

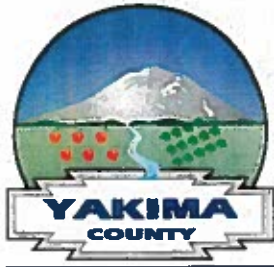
**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE
SPECIAL MEETING AGENDA
MONDAY, OCTOBER 21, 2019**



COMMITTEE-OF-THE-WHOLE SPECIAL MEETING – 6:00 PM

PAGE

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT** – At this time the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
- 4. NEW BUSINESS**
 - A. Ordinance levying the 2020 ad valorem property taxes and excess levy taxes 1-7
 - B. Ordinance increasing the 2020 property tax levy for the City of Grandview above the “limit factor” up to 101 percent (1-7)
 - C. Resolution authorizing the Mayor to sign Amendment No. 1 to Agreement No. WQC-2019-Grandview-00092 between the State of Washington Department of Ecology and the City of Grandview for the Sewer Trunk Main Replacement Project 8-24
 - D. House Bill 1026 – Breed-Based Dog Regulations – Amending the City’s Dangerous Dog Ordinance 25-32
- 5. OTHER BUSINESS**
- 6. ADJOURNMENT**



BOARD OF YAKIMA COUNTY COMMISSIONERS

Michael D. Leita
District 1

Ron Anderson
District 2

Norm Childress
District 3

September 10, 2019

RECEIVED

SEP 11 2019

CITY OF GRANDVIEW

Anita Palacios
City of Grandview
207 W 2nd Street
Grandview WA 98930

Pursuant to legislation RCW 84.52.020, your Certification for the purpose of levying 2020 property taxes is to be filed with the Board of Yakima County Commissioners on or before November 30, 2019 or you will receive no funding from this source.

To meet this objective you need to complete the following:

1. As a result of Referendum 47, in a public hearing or forum you will need to pass the following:
 - **ALL TAXING DISTRICT-**
Will need to pass one resolution for the levy amount up to the full 101% (see sample #1).
 - **TAXING DISTRICTS WITH OVER 10,000 POPULATION -**
Will need to pass a second resolution increasing the property tax levy to the Implicit Price Deflator (IPD) (see sample #2).
2. Complete a Tax Levy Certification form (see sample #3). On November 26, 2019 the Board of Yakima County Commissioners will, by resolution certify the requested tax amounts to be levied upon property for each taxing district, per RCW 84.52.070.
3. Include an estimate of your cash balance at the beginning and ending of your budget period, per RCW 84.52.025.

Please return each of the above items to me in the County Commissioners Office and a copy of the resolution(s) or ordinance(s) to the Yakima County Department of Assessment on or before November 22, 2019.

If you have any questions you may contact me at 574-1316 or by e-mail at forrest.smith@co.yakima.wa.us.

Thank you for your cooperation.

Sincerely,

Forrest A. Smith
Assistant Budget Director, Yakima County Commissioners

Cc: Jacob Tate, Department of Property Assessment

Sample #1(for all districts)

Taxing District Name
Resolution/Ordinance #XXX

A **RESOLUTION/ORDINANCE** levying the 2020 ad valorem property taxes and excess levy taxes.

WHEREAS, the **board/council** of the **taxing district name** has met and considered its budget for the calendar year 2020; and

WHEREAS, the **board/council**, in the course of considering the budget for 2020 has reviews all sources of revenue and examined all anticipated expenses and obligations; and

WHEREAS, the **board/council** has determined that it is in the best interest of and necessary to meet the expenses and obligations of **taxing district name** and a substantial need exists for the property tax revenue to be increased in 2020;

NOW, THEREFORE, BE IT **RESOLVED/ORDAINED**, the regular levy request in the amount of \$ _____, which is a \$ _____ dollar increase from 2019 levy amount and a _____% increase of that same 2019 levy amount, plus any amount allowed for new construction and increase in state assessed values.

BE IT FURTHER **RESOLVED/ORDAINED**, excess levy in the amount of \$ _____ for the sole purpose of paying the interest and principal of **taxing districts name's** general obligation bonds.

RESOLVED/ORDAINED this _____ day of _____ 2019

Signatures

Sample #2(for districts over 10,000 population)

Taxing District Name
Resolution/Ordinance #XXX

A RESOLUTION/ORDINANCE to increase the 2020 property tax levy for the taxing district name above the "limit factor", up to 101 percent.

WHEREAS, the board/council of the taxing district name has met and considered its budget for the calendar year 2020; and

WHEREAS, the board/council, in the course of considering the budget for 2020 has reviews all sources of revenue and examined all anticipated expenses and obligations; and

WHEREAS, the board/council has determined that, due to ... the board/council finds there is a substantial need to increase the regular property tax levy rate above the rate of inflation;

NOW, THEREFORE, BE IT RESOLVED/ORDAINED, the limit factor for the regular levy for the calendar year of 2020 shall be 101% of the highest amount of regular property taxes that could have been lawfully levied in this taxing district in any year.

