

City of Prosser, WA  
601 7<sup>th</sup> Street  
Prosser, WA 99350

CITY COUNCIL  
REGULAR MEETING AGENDA  
7:00 P.M.  
TUESDAY, APRIL 22, 2014

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CITIZEN PARTICIPATION
5. MAYOR AND CITY COUNCIL REPORTS AND COMMENTS
6. COUNCIL ACTION

a.) RESOLUTION 14-\_\_\_\_\_ Stating the City Council's Support of Benton County Proposition Number 14-5 Placing on the Ballot a Proposition for an Increase in Sales and Use Tax for Funding Public Safety Needs in Benton County at the August 5, 2014, Primary Election..... *Page 5*

**Proposition No. 14-5**

**BENTON COUNTY INCREASE IN LOCAL SALES AND USE TAX FOR PUBLIC SAFETY NEEDS**

Should this proposition be approved?

Yes [  ] No [  ]

Discussion regarding adoption of Resolution No.14-\_\_\_\_\_

Proponents (15 Minutes):

**Benton County Public Safety Sales and Use Tax Ballot Measure Proposition**  
*(Andy Miller, Chief Hohenberg, Al Wehner)*

Opponents (15 Minutes):

*The first Ordinance passed will be Ordinance 14-2883  
The first Resolution passed will be Resolution 14-1454*

**RECOMMENDATION:** Move to adopt RESOLUTION 14-\_\_\_\_\_ Stating the City Council’s Support of Placing on the Ballot a Proposition for an Increase in Sales and Use Tax for Funding Public Safety Needs in Benton County at the August 5, 2014 Primary Election.

**7. PUBLIC HEARING**

- a.) **Possible Six-Month Extension of the Existing Moratorium on the Establishment of Medical Cannabis Dispensaries and Collective Gardens..... Page 17**

- ~ Open Public Hearing*
- ~Receive Citizen Comments*
- ~Close Public Hearing*

**8. DISCUSSION ITEMS**

- a.) **Possible Six-Month Extension of the Existing Moratorium on the Establishment of Medical Cannabis Dispensaries and Collective Gardens ..... Page 17**

**RECOMMENDATION:** Review, discuss and provide staff direction regarding extension of the existing medical cannabis moratorium and proposed work plan.

**9. CONSENT AGENDA**

- a. Approve Payment of Payroll Checks Nos. 600042 through 600044 in the Amount of \$2,173.87, and Direct Deposits in the Amount of \$12,137.98, for the Period Ending April 15, 2014 ..... **Page 75**
- b. Approve Payment of Claim Checks Nos. 10468 through 10529, in the Amount of \$856,623.66 and Electronic Payments in the Amount of \$26,629.84, for the Period Ending April 22, 2014..... **Page 77**
- c. Approve Payment of Washington Trust Bank Claim Check No. 1047 in the Amount of \$6,240.50, for the Period Ending April 8, 2014 ..... **Page 87**
- d. Approve the 2013 Annual USDA Report ..... **Page 89**
- e. Approve the 2013 Annual WSDOT Report..... **Page 93**
- f. Approve Maintenance Contract Renewals with Abadan for Konica Minolta Bizhub 451 Copier and Authorize the Mayor to Sign the Contract ..... **Page 102**

***The first Ordinance passed will be Ordinance 14-2883  
The first Resolution passed will be Resolution 14-1454***

- g. Approve the Special Event Application for the Prosser Chamber of Commerce, Multiple Events, for the 2014 Calendar Year ..... *Page 105*
- h. Approve the Request for Fireworks Ban Special Use Waiver for the Prosser Scottish Festival Anvil Launch to be Held on June 21, 2014, at the Port of Benton East Prosser Wine and Food Park ..... *Page 118*
- i. Approve the USDA Outlay Report and Draw Request No. 30 in the Amount of \$5,768.48, for Costs Associated with the Northwest Prosser Water and Sewer System Improvements Project (Contract Addendum No. 2) and authorize the Mayor to Sign the Documents ..... *Page 121*
- j. Approve the Drinking Water State Revolving Fund (DWSRF) Invoice Voucher Request No. 3 in the Amount of \$5,044.50, for the Zone 2.5 Water Supply Improvements Project and authorize the Mayor to Sign the Documents ..... *Page 128*
- k. Adopt Resolution 14-\_\_\_\_\_ Surplusing City of Prosser Property ..... *Page 136*
- l. Approve the March 4, 2014 Meeting Minutes ..... *Page 143*

**10. COUNCIL ACTION**

- a.) **Approve Payment of Claim Check No. 10467 in the Amount of \$1,101.40 for the Period Ending April 22, 2014** ..... *Page 146*

**RECOMMENDATION:** Move to approve payment of claim check no. 10386 in the Amount of \$59,966.70 for the Period Ending April 8, 2014.

- b.) **Adopt RESOLUTION 14-\_\_\_\_\_ Authorizing the Submittal of Grant Funding Assistance, through the Washington Wildlife and Recreation Program Project, to the Recreation and Conservation Office** ..... *Page 148*

**RECOMMENDATION:** Adopt RESOLUTION 14-\_\_\_\_\_ authorizing the submittal of grant funding assistance, through the Washington Wildlife and Recreation Program Project, to the Recreation and Conservation Office.

- c.) **Adopt ORDINANCE 14-\_\_\_\_\_ Amending the 2014 Budget for Fund 606, Library Memorial Fund** ..... *Page 155*

**RECOMMENDATION:** Adopt ORDINANCE 14-\_\_\_\_\_ amending the 2014 Budget for Fund 606, Library Memorial Fund.

*The first Ordinance passed will be Ordinance 14-2883  
The first Resolution passed will be Resolution 14-1454*

**11. DISCUSSION ITEMS**

- a.) **Consider Candidates for Appointment to Vacant City Council Position No. 3 to Serve until the Position is Filled by the Voters at the November 2015 Election..... Page 160**

**Candidate Interviews and Opening Statements**

- 1. **Robin Siemens**
- 2. **Ernest Troemel**
- 3. **Marvin Ward**

**12. EXECUTIVE SESSION**

**RCW 42.30.110(1)(h)** To evaluate the qualifications of a candidate for appoint to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public.

**13. COUNCIL ACTION**

- a) **Appointment of Candidate to Vacant City Council Position No. 3**

**RECOMMENDATION:** Move to appoint \_\_\_\_\_ to City Council Position No. 3 to serve until the position is filled by the voters at the November 2015 election.

- b) **Oath of Office of Newly Appointed Council Member**

**14. ADD ON ITEMS**

**15. ADJOURNMENT**

*The first Ordinance passed will be Ordinance 14-2883  
The first Resolution passed will be Resolution 14-1454*

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<b>Agenda Title:</b> Adopt Resolution No. 14- _____ Stating the City Council's Support of Placing on the Ballot a Proposition for an Increase in Sales and Use Tax for Funding Public Safety Needs in Benton County at the August 5, 2014, Primary Election.	<b>Meeting Date:</b> April 22, 2014 Regular Meeting
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<b>Department:</b> Administration	<b>Director:</b> Paul Warden	<b>Contact Person:</b> Paul Warden	<b>Phone Number:</b> (509) 786-2332
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<b>Cost of Proposal:</b> \$0	<b>Account Number:</b>
<b>Amount Budgeted:</b> N/A	<b>Name and Fund#:</b>

**Reviewed by Finance Department:**  
*[Signature]*

- Attachments to Agenda Packet Item:**
- 1) Benton County Commissioners Resolution 2014-259 (3 pages)
  - 2) March 19, 2014 Letter to the Commissioners from Andy Miller, Prosecuting Attorney (1 page)
  - 3) Law and Justice Council Funding Proposals (3 pages)
  - 4) Proposed Resolution No. 14-\_\_\_\_\_

**Summary Statement:**

RCW 42.17A.555 prohibits the City from using its resources to engage in political activities, however, of that RCW makes an exception for the City Council to support or oppose various ballot issues. RCW 42.17A.555 provides (in pertinent part) as follows:  
follows:

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution,

order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

Consistent with or Comparison to:

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Adopt Resolution No. 14-\_\_\_\_\_ Stating the City Council's Support of Placing on the Ballot a Proposition for an Increase in Sales and Use Tax for Funding Public Safety Needs in Benton County at the August 5, 2014, Primary Election.

Reviewed by Department

Director:

*Paul Warden*

Date: *4-17-14*

Reviewed by City Attorney:

*[Signature]*

Date: *4/15/14*

Approved by Mayor:

*Paul Warden*

Date: *4-17-14*

# RESOLUTION 2014 259

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON

IN THE MATTER OF PLACEMENT ON THE BALLOT OF A PROPOSITION FOR AN INCREASE IN SALES AND USE TAX FOR FUNDING PUBLIC SAFETY NEEDS IN BENTON COUNTY,

**WHEREAS**, the Washington State Legislature passed RCW 82.14.450 in 2003 to authorize county legislative authorities to submit propositions to the voters that would authorize an increase in local sales and use tax by up to three-tenths of one percent (0.3%) of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax; and

**WHEREAS**, the tax referenced above shall not apply to the retail sales or use of motor vehicles or the first 36 months of a lease thereof; and

**WHEREAS**, RCW 82.14.450 requires that at least one-third of the revenues from such a tax be used for specified criminal justice purposes and that the County retain 60% of said revenues and 40% be distributed to the cities therein based on relative populations; and

**WHEREAS**, criminal activity in Benton County has increased in both sophistication and complexity in recent years, requiring a substantially greater investment of time and resources by the local criminal justice system; and

**WHEREAS**, the legislature expressly found when it passed RCW 82.14.450 that local governments face enormous challenges in the funding of criminal justice services; and

**WHEREAS**, the increase in the number of committed crimes impacts all facets of the criminal justice system, including the local police departments and Benton County Sheriff's Office, the County Prosecutor's Office and city attorney's offices, the local public defense system, District and Superior Courts, the Coroner's Office and the County Clerk's Office; and

**WHEREAS**, a significant portion of the crimes committed in Benton County are committed by persons with drug, alcohol and/or mental problems, or who are involved in criminal gang activity or lifestyle; and

**WHEREAS**, Benton County has learned from the experience of its drug court and the experiences of other jurisdictions with their mental health courts that such programs can reduce recidivism; and

**WHEREAS**, approximately 79 percent of the County's general fund budget, which are the funds that over which the County has discretionary control, go to law enforcement and other criminal justice related services; and

**WHEREAS**, Benton County and the cities within it have collectively lost millions of dollars annually in funding from the State that previously subsidized County/city law and justice budgets due to the elimination of the motor vehicle excise tax; and

**WHEREAS**, the County and cities' costs for law enforcement personnel salaries, benefits and operations of law enforcement departments are increasing at a rate equal to and often higher than the local consumer price index, causing the gap between funds available and funds needed for law enforcement to widen each year; and

**WHEREAS**, it is for reasons such as the above that the legislature passed RCW 82.14.450; and

**WHEREAS**, the Board of County Commissioners have received reports from a volunteer Citizen's Advisory Committee indicating that there is a need for additional funding for the law and justice system within Benton County; and

**WHEREAS**, the Benton County Prosecuting Attorney's Office advises that the proposed ballot title included in Resolution 2014-206 concerning this same subject matter should be revised; and

**WHEREAS**, the Benton County Sheriff and Prosecuting Attorney, the Benton County Superior Court Administrator, the Benton County Clerk, and the police chiefs from each city within the County have all recommended that the Board call for an election on the imposition of the tax referenced herein; and

**WHEREAS**, RCW 82.14.450 states that the passage of this measure requires over 50% approval at a primary or general election, and the next primary election is August 5, 2014; and

**WHEREAS**, it appears that the best interests of the people of Benton County would be served by submitting to the affected voters the determination of whether or not to authorize a sales and use tax to fund the needs within the criminal justice system; **NOW THEREFORE**,

**IT IS HEREBY RESOLVED** by the Board of Benton County Commissioners that a county-wide election be held on August 5, 2014 for the purpose of submitting to the affected voters the determination of whether or not to authorize a sales and use tax increase at the rate of three-tenths of one percent (0.3%) to be levied upon the adoption of an implementing ordinance; and

**BE IT FURTHER RESOLVED**, Resolution 2014-206 is hereby rescinded; and

**BE IT FURTHER RESOLVED**, that the revenue from such tax shall only be utilized by the County and the cities therein for the purposes set forth in the ballot proposition set forth below; and

**BE IT FURTHER RESOLVED**, that the Benton County Auditor is hereby requested to place a proposition on the August 5, 2014 ballot in substantially the following form:

PROPOSITION NO. \_\_\_\_\_

**BENTON COUNTY INCREASE IN LOCAL SALES AND USE TAX FOR PUBLIC SAFETY NEEDS**

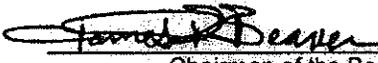
The Benton County Board of Commissioners adopted Resolution No. 2014-259 that seeks to improve public safety including combating criminal gangs. This proposition would fund the hiring of additional police officers, corrections officers, and prosecutors; fund the Metro Drug Task Force and gang and crime prevention efforts; and fund court and clerk programs including a seventh Superior Court Judge and drug and mental health courts, by imposing a sales and

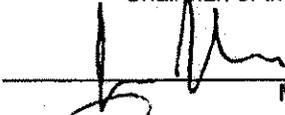
use tax equal to three-tenths of one percent (three cents on a ten dollar purchase) with the tax expiring December 31, 2024. Should this proposition be:

APPROVED.....[ ]  
REJECTED.....[ ]

**BE IT FURTHER RESOLVED** that the clerk of the Board of County Commissioners is hereby directed to deliver a copy of this Resolution to the Auditor of Benton County in order that the foregoing proposition be placed on the ballot and submitted to the voters of the County for the primary election to be held on August 5, 2014.

Dated this 25 day of March, 2014.

  
Chairman of the Board

  
Member

  
Member

Constituting the Board of Commissioners  
of Benton County, Washington

Attest   
Clerk of the Board

**PROSECUTING ATTORNEY  
BENTON COUNTY, WASHINGTON**

**ANDY MILLER**  
PROSECUTING ATTORNEY

**RYAN K. BROWN**  
CHIEF DEPUTY, CIVIL

**TERRY J. BLOOR**  
CHIEF DEPUTY, CRIMINAL

**JULIE LONG**  
CHIEF CRIMINAL, DEPUTY

**MARGARET AULT**  
ADMINISTRATOR

7122 West Okanogan Place, Bldg. A  
Kennewick, Washington 99336

(509) 735-3591

786-5608 736-3066  
Prosser Fax

March 19, 2014

**DEPUTIES**

TIMOTHY A. SKEELS  
ANITA PETRA  
MEGAN A. KILLGORE  
KRISTIN M. MCROBERTS  
BRENDAN M. SIEFKEN  
EMILY K. SULLIVAN  
LAUREL J. WHITTIER  
MEGAN A. WHITMIRE  
REID W. HAY  
STEPHEN J. HALLSTROM  
AMY M. HARRIS  
RYAN J. LUKSON  
ANDREW M. HOWELL  
LUCY DURST  
MARIE SULLIVAN  
L. BRANDON STALLINGS  
ANNIE CHAU  
DIANA N. RUFF

Benton County Commissioners  
620 Market Street  
P.O. Box 190  
Prosser, WA 99350

Re: Revised Resolution for Public Safety Sales Tax Measure

Dear Commissioners:

Stakeholders in support of a sales and use tax to address public safety needs in Benton County presented a resolution to the County Board of Commissioners on March 4th of this year to have such a measure placed before the voters for approval in the August 2014 primary election. The Board passed the requested resolution as Resolution 2014-206 and it was submitted to the Benton County Auditor.

However, after further legal review by the Prosecutor's Office, it was advised that the word count in one portion of the proposed ballot title included in Resolution 2014-206 may not have been consistent with statutory guidelines outlined in Title 29A, RCW. As a result, in order to bring the ballot title more clearly into compliance with those guidelines, new ballot title text has been written and a revised resolution for the Board's approval is included with this letter.

If I can be of any further assistance, please do not hesitate to contact me directly.

Very truly yours,

ANDY MILLER  
Prosecuting Attorney



REID HAY, Deputy Prosecuting Attorney  
Civil Division

## LAW AND JUSTICE COUNCIL

Benton County Criminal Justice Stakeholder Funding Proposals for  
Potential Criminal Justice Sales Tax

Municipalities		
Kennewick	<ul style="list-style-type: none"> <li>• 15 sworn positions</li> <li>• 1 Assistant City Attorney position</li> <li>• 2 support staff positions</li> </ul>	\$1,931,406
Richland	<ul style="list-style-type: none"> <li>• 6 sworn positions</li> <li>• 3 support staff position</li> </ul>	\$1,224,000
West Richland	<ul style="list-style-type: none"> <li>• 3-4 sworn positions</li> </ul>	\$330,200
Prosser	<ul style="list-style-type: none"> <li>• 1 sworn position</li> <li>• 0.8 support staff</li> <li>• Other costs including tech and training</li> </ul>	\$140,400
<b>Total</b>		<b>\$3,626,006</b>
<b>Estimated Funding for Municipalities at 0.3%</b>		<b>\$3,626,006</b>

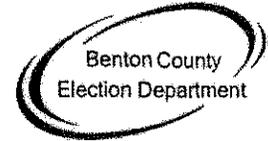
Benton County		
County Clerk's Office	<ul style="list-style-type: none"> <li>• 2.0 FTE Deputy Clerks</li> <li>• IT and other support for Deputy Clerks</li> </ul>	\$117,476
Superior Court	<ul style="list-style-type: none"> <li>• (7<sup>th</sup>) Superior Court Judge</li> <li>• 0.5 FTE Court Commissioner</li> <li>• Adult Drug Court funding</li> <li>• SAP program (juvenile probation)</li> <li>• Juvenile Drug Court</li> <li>• Functional Family Therapy (juvenile)</li> </ul>	\$309,900 \$261,571 (juvenile)

District Court	<ul style="list-style-type: none"> <li>• Judge Pro Tem</li> <li>• Professional Services</li> <li>• Jury Fees</li> <li>• Print bindery</li> <li>• Additional staff (increase PT and 1.0 FTE)</li> <li>• IT equipment</li> <li>• Misc</li> </ul>	\$159,300
Coroner's Office	<ul style="list-style-type: none"> <li>• 1.0 FTE Deputy Coroner</li> </ul>	\$72,000
Sheriff's Office	<ul style="list-style-type: none"> <li>• 7 sworn positions</li> <li>• 2 support staff</li> <li>• 2 jail booking staff (fully county funded)</li> <li>• 4 corrections staff (fully county funded)</li> <li>• Inmate management system</li> <li>• Radio maintenance</li> </ul>	\$1,929,016
Prosecutor's Office	<ul style="list-style-type: none"> <li>• Additional felony Deputy Prosecutor</li> <li>• Additional appellate Deputy Prosecutor</li> <li>• Adult felony staff position</li> </ul>	\$264,289
Public Defense	<ul style="list-style-type: none"> <li>• Additional Staff Defender in Superior Court unit</li> <li>• Additional contract defender in District Court unit</li> <li>• 1.0 FTE Legal Assistant</li> <li>• 1.0 FTE Office Support</li> <li>• Convert Office Manager to supervisory position</li> </ul>	\$215,330
Gang & Crime Prevention and Intervention	<ul style="list-style-type: none"> <li>• Nurse-Family Partnership program for Benton County residents (Health Department)</li> <li>• Partnership with Boys and Girls Clubs (After-School Programs for gang prevention and youth empowerment) and other similar programs</li> <li>• Partnership with Safe Harbor/My Friend's Place for crime prevention and intervention services for homeless at risk youth</li> </ul>	<p>\$303,487 (Nurse-family Partnership)</p> <p>\$500,000 (Partnership with Boys and Girls Clubs &amp; other programs)</p> <p>\$50,000 (Partnership with Safe Harbor/My Friend's Place)</p>

Continue funding for Metro Drug Task Force	<ul style="list-style-type: none"> <li>• 100% of Benton County Prosecutor salary/benefits</li> <li>• 75% of salary/benefits for two support positions</li> <li>• 100% of additional Benton County Metro Detective and related equipment (bringing back to previously funded two person strength)</li> </ul>	\$400,000
Multi-Departmental Mental Health Court & Diversion	<ul style="list-style-type: none"> <li>• Part-time District Court Commissioner/Judge Pro Tem &amp; Probation Officer, Part-time Prosecutor and Part-time Public Defender (for Mental Health Court)</li> <li>• Chemical Dependency Professional</li> <li>• Peer Support Specialist</li> <li>• Treatment cost support for participants (supplementing insurance where needed and providing access for uninsured participants)</li> <li>• Case management services (serving both Mental Health Court and mental health diversion/triage)</li> </ul>	\$600,000
<b>Reserve Fund for consideration of additional criminal justice programs such as:</b> <ul style="list-style-type: none"> <li>• Reduction of jail expenses</li> <li>• Mental health services for jail inmates</li> <li>• Re-entry services and programming for jail inmates</li> </ul>		<b>\$367,631</b>
		<b>Total \$5,550,000</b>
<b>Estimated Funding for Benton County at 0.3%</b>		<b>\$5,550,000</b>



**Brenda Chilton**  
Auditor, Benton County Washington



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### Benton County Precinct Maps

**Precinct Maps:**

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- [Prosser \(PDF\)](#)
- [Richland \(PDF\)](#)
- [Rural Benton County \(PDF\)](#)
- [West Richland \(PDF\)](#)

**District Maps:**

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- [County Commissioner Districts \(PDF\)](#)
- [Public Utility District \(PDF\)](#)
- [Port Districts \(PDF\)](#)
- [Public Hospital Districts \(PDF\)](#)
- [School Districts \(PDF\)](#)
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**Auditor's Office Locations:**

- Kennewick** - 5800 W Canal Dr - (509) 736-2727
- Richland** - 101 Wellsian Way Ste E - (509) 222-3736
- Prosser** - 620 Market St - (509) 786-5620

Benton County Auditor's Office  
PO Box 470  
Prosser, WA 99350  
(509)736-3085 or (509) 786-5618  
[auditor@co.benton.wa.us](mailto:auditor@co.benton.wa.us)



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**CITY OF PROSSER, WASHINGTON  
RESOLUTION NO. 14-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PROSSER STATING THE CITY COUNCIL'S SUPPORT OF PLACING ON THE BALLOT A PROPOSITION FOR AN INCREASE IN SALES AND USE TAX FOR FUNDING PUBLIC SAFETY NEEDS IN BENTON COUNTY AT THE AUGUST 5, 2014, PRIMARY ELECTION.**

WHEREAS, Benton County Commissioners will have the following ballot measure to the voters of Benton County at the Primary Election on, August 5, 2014, with the following official ballot title:

**Proposition No. 14-5**

**BENTON COUNTY INCREASE IN LOCAL SALES AND USE TAX FOR PUBLIC SAFETY NEEDS**

Should this proposition be approved?

Yes [  ] No [  ]

AND WHEREAS,; RCW 42.17A.555(1) provides as follows:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

AND WHEREAS, the City has complied with the provision of RCW 42.17A.555(1);

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

1. That the City Council, after calling for public comment at a noticed public meeting, hereby supports the placement on the ballot of a Proposition for an Increase in Sales

and Use Tax for Funding Public Safety Needs in Benton County at the August 5, 2014, Primary Election.

**ADOPTED** by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this \_\_\_\_\_, day of April, 2014.

\_\_\_\_\_  
MAYOR PAUL WARDEN

ATTEST:

\_\_\_\_\_  
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Howard Saxton, City Attorney

**CITY OF PROSSER, WASHINGTON  
AGENDA BILL**

<u>Agenda Title:</u> Public Hearing on the Possible Six-Month Extension of the Existing Moratorium on the Establishment of Medical Cannabis Dispensaries and Collective Gardens.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Planning	<u>Director:</u> Steve Zetz	<u>Contact Person:</u> Steve Zetz	<u>Phone Number:</u> (509) 786-8212
<u>Cost of Proposal:</u> \$0		<u>Account Number:</u>  	
<u>Amount Budgeted:</u> \$0		<u>Name and Fund#</u>  	
<u>Reviewed by Finance Department:</u>  <div style="text-align: center;"></div>			
<u>Attachments to Agenda Packet Item:</u>  1. Council Packet on Moratorium from November 12, 2013 2. <u>Cannabis Action Coalition vs. City of Kent</u> 3. Public Hearing Notice			
<u>Summary Statement:</u>  <p>At the November 12, 2013, City Council meeting, Council adopted Ordinance 13-2857 enacting a moratorium on certain medical cannabis uses. Unless extended, the moratorium will expire on May 9, 2014.</p> <p>The exiting moratorium made medical marijuana (cannabis) dispensaries and collective gardens prohibited uses in the City. It also directed the Planning Commission to consider making the provisions of the Ordinance permanent, unless the Washington State Legislature amended RCW Chapter 69.51A to be consistent with the above-referenced U.S. Department of Justice memo (from previous Council Packet).</p> <p>Although the Planning Commission has not held a public hearing on medical cannabis, the Planning Commission has discussed the issue at length and listened to a presentation given by a group supporting medical cannabis use in the city.</p> <p>On March 31, 2014, a long-awaited Court of Appeals case was issued (see attached <u>Cannabis Action Coalition vs. City of Kent</u>). The Court in <u>Kent</u> held as follows (bracketed language is not in the Court Opinion):</p> <p style="padding-left: 40px;">We hold that neither the plain language of the statute nor the governor's intent as expressed in her veto message supports a reading of ESSSB 5073 [the medical cannabis bill] that legalizes collective gardens. The Kent city council acted within its authority by enacting the ordinance banning collective gardens.</p>			

This language can be found at the bottom of page two of the attached Court Opinion. The Court also stated that ESSSB 5073 did not legalize collective gardens or legalize medical marijuana, rather, it merely created an affirmative defense against prosecution for such offenses. The Court also stated (on page 21 of the attached opinion) as follows:

...the MUCA expressly authorizes cities to enact zoning requirements to regulate or exclude collective gardens.

The portion of the state statute that allows cities to enact zoning requirements to regulate collective gardens also applies to dispensaries. The only zoning restriction the MUCA (Medical Use of Cannabis Act) references is that cities may not enact an ordinance that precludes the possibility of a licensed dispensary locating in the city. Since the Governor vetoed all sections of ESSSB 5073 that created licensed dispensaries, the Court in Kent held that cities are free to ban collective gardens and by extension dispensaries.

The reason the Governor vetoed most of ESSSB 5073 was because the U. S. Department of Justice threatened to prosecute state officials who participated in licensing medical cannabis providers or collective gardens.

Since that time the Federal Government has relaxed its position and has allowed the states of Washington and Colorado to proceed with licensing recreational marijuana, producers, processors, and retailers. The Federal Government is allowing this experiment to proceed because both Washington and Colorado have developed a tightly regulated market that meets the requirement of the Federal Government.

Since there is not a tightly regulated market for medical marijuana, the city is faced with a difficult choice. Either it can ban medical cannabis dispensaries and collective gardens or it can develop its own tightly regulated market that is acceptable to the Federal Government. Given the limited resources available to the city, a ban makes more sense.

Staff proposes to bring back an ordinance on May 6, 2014, extending the medical cannabis moratorium. That ordinance would be effective upon passage. Since the city is extending the moratorium past its original termination date, it must also adopt a work plan to enact legislation on medical cannabis. Staff recommends that the Council direct the Planning Commission to work on an ordinance that bans medical cannabis collective gardens and medical cannabis dispensaries that are not licensed by the State of Washington. The effect of this will be that until the State enacts legislation acceptable to the Federal Government licensing medical cannabis collective gardens and dispensaries, collective gardens and dispensaries will be illegal in the city.

The following work plan dates are suggested for Council approval by separate ordinance (public participation plan):

May 15, 2014	Planning Commission (PC) reviews proposed ordinance
May 16, 2014	Unless PC has changes send to Department of Commerce
May 16, 2014	City files application for text change and begin SEPA process
June 19, 2014	PC holds public hearings on proposed ordinance which is continued
July 17, 2014	PC makes recommendation to Council regarding passage or rejection of the proposed ordinance
August 12, 2014	Council adopts or rejects the proposed ordinance.

Recommended City Council Action/Suggested Motion:

Give direction to staff regarding extension of the existing medical cannabis moratorium and give direction regarding staff's proposed work plan.

Reviewed by Department

Director:



Date: 4/17/14

Reviewed by City Attorney:



Date: 4/17/14

Approved by Mayor:



Date: 4-17-14

Today's Date:

April 17, 2014

Revision Number/Date:

File Name and Path:

**CITY OF PROSSER, WASHINGTON  
AGENDA BILL**

<b>Agenda Title:</b> Approve an Interim Ordinance of the City Council of the City of Prosser, Washington, Adopting a Moratorium on the Establishment of Medical Cannabis Dispensaries and Collective Gardens; Defining "Medical Cannabis Dispensaries" and "Collective Gardens;" Providing for a Public Hearing; Declaring an Emergency; and Establishing an Effective Date.	<b>Meeting Date:</b> November 12, 2013 Regular Meeting
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<b>Department:</b>  Planning	<b>Director:</b>  Paul Warden	<b>Contact Person:</b>  Paul Warden/Steve Zetz	<b>Phone Number:</b>  (509) 786-216 and 786-8212
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<b>Cost of Proposal:</b> \$0	<b>Account Number:</b>
<b>Amount Budgeted:</b> \$0	<b>Name and Fund#</b>

**Reviewed by Finance Department:**

*R Mauras*

- Attachments to Agenda Packet Item:**
1. Proposed Ordinance No. \_\_\_\_\_.
  2. August 29, 2013, memo from the U. S. Department of Justice.
  3. Press release: Liquor Control Board Adopts Proposed Rules for I-502 Implementation.
  4. Press release: Board to file single revision to marijuana rules regarding 1,000' buffer measurement.
  5. Press release: Liquor Control Board Statement following Department of Justice's Guidance Memo on Marijuana.
  6. Press release: Three agencies release draft recommendations on medical marijuana.
  7. Draft Recommendations of the Medical Marijuana Work Group.
  8. Press release: Liquor Control Board to hold public hearing on draft medical marijuana recommendations

Summary Statement:

On November 7, 2013, administration discussed the benefits to the City of enacting a zoning moratorium on Medical Cannabis (Marijuana). The City Council reached a consensus that such a moratorium would be appropriate.

The attached Ordinance enacts a moratorium that will be in effect for approximately six months. The Ordinance also sets a public hearing for December 10, 2013, to hear public comment on the moratorium and to consider whether it should continue.

The Ordinance makes medical marijuana (cannabis) dispensaries and collective gardens prohibited uses in the City. The Ordinance directs the Planning Commission to consider making the provisions of the Ordinance permanent, unless the Washington State Legislature amends RCW Chapter 69.51A to be consistent with the above-referenced U.S. Department of Justice memo.

The Ordinance declares an emergency making its provisions effective immediately. Passage of the Ordinance requires five affirmative votes.

Consistent with or Comparison to:

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

Recommended City Council Action/Suggested Motion:

Approve an Interim Ordinance of the City Council of the City of Prosser, Washington, Adopting a Moratorium on the Establishment of Medical Cannabis Dispensaries and Collective Gardens; Defining "Medical Cannabis Dispensaries" and "Collective Gardens;" Providing for a Public Hearing; Declaring an Emergency; and Establishing an Effective Date. (ROLL CALL VOTE).

<u>Reviewed by Department Director:</u>  Date: 11-8-13	<u>Reviewed by City Attorney:</u>  Date: 11/8/13	<u>Approved by Mayor:</u>  Date: 11-8-13
<u>Today's Date:</u> November 8, 2013	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

**CITY OF PROSSER, WASHINGTON  
ORDINANCE NO. 13-\_\_\_\_\_**

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS DISPENSARIES AND COLLECTIVE GARDENS; DEFINING "MEDICAL CANNABIS DISPENSARIES" AND "COLLECTIVE GARDENS;" PROVIDING FOR A PUBLIC HEARING; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE. THE ORDINANCE ALSO PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, Initiative Measure No. 692, approved November 3, 1998, created an affirmative defense for "qualifying patients" to the charge of possession of cannabis; and

**WHEREAS**, the initiative and current Chapter 69.51A RCW are clear that nothing in its provisions are to be "construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes;" and

**WHEREAS**, the Washington State Department of Health opines that it is "not legal to buy or sell" medical cannabis and further opines that "the law [Chapter 69.51A RCW] does not allow dispensaries," leaving enforcement to local officials; and

**WHEREAS**, the City acknowledges the right of qualified health care professionals to recommend the medical use of cannabis, acknowledges the affirmative defense available to qualifying patients from the possession of cannabis as well the right of patients to designate a "designated provider" who can "provide" rather than sell cannabis to "only one patient at any one time;" and

**WHEREAS**, the 2011 State Legislature passed E2SSB 5073 ("the Act") and the Governor signed the bill but vetoed several sections of the bill; and

**WHEREAS**, E2SSB 5073 was effective on July 22, 2011, and has since been incorporated in the codification of Chapter 69.51A RCW, Medical Cannabis; and

**WHEREAS**, the act authorizes "collective gardens" which would authorize certain qualifying patients the ability to produce, grow and deliver cannabis for medical use; and

**WHEREAS**, the acceptance of development applications proposing medical cannabis dispensaries and collective gardens development may allow development that is incompatible with nearby existing land uses and lead to erosion of community character and harmony; and

**WHEREAS**, despite the Governor's veto of certain Sections of E2SSB 5073, it is appropriate to impose a moratorium on medical cannabis dispensaries, so the City Council can

determine whether further regulation is necessary; and

**WHEREAS**, the voters of the State of Washington approved Initiative 502 amending Chapter 69.50 RCW to allow for the recreational use of marijuana, effective November 16, 2012; and

**WHEREAS**, Initiative 502 has since been incorporated into the codification of Chapter 69.50 RCW; and

**WHEREAS**, on November 16, 2013, the Liquor Control Board rules adopting a strict regulatory scheme for recreational marijuana will become effective; and

**WHEREAS**, The State Liquor Control Board will adopt an emergency rule changing the way the 1,000 set back from certain uses is measured which will be effective from November 20, 2013, to March 19, 2014; and

**WHEREAS**, on August 29, 2013, the United States Department of Justice acting through the Attorney General's Office issued a memorandum (Memorandum) to all United State's Attorneys providing guidance regarding marijuana enforcement; and

**WHEREAS**, the Memorandum is generally understood to mean that in order for the State, Political Subdivisions, and Municipalities to avoid prosecution, marijuana regulations that allowed the use of marijuana would have to address the following bullet points:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property;

**AND WHEREAS**, the regulations implementing Initiative 502 are generally believed to comply with and address the federal concerns enumerated above; and

**WHEREAS**, RCW Chapter 69.51A, as currently enacted, is generally believed to not address the federal concerns enumerated above; and

**WHEREAS**, pursuant to Budget Proviso Language in Third ESSB 5034 Sec. 141(2) Washington Liquor Control Board, the Department of Health, and the Department of Revenue were directed to provide recommendations to the Washington Legislature regarding medical cannabis regulation.

