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CHAPTER 1
OFFICIAL CITY CODE

SECTION:

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1-1-1: **TITLE:** Upon adoption by the Council, this City Code is hereby declared to be and shall hereafter constitute the official City Code of the City of Toledo. This City Code of Ordinances shall be known and cited as the *TOLEDO CITY CODE*, and it is hereby published by authority of the Council and shall be kept up to date as provided in Section 1-1-3 of this Chapter under the direction of the City Attorney, acting for the said City Council. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this City Code by title in any legal documents. (1977 Code)

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the City of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title. (1977 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending this City Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or

revision by ordinance of any part of this City Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the City Code. (1977 Code)

1-1-4: **INTERPRETATIONS:** In the determination of the provisions of each section of this Code the following rules shall be observed:

- A. **Intent To Defraud:** Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- B. **Liability Of Employers And Agents:** When the provisions of any section of this City Code prohibit the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (1977 Code)

1-1-5: **CODE ALTERATION:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this City Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the City Council. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk. Any person having in his custody an official copy of this City Code shall make every effort to maintain said Code in an up to date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the City Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the City and shall be returned to the office of the Clerk when directed so to do by order of the City Council. (1977 Code)

1-1-6: **NONCHARTER CODE CITY:** The Town of Toledo shall be and is classified as a Noncharter Code City, pursuant to the Revised Code of Washington, section 35A.01.010 et seq., henceforth to be

governed under the provisions of said title, retaining the present Mayor-Council plan of government, and hereafter to be known as the City of Toledo. (Ord. 339, 1-5-1976)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the adoption of this City Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Sections), from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the City; and all special ordinances. (1977 Code)

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this City Code or by virtue of the preceding Section, excepting as this City Code may contain provisions for such matters, in which case this City Code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (1977 Code)

1-2-3: **COURT PROCEEDINGS:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable, if any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of the adoption of this City Code. (1977 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this City Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1977 Code)

CHAPTER 3
DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
1-3-2: Definitions, General
1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:** Whenever any word in any section of this City Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this City Code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. (1977 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

- AGENT: A person acting on behalf of another.
- CITY: The City of Toledo, County of Lewis, State of Washington.
- EMPLOYEES: Whenever reference is made in this Code to a City employee by title only, this shall be

- construed as though followed by the words "of the City of Toledo".
- FEE:** A sum of money charged by the City for the carrying on of a business, profession or occupation.
- KNOWINGLY:** The word "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.
- LICENSE:** The permission granted for the carrying on of a business, profession or occupation.
- MISDEMEANOR:** Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.
- NEGLIGENT:** The word "negligent", as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- NUISANCE:** Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
- OCCUPANT:** The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
- OFFENSE:** Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
- OFFICERS:** Whenever reference is made in this Code to a City officer by title only, this shall be construed

as though followed by the words "of the City of Toledo".

- OPERATOR:** The person who is in charge of any operation, business or profession.
- OWNER:** The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
- PERSON:** Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
- PERSONAL PROPERTY:** Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
- RETAILER:** Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.
- RIGHT OF WAY:** The privilege of the immediate use of the roadway or other property.
- STREET:** Shall include alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
- TENANT:** Applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
- WHOLESALER:** The word "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to

relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.

WILFULLY:

When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

WRITTEN OR IN WRITING:

May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1977 Code)

1-3-3:

CATCHLINES: The catchlines of the several sections of this City Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1977 Code)

CHAPTER 4

MAYOR AND COUNCIL

SECTION:

- 1-4-1: Meetings
- 1-4-2: Demands Against City
- 1-4-3: Compensation
- 1-4-4: Appointment Of Officers
- 1-4-5: Enactment Of Ordinances; Rules And Regulations

1-4-1: **MEETINGS:**

- A. Regular meetings of the Council of the City shall be held twice each month on the first and third Monday thereof commencing at the hour of seven thirty o'clock (7:30) P.M. In the event the first or third Monday of each month is a legal holiday, the meeting scheduled for such legal holiday shall be held the first regular business day following such legal holiday.
- B. Special meetings of the City Council may be called at any time by the Mayor or by any three (3) Council members by delivering a written notice to each member of the Council at least twenty four (24) hours prior to the time of such special meeting, in addition to notifying such local newspaper of general circulation and to each local radio or television station which has on file with the City a written request to be notified of such special meeting or of all such special meetings. The notice of such special meeting shall specify the time and place of the special meeting and the business to be transacted. No business other than that enumerated in the notice shall be undertaken or transacted at such special meeting.
- C. All meetings of the City Council shall be held at the Council chamber, City Hall, City of Toledo, provided however that if the attendance at such meeting exceeds the capacity of such Council chambers, the City Council may, by majority vote after the commencement of the Council meeting, move the meeting to a

location sufficient to accommodate those attending. (Ord. 578, 12-19-1994)

1-4-2: **DEMANDS AGAINST CITY:** When any demand is made against the City which is allowed by the Council, the Mayor shall draw his warrant on the Treasury for the same, which shall be attested by the Clerk and shall specify for what purpose it is drawn. (Ord. 52, 10-20-1902)

1-4-3: **COMPENSATION:**

- A. There shall be paid to the Mayor the sum of fifty dollars (\$50.00) per meeting for the first two (2) meetings of each month for his or her salary in connection with the carrying on of his or her duties as Mayor of the City.
- B. There shall be paid to each Council member the sum of twenty five dollars (\$25.00) per meeting for the first two (2) meetings of the City Council held each month, as salary for carrying on the duties of a Council member. Said payment shall be made each month and shall cover such meetings as said Council member has actually attended during the preceding month.
- C. This Section shall take effect January 1, 1990, as to the office of Mayor and Council positions 2, 3 and 5. This Section shall not take effect as to Council member positions 1 and 4, until January 1, 1992, or until such time as the incumbent Council members holding Council positions 1 and 4, cease to hold those offices, whichever occurs first. (Ord. 530, 12-18-1989)

1-4-4: **APPOINTMENT OF OFFICERS:** The Mayor shall have power to appoint a Police Justice, Health Officer, Poundmaster, Attorney, Superintendent of Streets and such police and subordinate officers as in the judgment of the Council may be deemed necessary. All appointments made by the Mayor shall be subject to confirmation by the Council. (Ord. 68, 4-27-1905)

1-4-5: ENACTMENT OF ORDINANCES; RULES AND REGULATIONS:**A. Definitions:**

CITY COUNCIL: The legislative body of the city, acting at an official meeting, either regular or special.

EMERGENCY ORDINANCE: An ordinance adopted for the preservation of public health, public safety, public property, or public peace, not levying any taxes, granting, renewing or extending any franchise or authorizing the borrowing of any money by the city.

ORDINANCE: A legislative enactment by the city council.

B. Enactment: No law shall be enacted, either generally or specially, by the city council unless the same be enacted by ordinance in the manner and style provided in Revised Code of Washington 35A.12.130, 35A.12.140 and 35A.12.150. (Ord. 369, 12-4-1978)

C. Approval: Each ordinance shall be passed by a majority vote of the whole city council and upon passage shall be presented to the mayor. Ordinances which are going to become effective prior to five (5) days after the date of its publication and which are for an emergency purpose to protect the public health, public safety, property or peace must be passed by a majority vote plus one. In addition, the council's vote to override the mayor's veto must pass by a majority plus one of the whole membership.

In the event the mayor approves an ordinance, the mayor shall sign it, but, if not, the mayor shall return it with written objections to be entered upon the journal at which time the council may reconsider the ordinance.

If the mayor fails for ten (10) days to either approve or veto an ordinance, the ordinance shall become effective without mayor's approval. (Ord. 619, 11-6-2000, eff. 11-13-2000)

D. Mayor And City Clerk Action: All ordinances passed by the city council shall be signed by the mayor and attested by the city clerk. (Ord. 369, 12-4-1978)

- E. **Passage Procedure:** Every ordinance, not an emergency ordinance, shall be read and passed twice (2 times) prior to said ordinance taking effect and prior to said ordinance being presented to the mayor for his/her signature. One such reading of each and every proposed ordinance shall be by title only while the other may, but need not be, a verbatim reading. Any additions or amendments to proposed ordinances shall be read verbatim along with the section or portion of the proposed ordinance which is to be amended or added to. The city clerk shall keep and make available to any member of the public a verbatim copy of each and every proposed ordinance considered for passage by the city council. (Ord. 474, 12-17-1984, eff. 12-17-1984)
- F. **Published For Public Inspection:** Promptly after passage of every ordinance by the city council a summary of the ordinance shall be published by the city clerk in the official newspaper of the city. Said summary shall contain the intent and content of any ordinance that has been adopted and shall indicate the time and location where a verbatim copy of the ordinance is available for public inspection. (Ord. 517, 3-20-1989)
- G. **Effective Date:** No ordinance shall take effect until five (5) days after the date of its publication or the first day of its posting except that an ordinance passed by a majority plus one of the whole membership of the city council designated as a public emergency ordinance as set forth herein, shall be effective upon its passage. (Ord. 474, 12-17-1984, eff. 12-17-1984)

CHAPTER 5

OFFICERS AND EMPLOYEES¹

SECTION:

- 1-5- 1: Official Bonds
- 1-5- 2: Maximum Wage Scale
- 1-5- 3: Vacation; Sick Leave; Holidays
- 1-5- 4: Federal Old-Age And Survivors' Insurance
- 1-5- 5: Employees' Retirement System
- 1-5- 6: Expense Allowance
- 1-5- 7: Salaries
- 1-5- 8: Health Insurance Coverage
- 1-5- 9: Full-Time And Casual Employee
- 1-5-10: Whistle Blowers

1-5-1: **OFFICIAL BONDS:** The City Council may, upon consideration, require that any individual, firm, corporation, partnership or business organization contracting with the City or for the furnishing of services, equipment, supplies or materials to City furnish a surety bond with such authorized and reliable sureties as may be approved by the City Council, in such amounts as deemed requisite and necessary to the interests of the City by the City Council conditioned for the faithful and competent performance of the duties and obligations of any person, firm, corporation, partnership or business entity contracting with the City. (Ord. 405, 12-15-1980)

1-5-2: **MAXIMUM WAGE SCALE:** In the employment of any wage earner by the City, the Council may pay wages up to but not exceeding the scale set by the labor union covering the particular type of employment for which such employee shall be hired. (Ord. 260, 1-7-1963)

1. See also Chapter 16 of this Title.

1-5-3: **VACATION; SICK LEAVE; HOLIDAYS:**

A. Definitions:

**COMPASSION-
ATE LEAVE:** An excused absence from duty for the purpose of attending an employee's immediate family during a period of illness or after death of a member of an employee's immediate family.

**HEALTH
INSURANCE
BENEFITS:** The sum, if any, paid by the City for the acquisition of medical, dental, optical or other health-related insurance protection, or the sum, if any, paid by the City for medical, dental, optical or other "health-related" expenses by employee.

HOLIDAY: Any regular work day other than vacation or sick leave where an employee is excused from the normal performance of his or her duties and said employee is compensated for regular work. Holidays shall apply to any permanent employee of the City regardless of the length of time employed.

**IMMEDIATE
FAMILY:** The spouse, father, mother, sister, brother or children of an employee, or the father, mother, sister, brother or children of the spouse of an employee.

SICK LEAVE: An absence from duty by reason of illness of an employee, or by reason of exposure to contagious disease.

VACATION: The approved absence from work of an employee during which time the employee shall be paid as if the employee were performing his or her normal duties for the City.

- B. Authorized Leave: Each employee occupying a permanent position for which pay is fixed on a monthly basis, shall, after ninety (90) days' continuous service, be allowed sick leave as provided in this Section and in no other manner. After one year's continuous service, each employee occupying a permanent position for which pay is fixed on a monthly basis, shall be allowed vacation with pay. Any

absence by an employee employed by the City for less than one calendar year for any reason other than sick leave, compensatory leave, and compassionate leave, shall constitute an unauthorized absence and shall constitute an absence for which the employee shall not be compensated.