RESOLVED/ORDAINED this ____ day of _____ 2019

Signatures

Sample #3

Tax Levy Request Certification

STATE OF WASHINGTON)
COUNTY OF YAKIMA)

I, _____, Clerk of the City/Town of _____, do hereby certify that the city council of said city and appearing in the minutes of a meeting held on the _____ day of _____, 2019, requesting the board of commissioners of Yakima County to levy taxes as follows:

Regular levy request in the amount of \$ _____, which is a \$ _____ dollar increase from the 2019 levy amount and a _____% increase of that same 2019 levy amount, plus any amount allowed for new construction and increase in state assessed values.

Excess levy in the amount of \$ _____ for the sole purpose of paying the interest and principal of said District's General Obligation Bonds.

At this time, I also certify that the population of said district is approximately _____.

Clerk

Date

ORDINANCE NO. 2019-__

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
LEVYING THE 2020 AD VALOR PROPERTY TAXES AND EXCESS LEVY TAXES**

WHEREAS, the City Council has met and considered its budget for the calendar year 2020; and

WHEREAS, the City Council, in the course of considering the budget for 2020, has reviewed all sources of revenue and examined all anticipated expenses and obligations; and

WHEREAS, the City Council has determined that it is in the best interest of and necessary to meet the expenses and obligations of the City of Grandview and a substantial need exists for the property tax revenue to be increased in 2020;

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

Section 1. The regular levy request in the amount of \$1,616,000.00, which is a \$15,774.00 increase from 2019 levy amount and a 1% increase of that same 2019 levy amount, plus any amount allowed for new construction and increase in state assessed values.

Section 2. This Ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 12, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: 11/13/19
EFFECTIVE: 11/18/19

ORDINANCE NO. 2019-__

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
INCREASING THE 2020 PROPERTY TAX LEVY FOR THE CITY OF GRANDVIEW
ABOVE THE "LIMIT FACTOR" UP TO 101 PERCENT**

WHEREAS, the Grandview City Council has met and considered its budget for the calendar year 2020; and

WHEREAS, the City Council, in the course of considering the budget for 2020 has reviewed all sources of revenue and examined all anticipated expenses and obligations; and

WHEREAS, the City Council has determined that it is in the best interest of and necessary to meet the expenses and obligations of the City of Grandview and there is a substantial need to increase the regular property tax levy rate above the rate of inflation;

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

Section 1. The limit factor for the regular levy for the calendar year of 2020 shall be 101% of the highest amount of regular property taxes that could have been lawfully levied in the City of Grandview in any year.

Section 2. This Ordinance shall be in full force and effect five (5) days after its passage and publication as required by law.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on November 12, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED: 11/13/19
EFFECTIVE: 11/18/19



Tax Levy Request Certification

STATE OF WASHINGTON)
COUNTY OF YAKIMA)

I, Anita Palacios, City Clerk of the City of Grandview, do hereby certify that the City Council of said City and appearing in the minutes of a meeting held on the 12th day of November, 2019, requesting the Board of Commissioners of Yakima County to levy taxes as follows:

Regular levy request in the amount of \$1,616,000.00, which is a \$15,774.00 increase from the 2019 levy amount and a 1% increase of that same 2019 levy amount, plus any amount allowed for new construction and increase in state assessed values.

At this time, I also certify that the population of said City is approximately 11,010.

CITY OF GRANDVIEW

Anita G. Palacios, MMC
City Clerk

Dated: November 13, 2019

**CITY OF GRANDVIEW
AGENDA ITEM HISTORY/COMMENTARY
COMMITTEE-OF-THE-WHOLE MEETING**

ITEM TITLE

Resolution authorizing the Mayor to sign Amendment No. 1 to Agreement No. WQC-2019-Grandview-00092 between the State of Washington Department of Ecology and the City of Grandview for the Sewer Trunk Main Replacement Project

AGENDA NO.: New Business 4 (C)

AGENDA DATE: October 21, 2019 (Special)

DEPARTMENT

Public Works Department

FUNDING CERTIFICATION (City Treasurer)
(If applicable)

N/A

DEPARTMENT HEAD REVIEW

Cus Arteaga, City Administrator/Public Works Director



CITY ADMINISTRATOR

MAYOR



ITEM HISTORY (Previous council reviews, action related to this item, and other pertinent history)

The City of Grandview applied for and was granted a Water Quality Combined Financial Assistance 2019 Agreement between the State of Washington Department of Ecology to fund the sewer trunk main replacement project.

ITEM COMMENTARY (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

The City needs to sign Amendment No. 1 to change the effective date of the Agreement to cover emergency repair costs incurred associated with the project prior to applying for FY19 funding and add tasks to the scope of work and associated funding that Ecology was unable to fund from FY19 funding cycle application, due to lack of funds, but is now funding from the FY20 cycle funds.