**AND WHEREAS**, the Liquor Control Board held a public hearing on the following draft medical marijuana recommendations on November 13, 2013, which recommendation must be made to the Washington State Legislature by January 1, 2014:

The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing and retail licensing; and
- (viii) Taxation of medical marijuana in relation to recreational marijuana;

**AND WHEREAS**, the City Council finds that it is in the public interest that any zoning and development regulations are consistent with both federal and state law; and

**WHEREAS**, the City Council deems it to be in the public interest to establish a zoning moratorium pending local review of the anticipated changes to RCW Chapter 69.51A; and

**WHEREAS**, pursuant to RCW 36.70A.390 a public hearing must be held within 60 days of the passage of this Ordinance; and

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390 authorize the City to enact this moratorium;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Pursuant to the provisions of RCW 36.70A.390, a zoning moratorium is hereby enacted in the City of Prosser prohibiting the establishment, location, operation, registration or licensing, maintenance, or continuation of any medical cannabis collective garden or any medical marijuana dispensary, whether for profit or not for profit, asserted to be authorized or actually authorized under E2SSB 5073, Chapter 181 Laws of 2011, Chapter

69.51A RCW, or any other laws of the State of Washington. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above. No business registration or license shall be granted or accepted while this moratorium is in effect for any of the activities listed above. Any land use approvals, business registrations or licenses or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void, and without legal force of effect.

**Section 2.** A “Medical Cannabis Dispensary” means any business, agency, organization, cooperative, network, consultation operation, or other group, or person, no matter how described or defined, including its associated premises and equipment, which has for its purposes or which is used to grow, select, measure, package, label, deliver, sell, or otherwise transfer (for consideration or otherwise) cannabis for medical use. A person who is the designated provider for only one qualified patient during any 15 day period and who complies with Chapter 69.51A RCW shall not be deemed a medical cannabis dispensary for the purposes of this moratorium.

**Section 3.** “A Medical Cannabis Collective Garden” is an area or garden where qualifying patients engage in the production, processing, transporting, and delivery of cannabis for medical use as set forth in the Act and subject to the limitations therein.

**Section 4.** Medical cannabis dispensaries and medical cannabis collective gardens as defined in this Ordinance are hereby designated as prohibited uses in the City of Prosser and a moratorium related to these uses is hereby established. No business registration or license shall be issued to any person or entity for a medical cannabis dispensary or a medical cannabis collective garden, which are hereby defined to be prohibited uses under the Ordinances of the City of Prosser.

**Section 5.** Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**Section 6.** Pursuant to RCW 36.70A.390, the City Council sets the City Council Regular Meeting of December 10, 2013, which begins at 7:00 p.m. at Prosser City Hall, 601 7th Street, Prosser, Washington 99350, as the date and time for a public hearing on the continuance of this moratorium. The City Clerk is directed to cause appropriate notice of such hearing to be given.

**Section 7.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other person or circumstances.

**Section 8.** This Ordinance shall not be codified.

**Section 9.** The above “Whereas” clauses of this Ordinance constitute specific findings by the Council in support of passage of this Ordinance.

**Section 10.** This Ordinance shall be referred to the Prosser Planning Commission for its review and recommendation for inclusion in the zoning Ordinances of the City of Prosser. The Prosser Planning Commission may recommend creating medical cannabis regulations to allow certain medical cannabis USES in designated zoning districts in the event that the Washington State Legislature establishes regulations similar to those regulations that exist for recreational marijuana.

**Section 11.** The City Council declares that an emergency exists requiring passage of this Ordinance for the protection of public health, safety, welfare, and peace based on the Findings set forth in Section 9 above. This Ordinance shall take effect and be in full force immediately upon passage and shall expire May 9, 2014, unless extended or released according to law

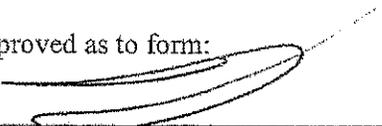
**PASSED** by the City Council and **APPROVED** by the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**MAYOR PAUL WARDEN**

ATTEST:

\_\_\_\_\_  
**CITY CLERK, RACHEL SHAW**

Approved as to form:

  
\_\_\_\_\_  
**CITY ATTORNEY, HOWARD SAXTON**

Date of Publication: \_\_\_\_\_

SUMMARY OF ORDINANCE NO. 13-\_\_\_\_\_

of the City of Prosser, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 2013, the City of Prosser, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, ADOPTING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL CANNABIS DISPENSARIES AND COLLECTIVE GARDENS; DEFINING "MEDICAL CANNABIS DISPENSARIES" AND "COLLECTIVE GARDENS;" PROVIDING FOR A PUBLIC HEARING; DECLARING AN EMERGENCY; AND ESTABLISHING AN EFFECTIVE DATE. THE ORDINANCE ALSO PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013

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CITY CLERK, RACHEL SHAW



U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole   
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.<sup>1</sup>

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

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<sup>1</sup> These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman  
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch  
United States Attorney  
Eastern District of New York  
Chair, Attorney General's Advisory Committee

Michele M. Leonhart  
Administrator  
Drug Enforcement Administration

H. Marshall Jarrett  
Director  
Executive Office for United States Attorneys

Ronald T. Hosko  
Assistant Director  
Criminal Investigative Division  
Federal Bureau of Investigation



Washington State  
**Liquor Control Board**

Published on *Washington State Liquor Control Board*  
(<http://www.liq.wa.gov>)

[Home](#) > Liquor Control Board Adopts Proposed Rules for I-502 Implementation

## **Liquor Control Board Adopts Proposed Rules for I-502 Implementation**

Liquor Control Board Adopts Proposed Rules for I-502 Implementation

OLYMPIA – The Washington State Liquor Control Board (WSLCB) today adopted the proposed rules for implementing Initiative 502. By week's end the WSLCB will file the CR103 -- the formal procedure for adoption of proposed rules -- which is the final step in the rulemaking process. These rules will serve as the basis for Washington's newly created recreational marijuana market and are the result of 10 months of research and public input. Thirty days after adoption the rules will become effective, November 16.

"Over these last several months we have put together a comprehensive system of rules which will serve as the foundation for this new industry," said Board Chair Sharon Foster. "This has been a very open process of rule-making with public involvement each step of the way. We appreciate all the support and involvement we've had from Gov. Inslee, local officials, law enforcement, industry members and Washington citizens along the way."

The rules achieve the Board's stated goal of implementing a tightly regulated and controlled recreational marijuana market. They also align with the Department of Justice's stated areas of concern by addressing out-of-state diversion of product, traceability of product from start to sale, youth access and other public and consumer safety concerns.

Later this month, to align with federal guidelines, agency staff will file emergency rulemaking to modify the way the 1,000 foot distance between marijuana locations and the listed exclusion zones is measured. The method of measuring will change from "most common path of travel" to "shortest straight line" from property line to property line.

The agency will open a 30 day licensing window for all three license types (marijuana producer, processor and retailer) on November 18. The WSLCB's Marijuana Licensing Unit is holding a series of seven educational seminars across the state to help potential applicants navigate the licensing process.

For more information regarding the implementation of I-502 including summaries of the law and rules, answers to frequently asked questions, or to sign up for an educational seminar please visit the WSLCB website at [www.liq.wa.gov](http://www.liq.wa.gov) [1]

*The Washington State Liquor Control Board's mission is to promote public safety by consistent and fair administration of liquor and cannabis laws through education, voluntary compliance, responsible sales and preventing the misuse of alcohol, cannabis and tobacco.*

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**Source URL:**

[http://www.liq.wa.gov/pressreleases/lcb\\_adopts\\_proposed\\_rules\\_i502\\_implementation](http://www.liq.wa.gov/pressreleases/lcb_adopts_proposed_rules_i502_implementation)

**Links:**

[1] <http://www.liq.wa.gov>



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[Home](#) > Board to file single revision to marijuana rules regarding 1,000' buffer measurement

## **Board to file single revision to marijuana rules regarding 1,000' buffer measurement**

*Emergency rule will not affect implementation timeline*

OLYMPIA – The Washington State Liquor Control Board (WSLCB) announced today that it will file an emergency rule on October 16, 2013, to make a single technical revision to the recreational marijuana rules. The emergency rule will revise the method of measurement of the 1,000 foot buffer measurement between a licensed marijuana business and an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or arcade where admission is not restricted to those age 21 and older. The emergency rule will not affect the Initiative 502 implementation timeline.

The current proposed rules filed with the Code Reviser on September 4, 2013, state “the distance shall be measured along the most direct route over or across established public walks, streets, or other public passageway between the proposed building/business location to the perimeter of the grounds.”

The emergency rule will state: “The distance shall be measured as the shortest straight line distance from the property line of the licensed premises to the property line of the entities listed below...”

“The current measurement mirrors the existing method of measurement between liquor-licensed businesses and schools,” said agency director Rick Garza. “We’ve since learned that this measurement, as it pertains to marijuana, conflicts with federal law. Although the emergency rule won’t be filed until October 16, it is critical that we announce our intentions now so that potential licensees, local government and law enforcement will have clarity and predictability going forward.”

### **Timeline (2013)**

- Oct. 08  
Public Hearing on permanent rules in Seattle
- Oct. 09  
Public Hearing on permanent rules in Spokane
- Oct. 16  
Board adoption of permanent rules  
Board adoption of emergency rule on 1,000 foot measurement
- Nov. 16  
Permanent rules become effective
- Nov. 17  
Emergency rule on 1,000 foot measurement becomes effective
- Nov. 18  
WSLCB begins taking license applications (30-day window)
- Dec. 01  
Deadline for adopting I-502 rules

For more information regarding the implementation of I-502 including summaries of the law and rules, answers to frequently asked questions and other documents, please visit the WSLCB website at [www.liq.wa.gov](http://www.liq.wa.gov) <sup>(1)</sup>.

Contact: Brian Smith, WSLCB Communications, 360-664-1774  
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Memo on Marijuana

# **Liquor Control Board Statement following Department of Justice's Guidance Memo on Marijuana**

OLYMPIA – The Washington State Liquor Control Board (WSLCB) issued the following statement regarding the Department of Justice's announcement today.

The Washington State Liquor Control Board would like to thank the Obama Administration, particularly Attorney General Eric Holder and the Dept. of Justice for its guidance today.

We would also like to thank Gov. Jay Inslee and Attorney General Bob Ferguson for their leadership and efforts on this issue these past nine months. As Gov. Inslee stated today, the Department of Justice today helped lay a path forward for Washington and Colorado to implement its systems of producing, processing and retailing recreational marijuana.

The Board's primary rule-making focus has been to create a tightly regulated market with emphasis on public safety and restricting youth access. In his letter, AG Holder shared the same concerns.

We believe the action taken today by the federal government is the result of the conversations by our state elected leaders with the Dept. of Justice as well as the open and transparent system in which the rules have been crafted. The Board is confident that Washington's recreational marijuana system will meet most, if not all, of the federal government's stated concerns.

With the federal government's approval the Board will continue to move forward and implement I-502 and carry out the will of Washington State voters.

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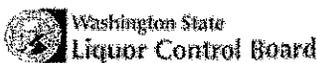


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## Three agencies release draft recommendations on medical marijuana



*Public may provide written comment on draft recommendations until November 8, 2013*

OLYMPIA –The three state agencies drafting proposed recommendations for regulating medical marijuana for the Liquor Control Board to consider sending to the Legislature today released a draft. Now there is an opportunity for the public to provide written comments.

A proviso in Section 141 of the state operating budget directs the Liquor Control Board to work with the departments of Revenue and Health to develop recommendations for the Legislature regarding the interaction of medical marijuana regulations and the emerging recreational marijuana system. A workgroup, consisting of staff from the three agencies, has been working on draft recommendations since July.

Per the budget proviso, the workgroup has prepared draft recommendations in eight categories that include possession amounts, medical marijuana authorizing requirements, taxation and other topics. If enacted, these recommendations will help provide patients with an adequate, safe and secure source of medical marijuana.

Among the recommendations are developing a registry for patients and their designated providers, reducing the amount of marijuana qualified patients or designated providers may possess at one time and requiring patients to

receive an in-person exam by a qualified health care provider before medical marijuana can be authorized. The recommendations reflect Washington State's commitment to address the concerns outlined by U.S. Attorney General Eric Holder in his August 2013 message to state leaders.

The full set of draft recommendations can be viewed [here](#) [1].

Written comments may be submitted at [medicalmarijuana@liq.wa.gov](mailto:medicalmarijuana@liq.wa.gov) [2] through November 8, 2013. Below is the timeline for finalizing, reporting and delivering the final recommendations to the Legislature.

Date (2013)	Milestone
October 21	Draft recommendations submitted to stakeholders for comment
November 8	Deadline for written comments
December TBD	Liquor Control Board will consider adoption of recommendations
January 1, 2014	Deadline for the Liquor Control Board to submit recommendations to the Legislature

For answers to frequently asked questions about the current state of medical marijuana, please visit the [medical marijuana section](#) [3] of the Department of Health's website.

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**Links:**

[1] <https://lcb.box.com/draft-recommendations>

[2] <mailto:medicalmarijuana@liq.wa.gov>

[3] [http://www.doh.wa.gov/SearchResults.aspx?tag=Medical%20Marijuana%20\(Cannabis\)](http://www.doh.wa.gov/SearchResults.aspx?tag=Medical%20Marijuana%20(Cannabis))



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**DRAFT Recommendations of the Medical Marijuana Work Group**

**Budget Proviso Language: 3ESSB 5034 Sec. 141(2):**

(a) The liquor control board must work with the department of health and the department of revenue to develop recommendations for the legislature regarding the interaction of medical marijuana regulations and the provisions of Initiative Measure No. 502. At a minimum, the recommendations must include provisions addressing the following:

- (i) Age limits;
- (ii) Authorizing requirements for medical marijuana;
- (iii) Regulations regarding health care professionals;
- (iv) Collective gardens;
- (v) Possession amounts;
- (vi) Location requirements;
- (vii) Requirements for medical marijuana producing, processing and retail licensing; and
- (viii) Taxation of medical marijuana in relation to recreational marijuana.

(b) The board must submit its recommendations to the appropriate committees of the legislature by January 1, 2014.

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**1. Age limits**

- Adults 18 to 20 years old should be allowed access to medical marijuana with proper authorization from a health care professional.
- Children 17 years old or younger should be allowed access to medical marijuana with parent or guardian consent to the authorization. The parent or guardian should participate in the child's treatment.
- Authorizing health care professionals should be required to engage in frequent re-examination and follow-up with a child patient and communication with the parent or guardian. The authorizing health care professional should also be required to consult with other health care providers involved in the child's treatment before authorization or reauthorization of medical marijuana.
- The child's parent or guardian should be required to act as the child's designated provider and be entered in the registry as such.
- The parent or guardian should have sole control over the child's medical marijuana. The child should be allowed to possess no more medical marijuana than necessary for his or her next dose.
- Medical marijuana consumed in a school setting should be held and administered by school personnel in the same manner as any other medication. Consistent with current law, schools should not be compelled to accommodate on-site use of medical marijuana on school grounds or school buses.
- Medical marijuana products should be prohibited from being labeled in a manner that mimics candy, soda or other treats attractive to children.

**Under I-502:**

A person must be 21 years old to legally possess marijuana, to hold a marijuana license or enter a licensed marijuana premise.

**2. Authorizing requirements for medical marijuana**

- A mandatory patient and designated provider registry should be established and maintained by the Department of Health.
- The registry should be mandatory for all patients as a condition of receiving an authorization.

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- The registry should be used to determine eligibility for exemption from state and local retail sales and use taxes on marijuana purchases by qualified patients.
- Designated providers should be required to participate in the registry in conjunction with the patient.
- Patient and designated provider information should be entered into the registry by the authorizing health care professional. The information must contain sufficient unique identifiers (Washington driver's license or identification card number or social security number) to ensure accurate identification of the patient or designated provider.
- Registration should expire annually and the patient or designated provider may be re-entered in the registry only after a new or follow-up examination.
- Cards should be issued from the registry to identify patients and designated providers.
- The registry should be available to law enforcement and to the Department of Revenue as necessary to verify tax-exempt purchases under Title 82 RCW.
- Disciplining authorities for the health care professions allowed to authorize medical marijuana should have access to the registry to monitor compliance by their licensees.
- Consistent and reliable funding must be provided to establish and maintain the registry.
- The registry should contain sufficient security features to protect patient privacy. Information in the registry that could identify patients should be excluded from public disclosure.
- All existing authorizations should expire on a date certain to coincide with full implementation of the registry and retail market. All patients with existing authorizations would need to be re-evaluated by a health care professional pursuant to the revised standards and placed in the registry within a designated timeframe.

Under I-502:

N/A

### 3. Regulations regarding health care professionals

- Define "debilitating" and "intractable pain" to clearly indicate the condition must be severe enough to significantly interfere with the patient's activities of daily living and ability to function, and can be objectively assessed and evaluated.
- Enact comprehensive requirements defining the standard of care for health care professionals who authorize medical marijuana similar to those required by ESHB 2876 (2010) regarding the use of opioids to manage chronic pain. The requirements should address topics such as adequacy of examination, follow-up care and recording keeping.
- Restrict a health care professional's practice to ensure it does not consist primarily of authorizing medical marijuana.
- Require a permanent physical location for a health care professional's place of practice.
- Require in person examinations for authorizations.
- Require an expiration of authorizations to ensure a regular cycle of re-examination and follow-up care.
- Eliminate the provision allowing for petitions to add qualifying conditions. Patients with conditions other than those already authorized can follow the legislative process to change the law and can avail themselves of the recreational marijuana market until such time as the law is changed. In the alternative, amend the petition provision to allow the Medical Quality Assurance Commission to make a preliminary finding of good cause prior to holding a hearing and expand the time frame for the hearing to be completed.

Under I-502:

N/A

### 4. Collective gardens

Eliminate Collective Gardens.

Under I-502:

N/A

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#### 5. Possession amounts

- Reduce the amount a qualified patient or designated provider can possess at any given time from twenty-four ounces of useable marijuana (a sixty day supply) to three ounces (a one week supply).
- Allow additional limits for marijuana infused products in solid or liquid form.
- Eliminate home grows and the ability for a qualified patient or designated provider to possess marijuana plants in any stage of growth. Define "plant" to avoid any misconstruction of this provision.
- Eliminate the ability for designated providers to also be qualified patients and thus possess double the legal limit of medical marijuana.
- Require labeling to include the levels of tetrahydrocannabinol (THC) and cannabinoids in medical marijuana products.
- Restrict labeling and marketing of medical marijuana products to ensure that they are not intentionally attractive to minors or recreational users.
- Eliminate the provision in RCW 69.51A.045 that grants qualified patients or designated providers an affirmative defense to criminal charges of possession above the legal amount if they can prove at trial the patient's necessary medical use exceeds the amount determined in law.

#### Under I-502:

One ounce of useable marijuana; 16 ounces of marijuana infused product in solid form; or 72 ounces of marijuana infused product in liquid form.

#### 6. Location requirements

Not applicable because only current I-502 licensed retail stores may sell marijuana and accept medical marijuana authorization cards.

Under I-502: Medical marijuana licensed business cannot be within one thousand feet of the perimeter of the grounds of any of the following entities:

1. Elementary or secondary school;
2. Playground;
3. Recreational center or facility;
4. Child care center;
5. Public park;
6. Public transit center;
7. Library; or
8. Any game arcade where admission is not restricted to persons age twenty-one or older.

#### 7. Requirements for medical marijuana producing, processing and retail licensing

A single system for medical and recreational producer and processor licenses. Only recreational marijuana stores with an endorsement may accept medical marijuana authorization cards. Make the new regulatory system for medical marijuana effective no sooner than January 1, 2015.

#### Under I-502:

1. Three separate license tiers: producer, processor and retailer;
2. A licensee may hold both a producer and processor license simultaneously, but not a retailer license;
3. Open registration for all license types for a 30-day window;
4. Three month state residency requirement to qualify for a license;
5. Personal criminal history, fingerprint and background checks of applicants;
6. Point system for all arrests and/or convictions;
7. License limits;
8. Production limits; and
9. Maximum allowable amount of marijuana on licensed locations.

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**8. Taxation of medical marijuana in relation to recreational marijuana**

Utilize the same tax structure as recreational marijuana, but provide an exemption from state and local retail sales and use taxes on purchases by medical marijuana patients registered with the Department of Health.

**Under I-502:**

1. Producers
  - a. Pay 25% excise tax on wholesale sales
  - b. Pay B&O tax as wholesaler
2. Processors
  - a. Pay 25% excise tax on wholesale sales
  - b. Pay B&O tax as manufacturer
3. Retailers
  - a. Pay 25% excise tax on retail sales
  - b. Pay B&O tax as retailer
  - c. Collect state/local retail sales & use tax
4. Retail Buyers
  - a. Pay state/local retail sales & use tax

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## Washington State Liquor Control Board

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# Liquor Control Board to hold public hearing on draft medical marijuana recommendations

*Single hearing to be held on November 13 at Saint Martin's University*

OLYMPIA – The Washington State Liquor Control Board (Board) announced today that it will hold a public hearing on Nov. 13, 2013, to take public testimony regarding recent draft medical marijuana recommendations.

### Hearing Details

Date: Nov. 13, 2013

Time: 6:00 – 9:00 p.m.

Location: Worthington Center - Saint Martin's University (5300 Pacific Ave. Lacey, WA 98503)

A proviso in Section 141 of the state operating budget directs the Washington State Liquor Control Board to work with the departments of Revenue and Health to develop recommendations for the Legislature regarding the interaction of medical marijuana regulations and the emerging recreational marijuana system.

The [draft recommendations](#) <sup>[1]</sup> on which the Board will take comment cover eight categories that include possession amounts, medical marijuana authorizing requirements, taxation and other topics.

The Board will present final recommendations to the Legislature by January 1, 2014. The date for the Board's approval of the final recommendations has not yet been determined. The Board continues to take written testimony at [medicalmarijuana@liq.wa.gov](mailto:medicalmarijuana@liq.wa.gov) <sup>[2]</sup>.

The event agenda is posted on the Board website at [www.liq.wa.gov](http://www.liq.wa.gov) <sup>[3]</sup>. For more information about the current state of medical marijuana, please visit the WSLCB website or the Department of Health website at [www.doh.wa.gov](http://www.doh.wa.gov) <sup>[4]</sup>.

Contact: Mikhail Carpenter, WSLCB Communications, 360-864-1621

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**Links:**

- [1] [http://www.liq.wa.gov/marijuana/mmj\\_draft\\_recommendations](http://www.liq.wa.gov/marijuana/mmj_draft_recommendations)
- [2] <mailto:mailto:medicalmarijuana@liq.wa.gov>
- [3] <http://www.liq.wa.gov/>
- [4] <http://www.doh.wa.gov/>

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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

CANNABIS ACTION COALITION, ARTHUR WEST,	)	
	)	DIVISION ONE
	)	
Plaintiffs,	)	No. 70396-0-1
	)	(Consolidated with
STEVE SARICH, JOHN WORTHINGTON, and DERYCK TSANG,	)	No. 69457-0-1)
	)	
	)	
Appellants,	)	
	)	
v.	)	
	)	
CITY OF KENT, a local municipal corporation,	)	PUBLISHED OPINION
	)	
	)	
Respondent.	)	FILED: March 31, 2014
_____		

DWYER, J. — The Washington Constitution grants the governor the power to veto individual sections of a bill. The governor may exercise this power even when doing so changes the meaning or effect of the bill from that which the legislature intended. As a corollary of this power, when the governor’s sectional veto alters the intent of the bill and the legislature does not override the veto, the governor’s veto message becomes the exclusive statement of legislative intent that speaks directly to the bill as enacted into law.

In this case, the governor vetoed over half of the sections in a 2011 bill amending the Washington State Medical Use of Cannabis Act<sup>1</sup> (MUCA), substantially changing the meaning, intent, and effect of the bill. Although Engrossed Second Substitute Senate Bill (ESSSB) 5073 was originally designed to legalize medical marijuana through the creation of a state registry of lawful users, as enacted it provides medical marijuana users with an affirmative defense to criminal prosecution.

Following the governor's sectional veto and the new law's effective date, the City of Kent enacted a zoning ordinance which defined medical marijuana "collective gardens" and prohibited such a use in all zoning districts. By so doing, Kent banned collective gardens.

An organization and several individuals (collectively the Challengers) brought a declaratory judgment action challenging the ordinance. The Challengers claimed that ESSSB 5073 legalized collective gardens and that Kent was thus without authority to regulate or ban collective gardens. In response, Kent sought an injunction against the individual challengers enjoining them from violating the ordinance. The superior court ruled in favor of Kent, dismissed the Challengers' claims for relief, and granted the relief sought by Kent.

We hold that neither the plain language of the statute nor the governor's intent as expressed in her veto message supports a reading of ESSSB 5073 that legalizes collective gardens. The Kent city council acted within its authority by enacting the ordinance banning collective gardens. Accordingly, the trial court

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<sup>1</sup> Ch. 69.51A RCW.

did not err by dismissing the Challengers' actions and granting relief to Kent.

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In 2011, the Washington legislature adopted ESSSB 5073, which was intended to amend the MUCA.<sup>2</sup> The bill purported to create a comprehensive regulatory scheme, whereby—with regard to medical marijuana—all patients, physicians, processors, producers, and dispensers would be registered with the state Department of Health. The legislature's intended purpose in amending the statute, as stated in section 101 of the bill, was so that

(a) Qualifying patients and designated providers complying with the terms of this act and registering with the department of health will no longer be subject to arrest or prosecution, other criminal sanctions, or civil consequences based solely on their medical use of cannabis;

(b) Qualifying patients will have access to an adequate, safe, consistent, and secure source of medical quality cannabis; and

(c) Health care professionals may authorize the medical use of cannabis in the manner provided by this act without fear of state criminal or civil sanctions.

ENGROSSED SECOND SUBSTITUTE S. B. (ESSSB) 5073, § 101, 62nd Leg., Reg.

Sess. (Wash. 2011) (italics and boldface omitted). The legislature also amended RCW 69.51A.005, the MUCA's preexisting purpose and intent provision, to state, in relevant part:

Qualifying patients with terminal or debilitating medical conditions who, in the judgment of their health care professionals, may benefit from the medical use of cannabis, shall not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences under state law based solely on their medical use of

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<sup>2</sup> The MUCA, as it existed prior to the 2011 legislative session, was a product of Initiative Measure No. 692 passed by the voters in the 1998 general election and subsequently codified as chapter 69.51A RCW. The MUCA was amended in 2007 and 2010 in manners not pertinent to the issues presented herein. LAWS OF 2007, ch. 371; LAWS OF 2010, ch. 284.

cannabis, notwithstanding any other provision of law.

ESSSB 5073, § 102.

As drafted by the legislature, ESSSB 5073 established a state-run registry system for qualified patients and providers. Significantly, section 901 of the bill required the state Department of Health, in conjunction with the state Department of Agriculture, to "adopt rules for the creation, implementation, maintenance, and timely upgrading of a secure and confidential registration system." ESSSB 5073, § 901(1). Patients would not be required to register; rather, the registry would be "optional for qualifying patients." ESSSB 5073, § 901(6). On the one hand, if a patient was registered with the Department of Health, he or she would not be subject to prosecution for marijuana-related offenses.<sup>3</sup> ESSSB 5073, § 405. On the other hand, if a patient did not register, he or she would be entitled only to an affirmative defense to marijuana-related charges.<sup>4</sup> ESSSB 5073, § 406.

The bill also allowed qualified patients to establish collective gardens for the purpose of growing medical marijuana for personal use.<sup>5</sup> ESSSB 5073,

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<sup>3</sup> This section of the bill is now codified as follows:

The medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime and a qualifying patient or designated provider in compliance with the terms and conditions of this chapter may not be arrested, prosecuted, or subject to other criminal sanctions or civil consequences, for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, or have real or personal property seized or forfeited for possession, manufacture, or delivery of, or for possession with intent to manufacture or deliver, cannabis under state law, and investigating peace officers and law enforcement agencies may not be held civilly liable for failure to seize cannabis in this circumstance.

RCW 69.51A.040.

<sup>4</sup> This section is now codified as RCW 69.51A.043(1), which states, "A qualifying patient or designated provider who is not registered with the registry established in \*section 901 of this act may raise the affirmative defense."

<sup>5</sup> Now codified as RCW 69.51A.085, this section provides:

§ 403. Furthermore, even though the bill purported to legalize medical marijuana for registered patients and providers, it nevertheless granted authority to municipalities to regulate medical marijuana use within their territorial confines.

Section 1102, now codified as RCW 69.51A.140, provides in relevant part:

(1) Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes. Nothing in this act is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction. If the jurisdiction has no commercial zones, the jurisdiction is not required to adopt zoning to accommodate licensed dispensers.

ESSSB 5073, § 1102.

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(1) Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use subject to the following conditions:

(a) No more than ten qualifying patients may participate in a single collective garden at any time;

(b) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

(c) A collective garden may contain no more than twenty-four ounces of useable cannabis per patient up to a total of seventy-two ounces of useable cannabis;

(d) A copy of each qualifying patient's valid documentation or proof of registration with the registry established in \*section 901 of this act, including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

(e) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden.

(2) For purposes of this section, the creation of a "collective garden" means qualifying patients sharing responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants.

(3) A person who knowingly violates a provision of subsection (1) of this section is not entitled to the protections of this chapter.

No. 70396-0-1 (consol. with No. 69457-0-1)/6

The bill was passed by both houses of the legislature and sent to Governor Gregoire for her signature.

On April 14, 2011, the United States Attorneys for the Eastern and Western Districts of Washington wrote an advisory letter to Governor Gregoire regarding ESSSB 5073. Therein, the district attorneys explained the Department of Justice's position on the bill:

The Washington legislative proposals will create a licensing scheme that permits large-scale marijuana cultivation and distribution. This would authorize conduct contrary to federal law and thus, would undermine the federal government's efforts to regulate the possession, manufacturing, and trafficking of controlled substances. . . . In addition, state employees who conducted activities mandated by the Washington legislative proposals would not be immune from liability under the CSA.<sup>6</sup> Potential actions the Department could consider include injunctive actions to prevent cultivation and distribution of marijuana and other associated violations of the CSA; civil fines; criminal prosecution; and the forfeiture of any property used to facilitate a violation of the CSA.

After receiving this missive, Governor Gregoire vetoed all sections of the bill which might have subjected state employees to federal charges. The governor vetoed 36 sections<sup>7</sup> of the bill that purported to establish a state registry, including section 901, and including section 101, the legislature's statement of intent. LAWS OF 2011, ch. 181. The governor left intact those sections of the bill that did not create or were not wholly dependent on the creation of a state registry. LAWS OF 2011, ch. 181. In her official veto message, Governor Gregoire explained her decision to leave parts of the bill intact:

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<sup>6</sup> Controlled Substances Act, Title 21 U.S.C., Ch. 13.

<sup>7</sup> The bill contained 58 sections as passed by the legislature. The governor vetoed 36 of those sections.

Today, I have signed sections of Engrossed Second Substitute Bill 5073 that retain the provisions of Initiative 692 and provide additional state law protections. Qualifying patients or their designated providers may grow cannabis for the patient's use or participate in a collective garden without fear of state law criminal prosecutions. Qualifying patients or their designated providers are also protected from certain state civil law consequences.

LAWS OF 2011, ch. 181, governor's veto message at 1374-75.

The governor recognized that her extensive exercise of the sectional veto power rendered meaningless any of the bill's provisions that were dependent upon the state registry, noting that "[b]ecause I have vetoed the licensing provisions, I have also vetoed" numerous other sections. LAWS OF 2011, ch. 181, governor's veto message at 1375. However, the governor also recognized that—after her extensive vetoes—portions of some sections would remain meaningful even though references to the registry within those sections would not.

Importantly, in one particular example, the governor stated:

I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. Because these sections govern those who have not registered, this section is meaningful even though section 901 has been vetoed.

LAWS OF 2011, ch. 181, governor's veto message at 1376. Another section that the governor believed to have meaning, even though it referenced registered entities, was section 1102. With respect to this section, the governor stated:

Section 1102 sets forth local governments' authority pertaining to the production, processing or dispensing of cannabis or cannabis products within their jurisdictions. The provisions in Section 1102 that local governments' zoning requirements cannot "preclude the possibility of siting licensed dispensers within the jurisdiction" are without meaning in light of the vetoes of sections providing for such licensed dispensers. It is with this understanding that I approve

No. 70396-0-I (consol. with No. 69457-0-I)/8

section 1102.

LAWS OF 2011, ch. 181, governor's veto message at 1375. The bill, now consisting only of the 22 sections not vetoed by the governor, was signed into law and codified in chapter 69.51A RCW. The legislature did not override the governor's veto.

Subsequently, Kent sought to exercise its zoning power to regulate collective gardens. On July 5, 2011 and January 3, 2012, Kent issued six month moratoria prohibiting collective gardens within the city limits. On June 5, 2012, Kent enacted Ordinance No. 4036 (the Ordinance), defining collective gardens and banning them within the city limits. The Ordinance states, in relevant part:

A. *Collective gardens*, as defined in KCC 15.02.074, are prohibited in the following zoning districts:

1. All agricultural districts, including A-10 and AG;
2. All residential districts, including SR-1, SR-3, SR-4.5, SR-6, SR-8, MR-D, MR-T12, MR-T16, MR-G, MR-M, MR-H, MHP, PUD, MTC-1, MTC-2, and MCR;
3. All commercial/office districts, including: NCC, CC, CC-MU, DC, DCE, DCE-T, CM-1, CM-2, GC, GC-MU, O, O-MU, and GWC;
4. All industrial districts, including: MA, M1, M1-C, M2, and M3; and
5. Any new district established after June 5, 2012.

B. Any violation of this section is declared to be a public nuisance per se, and shall be abated by the city attorney under applicable provisions of this code or state law, including, but not limited to, the provisions of KCC Chapter 1.04.

Thereafter, the Cannabis Action Coalition, Steve Sarich, Arthur West, John Worthington, and Deryck Tsang filed suit against Kent, seeking declaratory,

injunctive, and mandamus relief.<sup>8</sup> Worthington, Sarich, and West stated in their complaint that they intended to participate in a collective garden in Kent. None of the three, however, actually resided in, owned or operated a business in, or participated in a collective garden in Kent. Tsang, on the other hand, is a resident of Kent and currently participates in a collective garden in the city limits.

In the superior court proceeding, the parties filed competing motions for summary judgment. After considering all documentation submitted by the parties, the trial court ruled in favor of Kent. The trial court dismissed the claims of Cannabis Action Coalition, Sarich, West, and Worthington for lack of standing.<sup>9</sup> On the merits of Tsang's claims, the trial court held that "[t]he Kent City Council had authority to pass Ordinance 4036, Ordinance 4036 is not preempted by state law, and Ordinance 4036 does not violate any constitutional rights of Plaintiffs." The trial court also granted Kent's request for a permanent injunction against all plaintiffs, prohibiting them from violating the Ordinance.

The Challengers appealed to the Washington Supreme Court and requested a stay of the injunction. The Supreme Court Commissioner granted the stay. While the appeal was pending, Kent filed a motion to strike portions of Worthington's reply brief, which Worthington countered with a motion to waive Rule of Appellate Procedure (RAP) 10.3(c).<sup>10</sup> The Supreme Court transferred

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<sup>8</sup> The Cannabis Action Coalition is no longer a party to this matter. Although West filed a notice of appeal, he never filed an appellate brief; he has thus abandoned his appeal.

<sup>9</sup> However, the trial court stated that "even if all plaintiffs do have standing," its motion granting summary judgment in favor of Kent was "dispositive as to all plaintiffs."

<sup>10</sup> Kent asserts that the majority of Worthington's reply brief should be stricken because they contain arguments not raised in the trial court, they contain arguments not raised in Worthington's opening brief, and they are not in response to Kent's brief. Worthington contends

the appeal to this court, along with the two unresolved motions.

II

A

The Challengers contend that the plain language of the MUCA legalizes collective gardens.<sup>11</sup> This is so, they assert, because the MUCA provides that

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that this court should waive RAP 10.3(c) and that his entire reply brief should be considered in order to "meet the ends of justice and facilitate a ruling on the merits."