- C. Time Sheets: All employees of the City shall keep work time sheets daily. Said time sheets shall be turned in to the office of the City Clerk not later than the last day of each and every month.
- D. Vacation Requests: All vacation due to an employee shall be taken following the year when it accrues or it shall be forfeited. Provided, however, that at the option of the Mayor, an employee may be granted a request for late vacation. All requests for vacation, including requests for late vacation, shall be presented to the Mayor not less than one month in advance of the date said vacation is requested.
- E. Sick Leave And Vacation; Pay: All sick leave must be used as sick leave and is not payable in money on termination of employment. The City Council may require evidence in the form of a doctor's certificate or otherwise, to substantiate a claim for sick leave. Sick leave may be used to attend the illness of a member of one's immediate family. Vacation leave shall not be accumulated from year to year. Sick leave may be accumulated from year to year, up to a total of sixty (60) days. The following schedule shall be used in determining the amount of vacation with pay and sick leave accruing to any employee during each calendar year:
1. For employees employed by the City for one year and less than two (2) years:
 - a. Two (2) weeks or ten (10) working days paid vacation.
 - b. One working day of sick leave earned per month, beginning from and after the ninety first day of employment.
 2. For employees employed by the City for more than two (2) years and less than ten (10) years; commencing with the start of the third year:
 - a. Two (2) weeks or ten (10) working days paid vacation per year plus one additional day of paid vacation for each calendar year of employment completed by each individual employee.

b. One working day of sick leave per month.

3. For employees employed by the City for more than ten (10) years; commencing with the start of the eleventh year:

a. Twenty (20) working days paid vacation.

b. Fifteen (15) days sick leave per year.

F. Mandated Holidays: The following legislatively mandated holidays shall be observed by Municipal employees:

<u>Holiday</u>	<u>Date To Be Observed</u>
New Years Day	January 1
Martin Luther King Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
One Floating Holiday (Personal Holiday)	At employee's choice

Compensation in the form of compensation time shall be made for holidays to be observed when such holidays fall on a Saturday or Sunday, as follows: when the legal holiday falls on a Sunday, the following Monday is declared to be the legal holiday; when a holidays falls on a Saturday, the preceding Friday is the holiday.

G. Police Department: Each employee of the Toledo Police Department shall receive one day off per month in lieu of the above-stated legislatively mandated holidays and said members of the Police Department shall not observe holidays in the same manner as other City employees.

H. Personal Holiday: The following regulations shall govern the selected personal holiday:

1. An employee may select one personal holiday each calendar year and the City shall grant the day so elected as a holiday to be observed for the employee, provided:

a. The employee has been or is scheduled to be continuously employed by the City for more than four (4) months; and

b. The employee has given not less than fourteen (14) calendar days written notice to the Mayor, provided, however, that the Mayor and the employee may agree upon an earlier date; and

c. The number of employees selecting a particular day off does not prevent the City from providing continued public service.

2. The personal holiday must be taken during the calendar year or the day will be forfeited, except when an employee has requested such personal holiday as set forth above and said request has been denied.

3. The Mayor may establish qualifying policies for determining which of the requests for a particular day will or will not be granted when the number of requests for a personal holiday would, in the opinion of the Mayor, impair operational necessity. Said policies shall be reduced to writing and shall be on file with the office of the City Clerk.

- I. **Compassionate Leave:** "Compassionate leave" is available to any employee of the City, as defined and limited by this Section, for a period not to exceed thirty (30) days, per occurrence. The first three (3) days of said leave shall be with pay, with the remainder being without pay.
- J. **Health Insurance:** The contribution, if any by the City for health insurance benefits for each full-time employee, the employee's spouse and dependents, per month, shall be as determined by the City Council and as provided for in the budget ordinance adopting the budget for the City for the ensuing year. In the event the amount contributed by the City exceeds the monthly premium charge for employee coverage, the employee shall be entitled to request that any amount remaining be used for payment of premiums of other medical, dental, optical or health-related insurance including, but not limited to, disability, income-protection, or life, covering the employee, the employee's spouse or dependents or to use any amount remaining for payment of any insurance deductibles. In no event shall the amount contributed by the City be paid to the employee, but shall only be paid to the employee's insurance provider or a health provider, by the City. (Ord. 489, 12-16-1985, eff. 1-15-1986)

1-5-4: FEDERAL OLD-AGE AND SURVIVORS' INSURANCE:

- A. The City shall apply for, and agree with the State, through its Commissioner of the Employment Security Department of the State, for the coverage of all of its eligible employees under Federal Old-Age and Survivors' Insurance as authorized and provided for under chapter 184, Laws of 1951 and chapter 62, Laws of 1953, of the State, to become effective as of June 1, 1955.
- B. Upon acceptance of such application by the State, the City will make such deductions from the wages of its covered employees, and such payments and such reports to the State as are provided by law in order to comply with its obligations thereunder and maintain such insurance benefits for its employees. (Ord. 230, 6-6-1955)

1-5-5: EMPLOYEES' RETIREMENT SYSTEM:

- A. The Council does hereby authorize and approve the membership and participation of its eligible employees in the Washington Public Employees' Retirement System pursuant to Revised Code of Washington 41.40.410, and authorizes the expenditure of the necessary funds to cover its proportionate share for participation in said System.
- B. The Clerk shall transmit a certified copy of this Section to the Retirement Board of the said System as evidence of such authorization and approval.
- C. Participation membership in the Washington Employees' Retirement System shall commence April 1, 1968. (Ord. 281, 2-5-1968)

1-5-6: EXPENSE ALLOWANCE:

- A. Any elected or appointed official, or employee, of the City using his private automobile for properly authorized business for the interest of the City, or on behalf of the City, shall be compensated upon a per mile basis for each mile traveled in said private automobile. The rate of compensation paid to elected or appointed officials or employees for the use of their private automobiles for properly authorized business or for the interest of the City shall be as established and published in the budget ordinance adopted annually by the City. The

rate so established shall be effective during the fiscal year for which the budget ordinance adopted is effective.

All requests for compensation and reimbursement by the City for the use of a private individual's automobile shall be made not more than thirty (30) days after the use of said automobile has occurred in the manner and on the form provided by the City Clerk. In the event such claim is not made within thirty (30) days of the date of the use of an individual's private automobile, no compensation nor reimbursement shall be made. (Ord. 375, 5-21-1979)

- B. Each official or employee incurring such expense shall file a voucher therefor, which when allowed by the Council, shall be payable out of the current expense fund in like manner as other claims and bills are paid. (Ord. 162, 5-1-1944)

1-5-7: **SALARIES:**

- A. Determined By City Council: The salaries of officers and employees of the City shall be as determined by the City Council, and as provided for in the budget ordinance adopting the budget for the City for the ensuing year. (Ord. 404, 12-15-1980)
- B. First Year Compensation: Any employee of the City, during his or her first year of employment, shall be compensated by only that percentage of the amount determined by the budget of the City as being payable to the person holding or occupying the position or occupation of the employee as set forth below:

0 - 3 months	70 percent
3 - 6 months	80 percent
6 - 9 months	90 percent
9 months to first year of employment	100 percent

Provided, however, that any employee may, during the first three (3) months of the employment of that employee by the City request, and subject to the discretion of the department head under whom the employee is employed by the City or, if no department head, at the discretion of the Mayor, be granted salary or compensation equal to eighty percent (80%) of the amount budgeted by the City for compensation or salary paid to the individual holding the position for which the employee seeks compensation. Provided, further, that in the event any individual employed by the City as an assistant in any job category be promoted to a higher category, such individual shall

be paid not less than the amount which such employee was paid as an assistant or prior to such promotion. Provided, further, that any individual employed by the City in any capacity may, at any time during the first year of his employment, be awarded and receive at the discretion of the Mayor, notwithstanding the agreement or concurrence of any other individual or department head, one hundred percent (100%) of the salary or compensation determined by the budget of the City, to be due and payable as compensation or salary to the individual occupying the position of that employee with the City. (Ord. 423, 9-8-1981)

- C. Longevity Pay: From and after the completion of the first year of full-time employment, a full-time employee of the City may be entitled to longevity pay, which longevity pay shall be granted at the sole discretion of the Mayor. In the event that longevity pay is granted, longevity pay shall be granted at the rate of five dollars (\$5.00) per month for every year that the employee is employed on a full-time basis by the City. No employee shall be entitled to longevity pay as a matter of right, and the absence or failure to grant longevity pay shall not give any employee a right or cause of action against the City. (Ord. 549, 1-6-1992)

1-5-8: **HEALTH INSURANCE COVERAGE:** The contribution, if any, by the City for health insurance benefits per each full-time employee, the employee's spouse and dependents, per month, shall be as determined by the City Council and as provided for in the budget ordinance adopting the budget for the City for the ensuing year. In the event the amount contributed by the City exceeds the monthly premium charge for employee coverage, the employee shall be entitled to request that any amount remaining be used for payment of premiums of other medical, dental, optical or health-related insurance including, but not limited to, disability, income-protection or life, covering the employee, the employee's spouse or dependents or to use any amount remaining for payment of any insurance deductibles. In no event shall the amount contributed by the City be paid to the employee, but shall only be paid to the employee's insurance provider or a health provider, by the City. (Ord. 478, 1-21-1985, eff. 1-21-1985)

1-5-9: **FULL-TIME AND CASUAL EMPLOYEE:**

- A. Full-Time Employees: A "full-time employee" shall be defined to mean any employee of the City employed for forty (40) hours, or more, per week for the City. Any employee employed by the City for

a period of twenty (20) hours or less per week shall be classified as a casual employee. Any employee employed a minimum of twenty (20) hours, but not more than forty (40) hours per week shall be classified as a part-time employee.

- B. **Casual Employees:** From and after the effective date of this Section, casual employees shall be entitled to none of the benefits available to employees of the City in general and shall be compensated on an hourly basis with the rate of pay being as determined by the Mayor or City Council as provided for in this Code. Any employee classified as a full-time employee shall be entitled to any and all benefits allowable to the employees of the City in general, in accordance with the provisions of this Code. Any employee who is classified as a part-time employee shall receive only those benefits available to the employees of the City on a pro-rated basis based upon the amount or duration of such benefits multiplied by a fraction, the numerator of which represents the number of hours worked by said part-time employee per week and the denominator of which is forty (40) hours per week. (Ord. 541, 12-17-1990, eff. 12-29-1990)

1-5-10: **WHISTLE BLOWERS:**

- A. **City Policy:** It is the policy of the City that employees should be encouraged to disclose improper governmental action by City officials and employees. The purpose of this Section is to protect employees who make good faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports.
- B. **Definitions:** Unless the context clearly indicates otherwise the following definitions shall apply to this Section:

EMERGENCY: A circumstance that if not immediately changed may cause damage to persons or property.

GOOD FAITH: An honest intention to abstain from taking advantage of or injuring another in the absence of malice, ill will or other improper or inappropriate motives.

**IMPROPER GOVERN-
MENTAL
ACTION:** Any action by a City officer or employee that:
1. Is undertaken in the performance of the officer or employee's official duties whether the

action is within the scope of the employee's employment; and

2. Is in violation of any Federal, State or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds; but

3. Does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violation of the collective bargaining and civil service laws, alleged labor agreement violations, reprimands or any action that may be taken under Revised Code of Washington chapters 41.08, 41.12, 41.14, 41.56, 41.59, 53.18 or Revised Code of Washington 54.04.170 and 54.04.180.

RETALIATORY ACTION:

Any adverse change in an employee's employment status or his or her terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotions, transfers, reassignments, reductions in pay, denial of promotions, suspensions, dismissals or any other disciplinary action motivated primarily by desire to punish an employee because he or she made a good faith complaint of improper governmental action.

WHISTLE BLOWERS:

An employee who in good faith reports alleged improper governmental action to an appropriate official pursuant to this policy. It also means an employee who cooperates and provides information to officials investigating improper

governmental actions in accordance with this Section.