ACTION PROPOSED

Move a resolution authorizing the Mayor to sign Amendment No. 1 to Agreement No. WQC-2019-Grandview-00092 between the State of Washington Department of Ecology and the City of Grandview for the Sewer Trunk Main Replacement Project to a regular Council meeting agenda for consideration.

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,
AUTHORIZING THE MAYOR TO SIGN AMENDMENT NO. 1 TO AGREEMENT
NO. WQC-2019-GRANDVIEW-00092 BETWEEN THE STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY AND THE CITY OF GRANDVIEW FOR
THE SEWER TRUNK MAIN REPLACEMENT PROJECT**

WHEREAS, the City of Grandview applied for and was granted a Water Quality Combined Financial Assistance 2019 Agreement between the State of Washington Department of Ecology to fund the sewer trunk main replacement project; and,

WHEREAS, on December 11, 2018, the City executed Agreement No. WQC-2019-Grandview-00092 setting forth the terms and conditions and the regulations by which the City must comply in order to receive said grant; and,

WHEREAS, the City needs to sign Amendment No. 1 to change the effective date of the Agreement to cover emergency repair costs incurred associated with the project prior to applying for FY19 funding and add tasks to the scope of work and associated funding that Ecology was unable to fund from FY19 funding cycle application due to lack of funds but is now funding from the FY20 cycle funds,

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

The Mayor is hereby authorized to sign Amendment No. 1 to Agreement No. WQC-2019-Grandview-00092 with the State of Washington Department of Ecology for sewer trunk main replacement project in the form as is attached hereto and incorporated herein by reference.

PASSED by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



**AMENDMENT NO. 1
TO AGREEMENT NO. WQC-2019-Grandview-00092
BETWEEN
THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
AND
The City of Grandview**

PURPOSE: To amend the above-referenced agreement (AGREEMENT) between the state of Washington Department of Ecology (ECOLOGY) and The City of Grandview (RECIPIENT) for the Sanitary Sewer Trunk Main Replacement (PROJECT).

This amendment is needed to: 1) Change the Effective Date of the agreement to cover emergency repair costs incurred associated with the project prior to applying for FY19 funding; and 2) Add tasks to the scope of work and associated funding that Ecology was unable to fund from the FY19 funding cycle application, due to lack of funds, but is now funding from the FY20 cycle funds.

1) Tasks 3, 4, 5, 6, and 7 have been added to the Scope of Work based on the FY20 (WQC-2020-Grandv-00007) application.

2) The Effective Date of the Agreement is changed from January 1, 2019, to September 1, 2017.

3) A new FY20 SRF Loan (EL200129) funding distribution has been added to provide an additional \$3,888,500 in standard loan.

4) A new FY20 Forgivable Principal Loan (EF200136) funding distribution has been added to provide an additional \$100,000 in Forgivable Principal Loan, which is not required to be repaid.

5) The Estimated Loan (EL200129) Repayment Schedule Number 2679 created on August 22, 2019, has been added.

IT IS MUTUALLY AGREED that the AGREEMENT is amended as follows:

Total Cost:

Original: 601,000.00 Amended: 4,589,500.00

Total Eligible Cost:

Original: 601,000.00 Amended: 4,589,500.00

Effective Date:

Original: 01/01/2019 Amended: 09/01/2017

Expiration Date:

Original: 01/01/2021 Amended: 07/01/2021

Project Short Description:

Original:

This project includes the design of wastewater collection system improvements in the City of Grandview. Ultimately, this project will improve water quality in the Yakima River through the repair and replacement of approximately 13,000 linear feet of sanitary sewer trunk main pipe, improving conditions in the City's wastewater treatment plant, as well as reducing the risk of pipe failure and unintended discharge to the river.

Amended:

This project includes the design and construction of wastewater collection system improvements in the City of Grandview. This project will improve water quality in the Yakima River through the repair and replacement of approximately 13,000 linear feet of sanitary sewer trunk main pipe, improving conditions in the RECIPIENT's wastewater treatment plant, as well as reducing the risk of pipe failure and unintended discharge to the Yakima River.

Project Long Description:

Amended:

This project includes the design and construction of wastewater collection system improvements in the City of Grandview. This project will improve water quality in the Yakima River through the repair and replacement of approximately 13,000 linear feet of sanitary sewer trunk main pipe, improving conditions in the RECIPIENT's wastewater treatment plant, as well as reducing the risk of pipe failure and unintended discharge to the Yakima River.

The existing 21-inch sewer trunk main conveys municipal wastewater from all collection system basins, with average system flows of 1.5MGD and peak flow of about 3.0MGD, to the Euclid Road (River) Lift Station located on the edge of the Yakima River, serving a population of over 11,000 people. The oldest portion of the sewer trunk main (outfall line) was built prior to 1960 and is constructed of concrete pipe with brick manholes. This portion of sewer main, which runs from Dykstra Park through the canyon at the base of Sand Hill, to the City's Euclid Lift Station, is approximately 13,000 feet (2.5 miles) long. About 6,000 feet of the sewer trunk main follows the path of an existing unnamed stream and irrigation runoff channel (Joint Drain 2) that discharges to the Yakima River, about one mile upstream of the Euclid Lift Station. The condition of the over 50-year-old concrete sewer piping and brick manholes is very poor.

