

**CITY OF CLARKSTON
CITY COUNCIL AGENDA
829 5th Street
MONDAY, June 9, 2014**

- 1. CALL TO ORDER: 7:00 P.M.**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. ROLL:**
- 4. AGENDA CHANGES:**
- 5. APPROVAL OF MINUTES:
May 27, 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 –**
 - C. Public Works –**
 - D. Administrative/Intergovernmental –**
 - E. Community Development –**
- 8. UNFINISHED BUSINESS:**
 - A.**
- 9. NEW BUSINESS:**
 - A. Michelle Peters, Update on Hells Canyon Visitor Bureau (CD)**
 - B. Resolution No. 2014-07, Surplus Bicycles**
 - C. Resolution No. 2014-08, Interlocal between City and Transportation Benefit District**
- 10. COUNCIL COMMENTS**
- 11. MEDIA QUESTIONS**
- 12. 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
May 27, 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 type="checkbox"/> Blackmon, excused
<input checked="" type="checkbox"/> Manchester	

STAFF:

Chief Hastings Clerk Storey City Attorney Grow PWD Martin
Motion by Beadles/Nash to excuse Councilmember Blackmon.

AGENDA CHANGES:

Councilmember Beadles asked to add authorization of a letter of appreciation under New Business.

APPROVAL OF MINUTES: MOTION BY BEADLES/MANCHESTER to approve the minutes of the May 12, 2014, Regular Meeting. Motion carried, 5-1. Kolstad abstained.

COMMUNICATIONS:

A. From the Public:

Connie Hawkins, 950 Vineland Drive, said the moratorium on marijuana has been in effect for a year and a half. She is interested in seeing if medical marijuana can help her. She said waiting another six months is a hardship and a lot of pain for a lot of people. She thinks it is unreasonable to take another six months to decide on the issues and take action.

Councilmember Beadles explained that medical and recreational marijuana are two different issues. He suggested she speak with her doctor. City Attorney Grow commented that there are many medical marijuana cards in the city, so there must be doctors issuing them. Mayor Warren added that the city is looking at regulations for recreational marijuana, not medical marijuana.

Councilmember Kolstad said there are many conditions that you can't get a medical marijuana card for. It might require visiting a doctor from out of the area and there is

Lawrence Casciato, no address given, said within three houses of his front door someone is growing and selling marijuana and others are using it. He said it is all over the valley and wonders why there is a moratorium since its use is so prevalent.

Jill Eckberg, 1126 5th Street, congratulated the council on their progress on the automated garbage process. Eckberg said she thinks the TBD and \$20 fee is a way to nickel and dime to fix potholes. She suggested a fuel tax or property tax increase. She said there has been a little progress with the vehicles in her neighborhood that she has complained about previously. She commented there are still cars in her neighborhood that are licensed in Idaho. There is also a pickup filled with junk, a boat that hasn't been licensed since 2008. She addressed weed problems, suggested an informative insert be put in the utility bills each month.

Marvin Jackson, 1148 5th Street, Port Commissioner, said he provided a letter to each of the councilmembers. He said he has been concerned for several years about the condition of the city. He previously owned a weed spraying business and spent many years spraying weeds. He asked who is minding the city? He suggested someone on the council could be overseeing things. He said many cities are better cared for than Clarkston. He said he has never seen any of the council at a Port meeting. He commented that the Port is bringing in new jobs.

Lawrence Casciato said he has lived here for fifteen years. He commented that this is a safe town but you don't see people walking around in the evenings. He said there should be concerts in the park or other activities to bring people out. He asked who to talk to about getting events started. Councilmember Nash suggested he talk to Community Development committee.

B. From the Mayor:

C. From Staff:

COMMITTEE REPORTS:

Finance: Councilmember Provost reported the bills were reviewed and approved for payment. Total expenditures for May 12, 2014, of \$251,782.80. MOTION BY PROVOST/BEADLES to approve the bills. Motion carried.