C. Improper Governmental Actions, Reports, Investigations:

1. Every employee has the right to report to an appropriate official information concerning alleged improper governmental action.

2. An employee may report improper governmental action to any of the following:

- a. The employee's department head;
- b. The City Mayor;
- c. The City Clerk;
- d. The Chief of Police;
- e. The City Attorney; or
- f. The Lewis County Prosecuting Attorney.

3. The employee should submit the report in writing and give appropriate details of the improper governmental action. The employee shall sign the report which shall remain confidential to the extent possible under law.

4. Within five (5) days of receipt of the report the receiving official shall acknowledge in writing the receipt of the report to the whistle blower.

5. A preliminary investigation shall be conducted and if, after such investigation, it appears that the matter is so unsubstantiated that no further investigation, prosecution or action is necessary, the whistle blower shall be advised in writing with said advice containing a summary of the information received, a summary of the results of the preliminary investigation and the preliminary determination made.

6. The identity of the whistle blower shall remain confidential to the extent possible under law unless the employee authorizes the disclosure of his or her identity in writing, or unless the preliminary investigation determines that the information has been provided other than in good faith.

7. In no case shall officials investigate allegations made against themselves. If deemed advisable, a City official may request the assistance of an outside agency to conduct the investigations and, in the case of the alleged criminal activity, shall enlist the assistance of an appropriate law enforcement agency and either the City Attorney or the County Prosecuting Attorney as may be appropriate.

8. The person investigating the report shall, in the absence of circumstances beyond his or her control, prepare a written response within twenty (20) days of receiving the complaint. If the investigator is unable to prepare such a report within twenty (20) days, the whistle blower shall be notified of the delay and the reason therefor. At the conclusion of the investigation, the investigator shall make a finding as to whether or not there was improper governmental action and indicate who was responsible for it. If it is not possible to make either of these findings the report shall so indicate. If the investigator finds that the report is without merit, a further attempt shall be made to determine if it was made in good faith by the whistle blower and findings shall be made accordingly. In all cases the report of the investigation and findings shall be provided to the whistle blower within one year except that personnel actions taken as a result of the investigation may be kept confidential.

D. Retaliation Reports Investigation:

1. It shall be unlawful for any official or employee of the City to take any retaliatory action against another employee.

2. In order to seek relief the employee must provide written notice of the charge of retaliatory action to the City Council by delivering written notice to the City Clerk specifying both the alleged retaliatory action taken against him or her and the relief he or she requests.

3. The notice shall be delivered to the City Clerk no later than thirty (30) days after the alleged retaliatory action. The Clerk shall forward a copy of the complaint to the department head or supervisor of the complaining employee, the Mayor, and the City Attorney. They shall investigate the allegations, prepare formal findings and conclusions and take such actions as may be appropriate under the circumstances. If it is alleged that the retaliatory action was by a department head or supervisor, the department head or supervisor shall not participate other than as a witness.

4. In the event that the allegations of retaliation are against the City Council, Mayor, City Attorney or City Clerk then the City Clerk shall

apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge in accordance with section 4, chapter 44, Laws of 1992.

5. In considering the evidence or course of action to be taken the burden shall be on the employee as the initiating party to prove his or her claim by a preponderance of the evidence. It shall be assumed that the employee provided evidence of improper governmental action in good faith unless it is shown that at the time of the allegations of improper governmental action the employee knew that the action adverse to him or her would be taken or had good reason to believe that it would be taken or that the action taken had previously been taken for legitimate reasons in which case it shall be presumed that the allegations of improper governmental action were not made in good faith.

6. Except for good cause, a decision findings and conclusions shall be entered in writing within forty five (45) days of delivery of the written notice by the employee.

7. Any person aggrieved by a decision under this Section may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief. Such request shall be delivered to the City Clerk within fifteen (15) days of delivery of the response from the City or within fifteen (15) days of the last day upon which the City could respond. Within five (5) working days of the receipt of the request for such a hearing the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

8. Relief which may be granted by an administrative law judge shall include reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the employee to the position he or she held before retaliatory action and to prevent any occurrence of retaliatory action. The administrative law judge may also award costs and reasonable attorney fees to the prevailing party.

9. If a determination is made that retaliatory action has been taken against an employee the administrative law judge may in addition to any other remedies, impose a civil penalty personally upon the retaliator of up to three thousand dollars (\$3,000.00) payable by each person found to have retaliated against the employee and recommend to the City that any person found to have retaliated against an employee be suspended with or without pay or dismissed.

All penalties recovered shall be deposited in the General Fund of the City.

10. The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard and relief ordered by an administrative law judge may be enforced by petition to the Superior Court.

- E. Implementation Of Policy: The Mayor of the City shall be, and he or she herewith is, designated as responsible for implementing the City's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This shall include that this policy and these procedures are permanently posted where all employees will have reasonable access to them, are made available to any employee in writing, upon request, and are provided to all newly hired employees in writing. Officers, department heads, and supervisors shall be and they herewith are responsible for ensuring that the procedures are fully implemented within their areas of responsibility. (Ord. 563, 2-1-1993)

CHAPTER 6
CITY CLERK

SECTION:

- 1-6-1: Offices Combined
- 1-6-2: Appointment
- 1-6-3: Bond
- 1-6-4: Salary

1-6-1: **OFFICES COMBINED:** The office of Treasurer shall be combined with that of Clerk, and the Clerk shall exercise all the powers vested in and perform all the duties required to be performed by the Treasurer, in addition to the powers vested in him or her and the duties imposed upon him or her by law, and in cases where the law required the Treasurer to sign or execute any papers or documents it shall not be necessary for the Clerk to sign as Treasurer, but shall be sufficient if he or she signs as Clerk.

The combination of said offices shall become effective from and after January 7, 1946. (Ord. 172, 9-10-1945)

1-6-2: **APPOINTMENT:** The Clerk shall be appointed by the Mayor, which appointment shall not be subject to confirmation by the Council, and he or she shall hold office during the pleasure of the Mayor. (Ord. 172, 9-10-1945)

1-6-3: **BOND:** The Clerk/Treasurer of the City shall furnish bond to the City in the penal sum of fifty thousand dollars (\$50,000.00) conditioned that the Clerk/Treasurer shall well, faithfully and honestly discharge the duties of office. The premiums for such bond shall be paid by the City and all bonds obtained shall be approved by the Mayor, or in his/her absence by the Mayor Pro Tem. (Ord. 519, 7-3-1989, eff. 7-10-1989)

1-6-4: **SALARY:** The City Clerk shall receive as compensation for his or her service as such Clerk such amount as shall be determined by the City Council, and shall be included in the budget ordinance passed by the City Council for the ensuing year. (Ord. 403, 12-15-1980)

CHAPTER 7
CITY ATTORNEY

SECTION:

- 1-7-1: Appointment
1-7-2: Salary

1-7-1: **APPOINTMENT:** The Mayor shall appoint a City Attorney who shall advise the Council and officers of the City, and who shall represent the City in all legal matters. Such appointment shall not be subject to confirmation by the City Council, and the City Attorney shall hold office during the pleasure of the Mayor. (Ord. 150, 10-14-1941)

1-7-2: **SALARY:** The City Attorney shall receive as compensation for his or her service as such City Attorney such amount as shall be determined by the City Council, and shall be included in the budget ordinance passed by the City Council for the ensuing year. (Ord. 402, 12-15-1980)

CHAPTER 8

CHIEF OF POLICE

SECTION:

- 1-8-1: Office Created
- 1-8-2: Powers And Duties
- 1-8-3: Appointment
- 1-8-4: Salaries
- 1-8-5: Bond (Rep. by Ord. 466, 9-4-1984, eff. 9-4-1984)
- 1-8-6: Equipment; Property
- 1-8-7: Contracts For Protection
- 1-8-8: Additional Compensation

1-8-1: **OFFICE CREATED:** The Police Department of the City shall consist of the Chief of Police and such number of police officers as shall from time to time be fixed and determined by the City Council. (Ord. 413, 3-16-1981, eff. 3-16-1981)

1-8-2: **POWERS AND DUTIES:** The Police Department of the City shall be under the direction and control of the Chief of Police, who shall be appointed by, under the control and direction of, and shall serve at the pleasure of the Mayor. The appointment of an individual as Chief of Police by the Mayor shall be subject to and contingent upon confirmation by a majority of the members of the City Council, meeting at a regularly scheduled meeting of the City Council. The Chief of Police shall be the chief executive officer and conservator of the peace of the City and, in the execution of the office, he or she shall keep and preserve the peace within the City, arrest all persons who break the peace, or attempt to break the peace, and all persons who shall commit public offenses within the City. He or she shall quiet and suppress all affrays, riots, public tumults, disturbances of the peace, or resistance to or against the laws or the public authorities, in the lawful exercise of their functions, and, in doing so, shall have the same authority as that conferred upon County Sheriffs of the State. He or she shall prosecute all offenses for violations of City ordinances which come to his or her knowledge before the Municipal Court

of the City and may pursue and arrest violators of City ordinances beyond the City limits. He or she shall execute and return all process issued and directed to him or her by any legal authority, and his or her legal orders shall be promptly executed by deputies or other officers of the City, and every citizen of the City shall also lend him or her aid when required for the arrest of offenders and the maintenance of public order. He or she shall have charge of all prisoners of the City, and shall be responsible for transferring the custody of such prisoners to that of the Sheriff of Lewis County. He or she may recommend or request of the Mayor the appointment of one or more police officers of the City. (Ord. 413, 3-16-1981, eff. 3-16-1981)

1-8-3: **APPOINTMENT:**

- A. Police officers of the City shall be appointed by and serve at the pleasure of the Mayor of the City. They shall be responsible to and be under the direct control of the Chief of Police of the City or in the absence of the Chief of Police, or the Mayor. All police officers of the City shall possess the authority to perform and may perform any of the duties described by State statute or this Code to be performed by the Chief of Police and shall serve or execute according to the law all processes, writs, and orders issued by lawful authority.

- B. There shall be one police officer employed full-time by the City and/or such part-time or interim police officers employed by the City as may be fixed and determined by the City Council. (Ord. 459, 6-18-1984, eff. 6-18-1984)

1-8-4: **SALARIES:** The salaries to be paid to the Chief of Police and police officers of the City shall be as determined and set forth in the budget adopted by the City each and every year as required by law for the ensuing year. Provided, however, that the salaries paid to the Chief of Police and any police officer employed by the City on any basis other than permanent, full-time employment shall be as determined and set forth in a separate ordinance. No compensation other than salary, shall be paid to the Chief of Police or police officers of the City except as compensation for other duties as a City employee performing other services for the City. (Ord. 459, 6-18-1984, eff. 6-18-1984)

From and after the effective date hereof, compensation paid to interim or part-time police officers by the City shall be the sum of eight dollars fifty cents (\$8.50) per hour, net pay. No other compensation or benefits shall be

paid unless as compensation for other duties as a City employee performing other services for the City. (Ord. 460, 6-18-1984, eff. 6-18-1984)

1-8-5: **BOND:** (Rep. by Ord. 466, 9-4-1984, eff. 9-4-1984)

1-8-6: **EQUIPMENT; PROPERTY:** Any equipment, property or documents furnished by the City to the Chief of Police, or individuals employed as police officers by the City, shall be and remain at all times the property of the City and shall upon termination of employment as Chief of Police or police officer of the City be returned to the City Clerk forthwith. Neither the Chief of Police nor any police officer of the City shall be authorized or allowed to purchase or acquire any property in the name of the City without the prior permission and authority of the Mayor of the City in advance, and, in the event such acquisition or purchases are made without such permission having been granted in advance, the individual making such purchase shall be personally and solely liable for the cost of such purchase or acquisition. In the event the Chief of Police or any police officer of the City shall, during the course of his or her employment, receive property for or on behalf of the City or in trust for the City he or she shall keep and preserve such property for and on behalf of the City and shall be solely and completely responsible to the City for the loss or destruction of such property. (Ord. 413, 3-16-1981, eff. 3-16-1981)