Overall Goal:

To design and construct the replacement of 13,000 feet of failing 21-inch sanitary sewer trunk main piping that has reached the end of its useful life, to protect nearby streams and the Yakima River from severe environmental degradation that may occur from pipeline failures.

CHANGES TO THE BUDGET

Funding Distribution EL200129

Funding Title: SRF (FY2020)

Funding Type: Loan

Funding Effective Date: 09/01/2017

Funding Expiration Date: 07/01/2021

Funding Source:

Title: FY20 SRF (State) (WQC-2019)

Type:

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C 1251-1387) established the State Revolving Fund (SRF) low interest loans program (40. C.F.R. Part 31, 35 Sub Part (K). Washington State administers the program under Chapter 173-98 WAC. The portion of this project funded with this funding distribution comes from non-federal source and are not subject to Federal Funding Accountability and Transparency Act (FFATA) and Single Audit Act (SAA). However, this project is subject to the federal requirements outlined in Section 4 and 5 of agreement terms and conditions.

Federal Awarding Agency:

Federal Awarding Agency Contact:

Federal Awarding Agency Phone:

Federal Awarding Agency Email:

Federal Awarding Agency Address:

CFDA Catalog Name:

CFDA Number:

FAIN:

Research Grant:

Federal Award Date:

Total Federal Award Amount: \$0.00

Federal Funds Obligated To Recipient: \$3,888,500.00

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 0%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

Effective Interest Rate: 2% Interest Rate: 1% Admin Charge: 1%

Terms: 20 years

Project Start Date: 09/01/2017

Project Completion Date: 07/01/2021

Estimated Initiation of Operation date: 01/01/2021

Loan Security: Revenue Secure Lien Obligation of the Recipient

Final Accrued Interest: \$

Final Loan Amount: \$

Repayment Schedule Number: 2679

SRF (FY2020)	Task Total
Construction Management	\$ 440,000.00
Construction	\$ 3,318,073.00
Easement/Property Acquisition	\$ 20,000.00
Emergency Repairs Engineering	\$ 18,627.00
Equipment Purchases	\$ 61,800.00
Project Administration/Management	\$ 30,000.00

Total: \$ 3,888,500.00

CHANGES TO THE BUDGET

Funding Distribution EL190173

Funding Title: SRF Loan (FY2019)

Funding Type: Loan

Funding Effective Date: 09/01/2017

Funding Expiration Date: 07/01/2021

Funding Source:

Title: CWSRF-SFY19

Type: Blended State/Federal

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C. §1251-1387) established the State Revolving Fund (SRF) low interest loan program (40. C.F.R. Part 31, 35 Sub Part K). Funds come

from a combination of Federal Capitalization Grant provided through the Environmental Protection Agency (EPA), state match, and revolved funds from repayments and interest on previous loans.

Approved Indirect Costs Rate: Approved State Indirect: 30%
Recipient Match %: 0%
InKind Interlocal Allowed: No
InKind Other Allowed: No
Is this Funding Distribution used to match a federal grant? No
Effective Interest Rate: 2% Interest Rate: 1% Admin Charge: 1%
Terms: 20 years
Project Start Date: 09/01/2017 Project Completion Date: 07/01/2021
Estimated Initiation of Operation date: 01/01/2021
Loan Security: Revenue Secure Lien Obligation of the Recipient
Final Accrued Interest: \$
Final Loan Amount: \$
Repayment Schedule Number: 2558

SRF Loan (FY2019)	Task Total
Design, Plans and Specs, Environmental Review	\$ 300,500.00

Total: \$ 300,500.00

CHANGES TO THE BUDGET

Funding Distribution EF200136

Funding Title: Forgivable Principal (FY2020)
Funding Type: Forgivable Loan
Funding Effective Date: 09/01/2017 Funding Expiration Date: 07/01/2021
Funding Source:

Title: FY20 SRF (State) (WQC-2019)

Type:

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C 1251-1387) established the State Revolving Fund (SRF) low interest loans program (40. C.F.R. Part 31, 35 Sub Part (K). Washington State administers the program under Chapter 173-98 WAC. The portion of this project funded with this funding distribution comes from non-federal source and are not subject to Federal Funding Accountability and Transparency Act (FFATA) and Single Audit Act (SAA). However, this project is subject to the federal requirements outlined in Section 4 and 5 of agreement terms and conditions.