RAP 10.3(c) provides that, "[a] reply brief should conform with subsections (1), (2), (6), (7), and (8) of section (a) and be limited to a response to the issues in the brief to which the reply brief is directed." "A reply brief is generally not the proper forum to address new issues because the respondent does not get an opportunity to address the newly raised issues." City of Spokane v. White, 102 Wn. App. 955, 963, 10 P.3d 1095 (2000) (citing RAP 10.3(c); Dykstra v. Skagit County, 97 Wn. App. 670, 676, 985 P.2d 424 (1999)).

Sections A, C, G, and I of Worthington's reply brief all consist of arguments not previously raised or are premised on facts not in the record. Kent's motion is granted with respect to these sections. Kent's motion is denied with respect to sections B, D, and H.

Kent additionally moved to strike all appendices to Worthington's reply brief. "An appendix may not include materials not contained in the record on review without permission from the appellate court, except as provided in rule 10.4(c)." RAP 10.3(a)(8).

Appendix D does not appear in the record, nor did Worthington seek permission from the Supreme Court to include materials not contained in the record. We therefore grant Kent's motion to strike appendix D. Kent's motion is denied with respect to Appendices A and C.

Appendix B is a copy of an unpublished federal district court decision, which Worthington cited in support of his argument in section G. As we have already stricken section G, we have no basis to consider the material in Appendix B. Kent's motion with respect to this appendix is thus moot.

Worthington contends that we should waive RAP 10.3(c) and nevertheless consider sections A, C, G, I, and Appendices B and D. RAP 18.8(a) allows this court to waive any of the RAPs "in order to serve the ends of justice." In addition to Worthington's opening brief, this court has received briefing from Sarich, Tsang, Kent, and two amici curiae. Accordingly, it is not necessary to consider Worthington's new arguments "in order to serve the ends of justice" in this case. Worthington's motion is denied.

<sup>11</sup> As an initial matter, Kent claims that Sarich and Worthington lack standing to assert these arguments. However, in the trial court, Kent sought and was granted affirmative relief against all plaintiffs, including Sarich and Worthington. Because Sarich and Worthington are now subject to a permanent injunction, they both have standing on appeal. Orion Corp. v. State, 103 Wn.2d 441, 455, 693 P.2d 1369 (1985); see also Casey v. Chapman, 123 Wn. App. 670, 676, 98 P.3d 1246 (2004) ("Parties whose financial interests are affected by the outcome of a declaratory judgment action have standing."). Moreover, as soon as Kent sought affirmative relief against them in the trial court, their standing was established. Vovos v. Grant, 87 Wn.2d 697, 699, 555 P.2d 1343 (1976) ("A person has standing to challenge a court order or other court action if his protectable interest is adversely affected thereby.") The critical question is whether "if the relief requested is granted," will the litigants' protectable interests be affected. Herrold v. Case, 42 Wn.2d 912, 916, 259 P.2d 830 (1953); cf. Snohomish County Bd. of Equalization v. Dep't of Revenue, 80 Wn.2d 262, 264-64, 493 P.2d 1012 (1972) ("Without a decision of this court, [the

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"[q]ualifying patients may create and participate in collective gardens." RCW 69.51A.085(1). Kent, in response, contends that the plain language of the MUCA did not legalize collective gardens because collective gardens would only have been legalized in circumstances wherein the participating patients were duly registered, and the registry does not exist. The trial court properly ruled that Kent is correct.

We review issues of statutory interpretation *de novo*. Fiore v. PPG Indus., Inc., 169 Wn. App. 325, 333, 279 P.3d 972 (2012). "The goal of statutory interpretation is to discern and carry out legislative intent." Bennett v. Seattle Mental Health, 166 Wn. App. 477, 483, 269 P.3d 1079, review denied, 174 Wn.2d 1009 (2012). "The court must give effect to legislative intent determined 'within the context of the entire statute.'" Whatcom County v. City of Bellingham, 128 Wn.2d 537, 546, 909 P.2d 1303 (1996) (quoting State v. Elgin, 118 Wn.2d 551, 556, 825 P.2d 314 (1992)). "If the statute's meaning is plain on its face, we give effect to that plain meaning as the expression of what was intended." TracFone Wireless, Inc. v. Dep't of Revenue, 170 Wn.2d 273, 281, 242 P.3d 810 (2010) (citing Dep't of Ecology v. Campbell & Gwinn, LLC, 146 Wn.2d 1, 9-10, 43 P.3d 4 (2002)). "In approving or disapproving legislation, the governor acts in a legislative capacity and as part of the legislative branch of government." Hallin v. Trent, 94 Wn.2d 671, 677, 619 P.2d 357 (1980). Accordingly, when the governor

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plaintiffs) were placed in a position of making a determination of a difficult question of constitutional law with the *possibility of facing both civil and criminal penalties* if they made the wrong choice. One of the purposes of declaratory judgment laws is to give relief from such situations." (emphasis added) (footnotes omitted)).

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vetoed sections of a bill, the governor's veto message is considered a statement of legislative intent. Dep't of Ecology v. Theodoratus, 135 Wn.2d 582, 594, 957 P.2d 1241 (1998).

The plain language of ESSSB 5073, as enacted, does not legalize medical marijuana or collective gardens. Subsection (1) of RCW 69.51A.085 delineates the requirements for collective gardens. RCW 69.51A.085 further provides that "[a] person who knowingly violates a provision of subsection (1) of this section is not entitled to the protections of this chapter." RCW 69.51A.085(3).

The "protections of this chapter" to which RCW 69.51A.085(3) refers are found in RCW 69.51A.040 and 69.51A.043. RCW 69.51A.040 provides that "[t]he medical use of cannabis in accordance with the terms and conditions of this chapter does not constitute a crime" if the patient meets the six listed requirements. One of the listed requirements is that

The qualifying patient or designated provider keeps a copy of his or her *proof of registration with the registry established in \*section 901 of this act* and the qualifying patient or designated provider's contact information posted prominently next to any cannabis plants, cannabis products, or useable cannabis located at his or her residence.

RCW 69.51A.040(3) (emphasis added). Therefore, in order to obtain the protections provided by RCW 69.51A.040, the patient must be registered with the state.

RCW 69.51A.043, on the other hand, delineates the protections for patients who are not registered:

(1) *A qualifying patient or designated provider who is not registered with the registry established in \*section 901 of this act*

*may raise the affirmative defense set forth in subsection (2) of this section, if:*

(a) The qualifying patient or designated provider presents his or her valid documentation to any peace officer who questions the patient or provider regarding his or her medical use of cannabis;

(b) The qualifying patient or designated provider possesses no more cannabis than the limits set forth in RCW 69.51A.040(1);

(c) The qualifying patient or designated provider is in compliance with all other terms and conditions of this chapter;

*(2) A qualifying patient or designated provider who is not registered with the registry established in \*section 901 of this act, but who presents his or her valid documentation to any peace officer who questions the patient or provider regarding his or her medical use of cannabis, may assert an affirmative defense to charges of violations of state law relating to cannabis through proof at trial, by a preponderance of the evidence, that he or she otherwise meets the requirements of RCW 69.51A.040. A qualifying patient or designated provider meeting the conditions of this subsection but possessing more cannabis than the limits set forth in RCW 69.51A.040(1) may, in the investigating peace officer's discretion, be taken into custody and booked into jail in connection with the investigation of the incident.*

(Emphasis added.) Section 901 of ESSSB 5073, referred to in both RCW 69.51A.040 and 69.51A.043, was vetoed. As a result of the governor's veto, the state registry does not exist. Thus, it is impossible for an individual to be registered with the registry. Accordingly, no individual is able to meet the requirements of RCW 69.51A.040.

Pursuant to RCW 69.51A.043, patients who are *not registered* may be entitled to an affirmative defense. As we hold today in State v. Reis, No. 69911-3-I, slip op. at 11 (Wash. Ct. App. Mar. 31, 2014), "by default, qualifying patients and designated providers are entitled only to an affirmative defense." As such, the only available "protection" to which collective garden participants are entitled pursuant to RCW 69.51A.085(3) is an affirmative

defense to prosecution.

Although such a reading may appear to render RCW 69.51A.040 meaningless, it does not, in fact, do so. RCW 69.51A.040 delineates the non-registry related conditions for possessing medical marijuana. These conditions are referenced in RCW 69.51A.043<sup>12</sup> and are essential components of the affirmative defense. Thus, the plain language of the statute does not legalize the use of medical marijuana.<sup>13</sup> Instead, it provides a defense to an assertion that state criminal laws were violated. As such, medical marijuana use, including collective gardens, was not legalized by the 2011 amendments to the MUCA.

B

All parties contend that the legislative history of ESSSB 5073 supports their reading of the Act. In order to analyze the legislative history of ESSSB 5073 as enacted, however, we must first determine which sources of legislative intent are proper for us to consider. For the reasons that follow, we hold that the

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<sup>12</sup> "(b) The qualifying patient or designated provider possesses no more cannabis than the limits set forth in RCW 69.51A.040(1); (c) The qualifying patient or designated provider is in compliance with all other terms and conditions of this chapter." RCW 69.51A.043(1).

<sup>13</sup> In State v. Kurtz, 178 Wn.2d 466, 476, 309 P.3d 472 (2013), the Supreme Court briefly stated in dicta, "[I]n 2011 the legislature amended the Act making qualifying marijuana use a legal use, not simply an affirmative defense." As authority for this assertion, the court cited RCW 69.51A.005. RCW 69.51A.005, a preexisting provision entitled "Purpose and intent," was amended by the legislature in ESSSB 5073, section 102. Section 102 was included in the bill as passed by both houses of the legislature and accurately expresses the intent of the original bill. While the governor did not veto section 102, the governor's veto of numerous other sections of the bill significantly changed the bill's purpose. Additionally, the governor *did* veto section 101, a new statement of legislative purpose quoted, supra, at 3. Moreover, the parties in Kurtz did not address this question in their briefing to the Supreme Court and the court's footnoted statement was not important to its holding. Thus, we do not view this statement in Kurtz as controlling the outcome of this litigation. In our decision in Reis, No. 69911-3-1, we further explain our view in this regard.

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governor's veto message is the sole source of relevant legislative history on the 2011 amendments to the MUCA, as enacted.

Article III, section 12 of the Washington Constitution allows for the governor to veto "one or more sections . . . while approving other portions of the bill." Prior to 1984, the long-standing rule governing the governor's sectional veto power was that the governor could only use the executive veto power in a "negative" manner, and not in an "affirmative" manner. Wash. Fed'n of State Employees, AFL-CIO, Council 28 AFSCME v. State, 101 Wn.2d 536, 545, 682 P.2d 869 (1984). Phrased another way,

"[T]he Governor may use the veto power to prevent some act or part of an act of the legislature from becoming law. Likewise, the Governor may not use the veto power to reach a new or different result from what the legislature intended. In other words, the veto power must be exercised in a destructive and not a creative manner."

State Employees, 101 Wn.2d at 545 (alteration in original) (quoting Wash. Ass'n of Apartment Ass'ns v. Evans, 88 Wn.2d 563, 565-66, 564 P.2d 788 (1977)).

In State Employees, the Supreme Court disavowed that rule, holding that, "[i]ts use by the judiciary is an intrusion into the legislative branch, contrary to the separation of powers doctrine, and substitutes judicial judgment for the judgment of the legislative branch." 101 Wn.2d at 546 (citations omitted). From then on, "[t]he Governor [was] free to veto 'one or more sections or appropriation items', without judicial review." State Employees, 101 Wn.2d at 547. Thus, the current analytical approach is that the governor is free to veto sections of a bill even

when doing so changes the meaning of the bill from that which the legislature originally intended.

Significantly, the Supreme Court characterized the veto process as follows:

“In approving or disapproving legislation, the Governor acts in a legislative capacity and as part of the legislative branch of government.” Hallin v. Trent, 94 Wn.2d 671, 677, 619 P.2d 357 (1980). In effect, the Governor holds one-third of the votes. The veto is upheld if the Legislature fails to override it. Fain v. Chapman, 94 Wn.2d 684, 688, 619 P.2d 353 (1980). To override the Governor's veto, the Senate and House must agree by a two-thirds vote. Const. art. 3, § 12 (amend. 62).

State Employees, 101 Wn.2d at 544. The legislature's power to override, the Supreme Court held, serves as an adequate "check" on the governor's veto power. State Employees, 101 Wn.2d at 547. Thus, if the legislature disapproves of the new meaning or effect of the bill resulting from the governor's veto, it can vote to override the veto and restore the bill to its original meaning or effect.

Here, Governor Gregoire vetoed 36 of the 58 sections of ESSSB 5073. This veto significantly altered the meaning and effect of the sections that remained for enactment. When returning the bill to the Senate, the governor provided a formal veto message expressing her opinion as to the meaning and effect of the bill after her veto. See Wash. State Grange v. Locke, 153 Wn.2d 475, 490, 105 P.3d 9 (2005) ("The expression of [an opinion as to the statute's interpretation] is within the governor's prerogative.") Had the legislature objected to the governor's veto, it could have overturned it by a two-thirds vote. CONST.

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art. III, § 12. A legislative override would also have nullified the governor's veto message. By not overriding the veto, the legislature failed to provide an interpretation of the MUCA contrary to that articulated by Governor Gregoire. Cf. Rozner v. City of Bellevue, 116 Wn.2d 342, 349, 804 P.2d 24 (1991) (legislature's actions in not overriding veto, but later amending parts of the statute, functioned as legislative approval of governor's veto message with respect to unamended portions of the statute).

All parties urge us to consider the intent of the legislature in passing ESSSB 5073. However, ESSSB 5073, as passed by both houses of the legislature, was not the bill that was enacted. Rather, the bill that was enacted was that which existed after the governor's veto. Thus, the governor's veto message is the only legislative history that speaks directly to the law as it was enacted. It is the paramount source for us to refer to in order to discern the legislative intent behind the enacted law.

The governor's intent in vetoing a significant portion of ESSSB 5073 was that there should not be a state registry, and that medical marijuana should not be legalized. In her veto message, Governor Gregoire stated:

*I have been open, and remain open, to legislation to exempt qualifying patients and their designated providers from state criminal penalties when they join in nonprofit cooperative organizations to share responsibility for producing, processing and dispensing cannabis for medical use. Such exemption from criminal penalties should be conditioned on compliance with local government location and health and safety specifications.*

LAWS OF 2011, ch. 181, governor's veto message at 1376 (emphasis added). By stating that she was open to future legislation that would exempt patients from

criminal penalties, the governor indicated that she did not read *this* bill as creating any such exemptions.

Further, the governor concluded her veto message by stating:

I am not vetoing Sections 402 or 406, which establish affirmative defenses for a qualifying patient or designated provider who is not registered with the registry established in section 901. Because these sections govern those who have not registered, this section is meaningful even though section 901 has been vetoed.

LAWS OF 2011, ch. 181, governor's veto message at 1376. This statement indicates that the governor realized that her veto would preclude the legislature's attempt to legalize certain medical marijuana uses. The governor affirmatively stated her understanding that only affirmative defenses to criminal prosecutions survived her veto.

These two statements, read in conjunction, demonstrate that the governor did not intend for ESSSB 5073 to legalize medical marijuana. The governor did not read the bill as enacted as exempting medical marijuana users from prosecution. Significantly, although the MUCA provides for an affirmative defense, "[a]n affirmative defense does not per se legalize an activity." State v. Fry, 168 Wn.2d 1, 10, 228 P.3d 1 (2010). Thus, the plain language of the statute, which does not read so as to legalize medical marijuana, is consonant with the governor's expressed intent in signing the bill, as amended by her vetoes.

The governor's statement regarding collective gardens does not suggest otherwise. In her veto message, Governor Gregoire stated, "Qualifying patients or their designated providers may grow cannabis for the patient's use or

participate in a collective garden without fear of state law criminal prosecutions.”<sup>14</sup> LAWS OF 2011, ch. 181, governor's veto message at 1374-75. Two paragraphs earlier, Governor Gregoire stated, “In 1998, Washington voters made the compassionate choice to remove the fear of state criminal prosecution for patients who use medical marijuana for debilitating or terminal conditions.” LAWS OF 2011, ch. 181, governor's veto message at 1374. The governor's use of the phrase “state criminal prosecution[s]” in both sentences indicates that she intended for the bill to extend the *existing* legal protections to collective gardens. The 1998 ballot initiative (I-692) provided qualifying patients with an affirmative defense to drug charges. Former RCW 69.51A.040 (1999). I-692 did not legalize medical marijuana, but the governor nevertheless described it as “remov[ing] the fear of state criminal prosecution.” Her use of the same phrase when describing ESSSB 5073 must be read in this light. The governor plainly did not intend for ESSSB 5073, after her vetoes, to legalize medical marijuana. The plain language of the MUCA is consonant with the governor's expressed intent.

III

A

The Challengers nevertheless contend that the plain language of the MUCA does not allow Kent to regulate collective gardens. This is so, they assert, because RCW 69.51A.085, which deals with collective gardens, is a stand-alone statute that does not grant any regulatory authority to municipalities.

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<sup>14</sup> Kent characterizes this statement as errant. As stated above, the governor was not saying that she intended to legalize marijuana. As the bill did add an affirmative defense relating to collective gardens, the governor's statement was not errant.

We disagree.

Although RCW 69.51A.085 does not itself grant powers to municipalities, this statutory provision cannot be read in isolation. "We construe an act as a whole, giving effect to all the language used. Related statutory provisions are interpreted in relation to each other and all provisions harmonized." C.J.C. v. Corp. of Catholic Bishop of Yakima, 138 Wn.2d 699, 708, 985 P.2d 262 (1999) (citing State v. S.P., 110 Wn.2d 886, 890, 756 P.2d 1315 (1988)). RCW 69.51A.085 was passed as part of a comprehensive bill amending the MUCA. This provision must therefore be read in conjunction with the other enacted provisions of ESSSB 5073.

Importantly, ESSSB 5073, as enacted, includes a section specifically granting regulatory powers to municipalities. RCW 69.51A.140 states:

*Cities and towns may adopt and enforce any of the following pertaining to the production, processing, or dispensing of cannabis or cannabis products within their jurisdiction: Zoning requirements, business licensing requirements, health and safety requirements, and business taxes. Nothing in chapter 181, Laws of 2011 is intended to limit the authority of cities and towns to impose zoning requirements or other conditions upon licensed dispensers, so long as such requirements do not preclude the possibility of siting licensed dispensers within the jurisdiction.*

(Emphasis added.) The plain language of this section allows municipalities to regulate the production, processing, and dispensing of medical marijuana. Only "licensed dispensers" are listed as users that a city may not exclude. This necessarily implies that a city retains its traditional authority to regulate

all other uses of medical marijuana.<sup>15</sup> Thus, the MUCA expressly authorizes cities to enact zoning requirements to regulate or exclude collective gardens.

B

The Challengers contend that the legislative history of ESSSB 5073 does not support a reading of RCW 69.51A.140 that would allow a city to regulate or exclude collective gardens. To the contrary, it is the Challengers' interpretation of the statute that is not supported by the legislative history.

In enacting the 2011 amendments to the MUCA, the governor provided some insight into a locality's ability to regulate medical marijuana. In her veto message, the governor stated:

Section 1102 sets forth local governments' authority pertaining to the production, processing or dispensing of cannabis or cannabis products within their jurisdictions. The provisions in Section 1102 that local governments' zoning requirements cannot "preclude the possibility of siting licensed dispensers within the jurisdiction" are without meaning in light of the vetoes of sections providing for such licensed dispensers. It is with this understanding that I approve Section 1102.

LAWS OF 2011, ch. 181, governor's veto message at 1375. This statement indicates that the governor intended section 1102 to have meaning even though one provision therein was meaningless. Accordingly, the governor's understanding of section 1102 of the bill was that municipalities would be able to regulate medical marijuana production, processing or dispensing within their territorial confines.

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<sup>15</sup> A city's traditional authority is defined by the state constitution as the power to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." CONST. art. XI, § 11.

Further, the governor stated:

I have been open, and remain open, to legislation to exempt qualifying patients and their designated providers from state criminal penalties when they join in nonprofit cooperative organizations to share responsibility for producing, processing and dispensing cannabis for medical use. *Such exemption from state criminal penalties should be conditioned on compliance with local government location and health and safety specifications.*

LAWS OF 2011, ch. 181, governor's veto message at 1376 (emphasis added).

"[L]ocation and health and safety specifications" are precisely what the Washington Constitution anticipates municipalities will address by enacting ordinances. "Municipalities derive their authority to enact ordinances in furtherance of the *public safety*, *morals*, *health* and *welfare* from article 11, section 11 of our state constitution." City of Tacoma v. Vance, 6 Wn. App. 785, 789, 496 P.2d 534 (1972) (emphasis added); accord Hass v. City of Kirkland, 78 Wn.2d 929, 932, 481 P.2d 9 (1971). The governor's message thus indicated her understanding that, in the future, if a bill succeeded in legalizing medical marijuana, municipalities should continue to retain their ordinary regulatory powers, such as zoning.

Nonetheless, the Challengers contend that the phrase "production, processing, or dispensing of cannabis or cannabis products" in RCW 69.51A.140 refers only to commercial production, processing, or dispensing. The Challengers' interpretation would render all of RCW 69.51A.140 a nullity. Commercial producers, processors, and dispensers are those producers, processors, and dispensers that would have been licensed by the Department of Health. ESSSB 5073, § 201(12), (13), (14). As a result of the governor's veto of

all sections creating a licensing system, commercial producers, processors, and dispensers do not exist. If "producers, processors, and dispensers" referred only to those commercial licensed entities, all of section 1102 would be meaningless. However, the governor did not veto section 1102 along with the other sections creating licensed producers, processors, and dispensers. Rather, the governor stated in her veto message that only those "provisions in Section 1102 that local governments' zoning requirements cannot 'preclude the possibility of siting licensed dispensers within the jurisdiction' are without meaning." LAWS OF 2011, ch. 181, governor's veto message at 1375. The governor's veto did not leave municipalities without the ability to regulate. In this regard, the Challengers' interpretation of the amended MUCA is contrary to the legislative history of the bill.

The governor clearly understood the bill to allow cities to use their zoning power to regulate medical marijuana use within their city limits. The governor's understanding is consistent with the plain language of the MUCA.

#### IV

The Challengers next contend that the Ordinance is invalid because, they assert, the MUCA preempts local regulation of medical marijuana and because the Ordinance conflicts with state law.<sup>16</sup> We disagree.

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<sup>16</sup> The Challengers also contend that RCW 69.51A.025 precludes cities from banning collective gardens. This provision states, "Nothing in this chapter or in the rules adopted to implement it precludes a qualifying patient or designated provider from engaging in the private, unlicensed, noncommercial production, possession, transportation, delivery, or administration of cannabis for medical use as authorized under RCW 69.51A.040." RCW 69.51A.025. Contrary to the Challengers' assertion, a city zoning ordinance is not a "rule adopted to implement" the MUCA. The cited provision refers to anticipated Department of Health regulations which would

Generally, municipalities possess constitutional authority to enact zoning ordinances as an exercise of their police power. CONST. art. XI, § 11. However, a municipality may not enact a zoning ordinance which is either preempted by or in conflict with state law. HJS Dev., Inc. v. Pierce County ex rel. Dep't of Planning & Land Servs., 148 Wn.2d 451, 477, 61 P.3d 1141 (2003).

State law preempts a local ordinance when "the legislature has expressed its intent to preempt the field or that intent is manifest from necessary implication." HJS Dev., 148 Wn.2d at 477 (citing Rabon v. City of Seattle, 135 Wn.2d 278, 289, 957 P.2d 621 (1998); Brown v. City of Yakima, 116 Wn.2d 556, 560, 807 P.2d 353 (1991)). Otherwise, municipalities will have concurrent jurisdiction over the subject matter. HJS Dev., 148 Wn.2d at 477. The MUCA does not express the intent to preempt the field of medical marijuana regulation. To the contrary, as previously discussed in section III, the MUCA explicitly recognizes a role for municipalities in medical marijuana regulation. As the MUCA explicitly contemplates its creation, the Ordinance is not directly preempted by state law.

A local ordinance that is not directly preempted may nevertheless be invalid if it conflicts with state law. Pursuant to article XI, section 11 of the Washington Constitution, "[a]ny county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." A city ordinance is unconstitutional under

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have been adopted as rules contained within the Washington Administrative Code, had the governor not vetoed the regulatory scheme.

article XI, section 11 if "(1) the ordinance conflicts with some general law; (2) the ordinance is not a reasonable exercise of the city's police power; or (3) the subject matter of the ordinance is not local." Edmonds Shopping Ctr. Assocs. v. City of Edmonds, 117 Wn. App. 344, 351, 71 P.3d 233 (2003). Whether a local ordinance is valid under the state constitution is a pure question of law, which this court reviews de novo. Edmonds Shopping Ctr., 117 Wn. App. at 351.

Here, the Challengers contend that the Ordinance is unconstitutional because it conflicts with the MUCA.<sup>17</sup> Ordinances are presumed to be constitutional. HJS Dev., 148 Wn.2d at 477. As the party challenging the Ordinance, the burden is on the Challengers to prove beyond a reasonable doubt that it is unconstitutional. Edmonds Shopping Ctr., 117 Wn. App. at 355. "In determining whether an ordinance is in "conflict" with general laws, the test is whether the ordinance permits or licenses that which the statute forbids and prohibits, and vice versa." City of Tacoma v. Luvene, 118 Wn.2d 826, 834-35, 827 P.2d 1374 (1992) (internal quotation marks omitted) (quoting City of Bellingham v. Schampera, 57 Wn.2d 106, 111, 356 P.2d 292 (1960)). "The conflict must be direct and irreconcilable with the statute, and the ordinance must yield to the statute if the two cannot be harmonized." Luvene, 118 Wn.2d at 835.

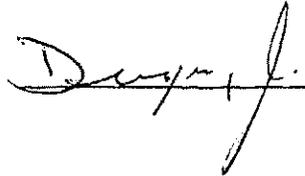
"The scope of [a municipality's] police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people." State v. City of Seattle, 94 Wn.2d 162, 165, 615 P.2d 461 (1980). Generally speaking, a municipality's police powers are

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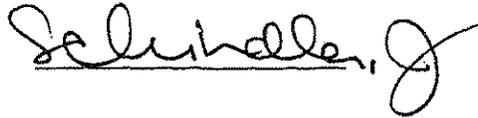
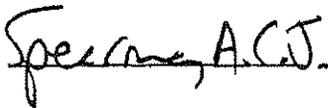
<sup>17</sup> The Challengers do not contend that the Ordinance is unreasonable or not local.

coextensive with those possessed by the State. City of Seattle, 94 Wn.2d at 165. Without question, a municipality's plenary powers include the power to "enact ordinances prohibiting and punishing the same acts which constitute an offense under state laws." Schampera, 57 Wn.2d at 109; accord State v. Kirwin, 165 Wn.2d 818, 826-27, 203 P.3d 1044 (2009). As the plain language of the statute and the governor's veto message indicate, collective gardens are not legal activity. The Ordinance, by prohibiting collective gardens, prohibits an activity that constitutes an offense under state law. As it prohibits an activity that is also prohibited under state law, the Ordinance does not conflict with the MUCA.<sup>18</sup> The trial court did not err by so holding.<sup>19</sup>

Affirmed.



We concur:



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<sup>18</sup> To decide this case, we need not determine whether the Ordinance would be valid had the MUCA actually legalized medical marijuana. Therefore, we decline to further address this subject.

<sup>19</sup> The Challengers additionally assert that the trial court erred by issuing a permanent injunction against them. We review the trial court's decision to grant a permanent injunction for an abuse of discretion. Wash. Fed'n of State Emps. v. State, 99 Wn.2d 878, 887, 665 P.2d 1337 (1983). "A party seeking an injunction must show (1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) actual and substantial injury as a result." Resident Action Council v. Seattle Hous. Auth., 177 Wn.2d 417, 445-46, 300 P.3d 376 (2013). In their pleadings, each plaintiff expressed an intention to violate Kent's ordinance. Thus, the trial court did not abuse its discretion by granting the injunction.

**CITY OF PROSSER, WASHINGTON  
NOTICE OF PUBLIC HEARING**

**APRIL 22, 2014 at 7:00 p.m.  
City Hall Council Chambers  
601 7<sup>th</sup> Street  
Prosser, Washington 99350**

**Extension of the Moratorium on Medical Cannabis Dispensaries  
and Collective Gardens through October 17, 2014**

NOTICE IS HEREBY GIVEN that the Prosser City Council will conduct a public hearing regarding the potential extension of the moratorium established by Ordinance Number 13-2857 adopted by the City Council on November 12, 2013, which ordinance imposed a moratorium effective until May 9, 2014, on the filing and acceptance of development applications for, the installation of, and issuance of permits and approvals for, medical cannabis (marijuana) gardens, dispensaries, and facilities related to such uses, within the City of Prosser; the ordinance also directed the development of comprehensive zoning and business regulations pertaining to such gardens and dispensaries and related facilities; and provided that the moratorium would be in effect through May 9, 2014. The public hearing on April 22, 2014, will determine whether or not to adopt an ordinance to extend the moratorium established by Ordinance Number 13-2857 through October 17, 2014. The ordinance extending the moratorium will also adopt a work plan to establish permanent zoning regulations for medical marijuana dispensaries and collective gardens, and adopt findings in support of such extension and work plan.

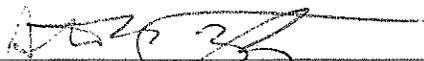
Said public hearing will be held on Tuesday, April 22, 2014, at 7:00 p.m., or as soon thereafter as may be held, in the Council Chambers at the Prosser City Hall at 601 7<sup>th</sup> Street, Prosser, Washington, for the City Council to receive public testimony and evidence regarding the extension of the moratorium, and to adopt findings of fact supporting the extension of the moratorium, and to adopt a work plan to establish permanent regulations for medical marijuana dispensaries and collective gardens, all as required by state law.

Anyone interested may appear and be heard, or provide written comments regarding the requested variance.

The City Hall Council Chambers is wheelchair accessible. American with Disabilities Act (ADA) accommodations are available upon request to the City Clerk at least 2 days in advance by calling 509-786-2332.

All available information, including but not limited to, the existing moratorium ordinance, and related documents for the ordinance may be viewed at the City Clerk's Office, located at Prosser City Hall, 601 7th St, Prosser, WA 99350, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding official holidays and lunch hours between 11:00 a.m. and 12:00 p.m., or may be viewed at [www.cityofprosser.com](http://www.cityofprosser.com). If you have any difficulty locating any documents regarding the moratorium, please call the Planning Department at 509-786-8212 for assistance.

Dated: April 4, 2014

A handwritten signature in black ink, appearing to read 'Steve Zetz', is written over a horizontal line.

STEVE ZETZ, CITY PLANNER

Publication date: April 9, 2014

**CITY OF PROSSER, WASHINGTON**

**AGENDA BILL**

**Agenda Title:** Approve payment of payroll check nos. 600042 through 600044 in the amount of \$2,173.87 and direct deposits in the amount of \$12,137.98 for the period ending April 15, 2014

**Meeting Date:**  
April 22, 2014  
Regular Meeting

**Department:**  
Finance

**Director:**  
Regina Mauras

**Contact Person:**  
Toni Yost

**Phone Number:**  
(509) 786-2332

**Cost of Proposal:**  
\$14,311.85

**Account Number:**  
Various

**Amount Budgeted:**  
Various amounts in salaries, wages, and benefits.

**Name and Fund#**  
Various

**Reviewed by Finance Department:**

*Jyost*

**Attachments to Agenda Packet Item:**

1. Payroll Check Register

**Summary Statement:**

Payroll check nos. 600042 through 600044 in the amount of \$2,173.87 and direct deposits in the amount of \$12,137.98 for the period ending April 15, 2014.

**Consistent with or Comparison to:**

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

**Recommended City Council Action/Suggested Motion:**

Approve payment payroll check nos. 600042 through 600044 in the amount of \$2,173.87 and direct deposits in the amount of \$12,137.98 for the period ending April 15, 2014

**Reviewed by Department**  
**Director:**

*Jyost*

**Date:** 4/17/14

**Reviewed by City Attorney:**

N/A

**Date:**

**Approved by Mayor:**

*Paul Park*

**Date:** 4-17-14

**Today's Date:**

April 17, 2014

**Revision Number/Date:**

**File Name and Path:**

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

04/15/2014 To: 04/15/2014

Time: 13:22:25 Date: 04/14/2014  
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo	
1041	04/15/2014	Payroll	1	EFT		138.52	April Draw	
1042	04/15/2014	Payroll	1	EFT		704.72	April Draw	
1043	04/15/2014	Payroll	1	EFT		1,015.85	April Draw	
1044	04/15/2014	Payroll	1	EFT		554.10	April Draw	
1045	04/15/2014	Payroll	1	EFT		1,617.98	April Draw	
1046	04/15/2014	Payroll	1	EFT		642.90	April Draw	
1050	04/15/2014	Payroll	1	EFT		554.10	April Draw	
1051	04/15/2014	Payroll	1	EFT		595.45	April Draw	
1052	04/15/2014	Payroll	1	EFT		1,371.50	April Draw	
1053	04/15/2014	Payroll	1	EFT		689.22	April Draw	
1054	04/15/2014	Payroll	1	EFT		1,545.63	April Draw	
1055	04/15/2014	Payroll	1	EFT		1,556.82	April Draw	
1056	04/15/2014	Payroll	1	EFT		1,151.19	April Draw	
1047	04/15/2014	Payroll	1	600042		411.75	April Draw	
1048	04/15/2014	Payroll	1	600043		1,155.67	April Draw	
1049	04/15/2014	Payroll	1	600044		606.45	April Draw	
							514 Financial, Recording & Elections	2,561.48
							521 Law Enforcement	6,256.07
							524 Protective Inspections	744.97
							001 General Fund	9,562.52
							534 Water Utilities	3,510.98
							403 Water Fund	3,510.98
							535 Sewer	1,238.35
							407 Sewer Fund	1,238.35
							14,311.85 Payroll:	14,311.85

Jost

Signature

4/14/14

Date

**CITY OF PROSSER, WASHINGTON**  
**AGENDA BILL**

**Agenda Title:** Approve payment of claim check nos. 10468 through 10529, in the amount of \$856,623.66 and Electronic Payments in the amount of \$26,629.84 for the period ending April 22, 2014.

**Meeting Date:**  
 April 22, 2014  
 Regular Meeting

**Department:**  
 Finance

**Director:**  
 Regina Mauras

**Contact Person:**  
 Toni Yost

**Phone Number:**  
 (509) 786-2332

**Cost of Proposal:**  
 \$883,253.50

**Account Number:**  
 See Attached

**Amount Budgeted:**  
 See 2014 budget for each item listed.

**Name and Fund#**  
 See Attached

**Reviewed by Finance Department:**

*Jost*

**Attachments to Agenda Packet Item:**

1. Check Register # 10468 through 10529

**Summary Statement:**

Check Payments	Amount
10468 through 10529	\$856,623.66
<b>Electronic Payments</b>	
<b>Amount</b>	
IRS Federal Taxes	\$4,406.34
American West Bank	\$200.11
Complete Merchant Solutions	\$640.48
Deluxe Business Checks	\$74.42
WA Dept of Revenue	\$13,850.96
Modern Payments	\$53.65
Washington Trust Bank	\$7403.88

**Consistent with or Comparison to:**

City's policy to pay bills in a timely manner.