1-8-7: **CONTRACTS FOR PROTECTION:** Notwithstanding any provision of this Chapter to the contrary, the Mayor of the City may from time to time contract with any individual, organization or governmental agency for the furnishing of police protection to the City and citizens of the City on such terms and conditions as the Mayor may deem reasonable or just; provided, however, that the Mayor shall not, without the concurrence of the City Council, contract for the furnishing of such police protection for any period of time exceeding thirty (30) consecutive days without the concurrence of a majority of the City Council. (Ord. 413, 3-16-1981, eff. 3-16-1981)

1-8-8: **ADDITIONAL COMPENSATION:** In the event the Chief of Police, or any police officer for the City serve the City in any other capacity or render any other services to the City, he or she shall receive such additional compensation from the City as shall be determined by the City Council. (Ord. 413, 3-16-1981, eff. 3-16-1981)

CHAPTER 9
CITY ELECTIONS

SECTION:

- 1-9-1: Notice Of Election
- 1-9-2: Nominating Caucus
- 1-9-3: Challenge Of Eligibility
- 1-9-4: Committee To Fill Vacancies
- 1-9-5: Certificate Of Nominations
- 1-9-6: Single Caucus
- 1-9-7: Declining Nomination
- 1-9-8: Write-In Votes

1-9-1: **NOTICE OF ELECTION:** The City Clerk shall give notice of all elections for City officers to be held on the first Tuesday after the first Monday of November of each odd numbered year hereafter by one publication in a newspaper of general circulation in the City not more than ten (10) days nor less than three (3) days prior to said election, which notice shall contain the names of all candidates who have been nominated for the respective offices to be voted on, the ballot title of all measures, the hours during which the polls will be open, and a statement that the election will be held in the regular polling place, specifying the location of the same. (Ord. 334, 8-4-1975)

1-9-2: **NOMINATING CAUCUS:** The City Clerk shall fix the time, which shall not be less than forty five (45) days prior to the date of the election, and the place for holding a caucus for the nomination of candidates to be voted on at said election, and shall post notices of such nominating caucus in three (3) public places in the City, stating the offices to be filled, at least ten (10) days prior to the holding thereof; provided, however, that the first nominating caucus to be held pursuant to this Chapter shall be held at the regular meeting place of the City Council on a date and time to be set by the Council. (Ord. 215, 1-1952)

1-9-3: **CHALLENGE OF ELIGIBILITY:** The caucus so called shall be organized by the election of a chairman, and the chairman shall appoint a secretary and clerk. Such caucus shall be open to the public, but only persons who are qualified electors of the City shall be permitted to participate in its proceedings and vote therein; any person attending the caucus may challenge the eligibility of any other person claiming the right to participate. In the event of such challenge, the chairman shall interrogate the person so challenged and shall thereupon rule on his eligibility; if either the person so claiming to be a qualified elector or the person so challenging shall be dissatisfied with the chairman's ruling, he may require the Clerk to note in the minutes the challenge and the ruling thereon, as the basis for such legal remedy as may be appropriate. The chairman shall declare nominations in order for candidates for Mayor, if such office is to be filled at such election; after nominations for such office are closed, the members shall vote by secret ballot for the candidate of their choice, and the two (2) persons receiving the highest number of votes shall be declared the candidates for the office of Mayor. The chairman shall then announce the number of offices of Councilmen to be filled at said election and after all nominations have been made for such offices, the electors present shall vote by secret ballot for the candidate of their choice, and a number of candidates equal to twice the number of Council positions to be filled who receive the highest number of votes shall be the candidates for the offices of Councilmen. (Ord. 215, 1-1952)

1-9-4: **COMMITTEE TO FILL VACANCIES:** The chairman of the caucus shall appoint a committee of three (3) persons to fill any vacancies that may be occasioned by the death of any person nominated before the printing of the ballots, or by the declination or voiding of any nomination as hereinafter provided.

Should any person nominated die before the printing of the ballots, or decline a nomination as herein provided, or who shall have been nominated for two (2) different offices and shall have failed to designate his choice, the committee to whom was delegated the power to fill vacancies by the caucus concerned shall proceed to fill such vacancy or vacancies, and shall make and file with the City Clerk, forthwith, a certificate setting forth the fact of such vacancy, the cause thereof and that the committee was authorized to fill such vacancy. (Ord. 215, 1-1952)

1-9-5: **CERTIFICATE OF NOMINATIONS:** The chairman and secretary of the caucus shall file a certificate of the

nominations made by the caucus with the City Clerk not less than ten (10) days prior to the date of the election. Said certificate shall also contain the names of the committee appointed to fill vacancies in the ticket. (Ord. 215, 1-1952)

1-9-6: **SINGLE CAUCUS:** The caucus hereinbefore provided for shall be the only caucus held for nominating candidates for a given election and all parties or groups desiring to submit candidates shall submit them at the caucus so provided for. (Ord. 215, 1-1952)

1-9-7: **DECLINING NOMINATION:** In the event any person nominated for any of the offices to be filled at such election shall at least twenty (20) days before the election, in writing signed by him, notify the City Clerk that he declines such nomination, such nomination shall be void. In the event the same person shall be nominated as a candidate for more than one office, such person shall, in writing signed by him, and filed with the City Clerk at least twenty (20) days prior to the election, designate which of said offices for which he desires to stand. Should such person fail so to designate his choice, all the nominations for such person shall be void. (Ord. 215, 1-1952)

1-9-8: **WRITE-IN VOTES:** Notwithstanding the procedure herein contained for the nomination of candidates by caucus, nothing herein contained shall prevent any voter from writing or posting on his ballot at the City election the name of any person for whom he desires to vote for any office. (Ord. 215, 1-1952)

CHAPTER 10

CITY FUNDS

SECTION:

- 1-10- 1: Local Improvement Guaranty Fund
- 1-10- 2: Local Improvement District Funds
- 1-10- 3: Cumulative Reserve Fund For Construction Of City Buildings
- 1-10- 4: State Aid Fund
- 1-10- 5: War Liquor Tax Fund
- 1-10- 6: Arterial Highway Fund
- 1-10- 7: Police Car Reserve Fund
- 1-10- 8: Air Pollution Control Fund
- 1-10- 9: Revenue Sharing Funds
- 1-10-10: Comprehensive Employment And Training Act Fund
- 1-10-11: Urban Renewal Grant Fund
- 1-10-12: Trust Fund, Fund No. 621
- 1-10-13: Payroll Clearing, Fund No. 631
- 1-10-14: Claims Clearing, Fund No. 635
- 1-10-15: Water And Sewer Capital Improvement Fund
- 1-10-16: Cumulative Reserve, Fund No. 113
- 1-10-17: City Hall Building Fund, Fund No. 301
- 1-10-18: Water And Sewer Construction, Fund No. 440
- 1-10-19: Truck And Equipment Reserve Fund
- 1-10-20: Substance Abuse Prevention Fund
- 1-10-21: Criminal Justice Fund, Fund No. 105
- 1-10-22: City Street Construction Fund, Fund No. 140

1-10-1: **LOCAL IMPROVEMENT GUARANTY FUND:**

- A. In accordance with chapter 35.53, Revised Code of Washington, the City hereby establishes and creates a fund for the purpose of guaranteeing, to the extent of such fund, the payment of its bonds and warrants issued to pay for any local improvement ordered in any local improvement districts in the City created subsequent to the effective date hereof. This fund shall be known and designated as "Local Improvement Guaranty Fund".

- B. There shall be levied, from time to time as other taxes are levied, such sums as may be necessary to meet the financial requirements of Local Improvement Guaranty Fund created by this Section; and whenever the City shall have paid out of the "Guaranty Fund" any sum on account of principal and interest on a local improvement bond or warrant hereunder guaranteed, the City, as trustee for such Fund, shall be subrogated to all of the rights of the holder of the bond, interest coupon or warrant so paid and the proceeds thereof, or of the underlying assessments, shall become a part of said Fund.
- C. Whenever any interest coupon, bond or warrant guaranteed under the provisions of the laws of the State of Washington in pursuance of which this Section is passed shall be in default, the City Clerk/Treasurer shall be and is hereby authorized and directed, upon the presentation and delivery of such defaulted bond, coupon or warrant, to execute, sign and deliver to the person or persons presenting the same, in the order of their presentation, and the Clerk/Treasurer shall honor and pay, a warrant on the Local Improvement Guaranty Fund in such amount as may be necessary to pay in full any such coupon, bond or warrant with any interest that may be due thereon. Any defaulted coupon, bond or warrant received by the City Clerk/Treasurer under the provisions of this Section shall be held for the benefit of said Local Improvement Guaranty Fund.
- D. Warrants drawing interest at a rate not to exceed six percent (6%) shall be issued, as other warrants are issued by the City, against the said Local Improvement Guaranty Fund to meet any liability accruing against it; and for the purpose of maintaining such Fund the City shall, at the time of making its annual budget and tax levy, provide for the levying of a sum sufficient, with the other resources of the Fund, to pay warrants so issued during the preceding fiscal year and to establish such balance therein as the City Council may, from time to time, determine to maintain therein; provided, that the levy in any one year shall not exceed five percent (5%) of the outstanding obligations guaranteed by the Fund.
- E. The City Clerk/Treasurer is hereby authorized and directed to pay into such Local Improvement Guaranty Fund all interest received from bank deposits of said Fund, as well as any surplus remaining in any local improvement district fund guaranteed under said State laws after the payment of all outstanding bonds or warrants payable primarily out of such local improvement district fund.

- F. Neither the owner nor the holder of any bond, interest coupon or warrant issued against a local improvement fund after the effective date hereof shall have any claim therefor against the City, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the Local Improvement Guaranty Fund created by this Section, and the City shall not be liable to any holder or owner of such bond, interest coupon, or warrant for any loss to the said Guaranty Fund occurring in the lawful operation thereof by the City. The remedy of the holder or owner of a bond or warrant in case of nonpayment shall be confined to the enforcement of the assessment and to the Guaranty Fund. A copy of section 35.45.070, Revised Code of Washington, the provisions of which are included in this Section, shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder. (Ord. 255, 5-1-1961)

1-10-2: **LOCAL IMPROVEMENT DISTRICT FUNDS:**

- A. District No. 4: There is hereby created Local Improvement Fund, District No. 4. All monies collected by the Clerk/Treasurer of the City upon any assessments payable for improvements in Local Improvement No. 4 shall be kept in the Fund hereby created, and such monies shall be used for no other purpose than the redemption of warrants and bonds drawn or issued upon or against said Fund hereby created. (Ord. 127, 12-1926)
- B. District No. 5: There is hereby created Local Improvement Fund, District No. 5. All monies collected by the Clerk/Treasurer of the City upon any assessments payable for improvements in Local Improvement No. 5 shall be kept in the Fund hereby created, and such monies shall be used for no other purpose than the redemption of warrants and bonds drawn or issued upon or against said Fund hereby created. (Ord. 128, 12-1926)
- C. District No. 1: There is hereby created and established in the office of the City Clerk/Treasurer, for Local Improvement District No. 1, a special fund to be known and designated as "Local Improvement Fund, District No. 1", to which Fund shall be deposited the proceeds from the sale of revenue warrants drawn against said Fund which may be issued and sold by the City and collections pertaining to assessments, and against which Fund shall be issued cash warrants to the contractor or contractors in payment for the work to be done by them in connection with said improvement, and against which

Fund cash warrants shall be issued in payment of all other items of expense in connection with said improvement. (Ord. 254, 5-1-1961)

1-10-3: **CUMULATIVE RESERVE FUND FOR CONSTRUCTION OF CITY BUILDINGS:**

- A. There is hereby created and established a fund to be designated "Cumulative Reserve Fund for Construction of City Buildings", to be used for the construction, alteration or repair of any City or Municipal building or buildings of the City.
- B. The monies in said Fund may be allowed to accumulate from year to year until the City Council shall determine by ordinance to expend the monies in the Fund for the purpose or purposes above specified; provided, that any monies in said Fund shall never be expended for any other purpose than that specified, without an approving vote by a majority of the electors of the City at a general or special election voting on a proposal submitted to the electors to allow other specified uses to be made of said Fund.
- C. An item for said Cumulative Reserve Fund may be included in the City's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item may be repeated from year to year until, in the judgment of the City Council, the amount required for the specified purpose has been accumulated. Any monies in said Fund at the end of the year shall not lapse nor shall the same be used for any other purpose than that specified, except as herein provided.
- D. The monies now in hand and estimated in the City Estimates for 1943 in the "City Hall Fund" are hereby transferred to the "Cumulative Reserve Fund for City Buildings". (Ord. 159, 6-7-1943)

1-10-4: **STATE AID FUND:**

- A. There is hereby established a fund of the City to be known as the "State Aid Fund" and all monies received by the City from the State of Washington under the provisions of chapter 81 of the Session Laws, shall be placed in said Fund.
- B. The monies in said "State Aid Fund" shall be expended exclusively for salaries and wages, supplies, material and equipment for police

and fire protection, health and sanitation, libraries, parks and civilian defense.