Federal Awarding Agency:
Federal Awarding Agency Contact:
Federal Awarding Agency Phone:
Federal Awarding Agency Email:
Federal Awarding Agency Address:

CFDA Catalog Name:

CFDA Number:

FAIN:

Research Grant:

Federal Award Date:

Total Federal Award Amount: \$0.00

Federal Funds Obligated To Recipient: \$100,000.00

Approved Indirect Costs Rate: Approved State Indirect: 30%

Recipient Match %: 0%

InKind Interlocal Allowed: No

InKind Other Allowed: No

Is this Funding Distribution used to match a federal grant? No

Forgivable Principal (FY2020)	Task Total
Construction Management	\$ 100,000.00

Total: \$ 100,000.00

CHANGES TO THE BUDGET

Funding Distribution EF190174

Funding Title: Forgivable Principal (FY2019)

Funding Type: Forgivable Loan

Funding Effective Date: 09/01/2017

Funding Expiration Date: 07/01/2021

Funding Source:

Title: CWSRF-SFY19

Type: Blended State/Federal

Funding Source %: 100%

Description: The Clean Water Act (CWA) (33 U.S.C. §1251-1387) established the State Revolving Fund (SRF) low interest loan program (40. C.F.R. Part 31, 35 Sub Part K). Funds come from a combination of Federal Capitalization Grant provided through the Environmental

Approved Indirect Costs Rate:	Approved State Indirect: 30%
Recipient Match %:	0%
InKind Interlocal Allowed:	No
InKind Other Allowed:	No
Is this Funding Distribution used to match a federal grant?	No

Total: \$ 300,500.00

Task Title: Project Administration/Management

C. The RECIPIENT shall manage the project. Efforts include, but are not limited to: conducting, coordinating, and scheduling project activities and assuring quality control. Every effort will be made to maintain effective communication with the RECIPIENT's designees; ECOLOGY; all affected local, state, or federal jurisdictions; and any interested individuals or groups. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

- * Timely and complete submittal of requests for reimbursement, quarterly progress reports, and RECIPIENT closeout report.
- * Properly maintained project documentation

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Deliverables

Number	Description	Due Date
1.1	Quarterly Progress Reports	
1.2	Recipient Closeout Report	
1.3	Project Outcome Summary Report	

CHANGES TO SCOPE OF WORK

Task Number: 3

Task Cost: \$540,000.00

Task Title: Construction Management

Task Description:

A. The RECIPIENT will provide adequate and competent construction management and inspection for the Project. This may involve procuring the professional services. If professional services are procured, the RECIPIENT will procure them in accordance with state law. The RECIPIENT will include ECOLOGY's specification insert in the contract documents. The RECIPIENT must submit all contracts for construction management services before ECOLOGY will provide reimbursement for work performed under this task.

B. The RECIPIENT will develop a detailed Construction Quality Assurance Plan (WAC 173-240-075) and submit it to ECOLOGY for approval. This plan will describe the activities which the RECIPIENT will undertake to achieve adequate and competent oversight of all construction work.

C. The RECIPIENT will provide a plan of interim operation for the facility while under construction.

D. The RECIPIENT will ensure construction progresses according to a timely schedule developed to meet completion dates indicated in the construction contract. The RECIPIENT will revise or update the schedule whenever major changes occur and resubmit to ECOLOGY. In the absence of any major changes, the RECIPIENT will describe progress of the construction in the quarterly progress reports.

E. Upon completion of construction, the RECIPIENT will provide ECOLOGY's Project Manager with a set of "as-built" plans (i.e., record construction drawings which reflect changes, modifications, or other significant revisions made to the project during construction).

F. Upon project completion, the RECIPIENT will submit the Declaration of Construction Completion form to ECOLOGY in accordance with WAC 173-240-090. The form, when signed by a professional engineer, indicates that the project was completed in accordance with the plans, specifications, and major change orders approved by ECOLOGY, and is accurately shown on the as-built plans.

Task Goal Statement:

Template Version 10/30/2015

The RECIPIENT will oversee and manage construction, communicate with ECOLOGY in a timely fashion, and provide ECOLOGY with all requested project documentation.

Task Expected Outcome:

Project will be constructed on schedule and in accordance with accepted plans.

Deliverables

Number	Description	Due Date
3.1	Executed contract for construction management services.	
3.2	Documentation of the RECIPIENT's process for procuring engineering services	
3.3	Construction Quality Assurance Plan.	
3.4	Plan of interim operation of the facility while under construction.	
3.5	"As-built" plans.	
3.6	Declaration of Construction completion.	

CHANGES TO SCOPE OF WORK

Task Number: 4

Task Cost: \$3,318,073.00

Task Title: Construction

Task Description:

A. The RECIPIENT will include ECOLOGY's specification insert in the bid documents. The RECIPIENT will execute a contract with the low responsive responsible bidder to construct the PROJECT. The RECIPIENT will submit Bid Tabs, the Notice of Award, and a copy of the executed contract before ECOLOGY will provide reimbursement for work performed under this task.

B. The RECIPIENT will complete the construction in accordance with the approved Plans and Specifications. The construction project will include:

I. Replacement of 13,000 linear feet of existing sanitary sewer main pipe

C. The RECIPIENT will conduct a pre-construction conference and invite ECOLOGY staff.

D. The RECIPIENT will provide documentation of a third party analysis of potential energy and water efficiency measures for incorporation into the construction project. If the RECIPIENT has obtained either a preliminary or investment grade energy

audit of the utility in the last 5 years, documentation of that audit can be submitted instead.