**Recommended City Council Action/Suggested Motion:**

Approve payment of 10468 through 10529, in the amount of \$856,623.66 and Electronic Payments in the amount of \$26,629.84 for the period ending April 22, 2014

**Reviewed by Department**

**Director:** *Jost*  
 4/17/14

**Reviewed by City Attorney:**

N/A

**Approved by Mayor:**

*Paul Wade*

**Date:**

**Date:**

**Date:** 4-17-14

**Today's Date:**  
 April 17, 2014

**Revision Number/Date:**

**File Name and Path:**

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

04/15/2014 To: 04/15/2014

Time: 14:05:50 Date: 04/14/2014  
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1060	04/15/2014	Payroll	1	EFT	Irs Federal Taxes	4,406.34	941 Deposit For 04/15/2014 - 04/15/2014
			514		Financial, Recording & Elections	221.85	
			521		Law Enforcement	558.83	
			524		Protective Inspections	65.03	
			580		Non Expenditures	3,076.15	
		001	General Fund			3,921.86	
			534		Water Utilities	323.83	
		403	Water Fund			323.83	
			535		Sewer	160.65	
		407	Sewer Fund			160.65	
						4,406.34	Payroll: 4,406.34

*J. West*

4/14/14

Signature

Date

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

04/22/2014 To: 04/22/2014

Time: 11:46:39 Date: 04/22/2014  
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1108	04/22/2014	Claims	1	EFT	American West Bank	200.11	Analysis Charge
			001 - 514 23 49 000 - Miscellaneous			200.11	Analysis Charge
1109	04/22/2014	Claims	1	EFT	Complete Merchant Solutions	640.48	Credit Card Processing Fee
			001 - 514 30 49 000 - Miscellaneous			25.62	Credit Card Processing Fee
			403 - 534 80 49 000 - Miscellaneous			153.72	Credit Card Processing Fee
			407 - 535 80 49 000 - Miscellaneous			150.51	Credit Card Processing Fee
			448 - 537 80 49 000 - Miscellaneous			156.92	Credit Card Processing Fee
			403 - 539 20 49 000 - Miscellaneous			150.51	Credit Card Processing Fee
			001 - 576 20 49 001 - Miscellaneous			3.20	Credit Card Processing Fee
1110	04/22/2014	Claims	1	EFT	Deluxe	74.42	Deposit Slip Books
			001 - 514 23 31 000 - Office & Operating Supplies			74.42	Deposit Slip Books
1111	04/22/2014	Claims	1	EFT	Dor Electronic Payments	13,850.96	Excise Tax
			001 - 514 30 44 000 - External Taxes			0.95	Excise Tax
			403 - 534 80 44 000 - External Taxes			6,401.72	Excise Tax
			407 - 535 80 44 000 - External Taxes			3,532.40	Excise Tax
			448 - 537 80 44 000 - External Taxes			3,907.04	Excise Tax
			001 - 571 22 44 000 - External Taxes			1.75	Excise Tax
			001 - 576 20 44 001 - External Taxes			7.10	Excise Tax
1112	04/22/2014	Claims	1	EFT	Modern Payments	53.65	Electronic Check Payment
			403 - 534 80 49 000 - Miscellaneous			13.41	Electronic Check Payment
			407 - 535 80 49 000 - Miscellaneous			13.41	Electronic Check Payment
			448 - 537 80 49 000 - Miscellaneous			13.42	Electronic Check Payment
			403 - 539 20 49 000 - Miscellaneous			13.41	Electronic Check Payment
1113	04/22/2014	Claims	1	EFT	Washington Trust Bank	7,403.88	North Prosser Loan Interest
			403 - 594 34 63 000 - Improvements Other Than Blk			7,403.88	
1114	04/22/2014	Claims	1	10468	Abadan Inc	188.31	Annex Copy Machine
			001 - 514 23 48 000 - Repairs & Maintenance			179.74	Annex Copy Machine
			403 - 534 80 48 000 - Repairs & Maintenance			1.99	Annex Copy Machine
			407 - 535 80 48 000 - Repairs & Maintenance			1.99	Annex Copy Machine
			448 - 537 80 48 000 - Repairs & Maintenance			1.99	Annex Copy Machine
			403 - 539 20 48 000 - Repairs & Maintenance			1.99	Annex Copy Machine
			102 - 542 90 48 000 - Repairs & Maintenance			0.61	Annex Copy Machine
1115	04/22/2014	Claims	1	10469	Assoc of County and City Info Services	75.00	ACCIS Membership 2014
			001 - 518 88 49 000 - Miscellaneous			75.00	ACCIS Membership 2014: RShaw
1116	04/22/2014	Claims	1	10470	Benton Co Treas Office	171.90	Crime Victim Comp
			001 - 586 00 03 000 - PSEA and CVC Disbursemen			171.90	Crime Victim Comp
1117	04/22/2014	Claims	1	10471	Benton Co Treas Office	7,718.21	Benton Co. Dist. Court And Office Of Pub. Defense
			001 - 512 40 51 000 - Intergov't Professional Servic			7,718.21	Benton Co. Dist. Court And Office Of Pub. Defense
1118	04/22/2014	Claims	1	10472	Benton PUD	29,372.47	Electric Bill-WCR; Electric Bill
			001 - 518 31 47 000 - Public Utility Services			972.17	Electric Bill
			403 - 534 80 47 000 - Public Utility Services			11,635.54	Electric Bill
			407 - 535 80 47 000 - Public Utility Services			9,941.29	Electric Bill
			403 - 539 20 47 000 - Public Utility Services			69.39	Electric Bill
			102 - 542 63 47 000 - Public Utility Services			670.42	Electric Bill-WCR
			102 - 542 63 47 000 - Public Utility Services			3,695.52	Electric Bill
			102 - 542 90 47 000 - Public Utility Services			433.31	Electric Bill
			001 - 569 21 47 000 - Public Utility Services			438.07	Electric Bill
			001 - 572 50 47 000 - Public Utility Services			421.18	Electric Bill

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			001 - 576 20 47 000		Public Utility Services	834.87	Electric Bill
			001 - 576 80 47 000		Public Utility Services	260.71	Electric Bill
1119	04/22/2014	Claims	1	10473	Bleyhl Farm Service Gas	2,797.77	PD Fuel Charges
			001 - 521 20 32 000		Fuel Consumed	2,797.77	PD Fuel Charges
1120	04/22/2014	Claims	1	10474	Blumenthal	335.89	Uniform- Colvig -Reserve Officer
			001 - 521 20 21 000		Uniforms & Equipment	335.89	Uniform- Colvig -Reserve Officer
1121	04/22/2014	Claims	1	10475	Brown's Tire Co Inc	182.43	Repair Little Grass Hopper
			102 - 542 70 31 000		Office & Operating Supplies	91.22	Repair Little Grass Hopper
			001 - 576 80 31 000		Office & Operating Supplies	91.21	Repair Little Grass Hopper
1122	04/22/2014	Claims	1	10476	Donald Brown	200.00	CDL Endorsement And Physical
			403 - 534 80 49 000		Miscellaneous	50.00	CDL Endorsement And Physical
			403 - 539 20 49 000		Miscellaneous	50.00	CDL Endorsement And Physical
			102 - 542 90 49 000		Miscellaneous	50.00	CDL Endorsement And Physical
			001 - 576 80 49 000		Miscellaneous	50.00	CDL Endorsement And Physical
1123	04/22/2014	Claims	1	10477	Mack & Gail Brown	98.24	Refund inactive customer credit balance
			403 - 343 41 00 000		Water Revenues	1.67	
			407 - 343 60 00 000		Sewer Revenues	-85.59	
			448 - 343 71 00 000		Garbage Service Charges	-15.32	
			448 - 359 90 00 000		Miscellaneous Penalties	1.00	
1124	04/22/2014	Claims	1	10478	Burtis Butler	76.04	Utility Refund-Closed Account
			403 - 343 41 00 000		Water Revenues	-76.04	Utility Refund-Closed Account
1125	04/22/2014	Claims	1	10479	Cascade Natural Gas Corp	2,423.12	Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas; Natural Gas
			001 - 518 31 47 000		Public Utility Services	255.28	Natural Gas
			407 - 535 80 47 000		Public Utility Services	64.65	Natural Gas
			407 - 535 80 47 000		Public Utility Services	1,161.91	Natural Gas
			102 - 542 90 47 000		Public Utility Services	355.81	Natural Gas
			001 - 572 50 47 000		Public Utility Services	180.36	Natural Gas
			001 - 576 20 47 000		Public Utility Services	405.11	Natural Gas
1126	04/22/2014	Claims	1	10480	Centurylink	2,507.98	Telephone Bill
			001 - 518 31 42 000		Communications	1,178.69	
			403 - 534 80 42 000		Communications	393.51	
			407 - 535 80 42 000		Communications	352.92	
			448 - 537 80 42 000		Communications	100.50	
			403 - 539 20 42 000		Communications	100.50	
			102 - 542 90 42 000		Communications	261.40	
			102 - 543 30 42 102		Communication	100.50	
			001 - 576 20 42 000		Communications	19.96	
1127	04/22/2014	Claims	1	10481	Cerium Networks	173.28	Auto Attendant Re-Programming
			001 - 518 88 41 000		Professional Services	173.28	Auto Attendant Re-Programming
1128	04/22/2014	Claims	1	10482	City Of Kennewick	2,274.00	BI-PIN Computer Support
			001 - 521 20 51 000		Intergov't Professional Servic	2,274.00	BI-PIN Computer Support
1129	04/22/2014	Claims	1	10483	Code Publishing Co	584.88	PMC: Web Hosting; PMC: Electronic Update
			001 - 514 30 41 000		Professional Services	210.00	PMC: Web Hosting
			001 - 514 30 41 000		Professional Services	140.93	PMC: Electronic Update
			403 - 534 80 41 000		Professional Services	28.00	PMC: Web Hosting
			403 - 534 80 41 000		Professional Services	18.79	PMC: Electronic Update
			407 - 535 80 41 000		Professional Services	28.00	PMC: Web Hosting
			407 - 535 80 41 000		Professional Services	18.79	PMC: Electronic Update
			448 - 537 80 41 000		Professional Services	28.00	PMC: Web Hosting

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

04/22/2014 To: 04/22/2014

Time: 11:46:39 Date: 04/22/2014  
Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			448 - 537 80 41 000		Professional Services	18.79	PMC: Electronic Update
			403 - 539 20 41 000		Professional Services	28.00	PMC: Web Hosting
			403 - 539 20 41 000		Professional Services	18.79	PMC: Electronic Update
			102 - 542 90 41 000		Professional Services	28.00	PMC: Web Hosting
			102 - 542 90 41 000		Professional Services	18.79	PMC: Electronic Update
<b>1130</b>	<b>04/22/2014</b>	<b>Claims</b>	<b>1</b>	<b>10484</b>	<b>Comfort Inn</b>	<b>299.56</b>	<b>Hotel Stay-B. Lum</b>
			403 - 534 80 43 000		Travel	299.56	Hotel Stay-B. Lum
<b>1131</b>	<b>04/22/2014</b>	<b>Claims</b>	<b>1</b>	<b>10485</b>	<b>Cook's True Value</b>	<b>732.73</b>	<b>Leather Pigskin Gloves; 2" Comb Padlock; WHT GLS Enamel; Ball Valve; Plug Spigot, Access Fitting; MP Respirator; SCH 80 Nipple, PVC THRD Union,; Washer/O-Ring, Pres Elbow; Cyc Solenoid; Redu Tee; Bol</b>
			001 - 518 31 31 000		Office & Operating Supplies	7.57	20A Ivy Grnd SP Switch
			001 - 521 20 31 000		Office & Operating Supplies	23.82	2" Comb Padlock
			001 - 521 20 31 000		Office & Operating Supplies	4.65	WHT GLS Enamel
			001 - 521 20 31 000		Office & Operating Supplies	9.28	Fasteners, Chain
			001 - 524 20 31 000		Office & Operating Supplies	19.48	Leather Pigskin Gloves
			403 - 534 80 31 000		Office & Operating Supplies	19.48	Ball Valve
			403 - 534 80 31 000		Office & Operating Supplies	4.84	Bolts
			407 - 535 80 31 000		Office & Operating Supplies	54.14	MP Respirator
			407 - 535 80 31 000		Office & Operating Supplies	14.56	Fasteners
			407 - 535 80 31 000		Office & Operating Supplies	28.13	Liq Hand Sanitizer, PVC Glove
			407 - 535 80 31 000		Office & Operating Supplies	23.04	TOG Switch, Blowoff Auto Duster
			407 - 535 80 31 000		Office & Operating Supplies	10.82	NonToxic Dust Mask
			403 - 539 20 31 000		Office & Operating Supplies	20.56	2" PVC CMP Coupling
			403 - 539 20 31 000		Office & Operating Supplies	59.29	PVC CMP Coupling, Galv Nipple, Gate Valve
			403 - 539 20 31 000		Office & Operating Supplies	47.61	Bent GDN Valve
			403 - 539 20 31 000		Office & Operating Supplies	18.66	Galv 90 Deg Elbow, Galv Nipple
			403 - 539 20 31 000		Office & Operating Supplies	14.21	SCH 80 Nipple
			403 - 539 20 31 000		Office & Operating Supplies	33.50	Galv Nipple, Galv Tee, PVC CMP Coupling
			403 - 539 20 31 000		Office & Operating Supplies	25.97	60 Cyc Solenoid
			102 - 542 90 31 000		Office & Operating Supplies	122.88	Non Cont Voltage Sensor, Digital Multimeter,
			001 - 576 80 31 000		Office & Operating Supplies	7.13	Plug Spigot, Access Fitting
			001 - 576 80 31 000		Office & Operating Supplies	19.42	SCH 80 Nipple, PVC THRD Union,
			001 - 576 80 31 000		Office & Operating Supplies	9.29	Washer/O-Ring, Pres Elbow
			001 - 576 80 31 000		Office & Operating Supplies	11.90	Cyc Solenoid
			001 - 576 80 31 000		Office & Operating Supplies	7.10	Redu Tee,
			001 - 576 80 31 000		Office & Operating Supplies	32.39	SCH 80 Nipple, SxS Coupling, Adap Reducing
			001 - 576 80 31 000		Office & Operating Supplies	9.71	Redu Bushing, PVC CMP Coupling
			001 - 576 80 31 000		Office & Operating Supplies	16.23	4Pk 18W T2 SW Bulb
			001 - 576 80 31 000		Office & Operating Supplies	6.49	LB TSP HD Cleaner
			001 - 576 80 31 000		Office & Operating Supplies	23.80	MP Select 4" Trim Brush
			001 - 576 80 31 000		Office & Operating Supplies	26.78	3/4 Close SCH 80 Nipple, Gate Valve, Union, Nipple
<b>1132</b>	<b>04/22/2014</b>	<b>Claims</b>	<b>1</b>	<b>10486</b>	<b>Denchel's Ford Country</b>	<b>231.94</b>	<b>Fuel Saver Package; Brake Repair</b>
			001 - 521 20 48 000		Repairs & Maintenance	37.05	Fuel Saver Package
			001 - 521 20 48 000		Repairs & Maintenance	194.89	Brake Repair
<b>1133</b>	<b>04/22/2014</b>	<b>Claims</b>	<b>1</b>	<b>10487</b>	<b>Ted Durfey</b>	<b>307.80</b>	<b>Standpipe Refund</b>
			403 - 343 41 00 000		Water Revenues	-307.80	Standpipe Refund
<b>1134</b>	<b>04/22/2014</b>	<b>Claims</b>	<b>1</b>	<b>10488</b>	<b>Enviro - Clean Equipment</b>	<b>235.28</b>	<b>8" Power Clamp</b>

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

04/22/2014 To: 04/22/2014

Time: 11:46:39 Date: 04/22/2014

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			407 - 535 80 31 000 - Office & Operating Supplies			235.28	8" Power Clamp
1135	04/22/2014	Claims	1	10489	Grainger Inc	701.56	Gas Analyzer Kit; Mini Floodlight Fixture, Fluorescent Linear; Alkaline Batteries; Miniature Lamp
			407 - 535 80 31 000 - Office & Operating Supplies			550.38	Gas Analyzer Kit
			407 - 535 80 31 000 - Office & Operating Supplies			26.11	Alkaline Batteries
			102 - 542 90 31 000 - Office & Operating Supplies			83.92	Mini Floodlight Fixture, Fluorescent Linear
			102 - 542 90 31 000 - Office & Operating Supplies			41.15	Miniature Lamp
1136	04/22/2014	Claims	1	10490	Hall Chevrolet - Buick Inc	1,500.00	Refund Planning Project Deposit-Site Review 13-8; Refund Planning Project Deposit-SEPA 13-11
			001 - 589 00 07 000 - Planning Deposit Disburseme			500.00	Refund Planning Project Deposit-Site Review 13-8
			001 - 589 00 07 000 - Planning Deposit Disburseme			1,000.00	Refund Planning Project Deposit-SEPA 13-11
1137	04/22/2014	Claims	1	10491	Hanlon Group	77.60	Refund inactive customer credit balance
			448 - 343 71 00 000 - Garbage Service Charges			11.85	
			448 - 343 72 00 000 - Refuse Tax Collection			1.84	
			448 - 343 74 00 000 - Administrative Fee			3.80	
			403 - 343 90 00 000 - Irrigation Fees & Charges			-97.11	
			448 - 359 90 00 000 - Miscellaneous Penalties			2.02	
1138	04/22/2014	Claims	1	10492	Shane Hellyer	166.17	Bosco Vet Visit-Pullman-Hotel Stay; Denamarin Tablets-Bosco
			001 - 521 20 31 000 - Office & Operating Supplies			75.04	Denamarin Tablets-Bosco
			001 - 521 20 43 000 - Travel			91.13	Bosco Vet Visit-Pullman-Hotel Stay
1139	04/22/2014	Claims	1	10493	Huibregtse, Louman & Assoc	54,830.12	Disinfection, Filtration And Source Improvements; Disinfection, Filtration And Source Improvements; Zone 2.5 Water Supply Improvements; OIE Hwy Improvements; 2014 General Services
			403 - 534 80 41 000 - Professional Services			7,132.57	2014 General Services
			407 - 535 80 41 000 - Professional Services			1,353.10	2014 General Services
			407 - 535 80 41 000 - Professional Services			176.00	2014 General Services
			102 - 542 90 41 000 - Professional Services			2,874.00	2014 General Services
			001 - 558 60 41 000 - Professional Services			528.00	2014 General Services
			403 - 594 34 41 403 - Professional Services			2,653.00	Disinfection, Filtration And Source Improvements
			403 - 594 34 41 403 - Professional Services			33,645.45	Disinfection, Filtration And Source Improvements
			420 - 594 34 41 420 - Professional Services			5,044.50	Zone 2.5 Water Supply Improvements
			302 - 595 10 60 000 - Engineering			1,423.50	OIE Hwy Improvements
1140	04/22/2014	Claims	1	10494	Icma Retirement Corporation	125.00	Annual Plan Fee 2nd Quarter
			001 - 511 60 49 000 - Miscellaneous			62.50	Annual Plan Fee 2nd Quarter
			001 - 521 20 49 000 - Miscellaneous			62.50	Annual Plan Fee 2nd Quarter
1141	04/22/2014	Claims	1	10495	Intergraph Corp	597.82	GeoMedia Essentials
			001 - 518 88 31 000 - Office & Operating Supplies			119.56	
			001 - 524 20 31 000 - Office & Operating Supplies			119.56	
			403 - 534 80 31 000 - Office & Operating Supplies			119.56	
			407 - 535 80 31 000 - Office & Operating Supplies			119.56	
			102 - 542 90 31 000 - Office & Operating Supplies			119.58	
1142	04/22/2014	Claims	1	10496	Iron Horse Real Estate & Prop	1,750.00	Prosser Station Pipeline Permit; Prosser Station Sewer Pipeline

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
			407 - 535 80 45 000		Operating Rentals & Leases	100.00	Prosser Station Pipeline Permit
			407 - 535 80 45 000		Operating Rentals & Leases	1,650.00	Prosser Station Sewer Pipeline
1143	04/22/2014	Claims	1	10497	Language Line Services Inc	5.06	Over-The-Phone Interpretation
			001 - 521 20 41 000		Professional Services	5.06	Over-The-Phone Interpretation
1144	04/22/2014	Claims	1	10498	Language Testing International	140.00	Bilingual Testing
			001 - 521 20 49 000		Miscellaneous	140.00	Bilingual Testing
1145	04/22/2014	Claims	1	10499	Leaf	413.33	Front Desk Copy Machine Maintenance
			001 - 514 23 45 000		Operating Rentals & Leases	317.04	
			403 - 534 80 45 000		Operating Rentals & Leases	23.89	
			407 - 535 80 45 000		Operating Rentals & Leases	23.89	
			448 - 537 80 45 000		Operating Rentals & Leases	23.89	
			403 - 539 20 45 000		Operating Rentals & Leases	23.89	
			102 - 542 90 45 000		Operating Rentals & Leases	0.73	
1146	04/22/2014	Claims	1	10500	Lockshop, The	368.18	Locks For Police Records Storage
			001 - 521 20 31 000		Office & Operating Supplies	368.18	Locks For Police Records Storage
1147	04/22/2014	Claims	1	10501	Brandon Lum	229.00	Water Basics Class-Meal Reimbursement
			403 - 534 80 43 000		Travel	229.00	Water Basics Class-Meal Reimbursement
1148	04/22/2014	Claims	1	10502	Candi Mason	81.59	Refund inactive customer credit balance
			403 - 343 41 00 000		Water Revenues	23.19	
			407 - 343 60 00 000		Sewer Revenues	17.37	
			448 - 343 71 00 000		Garbage Service Charges	7.35	
			448 - 343 72 00 000		Refuse Tax Collection	0.45	
			448 - 343 74 00 000		Administrative Fee	0.92	
			403 - 343 90 00 000		Irrigation Fees & Charges	-131.40	
			448 - 359 90 00 000		Miscellaneous Penalties	0.53	
1149	04/22/2014	Claims	1	10503	Microflex	33.00	Tax Audit Program
			001 - 514 23 41 000		Professional Services	33.00	Tax Audit Program
1150	04/22/2014	Claims	1	10504	Office Depot	524.13	Vinyl Captain Chair; Return Police Squad Room Table; Police Squad Room Table
			001 - 511 60 49 000		Miscellaneous	524.13	Vinyl Captain Chair
			001 - 521 20 31 000		Office & Operating Supplies	-411.53	Return Police Squad Room Table
			001 - 521 20 31 000		Office & Operating Supplies	411.53	Police Squad Room Table
1151	04/22/2014	Claims	1	10505	Outwest Pet Rescue	480.00	Animal Control Services
			001 - 524 20 41 000		Professional Services	480.00	Animal Control Services
1152	04/22/2014	Claims	1	10506	Oxarc	3,096.98	Low Pressure Oxygen; Sulfur Dioxide, Chlorine
			407 - 535 80 31 000		Office & Operating Supplies	3,062.65	Sulfur Dioxide, Chlorine
			407 - 535 80 45 000		Operating Rentals & Leases	34.33	Low Pressure Oxygen
1153	04/22/2014	Claims	1	10507	Prosser Napa	30.15	Light Bulb; Coupler
			403 - 534 80 31 000		Office & Operating Supplies	23.47	Light Bulb
			102 - 542 90 31 000		Office & Operating Supplies	6.68	Coupler
1154	04/22/2014	Claims	1	10508	Prosser, City Of	68,845.09	Garbage Utility Tax; Waste Water Utility Taxes; Water Utility Taxes
			403 - 534 80 44 000		External Taxes	27,015.10	Water Utility Taxes
			407 - 535 80 44 000		External Taxes	37,970.94	Waste Water Utility Taxes
			448 - 537 80 44 000		External Taxes	3,859.05	Garbage Utility Tax
1155	04/22/2014	Claims	1	10509	Rainwater Water Co	12.00	Water; Water
			407 - 535 80 31 000		Office & Operating Supplies	6.00	Water
			407 - 535 80 31 000		Office & Operating Supplies	6.00	Water

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City Of Prosser  
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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1156	04/22/2014	Claims	1	10510	Refrigeration Equipment Co	846.06	Refridgerator Repair Service
					001 - 569 21 48 000 - Repairs & Maintenance	846.06	Refridgerator Repair Service
1157	04/22/2014	Claims	1	10511	Rotschy Inc	617,579.95	Disinfection, Filtration And Source Improvements
					403 - 594 34 63 000 - Improvements Other Than Blc	617,579.95	Disinfection, Filtration And Source Improvements
1158	04/22/2014	Claims	1	10512	Saxton Riley, PLLC	5,065.83	Administration (Civil); Charter Franchise; Code Enforcement; Planning; 1952 Mountain View Drive; Prosser Police Dept; SMP Update; Streets; Water Dept
					001 - 512 40 41 000 - Professional Services	1,493.58	Prosser Police Dept
					001 - 514 30 41 000 - Professional Services	15.00	Code Enforcement
					001 - 515 30 41 000 - Professional Services	2,597.25	Administration (Civil)
					001 - 515 30 41 000 - Professional Services	15.00	Charter Franchise
					001 - 515 30 41 000 - Professional Services	45.00	1952 Mountain View Drive
					403 - 534 80 41 000 - Professional Services	30.00	Water Dept
					102 - 542 90 41 000 - Professional Services	30.00	Streets
					001 - 558 60 41 000 - Professional Services	660.00	Planning
					001 - 558 60 41 000 - Professional Services	180.00	SMP Update
1159	04/22/2014	Claims	1	10513	Swana	195.00	2014 Membership Renewal
					102 - 542 90 49 000 - Miscellaneous	97.50	2014 Membership Renewal
					001 - 576 80 49 000 - Miscellaneous	97.50	2014 Membership Renewal
1160	04/22/2014	Claims	1	10514	TMG Services	76.67	Chlorine Test Kit
					403 - 534 80 31 000 - Office & Operating Supplies	76.67	Chlorine Test Kit
1161	04/22/2014	Claims	1	10515	The Markets LLC	76.06	Donut Dozen; Super Chill Water; Mountain Mist Water, Pledge Dust; Super Chill Water; Mountain Mist Water
					403 - 534 80 31 000 - Office & Operating Supplies	19.04	Mountain Mist Water, Pledge Dust
					407 - 535 80 31 000 - Office & Operating Supplies	16.68	Super Chill Water
					407 - 535 80 31 000 - Office & Operating Supplies	16.68	Super Chill Water
					407 - 535 80 31 000 - Office & Operating Supplies	16.68	Mountain Mist Water
					001 - 558 60 31 000 - Office & Operating Supplies	6.98	Donut Dozen
1162	04/22/2014	Claims	1	10516	Tolman Electric	2,726.90	Service Call Main Well; Repair Exhaust Fan/Air Compress At Waste Water Plant
					403 - 534 80 48 000 - Repairs & Maintenance	265.34	Service Call Main Well
					407 - 535 80 41 000 - Professional Services	2,461.56	Repair Exhaust Fan/Air Compress At Waste Water Plant
1163	04/22/2014	Claims	1	10517	Total Energy Management	542.59	Insalled Output Circuit Board In Well 6; Repair Incubator Fluctuator
					403 - 534 80 48 000 - Repairs & Maintenance	224.19	Insalled Output Circuit Board In Well 6
					407 - 535 80 48 000 - Repairs & Maintenance	318.40	
1164	04/22/2014	Claims	1	10518	US Bank	28.00	Monthly Maintenance-Investments
					001 - 514 23 49 000 - Miscellaneous	28.00	Monthly Maintenance-Investments
1165	04/22/2014	Claims	1	10519	Utilities Underground Loc	9.03	Excavation Notification
					403 - 534 80 41 000 - Professional Services	4.51	Excavation Notification
					407 - 535 80 41 000 - Professional Services	4.52	Excavation Notification

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1166	04/22/2014	Claims	1	10520	Valley Publishing Co Inc	246.00	Ordinance Summary 14-2879 - 14-2881; Notice Of Public Hearing-Extension Of Moratorium; Notice Of Complete Application-3100 Lee Rd; Notice Of Complete Application-101 Merlot Dr.
					001 - 514 30 41 000 - Professional Services	39.00	Ordinance Summary 14-2879 - 14-2881
					001 - 514 30 41 000 - Professional Services	66.00	Notice Of Public Hearing-Extension Of Moratorium
					001 - 558 60 41 000 - Professional Services	66.00	Notice Of Complete Application-3100 Lee Rd
					001 - 558 60 41 000 - Professional Services	75.00	Notice Of Complete Application-101 Merlot Dr.
1167	04/22/2014	Claims	1	10521	Verizon Wireless	1,383.03	Pool Modem; PD Wireless Phones; 4G Mobile Broadband; 4G Mobile Broadband; Pool Internet-Data Usage
					001 - 518 31 42 000 - Communications	231.47	PD Wireless Phones
					001 - 518 88 42 000 - Communications	40.01	
					001 - 521 20 42 000 - Communications	776.02	PD Wireless Phones
					403 - 534 80 42 000 - Communications	60.02	4G Mobile Broadband
					407 - 535 80 42 000 - Communications	60.01	4G Mobile Broadband
					001 - 576 20 42 000 - Communications	66.16	Pool Modem
					001 - 576 20 42 000 - Communications	149.34	Pool Internet-Data Usage
1168	04/22/2014	Claims	1	10522	Vine Tech Equipment	25.73	1" Strainer
					407 - 535 80 31 000 - Office & Operating Supplies	25.73	1" Strainer
1169	04/22/2014	Claims	1	10523	WA Auditor's Office	418.00	Accountability Audit 11-12
					001 - 514 23 51 000 - Intergov't Professional Servic	418.00	Accountability Audit 11-12
1170	04/22/2014	Claims	1	10524	WA Criminal Justice	2,975.00	Basic LE Academy-Shanafelt
					001 - 521 20 49 000 - Miscellaneous	2,975.00	Basic LE Academy-Shanafelt
1171	04/22/2014	Claims	1	10525	WA Dept Ecology	28,046.16	Loan Payment# L0100025
					407 - 591 35 78 000 - Intergovernmental Loans	24,516.72	Loan Payment# L0100025
					407 - 592 35 83 000 - Interest On Long-Term Exterr	3,529.44	Loan Payment# L0100025
1172	04/22/2014	Claims	1	10526	WA Dept Of Enterprise Services	2,277.60	April Newsletter; March Utility Statement
					001 - 514 30 41 000 - Professional Services	253.17	April Newsletter
					403 - 534 80 41 000 - Professional Services	33.76	April Newsletter
					403 - 534 80 41 000 - Professional Services	463.91	March Utility Statement
					407 - 535 80 41 000 - Professional Services	33.76	April Newsletter
					407 - 535 80 41 000 - Professional Services	463.91	March Utility Statement
					448 - 537 80 41 000 - Professional Services	33.76	April Newsletter
					448 - 537 80 41 000 - Professional Services	463.90	March Utility Statement
					403 - 539 20 41 000 - Professional Services	33.76	April Newsletter
					403 - 539 20 41 000 - Professional Services	463.91	March Utility Statement
					102 - 542 90 41 000 - Professional Services	33.76	April Newsletter
1173	04/22/2014	Claims	1	10527	WA Dept Revenue (tax)	568.30	Leasehold Excise Tax
					001 - 518 31 44 000 - External Taxes	539.41	Leasehold Excise Tax
					407 - 535 80 44 000 - External Taxes	28.89	Leasehold Excise Tax
1174	04/22/2014	Claims	1	10528	WA Patrol Budget & Fiscal Srvc	16.50	Police Background Check
					001 - 586 00 01 000 - Concealed Pistol Lic Disburse	16.50	Police Background Check
1175	04/22/2014	Claims	1	10529	WA State Treasurer	8,527.64	PSEA

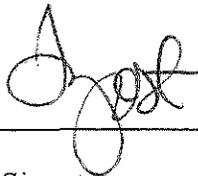
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Trans Date	Type	Acct #	Chk #	Claimant	Amount	Memo
001 - 586 00 03 000 - PSEA and CVC Disbursemen					8,527.64	PSEA
<hr/>						
	511	Legislative			586.63	
	512	Judical			9,211.79	
	514	Financial, Recording & Elections			2,000.98	
	515	Legal Services			2,657.25	
	518	Centralized Services			3,592.44	
	521	Law Enforcement			10,170.28	
	524	Protective Inspections			619.04	
	558	Planning & Community Devel			1,515.98	
	569	Senior Center			1,284.13	
	571	Education & Recreation			1.75	
	572	Libraries			601.54	
	576	Park Facilities			2,155.40	
	580	Non Expenditures			10,216.04	
	<b>001 General Fund</b>				<b>44,613.25</b>	
	542	Streets - Maintenance			9,015.28	
	543	Streets Admin & Overhead			100.50	
	<b>102 Street Fund</b>				<b>9,115.78</b>	
	594	Capital Expenditures			1,423.50	
	<b>302 OIE Improvement Project Fund</b>				<b>1,423.50</b>	
	340	Charges For Goods & Services			587.49	
	534	Water Utilities			54,741.59	
	539	Irrigation And Reclamation			1,173.95	
	594	Capital Expenditures			661,282.28	
	<b>403 Water Fund</b>				<b>717,785.31</b>	
	340	Charges For Goods & Services			68.22	
	535	Sewer			64,157.62	
	591	Debt Service - Principal Repayment			28,046.16	
	<b>407 Sewer Fund</b>				<b>92,272.00</b>	
	594	Capital Expenditures			5,044.50	
	<b>420 Zone 2.5 Water Supply Improv</b>				<b>5,044.50</b>	
	340	Charges For Goods & Services			-10.89	
	350	Fines & Penalties			-3.55	
	537	Garbage & Solid Waste			8,607.26	
	<b>448 Garbage Fund</b>				<b>8,592.82</b>	
* Transaction Has Mixed Revenue And Expense Accounts					878,847.16	Claims: 878,847.16



Signature

4/17/14

Date

**CITY OF PROSSER, WASHINGTON**

**AGENDA BILL**

**Agenda Title:** Approve payment of Washington Trust Bank claim Check nos. 1047 in the amount of \$6,240.50 for the period ending April 08, 2014

**Meeting Date:**  
April 22, 2014  
Regular Meeting

**Department:**  
Finance

**Director:**  
Regina Mauras

**Contact Person:**  
Toni Yost

**Phone Number:**  
(509) 786-2332

**Cost of Proposal:**  
\$6,240.50

**Account Number:**  
See Attached

**Amount Budgeted:**  
See 2014 budget for each item listed.

**Name and Fund#**  
See Attached

**Reviewed by Finance Department:**

*J. Yost*

**Attachments to Agenda Packet Item:**

1. Accounts Payable transactions by account and department
2. Check Nos. 1047
3. Checks for Approval

**Summary Statement:**

Checks have been reviewed and approved by department heads, the Finance Director, and Mayor as necessary. Washington Trust Bank claim Check nos. 1047 in the amount of \$6,240.50 for the period ending April 08, 2014

**Consistent with or Comparison to:**

EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL

**Recommended City Council Action/Suggested Motion:**

Approve payment of Washington Trust Bank claim Check nos. 1047 in the amount of \$6,240.50 for the period ending April 08, 2014

**Reviewed by Department Director:**

*J. Yost*

**Date:** 4/17/14

**Reviewed by City Attorney:**

N/A

**Date:**

**Approved by Mayor:**

*Paul Anderson*

**Date:** 4-17-14

**Today's Date:**

April 17, 2014

**Revision Number/Date:**

**File Name and Path:**

# CHECK REGISTER

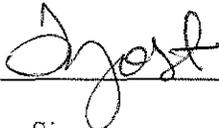
City Of Prosser  
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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
959	04/08/2014	Claims	7	1047	Huibregtse, Louman & Assoc	6,240.50	North Prosser Water System Improvements; North Prosser Water System Improvements
			403 - 594 34 41		403 - Professional Services	4,262.50	North Prosser Water System Improvements
			403 - 594 34 41		403 - Professional Services	1,978.00	North Prosser Water System Improvements
						403 Water Fund	
						6,240.50	
						<u>6,240.50</u>	Claims: 6,240.50