- C. Said monies may be withdrawn from said Fund for the designated purposes by resolution of the Council and made in accordance with the annual estimates. (Ord. 163, 1934)

1-10-5: **WAR LIQUOR TAX FUND:**

- A. There is hereby established a fund of the City to be known as the "War Liquor Tax Fund", into which Fund shall be placed all monies distributed to the City from the State Treasurer out of the State War Liquor Tax Fund.
- B. The monies in said "War Liquor Tax Fund" shall be expended exclusively for health, police protection and protection by fire in the City.
- C. Said monies may be withdrawn from said Fund for the designated purposes by resolution of the Council and in accordance with the annual estimates. (Ord. 164, 5-1-1934)

1-10-6: **ARTERIAL HIGHWAY FUND:**

- A. There is hereby created for the City a fund to be called an "Arterial Highway Fund", from which shall be deposited all funds received from the State of Washington raised by a certain special gas tax provided for under Revised Code of Washington 82.36.020, 82.36.100, 82.40.020 and 82.40.290, as amended by chapter 7, Laws Extraordinary Session, 1961, of the State of Washington, and the City shall provide for their street fund matching funds in the amount of twenty five percent (25%) of the funds received from the State as aforesaid, and shall place the same in the said Arterial Highway Fund to be used as hereinafter provided.
- B. The entire amount of said Arterial Highway Fund shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in Revised Code of Washington 46.04.030 within the limits of the City. (Ord. 257, 11-1961)

1-10-7: **POLICE CAR RESERVE FUND:** A reserve fund is hereby created for the City, which shall be known as the Police Car Reserve Fund, into which Fund the City shall put such monies and from such sources as may be from time to time provided in the annual budget for the year 1964 and thereafter. (Ord. 266, 10-7-1963)

1-10-8: **AIR POLLUTION CONTROL FUND:**

- A. There shall be created a separate monetary fund entitled the "Toledo Air Pollution Control Fund", which Fund shall be administered as hereafter set forth.
- B. Into the Toledo Air Pollution Control Fund shall be paid all monies collected from taxes, or from any other available designated sources, levied by or obtained from the Southwestern Washington Regional Air Pollution Control Authority, as authorized by chapter 70.94 of the Revised Code of Washington.
- C. Said Fund shall be administered by the City Clerk/Treasurer who shall be responsible for all revenues and disbursements to and from said Fund.
- D. Such monies in the Fund shall be forwarded quarterly by the City Clerk/Treasurer to the Treasurer of the Southwestern Washington Regional Air Pollution Control Authority; and the City Clerk/Treasurer shall comply with all requirements with respect to said Fund as embodied in chapter 70.94 of the Revised Code of Washington. (Ord. 288, 10-6-1969)

1-10-9: **REVENUE SHARING FUNDS:** Under the provisions of Public Law Number 92-512, title I, providing "fiscal assistance to State and local governments", certain funds have been received and are expected to be received from the United States Government, entitled "Revenue Sharing", and therefore, the City does hereby create a special fund in which all said funds shall be deposited as "Revenue Sharing" funds of the City.

All "Revenue Sharing Funds" so received under the Act above specified shall be held in said Fund and used under the direction of the City Council for those purposes and uses permitted by the said Public Law Number 92-512, for the use of such "Revenue Sharing" funds by local governments. (Ord. 317, 6-4-1973)

1-10-10: **COMPREHENSIVE EMPLOYMENT AND TRAINING ACT FUND:** There is hereby established a fund of the City for the purpose of payment of employees' and employment expenses for employees hired under the authority of the Comprehensive Employment and Training Act of 1973.

Noninterest bearing loans from the General Fund of the City to the Fund hereby established is hereby authorized in sufficient amount and at such times as may be most advantageous for the payment of salaries, wages and personnel benefits, and any other expenses of the City made necessary by reason of the employment of any employees of the City hired under authority of said Comprehensive Employment and Training Act of 1973.

As funds are received from said CETA funds of the Federal Government to replace such money as may be borrowed from the City, the loans theretofore made from the General Fund of the City shall be repaid, but without interest. (Ord. 332, 3-3-1975)

1-10-11: **URBAN RENEWAL GRANT FUND:** There is hereby established a new fund in the budget of the City to be known as the "Urban Renewal Grant Fund". All monies received from the State of Washington Urban Arterial Board, together with all matching funds of the City, shall be placed in said Fund.

All funds used for the improvement, repair, rehabilitation and upgrading of "arterials" within the corporate limits of the City, where such funds originate from the Urban Arterial Board of the State of Washington, shall be disbursed together with the required matching portion of said sums from this Fund. (Ord. 362, 6-19-1978)

1-10-12: **TRUST FUND, FUND NO. 621:** There is hereby created, within the budget of the City, a new fund to be known as "Fund No. 621 Trust Fund". The City Clerk/Treasurer shall place into Fund No. 621 Trust Fund all monies, funds and sums paid to the City or any of its departments or branches, which monies, funds or sums are required by law to be returned, remitted or paid by the City to other governmental agencies or entities, or which monies, funds or sums are paid to the City as deposits or otherwise in trust.

The City Clerk/Treasurer shall pay all sums, funds and monies which are to be returned, remitted or paid by the City to other governmental agencies or

entities, or which monies, funds or sums are paid to the City as returned deposits or otherwise in trust, from Fund No. 621 Trust Fund. (Ord. 424, 10-5-1981)

1-10-13: **PAYROLL CLEARING, FUND NO. 631:** There is hereby created, within the budget of the City, a new fund to be known as "Fund No. 631 Payroll Clearing". The City Clerk/Treasurer shall utilize Fund No. 631 for the purpose of payment of all salaries, compensation and payroll, including any and all fringe benefits of the City, other than trust obligations paid by the Trust Fund, and other expenses and obligations of the City paid by Claims Clearing Fund. (Ord. 425, 10-5-1981)

1-10-14: **CLAIMS CLEARING, FUND NO. 635:** There is hereby created within the budget of the City, a new fund to be known as "Fund No. 635 Claims Clearing". The City Clerk/Treasurer shall utilize Fund No. 635 for the purpose of payment of all expenses and obligations of the City, other than trust obligations paid by the Trust Fund, or employee compensation obligations, paid through the Payroll Clearing Fund. (Ord. 426, 10-5-1981)

1-10-15: **WATER AND SEWER CAPITAL IMPROVEMENT FUND:**

- A. There shall be created within the budget of the City for the year 1980 and thereafter a new fund to be known as the Water and Sewer Capital Improvement Fund. (Ord. 396, 9-2-1980)
- B. All fees, charges and money assessed and collected for capital improvement charges or assessments as a result of the connection to the water and sewer utilities owned, maintained and operated by the City, both within and outside the corporate boundaries of the City shall be deposited in the Water and Sewer Improvement Fund. (Ord. 449, 1-3-1984, eff. 1-3-1984)
- C. Funds credited to the Water and Sewer Capital Improvement Fund shall be expended at the discretion of the City Council for the purpose of improvements to the capital facilities of the water and sewer utility operated by the City. (Ord. 396, 9-2-1980)

1-10-16: **CUMULATIVE RESERVE, FUND NO. 113:** There shall be created within the budget of the City for the calendar year 1985 and thereafter, a new fund to be known as "Fund No. 113 Cumulative Reserve". The City Clerk/Treasurer shall utilize Fund No. 113 for the purpose of budgeting the cumulative amount appropriated by the City for the purpose of the expense of fire protection for the City and for the payment from said Fund of the expense of such fire protection during the budget year. (Ord. 483, 9-16-1985, eff. 10-12-1985)

1-10-17: **CITY HALL BUILDING FUND, FUND NO. 301:** There shall be created for the calendar year of 1985 and thereafter, a new fund to be known as "Fund No. 301 City Hall Building Fund". The City Clerk/Treasurer shall utilize Fund No. 301 for the purpose of payment of all expenses and obligations of the City incurred in the improvement of the physical plant of or the purchase of supplies for the building wherein the City government of the City commonly known as City Hall is located. (Ord. 484, 9-16-1985, eff. 10-12-1985)

1-10-18: **WATER AND SEWER CONSTRUCTION, FUND NO. 440:** There shall be created within the budget of the City for the calendar year of 1985 and thereafter, a new fund to be known as "Fund No. 440 Water and Sewer Construction". The City Clerk/Treasurer shall utilize Fund No. 440 for the purpose of budgeting the cumulative amount appropriated by the City for payment of the expenses of water and sewer construction for the City and for the payment from said Fund of the expense of such water and sewer construction during the budget year. (Ord. 486, 10-7-1985, eff. 10-15-1985)

1-10-19: **TRUCK AND EQUIPMENT RESERVE FUND:** There shall be created within the budget of the City for the calendar years 1988 and thereafter a separate fund to be known as the "Truck and Equipment Reserve Fund No. 408". All funds allocated or apportioned for the purchase or acquisition of trucks and equipment shall be budgeted and accounted for in said Truck and Equipment Reserve Fund No. 408. (Ord. 503, 12-21-1987, eff. 12-30-1987)

1-10-20: **SUBSTANCE ABUSE PREVENTION FUND:** There is hereby created within the budget of the Police Department a fund to be known as the Substance Abuse Prevention Fund, Fund No. 106. Such funds shall be utilized in the discretion of the Police Department for the

purchase of public education items pertaining to possession of marijuana, drug paraphernalia and other controlled substances, producing brochures; facilitating officer training, investigations and prosecutions of misdemeanor offenses pertaining to the possession of marijuana, drug paraphernalia and other controlled substances, minors possessing and or consuming alcoholic beverages and the offenses of driving while under the influence of or being affected by intoxicating liquor and or drugs, or being in actual physical control of a motor vehicle while intoxicated. All penalty assessments pertaining to conviction for the misdemeanor offenses of possession of marijuana, possession of drug paraphernalia, minor possessing or consuming alcoholic beverages or of the traffic offenses of driving while under the influence of or being affected by intoxicating liquor and/or drugs, or being in actual physical control of a motor vehicle while intoxicated, established pursuant to Ordinance 525, shall be paid into the Substance Abuse Prevention Fund established by this Section. (Ord. 527, 10-16-1989)

1-10-21: **CRIMINAL JUSTICE FUND, FUND NO. 105:** There is hereby created within the budget of the City for the calendar years 1990 and thereafter, a separate fund to be known as the Criminal Justice Fund No. 105. All funds paid to the City pursuant to Revised Code of Washington 82.14.310, 82.14.315, 82.14.320, 82.14.330, 82.14.340, and all funds from any other source based upon the local Criminal Justice Fiscal Assistance Statute, chapter 1, Laws of 1990, Second Extraordinary Session, shall be budgeted and accounted for in said Criminal Justice Fund No. 105. (Ord. 536, 10-15-1990, eff. 10-24-1990)

1-10-22: **CITY STREET CONSTRUCTION FUND, FUND NO. 140:**
There shall be created within the budget of the City for the calendar years 1996 and thereafter, a new fund to be known as Fund No. 140, City Street Construction Fund.