Provost said the committee also reviewed the annual financial report for 2013. He said it was a very clean report and there were no discrepancies noted.

Public Safety: No meeting.

Public Works: No meeting

Admin Committee: Councilmember Manchester said committee met on May 27. There was nothing to report.

Community Development: No meeting.

PUBLIC HEARING:

Public Hearing on the Extension of a Moratorium on Recreational Marijuana Related Businesses

Mayor Warren opened the public hearing at 7:25 p.m.

PWD Martin stated that the Planning Commission met on May 19. They voted to recommend an extension of the moratorium while they continue to review a couple of issues, but expect to make a recommendation to the council soon. He feels the process could be completed within three months.

Councilmember Kolstad said that he will not be voting because of his relationship with an applicant. He asked whether a moratorium that has expired can be extended. City Attorney Grow said he spoke with MRSC today. There might be some question if an application had been received between the expiration of one and the extension. But there is no reason the moratorium cannot be extended while the zoning issues are resolved.

Sherry Grant, 508 Sycamore, said she is very familiar with addiction because of her work experience. She thanked the council for taking a careful approach. She said the more it is out there, the more normal it seems. Kids will do what they see adults do. She said legalizing it will not stop the black market. She urged the council to look what is happening in other areas and do some research before making a decision.

Connie Hawkins, 950 Vineland Drive, Apt 39, commented that alcohol has probably destroyed more lives than any other drug and is now more readily available since it was privatized. She said she doesn't see what the big difference is with marijuana. She said alcohol was responsible for 89,000 deaths last year. She has not seen any statistics on marijuana. She said kids will obtain it regardless. Councilmember Provost asked Mrs. Hawkins if she was for or against marijuana. She said she is for it.

Marvin Jackson, 1148 5th, said he takes several elderly people out for coffee most days. One of them is in constant pain. He obtained a prescription for marijuana and said he is able to sleep now. Jackson said there are many uses for medical marijuana. It would be regulated and labeled and better than buying on the black market where you don't know what you are getting.

David Domolecny, 1430 Chestnut, said he is opposed to marijuana. He said I-502 does not address medical marijuana, so medical users have certain resources to obtain it, including the black market. He commented that there seems to be no tracking for those who purchase to keep people from purchasing multiple times a day.

Matt Plemmons, 1316 12th Street, said he attended the Planning Commission meeting last week. He said they seemed to be set against an area on Highland Ave that is a location he was interested in. He has since researched other locations that would be outside the buffer zone and in the area that appears to be an area that the Planning commission is considering allowing.

Jill Eckberg confirmed that the taxes collected will not come to the city. She said she doesn't think the moratorium should drag on forever. Eckberg said parents should be policing their own children and the kids shouldn't be used as an excuse. She believes there would be opportunities in tourism.

Kelly Jackson, a retail applicant, disputed that the city won't get any funding. He believes there is money for law enforcement. He has heard that cities that ban marijuana won't get any tax revenue. He said the day that the growers, processors and retail stores open, 80 new jobs will be created. Jackson said the regulations require security, traceability, sales, and management for retail stores and that doesn't address the growing and processing.

Melissa Welter, representing EPIC, thanked the council. She said extending the moratorium does not appear to be popular. Welter asked Chief Hastings if a search warrant is needed to take a blood test for a marijuana DUI. Hastings said it would be. He estimates it will take about one and a half hours to process a DUI. She again expressed concern about the edibles and children obtaining them. She suggested that at least edibles be banned.

Mayor Warren asked Chief Hastings about the tax revenue. Hastings said the city will get the normal sales tax that comes from any retail sale. None of the excise tax will come directly to the city.

Councilmember Kolstad commented that the majority of Clarkston voters voted in favor of I-502. He asked who on the council is looking out for those voters. He commented that it appears fear and morality are being used to make a decision and doesn't feel that has any place in the discussion. He thinks the council is failing in its responsibilities to the voters.