Signature

Date

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<u>Agenda Title:</u> Approve the 2013 Annual USDA Report		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Finance	<u>Director:</u> Regina Mauras	<u>Contact Person:</u> Toni Yost	<u>Phone Number:</u> (509) 786-8225
<u>Cost of Proposal:</u> n/a		<u>Account Number:</u>	
<u>Amount Budgeted:</u> n/a		<u>Name and Fund#:</u>	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  1. United States Department of Agriculture Rural Development Annual Report			
<u>Summary Statement:</u>  Annually the City of Prosser is required to report to the United States Department of Agriculture (USDA) Rural Development information regarding the City of Prosser's water revenue and expenses.  This information is required due to the outstanding loans the City of Prosser owes to the USDA for water system improvements which occurred in 1998, 1999, and most recently in 2011 for the construction of the North Prosser Water System Improvements Project.			
<u>Consistent with or Comparison to:</u>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Approve the 2013 Annual USDA Report			
<u>Reviewed by Department Director:</u>  Date: 4/17/14	<u>Reviewed by City Attorney:</u>  Date: 4/9/14	<u>Approved by Mayor:</u>  Date: 4-17-14	
<u>Today's Date:</u> March 25, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	

UNITED STATES DEPARTMENT OF AGRICULTURE  
**STATEMENT OF BUDGET, INCOME AND EQUITY**

Schedule 1

Name City of Prosser, WA

Address 601 7th Street  
Prosser, WA 99350

(1) OPERATING INCOME	PRIOR YEAR Actual (2)	ANNUAL BUDGET		For the 01-01-2013 Months Ended 12-31-2013	
		BEG 01-01-2013	END 12-31-2013 (3)	CURRENT YEAR	
		Actual Data		Actual YTD (Over) Under Budget Col. 3 - 5 = 6 (6)	
			Current Quarter (4)	Year To Date (5)	
1. Int Gov Rev	17,997	17,997		0	17,997
2. Charges	2,027,873	2,130,106		2,130,930	-824
3. Fine&Forfeits	25,727	15,000		34,371	-19,371
4. Other Fin Sourc	567,030	3,095,071		653,654	2,441,417
5. Miscellaneous	26,316	267,510		14,922	252,588
6. Less: Allowances and Deductions					0
7. Total Operating Income (Add lines 1 through 6)	2,664,943	5,525,684	0	2,833,877	2,691,807
<b>OPERATING EXPENSES</b>					
8. Wages	326,675	340,345		332,729	7,616
9. Benefits	132,064	148,170		137,522	10,648
10. Supplies	69,816	103,200		78,826	24,374
11. Other Services	806,565	1,308,860		1,186,736	122,124
12. Debt	262,077	307,094		271,113	35,981
13. Capital	402,455	1,753,000		602,168	1,150,832
14. Int Services	1,123,759	20,000		11,094	8,906
15. Interest	185,783	175,755		173,724	2,031
16. Depreciation					0
17. Total Operating Expense (Add Lines 8 through 16)	3,309,194	4,156,424	0	2,793,912	1,362,512
18. NET OPERATING INCOME (LOSS) (Line 7 less 17)	-644,251	1,369,260	0	39,965	1,329,295
<b>NONOPERATING INCOME</b>					
19. Non Revenue	557,367	0		7,671	-7,671
20. Non Expense	-97,776	3,961		-9,194	13,155
21. Total Nonoperating Income (Add 19 and 20)	459,591	3,961	0	-1,523	5,484
22. NET INCOME (LOSS) (Add lines 18 and 21)	-184,660	1,373,221	0	38,442	1,334,779
23. Equity Beginning of Period	2,113,163	1,125,695		1,928,503	-802,808
24. rounding		0	0		0
25.					0
26. Equity End of Period (Add lines 22 through 25)	1,928,503	2,498,916	0	1,966,945	531,971

Budget and Annual Report Approved by Governing Body

Quarterly Reports Certified Correct



4/8/14

Secretary

Date

Appropriate Official

Date

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 2-1/2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

SUPPLEMENTAL DATA

The Following Data Should Be Supplied Where Applicable

Circle One

1. ALL BORROWERS

- |   |     |    |
|---|-----|----|
| a. Are deposited funds in institutions insured by the Federal Government? | Yes | No |
| b. Are you exempt from Federal Income Tax?                                | Yes | No |
| c. Are Local, State and Federal Taxes paid current?                       | Yes | No |
| d. Is corporate status in good standing with State?                       | Yes | No |

e. List kinds and amounts of insurance and fidelity bond: Complete Only when submitting annual budget information:

<u>Insurance Coverage and Policy Number</u>	<u>Insurance Company and Address</u>	<u>Amount of Coverage</u>	<u>Expiration Date of Policy</u>
Property Insurance Policy # <u>CP066301648</u>	<u>Cities Insurance Association of WA</u>		<u>09-01-2014</u>
Liability Policy # <u>CP066301648</u>	<u>18106 140th Ave NE</u>		<u>09-01-2014</u>
Fidelity Policy # <u>CP066301648</u>	<u>Woodenville, WA 98072-6874</u>		<u>09-01-2014</u>

2. RECREATION AND GRAZING ASSOCIATION BORROWERS ONLY

Current Quarter

Year to Date

a. Number of Members

\_\_\_\_\_

3. WATER AND/OR SEWER UTILITY BORROWERS ONLY

- a. Water purchased or produced (CU FT - GAL)
- b. Water sold (CU FT - GAL)
- c. Treated waste (CU FT - GAL)
- d. Number of users - water
- e. Number of users - sewer

<u>733142000 gal.</u>	<u>gal.</u>
<u>566253775 gal.</u>	<u>gal.</u>
<u>263549000 gal.</u>	<u>gal.</u>
<u>1907</u>	<u>1,907</u>
<u>1907</u>	<u>1,907</u>

4. OTHER UTILITIES

- a. Number of users
- b. Product purchased
- c. Product sold

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. HEALTH CARE BORROWERS ONLY

- a. Number of beds
- b. Patient days of care
- c. Percentage of occupancy
- d. Number of outpatient visits

_____	_____
_____	_____
<u>-2147483648 %</u>	<u>-2147483648 %</u>
_____	_____

6. DISTRIBUTION OF ALL CASH AND INVESTMENTS\*

Indicate balances in the following accounts:

	<u>Construction</u>	<u>Revenue</u>	<u>Debt Service</u>	<u>Operation &amp; Maintenance</u>	<u>Reserve</u>	<u>All Others</u>	<u>Grand Total</u>
Cash Savings and Investments	\$ _____	\$ _____	\$ <u>1,004,888</u>	\$ <u>960,583</u>	\$ <u>1,480</u>	\$ _____	\$ <u>1,966,945</u>
	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ <u>0</u>
Total	<u>\$0</u>	<u>\$0</u>	<u>\$1,004,882</u>	<u>\$960,583</u>	<u>\$1,480</u>	<u>\$0</u>	<u>\$1,966,945</u>

7. AGE ACCOUNTS RECEIVABLE AS FOLLOWS:

	<u>Days</u>				<u>*Total</u>
	<u>0-30</u>	<u>31-60</u>	<u>61-90</u>	<u>91 and Older</u>	
Dollar Values	\$ <u>3,765</u>	\$ <u>27,217</u>	\$ <u>1,317</u>	\$ <u>29,856</u>	\$ <u>62,155</u>
Number of Accounts	<u>9</u>	<u>207</u>	<u>11</u>	<u>76</u>	<u>303</u>

\*Totals must agree with those on Balance Sheet.

Form RD 442-3 (Rev. 3-97)  <h2 style="text-align: center;">BALANCE SHEET</h2>	Name City of Prosser, WA <hr/> Address 601 7th Street Prosser, WA 99350
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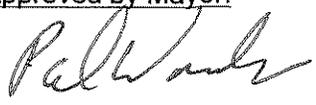
	01-01-2013		01-01-2012	
	Month	Day Year	Month	Day Year
	<i>Current Year</i>		<i>Prior Year</i>	
<b>ASSETS</b>				
<u>CURRENT ASSETS</u>				
1. Cash on hand in Banks .....	\$1,966,945.00		\$1,928,182.00	
2. Time deposits and short-term investments .....				
3. Accounts receivable .....	\$62,154.87		\$67,319.00	
4. Less: Allowance for doubtful accounts .....	( )		( )	
5. Inventories .....				
6. Prepayments .....				
7. ....				
8. ....				
9. Total Current Assets (Add 1 through 8)	\$2,029,099.87		\$1,995,501.00	
<u>FIXED ASSETS</u>				
10. Land .....	\$11,007,000.00		\$11,007,000.00	
11. Buildings .....				
12. Furniture and equipment .....				
13. ....				
14. Less: Accumulated depreciation .....	( )		( )	
15. Net Total Fixed Assets (Add 10 through 14)	\$11,007,000.00		\$11,007,000.00	
<u>OTHER ASSETS</u>				
16. ....				
17. ....				
18. Total Assets (Add 9, 15, 16 and 17)	\$13,036,099.87		\$13,002,501.00	
<b>LIABILITIES AND EQUITIES</b>				
<u>CURRENT LIABILITIES</u>				
19. Accounts payable .....				
20. Notes payable .....			\$0.00	
21. Current portion of USDA note .....	\$0.00		\$70,208.66	
22. Customer deposits .....	\$0.00		\$1,050.00	
23. Taxes payable .....				
24. Interest payable .....				
25. ....				
26. ....				
27. Total Current Liabilities (Add 19 through 26)	\$0.00		\$71,258.66	
<u>LONG-TERM LIABILITIES</u>				
28. Notes payable USDA .....	\$3,439,134.10		\$3,515,878.00	
29. Other Water Debt .....	\$489,480.25		\$684,403.00	
30. Interim Financing for USDA Loan .....	\$3,267,007.30		\$3,071,627.80	
31. Total Long-Term Liabilities (Add 28 through 30)	\$7,195,621.65		\$7,271,908.80	
32. Total Liabilities (Add 27 and 31)	\$7,195,621.65		\$7,343,167.46	
<u>EQUITY</u>				
33. Retained earnings .....				
34. Memberships .....				
35. Total Equity (Add lines 33 and 34)	\$0.00		\$0.00	
36. Total Liabilities and Equity (Add lines 32 and 35)	\$7,195,621.65		\$7,343,167.46	

CERTIFIED CORRECT	Date 4/10/14	Appropriate Official (Signature)
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According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0570-0015. The time required to complete this information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<u>Agenda Title:</u> Approve the 2013 Annual Street Report for the Washington State Department of Transportation.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Finance	<u>Director:</u> Regina Mauras	<u>Contact Person:</u> Toni Yost	<u>Phone Number:</u> (509) 786-8225
<u>Cost of Proposal:</u> n/a		<u>Account Number:</u>	
<u>Amount Budgeted:</u> n/a		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  1. WSDOT Financial Planning & Economic Analysis, Strategic planning & Programming Report (2013)			
<u>Summary Statement:</u>  Annually the City of Prosser is required to report to the Washington State Department of Transportation (WSDOT) revenue and expenditure activity for street funds which occurred in the prior year.  The information obtained from this report is required for WSDOT to comply with federal statutes, and supports legislative, local, and statewide analysis of transportation needs.			
<u>Consistent with or Comparison to:</u>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Approve the 2013 Annual Street Report for the Washington State Department of Transportation			
<u>Reviewed by Department Director:</u>  Date: 4/17/14	<u>Reviewed by City Attorney:</u>  Date: 4/9/14	<u>Approved by Mayor:</u>  Date: 4-17-14	
<u>Today's Date:</u> March 25, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	

Washington State Department of Transportation  
 Financial Planning & Economic Analysis, Strategic planning & Programming  
 PO Box 47400  
 Olympia WA 98504-7400

City Report to the  
 Secretary of Transportation

(RCW 35.21.260)

Phone: (360)705-7940

E-Mail: reevesk@wsdot.wa.gov

For Budget Year 2013

City: Prosser	Prepared by: Toni Yost	Phone: 509-786-8215	E-Mail Address: tyost@cityofprosser.com
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**Revenues and Expenditures for City Roads and Related Activities**

(Round to the Nearest Dollar)

**A. Revenues and Other Sources of Financing**

Revenue Code	Description	Amount
310.00	Taxes	
311.10	Real and Personal Property Taxes	361951.64
311.20	Diverted County Road Property Taxes	
311.30	Sales of Tax Title Property	
312.10	Private Harvest Tax	
313.10	Local Retail Sales and Use Tax	
316.30	Commercial Parking Tax	
317.20	Leasehold Excise Tax	
317.30	Real Estate Excise Tax	
317.70	Other Operating Assessments	
316.10	Business and Occupation Tax	
316.40	B&O Taxes on Privately Owned Utilities	
316.50	B&O Taxes on Utilities of Other	
316.70	Government Owned Utility Tax	
317.14	Local Motor Vehicle Fuel Tax - Border Area	
318.00	Other Operating Taxes	
310.XX	Other Taxes	
313.21	Transportation Benefit District Tax	
	<b>Total Taxes</b>	<b>361951.64</b>
320.00	Licenses and Permits	
321.00	Business Licenses and Permits	
321.50	Public Utility Permits	
321.91	Franchise Fees	
322.40	Street and Curb Permits	1275
322.90	Other Nonbusiness Licenses and Permits	
320.XX	Other Licenses and Permits	
	<b>Total Licenses and Permits</b>	<b>1275</b>
331.00	Federal Grants - Direct (Specify)	
331.14.20	Federal Community Planning and	
331.20	Federal Department of Transportation	
331.83.5X	Federal Emergency Management Agency	
331.xx	Other Direct Federal Grants	
	<b>Total Federal Grants - Direct</b>	<b>0</b>
332.00	Federal Entitlements, Impact Payments & In-	
332.xx.xx	Federal Entitlements, Impact Payments & In-	
332.12.00	Military Forest Yield	
332.12.10	Federal Flood Control Leases	
332.15.21	Federal Grazing Leases (Taylor Act)	

332.15.60	U.S. Fish and Wildlife Refuge Tax	
332.XX	Other Federal Entitlements	
332.10.68	Federal Title I- Schools and Roads	
332.10.00	Federal Forest Yield	
	<b>Total Federal Entitlements, Impact</b>	<b>0</b>
333.00	Federal Grants - Indirect (Specify)	
333.20.60	Highway Traffic Safety Administration	
333.83.50	Federal Emergency Management Agency	
333.14.20	Federal Community Planning and	
333.17.20	Federal Employment and Training	
333.81	Federal Department of Energy	
333.XX	Other Federal Grants (indirect)	
	<b>Total Federal Grants - Indirect</b>	<b>0</b>
333.20.2X	Federal Highway Admin. Grants (Direct or	
333.20.xx	Federal Highway Admin. Grants (Direct or	
	<b>Total Federal Highway Admin.</b>	<b>0</b>
334.00	State Grants (Specify)	
334.03.10	Department of Ecology	
334.03.60	Motor Vehicle Fuel Tax - County Ferries	
334.03.71	CRAB - Rural Arterial Program	
334.03.72	CRAB - County Arterial Preservation	
334.03.80	Urban Arterial Board Grants	95768.83
334.03.81	Transportation Improvement Board Grants	
334.04.2X	Department of Community, Trade &	
334.03.61	DOT Grant	
334.XX	Other State Grants	
	<b>Total State Grants (Specify)</b>	<b>95768.83</b>
335.00	State Shared Revenues	
335.00.84	Capron Refunds (Island & San Juan	
335.00.91	PUD Privilege Tax	
335.02.31	Reforestation Harvest Tax	
335.02.32	Non-Timber Revenue from State Forest	
335.02.33	Sale of Timber from State Forest Land	
	<b>Total State Shared Revenues</b>	<b>0</b>
336.00	State Entitlements, Impact Payments & In-	
336.00.81	Local Option Vehicle License Fee	
336.00.89	Motor Vehicle Fuel Tax - County Roads	
336.00.90	Local Option Motor Vehicle Fuel Tax -	
336.00.92	Motor Vehicle Fuel Tax - County Ferries	
336.00.87	Motor Vehicle Fuel Tax - City Streets	119624.14
336.06.94	Liquor Excise Tax	3875.74
336.06.95	Liquor Control Board Profits	49383.92
336.00.85	Motor Vehicle Tax Equilization	
336.00.88	Motor Vehicle Tax - Arterial Street Fuel Tax	
336.02.31	Dept. of Natural Resources - payment on	
336.XX	Other State Entitlements	
	<b>Total State Entitlements, Impact</b>	<b>172883.8</b>
337.00	Interlocal Grants, Impact Payments & In-	
337.xx	Interlocal Grants, Impact Payments & In-	40425.94
	<b>Total Interlocal Grants, Impact</b>	<b>40425.94</b>
338.00	Intergovernmental Service Revenues	
338.42	Road and Street Maintenance Services	
338.95	Road and Street Construction Services	
338.XX	Other Intergovernmental Services	
	<b>Total Intergovernmental Service</b>	<b>0</b>
340.00	Charges for Goods and Services	6938.01

341.50	Sales of Maps and Publications	
343.20	Engineering Fees and Charges	
344.10	Road/Street Maintenance and Repair	59777.89
344.20	Sales of Road Materials	
344.90	Other Transportation Related Fees	
345.81	Zoning and Subdivision Fees	
345.85	GMA Impact Fees	
345.86	SEPA Related Mitigation Fees	1062.91
345.88	Concurrency Fees	
345.89	Other Planning and Development	4101.61
349.14	Financial Services	
349.19	Other General Government Services	
349.32	Facility Engineering Services	
349.42	Interfund Road Maintenance Services	
349.57	Community Services	
349.95	Interfund Road Construction and	
359.10	Forfeitures of Bond & Deposits	
342.40	Protective Inspection Fees	
343.90	Other Services Related to Environment	
344.50	Fuel Sales	
345.83	Plan Checking Fees	48062.64
348.20	Internal Service Fund Sales of Road	
348.50	Internal Service Fund Fuel Sales	
348.96	Personnel Service Fees	
349.48	Interfund Municipal Vehicles and Public	
340.XX	Other Charges for Goods and Services	
344.90.00	Traffic Mitigation Fees	
343.83	Storm Drainage Fees and Charges	
345.84	LTA Impact Fees	
343.20	Engineering Services	
344.91	Ferry Tolls	
	<b>Total Charges for Goods and</b>	<b>119943.06</b>
360.00	Miscellaneous Revenues	
361.11	Investment Interest	4338.65
361.50	Interest and Penalties on Special	
361.90	Other Interest Earnings	
362.00	Rentals, Leases, etc.	
366.10	Interfund Interest	
367.00	Contributions and Donations from Private	
368.00	Special Assessment Principal	13164.62
369.40	Judgments and Settlements	
369.90	Other Miscellaneous Revenues	4405.5
369.10	Sale of Junk or Salvage	
381.20	Interfund Loan Repayment Received	
362.50.XX	Parking Rents	
386.00.00	Leasehold Tax Collected	
366.20	Interfund Rents & Concessions	
381.10	Interfund Loans Received	
360.XX	Miscellaneous Revenue	
	<b>Total Miscellaneous Revenues</b>	<b>21908.77</b>
350.00	Fines and Penalties	49332.58
353.00	Civil Infraction Penalties	40710.24
354.00	Civil Parking Infraction Penalties	3123.02
350.XX	Other Fines and Penalties	
	<b>Total Fines and Penalties</b>	<b>93165.84</b>
390.00	Other Financing Sources	
391.10	General Obligation Bond Proceeds	
391.30	Special Assessment Bond Proceeds	24721.86

391.60	Proceeds of Bond Anticipation	
395.10	Proceeds From Sale of Capital Assets	
391.80	Intergovernmental Loan Proceeds	
390.XX	Traffic Policing	686321.83
395.20.00	Insurance Recoveries	
391.70	Other Note Proceeds	
398.00	Insurance Recoveries	
	<b>Total Other Financing Sources</b>	<b>711043.69</b>
397.00	Operating Transfers - In (Specify) ( from	18582.06
397.xx	Operating Transfers - In (Specify)	
	<b>Total Operating Transfers - In</b>	<b>18582.06</b>
339.00	American Recovery and Reinvestment Act	
339.1X.XX	Direct Stimulus Grant	
339.2X.XX	Indirect Stimulus Grant	
	<b>Total American Recovery and</b>	<b>0</b>
<b>Total Revenues and Other Source of Financing</b>		<b>1636948.63</b>

## B. Street and Related Expenditures

FY2000	Project Description	Amount
595.00	Construction	
595.10	Engineering - off NHS	
595.20	Right-of-Way	
595.30	Roadway	57227.6
595.40	Drainage	
595.50	Structures	
595.60	Traffic and Pedestrian Services	
595.61	Sidewalks	
595.62	Special Purpose Paths	
595.63	Street Lighting	
595.64	Traffic Control Devices	
595.65	Parking Facilities	
595.70	Roadside Development	
595.80	Ancillary Operations	
595.90	Construction Administration and Overhead	
595.10.N1	NHS - Engineering	
595.00.N1	NHS - New Facilities	
595.00.N2	NHS - Capacity Improvements	
595.20.N2	NHS - Right of Way	
	<b>Total Construction</b>	<b>57227.6</b>
541.00	Preservation	
541.10	Engineering	
541.30	Roadway - off NHS	
541.40	Drainage	
541.50	Structures	
541.60	Traffic and Pedestrian Services	
541.61	Sidewalks	
541.62	Special Purpose Paths	
541.63	Parking Facilities	
541.64	Traffic Control Devices	
541.90	Preservation Administration and Overhead	
541.30.N1	NHS - Preservation	
	<b>Total Preservation</b>	<b>0</b>
542.00	Maintenance	
542.10	Engineering	
542.30	Roadway	135847
542.40	Drainage	
542.50	Structures	2495.9
542.60	Traffic and Pedestrian Services	
542.61	Sidewalks	2621.44
542.62	Special Purpose Paths	
542.63	Street Lighting	79153.34
542.64	Traffic Control Devices	30264.77
542.65	Parking Facilities	
542.66	Snow and Ice Control	776.86
542.67	Street Cleaning	3706.55
542.70	Roadside	33647.97
542.80	Ancillary Operations	
542.90	Maintenance Administration and Overhead	268728.32
	<b>Total Maintenance</b>	<b>557242.15</b>

543.00	General Administration	
543.10	Management	
543.30	General Services	61642.31
543.50	Facilities	
543.60	Training	
543.70	Miscellaneous	
	<b>Total General Administration</b>	<b>61642.31</b>
544.00	Operations	
544.20	Engineering	
544.40	Planning	
544.70	Miscellaneous	
544.90	Operations Administration and Overhead	
	<b>Total Operations</b>	<b>0</b>
	Other Street-Related Expenditures	
521.70	Traffic Policing	686321.83
545.00	Extraordinary Operations	
594.00	Capital Expenditures	
594.42	Construction of Facilities	
519.70	Other Jobbing and Contract Work	
573.9X	Other Community Activities	
598.00	Other Street-Related Expenditures	
598.00.N1	NHS - System Enhancement and Operation	
511.30.49	Official Publication Services	
580.00	interfund loan	
	<b>Total Other Street-Related Expenditures</b>	<b>686321.83</b>
	Debt Service Expenditures (Road Related Only)	
591.00	Redemptions - GO Bonds	
591.00	Redemptions - LID/RID Bonds	
591.00	Redemptions - Other Long-Term Debt	5852.79
592.00	Interest and Other Debt Service Costs	612.33
	<b>Total Debt Service Expenditures (Road Related Only)</b>	<b>6465.12</b>
	Additional Entries Affecting Fund Balance	
597.00	Operating Transfers Out (Specify)( to Streets and Water)	37922.57
	<b>Total Additional Entries Affecting Fund Balance</b>	<b>37922.57</b>
	<b>Total Expenditures and Other Source of Financing</b>	<b>1406821.58</b>

C. Summary of Street/Road Related Fund Activity for Reporting Year 2013

Account	Description	Balance	Balance
1	General Fund	886874.49	686321.83
102	Street Fund	506376.55	558327.36
103	Transportation Benefit District	72185.51	68322.78
110	Arterial Street Fund	96344.9	55927.04
152	Infrastructure Development Reserve Fund	37244.61	0
234	LID 10-23	37922.57	37922.57
		1636948.63	1406821.58

D. Status of Long-Term Debt (street/Road Related Debt Only, Go Bonds, Long-Term loans, etc.)

Reframing Agency	Finance Type Name	Debt Maturity	Original Debt	Issued Amount	Redeemed Amount	Outstanding Amount


Street Inventory Report End of Calendar year

Type of Surface	Cement Concrete Pavement Miles	Asph-Plant Road Mix Miles	Bitu Surface Treatment Miles	Gravel Crush Rock Miles	Dirt Unimprove d Miles	Total Miles
Centerline Miles						

CITY OF PROSSER, WASHINGTON

# AGENDA BILL

<u>Agenda Title:</u> Approve Maintenance Contract Renewal with Abadan for Konica Minolta Bizhub 451 Copier.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Finance	<u>Director:</u> Regina Mauras	<u>Contact Person:</u> Toni Yost	<u>Phone Number:</u> (509) 786-8215
<u>Cost of Proposal:</u> Approximately \$200 Annually		<u>Account Number:</u> Various	
<u>Amount Budgeted:</u> Approximately \$200 Annually		<u>Name and Fund#:</u> Various	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  1. Maintenance Contract Renewal with Abadan for Konica Minolta Bizhub 451			
<u>Summary Statement:</u>  The maintenance contract for the Konica Minolta Bizhub 451 Copier expires annually in accordance with the terms and conditions of the agreement. The Contract is set to expire and therefore needs to be renewed for another 12 month term.			
<u>Consistent with or Comparison to:</u>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Move to approve the Maintenance Contract Renewal with Abadan for Konica Minolta Bizhub 451 Copier and authorize the Mayor to sign the contract.			
<u>Reviewed by Department Director:</u>  Date: 4/17/14	<u>Reviewed by City Attorney:</u>  Date: 4/19/14	<u>Approved by Mayor:</u>  Date: 4-17-14	
<u>Today's Date:</u> April 3, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	



Clearly the best...

THIS IS NOT AN INVOICE  
Please sign, make copy  
and return original

### MAINTENANCE CONTRACT

RECEIVED  
APR 01 2014  
CITY OF PROSSER

New      Renewal      Revision

CITY OF PROSSER  
601 7<sup>TH</sup> STREET  
PROSSER WA 99350

Installation Date: 05/08/2009

Contract Effective: 05/07/2014

Contact: \_\_\_\_\_

Equipment Location: \_\_\_\_\_

Fax#: \_\_\_\_\_

E-Mail #: \_\_\_\_\_

For an annual, quarterly or monthly base charge plus overage charges, if any, our factory trained personnel will render service calls during regular business hours on the equipment listed below for a period of 12 months in accordance with the terms and conditions set forth on this page.

Model Number	Serial Number	Beginning Meter	BILLING:		
			ANNUAL	QUARTERLY	MONTHLY
			Copy Allowance	Base Charge (in advance)	Charge Per Copy (in Arrears) Overages All Copies
C451	A00K010012713		2000	\$ 23.43	.011715
C451	A00K010012713		N/A	N/A	.117152

This agreement covers service calls during normal working hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays. Includes parts, labor, developer, staples, toner and all other consumable supply items unless specifically listed.

Please see terms and conditions set forth on the reverse side of this agreement.

SERVICE E-MAIL [servicecall@abadantc.com](mailto:servicecall@abadantc.com)

METER READ E-MAIL [meters@abadantc.com](mailto:meters@abadantc.com)

Approved by Abadan:

Customer Acceptance:

\_\_\_\_\_  
Service Manager

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

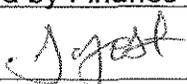
\_\_\_\_\_  
Date

**Abadan agrees to perform the maintenance service with respect to equipment in accordance with the following terms and conditions:**

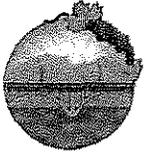
1. Only authorized **Abadan** personnel may make modifications to this Agreement. Any such changes will be preceded by a 30 days written notice to the customer .
2. This Agreement is subject to acceptance only by an authorized representative or **Abadan**. The Customer hereby waives notice of acceptance.
3. The equipment must be in good condition on the commencement date of this Agreement. **Abadan** will charge for parts and labor required to bring the equipment up to **Abadan** standards unless covered under any applicable warranties or a continuous maintenance Agreement; this will be in addition to the price set forth on the reverse side of this Agreement.
4. This Agreement will renew automatically for successive annual terms unless the Customer notifies **Abadan** in writing thirty (30) days prior to anniversary date. **Abadan** retains the right to increase rates each annual renewal period without notice to the Customer.
5. The Customer agrees to provide Space, power, Network connections and other requirements as specified by the manufacturer for ideal operation of equipment.
6. Customer acknowledges that manufacturer's limit parts production on aged equipment. In the event that a part cannot be obtained to repair the equipment, this Agreement shall become null and void.
7. This Agreement **does not** include: delivery, moving, or installation charges of the equipment or any major modifications to the equipment.
8. During the term hereof, **Abadan** will repair or replace in accordance with the terms and conditions of this Agreement and any part of the Equipment, which becomes unserviceable due to normal usage (other than consumable supplies). Replacement parts will be furnished on an exchange basis and will be new, reconditioned, or used; all part removed due to replacement will become the property of **Abadan**. Maintenance service provided by **Abadan** under this Agreement does not include the following:
  - A. Repairs resulting from misuse (including without limitation improper voltage or use of supplies that do not conform to the manufacturer's specifications).
  - B. Repairs made necessary by service performed by persons other than **Abadan**.
  - C. Removable cassette, copy cabinet, exit trays, or any item not related to the mechanical or electrical operation of the equipment.
  - D. Consumable supplies such as paper, staples, drum cartridges, developer, toner, or masters (unless otherwise noted on the reverse side of this maintenance Agreement).
  - E. Repairs and or service calls resulting from attachments not purchased from **Abadan**.
  - F. Any software, system support or related connectivity, unless specified in writing.
9. **Abadan's** regular service hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays.
10. This Agreement extends only to the original Customer and is non-transferable. If the equipment is moved beyond **Abadan's** service zones this Agreement shall be deemed terminated.
11. Customer agrees to pay invoices promptly. Should the Customer be delinquent for more than thirty (30) days, **Abadan** at its option may cancel this Agreement without notice. Customer agrees to pay a finance charge of 1-1/2% per month on any past due balance. Further, Customer agrees to pay all costs of collection including reasonable attorney's fees', whether suit be brought or not, incurred by **Abadan** in collecting any past due balance or recovering any equipment.
12. Customer will provide to **Abadan** true and accurate copy counter (meter) readings at monthly/quarterly/annual intervals in any reasonable manner requested by **Abadan** for the purpose of maintenance billing. All copies in excess of the amount included in the base charge of the Agreement are subject to excess copy charges.
13. Customer agrees that in the event **Abadan** does not receive current monthly/quarterly/annual copy counts, the Customer will receive a billing for the base amount and/or an estimated bill based on previous usage history. The next sequential billing will be adjusted for actual copies run for the previous and current billing periods.
14. If the Customer makes an alteration, attaches a device, or utilizes a supply item that, in **Abadan's** judgment, increases the cost of service, **Abadan** will either propose an additional service charge or request the equipment be returned to its standard configuration or purpose and that use of the supply item be discontinued. If, within five (5) days of such proposal or request, the Customer does not remedy the problem or agree in writing to do so immediately, the Customer shall be in default of its obligation to **Abadan** and **Abadan** may withhold maintenance service from the equipment. If **Abadan** believes that an alternation, attachment, or supply item affects the safety of **Abadan** personnel or equipment users, **Abadan** shall notify the Customer of the problem and may withhold maintenance until the problem is remedied.
15. If the Customer requests that the Agreement be terminated prior to the end of the Agreement term the Customer will be give no refund or credit on early termination of the Agreement. In order to request early termination the customer is required to submit a thirty (30) day written notice of their intention to terminate the Agreement. Upon receipt of the written notice **Abadan** will send out a final invoice to the customer and contract will be terminated upon receipt of the final payment.
16. Disclaimer of Implied Warranties and Limitations of Liability:
  - A. **Abadan** disclaims the implied warranty of fitness for particular purpose following the expiration of any express warranty pertaining to equipment. **Abadan** disclaims the implied warranty of merchantability.
  - B. **Abadan** shall not be liable for indirect, incidental, or consequential damages, such as loss of use, revenues, or profit.

CITY OF PROSSER, WASHINGTON

# AGENDA BILL

<u>Agenda Title:</u> Approve the Special Event Application for the Prosser Chamber of Commerce, multiple events, for the 2014 calendar year.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-7300
<u>Cost of Proposal:</u> N/A		<u>Account Number:</u> N/A	
<u>Amount Budgeted:</u> N/A		<u>Name and Fund#:</u> N/A	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  1. Special Event Application submitted by the Chamber of Commerce, received April 3, 2014. (11 pages)			
<u>Summary Statement:</u>  The Prosser Chamber of Commerce organizes and stages several events throughout the City of Prosser each year. The Chamber has applied for permission to use selected City property and Rights of Way on various days throughout the 2014 calendar year. Not all of these events fall under the requirements to be approved by council. However, due to the new special event application process, the Chamber has applied for all events under one permit application. Some of the events in the Chamber's submitted application suggests more than 500 people will be gathered in one location in any one given hour of any event. Therefore, this requires Council action and subsequent approval of the Chamber's application.  City staff will distribute Neighborhood Notices to all property owners as necessary and within requirements.  The Chamber is continually diligent in providing the City with the required certificates of insurance for each of their events. Without fail, the certificates of insurance are delivered by Chamber staff to the City several days in advance of each event.			
<u>Consistent with or Comparison to:</u>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Approve the Special Event Application for the Prosser Chamber of Commerce, multiple events, for the 2014 calendar year.			

<u>Reviewed by Department Director:</u>  Date: 4/18/14	<u>Reviewed by City Attorney:</u>  Date: 4/17/14	<u>Approved by Mayor:</u>  Date: 4-17-14
<u>Today's Date:</u> April 10, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u> U:\Public Works Dept\Project Files\Agendas



# CITY OF PROSSER, WA

601 7th Street, Prosser, Washington 99350  
(509)786-2332 • Fax (509)786-3717

Special Event Permit Fee:

~~\$250.00~~

Additional costs may be incurred, depending on the additional services that your event requires.

APR 18 2014  
CITY OF PROSSER

## SPECIAL EVENT APPLICATION ALLOW 30 DAYS TO PROCESS

### APPLICANT INFORMATION

Name: PROSSER CHAMBER OF COMMERCE Contact Number: 786-3177

E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542

Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: EASTER EGG HUNT

Location of Event: PROSSER CITY PARK Date(s) of Event: APRIL 19, 2014

Expected No. of Attendees: 300 Responsible Person: HUMBERTO RODRIGUEZ Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN / /	MON / /	TUE / /	WED / /	THU / /	FRI / /	SAT 4 / 19
						8: AM 11: AM

Describe your event and the activities that will take place:

CHILDRENS EASTER EGG HUNT BY AGE DIVISIONS  
AGES 0-9

2. Event Name: DEPOT SQUARE MARKET PLACE - SPRING

Location of Event: DEPOT SQUARE PARKING LOT Date(s) of Event: MAY - 3

Expected No. of Attendees: 700 Responsible Person: HUMBERTO RODRIGUEZ Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN / /	MON / /	TUE / /	WED / /	THU / /	FRI / /	SAT 5 / 3
						6 am 3 pm

Describe your event and the activities that will take place:

GIANT YARD SALE TO INCLUDE FOOD VENDORS, ARTS & CRAFTS, COMMERCIAL & YARD SALE VENDORS.

