RESOLUTION NO. 2014-19  
2015 POSITION ALLOCATION LIST

REPRESENTATION:

F - International Association of Fire Fighters - Local 2299

L - Street/Sanitation/Sewer/ Supervisory/Administrative - Local 1476-ACL-C

P - Clarkston Police Officers Guild

PS -Police Support

OTHER:

C - Contract

E - Elected

N - Non-Represented

T - Temporary

V – Volunteers

R – Reserves , Fire/Ambulance

(M) FLSA EXEMPTIONS:

CURRENT EXPENSE FUND

LEGISLATIVE

E Councilmember

\*E 7\*

EXECUTIVE

E Mayor

\*E 1\*

FINANCIAL AND RECORDS SERVICES

(ALSO see Street, Sewer and Sanitation for all positions in this unit)

N (M) City Clerk/Treasurer (25% Time)

L Deputy Clerk/Treasurer (25% Time)

L Deputy Clerk/Treasurer (13% Time)

L Secretary, (16% Time)

\*N .25 - L .54

LEGAL

C City Attorney

\*C 1.0\*

## LAW ENFORCEMENT

N (M) Police Chief  
N Commander  
P Senior Sergeant  
P Senior Sergeant  
P Jr./Senior Sergeant  
P Police Officer 1st, 2nd or 3rd Class - Investigator  
P Police Officer 1st, 2nd or 3rd Class  
P Recruit/Police Officer 1st, 2nd or 3rd Class  
P Police Officer 1st, 2nd or 3rd Class - DARE  
P Police Officer 1st, 2nd or 3rd Class – Narcotics  
P Police Officer 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class – School Resource Officer  
PS Records Clerk  
PS Support Services Specialist, .5 FTE  
PS Support Services / Animal Control, .5 FTE  
V Reserves/Volunteers  
\*P 12.0 - PS 2.0 - N 2.0

## FIRE CONTROL

N (M) Fire Chief (70% Time)  
F Fire Captain  
F Firefighter 1st, 2nd or 3rd Class  
F Firefighter 1st, 2nd or 3rd Class  
F Firefighter 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class  
F Firefighter, 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class  
F Firefighter, 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class  
L Secretary, .75 FTE (75% Time)  
V Volunteer(s)  
R Reserves  
\*N .7 - F 6.00 - L .56

## HOUSING AND COMMUNITY DEVELOPMENT

N (M) Public Works Director/Building Inspector (35% Time)  
L Building Inspector / Code Enforcement  
\*N .35 – L 1.0\*

## PARKS

L Park Caretaker (Parks, Streets, Sanitation Rover)  
T Seasonal Park Laborer  
\*L 1.0 – T .5\*

SUMMARY:

E - 8.00\*\*  
F - 6.00  
L - 3.14  
N - 3.30  
P - 12.00  
PS - 2.0  
T - .5

CURRENT EXPENSE TOTAL ALLOCATED POSITIONS

\*26.94\*

\*\* Not included in totals.

AMBULANCE / EMS

N (M) Fire Chief (30% Time)  
F Fire/EMS Captain  
F Fire/EMS Captain  
F EMT/Paramedic 1st, 2nd or 3rd Class  
F EMT/Paramedic 1st, 2nd or 3rd Class  
F EMT/Paramedic 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class  
F EMT/Paramedic 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> Class  
L Secretary, .75 FTE (25% Time)  
V Volunteer(s)

\*N .3 - F 6.00 - L .19

EMS TOTAL ALLOCATE POSITIONS

\*6.45\*

STREET

Administrative Positions:

N (M) City Clerk/Treasurer (25% Time)  
L Deputy Clerk/Treasurer (15% Time)  
L Secretary (10% Time)

N (M) Public Works Director (17.5% Time)  
L Superintendent - (70% Time)  
L Equipment Operator  
L Equipment Operator  
L Equipment Operator  
\*N .425 - L 3.95

SUMMARY:

L - 3.95  
N - .425

STREET TOTAL ALLOCATED POSITIONS

\*4.375

SANITATION

Administrative Positions:

- N (M) City Clerk/Treasurer (25% Time)
  - N (M) Public Works Director (23.5% Time)
  - L Deputy Clerk/Treasurer (30% Time)
  - L Deputy Clerk/Treasurer (35% Time)
  - L Secretary (35% Time)
  
  - L Street Superintendent (30% Time)
  - L Driver
  - L Driver
  - L Driver
  - L Driver
  - L Driver - Yardwaste
  - T Seasonal (.5)
- \*N .485 - L 6.30 - T 0.5\*

L - 6.30  
N - .485  
T - .5

SANITATION TOTAL ALLOCATED POSITIONS

\*7.285

SEWER

Administrative Positions:

- N (M) City Clerk/Treasurer (25% Time)
  - N (M) Public Works Director (24% Time)
  - L Deputy Clerk/Treasurer (30% Time)
  - L Deputy Clerk/Treasurer (35% Time)
  - L Secretary (35% Time)
  
  - L Superintendent
  - L Sewer Plant Operator
  - L Sewer Plant Operator
  - L Sewer Plant Operator
  - L Sewer Plant Operator
- \*N .49 - L 5.83 \*

L - 6.0  
N - .49

SEWER TOTAL ALLOCATED POSITIONS

\*6.49\*

STORMWATER

Administrative Positions:

L Deputy Clerk/Treasurer (17%)  
L Secretary (14%)  
\* L .31 \*

\*.31\*

SUMMARY ALL DEPARTMENTS:

TOTALS

E - 8.00\*\*  
F/EMS - 12.00  
N - 5.00  
L - 19.75  
P - 12.00  
PS - 2.0  
T - 1.0

TOTAL ALLOCATED POSITIONS (\*\* Not included in totals)

\*51.75

Elected: 8.00

Total: 59.75