Councilmember Beadles said the city needs to be cautious. He said the city needs to get it right to minimize the consequences.

Councilmember Nash said most people has talked to seem to be in favor of medical marijuana and he

Councilmember Provost said that it seems wrong that the council should represent those who voted in favor and not those who did not.

Rob Sinner, 1333 Maple, said he didn't vote for our president, but it doesn't make him any less the president. He said the cannabis law has already been adopted, so it is wrong of the council to try to legislate morality. He commented any number of new jobs in Clarkston would be a good thing. The public hearing was closed at 8:03 p.m.

UNFINISHED BUSINESS:

A. Ordinance No. 1522, Authorizing Acquisition & Financing of Fire Engine – 2nd Reading

Ordinance No. 1522 was read by title. MOTION BY BEADLES/BAUMBERGER to approve Ordinance No. 1522. Motion carried.

Break at 8:05 to change the recording disk.

B. Ordinance No. 1523, Authorizing Acquisition & Financing of Refuse Truck – 2nd Reading

Ordinance No. 1523 was read by title. Clerk Storey said the total amount was increased to \$240,000 to cover some additional totes. MOTION BY BAUMBERGER/PROVOST to approve Ordinance No. 1523. Motion carried.

C. Ordinance No. 1524, Extending Moratorium on Recreational Marijuana Related Businesses – 2nd Reading

Ordinance No. 1524 was read by title. MOTION BY PROVOST/BEADLES to approve Ordinance No. 1524. Motion carried, 4-1-1; Baumberger opposed, Kolstad abstained.

D. Ordinance No. 1525, Establishing a Transportation Benefit District – 2nd Reading

Ordinance No. 1525 was read by title. MOTION BY BAUMBERGER/BEADLES to approve Ordinance No. 1525. Motion carried, 5-1, Kolstad opposed.

E. Ordinance No. 1526, Pocketinet Franchise – 2nd Reading

Ordinance No. 1526 was read by title. MOTION BY BEADLES/NASH to approve Ordinance

No. 1526. Motion carried.

F. Letter of Appreciation

MOTION BY BEADLES/KOLSTAD requesting the mayor to send a letter of appreciation to Kris Rathbun for the murals at Beachview Park.

NEW BUSINESS.

COUNCIL COMMENTS:

Baumberger said Public Works Committee will be reviewing the steps to move forward with the TBD. Provost said he will not be here for the next council meeting.

MEDIA QUESTIONS:

EXECUTIVE SESSION: - Negotiations

Council adjourned to executive session at 8:15 p.m. to discuss negotiations. Anticipated length of session is 5 minutes and there will be no decisions as a result. Council returned to open session at 8:21 p.m.

ADJOURNMENT:

PWD Martin commented that staff does address complaints as they come to us, but we can't fix something that we don't know about. .

Meeting adjourned at 8:23 p.m.

Vickie Storey, City Clerk

Kathleen A. Warren, Mayor

Total Fund Expenditures, 5/27/14	CK #56514, 56539-78, 4/2014 excise	\$121,612.66
Payroll, 5/15/14	CK #56515-38	\$251,782.80

RESOLUTION NO. 2014-07

**A RESOLUTION DECLARING BICYCLES SURPLUS AND
AUTHORIZING DISPOSITION OF SAID PROPERTY.**

WHEREAS, RCW 63.32.50 provides for disposal of unclaimed bicycles by donation to charity; and

WHEREAS, the City of Clarkston is in possession of 53 miscellaneous bicycles and scooters per the attached list, which have been determined to be unclaimed after attempts to locate the rightful owners; and

WHEREAS, the City Council has deemed said property to be surplus and believes the best means of disposal is to donate the bicycles to a nonprofit organization for distribution to the needy, per RCW 63.32.050; and

NOW THEREFORE, IT IS HEREBY RESOLVED that the City Council of the City of Clarkston, State of Washington, does hereby declare the aforementioned property to be surplus and authorizes the Chief of police to donate the listed bicycles to the Valley Boys and Girls Club for distribution to needy children.