E. As a condition of receiving this funding, the RECIPIENT will prepare an asset management program (fiscal sustainability plan). The RECIPIENT will certify that a plan that contains at least the minimum required elements listed above has been developed and is being implemented. The plan must include the following elements:

1. An inventory of critical assets that belong to the utility.
2. An evaluation of the condition and performance of the critical assets.
3. A plan to maintain, repair, and replace the critical assets and to fund those activities.
4. A process to evaluate and implement water and energy conservation efforts as part of the plan.

F. The RECIPIENT will negotiate all change orders to the construction contract necessary for successful completion of the PROJECT. The RECIPIENT will submit the change orders to ECOLOGY for approval. Change orders that are a significant deviation from the approved plans/specifications must be submitted for approval, prior to execution. All other change orders will be submitted within 30 days after execution.

Task Goal Statement:

See Overall Goal

Task Expected Outcome:

See Overall Goal

Deliverables

Number	Description	Due Date
4.1	Copy of the advertisement for bids and the affidavit of publication.	
4.2	Bid Tabs, the Notice of Award, and a copy of the executed construction contract.	
4.3	Copy of the notice to proceed.	
4.4	Investment Grade Efficiency Audit documentation.	
4.5	Minutes of the pre-construction meeting. The RECIPIENTS Sewer Revenue and User Rate plan.	
4.6	Certification that the Financial Sustainability Plan has been developed and is being implemented.	

CHANGES TO SCOPE OF WORK

Task Number: 5

Task Cost: \$20,000.00

Task Title: Easement/Property Acquisition

Task Description:

- A. The RECIPIENT will identify properties where additional easement/right-of-way is required.
- B. The RECIPIENT will prepare easement/right-of-way plans, legal descriptions, exhibits for property acquisitions.
- C. The RECIPIENT will stake the proposed right-of-way acquisition boundaries for review by property owners and provide professional property appraisal services as needed to complete purchase.

Task Goal Statement:

See Overall Goal

Task Expected Outcome:

See Overall Goal

Deliverables

Number	Description	Due Date
5.1	Easement and right-of-way legal description and associated exhibit maps.	

CHANGES TO SCOPE OF WORK

Task Number: 6

Task Cost: \$18,627.00

Task Title: Emergency Repairs Engineering

Task Description:

A. The RECIPIENT has completed recent emergency repairs along the proposed project length that needed to be addressed immediately to protect public health and water quality. Emergency repair tasks included:

1. Initial sewer main collapse evaluation, assessment and preliminary engineering.
2. Video investigation, cleaning and relining of an approximate 500-foot and 100-foot section of existing compromised 21-inch concrete gravity sewer piping using a cure-in-place-pipe (CIPP) method.
3. Follow up video investigation of relined pipe, cleaning and video investigation of piping downstream of the repair area.
4. Construction management, engineering, inspection services, temporary bypass pumping system equipment rental, setup, operation and removal.
5. City labor for assistance and coordination of evaluation, repairs, equipment, materials and cleanup, traffic control, signage, traffic control devices, flaggers and coordination with Yakima County and ECOLOGY including necessary permits and approvals.

Task Goal Statement:

Refinance emergency trunk sewer main repair expenses associated to the project and completed prior to applying for design/construct funding.

Task Expected Outcome:

See Task Goal.

Deliverables

Number	Description	Due Date
6.1	Contractor, consultant, equipment and material invoices.	

CHANGES TO SCOPE OF WORK

Task Number: 7

Task Cost: \$61,800.00

Task Title: Equipment Purchases

Task Description:

A. The RECIPIENT will submit product details and costs for all equipment purchases for approval by ECOLOGY prior to purchasing the equipment or tool. No reimbursement will be made for equipment that is not approved by ECOLOGY prior to purchase.

B. Following ECOLOGY approval, the RECIPIENT will purchase the following equipment and tools:

1. Portable Mainline Camera System

Task Goal Statement:

Protect overall water quality of the nearby river and groundwater through assessment and monitoring of RECIPIENT's sewer system using new camera technology.

Task Expected Outcome:

Purchase portable mainline camera system which will immediately allow RECIPIENT to continue assessment of the wastewater system and monitor the investment of the sewer trunk main replacement.

Deliverables

Number	Description	Due Date
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7.1	Submittal of product details and cost for equipment purchase to ECOLOGY for review.	
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Funding Distribution Summary

Recipient / Ecology Share

Funding Distribution Name	Recipient Match %	Recipient Share	Ecology Share	Total
SRF (FY2020)	0 %	\$ 0.00	\$ 3,888,500.00	\$ 3,888,500.00
SRF Loan (FY2019)	0 %	\$ 0.00	\$ 300,500.00	\$ 300,500.00
Forgivable Principal (FY2020)	0 %	\$ 0.00	\$ 100,000.00	\$ 100,000.00
Forgivable Principal (FY2019)	0 %	\$ 0.00	\$ 300,500.00	\$ 300,500.00
Total		\$ 0.00	\$ 4,589,500.00	\$ 4,589,500.00

AUTHORIZING SIGNATURES

All other terms and conditions of the original Agreement including any Amendments remain in full force and effect, except as expressly provided by this Amendment.