If you have more than 2 events, please copy and reuse this page.



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APR 03 2014

CITY OF PROSSER, WA

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SPECIAL EVENT APPLICATION
ALLOW 30 DAYS TO PROCESS

APPLICANT INFORMATION

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E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542
Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

EVENT(S) INFORMATION

1. Event Name: SAGE FAT RUN
Location of Event: DEPOT SQUARE PARKING LOT Date(s) of Event: MAY 17 & 18, 2014
Expected No. of Attendees: 500+ Responsible Person: MIKE AIKINS Phone #: 882-7904

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

Table with 7 columns (SUN 5/18 to SAT 5/17) and 2 rows of times (6am, 3pm).

Describe your event and the activities that will take place:
3 SEPERATE RUNNING EVENTS THAT END AT THE DEPOT SQUARE PARKING LOT.

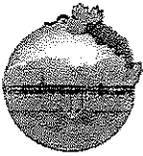
2. Event Name: PROSSER SPORTS FEST
Location of Event: 7TH STREET : MEADE Date(s) of Event: JUNE 13, 14 & 15, 2014
Expected No. of Attendees: 800 Responsible Person: HUMBERTO R. Phone #: 305.1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

Table with 7 columns (SUN 6/15 to SAT 6/14) and 2 rows of times (9am-5pm, 8pm-?, 7am-6pm).

Describe your event and the activities that will take place:
3 ON 3 BASKETBALL TOURNAMENT FOR BOYS & GIRLS.

If you have more than 2 events, please copy and reuse this page.



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CITY OF PROSSER

## SPECIAL EVENT APPLICATION ALLOW 30 DAYS TO PROCESS

### APPLICANT INFORMATION

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E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542

Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: 4TH OF JULY CELEBRATION

Location of Event: PROSSER CITY PARK Date(s) of Event: JULY 4TH 2014

Expected No. of Attendees: 800 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN	MON	TUE	WED	THU	FRI 7/4	SAT
					7 am - 5 pm	

Describe your event and the activities that will take place:

KIDS GAMES, KIDDIE PARADE, CONCESSIONS, BINGO, STAGE SHOW & FIREWORKS @ ART FIKER STADIUM

2. Event Name: ART WALK & WINE GALA

Location of Event: 6TH STREET (BETWEEN MENDE & DUDLEY) Date(s) of Event: JULY 19, 2014

Expected No. of Attendees: 800 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN	MON	TUE	WED	THU	FRI	SAT 7/19
						8 pm - 12 am

Describe your event and the activities that will take place:

ART VENDORS, WINERIES, SUP. DISPLAYING PRODUCTS, FOOD VENDORS, LIVE MUSIC

If you have more than 2 events, please copy and reuse this page.



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APR 03 2014  
CITY OF PROSSER

## SPECIAL EVENT APPLICATION ALLOW 30 DAYS TO PROCESS

### APPLICANT INFORMATION

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E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542

Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: THE NW PREPAREDNESS EXPO

Location of Event: WALTER LOPE CENTER Date(s) of Event: MAY 2 & 3, 2014

Expected No. of Attendees: 1000 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN <del>5/3</del>	MON ___/___	TUE ___/___	WED ___/___	THU ___/___	FRI <u>5/2</u>	SAT <u>5/3</u>
					10am-6pm	9am-6pm

Describe your event and the activities that will take place:

EXPO COVERING SAFETY, SUSTENANCE, SKILLS & SUPPLIES.  
HELP WITH SELF SUFFICIENT SUSTAINABLE LIVING

2. Event Name: STATES DAY CELEBRATION & PARADE

Location of Event: CITY PARK / PARADE ROUTE Date(s) of Event: 9-1-14

Expected No. of Attendees: 3000 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN <u>9/31</u>	MON <u>9/1</u>	TUE ___/___	WED ___/___	THU ___/___	FRI <u>8/29</u>	SAT <u>8/30</u>
12 pm 10 pm	6 AM 10 PM				4 pm 10 pm	10 AM 10 pm

Describe your event and the activities that will take place:

PARADE STARTS AT 10: AM AND PROCEEDS THRU DOWNTOWN PROSSER BACK  
TO KEENE RIVERVIEW, BINGO, CARNIVAL, FOOD BOOTHS, GAMES, STAGESHOW  
AT PARK

If you have more than 2 events, please copy and reuse this page.



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### APPLICANT INFORMATION

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E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542  
Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: DEPOT SQUARE MARKET PLACE - FALL  
Location of Event: DEPOT SQUARE PARKING LOT Date(s) of Event: SEPT. 20, 2014  
Expected No. of Attendees: 700 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN	MON	TUE	WED	THU	FRI	SAT 9/20
						6 AM 3 PM

Describe your event and the activities that will take place:  
GIANT YARD SALE TO INCLUDE FOOD VENDORS, ARTS & CRAFT, COMMERCIAL, AND YARD SALE VENDORS.

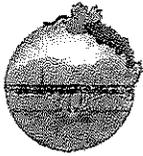
2. Event Name: HARVEST FESTIVAL  
Location of Event: SIXTH STREET & MEADE AVE Date(s) of Event: SEPT 26, 27 & 28  
Expected No. of Attendees: 5000 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN 9/28	MON	TUE	WED	THU	FRI 9/26	SAT 9/27
9 am 5 pm					7 am 6 pm	9 am 6 pm

Describe your event and the activities that will take place:  
CUSTOM ARTS & CRAFTS VENDORS, FOOD, LIVE ENTERTAINMENT CHALK ARTIST ON STREETS.

If you have more than 2 events, please copy and reuse this page.



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(509)786-2332 • Fax (509)786-3717

Special Event Permit Fee:  
\$250.00

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your event requires.

APR 03 2014

## SPECIAL EVENT APPLICATION ALLOW 30 DAYS TO PROCESS CITY OF PROSSER

### APPLICANT INFORMATION

Name: PROSSER CHAMBER OF COMMERCE Contact Number: 786-3177

E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542

Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: PROSSER BEER & WHISKEY FESTIVAL

Location of Event: WINE & FOOD PARK Date(s) of Event: OCT. 11, 2014

Expected No. of Attendees: 1000 Responsible Person: HUMBERTO R. Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN ___/___	MON ___/___	TUE ___/___	WED ___/___	THU ___/___	FRI ___/___	SAT <u>10/11</u>
						11 am 10 pm

Describe your event and the activities that will take place:

FOOD VENDORS, LIVE MUSIC, MICRO BREWERIES & DISTILLERIES SHOWCASING PRODUCTS. MISC. CRAFT VENDORS.

2. Event Name: VETERANS DAY PARADE

Location of Event: PARADE ROUTE Date(s) of Event: NOV 11, 2014

Expected No. of Attendees: 500 Responsible Person: HUMBERTO R. Phone #: 305-1542

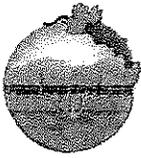
Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN ___/___	MON <u>11/11</u>	TUE ___/___	WED ___/___	THU ___/___	FRI ___/___	SAT ___/___
	10:am 12:pm					

Describe your event and the activities that will take place:

PARADE STARTS @ 11 AM AT KEENE RIVERVIEW AND PROCEEDS DOWNTOWN AND BACK TO THE SCHOOL.

If you have more than 2 events, please copy and reuse this page.



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APR 03 2014

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### APPLICANT INFORMATION

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E-mail: HUMBERTO@PROSSERCHAMBER.ORG Alternate Number: 305-1542

Address: 1230 BENNETT AVE City: PROSSER State: WA Zip: 99350

### EVENT(S) INFORMATION

1. Event Name: FAMILY CHRISTMAS FESTIVAL

Location of Event: DEPOT SQUARE Date(s) of Event: NOV 30, 2014

Expected No. of Attendees: 300 Responsible Person: HUMBERTO R Phone #: 305-1542

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN <u>11/30</u>	MON ___/___	TUE ___/___	WED ___/___	THU ___/___	FRI ___/___	SAT ___/___
2pm 6pm						

Describe your event and the activities that will take place:

SANTA'S ARRIVAL WITH PICTURES, CAROLING, GIFTS, FOOD BOOTHS & FIRE PITS.

2. Event Name: FAMILY CHRISTMAS PARADE

Location of Event: PARADE ROUTE Date(s) of Event: DEC. 13, 2014

Expected No. of Attendees: \_\_\_\_\_ Responsible Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

Operating Hours of Event: (please fill out applicable times for the appropriate day and include the exact date)

SUN ___/___	MON ___/___	TUE ___/___	WED ___/___	THU ___/___	FRI ___/___	SAT <u>12/13</u>
						5pm 6pm

Describe your event and the activities that will take place:

10-15 LIGHTED TRUCKS DRIVE THRU PARADE ROUTE THEN PARK @ FOOD DEPOT PARKING LOT FOR PICTURES.

If you have more than 2 events, please copy and reuse this page.

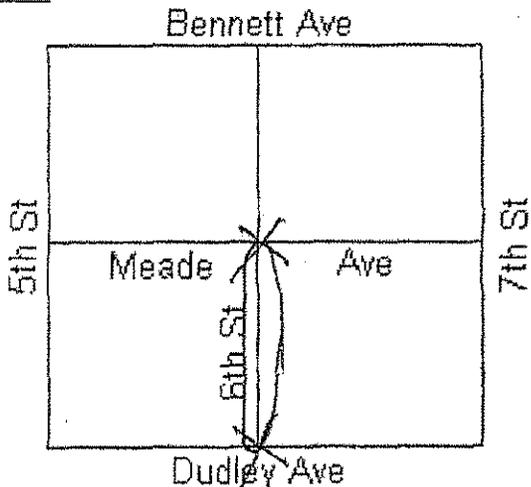
**SPECIAL REQUESTS (Check all that apply)**

- Trash Cans   
  Traffic Control   
  Street Sweeping   
  Barricades   
  Power   
  Parking  
 Fire   
  Police   
  OTHER: See Below

**SITE MAP**

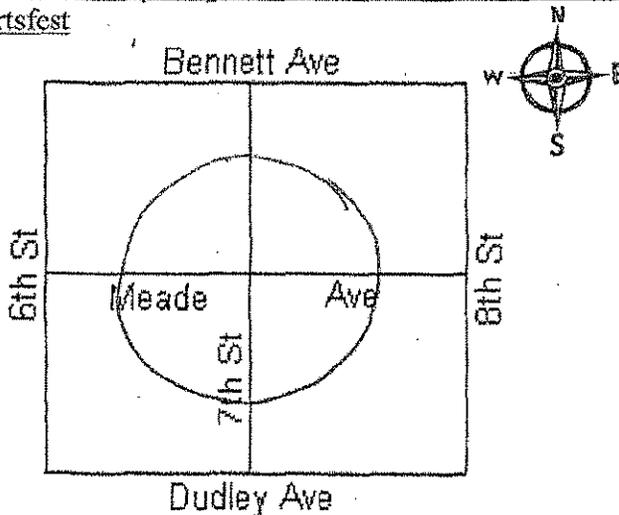
Please use the box below to draw a map showing street closures, parking, restrooms, and vendor/activity locations.

Art Walk



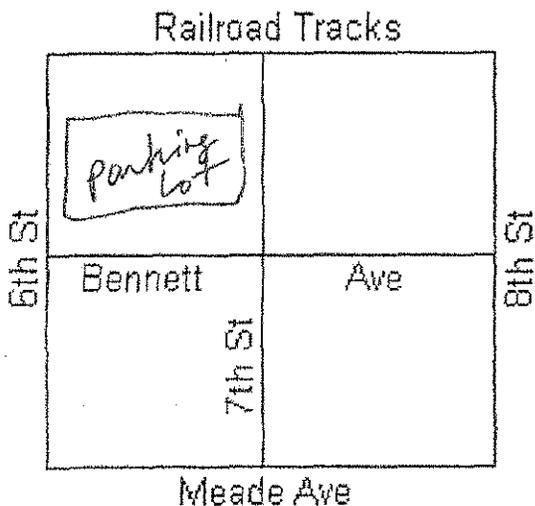
Trash Cans, Sweeping, Barricades, Power

Sportsfest



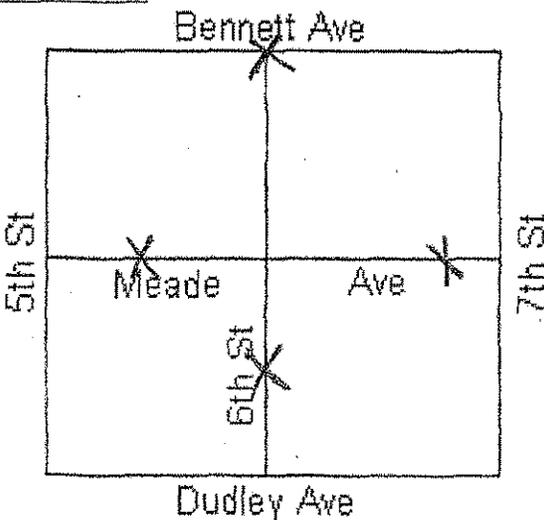
Trash Cans, Sweeping, Barricades, Power

Spring/Fall City Yard Sales



Sweeping, Barricades

Harvest Festival



Trash Cans, Sweeping, Barricades, Power

States Day

REGULAR  
PARADE  
ROUTE

Trash Cans, Sweeping, Barricades, Traffic Control

Veterans Day Parade

REGULAR  
PARADE  
ROUTE

Trash Cans, Sweeping, Barricades, Traffic Control

**ADDITIONAL INFORMATION (Please Read Carefully)**  
**EVENT All City Yard Sales, Easter Egg Hunt, Sage Rat Run**

- |    |   |                              |  |
|----|---|------------------------------|--|
| 1. | Will alcohol be served, displayed, or consumed at this event?<br><i>If you answered YES please attach a copy of the liquor license.</i> | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 2. | Will there be amplified sound or music at this event?   | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |
| 3. | Will your event require street closures?<br><i>If you answered YES, please attach a list of the streets.</i>                            | <input type="checkbox"/> YES | <input checked="" type="checkbox"/> NO |

**EVENT Art Walk and Wine Gala**

- |    |   |   |                             |
|----|---|---|-----------------------------|
| 1. | Will alcohol be served, displayed, or consumed at this event?<br><i>If you answered YES please attach a copy of the liquor license.</i> | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2. | Will there be amplified sound or music at this event?   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3. | Will your event require street closures?<br><i>If you answered YES, please attach a list of the streets.</i>                            | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO |

**EVENT Sportsfest and Harvest Festival**

- |    |   |   |  |
|----|---|---|--|
| 1. | Will alcohol be served, displayed, or consumed at this event?<br><i>If you answered YES please attach a copy of the liquor license.</i> | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| 2. | Will there be amplified sound or music at this event?   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| 3. | Will your event require street closures?<br><i>If you answered YES, please attach a list of the streets.</i>                            | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |

**EVENT 4<sup>th</sup> of July Celebration and Xmas Festival**

- |    |   |   |  |
|----|---|---|--|
| 1. | Will alcohol be served, displayed, or consumed at this event?<br><i>If you answered YES please attach a copy of the liquor license.</i> | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| 2. | Will there be amplified sound or music at this event?   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| 3. | Will your event require street closures?<br><i>If you answered YES, please attach a list of the streets.</i>                            | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |

**EVENT States Day Celebration and Veterans Day Parade**

- |    |   |   |  |
|----|---|---|--|
| 1. | Will alcohol be served, displayed, or consumed at this event?<br><i>If you answered YES please attach a copy of the liquor license.</i> | <input type="checkbox"/> YES            | <input checked="" type="checkbox"/> NO |
| 2. | Will there be amplified sound or music at this event?   | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |
| 3. | Will your event require street closures?<br><i>If you answered YES, please attach a list of the streets.</i>                            | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO            |

PROSSER BEER & WHISKEY FEST

ADDITIONAL INFORMATION (Please Read Carefully)

1. Will alcohol be served, displayed, or consumed at this event?  YES  NO  
*If you answered YES please attach a copy of the liquor license.*
2. Will there be amplified sound or music at this event?  YES  NO
3. Will your event require street closures?  YES  NO  
*If you answered YES, please attach a list of the streets.*

NW PREPAREDNESS EXPO

ADDITIONAL INFORMATION (Please Read Carefully)

1. Will alcohol be served, displayed, or consumed at this event?  YES  NO  
*If you answered YES please attach a copy of the liquor license.*
2. Will there be amplified sound or music at this event?  YES  NO
3. Will your event require street closures?  YES  NO  
*If you answered YES, please attach a list of the streets.*

**ADDITIONAL INFORMATION (Please Read Carefully)**

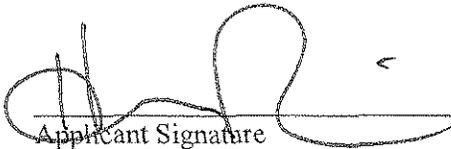
1. Will alcohol be served, displayed, or consumed at this event?  YES  NO  
*If you answered YES please attach a copy of the liquor license.*
2. Will there be amplified sound or music at this event?  YES  NO
3. Will your event require street closures?  YES  NO  
*If you answered YES, please attach a list of the streets.*

**CITY REQUIREMENTS**

**You must have the following before approval for your event can be considered:**

- \$1,000,000 Certificate of Insurance listing the City of Prosser as an additional insured, if your event is taking place on City property. The original certificate must be filed with the City Clerk and a copy attached to this application prior to permit being issued.
- A copy of the permit obtained for the sale of food, beverages, or alcohol (if applicable).
- A letter from property owners authorizing the use of private property for your event (if applicable).

*I, the undersigned, do hereby certify that, to the best of my knowledge, the information on this application and other submitted information is true and correct. In addition, I understand that the City's acceptance of this application and any fees does not constitute submittal of a valid application or guarantee approval of my request. I further understand that I am responsible for cleaning up after the event and that Prosser Municipal Code (PMC) 21.04.050 states: By signing the application for a permit pursuant to Section 21.04.040, the signer personally guarantees that all garbage, trash, litter, debris, or other material or substance deposited or left in the park by any person attending the event for which the permit was issued is cleaned up and that the park is restored to its condition immediately preceding the permitted event. Any person found to be in violation of this section shall be deemed to have committed a civil infraction and shall be subject to a civil penalty of two hundred fifty dollars.*

  
Applicant Signature

4-1-14  
Date

\_\_\_\_\_  
Property Owner's Signature (if applicable) Date

**OFFICE USE ONLY:**

Approved  Denied

By: \_\_\_\_\_ Date: \_\_\_\_\_

Reason for Application Denial: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**NOTE: This form is subject to public disclosure.  
This institution is an equal opportunity provider, and employer.**

Revised April 4, 2013

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

Agenda Title: Approve the Request for Fireworks Ban Special Use Waiver for the Prosser Scottish Festival Anvil Launch to be held on June 21, 2014 at the Port of Benton East Prosser Wine and Food Park.

Meeting Date:  
April 22, 2014

Department:

Public Works

Director:

L.J. DaCorsi

Contact Person:

L. J. DaCorsi

Phone Number:

786-2332

Cost of Proposal: N/A

Amount Budgeted: N/A

Account Number:

Name and Fund#

Reviewed by Finance Department:

Attachments to Agenda Packet Item:

- 1) Letter to Prosser City Council from Prosser Scottish Festival Planning Committee dated April 9, 2014, Request for Fireworks Ban Special Use Waiver

Summary Statement:

On June 21, 2014, the Prosser Scottish Festival will be held at the Port of Benton East Prosser Wine and Food Park and commences with a traditional anvil launch to kick off the festivities. As in years past, the anvil launch has been considered a pyrotechnic event and the City requires a waiver from PMC Chapter 8.20, banning fireworks in the City. Council action is required to approve the request.

This will be the 14<sup>th</sup> season for the Scottish Fest and the 14<sup>th</sup> anvil launch. The Prosser City Council has approved this request for each of the previous years of the event. To date, there have been no injuries, property damage, or any other negative impacts to the area from this anvil launch which is performed by trained professionals.

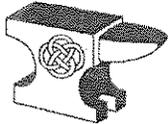
Consistent with or Comparison to:

The event's Planning Committee has presented this request in previous years and Council has approved the waiver for each of these years.

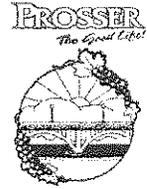
Recommended City Council Action/Suggested Motion:

Approve the Request for Fireworks Ban Special Use Waiver for the Prosser Scottish Festival Anvil Launch to be held on June 21, 2014 at the Port of Benton East Prosser Wine and Food Park.

<u>Reviewed by Department Director:</u>  Date: 4/18/14	<u>Reviewed by City Attorney:</u>  Date: 4/18/14	<u>Approved by Mayor:</u>  Date: 4-17-14
<u>Today's Date:</u> April 16, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>



Prosser Chamber of Commerce  
 1230 Bennett Avenue 786-3177  
 Prosser, WA 99350-1479 (800) 408-1517



SCOTTISH FEST

<http://prosserscottishfest.org>

To: Prosser City Council  
 From: Prosser Scottish Fest and Highland Games Planning Committee  
 Date: April 9, 2014  
 Subject: Request for Fireworks Ban Special Use Waiver

RECEIVED  
 APR 10 2014  
 CITY OF PROSSER

The *Infamous Anvil Launch* is a modestly famous display at our annual Prosser Scottish Fest and Highland Games and for some, the main attraction. This year the Fest will be on Saturday, June 21<sup>th</sup>.

The actual launch consists of a specific, pre-measured charge of black powder loaded into a specifically designed base onto which the anvil is placed for launching. Once ignited, the charge lifts the anvil 75 to 100 feet nearly straight up into the air, delivering a rather loud report in the process. Two or three launches can be expected.

As you know, each year we coordinate with the Prosser Fire Department who standby at the ready and offer assistance which, we are proud to say has never been needed.

While not a fireworks display in and of itself, it could easily be considered a pyrotechnic event, in which case we are seeking a waiver to the fire works ban again this year.

It is noteworthy that of all the anvil launches conducted by the attending specialists, never once has there been an accident, incident or even the slightest injury and we do not intend to deviate from our performance record.

SAFETY IS OUR FIRST CONSIDERATION.

We appreciate the support of the City of Prosser as our unique family celebration. We hope that you all will join us as special guests during the noon Welcoming Ceremony on June 21th.

Respectfully,

*Wayne R Pearson*

Wayne R. Pearson, Anvil Launch Specialist  
 Prosser Scottish Festival Planning Committee, 2014

CITY OF PROSSER, WASHINGTON

# AGENDA BILL

<p><b>Agenda Title:</b> Approve the USDA Outlay Report and Draw Request No. 30 in an amount of \$5,768.48 for costs associated with the Northwest Prosser Water and Sewer System Improvements Project (Contract Addendum No. 2) and authorize the Mayor to sign the documents.</p>		<p><b>Meeting Date:</b> April 22, 2014 Regular Meeting</p>	
<p><b>Department:</b> Public Works</p>	<p><b>Director:</b> L.J. Da Corsi</p>	<p><b>Contact Person:</b> L.J. Da Corsi</p>	<p><b>Phone Number:</b> (509) 786-2332</p>
<p><b>Cost of Proposal:</b> \$5,768.48</p>		<p><b>Account Number:</b></p>	
<p><b>Amount Budgeted:</b> Based on USDA funding</p>		<p><b>Name and Fund#</b> Water 403</p>	
<p><b>Reviewed by Finance Department:</b></p> 			
<p><b>Attachments to Agenda Packet Item:</b></p> <ol style="list-style-type: none"> <li>1. Letter from HLA to Mayor Warden, Re: USDA Draw Request No. 30, and dated April 15, 2014</li> <li>2. Outlay Report and Request for Reimbursement Draw Request No. 30</li> <li>3. HLA Invoice Number 10024C-040, 4/01/2014 for \$1,505.98</li> <li>4. HLA Invoice Number 10024E-033, 4/01/2014 for \$4,262.50</li> </ol>			
<p><b>Summary Statement:</b></p> <p>The billed costs or disbursements as shown on the form are in accordance with the terms of the project and the reimbursement amount of \$5,768.48 represents the Federal share due the city of Prosser for the Northwest Prosser Water and Sewer Systems Improvements and Reservoir Projects as per Contract Addendum No. 2. This project is approximately 92% complete.</p> <p>Contract Addendum No. 2 was approved by the City Council September 11, 2012, for the addition of the telemetry system upgrade to the domestic water system and later incorporated as part of the Northwest Prosser Water and Sewer System Improvements Project.</p> <p>By a motion and approval, the Council grants the Mayor the authority to sign the documents and by doing so signifies Owner's approval of the USDA Outlay Report and Request for Reimbursement - Number 30, Northwest Prosser Water</p>			

<p>and Sewer Systems Improvements and Reservoir Projects, for \$5,768.48 from USDA Rural Development.</p>		
<p><u>Consistent with or Comparison to:</u> EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL</p>		
<p><u>Recommended City Council Action/Suggested Motion:</u> Approve the USDA Outlay Report and Draw Request No. 30 in an amount of \$5,768.48, for costs associated with the Northwest Prosser Water and Sewer System Improvements Project (Contract Addendum No. 2) and authorize the Mayor to sign the documents.</p>		
<p><u>Reviewed by Department Director:</u>  Date: 4/18/14</p>	<p><u>Reviewed by City Attorney:</u>  Date: 4/18/14</p>	<p><u>Approved by Mayor:</u>  Date: 4-17-14</p>
<p><u>Today's Date:</u> April 16, 2014</p>	<p><u>Revision Number/Date:</u></p>	<p><u>File Name and Path:</u></p>

Civil Engineering ♦ Land Surveying ♦ Planning

April 15, 2014

City of Prosser  
601 Seventh St.  
Prosser, WA 99350

Attn: Mayor Paul Warden

Re: City of Prosser  
NORTHWEST PROSSER WATER  
AND SEWER SYSTEM IMPROVEMENTS  
HLA Project No.: 10024  
USDA Draw Request No. 30

**RECEIVED**

*-Rms*  
APR 15 2014

**CITY OF PROSSER**

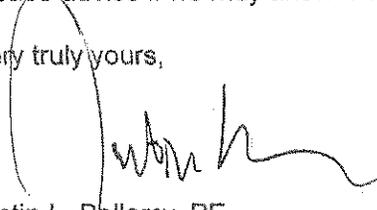
Dear Mayor Warden:

Enclosed, please find two (2) copies each of USDA Outlay Report Draw Request Number 30 for the amount of \$5,768.48, which includes HLA costs associated with Contract Addendum No. 2 (10024T), for your review and approval.

Please keep the copies marked for the City, and return all remaining original executed copies to HLA for processing to USDA Rural Development. Upon USDA approval, USDA will return one executed set for your retention. USDA will create a letter to accompany this Outlay Report and send both items to Washington Trust Bank for processing the payment to the City of Prosser.

Please advise if we may answer any questions or provide additional information.

Very truly yours,

  
Justin L. Bellamy, PE

JLB/crf

Enclosures

Copy: L.J. DaCorsi, City of Prosser  
Caroline Fitzsimmons, HLA  
Correspondence File

OUT LAY REPORT AND REQUEST FOR REIMBURSEMENT



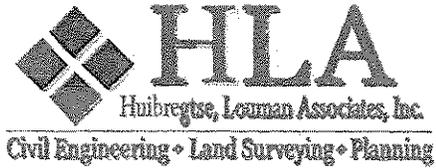
Draw Request Number:	Prosser			NW Prosser		Balance Remaining	%
	Initial Budget	Current Budget	Previous Paid to Date	Payment Requested 30	Paid to Date		
<b>30</b>							
<b>Misc Soft Costs</b>							
Administrative & Legal	7,300.00	7,300.00	2,295.43		2,295.43	5,004.57	31.44%
Bond Counsel						-	0.00%
Interim Interest	90,000.00	90,000.00				90,000.00	0.00%
Land Acquisition - Appraisal	85,000.00	85,000.00	80,000.00		80,000.00	5,000.00	94.12%
Computer and Software	7,370.04	7,370.04	7,370.04		7,370.04	-	100.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
<b>Engineering/Architectural</b>							
Basic Services	242,000.00	426,250.00	417,725.00	4,262.50	421,987.50	4,262.50	99.00%
Inspection Services	408,600.00	468,693.53	440,401.40	1,805.98	441,907.38	26,786.15	94.28%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
						-	0.00%
<b>Construction w/ sales tax</b>							
Schedule A Water System Imp	564,505.09	679,499.13	670,140.57		670,140.57	9,358.56	98.62%
						-	0.00%
Booster Pump & PRV Sta	654,541.88	654,541.88	632,546.70		632,546.70	21,995.18	96.64%
1.2 MG Standpipe Reservoir	1,279,365.07	1,279,365.07	1,273,460.36		1,273,460.36	5,904.71	99.54%
Telemetry System Improvements	113,384.46	150,755.38	79,749.30		79,749.30	71,006.08	52.90%
						-	0.00%
						-	0.00%
Contingency	477,933.46	81,224.97				81,224.97	
Contingency as a Percent of Total	12.16%	2.07%					
<b>Total</b>	<b>3,930,000.00</b>	<b>3,930,000.00</b>	<b>3,603,688.80</b>	<b>5,768.48</b>	<b>3,609,457.28</b>	<b>320,542.72</b>	<b>91.84%</b>
<b>PROJECT FUNDING BREAKDOWN</b>							
Applicant contribution	423,000.00	423,000.00	423,000.00		423,000.00	-	100.00%
Other Funders 2						-	0.00%
Other Funders 3						-	0.00%
Other Funders 4						-	0.00%
Other Funders 5						-	0.00%
Other Funders 6						-	0.00%
Other Funders 7						-	0.00%
Other Funders 8						-	0.00%
Other Funders 9						-	0.00%
USDA RD Loan	3,507,000.00	3,507,000.00	3,180,688.80	5,768.48	3,186,457.28	320,542.72	90.86%
USDA RD Grant						-	0.00%
<b>Total</b>	<b>3,930,000.00</b>	<b>3,930,000.00</b>	<b>3,603,688.80</b>	<b>5,768.48</b>	<b>3,609,457.28</b>	<b>320,542.72</b>	<b>91.84%</b>
<b>FUNDS - DIFFERENCE</b>							
Date of Outlay Report	4/11/2014						
<b>OWNER'S APPROVAL:</b>							
Owner	DATE						
<b>ENGINEER/ARCHITECT APPROVAL:</b>							
Justin L. Bellamy, PE	4/15/14 DATE						
<b>USDA RURAL DEVELOPMENT CONCURRENCE:</b>							
Man: Canasey, RD Specialist Name	DATE						

Version 3.1 - 06/25/2008

OWNER CERTIFICATION: I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award.

Invoices will be approved by the borrower and their engineer, as appropriate, and submitted to the processing office for concurrence. The review and acceptance of project costs, including construction pay estimates, by USDA Rural Development does not attest to the correctness of the amounts, the quantities shown or that the work has been performed under the terms of the agreements or contracts.

Notes:



Huibregtse, Louman Associates, Inc.  
 2803 River Road  
 Yakima, WA 98902

City of Prosser  
 601 Seventh St.  
 Prosser, WA 99350

Invoice number 10024C-040  
 Date 04/01/2014

Project **10024C Prosser - North Prosser Water System Improvements - Construction Services**

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering Services in connection with the North Prosser Water System Improvements project, services during construction, per your request, for services performed March 1 through March 31, 2014.

Telemetry System Improvements

	Hours	Rate	Billed Amount
Licensed Principal Engineer	1.00	176.00	176.00
Licensed Professional Engineer	3.00	145.00	435.00
Contract Administrator	6.00	109.00	654.00
Engineering Technician	0.50	70.00	35.00
	Cost Amount	Multiplier	Billed Amount
Conley Engineering, Inc.	192.50	1.07	205.98
Phase subtotal			1,505.98
		Invoice total	<u>1,505.98</u>

HUIBREGTSE, LOUMAN ASSOC., INC.

Jeffrey T. Louman, PE  
 President

*Contract Amount:* \$468,693.53  
*Total Amount Billed to Date:* \$441,907.38  
*Contract Balance Remaining:* \$26,786.15



Huibregtse, Louman Associates, Inc.  
 2803 River Road  
 Yakima, WA 98902

City of Prosser  
 601 Seventh Street  
 Prosser, WA 99350

Invoice number 10024E-033  
 Date 04/01/2014

Project **10024E Prosser - North Prosser  
 Water System Improvements**

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering Services in connection with design and final plans, specifications and estimate for the North Prosser Water System Improvements project, per your request, for services performed March 1 through March 31, 2014.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Phase 1 - Design and Final Plans, Specifications and Estimate (Per Addendum No. 2)	426,250.00	99.00	413,462.50	421,987.50	4,262.50
<b>Total</b>	<b>426,250.00</b>	<b>99.00</b>	<b>413,462.50</b>	<b>421,987.50</b>	<b>4,262.50</b>

Invoice total \$4,262.50

HUIBREGTSE, LOUMAN ASSOC. INC.

Jeffrey T. Louman, PE  
 President

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<u>Agenda Title:</u> Approve Drinking Water State Revolving Fund (DWSRF) Invoice Voucher Request No. 3 in the amount of \$5,044.50 for the Zone 2.5 Water Supply Improvements Project and authorize the Mayor to sign the documents.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> Estimated Total Project Cost \$881,500.00 DWSRF Invoice Voucher Request No. 3 - \$ 5,044.50		<u>Account Number:</u>	
<u>Amount Budgeted:</u> Funding derived through an approved low-interest loan from the Drinking Water State Revolving Fund (DWSRF)		<u>Name and Fund#</u> Water Fund 420	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  <ol style="list-style-type: none"> <li>1. Public Works Board - DWSRF Project Status Report</li> <li>2. WA State Department of Commerce Form 19-1A Voucher Distribution for \$5,044.50, dated 03/01/14 - 03/31/14</li> <li>3. Project Cost Breakdown Sheet, dated 1/13/2014</li> <li>4. HLA Invoice Number 13109E-004 for \$5,044.50, dated 4/01/2014</li> </ol>			
<u>Summary Statement:</u>  <p>The City of Prosser applied for and received 2013 Drinking Water State Revolving Fund (DWSRF) loan monies to construct 4,000 linear feet of new 12" water transmission main from the Water Treatment Plant on SR 22 to the Painted Hills Booster Station. Included in the project is the demolition of the Booster Station and retiring of service of the Painted Hills Reservoir which will no longer be necessary upon project completion. The total original contract amount is \$890,315.00. The project budget is \$881,500.00 and the loan fee is \$8,815.00.</p>			
<u>NOTE:</u> (On August 13, 2013, the Prosser City Council approved the contractual agreement between the City of Prosser and the Public Works Board for this project. The funds originate from the U.S. Environmental Protection Agency and are appropriated by the Public Works Board from the Drinking Water Assistance Account (DWSRF). The Board then enters into contract with the City of Prosser			

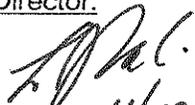
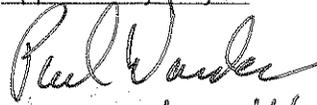
to disburse the funds, oversee the loan, and perform other services as defined in the Contract. The City also has contractual obligations that it must adhere to for the life of the loan, which in this case is 24 years. The time of performance for this project is 48 months from the Contract execution date to Project Completion date. Design is currently underway and should be completed in May-June 2014. Construction is tentatively scheduled to commence November 2014 and reach completion by August 2015.)