The City Clerk/Treasurer shall utilize Fund No. 140 for the purpose of budgeting the cumulative amount appropriated by the City for payment of the expenses of City street construction for the City and for the payment from said fund of the expense of such City street construction during the budget year. (Ord. 586, 8-5-1996, eff. 8-12-1996)

CHAPTER 11

LOCAL IMPROVEMENTS, PROCEDURE

SECTION:

- 1-11- 1: Method Of Procedure
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- 1-11-20: Contracts To Lowest Bidder, Notice
- 1-11-21: Opening Bids; Acceptance, Rejection
- 1-11-22: Subdistricts Authorized
- 1-11-23: Contribution Specified
- 1-11-24: Items Of Cost

1-11-1: **METHOD OF PROCEDURE:** Whenever the City Council shall provide for making local improvements and for paying the whole or any portion of the cost and expense thereof by levying and collecting special assessments on property specially benefited, the proceedings therefor shall be in accordance with the provisions of the Act entitled "An Act relating to local improvements in cities and towns and

repealing certain acts and parts of acts", approved March 17, 1911¹, and acts amendatory thereof, and the provisions of this Chapter and ordinances amendatory thereof. (Ord. 114, 4-7-1924)

1-11-2: **AWARD OF CONTRACT, MANAGEMENT OF WORK:** After the Council shall have provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised by the City Engineer. (Ord. 114, 4-7-1924)

1-11-3: **MODES OF PAYMENT:** There shall be two (2) modes of making payment for such portion of the cost and expense of any improvement provided for in this Chapter as shall be payable by special assessments, as follows: "immediate payment" and "payment by bonds". The mode adopted shall be the mode petitioned for, in case said improvement shall be made upon petition; otherwise the mode shall be the one which the Council shall designate in the ordinance ordering such improvement. (Ord. 114, 4-7-1924)

1-11-4: **ASSESSMENT ROLL:** Not less than thirty (30) days prior to the time fixed in any contract for the completion thereof, except as the time for filing said roll may be extended by the Council, the City Engineer shall file with the City Clerk/Treasurer an assessment roll which shall contain the description of each lot, tract, parcel of land or other property to be assessed, the amount to be charged, levied or assessed against the same, and the name of the owner thereof, if known, but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct.

The City Council, upon receipt of such assessment roll, shall fix a date for hearing thereon and direct the Clerk to give notice of such hearing and the time and place thereof. Such notice shall be published at least two (2) times in the official weekly newspaper; provided, that at least fifteen (15) days must elapse for such hearing. At the time fixed for such hearing the Council shall sit as a board of equalization on said assessment roll, and, as soon thereafter as the City Engineer shall have certified to them a statement of the total charges against the district, shall adjust the roll in conformity thereto.

1. RCW ch. 35.43.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, parcel of land or other property appearing upon said roll, the amount charged against the same. Upon the enactment of such ordinance the roll shall be forthwith transmitted to the City Clerk/Treasurer with the certificate that the same has been duly approved by ordinance. (Ord. 114, 4-7-1924)

1-11-5: **IMMEDIATE PAYMENT:** Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment" the City Clerk/Treasurer shall, upon receipt of such roll, publish a notice in the official paper of the City for two (2) consecutive weekly issues, that the said roll is in his hands for collection and that any such assessment may be paid at any time within thirty (30) days from the date of the first publication of said notice, without penalty, interest or costs, and that unless payment be made within such time, such assessment or unpaid portion thereof will become delinquent. Upon delinquency a penalty of five percent (5%) shall attach to, and become a part of, all such assessments. Delinquent assessments shall bear interest at the rate of eight percent (8%) per annum until paid. Such delinquent assessments with penalty and interest shall forthwith be collected and the lien thereof be enforced in the manner provided by law and the provisions of this Code. (Ord. 114, 4-7-1924)

1-11-6: **PAYMENT BY BONDS:** Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds", the City Clerk/Treasurer shall publish a notice in the official newspaper of the City for two (2) consecutive issues that the said roll is in his hands for collection and that the whole or any portion of any assessment levied on account of such improvement may be paid without penalty or interest during the first thirty (30) days following the date of the first publication of such notice, and the unpaid balance, if any, may be paid in equal annual installments, the number of which shall be less by two (2) than the number of years which the bonds to pay for the improvement may run; or the lien of any such assessment may be discharged at any time after the said thirty (30) days by paying the entire unpaid portion thereof with all penalties and costs, attaching, together with all interest thereon to date of delinquency of the installment thereof next falling due. The first installment shall become due and payable during the thirty (30) day period succeeding a date one year after the date of the first publication of such notice, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remains unpaid after the first thirty (30) day period herein provided for, interest upon the whole unpaid sum shall be charged at the

rate fixed in the ordinance providing for such improvement, and each year thereafter one of said installments, together with the interest due upon the whole of the unpaid balance, shall be collected. Any installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable shall thereupon become delinquent. All delinquent installments shall, until paid, be subject to a charge for interest at the bond rate, and to an additional charge of five percent (5%) penalty levied upon both principal and interest due on such installment or installments. (Ord. 114, 4-7-1924)

1-11-7: **NOTICE BY MAIL:** In all cases of original assessments thereof becoming due and payable, the City Clerk/Treasurer shall mail a notice to the owner of the property assessed, when the post office address of the owner is known, but failure to mail the same shall not be fatal when publication is made. (Ord. 114, 4-7-1924)

1-11-8: **NOTICE OF INSTALLMENT:** Whenever any installment of any assessment payable by the mode of "payment by bonds", shall become due and payable, the City Clerk/Treasurer shall mail a notice thereof to the owner of the property on which such installment is due, when the post office address of the owner is known, which notice shall be mailed at least thirty (30) days prior to the date of the delinquency of such installment. However, failure to receive such notice shall not affect the collection of such installment by the City. (Ord. 114, 4-7-1924)

1-11-9: **SPECIAL FUND:** The ordinance confirming any assessment roll shall also create a special fund to be called "Local Improvement Fund, District No. _____", into which shall be placed all sums paid on account of such assessment, including all interest and penalty thereof, and in event of sale of bonds by the City, all premiums and accrued interest on bonds issued for such improvement. (Ord. 114, 4-7-1924)

1-11-10: **ISSUANCE OF BONDS, COUPONS:** At the expiration of thirty (30) days after the date of first publication of the Clerk/Treasurer's notice referred to in Section 1-11-7 of this Chapter, the City Clerk/Treasurer shall report the total amount of the assessment, the total amount paid to him to redeem any lots, tracts, parcels of land or other property from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and City Clerk/Treasurer shall issue the bonds on the local improvement district established by the

ordinance providing for such improvement in an amount equal to the amount remaining unpaid on said assessment roll as shown by such report. The bonds herein provided for shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days above mentioned. Such bonds shall be in denominations of one hundred dollars (\$100.00) each, except bonds numbered one, which shall be in an amount not to exceed two hundred dollars (\$200.00); provided, that the City Commission may in the ordinance confirming the assessment roll, designate any different denominations for such bonds. Such bonds shall be numbered from one upward consecutively, and each bond and coupon shall be signed by the Mayor and attested by the City Clerk/Treasurer; provided, however, that said coupons may, instead of being so signed, have printed thereon the facsimile of the signatures of said officers, and each bond shall have the Seal of the City impressed thereon, and shall refer to the improvement to pay for which the same shall be issued and to the ordinance ordering the same. (Ord. 114, 4-7-1924)

1-11-11: **TERMS OF BONDS; INTEREST:** Such bonds by their terms shall be made payable on or before a date not to exceed twelve (12) years from and after the date of the issue of such bonds, which date may be fixed by resolution or may be fixed by the ordinance confirming the assessment roll. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement but not exceeding eight percent (8%) per annum, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment. (Ord. 114, 4-7-1924)

1-11-12: **FORM OF BONDS:** All bonds issued in pursuance of the provisions of this Chapter shall be in substantially the following form:

LOCAL IMPROVEMENT BOND

District No. ____

City of Toledo.

N.B. -- This Bond is issued by virtue of the provisions of Chapter 98 of the Session Laws of the Legislature of the State of Washington for the year 1911, entitled "An Act Relating to Local Improvements in Cities and Towns, and Repealing certain Local Improvements in Cities and Towns, and Repealing certain Acts and Parts of Acts", approved March 17, 1911, and Laws Amendatory thereto. Sec. 52 of which Act reads as follows:

Section 52. Neither the holder nor owner of any Bond issued under the authority of this Act shall have any claim therefor against the City by which the same is issued, except from the special assessment made for the improvement for which such Bond was issued, but his remedy in case of nonpayment, shall be confined to the enforcement of such assessments. A copy of this Section shall be plainly written, printed or engraved on each Bond so issued.

THE CITY OF TOLEDO,

A Municipal Corporation of the State of Washington, hereby promises to pay _____, or bearer, _____ dollars lawful money of the United States, with interest thereon at the rate of ___ percent per annum payable annually out of the Fund established by Ordinance No. ____ of said City and known as Local Improvement Fund District No. ____ of Toledo, and not otherwise, both principal and interest payable at the office of the Treasurer of said City.

A coupon is hereto attached for each installment of interest to accrue hereon and said interest shall be paid only on presentation and surrender of such coupon to the City Treasurer, but in case this Bond is called for payment before its maturity, each and every Coupon representing interest not accrued at the time this Bond is payable under such call shall be void. This Bond is payable on or before the _____ day of _____ and is subject to call by the City Treasurer whenever there shall be sufficient money in said Local Improvement Fund to pay the same, and all unpaid Bonds of the series of which this Bond is one which are prior to this Bond in numerical order over and above sufficient for the payment of interest on all unpaid Bonds of said series.

The City Council as the agent of said Local Improvement District No. _____ established by said Ordinance No. _____, has caused this Bond to be issued in the name of the City as the Bond of said Local Improvement District, the Bond or the proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of _____ under said Ordinance No. _____ as is levied and assessed against the property included in said local improvement district and benefited by said improvement and the said Local Improvement Fund, District No. _____ of Toledo, has been established by ordinance for said purpose, and the holder or holders of this Bond shall look only to said Fund for the payment of either the principal or interest of this Bond.

The call for payment of this Bond or of any Bond of the series of which this is one, shall be made by the City Treasurer, by publishing the same in the City official newspaper; and when such call is made for the payment of this Bond it will be paid on the day the next interest coupon

thereon shall become due after said call and upon said day interest upon this Bond shall cease.

This Bond is one of a series of _____ Bonds, aggregating in all the principal sum of _____ dollars issued for said Local Improvement District, all of which Bonds are subject to the same terms and conditions as herein expressed.

IN WITNESS WHEREOF, The Town of Toledo has caused these presents to be signed by the Mayor and attested by its Clerk and sealed with its Corporate Seal, this _____ day of _____ in the year of Our Lord One Thousand Nine Hundred and _____.

CITY OF TOLEDO

BY _____
Mayor

Attest: _____
City Clerk

Coupons, Number And Form: There shall be attached to each bond such number of coupons not exceeding the number of installments into which payment is divided, as shall be required to represent the interest thereon, payable annually, for the term of said bonds, which coupons shall be in substantially the following form:

Coupon No. ____

Dated on _____.

THE CITY OF TOLEDO

A Municipal Corporation of the State of Washington, Promises to pay to the Bearer at the office of its City Treasurer _____ Dollars, being one year's interest due that day on Bond No. _____ of the Bonds of Local Improvement Fund, District No. _____ of the Bonds of the Local Improvement Fund, District No. _____ of Toledo, and not otherwise, provided that this Coupon is subject to all the terms and conditions in the bond to which it is annexed, and if said Bond be called for payment before maturity thereof, then this coupon shall be void.