The signatories to this Amendment represent that they have the authority to execute this Amendment and bind their respective organizations to this Amendment.

This amendment will be effective 09/01/2017.

IN WITNESS WHEREOF: the parties hereto, having read this Amendment in its entirety, including all attachments, do agree in each and every particular and have thus set their hands hereunto.

Washington State
Department of Ecology

The City of Grandview

By: _____

Heather R. Bartlett
Water Quality
Program Manager

Date

By: C. Arteaga 10-10-19

Cus Arteaga

Date

Gloria Mendoza

Mayor

Date

Template Approved to Form by
Attorney General's Office

This memorandum is submitted under the attorney-client privilege. The privilege applies to communications and advice by the attorney, which includes documents that contain a privileged communication. This memorandum is such a communication and need not be made available for public inspection.

TO: Gloria Mendoza, Mayor
City Council of Grandview Washington

FROM: Quinn N. Plant, City Attorney

SUBJECT: *Amending the City's Dangerous Dog Ordinance*

DATE: October 3, 2019

During its 2019 regular session, the Washington State legislature passed and the governor signed into law House Bill 1026, concerning breed-based dog regulations. The bill takes effect on January 1, 2020, and will require Grandview to amend its dangerous dog ordinance, codified at Chapter 6.06 of the Grandview Municipal Code.

The City's dangerous dog ordinance defines the term "dangerous dog" to include specific breeds of dogs. Specifically, the term "dangerous dog" includes:

Any dog known by the owner to be a pit bull terrier, which shall herein be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier[.] (GMC § 6.06.010(A)(3)).

Under the ordinance, dangerous dogs must be registered with the City and the failure to do so is a gross misdemeanor. (GMC §§ 6.06.035 and 6.06.060).

House Bill 1026 prohibits a municipality from imposing "requirements specific to possession of a dog based on its breed, or declar[ing] a dog dangerous or potentially dangerous based on its breed" unless the municipality adopts regulations that provide generally as follows:

- (1) a dog is exempt from the regulation if it passes the American kennel club canine good citizen test or a reasonably equivalent test;
- (2) a dog that passes such a test is exempt from the regulation for at least two years;
- (3) a dog that passes such a test is given an opportunity to retake the test and maintain their exemption from the breed-based regulation; and
- (4) a dog that fails such a test is given an opportunity to retest within a reasonable period of time.

This memorandum has been prepared to seek guidance from the City Council on how the City should respond to the requirements of House Bill 1026. The City has essentially two options:

1. The City can simply repeal GMC § 6.06.010(A)(3). The result would be that pit bull terriers would no longer automatically be classified as dangerous dogs under the City's ordinance. The owner of a pit bull terrier would not need to register his or her dog unless the dog did something (bit someone, injured a domestic animal, etc.) that brought it within the "dangerous dog" classification.
2. Alternatively, the City can continue to designate pit bull terriers as "dangerous dog" and amend the ordinance to provide that a pit bull terrier that passes the appropriate testing is exempt from the City's dangerous dog requirements. Some research would be required to determine what type of testing may be "reasonably equivalent" to the American kennel club canine good citizen test.

A copy of the City's current dangerous dog ordinance is attached to this memorandum for your reference.

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1026

Chapter 199, Laws of 2019

**66th Legislature
2019 Regular Session**

BREED-BASED DOG REGULATIONS

EFFECTIVE DATE: January 1, 2020

**Passed by the House March 8, 2019
Yeas 66 Nays 29**

FRANK CHOPP

Speaker of the House of Representatives

**Passed by the Senate April 17, 2019
Yeas 25 Nays 23**

CYRUS HABIB

President of the Senate

Approved April 30, 2019 2:04 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 1026 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 1, 2019

**Secretary of State
State of Washington**

1 NEW SECTION. Sec. 2. A new section is added to chapter 16.08
2 RCW to read as follows:

3 (1) A city or county may not prohibit the possession of a dog
4 based upon its breed, impose requirements specific to possession of a
5 dog based upon its breed, or declare a dog dangerous or potentially
6 dangerous based on its breed unless all of the following conditions
7 are met:

8 (a) The city or county has established and maintains a reasonable
9 process for exempting any dog from breed-based regulations or a breed
10 ban if the dog passes the American kennel club canine good citizen
11 test or a reasonably equivalent canine behavioral test as determined
12 by the city or county;

13 (b) Dogs that pass the American kennel club canine good citizen
14 test or a reasonably equivalent canine behavioral test are exempt
15 from breed-based regulations for a period of at least two years;

16 (c) Dogs that pass the American kennel club canine good citizen
17 test or a reasonably equivalent canine behavioral test are given the
18 opportunity to retest to maintain their exemption from breed-based
19 regulations; and

20 (d) Dogs that fail the American kennel club canine good citizen
21 test or a reasonably equivalent canine behavioral test are given the
22 opportunity to retest within a reasonable period of time, as
23 determined by the city or county.