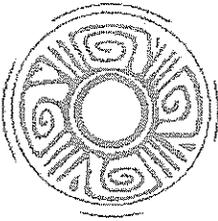
This Agenda Bill is to approve DWSRF Invoice Voucher Request No. 3 in the amount of \$5,044.50 for engineering services to date on this project and authorize the Mayor to sign the documents. This cost includes Project Administration, Design, Final Plans and Specifications. This portion of the project is 4% complete.

As with standard procedures for other City utility projects funded by state and federal agencies, Council must approve the pay voucher requests before the funding agency can release any monies.

Recommended City Council Action/Suggested Motion:

Approve Drinking Water State Revolving Fund (DWSRF) Invoice Voucher Request No. 3 in the amount of \$5,044.50 for the Zone 2.5 Water Supply Improvements and authorize the Mayor to sign the documents.

<u>Reviewed by Department Director:</u>  Date: 4/16/14	<u>Reviewed by City Attorney:</u>  Date: 4/16/14	<u>Approved by Mayor:</u>  Date: 4-17-14
<u>Today's Date</u>  April 16, 2014	<u>Revision Number/Date:</u>  	<u>File Name and Path:</u>  



**Washington State  
Public Works Board**

1011 Plum Street SE  
Post Office Box 42525  
Olympia, Washington 98504-2525

**DWSRF PROJECT STATUS REPORT**

Submitter: Paul Warden - Mayor

Date of Submission: \_\_\_\_\_

This form must be completed each time you submit a reimbursement request. Reimbursement requests will not be processed unless accompanied by a current Project Status Report.

Client Name:	Prosser
Contract Number:	DM13-952-140
Project Name:	Zone 2.5 Water Supply Improvements
Scheduled Project Completion Date:	9/30/2017

**1) Project Progress**

Please describe the progress you have made to date on your project's scope of work (see Attachment A in your contract).

Design engineering, surveying and environmental compliance required for the project are ongoing.

Approximately, what percentage of the project is complete?	4	%
--	---	---

When do you expect the project to be completed (month/day/year)?	12/01/2015
--	------------

if the anticipated completion date is different from the one above, what factors led to the change in the completion date?

## 2) Disadvantaged Business Enterprises (DBEs)

Did you award any DBE contracts this Quarter? NO

Total DBE contracted out this Quarter or Reporting Period: \$ 0.00

Type of Business	Contract Total	Award Date	Indicate Type of Service * construction * supplies * services * equipment	Contractor Name	Contractor Address
Minority Owned Business					
Women Owned Business					
Small Business in Rural Area					
Small Business Enterprise (SBE)					
Historically Underutilized Business (HUB) Zone Small Business Concerns					
Labor Surplus Area Firms (LSAF)					
Other Entities Meeting EPA's DBE Rule Criteria					

## 3) Federal Funds Expenditures

What is your jurisdiction's fiscal year? January To: December

During the fiscal year, how much has your system expended in (all sources) federal funds? \$733,323.28  
(2014)

(Fiscal year is your fiscal year as determined by your organization)

Note: Borrowers that expend \$500,000 or more in federal funds (all sources) in their fiscal year must have an audit conducted in accordance with Office of Management and Budget (OMB) revised Circular A-133. The audit must be conducted within nine months of the end of the fiscal year in which the audit was "triggered." The applicable federal category for the DWSRF is CFDA 66.468.

## 4) Dedicated Repayment Account (Private Systems Only)

Please enter the current account balance for the repayment account: \$ 0.00





Huibregtse, Louman Associates, Inc.  
 2803 River Road  
 Yakima, WA 98902

City of Prosser  
 601 Seventh St.  
 Prosser, WA 99350

Invoice number 13109E-004  
 Date 04/01/2014

Project **13109E Prosser - Zone 2.5 Water Supply Improvements**

Payment is Due within 30 Days of the Date of this Invoice.

FOR:

Professional Engineering and Land Surveying Services in connection with the Zone 2.5 Water Supply Improvements project, per your request, for services performed March 1 through March 31, 2014.

Description	Contract Amount	Percent Complete	Prior Billed	Total Billed	Current Billed
Phase 4 - Design and Final Plans and Specifications	79,500.00	45.00	31,800.00	35,775.00	3,975.00
Total	79,500.00	45.00	31,800.00	35,775.00	3,975.00

**Phase 1 - Environmental Compliance**

	Hours	Rate	Billed Amount
Licensed Professional Engineer	7.00	145.00	1,015.00
Phase subtotal			1,015.00

**Phase 2 - Project Administration**

	Hours	Rate	Billed Amount
Contract Administrator	0.50	109.00	54.50
Phase subtotal			54.50

Invoice total 5,044.50

HUIBREGTSE, LOUMAN ASSOC., INC.

  
 Jeffrey T. Louman, PE  
 President

*PHASE 1 - ENVIRONMENTAL COMPLIANCE*

*Contract Amount: \$10,000.00*  
*Total Amount Billed to Date: \$1,810.00*  
*Contract Balance Remaining: \$8,190.90*

*PHASE 2 - PROJECT ADMINISTRATION*

*Contract Amount: \$10,000.00*  
*Total Amount Billed to Date: \$545.00*  
*Contract Balance Remaining: \$9455.00*

*PHASE 3 - EASEMENT AQUISITION ASSISTANCE*

*Contract Amount: \$5,000.00*  
*Total Amount Billed to Date: \$0.00*  
*Contract Balance Remaining: \$5,000.00*

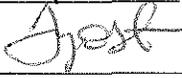
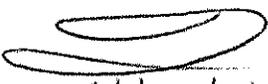
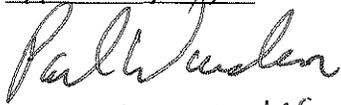
**City of Prosser**  
**ZONE 2.5 WATER SUPPLY IMPROVEMENTS**  
 DWSRF Project No.: DM13-952-140  
 HLA Project No. 13109

Invoice Date	Project Costs To Date						Project Total	
	PE Phase 1	PE Phase 2	PE Phase 3	PE Phase 4	CE Phase 5	CE Prog Est		
01/01/14	\$ 70.00	\$ 144.00	\$ -	\$ 6,360.00	\$ -	\$ -	\$ 6,574.00	
02/01/14	\$ 725.00	\$ 148.50	\$ -	\$ 13,515.00	\$ -	\$ -	\$ 14,388.50	
03/01/14	\$ -	\$ 198.00	\$ -	\$ 11,925.00	\$ -	\$ -	\$ 12,123.00	
04/01/14	\$ 1,015.00	\$ 54.50	\$ -	\$ 3,975.00	\$ -	\$ -	\$ 5,044.50	
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<b>Total</b>	<b>\$ 1,810.00</b>	<b>\$ 545.00</b>	<b>\$ -</b>	<b>\$ 35,775.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 38,130.00</b>	
HLA Contract	\$ 10,000.00	\$ 10,000.00	\$ 5,000.00	\$ 79,500.00	\$ 86,200.00		\$ 190,700.00	
Contractor								
DWSRF Loan	\$ 890,315.00	(Loan Fee of \$8,815.00 included)						\$ 881,500.00
Exp. to Date	\$ 1,810.00	\$ 545.00	\$ -	\$ 35,775.00	\$ -	\$ -	\$ 38,130.00	
DWSRF Fund Loan Balance							\$ 843,370.00	

- Phase 1 - Environmental Compliance
- Phase 2 - Project Administration
- Phase 3 - Easement Acquisition Assistance
- Phase 4 - Design and Final Plans and Specifications
- Phase 5 - Services During Construction
- CE Prog Est - Construction Progress Estimates -Populated at Bid Opening/Award

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<b>Agenda Title:</b> Adopt Resolution 14- Surplusing City of Prosser Property.		<b>Meeting Date:</b> April 22, 2014 Regular Meeting	
<b>Department:</b> Public Works	<b>Director:</b> L.J. Da Corsi	<b>Contact Person:</b> L.J. Da Corsi	<b>Phone Number:</b> (509) 786-7300
<b>Cost of Proposal:</b> No direct costs except staff and City Attorney time, however, in the event the City determines to sell the property, then it will need to remove it from the Library and store such property.		<b>Account Number:</b> N/A	
<b>Amount Budgeted:</b> N/A		<b>Name and Fund#</b> N/A	
<b>Reviewed by Finance Department:</b> 			
<b>Attachments to Agenda Packet Item:</b>  1. Surplus Property Resolution. (1 page) 2. Exhibit "A" (list of items to surplus). (5 pages)			
<b>Summary Statement:</b>  The Resolution declares surplus certain property which has been stored by the Library District and which occupies space which it desires to more efficiently use. The Resolution directs the Mayor to sell the assets if the cost of sale is less than the value of the property and authorizes him to dispose of the property otherwise.			
<b>Consistent with or Comparison to:</b>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<b>Recommended City Council Action/Suggested Motion:</b>  Adopt Resolution Number 14-_____ Surplusing City of Prosser property as described in Exhibit "A".			
<b>Reviewed by Department Director:</b>  Date: 4/18/14	<b>Reviewed by City Attorney:</b>  Date: 4/17/14	<b>Approved by Mayor:</b>  Date: 4-17-14	
<b>Today's Date:</b> April 17, 2014	<b>Revision Number/Date:</b>	<b>File Name and Path:</b> U:\Public Works Dept\Project Files\Agendas	

**CITY OF PROSSER, WASHINGTON**  
**RESOLUTION NO. 14-\_\_\_\_\_**

**A RESOLUTION DECLARING CERTAIN PROPERTY OF THE  
CITY OF PROSSER TO BE SURPLUSED.**

**WHEREAS**, the City of Prosser owns certain property which has been used by the Mid Columbia Library District pursuant to an Interlocal Agreement between Mid Columbia Library and the City of Prosser; and

**WHEREAS**, the Mid Columbia Library District has determined that the property declared surplus below is no longer needed for use by the library; and

**WHEREAS**, the City of Prosser has no immediate need or use for the books and personal property declared surplus on the attached exhibit and does not envision that it will have a need for this property in the future; and

**WHEREAS**, if the value of the property is less than the cost of sale of such property, then it is in the best interest of the City of Prosser, if the Friends of the Library or the Benton County Jail is willing to take the property for use, sale or disposal, since it will save the City the cost of disposal of such property;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Prosser that the attached described property in EXHIBIT "A" is hereby declared surplus property; and

**BE IT FURTHER RESOLVED** that the Mayor or his designee shall dispose of this property in a commercially reasonable manner and in the event that any such property is determined to have less value than the cost of sale of such property, then such property may be disposed of as junk which disposal shall include giving such property to the "Friends of the Library" or to the "Benton County Jail" for sale or use by inmates, or disposal.

**ADOPTED** by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this \_\_\_\_\_ day of April 2014.

\_\_\_\_\_  
Mayor Paul Warden

ATTEST:

\_\_\_\_\_  
Rachel Shaw, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Howard Saxton, City Attorney

**EXHIBIT "A"**  
**Mid Columbia Library Surplused Items**

1	1051	41	Best loved songs and hymns
2	A Book of trout flies	42	Big Cats : a portrait of the animal world
3	A century of sports	43	Breaking and training your horse
4	A child's book of play in art	44	Breaking free from partner abuse
5	A field guide to western birds	45	Breakout
6	A gift for God : prayers and meditations	46	Bridget Jones : the edge of reason
7	A gift from Saint Francis : the first cre'che	47	Bridget Jones's diary : a novel
8	A guide to raising llamas	48	Bud, not Buddy
9	A guide to raising pigs	49	Buster Adams and the Ragamuffin Gang
10	A guide to the Indian tribes of the Pacific Northwest	50	Can you do this, Old Badger?
11	A history of the American people	51	Canterbury tales : notes
12	A little war of destiny	52	Cassell dictionary of superstitions
13	A migrant family	53	Cattle country of Peter French
14	A nation torn	54	Cattle drive to Dodge
15	A short guide to a happy life	55	Celtic cross-stitch
16	A slender thread	56	Charles Dickens
17	A Smithsonian book of comic-book comics	57	Charlotte Bronte: the evolution of genius
18	A treasury of great poems	58	Chicken on the grill
19	A vow of adoration	59	Children of grace
20	A way through the wilderness	60	Children of the mind
21	A young patriot	61	Chilton Book Company repair manual
22	Advanced model railroads	62	Chilton's auto repair manual, 1972-1979
23	After the affair	63	Chilton's auto repair manual, 1989-1993
24	All about vegetables	64	Chilton's auto repair manual, 1991-1995
25	America goes to war, 1941	65	Chilton's repair & tune-up guide, Chevy S-10, GMC S-15 pick-ups, 1982-83
26	An industrial and commercial survey of Prosser, Benton County, Washington	66	Chilton's truck and van repair manual, 1971-1978
27	Anger-free	67	Chinook
28	Apache wars : an illustrated battle history	68	Chinook
29	Appalachia : the voices of sleeping birds	69	Chocolate for a woman's soul
30	Around the world in a hundred years	70	Chronicle of the world
31	Art past, art present	71	Circle of stones
32	Art since 1940 : strategies of being	72	Clocks : repair and maintenance
33	Astronauts	73	Coaching basketball
34	Australia : journey through a timeless land	74	Coaching football successfully
35	Baseball's biggest bloopers	75	Coal towns in the Cascades
36	Battle cry of freedom : the Civil War era	76	Come to our salmon feast
37	Bay of Pigs : the untold story	77	Commercial airplanes
38	Bella Tuscany : the sweet life in Italy	78	Confederates in the attic
39	Beluga whales and their babies	79	Covello, a pioneer remembers
40	Bend, in central Oregon	80	Crafts from North American Indian arts
		81	Crazy Horse

82	Cultures of the North Pacific Coast	126	Great people of the 20th century
83	Curing everyday ailments the natural way	127	Greece : temples, tombs, & treasures
84	D.H. Lawrence	128	Growing & using herbs successfully
85	Darwin's blade : [a novel of suspense]	129	Gunsmith kinks
86	Daughter of fortune : a novel	130	Haiti
87	Diesel engine mechanics	131	Handspinning art & technique
88	Dirty little secrets of the Vietnam War	132	Harley-Davidson : the legend
89	Discoveries and inventions of the 19th century	133	Haunted America
90	Divine secrets of the Ya-Ya Sisterhood	134	Help yourself
91	Dogs behaving badly	135	Helping your kids cope with divorce the sandcastles way
92	Do-it-yourselfer's guide to furniture repair & refinishing	136	Hiroshima
93	Don't know much about the Civil War	137	Historic ranches of the Old West
94	Dr. Christman's learn to read book for all ages	138	Historical highlights
95	Dream country	139	Home tanning & leathercraft simplified
96	Dryden's history of Washington	140	Honda 400 Twins owners workshop manual
97	Early Klickitat valley days	141	Hot springs
98	Edge of the anvil	142	How I got this way
99	Edible wild plants of Eastern and Central North America	143	How to behave so your children will, too!
100	Egypt : land of the pharaohs	144	How to build workbenches, sawhorse tool chest, other build-it-yourself projects
101	Encyclopedia of home designs	145	How to draw and paint the outdoors
102	Enemy at the gates	146	How to know God
103	Epic and saga	147	How to make your own solar electricity
104	Family : the ties that bind-and gag!	148	How to repair diesel engines
105	Fantastic paper holiday decorations	149	How to write science fiction and fantasy
106	First families	150	I'll Love You When You're More Like Me
107	Fix your Chevrolet	151	Immigrants : the new Americans
108	Fleur de Leigh's life of crime	152	In the clearing
109	Foods that harm, foods that heal	153	Indian killer
110	Fool's gold	154	Indians of the Northwest
111	Forces of nature	155	Indians of the Pacific Northwest : a history
112	Forgotten trails	156	Interview for success
113	France	157	Into the twilight, endlessly grousing
114	Gay rights	158	It's so amazing!
115	GED writing skills workbook	159	Janice VanCleave's guide to the best science fair projects
116	Girl with a pearl earring	160	Jumping fire
117	Glenn's foreign car repair manual	161	Ka-mi-akin, last hero of the Yakima's
118	Gobble	162	Kids and money
119	Goddesses, heroes, and shamans	163	Kids' party games and activities
120	Gold and fish	164	Kings and queens of England
121	Golombek's encyclopedia of chess	165	Lieutenant Hornblower
122	Goodbye, darkness	166	Life : our century in pictures
123	Goodbye, White Bluffs	167	Living with cannibals and other women's adventures
124	Grand Coulee from "hell to breakfast"		
125	Grandmother stories of the Northwest		

- 168 Lonigan
- 169 Love thy neighbor : a story of war
- 170 Lumber ghosts
- 171 Making cabinets & built-ins
- 172 Making cheeses at home
- 173 Man in space
- 174 Maples in the mist
- 175 Men are from Mars, women are from Venus
- 176 Miniatures and bonsai
- 177 My journal, 1836
- 178 Mythical monsters : fact or fiction?
- 179 Native peoples of the Northwest
- 180 Navajo code talkers
- 181 Nazi Germany : a new history
- 182 Never to forget
- 183 Nicolae : the rise of antichrist
- 184 Nissan Maxima automotive repair manual
- 185 Northwest discovery
- 186 O Jerusalem
- 187 Of men and of angels
- 188 Official 1999 price guide to world coins
- 189 On friendship : book for teenagers
- 190 On the road
- 191 Onions in the stew
- 192 Opera for dummies
- 193 Orchid Beach : a novel
- 194 Oregon east, Oregon west
- 195 Origami, paperfolding for fun
- 196 Pacific Northwest Indian wars
- 197 Panhandle gold
- 198 Parenting a child with a learning disability
- 199 Parents Who Love Reading, Kids Who Don't
- 200 Pastwatch
- 201 Peace with God
- 202 Penguin
- 203 Pin~atas and smiling skeletons
- 204 Pioneers and trailblazers
- 205 Plumbing : a step-by-step guide
- 206 Prelude to the century, 1870-1900
- 207 Quotations for kids
- 208 Railroad signatures across the Pacific Northwest
- 209 Raising milk goats the modern way
- 210 Rasputin and the fall of the Romanovs
- 211 Reader's digest Atlas of the Bible
- 212 Remembering Yakima, by those who were there
- 213 Remembering Yakima, by those who were there
- 214 Remembering Yakima, by those who were there
- 215 Remembering Yakima, by those who were there
- 216 Resumes for re-entry
- 217 Ringgold
- 218 Roadside history of Texas
- 219 Rocks & Fossils
- 220 Roots
- 221 Russia besieged
- 222 Salt of the earth
- 223 Sammy, dog detective
- 224 Scandal
- 225 Scorched earth
- 226 Seduced
- 227 Selected poems
- 228 Selected poems
- 229 Seventy years of progress in Washington
- 230 Shaniko: from wool capital to ghost town
- 231 Sharp edges
- 232 Sharpe's devil
- 233 Sharpe's fortress
- 234 Sheriffs, 1911-1989
- 235 Shrub
- 236 Skywatching
- 237 Slaves in the family
- 238 Small buildings
- 239 Small spaces
- 240 Sources of the river
- 241 Storm of the century
- 242 Summer vegetables
- 243 Surviving a Japanese P.O.W. Camp
- 244 Tallgrass
- 245 Teacher Wade's last gunfight
- 246 The 7 habits of highly effective families
- 247 The 9 steps to financial freedom
- 248 The 900 days : the siege of Leningrad
- 249 The alienist
- 250 The American century cookbook
- 251 The American Heritage dictionary of idioms
- 252 The American heritage picture history of World War II
- 253 The American political dictionary
- 254 The American Revolution
- 255 The barbarian kings

- 256 The Best American poetry
- 257 The best loved poems of the American people
- 258 The best of Barbara Johnson
- 259 The big book of skits
- 260 The Blockade : runners and raiders
- 261 The book of Mormon
- 262 The book of signs
- 263 The book of the American West
- 264 The boys' war
- 265 The coastal war
- 266 The coffin dancer
- 267 The complete book of outdoor projects
- 268 The complete cow
- 269 The complete idiot's guide to the perfect wedding
- 270 The complete illustrated encyclopedia of the world's aircraft
- 271 The complete martial arts
- 272 The courage to be rich
- 273 The deer on a bicycle
- 274 The earliest Americans
- 275 The education of the heart
- 276 The egg and I
- 277 The empty chair
- 278 The encyclopedia of antique postcards
- 279 The encyclopedia of flower arranging
- 280 The encyclopedia of witches and witchcraft
- 281 The Endurance
- 282 The English patient : a novel
- 283 The faithful gardener
- 284 The fall of Japan
- 285 The Flathead group
- 286 The forty-niners
- 287 The ghost at skeleton rock
- 288 The gold seekers
- 289 The good rain
- 290 The great fire
- 291 The greatest generation speaks
- 292 The handbook of heartbreak
- 293 The handbook of the former Soviet Union
- 294 The HarperCollins book of prayers
- 295 The heartsong of Charging Elk
- 296 The historical figure of Jesus
- 297 The home-based entrepreneur
- 298 The house of mirth
- 299 The hundred secret senses
- 300 The illustrated history of the world
- 301 The journals of Lewis and Clark
- 302 The joy of work
- 303 The kids' fun-filled question & answer book
- 304 The Magnificent Maya
- 305 The mark : the beast rules the world
- 306 The Medieval and Renaissance world
- 307 The Mexican war
- 308 The most beautiful molecule
- 309 The Nation reunited : war's aftermath
- 310 The Nez Perce Trail
- 311 The orchid thief
- 312 The Oregon Trail
- 313 The other side of Oregon
- 314 The outlandish companion
- 315 The Oxford illustrated history of theatre
- 316 The Penguin complete Father Brown
- 317 The Penguin historical atlas of the Vikings
- 318 The perfect business
- 319 The perfect storm
- 320 The pilgrim's progress
- 321 The pirates
- 322 The professor and the madman
- 323 The Rainbow seekers
- 324 The Rainbow seekers
- 325 The reckoning
- 326 The restoration of antique and classic cars
- 327 The road ahead
- 328 The road to recovery
- 329 The Road to Stalingrad
- 330 The road to Tokyo
- 331 The saddest time
- 332 The scouts
- 333 The Sistine Chapel: a glorious restoration
- 334 The sorcerer : metamorphosis
- 335 The story of philosophy
- 336 The struggle for Tennessee
- 337 The truth : a novel of Discworld
- 338 The ultimate book of paint effects
- 339 The ultimate encyclopedia of boxing
- 340 The unofficial guide to Lego Mindstorms robots
- 341 The Washington story
- 342 The werewolf
- 343 The West : an illustrated history
- 344 The woodturner's Bible

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|-----|---|-----|--|
| 345 | The works of Oscar Wilde  | 386 | Wild rose pass   |
| 346 | The works of Robert Louis Stevenson                                     | 387 | Windows & skylights  |
| 347 | The works of Rudyard Kipling  | 388 | Women of the West  |
| 348 | The World War II quiz & fact book                                       | 389 | Wouldn't take nothing for my journey now                   |
| 349 | The Writer's digest sourcebook for building<br>believable<br>characters | 390 | Yellow Wolf, his own story                                 |
| 350 | Their eyes were watching God  | 391 | You asked for it, a collection of Dupus<br>Boomer cartoons |
| 351 | Tiger by the tail   |     |  |
| 352 | Tikki Tikki Tembo   |     |  |
| 353 | Told by the pioneers  |     |  |
| 354 | Told by the pioneers  |     |  |
| 355 | Treasure anthology; stories of lost mines &<br>buried<br>treasures      |     |  |
| 356 | Treasure hunting Northwest  |     |  |
| 357 | Trees of the Mid-Columbia Region  |     |  |
| 358 | Trouble shooter   |     |  |
| 359 | Tumbleweed trails   |     |  |
| 360 | Twentieth century interpretations of<br>Wuthering Heights               |     |  |
| 361 | Ultimate freshwater fishing   |     |  |
| 362 | Under the snow  |     |  |
| 363 | Waiilatpu : its rise and fall   |     |  |
| 364 | Walden  |     |  |
| 365 | War in the air  |     |  |
| 366 | Washington : a centennial history                                       |     |  |
| 367 | Washington biographical dictionary                                      |     |  |
| 368 | Washington Grangers celebrate a century                                 |     |  |
| 369 | Washington State place names  |     |  |
| 370 | Washington, the first one hundred years,<br>1889-1989                   |     |  |
| 371 | Washingtonians  |     |  |
| 372 | Washington's rail-trails  |     |  |
| 373 | Washington's wild rivers  |     |  |
| 374 | Watercolor basics Drawing and painting birds                            |     |  |
| 375 | Western ghost towns   |     |  |
| 376 | What color is camouflage?   |     |  |
| 377 | What life was like at the dawn of democracy                             |     |  |
| 378 | What life was like in Europe's Romantic Era                             |     |  |
| 379 | What life was like in the age of chivalry                               |     |  |
| 380 | Whatchagot stew   |     |  |
| 381 | Where the heart is  |     |  |
| 382 | Wherever you go, there you are  |     |  |
| 383 | Who am I?   |     |  |
| 384 | Who moved my cheese?  |     |  |
| 385 | Who was who in World War II   |     |  |

**CITY OF PROSSER, WASHINGTON 601 7<sup>TH</sup> STREET  
CITY COUNCIL CHAMBERS  
CITY COUNCIL WORK SESSION  
TUESDAY, MARCH 4, 2014**

**CALL TO ORDER**

Mayor Warden called the Work Session of the Prosser City Council to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Boys and Girls Club Members of the Month, Aidan Lambe and Leila Taylor.

**ROLL CALL**

Council Members Aubrey, Brumley, Hamilton, Taylor, Everett, and Becken were present. Council Member Elder had requested an excused absence.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Finance Manager Yost, Police Chief Giles, and City Attorney Saxton.

**MAYOR AND COUNCIL REPORTS AND COMMENTS**

Council Member Brumley reported she had recently been assigned to the Housing Committee, a subcommittee of Prosser Economic Development Association (PEDA) Board.

Council Member Everett provided an update from the March 3, 2014 Regular Fire Board meeting stating a joint Resolution will be coming forward for Council consideration at the next Regular City Council meeting.

**DISCUSSION ITEMS**

***Boys & Girls Club Youth of the Year Presentation***

Sebastian "Zebbie" Castilleja', Boys & Girls Club Youth of the Year Award recipient, recited his Youth of the Year speech and explained the next step in the process for moving on to the State competition.

Council congratulated Zebbie and wished him well in his next endeavors.

***Boys & Girls Club Quarterly Report***

Chris Cisneros, Boys & Girls Club Program Director provided a brief overview of the highlights from the First Quarter Boys & Girls Club Report.

*[Clerk's Note: Mayor Warden requested Council move item 5e up on the agenda to accommodate the citizens in attendance to speak on the item. Council concurred.]*

### ***WATV's on Public Streets Ordinance***

Mayor Warden explained in the fall of 2013 a group of local residents approached the City Council with a request to consider allowing WATV's on city streets. The State passed legislation in effect that permits cities to allow such use. The City of East Wenatchee is among those cities that have adopted an ordinance allowing the use of WATV's within city limits. Staff has prepared a draft ordinance for Council's consideration that mirrors that of the City of East Wenatchee however, staff recommends the age limit to operate a WATV be 21 instead of 16 years old.

There was discussion regarding the State requirements for operation including tabs, licenses, and speed limit and age limit concerns.

Council directed staff to amend the typo referencing State Route 28 as opposed to 22 and bring back the ordinance for consideration at a future City Council meeting.

### ***Prosser Shoreline Master Program Update***

City Attorney Saxton explained the Shoreline Master Program (SMP) Update is a State funded mandate and is now in final form after almost two years of working on the project. After holding a Public Hearing, the Planning Commission has recommended that Council approve the SMP as drafted. The next step in the process is for Council to adopt a resolution of intent to adopt the SMP or send the document back to the Planning Commission for revision. If Council decides to pass the resolution, the resolution will be sent to the Department of Ecology to for a 60-day review and comment.

Council Member Brumley expressed her interest in touring the critical reach areas. Staff will schedule a tour for any Council Members interested and will advise when that date has been set.

Council directed staff to prepare a resolution for Council consideration at the next Regular City Council meeting.

### ***Ethics Policy***

Finance Director Mauras explained that the proposed Ethics Policy was drafted by staff as an initiative to get internal controls in place for both staff and Council Members. While there are RCW's and a personnel policy manual in place which addresses the ethical responsibilities of elected and appointed officials as well as other city staff, clear expectations need to be established.

Council inquired as to the need to reiterate a policy that is already outlined in State Law. Staff explained the proposal is in effort to consolidate both the State requirements as well as the City's into one manual.

Discussion ensued regarding different components of the proposed Code changes including the suggestion to consider having an annual disclosure statement for Council and staff to submit to the Finance Department listing any gifts or other items of monetary value received. Council also suggested that the language in Section 6 of the proposed ordinance be changed to a twenty-dollar value amount rather than a zero acceptance of gifts.

Additionally the terms “common sense” and “reasonable standards” was discussed. Staff advised those terms would be defined and bring back a revised version for Council consideration.

**MAYOR AND COUNCIL REPORTS AND COMMENTS** *(Continued)*

Mayor Warden reported on the status of the financial software transition with BIAS. Mayor stated that Finance Manager Yost and Assistant Finance Manager Belmares received the “Hit the Ground Running” award from BIAS for a successful transition during a recent training staff attended.

Mayor Warden provided an update on the Public Safety Sales and Use Tax ballot measure and advised a Resolution would be coming forward for Council to consider taking a position on whether or not the proposition should be added to the ballot at the August 5, 2014, Primary Election.

Mayor Warden advised the City had recently been made aware of other cities struggling with similar issues related to the Transportation Benefit District (TBD) vehicle tabs.

Council Member Aubrey inquired if the City could draft a letter of apology to the citizens impacted by the inconvenience of having to pay for the tab fee regardless if they live in city limits or not, and then have to request a reimbursement.

Council authorized Mayor Warden to write a letter to the Washington State Department of Revenue and the Legislature requesting the issue is resolved.

**ADJOURNMENT**

There being no further business before the City Council at this time, the Work Session of the Prosser City Council was adjourned at 8:04 p.m.

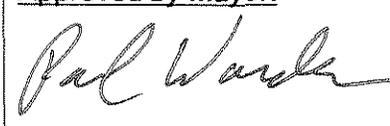
  
\_\_\_\_\_  
Mayor Paul Warden

Attest:

\_\_\_\_\_  
City Clerk Rachel Shaw

**CITY OF PROSSER, WASHINGTON**

**AGENDA BILL**

<b>Agenda Title:</b> Approve payment of claim Check no. 10467 in the amount of \$1,101.40 for the period ending April 22, 2014.		<b>Meeting Date:</b> April 22, 2014 Regular Meeting	
<b>Department:</b> Finance	<b>Director:</b> Regina Mauras	<b>Contact Person:</b> Toni Yost	<b>Phone Number:</b> (509) 786-2332
<b>Cost of Proposal:</b> \$1,101.40		<b>Account Number:</b> See Attached	
<b>Amount Budgeted:</b> See 2014 budget for each item listed.		<b>Name and Fund#</b> See Attached	
<b>Reviewed by Finance Department:</b> 			
<b>Attachments to Agenda Packet Item:</b>  1. Check Register # 10467			
<b>Summary Statement:</b> Approve payment of claim check no. 10467 in the amount of \$1,101.40 for the period ending April 22, 2014.			
<b>Consistent with or Comparison to:</b> City's policy to pay bills in a timely manner.			
<b>Recommended City Council Action/Suggested Motion:</b> Approve payment of claim Approve payment of claim check no. 10467 in the amount of \$1,101.40 for the period ending April 22, 2014.			
<b>Reviewed by Department Director:</b> 	<b>Reviewed by City Attorney:</b>  N/A	<b>Approved by Mayor:</b> 	
<b>Date:</b> 4/17/14	<b>Date:</b>	<b>Date:</b> 4-17-14	
<b>Today's Date:</b> April 17, 2014	<b>Revision Number/Date:</b>	<b>File Name and Path:</b>	

# CHECK REGISTER

City Of Prosser  
MCAG #: 0205

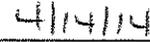
04/16/2014 To: 04/16/2014

Time: 14:05:32 Date: 04/14/2014  
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
1061	04/16/2014	Claims	1	10467	Senior Health Insurance	1,101.40	Long Term Care Insurance-J. Castagne
517 Employee Benefit Programs						1,101.40	
<del>117 Employee Benefits Security</del>						<del>1,101.40</del>	
						1,101.40	Claims: 1,101.40



Signature



Date

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<u>Agenda Title:</u> Adopt Resolution No. ____-14 authorizing submittal of grant funding assistance, through the Washington Wildlife and Recreation Program Project, to the Recreation and Conservation Office.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Public Works	<u>Director:</u> L.J. Da Corsi	<u>Contact Person:</u> L.J. Da Corsi	<u>Phone Number:</u> (509) 786-2332
<u>Cost of Proposal:</u> N/A		<u>Account Number:</u>	
<u>Amount Budgeted:</u> N/A		<u>Name and Fund#</u>	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u> 1. Proposed Resolution No. ____-14 2. Conceptual plans			
<u>Summary Statement:</u> The City of Prosser is seeking grant funding assistance from the Recreation and Conservation Office (RCO) to aid in financing the cost of a new City Park Restroom facility.  Prior to submitting the application, the RCO requires the applicant to attach an approved resolution to the application. The resolution assures (if the application is successful and a grant is awarded) that the recipient will adhere to and follow the specific acknowledgements and requirements of RCO grants, as defined in the resolution. Additionally, the proposed resolution authorizes the Mayor to make formal application to the RCO for grant assistance.  <u>Cost Development</u>  <i>NOTE: The attached floor plans, elevations, and renderings are for conceptual purposes only and are intended to represent an idea of what may be constructed.</i>  The construction and installation cost of a new 560 sq. ft. facility is estimated to be \$130,000.			

Additional estimated costs for RCO required items may include:

- Development of pathways/walkways (ADA Compliance) - \$10,000
- Security Lighting - \$1,200
- Signage - \$400
- Site Furnishings (bike racks, trash cans, drinking fountains) - \$2,200
- Site Preparation - \$10,000
- Power (install/relocate underground) - \$6,500
- Sewer line relocation/upgrade - \$1,500
- Storm Water System - \$7,500
- Water System (relocate) - \$2,200
- Cultural Resources (historical, archaeological) - \$3,500
- Permits - \$2,400
- Architectural & Engineering - \$18,000

Total estimated project cost is \$195,400. A 50% match is required.

The City's estimated required matching contribution of \$97,700 (50% of \$195,400) is broken down as follows:

- Force Account/Labor - \$29,600
- Force Account/Equipment - \$4,000
- Cash - \$54,100
- Federal Grant (USDA) - \$10,000

There is no obligation to submit the application to RCO. Deadline for submittal is May 1, 2014.

Consistent with or Comparison to:

Previous application processes with other funding agencies.

Recommended City Council Action/Suggested Motion:

Adopt Resolution No. \_\_\_\_ -14 authorizing submittal of grant funding assistance, through the Washington Wildlife and Recreation Program Project, to the Recreation and Conservation Office.