DATED this 23th day of June, 2014.

Kathleen A. Warren, Mayor

Authenticated by:

Vickie Storey, City Clerk

06/03/14
12:56

Clarkston Police Department
LAW Incident Table:

Incident

Incident Number: 14P02812 Nature: Other Calls
Case Number: Image:
Address= 830 Fifth St
City: CLARKSTON State: WA ZIP: 99403
Area: CPDA Clarkston Poli Contact: LaWanna

Complainant

Numbr: 236907
Last: CLARKSTON POLICE DEPARTMENTFst: Mid:
DOB: / / SSN: - - Adr= 830 Fifth St
Race: Sx: Tel: (509)758-1680 Cty: CLARKSTON ST: WA ZIP: 99403

Details

Offense Codes: NC Reported: Observed:
Circumstances:
Rspndg Officers: LaWanna Finch
Rspnsbl Officer: Agency: CPD CAD Call ID:
Received By: LaWanna Finch Last RadLog:
How Received: P In Person Clearance:
When Reported: 11:55:42 05/30/14 Disposition: ACT Disp Date: 05/30/14
Occurrd between: 11:55:42 05/30/14 Judicial Sts:
and: 11:55:42 05/30/14 Misc Entry: Bike Donate
MO:

Narrative

Narrative: (See below)
Supplement: (See below)

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INVOLVEMENTS:

Type	Record #	Date	Description	Relationship
NM	236907	05/30/14	CLARKSTON POLICE DEPARTMENT,	*Complainant

LAW Incident Offenses Detail:

Seq Code	Offense Codes	Amount
1 NC	Not Classified	0.00

LAW Incident Responders Detail
Responding Officers

Seq	Name	Unit
1	LaWanna Finch	C107

Incident M.O. Detail:

Seq	Factor	Modus Operandi	Method
1			

Narrative:

BIKE DONATION AUTHORIZATION REQUEST:

I am the custodian of all properties, items of evidence and found items that come into the possession of the Clarkston Police Department. I have reviewed the following property documents and hereby attest they are bicycles and/or misc items that have been unclaimed and/or their proper owners cannot be identifies.

I hereby request authorization to dispose of the listed items in accordance with RCW 63.62.50 by donating items to the Valley Boys & Girls Club.

TOTAL OF 53 BIKES*** See attached list.

This action is pending receipt of Resolution from the Clarkston City Council.

Requested by: _____
LaWanna Finch, Evidence

Approved by: _____
Joel Hastings, Chief Of Police

Witnessed by: _____

Date: _____

Law Supplemental Narrative:

Seq Name Date Supplemental Narratives
 1 LaWanna Finch 12:29:29 05/30/14 Narrative
 SEE ATTACHED LIST OF BICYCLES FOR DONATION:

Case#	Tag#	Description
13P01108	00807	GRY MONGOOSE REBEL
13P01108	00808	BLK DIAMONDBACK 20" BOYS
13P01144	00806	COM/RED MONGOOSE 21 SPEED
13P01886	00805	ONG/BLK GENESIS TWENTY NINE
13P02171	4624 (ON FLOOR)	BRO/GRN UNK BRAND
13P02783	00804	GRY MONGOOSE OUTER LIMIT
13P02845	00803	BLK/TAN HUFFY NEL LUSSO
13P02850	00802 (RW3 HK3)	BLU HUFFY MOUNTAIN BIKE
13P02873	00801	BLK HUFFY MOUNTAIN 18 SPEED
13P03404	??? (ROW 3)	RED/GRY RAND TURBO CYCLE
13P03716	003404 (ROW 3)	RED HUFFY BARON
13P03802	4627	PNK/BLK NEXT PRETTY N PINK
13P03802	4628	LGR HOT WHEELS CHILDS
13P03885	4629 (ROW 2)	BLK/PLE BMX
13P03989	4630	BLK/PNK MONGOOSE MOUNTAIN
13P04012	4631 (ROW 1)	BLU NEXT
13P04053	4632 (RACK 2)	GRN/BLK GT TIMBERLINE
13P04125	4633 (RACK 2)	CRM/BLK NEXT BMX
13P04232	4634	RED SCHWINN MEN'S 10 SPEED
13P04455	4637 (ROW 1)	BLU/SIL RHINO AMPLIFIER
13P04467	4638	BLU/RED HUFFY ROCKIT
13P04510	4639 (ROW 1)	TEAL BACK COUNTRY MOTIVE
13P04551	4640 (ROW 2)	RED/WHI MONGOOSE TEAM USA
13P04683	4641 (ROW 1)	PNK/WHI NEXT PRETTY N PINK
13P04841	4642	MAR/GRY NEXT
13P04910	4644 (ROW 1)	PNK NEXT SLUMBER PARTY
13P04925	4645 (ROW 2)	WHI OVERLANDER MOUNTAIN BIKE
13P04968	4646	BLK/WHI NEXT MOUNTAIN
13P05030	4647	PLE MAGNA GIRLS 21 SPEED
13P05063	4648	COM/BLK MONGOOSE HOOP D
13P05160	4649	PNK/PNK NEXT MISTY
13P05245	4650 (ROW 2)	PLE/SIL UNK BRAND
13P05245	4651 (ROW 2)	BLK UNK BRAND BMX STYLE
13P05274	??? (ROW 1 HK 8)	SIL/BLK MONGOOSE MGX
13P05497	4654 (ROW 1)	ONG UNK BRAND BMX STYLE
13P05872	4655 (ROW 2)	YEL AQUARIUS GIRLS 10 SPEED
13P05873	799 (ROW 1 HK 3)	BLK/SIL MONGOOSE XR200
13P05884	4656	BLU KENT GIRLS
13P06034	4657 (ROW 1)	BLU HUFFY LOW DOWN
13P06339	00814 (ROW 1 FLOOR)	ROADMASTER GIRLS (2 FLAT TIRES)
13P06587	4288	GRY/YEL HUFFY MAJAVE GULCH
13P06769	4284 (ROW 1 FLOOR)	COM/PLE NEXT 18 SPEED
13P06811	4658 (ROW 1 FLOOR)	SIL/BLK SHIMANO EQUIPPED
13P06878	???	BLK/BLU VERTICAL MTM TAMER
13P07020	486 (ROW 1 FLOOR)	ONG/SIL NEXT ROCKCLIMBER
14P00030	4298	BLK/GRY HAVOC FS HYPER
14P00169	??? (FLOOR)	BLU UNK BRAND MT BIKE
14P00478	4270	ONG/BLU PACIFIC EXPLORER 18 SP BOYS

14P00765
14P01163
14P01391
14P00601
14P01828

4262 (FLOOR)
4296
4255 (ROW 1 FLOOR)
4265
4292

YEL/BLU WHAMO-0 SNOWBOOGIE BOARD
MAR GT PALOMAR
MONGOOSE 21 SPEED
DOUBLE STROLLER
PNK ROADMASTER MT SPORT

RESOLUTION 2014-08__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLARKSTON APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSTON, WASHINGTON AND THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT WHICH PROVIDES FOR THE COORDINATION OF THEIR EFFORTS IN ORDER TO PURSUE THEIR INDIVIDUAL, JOINT AND MUTUAL RIGHTS AND OBLIGATIONS TO MAINTAIN AND PRESERVE STREETS AND RELATED TRANSPORTATION INFRASTRUCTURE WITHIN THE CITY OF CLARKSTON, WASHINGTON