24 (2) This section does not apply to the act of documenting either
25 a dog's breed or its physical appearance, or both, solely for
26 identification purposes when declaring a dog dangerous or potentially
27 dangerous.

28 (3) For the purpose of this section, "dog" means a domesticated
29 member of the family canidae, specifically species *Canus lupus*
30 *familiaris*, and excludes nondomesticated members of the family
31 canidae and any hybrids thereof, including but not limited to wolves,
32 coyotes, wolf-dog hybrids, and coyote-dog hybrids.

33 NEW SECTION. Sec. 3. This act takes effect January 1, 2020.

Passed by the House March 8, 2019.

Passed by the Senate April 17, 2019.

Approved by the Governor April 30, 2019.

Filed in Office of Secretary of State May 1, 2019.

--- END ---

Chapter 6.06 DANGEROUS DOGS

Sections:

6.06.010 Definitions.

6.06.020 Unconfined dangerous dog on premises of owner.

6.06.030 Dangerous dog off premises.

6.06.035 Registration of dangerous dogs.

6.06.040 Disposal of dangerous dogs.

6.06.050 Impounding authority.

6.06.060 Penalties.

6.06.070 Severability.

6.06.090 General duty.

6.06.010 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Dangerous dog" means:

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
2. Any dog which attacks a human being or other domestic animal without provocation; or
3. Any dog known by the owner to be a pit bull terrier, which shall herein be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier; or

4. Any dog that frequently or habitually snarls or growls at or snaps at or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys, or public places of the city; or

5. Any dog known by the owner to be a wolf or wolf-hybrid.

B. "Owner" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on the premises occupied by them.

C. A dangerous dog is "unconfined" if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

D. The structure or pen described in subsection C of this section may be inspected by the animal control officer or any police officer to make sure such pen or structure complies with the requirements of this chapter. (Ord. 2008-10 § 2).

6.06.020 Unconfined dangerous dog on premises of owner.

The owner of a dangerous dog shall not suffer or permit such dog to go unconfined. (Ord. 2008-10 § 2).

6.06.030 Dangerous dog off premises.

The owner of a dangerous dog shall not suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed by a leash no longer than six feet in length, and muzzled, or otherwise securely restrained and muzzled. (Ord. 2008-10 § 2).

6.06.035 Registration of dangerous dogs.

A. In addition to any other registration and licensing requirements provided in this chapter, it is unlawful for any person to keep a dangerous dog without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The city shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the city sufficient evidence of:

1. A proper enclosure to confine the dangerous dog and the posting of the premises with clearly visible warning signs that there is a dangerous dog on the property. In addition, the owner shall conspicuously display warning symbols that inform children of the presence of a dangerous dog; and

2. A surety bond issued by a surety insurer qualified under Chapter 48.28 RCW in a form acceptable to the city in the sum of at least \$250,000, payable to any person injured by the dangerous dog; or

3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under RCW Title 48 in the amount of at least \$250,000, insuring the owner against liability to any person for injuries inflicted by the dangerous dog.

C. A fee of \$100.00 shall be paid to the city by any person seeking to register a dangerous dog. (Ord. 2008-10 § 2).

6.06.040 Disposal of dangerous dogs.

In the event a dog is determined to be dangerous, pursuant to this chapter, by reason of the dog's viciousness, molesting people, or attacking people or other animals, where such behavior results in conviction for a violation under this chapter, then, in the discretion of the judge who presided over the court hearing wherein the conviction was entered, and based upon the severity of the behavior involved, the dog shall be impounded and destroyed in a humane manner. (Ord. 2008-10 § 2).

6.06.050 Impounding authority.

The animal control officer or any police officer shall have the authority to impound a dangerous dog, pursuant to the procedures provided in Chapter 6.04 GMC. (Ord. 2008-10 § 2).

6.06.060 Penalties.

Any person, firm or corporation violating the provisions of GMC 6.06.020, 6.06.030 and 6.06.035 shall be guilty of a gross misdemeanor and may be punished by a fine of not more than \$5,000 or imprisonment of not more than one year in jail, or by both such fine and imprisonment. (Ord. 2008-10 § 2).

6.06.070 Severability.

If any one or more of the sections or provisions provided in the ordinance codified in this chapter shall be declared by any court of competent jurisdiction to be contrary by law, then such sections or provisions shall be null and void and shall be deemed separable from the remaining sections or provisions in the ordinance codified in this chapter and shall in no way affect the validity of the remaining sections or provisions in the ordinance codified in this chapter. (Ord. 2008-10 § 2).

6.06.090 General duty.

Nothing in this chapter is intended to create a cause of action or claim against the city or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry. (Ord. 2008-10 § 2).