Due on _____

Mayor

City Clerk

\$ _____

(Ord. 114, 4-7-1924)

1-11-13: **BOND REGISTRY:** The City Clerk/Treasurer shall keep in his office a register of all such bonds issued. He shall enter therein the local improvement fund district number for which the same are issued, and the date, amount and number of each bond and the term of payment. (Ord. 114, 4-7-1924)

1-11-14: **DELINQUENT ASSESSMENT:** All assessments or installments thereof becoming delinquent as provided for herein shall be certified to the Treasurer of Lewis County and by him entered upon the general tax rolls and collected as other general taxes are collected.

Provided, that after such certification the City shall have the right to proceed in its own name to collect or enforce any such delinquent assessment or delinquent installment, and whenever any such installment shall become delinquent and the property owner shall fail to pay any installment when due, the entire assessment shall become due and payable and the five percent (5%) penalty as provided for in Section 1-11-6 of this Chapter shall attach to the entire assessment and the collection thereof enforced in the manner above prescribed.

Provided, however, that payment of such delinquent installment or installments due, together with interest, penalties and costs, at any time before entry of judgment in foreclosure as herein provided, shall extend the time of payment on the remainder of the assessments the same as if there had been no delinquency or foreclosure. (Ord. 114, 4-7-1924)

1-11-15: **CERTIFICATES OF SALE:** One year after the date of delinquency of an assessment payable by the mode of "immediate payment" or of an installment of an assessment payable by the mode of "payment by bond", it shall be the duty of the City Clerk/Treasurer

to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with penalty and interest accruing to date of sale, and for the costs of such sale. Certificates of sale shall be executed and delivered by the Clerk/Treasurer to the purchaser at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificate of sale and assessment deeds shall be had and conducted according to law. (Ord. 114, 4-7-1924)

1-11-16: **FORECLOSURE:** Upon the failure of any property owner to pay any installment of a local improvement assessment against his property, when the same becomes due, the entire balance of the local improvement assessment against such property shall immediately become due and payable and collection thereof may be enforced by the City by foreclosure as directed by law. Provided, however, that the payment of all delinquent installments, together with interest, penalty and costs, at any time before entry of judgment in the foreclosure action, shall extend the time of payment on the remainder of the assessment as if there had been no delinquency or foreclosure. Provided further, that when foreclosure of two (2) installments of the same assessment of any lot, tract or parcel, is sought, the City Clerk/Treasurer shall cause such lot, tract or parcel to be dismissed from the action if the installment first delinquent, together with interest, penalty, costs and charges is paid at any time before sale. (Ord. 278, 7-3-1967)

1-11-17: **CALL AND PAYMENT OF WARRANTS:** It shall be the duty of the City Clerk/Treasurer to call and pay in numerical order such outstanding warrants against any particular improvement fund as he may be able to pay with the money on hand credited to such fund, and whenever he shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding warrant, he may call in and pay such portion thereof as shall exhaust the amount of such fund.

Whenever the City Clerk/Treasurer shall pay a portion of any warrants as above provided, he shall endorse upon such warrant the date and amount of such payment, and take a receipt from the holder thereof, showing the number and description of such warrant and the date, and the amount so paid, which receipt the said Clerk/Treasurer shall return with his report to the City Clerk as a voucher for the money so paid. (Ord. 114, 4-7-1924)

1-11-18: RECORD OF PETITION FOR LOCAL IMPROVEMENT:

Whenever the City Council shall pass an ordinance ordering any improvement, and such improvement is to be paid for in whole or in part by special assessment upon the property specially benefited, the City Clerk shall forthwith record in a book to be kept for that purpose the petition presented by the property owners to the City Council, together with all endorsements and other entries contained thereon and the names in full of all petitioners; said books shall be endorsed, "Record of Petition for Local Improvements" and shall be properly indexed so as to indicate the pages on which the petition for each improvement can be found and shall remain in the office of the City Clerk.

If any such petition for any improvement be lost, destroyed, concealed, mislaid or for any reason be not in the proper place in the City Clerk's office, the record of such petition in the book herein designated, or a copy thereof certified by the City Clerk, shall be received and treated for all purposes as of equal force and effect as the original petition. (Ord. 114, 4-7-1924)

1-11-19: LOCAL IMPROVEMENT CONTRACTS: All contracts for public improvements shall provide therein that at least fifteen percent (15%) of the amount due the contractor on estimates shall be retained to secure the payment of laborers who have performed work thereon and material men who have furnished materials therefor, and such laborers and material men shall, for thirty (30) days after their work has been completed have a lien on such fifteen percent (15%) so reserved for labor done and materials furnished, which lien shall be senior to all other liens whether by judgment, attachment or contract, and no improvement shall be deemed completed until the City Engineer shall have filed with the City Clerk a statement signed by him declaring the same to have been completed.

During the time allowed in the contract the City Engineer shall, on the last day of each month issue an estimate of the amount of work completed during the month by the contractor, but shall, after date set for completion of the contract, furnish no estimate other than the final estimate issued after the completion of the work. Said final estimate issued by the City Engineer shall include, in addition to a statement of the amount of money due the contractor, a statement of the amount of money expended for abstracts, advertising and engineering prior to the date set for the completion of the contract. All engineering expense incurred after the time fixed in the contract for its completion shall be borne by the contractor as a penalty for failure to complete the work within the specified time.

The City Clerk shall, upon order of the Council following the issuance of the estimate of the City Engineer, deliver to the contractor money or warrants in an amount equal to eighty five percent (85%) of such estimate. In case warrants are issued, they shall be drawn against the local improvement district under which the work is being done, and shall bear interest at the rate of eight percent (8%) per annum from date to a date not exceeding one hundred twenty (120) days after the time fixed in the proposal and the contract for the completion of the contract, beyond which time such warrants shall not draw interest.

The fifteen percent (15%) required to be held as a reserve to protect laborers and material men for a period of thirty (30) days after final completion of the improvement shall, at the expiration of such period, be paid to the contractor in warrants so far as the same shall be free from liens, which warrants shall bear interest from the date of final acceptance of such work by the City Engineer and the City Council, to the date one hundred twenty (120) days after the time fixed in the proposal and contract for completion of the contract, if any such time there be. Immediately upon ascertaining the final estimate for any local improvement the City Engineer shall file with the City Clerk a certificate setting forth the total amount of said final estimate together with any accrued interest on warrants issued or to be issued to the contractors. (Ord. 114, 4-7-1924)

1-11-20: **CONTRACTS TO LOWEST BIDDER, NOTICE:** The Council may provide that all work to be done in any local improvement district shall be let in one contract, or at its option it may provide that the work in any local improvement district be subdivided and separate and distinct contracts be let for each subdivision thereof. All public improvements to be made by contract shall be let to the lowest responsible bidder therefor, as the City Council shall determine. Before awarding any such contract or contracts the Council shall cause to be published in the official newspaper a notice, for at least ten (10) days before the letting of such contract or contracts, inviting sealed proposals for such work, the plans and specifications whereof must, at the time of the publication of such notice, be on file in the office of the City Clerk, subject to public inspection. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the Clerk on or before the date and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the City Clerk for a sum not less than five percent (5%) of the amount of the bid, and no bid shall be considered unless accompanied by such check. (Ord. 114, 4-7-1924)

1-11-21: **OPENING BIDS; ACCEPTANCE, REJECTION:** At the time and place named such bids shall be publicly opened and read. No bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The Council shall proceed to determine the lowest responsible bidder and may let such contract to such bidder, or if in its opinion all bids are too high, it may reject all of them and readvertise, or may proceed to do the work under its own supervision by "day work", and in such case all checks shall be returned to the bidders by the City Clerk; but if the contract be let, then, and in such case, all checks shall be returned to the bidders except that of the successful bidder and the next lowest, which shall be retained until the contract be entered into for making such improvement between the bidder and the City in accordance with such bid and the duly approved and accepted bond therefor be filed in the office of the City Clerk. If the said bidder fails to enter into such contract in accordance with his bid within ten (10) days from the date at which he is notified that he is the successful bidder, the Clerk shall stamp or write across the face of the certified check, "Forfeited to the City of Toledo: _____, City Clerk", and shall endorse and deliver the same to be deposited in the City Treasury to the credit of the Local Improvement Fund, and the City Council shall accept the next lowest bid or readvertise for proposals for such work. The Council shall not have the power to remit such forfeiture. (Ord. 114, 4-7-1924)

1-11-22: **SUBDISTRICTS AUTHORIZED:** Whenever the City Council shall provide for the construction of any trunk sewer, it may divide the territory to be served thereby into subdistricts; the construction of such improvement may be made under separate contracts for such subdistricts thereof and the City Council may levy assessments in each subdistrict and issue bonds to be paid by the collection of assessments against property in each subdistrict independent of any other subdistrict; provided, however, that such subdistrict shall be set forth in said ordinance providing for such improvement, and when it is proposed to pay any portion of the cost of such improvement from the General Fund, such ordinance shall specify approximately the amount to be apportioned to each subdistrict. (Ord. 114, 4-7-1924)

1-11-23: **CONTRIBUTION SPECIFIED:** Every ordinance ordering any improvement herein provided for shall declare what, if any, portion or proportionate amount of such cost and expense shall be borne by the City out of any of its General Funds, and shall direct that the remainder of such cost and expense be assessed against the property within said district in the manner provided by law. (Ord. 114, 4-7-1924)

1-11-24: **ITEMS OF COST:** In making an estimate of the cost and expense of any improvement as provided in this Chapter, the City Engineer shall include therein the estimated cost and expense of the engineering and surveying necessary for said improvement to be done by and under his direction and also the cost of ascertaining the ownership of lots and parcels of land included in the assessment district and the cost of advertising and publishing all notices required to be published, and also shall add a charge against each description of property appearing upon any assessment roll the following sum:

A charge per description will be required under each of the following instances: 1) In case of "immediate payment" assessment, 2) in case of assessment payable in not less than two (2) installments nor more than five (5) annual installments, 3) in case of assessment payable in not less than six (6) installments nor more than ten (10) annual installments, which sum in a particular case will be the charge for the cost of the accounting, clerical labor, books and blanks incurred by the City Clerk/Treasurer in connection with such assessment. (Ord. 114, 4-7-1924; amd. per letter dated 4-20-2000)

CHAPTER 12

CITY TAXES

(Rep. by Ord. 462, 7-16-1984)

CHAPTER 13
TOLEDO MUNICIPAL COURT

SECTION:

- 1-13-1: Definition
- 1-13-2: Judge Designated
- 1-13-3: State Rules Apply
- 1-13-4: Violations Bureau

1-13-1: **DEFINITION:** "Court" as used in this chapter or any other ordinance of the city of Toledo shall be defined as the Lewis County district justice court sitting as the Toledo municipal court. (Ord. 625, 6-4-2001, eff. 6-13-2001)

1-13-2: **JUDGE DESIGNATED:** The judge of the Lewis County district justice court or his designated representative shall be the judge of the Toledo municipal court. (Ord. 625, 6-4-2001, eff. 6-13-2001)

1-13-3: **STATE RULES APPLY:** Said court shall be bound by and shall operate under the rules of court as promulgated in section 35A.20.010 et seq., of the Revised Code of Washington and by the rules of court for courts of limited jurisdiction as promulgated and adopted by the Washington state supreme court. (Ord. 625, 6-4-2001, eff. 6-13-2001)

1-13-4: **VIOLATIONS BUREAU:** There is hereby created within the office of the Toledo city clerk, a violations bureau, pursuant to Revised Code of Washington 35A.20.010 et seq., and 3.50.010 et seq., and traffic rules for courts of limited jurisdiction no. T2.06. Said violations bureau shall have the authority to and shall, accept bail, forfeit such bail, receive such fines as levied as punishment by and from Lewis County district justice court, and remit to Lewis County district justice court any and all funds requisite and necessary for the operation of said Lewis County

district justice court as the Toledo municipal court; provided, however, said violations bureau shall not have the authority to accept and forfeit bail for any of the offenses listed by title 46 of the Revised Code of Washington as adopted and amended and as specifically adopted by reference by the city of Toledo as "mandatory appearance cases" and shall not have the authority to accept and forfeit bail in cases listed in this chapter as being cases wherein the maximum punishment shall include incarceration in the Lewis County jail.