WHEREAS, the City Council of the City of Clarkston found it to be in the best interest of the City to establish a citywide Transportation Benefit District for the operation, preservation and maintenance of the City's streets and related facilities and programs consistent with Chapter 36.73 RCW, to protect the City's long term investments in that infrastructure, to reduce the risk of transportation facility failures and improve safety, to continue optimal performance of the infrastructure over time, and to avoid more expensive infrastructure replacements in the future; and

WHEREAS, in Ordinance 1525 the City Council of the City of Clarkston established a Transportation Benefit District as authorized by RCW 35.21.225 and subject to the provisions of RCW 36.73; and

WHEREAS, the Clarkston Transportation Benefit District will collect, through the Washington State Department of Licensing, vehicle fees in accordance with Ordinance No. 2014-TBD-02 but lacks internal staff to manage its daily affairs;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CLARKSTON, WASHINGTON RESOLVES AS FOLLOWS:

Section 1. The Interlocal Agreement between the City of Clarkston and the Clarkston Transportation Benefit District attached hereto as Exhibit "A" is hereby approved.

This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the City Council at its regular meeting held on _____, 2014.

Kathleen A Warren, Mayor

ATTEST:

Vickie Storey, City Clerk

EXHIBIT "A"

AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLARKSTON, WASHINGTON, AND THE CLARKSTON TRANSPORTATION BENEFIT DISTRICT

This agreement between the City of Clarkston, Washington ("Clarkston"), and the Clarkston Transportation Benefit District ("TBD"), each of whom is organized as a Municipal or Quasi--Municipal Corporation under the laws of the state of Washington, is dated this ____ day of May, 2014.

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local governmental units to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage;

WHEREAS, Clarkston is empowered to operate, maintain, construct, and reconstruct, public street infrastructure within its city limits in accordance with the powers granted pursuant to RCW 35A.11.020 and Chapter 35A.47 RCW;

WHEREAS, pursuant to Ordinance 1525, the TBD was created to provide funding for preservation, maintenance and improvement of transportation facilities and, as appropriate, construct or reconstruct the existing transportation infrastructure of the City of Clarkston consistent with Chapter 36.73 RCW;

WHEREAS, Clarkston and the TBD desire to better coordinate their efforts in order to pursue their individual, joint and mutual rights, responsibilities and purpose to maintain, preserve and improve streets and related transportation infrastructure within the City of Clarkston;

NOW, THEREFORE, The parties have entered into this agreement in consideration of the mutual benefits to be derived and to coordinate their efforts through the structure provided by the Interlocal Cooperation Act.

1. Purpose and Interpretation. Clarkston is empowered by Title 35A RCW to construct, reconstruct, maintain and improve City streets and other related public infrastructure either by contract or through City authorizations. The TBD has been formed in accordance with state law to provide a source of funding for the maintenance, preservation and improvement of streets and related infrastructure within the City limits of the City of Clarkston, Washington. The TBD has no employees and its officers are either City Council Members serving in an ex officio capacity or are City employees designated to serve under the provisions of state law, and private contractors. In order to make the most efficient use of public monies, to avoid duplication of effort and to coordinate their efforts, the parties have entered into this agreement. In the event of ambiguity or the need for guidance arises, this agreement shall be interpreted in accordance with the provisions of Clarkston City Ordinance 1525, Chapter 36.73 RCW, the Organizational Rules of the TBD and the provisions of the Governmental Accounting Act and RCW 43.09.210 as the same exists or shall hereafter be amended. In the event that any provision of this agreement is held to be in conflict with existing state statute or any future amendment thereof, such provisions shall be severable, and the remaining provisions of this agreement shall remain in full force and effect.

2. Obligations of the TBD. In accordance with the requirements of Chapter 36.73 RCW, Ordinance 1525, and its Organizational Rules, the Transportation Benefit District agrees to:

2.1 Provide to the City of Clarkston all funding received from any and all lawful sources which the TBD in its sole discretion may levy or assess for the purpose of preserving, maintaining or improving Clarkston streets and related transportation facilities.