<p><u>Reviewed by Department Director:</u>                    Date: 4/18/14</p>	<p><u>Reviewed by City Attorney:</u>                    Date: 4/18/14</p>	<p><u>Approved by Mayor:</u>                    Date: 4-17-14</p>
<p><u>Today's Date:</u>                  April 16, 2014</p>	<p><u>Revision Number/Date:</u></p>	<p><u>File Name and Path:</u></p>

**CITY OF PROSSER, WASHINGTON**  
**RESOLUTION NO. 14-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATION FOR GRANT FUNDING ASSISTANCE FOR A WASHINGTON WILDLIFE AND RECREATION PROGRAM PROJECT TO THE RECREATION AND CONSERVATION OFFICE AS PROVIDED IN CHAPTER 79A.15 RCW, ACQUISITION OF HABITAT CONSERVATION AND OUTDOOR RECREATION LANDS WAC 286 AND SUBSEQUENT LEGISLATIVE ACTION.**

**WHEREAS**, our organization has approved a comprehensive parks and recreation plan or habitat conservation plan that includes this project; and,

**WHEREAS**, under the provisions of the Washington Wildlife and Recreation Program (WWRP), state grant assistance is requested to aid in financing the cost of the **PROSSER CITY PARK RESTROOM**; and

**WHEREAS**, our organization considers it in the best public interest to complete the project described in the application;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Prosser as follows:

1. The Mayor of the City of Prosser, Paul Warden, is authorized to make formal application to the Recreation and Conservation Office for grant assistance;
2. Any grant assistance received will be used for direct costs associated with implementation of the project referenced above;
3. Our organization hereby certifies that our matching share of project funding will be derived from City General Funds and Forced Account Labor and that we are responsible for supporting all non-cash commitments to this project should they not materialize;
4. We acknowledge that the grant assistance, if approved, will be paid on a reimbursement basis, meaning we will only request payment from the Recreation and Conservation Office after eligible and allowable costs have been incurred and payment remitted to our vendors, and that the Recreation and Conservation Office will hold retainage until the project is deemed complete;
5. We acknowledge that any facility developed through grant assistance from the Recreation and Conservation Funding Board must be reasonably maintained and made available to the general public at reasonable hours and times of the year according to the type of area or facility unless other restrictions have been agreed to by the Recreation and Conservation Office Director or the Recreation and Conservation Funding Board;
6. We acknowledge that any facility developed with grant assistance from the Recreation and Conservation Funding Board must be dedicated for public

outdoor recreation purposes, and be retained and maintained for such use for perpetuity unless otherwise provided and agreed to by our organization and the Recreation and Conservation Funding Board;

7. This resolution becomes part of a formal application to the Recreation and Conservation Office for grant assistance;
8. We provided opportunity for public comment on this application.

**ADOPTED** by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this \_\_\_\_\_ day of April, 2014.

\_\_\_\_\_  
MAYOR PAUL WARDEN

ATTEST:

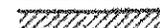
\_\_\_\_\_  
RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM



\_\_\_\_\_  
HOWARD SAXTON, CITY ATTORNEY

# WALL TYPE SCHEDULE

 8" DRY STACK CMU WALL  
REINFORCED & GROUT FILLED

AMENDED FINAL  
12/18/09

16" x 24" KICK RESISTANT  
EMP. METAL VENT  
MV INSECT SCREEN

8" x 16" SMOOTH FACE  
INTERLOCKING DRY STACK  
REINFORCED GROUT FILLED  
CMU CONCRETE BLOCK WALL  
SEE ELEVATIONS SHEETS AS.1  
& AS.2 FOR EXTERIOR SIDING

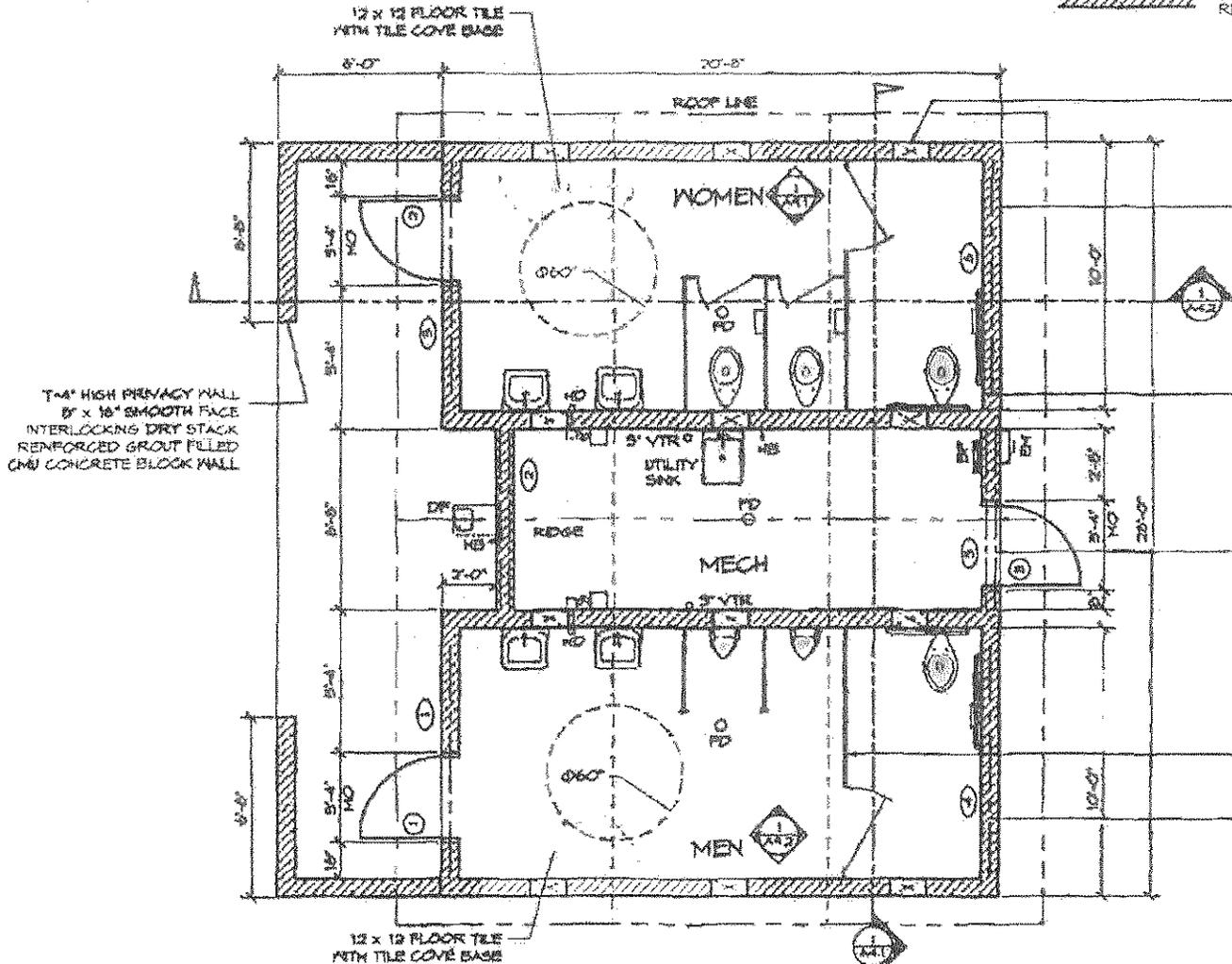
EPOXY PAINT OVER TROWELED  
TAMOSEAL ALL RESTROOM WALLS  
SLAB TO CEILING  
TAMOSEAL ALL MECH WALLS  
SLAB TO CEILING

GABLE VENT  
TYP. (2)

RESTROOM PARTITIONS

LEVER HINGED  
TYP. (4)

NOTE  
FIXTURES AND ACCESSORIES  
ARE DIMENSIONED ON SHT AS.1



T-4" HIGH PRIVACY WALL  
8" x 16" SMOOTH FACE  
INTERLOCKING DRY STACK  
REINFORCED GROUT FILLED  
CMU CONCRETE BLOCK WALL

12 x 12 FLOOR TILE  
WITH TILE COVE BASE

1 FLOOR PLAN  
SCALE 1/4" = 1'-0"



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 REPRODUCED, AND NO BUILDING MAY BE CONSTRUCTED FROM THESE PLANS, WITHOUT THE WRITTEN PERMISSION OF ROYTEC, INC.  
 ROYTEC, INC. 2009  
 KUTTAWA RECREATION AREA  
 GRAND RIVERS, KENTUCKY  
 RESTROOM FLOOR PLAN

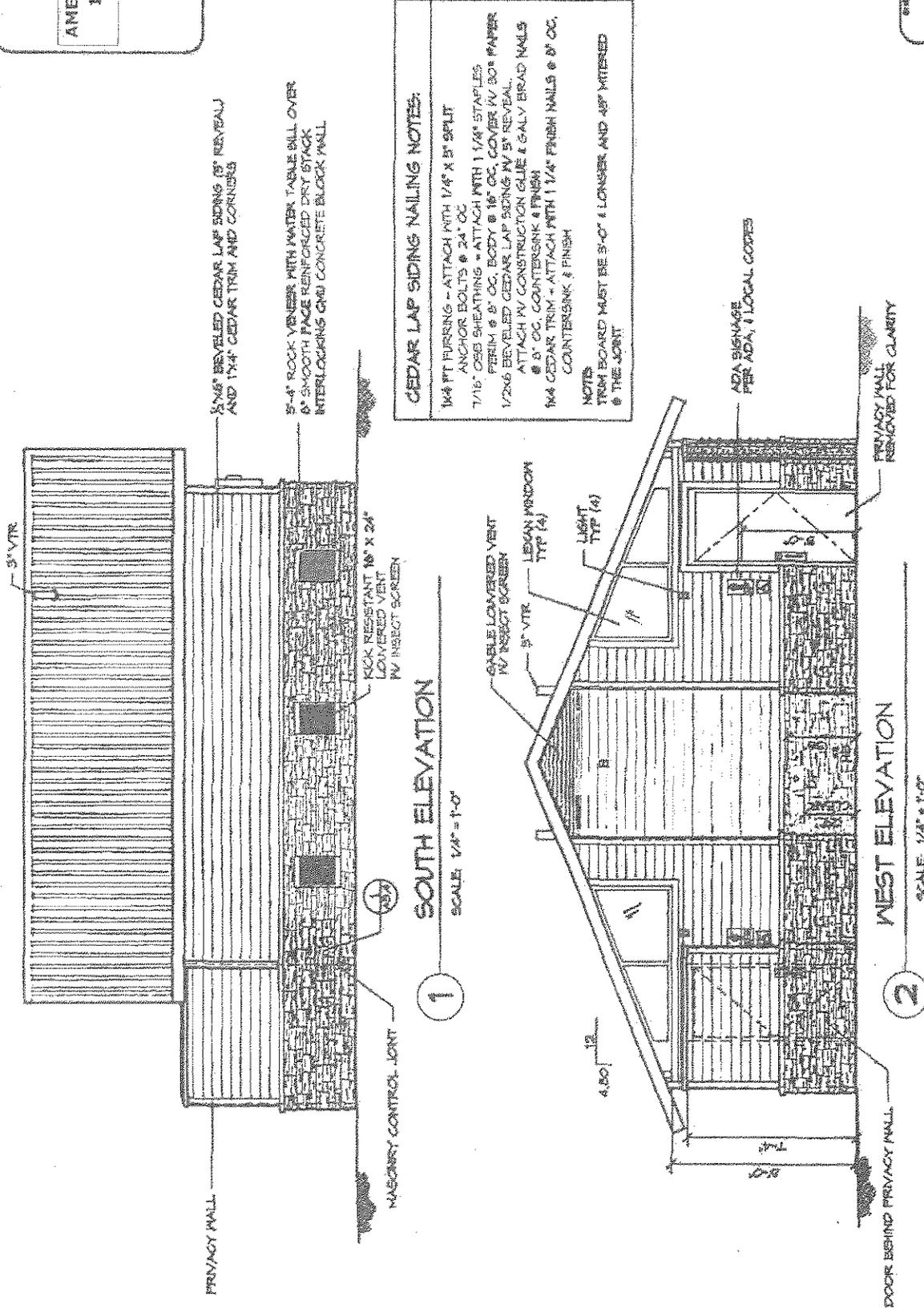
10/21/09  
A2.1

AMENDED FINAL  
12/18/09

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ROMTEC  
ELEVATION  
ELEVATIONS  
KUTTAWA RECREATION AREA  
GRAND RIVERS, KENTUCKY  
11/6/12  
10/27/09

AS.1



**CEDAR LAP SIDING NAILING NOTES:**

- 1/4" FT NURSING - ATTACH WITH 1/4" X 5" SPLIT ANCHOR BOLTS @ 24" OC
- 7/16" OSB SHEATHING - ATTACH WITH 1 1/4" STAPLES PERIM @ 8" OC, BODY @ 16" OC, COVER 1/4" 30# PAPER
- 1/2x6 BEVELED CEDAR LAP SIDING - 1/2" 5" BEVEAL, ATTACH 1/2" CONSTRUCTION GLUE & GALV BROAD NAILS @ 8" OC, COUNTERSINK & FINISH
- 1/4" CEDAR TRIM - ATTACH WITH 1 1/4" FINISH NAILS @ 8" OC, COUNTERSINK & FINISH

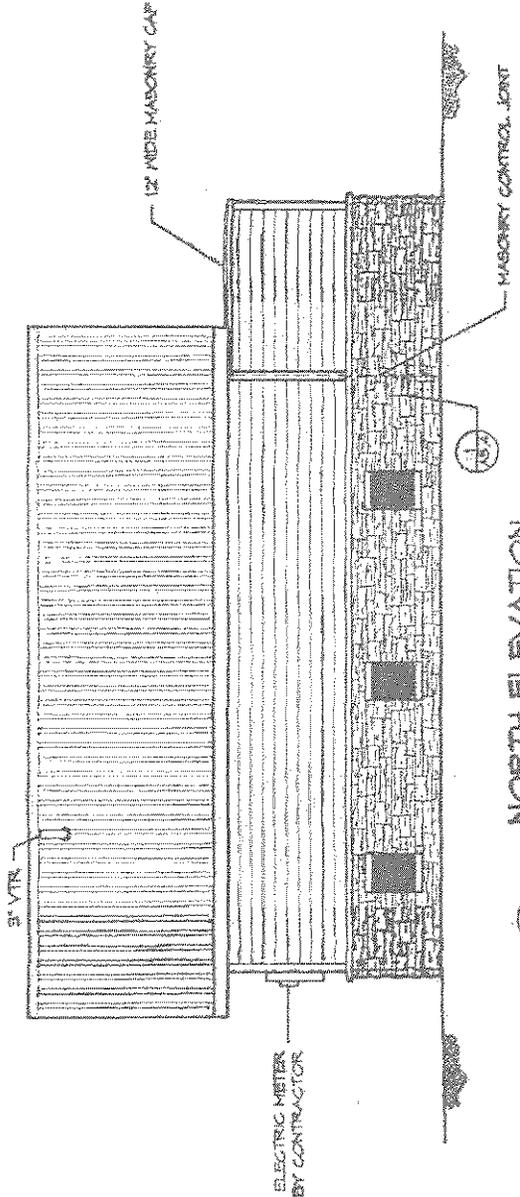
**NOTES**

- TRIM BOARD MUST BE 5'-0" 1 LONGER AND 48" MITERED @ THE JOINT

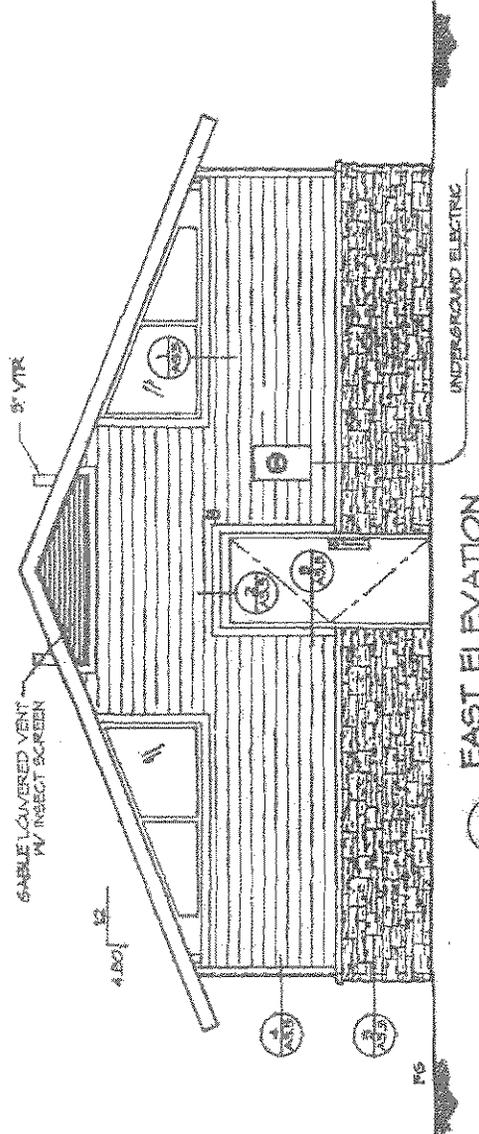
AMENDED FINAL  
12/18/09

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DISTRIBUTED, AND NO BUILDING MAY BE CONSTRUCTED FROM THESE PLANS, WITHOUT THE WRITTEN PERMISSION OF ROYSTER, INC.  
PROJECT: 2009 KITTAWA RECREATION AREA  
SHEET: 11/18/09  
DATE: 11/18/09  
SCALE: 1/4" = 1'-0"  
DRAWN BY: J. ROYSTER  
CHECKED BY: J. ROYSTER  
APPROVED BY: J. ROYSTER  
ELEVATIONS  
KITTAWA RECREATION AREA  
GRAND RIVERS, KENTUCKY  
ROYSTER  
ELEVATIONS  
KITTAWA RECREATION AREA  
GRAND RIVERS, KENTUCKY  
ROYSTER

11/18/09  
A3.2



1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

CITY OF PROSSER, WASHINGTON

**AGENDA BILL**

<u>Agenda Title:</u> Adopt Ordinance 14 - _____ Amending the 2014 Budget for Fund 606, Library Memorial Fund.		<u>Meeting Date:</u> April 22, 2014 Regular Meeting	
<u>Department:</u> Administration	<u>Director:</u> Paul Warden	<u>Contact Person:</u> Paul Warden	<u>Phone Number:</u> (509) 786-8216
<u>Cost of Proposal:</u> \$12,500		<u>Account Number:</u> n/a	
<u>Amount Budgeted:</u> \$0		<u>Name and Fund#</u> Library Memorial Fund (606)	
<u>Reviewed by Finance Department:</u> 			
<u>Attachments to Agenda Packet Item:</u>  1. Proposed Ordinance 14- _____			
<u>Summary Statement:</u>  At the April 8, 2014 City Council meeting, staff introduced the proposed attached ordinance as per RCW 35A.34.150 requires budget amendments of this type be introduced at least five days before the City Council can take action.  This proposed ordinance amends the 2014 Budget allows for the expenditure of remaining Library Memorial Fund cash as contributions to this project and improvements.			
<u>Consistent with or Comparison to:</u>  EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
<u>Recommended City Council Action/Suggested Motion:</u>  Adopt Ordinance 14 - _____ Amending the 2014 Budget for Fund 606, Library Memorial Fund.			
<u>Reviewed by Department Director:</u>  Date: 4-17-14	<u>Reviewed by City Attorney:</u>  Date: 4/18/14	<u>Approved by Mayor:</u>  Date: 4-17-14	
<u>Today's Date:</u> April 3, 2014	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>	

**CITY OF PROSSER, WASHINGTON**  
**ORDINANCE NO. 14-\_\_\_\_\_**

**AN ORDINANCE AMENDING THE 2014 BUDGET ADOPTED BY ORDINANCE 13-2859 AND AS AMENDED BY ORDINANCE 14-2871; DECLARING AN EMERGENCY EXISTS IN RELATION TO THE 2014 BUDGET, AS AMENDED, RELATIVE TO FUND 606, THE LIBRARY MEMORIAL FUND, AND APPROPRIATING \$12,500 IN SUCH FUND FOR EXPENDITURE IN 2014. THE ORDINANCE AMENDS THE 2014 BUDGET FOR FUND 606. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2014 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO DECLARES THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDING FOR PUBLICATION BY SUMMARY.**

**WHEREAS**, pursuant to RCW 35A.33.090, a public emergency exists which could not have been reasonably foreseen at the time of the filing of the 2014 Budget which requires the receipt and expenditure of money not provided for in the annual budget and is not one of the emergencies specifically enumerated in RCW 35A.33.080; and

**WHEREAS**, the facts constituting an emergency are enumerated as follows:

1. The adopted 2014 budget was an estimate of revenues and expenditures; and
2. Actual revenues and expenditures for the library remodel project will exceed what was budgeted in the General Fund (001) by approximately \$12,500; and
3. Prudent fiscal management requires immediate amendment of the budget; and
4. The funds need to be available to pay for the library project by approximately August of 2014; and
5. It is in the best interest of the city of Prosser to amend the budget as provided in this ordinance for fund number 606; and

**WHEREAS**, there are sufficient unappropriated funds in Fund 606 to cover the additional costs for the library project; and

**WHEREAS**, the City desires to use the funds contained in fund 606 to partially pay for the library project; and

**WHEREAS**, an emergency exists; and

**WHEREAS**, this Ordinance was first introduced to the City Council on April 8, 2014; and

**WHEREAS**, the public was given an opportunity to comment for or against this emergency budget amendment; and

**WHEREAS**, expenses and revenues will occur in 2014 that could not have been foreseen at the time of the preparation of the 2014 budget;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The City appropriates \$12,500 to the Library Memorial Fund (606) at the Fund level for expenditure in 2014.

**Section 2.** The 2014 Budget Adopted by Ordinance Number 13-2859, and amended by Ordinance Number 14-2871 is hereby amended for fund 606 as follows:

FUND NO.	FUND	REVENUE	EXPENDITURE
606	Library Memorial Fund	\$12,500	\$12,500

**Section 3.** The Finance Director is hereby authorized to make all adjustments to the City's Budget to accomplish the purposes of this Ordinance in accordance with RCW Chapter 35A.33.

**Section 4.** An emergency is declared to exist and the recitals set forth above are hereby adopted as findings in support of such emergency.

**Section 5. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**Section 6.** Since this budget amendment is being approved in accordance with RCW 35A.33.090, its passage requires the affirmative vote of 5 Council Members. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

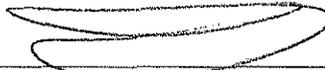
PASSED by the City Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR PAUL WARDEN

ATTEST:

CITY CLERK, RACHEL SHAW

Approved as to form:

  
CITY ATTORNEY, HOWARD SAXTON

Date of Publication: \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. 14-\_\_\_\_\_**

of the City of Prosser, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 2014, the City of Prosser, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

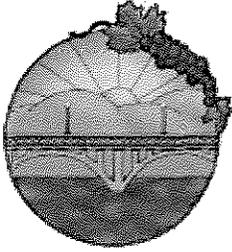
AN ORDINANCE AMENDING THE 2014 BUDGET ADOPTED BY ORDINANCE 13-2859 AND AS AMENDED BY ORDINANCE 14-2871; DECLARING AN EMERGENCY EXISTS IN RELATION TO THE 2014 BUDGET, AS AMENDED, RELATIVE TO FUND 606, THE LIBRARY MEMORIAL FUND, AND APPROPRIATING \$12,500 IN SUCH FUND FOR EXPENDITURE IN 2014. THE ORDINANCE AMENDS THE 2014 BUDGET FOR FUND 606. THE ORDINANCE ALSO AUTHORIZES THE FINANCE DIRECTOR TO MAKE ALL ADJUSTMENTS TO THE 2014 BUDGET NECESSARY TO ACCOMPLISH THE PURPOSE OF THIS ORDINANCE. THE ORDINANCE ALSO DECLARES THAT THE PROVISIONS OF THE ORDINANCE ARE SEVERABLE FROM ONE ANOTHER AND SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDING FOR PUBLICATION BY SUMMARY.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 2014

---

CITY CLERK, RACHEL SHAW



# City of Prosser

Application  
City Council Appointment  
City Council Position #3

RECEIVED

APR 3 2014

CITY OF PROSSER

Name ROBIN SIEMENS  
Address 2013 BENSON AVE PROSSER WA.  
Telephone Home 509-788-0449 CELL 509-781-1578  
Email ROBBYNHODDA@CHARTER.NET

Why are you interested in becoming a City Council Member?

PLEASE SEE ATTACHED LETTER

What do you want to accomplish?

PLEASE SEE ATTACHED LETTER

Signed Robin Siemens

Date 4-3-14

April 3, 2014

I was fortunate after 55 years of living single in Yakima to meet a Prosser Girl and soon we were married and I found myself moving to Prosser. Upon arriving here I quickly realized that this is the place I always wanted to be.

I enjoy being involved and organizing events so I quickly found myself involved in the local theater group and soon the Princess Theatre. This led me to meet Bill Campbell and soon I was involved in the Prosser float and the Miss Prosser Organization. Through my wife I became involved in the Prosser Farmers' Market and then the Chamber of Commerce and other organizations. My Love for this town and the extreme pleasure I get doing anything I can to promote Prosser has led me to want to move forward in keeping this town a great place to live.

Recently I had the opportunity to help a candidate in his bid to be a city councilman. I realized this would be a great opportunity to help the city moving in its positive direction.

I did some soul searching and decided that the many years of involvement in both Yakima and Prosser organizations has given me enough foundation to gain the knowledge I would need to be an effective representative of the people of Prosser on the city council.

I started attending council meetings to see what I need to learn about city government and the laws and procedures and then went home to study.

My wife and I are currently taking the Prosser leadership classes and have found this to be a valuable source of information. As I watched the council meetings I was impressed in the makeup of the members in that there is a great balance and that both sides of any issue are covered, causing the need for discussion, negotiation and compromise. The citizens the council represent and the town come out winners because of this balance.

I found it a bit difficult to think of ever challenging any current member. However, the opportunity to fill a vacancy has left me very excited to apply for the position.

I would bring to the council an attitude of knowing as much information I can to each vote which will benefit the city of Prosser and the citizens.

My love of this town and my passion of keeping Prosser moving in a positive direction to keep improving what we have is my reason to be a city council member.



April 15, 2014

Letter of Support

CITY OF PROSSER

APR 16 2014

RECEIVED

I am proud to support Rob Siemens as City of Prosser Councilman, an individual deeply involved in the Prosser community.

His love for Prosser has led him to participate in the 2014 Prosser Leadership program. He volunteers his time to the Miss Prosser Event, the Prosser Community Float, Tourism Committee, Christmas Tree Lighting and The Farmers Market. He and his wife, Kathy Aubrey were also recipients of the Volunteer of the Year Award.

Rob Siemens would serve the City of Prosser, its community and every resident in Prosser in the same selfless manner that he volunteers his time to events and programs within Prosser. Please help support Rob Siemens in his candidacy for Prosser Councilman.

Sincerely,

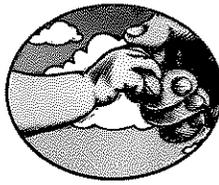
A handwritten signature in cursive script that reads "Dianne Torres".

Dianne Torres

Prosser Financial Center  
1115 Meade Avenue  
PO Box 905  
Prosser, WA 99350

(509) 786-3545  
(509) 786-2021 fax

[www.awbank.net](http://www.awbank.net)



Prosser Memorial Hospital  
**FOUNDATION**

RECEIVED

APR 16 2014

April, 11 2014

CITY OF PROSSER

To whom it may concern:

As the Executive Director of the Prosser Memorial Hospital (PMH) Foundation, I have had the privilege to work with one of your City Council applicants; Robin 'Rob' Siemens.

There are many people in this community that work tirelessly to make it so great. Rob is one of them and is what some would call a transplant; I would say he is just growing where he was planted. Rob has been giving of himself since he got here as evidence being Prosser's Volunteer of the year a few short years ago. From driving our Community Float around the NW, working with the Farmers Market, the Rock n Rods Car Show or the PMH Foundations A Night Out Denim & Diamonds, Rob's actions reveal his heart, he just loves Prosser.

For the last two years while Rob has volunteered for the PMH Foundation's annual "A Night Out" benefit auction. Rob has worked on our set-up committee preparing our outdoor event for the 450 guests that attend our dinner and auction. Each year Rob has come to us to offer his services as a member of our set-up committee. It is very comforting to know that Rob is going to be there to help.

Rob was given minimal direction his first year as a volunteer and far exceeded our expectations for someone volunteering their personal time. Rob has always been punctual and dependable in showing up and performing the set-up work. Rob has been a great asset to our event by having a stick to it work ethic; he has consistently performed the prescribed work with a very pleasant and professional attitude.

Rob works well with the other volunteers, which has ranged from high school students to community and local business leaders on the PMH Foundation board, he has always been open and acceptable to help and direction from others while performing the volunteer work.

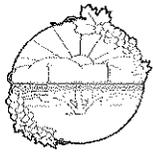
Rob is one volunteer who can see the big picture; he has always looked above and beyond the current task to be able to help others with work not directly related or directed to him that still needed to be done.

In conclusion, I would highly recommend Robin "Rob" Siemens for the Prosser City Council in which he has applied for, based on the performance of the volunteer work that he has performed for the PMH Foundation and the "A Night Out" event that I have directed, and witnessed.

If you would like to personally speak to me regarding Rob's abilities or volunteer work for the PMH Foundation please feel free to call me on my cell phone 509.786-8499 or my office at 509.788-6030

Sincerely,

Fred E. Lamb  
Executive Director  
PMH Foundation



**PROSSER**  
CHAMBER OF COMMERCE



**RECEIVED**

APR 16 2014

**CITY OF PROSSER**

April 16, 2014

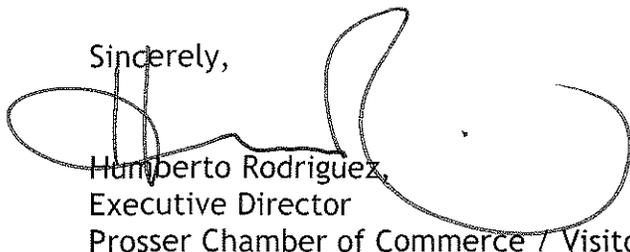
To whom it may concern:,

In today's economy every small city needs a resourceful, creative, smart City Council and I strongly believe we have this.

We currently have qualified candidates with common sense. With councilwoman Deb Brumley stepping down I would like to recommend Mr. Robin "Rob" Siemens take her place. In the time I have personally known Rob I have come to know that he is a respectable member of this community. He has accomplished many thing and volunteered his time for the betterment of this community. Just last year he, along with his wife, were recognized as Volunteers of the Year for Prosser. His involvement with the Miss Prosser Program and the Prosser Community Float has been a great success. Rob has also proven to be a great volunteer asset to the Prosser Chamber of Commerce. He's been attending City Council meetings regularly as well as other community meetings so as to familiarize himself with the council members, the procedures, and the challenges that Prosser faces.

Prosser needs an effective City Council and I believe we currently have one. I recommend Rob Siemens for the open seat and trust he would be a great addition.

Sincerely,



Humberto Rodriguez,  
Executive Director  
Prosser Chamber of Commerce / Visitor Information Center

To whom it may concern:

This is a letter of support of Rob Siemens for the open Prosser City Council position. I have worked with Rob over the last few years on many Community events, and am always impressed with his work ethic and ability to lead. He and his wife, Kathy Aubrey, are a team well known to the Chamber of Commerce. They have worked on the Miss Prosser Court committee as well as the Christmas Tree Lighting event. He and Kathy were named Prosser Volunteers of the Year in 2012 by the Chamber. He is currently enrolled in the Prosser Leadership Class and is very involved with the Farmers Market.

Rob has been diligently attending City Council meeting and also the Planning Commission meetings in an effort to learn more about the community. I feel he has prepared himself to represent the citizens of Prosser in an effective manner. Rob is passionate about our community and will do what is right for all of us.

I highly recommend Rob for this position.

Thank you,

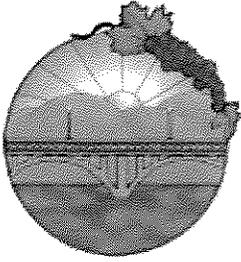


Bill Jenkin

**RECEIVED**

APR 16 2014

**CITY OF PROSSER**



# City of Prosser

Application  
City Council Appointment  
City Council Position #3

RECEIVED  
APR 04 2014  
CITY OF PROSSER

Name Ernie Troemel  
Address 1002 Lillian St.  
Prosser, WA 99350-1033  
Telephone 509 786 / 269  
Email  PRIVATE

Why are you interested in becoming a City Council Member?

To be a part of Prosser's continued growth and development. To continue to meet the needs of citizens for protection. To continue the good development of the development of the growth of North Prosser. To listen to the citizens

What do you want to accomplish?

To work with the council  
To express my opinions whether in agreement or disagreement with majority.  
To keep the financial accounts balanced.  
To keep financials open and clear to the council

Signed Ernie Troemel Date 4/4/14

ERNEST TROEMEL  
BUSINESS AND FINANIAL CONSULTANT  
1002 LILLIAN PROSSER. WA 99350  
509-786-1269 FAX:509-5954

BIRTH: [REDACTED] SUNNYSIDE.WA 98944

UNMARRIED

CHILDREN: [REDACTED]

EDUCATION:

SUNNYSIDE.WA HIGHSCOOL 1952

COLLEGE:

YAKIMA VALLEY COLLEGE 1954

DRAKE UNIVERSITY ,DESMOINES,IA 1956

GRADUATE STUDIES:

DRAKE UNIVERSITY:UPDATE CLASSROOM TEACHING

CENTRAL WA.STATE UIV.:TEACHER TRAINING

U.C.L.A.: ADULT TEACHER TRAINING

PORTAND STATE COLLEGE: ADULT TEACHER TRAINING

VOCATIONAL : MODERN BUSINESS COLLEGE:ACCOUNTING

STATE DEPT OF REVENUE:24 CLOCK HOURS

IRS ELECTRONIC TAX FILING

WA. STATE TAX CONSULTANTS 60 HOURS

WORK HISTORY:

PUBLIC SCHOOL TEACHER, BLAKESBURK, IA1956-57

KIONA-BENTON CITY,WA- EIGHTH GRADE 1957-59

PROSSER,WA. JR.HIGH SCHOOL 1959-72

MEDICAL RETIREMENT 1973

SELFEMPLOYMENT: E&R TAX SERVICE 1975-2013

BUSINES SALES AND MARKETING CONSULTANT

EMPLOYEE SUPERVISOR,EMPLOYEE SCREENING

COMMITTEE AND COUNCILS:

BENTON-FRANKLIN HEALTH PLANNING COUNCIL 1980-86

BENTON COUNTY BOARD OF EQUILAZATION-1993-96

BENTON COUNTY PLANNING DEPT. SUBCOMMITEE 1997

PROSSER CITY COUNCIL: MAY 2005-DECEMBER 31.2013

ORGINAZIONS:

WASHINTON EDUCATION ASSOCIATION

WASHINGTON EDUCATION PROFESSIONAL WELFARE COMMISION

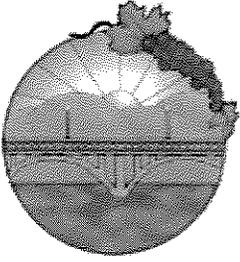
PROSSER EDUCATION ASSOCIATION

WASHINGTON STATE RETIRED TEACHERS ASSOCIATION

BUSINESS WEEK COMPANY ADVISOR

WASHINTON STATE GRANGE

CHAMBER OF COMMERCE



# City of Prosser

Application  
City Council Appointment  
City Council Position #3

RECEIVED  
APR 15 2014  
CITY OF PROSSER

Name MARVIN WARD  
Address 913 CONCORD WAY  
Telephone 786-1755  
Email MWARDL@CHARTER.NET

Why are you interested in becoming a City Council Member?

To represent the people of Prosser so that on their travels if asked where do you live they can say with pride I live in Prosser, Wa.

What do you want to accomplish?

1. Foster a positive relationship with P.E.D.A., Benton County, Benton County Port Dist., CERB, and all agencies that can assist in Economic Development.
2. Encourage development of residential homes, which will increase revenue after all taxing districts in our area.

Signed Marvin L. Ward Date 4/15/2014