Upon receiving a citation from the arresting officer for any appearance designated as a "mandatory appearance" or for any offense which is punishable by a fine and incarceration in the Lewis County jail, the Toledo violations bureau shall immediately forward such citation to the Lewis County district justice court for filing along with the requisite and necessary fee to accompany such filing. Said Lewis County district justice court sitting as the Toledo municipal court shall advise the defendant of his or her arraignment, pretrial and trial dates. Additionally, in all cases wherein the bail is posted and a not guilty plea is entered, the violations bureau shall forward to Lewis County district justice court the citation for filing along with the requisite and necessary fee for filing the same and said Lewis County district justice court shall file said case listing the city of Toledo as plaintiff and the defendant listed on the citation as defendant, and shall set the case for trial as soon as reasonably possible. (Ord. 625, 6-4-2001, eff. 6-13-2001)

CHAPTER 14
CITY FINANCES

SECTION:

- 1-14-1: Interest Charged On Delinquent Accounts
- 1-14-2: Payment Of Obligations, Procedure
- 1-14-3: Fee Schedule
- 1-14-4: Loans To Residents For Sewer Projects

1-14-1: **INTEREST CHARGED ON DELINQUENT ACCOUNTS:** From and after the effective date of this chapter, except where otherwise provided, all obligations due and owing to the city shall be payable within thirty (30) days of the rendition of a statement of account or bill for such obligation by the office of the city clerk/treasurer.

Notwithstanding any ordinance heretofore passed by the city council to the contrary and notwithstanding any provision of this code to the contrary, all obligations due and owing to the city which obligations are not paid within thirty (30) days after the rendition of a statement of account or bill for such obligation, shall bear interest upon the unpaid balance of such accounts or obligations at the rate of twelve percent (12%) per annum, or one percent (1%) per month.

From and after the effective date of this chapter, all invoices, statements of accounts or bills rendered or charged by the office of the city clerk/treasurer shall bear the following legend:

This account shall be considered to be delinquent if not paid within thirty (30) days of the date above listed, and shall thereafter bear interest at the rate of twelve (12%) per annum, or one percent (1%) per month, upon the unpaid balance,

in suitable type or printing so as to be clearly legible. (Ord. 411, 2-2-1981)

1-14-2: PAYMENT OF OBLIGATIONS, PROCEDURE:

- A. **Time Of Payment Of Claims:** From and after the effective date hereof, the city clerk/treasurer is hereby authorized and directed to pay for and on the behalf of the city any and all outstanding obligations of the city, which obligations are due and owing and for which statements have been submitted to the office of the city clerk/treasurer on or before the twenty fifth day of the month preceding the month when said bills or obligations are to be paid. From and after the effective date thereof, any statements, bills or claims alleged or claimed to be due and owing by the city which are submitted to the office of the city clerk/treasurer after the twenty fifth day of the month shall not be paid until after the twenty fifth day of the month following that month when said bills, statements or claims are submitted.
- B. **Payroll Summation:** The city clerk/treasurer shall, during each and every month of his/her term of office, compile and certify to the city council a summation of all sums paid to each and every employee of the city for that month or pay period. Upon completion of such summation of payroll to be paid by the city, the clerk/treasurer shall be, and hereby is, authorized to issue checks, as defined by Revised Code of Washington 62A3-104(2)(b); warrants, as defined by Revised Code of Washington 35.21.320; or drafts, as defined by Revised Code of Washington 62A3-104(2)(a) in full payment of all salary and compensation due and owing to the employees of the city. The clerk/treasurer of the city shall immediately upon payment of salary and compensation due and owing to any and all employees of the city, summarize such payroll and certify to the city council the amount of compensation paid to all employees and shall certify the same to be true and correct at the next regularly scheduled council meeting after the salary and compensation has been paid.
- C. **Authorization To Make Payments Summary:** The city clerk/treasurer shall be authorized to pay and hereby is authorized to pay by check, warrant or draft, as defined above, any and all debts, obligations and claims submitted to the office of the clerk/treasurer for payment on or before the twenty fifth day of the month and shall immediately upon such payment, summarize the amounts so paid to each and every creditor or claimant and shall certify to the city council at the next regularly scheduled council meeting after such payment, the amount of sums paid and the name of the creditor to whom such payment has been made.

- D. Redemption Of Warrants, Checks, Drafts, Time Limit: No checks, warrants or drafts, as defined above, issued as compensation for services rendered or payment of any claim, statement or bill of the city shall be paid or redeemed unless said check, warrant or draft is presented for redemption within ninety (90) days from the date of issuance of said check, warrant or draft. All checks, warrants or drafts issued by the office of the city clerk/treasurer, shall bear a statement in clear legible type that said check, warrant or draft shall not be redeemed or paid unless presented for payment within ninety (90) days of the date of issuance of said check, warrant or draft. (Ord. 518, 7-3-1989, eff. 7-10-1989)

1-14-3: **FEE SCHEDULE:** The schedule of fees, chargeable by the city, is on file in the city clerk's office. (Per letter dated 4-20-2000)

1-14-4: **LOANS TO RESIDENTS FOR SEWER PROJECTS:**

- A. The loan policies and procedures in this section are adopted by the city of Toledo as the city's policies and procedures for loans.
- B. In order for a property owner to qualify for a loan under this section:

1. The property to which the connection is to be made must be developed with an existing single-family home.
2. The property owner must fill out a credit application and pass an appropriate credit check.

The city reserves the right to exercise reasonable business judgment and to disapprove any loan based upon a credit check. The application must be accompanied by a nonrefundable application fee in an amount set by the city.

- C. The terms of the loan shall be as follows:
1. The loan will be structured as a single promissory note.
 2. The term of the note shall not exceed ten (10) years, commencing at the time the loan is made.
 3. The note shall bear interest at the rate which is based on the city's current investment yield at the time of the loan, plus a two

percent (2%) margin to cover administrative costs and interest rate fluctuations over the loan period.

4. The loan will be secured by a deed of trust on the property.

5. The note shall provide for acceleration of the principal upon default in any payment. In the event of default, the city shall have all available remedies, including, but not limited to, foreclosure of its interest in the property, notification of credit bureaus, use of collection agencies and terminating service.

6. There shall be no penalty for prepayment.

7. The note will contain a due on sale clause which provides for payment in full of all outstanding principal and interest upon sale of the property.

- D. Loans shall be limited by available funds. The amount of available funds shall be at the discretion of the city. All funds used for loan purposes shall be derived from operating revenues from the sale of sewer services. (Ord. 640, 2-3-2003, eff. 2-11-2003)

CHAPTER 15
CITY OFFICES

SECTION:

1-15-1: Hours Open For Service

1-15-1: **HOURS OPEN FOR SERVICE:** Effective March 9, 2004, in accordance with Revised Code of Washington 35A.21.070, the city office of the city of Toledo, shall be open for service to the public the following days and hours of each and every week, excluding legal holidays established by city ordinance or pursuant to Revised Code of Washington 1.16.050:

Monday	8:00 A.M. to 12:00 noon	1:00 P.M. to 5:00 P.M.
Tuesday	8:00 A.M. to 12:00 noon	1:00 P.M. to 5:00 P.M.
Wednesday	8:00 A.M. to 12:00 noon	1:00 P.M. to 5:00 P.M.
Thursday	8:00 A.M. to 12:00 noon	1:00 P.M. to 5:00 P.M.
Friday	8:00 A.M. to 12:00 noon	

(Ord. 651, 3-1-2004)

CHAPTER 16

PERSONNEL POLICY

SECTION:

- 1-16-1: Adoption
- 1-16-2: Applicability
- 1-16-3: Change In Regulations
- 1-16-4: Copies On File

1-16-1: **ADOPTION:** The City does hereby adopt as its policies pertaining to recruiting of employees, employment in general, hours of attendance of employment, standards for compensation, performance evaluation and training, employee benefits, employee leaves of absence and time off, employee responsibilities and conduct, and employee discipline and termination, those policies and procedures as set forth in the compilation entitled "Personnel Policies for the City of Toledo - 1993", as the official personnel policy manual for the City. (Ord. 567, 8-2-1993)

1-16-2: **APPLICABILITY:** All employees of the City employed as of the date of adoption of the manual entitled "Personnel Policies for the City of Toledo - 1993", and all employees employed by the City subsequent to the effective date of the adoption of the compilation entitled "Personnel Policies for the City of Toledo - 1993", shall be governed by the policies, standards, rules, regulations and criteria set forth in the compilation entitled "Personnel Policies for the City of Toledo - 1993". (Ord. 567, 8-2-1993)

1-16-3: **CHANGE IN REGULATIONS:** Any changes in the personnel policies, standards, criteria, rules or regulations pertaining to employment by the City, shall be adopted as provided for in the compilation entitled "Personnel Policies for the City of Toledo - 1993". (Ord. 567, 8-2-1993)

1-16-4: **COPIES ON FILE:** Two (2) copies of the compilation entitled "Personnel Policies for the City of Toledo - 1993" shall be at all times maintained in the office of the City Clerk. Each department head for the City shall maintain at least one additional copy, which copy shall be available for employee inspection and consultation at any reasonable time. Each employee of the City employed on a full- or part-time basis as of the effective date hereof, shall be furnished with a complete copy of the compilation entitled "Personnel Policies for the City of Toledo - 1993". Each new employee shall, upon commencement of such employment, be furnished with a copy of such compilation, together with any amendments or changes thereto, which copy shall be furnished by the City. (Ord. 567, 8-2-1993)

CHAPTER 17

SMALL WORKS ROSTER

SECTION:

- 1-17-1: Establishment
1-17-2: Review; Additions; Deletions

1-17-1: **ESTABLISHMENT:** In accordance with Revised Code of Washington 35.23.352, the City does hereby establish a small works roster, which roster shall be comprised of all contractors who have requested to be listed on the roster. Whenever any work is to be done or accomplished for the City, the estimated cost of which is one hundred thousand dollars (\$100,000.00) or less, the City shall invite proposals from all contractors listed on the small works roster, provided however that wherever possible the City shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify for inclusion on the small works roster. Such invitations shall include an estimate of the scope and nature of the work to be performed and materials and equipment to be furnished. (Ord. 568, 11-1-1993)

1-17-2: **REVIEW; ADDITIONS; DELETIONS:**

- A. Any contractor as defined by Revised Code of Washington 18.27.010 who is registered and bonded, as required by Revised Code of Washington 18.27.020 and 18.27.040, shall be eligible to be listed on the small works roster maintained by the City.
- B. The listings of contractors on the small works roster of the City shall be reviewed annually, and all contractors requesting such listing or listed, shall provide to the City such information as may be requested by the City Clerk to verify their registration and bonding status with the State of Washington Department of Labor and Industries.

- C. Contractors may be added to or removed from the small works roster at any time, per their request or pursuant to action taken by the City Clerk in the event that the registration or bond of a listed contractor shall be cancelled or terminated for any reason. (Ord. 568, 11-1-1993)

CHAPTER 18

COMPREHENSIVE PLAN

SECTION:

1-18-1: Comprehensive Plan And Maps Adopted

1-18-1: **COMPREHENSIVE PLAN AND MAPS ADOPTED:** Based upon the adopted findings of fact, the Council finds that all GMA prerequisites for adoption of the City's Comprehensive Land Use Plan entitled "City of Toledo Comprehensive Plan", have been met. A copy of said Plan has been and is on file in the office of the City Clerk for use and examination by the public. Said Plan, and any amendments thereto, is hereby incorporated in full by this reference and hereby adopted as the Comprehensive Plan for the City. (Ord. 590, 2-3-1997)