2.2 Continue the annual provision of funding for street preservation and maintenance so long as the TBD remains in existence. Such funding shall be in accordance with and limited by the provisions of Ordinance 1525, the Organizational Rules of the TBD and Chapter 36.73 RCW. By way of illustration and not limitation:

2.2.1 The TBD shall hold public hearings as required by its Organizational Rules prior to levying or assessing any charge, tax or fee and shall levy or assess such charge, tax or fee only in accordance with law and ordinance.

2.2.2 Develop an annual work plan and designate street maintenance and preservation projects within Clarkston for funding.

2.2.3 Pursuant to a material change policy adopted pursuant to the requirements of RCW 36.73.160(1), the TBD shall consider at a minimum the impacts and appropriate remedies if transportation improvements contained in its annual plan exceed its original cost by more than 20%. The TBD shall consider the input from public hearings and other sources as it determines how such cost changes should be resolved. The obligations of this agreement shall be interpreted and applied in a manner consistent with this adopted policy.

3. Undertakings of Clarkston. Clarkston shall:

3.1 Provide all staff and necessary related support to the TBD. The costs of such support shall be accounted for as a part of the City's annual report to the District. TBD funding shall first be applied to the reasonable charges incurred in establishing and staffing the TBD. Annual services provided may include the services provided by the City Attorney, Public Works Director and the City Clerk/Treasurer when serving as the Clerk of the TBD and as its Treasurer, and any associated costs, including but not limited to the preparation of an annual work plan, reporting, advertising, design, contracting, construction management, accounting, and any and all other actual charges associated with the proper application of TBD funding to the preservation and maintenance of City streets and infrastructure in accordance with law and ordinance. In consideration of the benefits derived by Clarkston, overhead charges such as utilities, information technology, office supplies, and equipment shall be a contribution of Clarkston to the parties' joint goals and objectives and need not be directly charged to the TBD.

3.2 Maintain for the period established by the State Archivist retention schedule, financial records, kept in accordance with generally accepted accounting practice and governmental accounting requirements, as necessary to document that any and all funding received through the TBD is used only for the maintenance and preservation of City streets and infrastructure in accordance with law and ordinance.

3.3 Utilize all funding provided for street maintenance and preservation projects shown on the TBD's annual work plan in accordance with the TBD's material charge policy law and ordinance.

3.4 Be responsible for and respond to all public records requests made to the TBD. The City of Clarkston, Washington City Clerk/Treasurer shall be the TBD public records officer.

4. Ownership. Streets and related transportation facilities preserved, maintained and/or improved with TBD funds are and shall remain the property of the City of Clarkston. No joint property ownership is contemplated under the terms of this agreement.

5. No Joint Board. No provision is made for a joint board. The TBD shall exercise its function in accordance with its Organizational Rules, using staff as provided by the City of Clarkston, pursuant to this agreement.

6. No Indemnity. No indemnification is provided by this agreement. The parties agree to bear their respective liability for any acts or omissions resulting under this agreement as the same shall be determined under the laws of the state of Washington or any mutually approved settlement agreement.

7. Termination. This agreement shall terminate or expire as follows:

7.1 This agreement may be terminated by either party upon the provision of three hundred and sixty-five (365) calendar days notice. A final reconciliation of costs, payment, and a current report of completed activities shall be completed by Clarkston within such period following the notice by either party.

7.2 Unless sooner terminated by either party, this agreement shall expire on the date when the District is dissolved with accordance with provisions of Ordinance 1525, as the same exists or is hereafter amended.

8. Effective Date. This agreement shall be effective when listed by subject on the City of Clarkston's website or other electronically retrievable public source.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

CITY OF CLARKSTON

CLARKSTON TRANSPORTATION BENEFIT DISTRICT

Kathleen A Warren, Mayor

District Board Chair

ATTEST:

ATTEST:

Vickie Storey, City Clerk

Vickie Storey, District Secretary/Treasurer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

James Grow, City Attorney

James Grow, District Attorney