



# McCleary City Council

## AGENDA

**September 10, 2014**

### 7:00 City Council Meeting

Flag Salute  
Roll Call  
Public Hearings:  
Public Comment:

Minutes: (Tab A)  
Mayor's Report/Comments:

Staff Reports: Dan Glenn, City Attorney (Tab B)  
Todd Baun, Director of Public Works (Tab C)  
Staff Reports (Tab D)

Old Business: 3<sup>rd</sup> Street Design Options (Tab E)

New Business: Private Storm pond maintenance (Tab F)

Ordinances: Marijuana Ordinance (Tab G)

Resolutions: Public Defense Standards (Tab H)

Vouchers  
Mayor/Council Comments  
Public Comment  
Executive Session  
Adjournment

Americans with Disabilities Act (ADA)  
Accommodation is Provided Upon Request

Please Turn Off Cell Phones – Thank You

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La ciudad de McCleary es un proveedor de igualdad de oportunidades y el empleador.

**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, August 27, 2014**

ROLL CALL AND FLAG SALUTE	Councilmember's Reed, Schiller, Catterlin, Ator and Peterson.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, George Crumb, Dan Glenn, John Graham, Paul Nott, Randy Bunch and Jon Hinton from Gray & Osborne.
PUBLIC HEARING	None.
PUBLIC COMMENT	Helen Hamilton commented on occupied mobile RV's. She would like the Council to add to the draft ordinance, language addressing that residents can utilize the RV's longer if the loss of their home was to due to a fire or other catastrophic event. It would help affected residents during an extreme hardship beyond their control.
MAYOR'S COMMENTS	None.
MINUTES APPROVED	<b>It was moved by Councilmember Ator, seconded by Councilmember Reed to approve the minutes from the July 23, 2014 meeting. Motion Carried 5-0.</b>
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun has attended different legislative meetings over the past couple weeks and he reported the available state money is going to be tight. He provided an article written by Seattle Times reporter, Francis Benjamin Paul Roberts, which states I-1183 promised that a portion of the new revenue from liquor sales would go to cities and counties to support law enforcement and public safety. Unfortunately, that promise has not been kept.
CITY ATTORNEY REPORT	Dan Glenn addressed the off-road vehicle use on-road. He said if the Council wants to allow them, they need to determine what streets they would allow them on and to keep in mind the 35 mile per hour speed limit max. Other cities have approved only specific streets within their limits. Councilmember Schiller asked how many cities have passed this ordinance and Mr. Glenn said he's aware of at least 15 cities. Councilmember Catterlin wants to opt in for streets under 35 miles per hour with appropriate license, lighting, turn signals, and other required safety features. Paul Nott asked if it matters that HWY 108 runs through town. Dan Glenn replied stating State Highways do allow them in areas where the speed limits are not over 35, so if there was an area of HWY 108 that is not in town, they would be allowed. He said there are a lot of requirements they would have to meet before they can qualify to drive one. Dan Glenn suggested Chief Crumb review it. Dan Glenn will prepare a general ordinance.
SKILLINS CONNOLLY 3RD STREET DESIGN PRESENTATION	Jerry Smith, Project Manager, and Tim Horton, Project Designer, addressed the Council and showed design options for the Council to consider. The project was broken into two sections so the Council can decide if they want to move forward on both sections at once, or complete one phase at a time as money is available. Mr. Horton showed both sections, with each section having two options. There is a substantial difference in cost for the two options.
MARIJUANA HEARING EXAMINER & ATTORNEY RECOMMENDATION	Two ordinance options were provided for the council to review and discuss at the next meeting.
COMMUNITY PLANNING ASSISTANCE PROGRAM	The Washington Chapter of the American Planning Association partners with the State Department of Commerce to provide communities the assistance of professional planners and other specialists in articulating visions, solving problems or resolving issues. The Community Planning Assistance Teams are targeted to communities that lack planning resources and provides assistance pro-bono. <b>It was moved by Councilmember Ator, seconded by Councilmember Schiller to authorize the City to apply for assistance with the Community Planning Assistance Teams for assistance in preparing and execution of an economic visioning plan, downtown revitalization, and creating financial sustainability. Motion Carried 5-0.</b>

WATER BODY NAMING	A body of water on the south end of the City limits, which is included in the Shoreline Master Plan, is not named. Paul Nott suggested asking the McCleary School if they would like to have the students name the water body. The Council liked the idea and will choose the name from the students suggestions. Wendy Collins will contact the school to see if they are interested.
TIB FUNDING APPLICATION	Tabled.
REED FUND (RURAL ELECTRIC ECONOMIC DEVELOPMENT)	This account has been around for approximately fifteen years. The fund has specific rules and regulations that need to be followed in order to spend monies in the fund. A board needs to be appointed, which will consist of the Mayor, a Councilmember and three members of the public. The Board must review and approve any requested expenditures, according to the strict guidelines. Councilmember Catterlin wanted this topic added to the agenda because the money has been sitting there for a long time and he believes we should review possible uses for the money and possibly use it while we can.
HB 1632	Not discussed.
APPROVAL OF VOUCHERS	Accounts Payable vouchers/checks approved were 38405- 38454 including EFT's in the amount of \$109,436.75 and 38329- 38375 including EFT's in the amount of \$71,390.89.  <b>It was moved by Councilmember Reed, seconded by Councilmember Ator to approve the vouchers. Motion Carried 5-0.</b>
PUBLIC COMMENT	Councilmember Catterlin used the white board to make a presentation regarding the argument he had with the Mayor at the second public meeting on the levy. He said the City previously had a nitrogen leak on the 12kv seal. Insurance coverage was questioned at the time, and the cost of the deductible was more than the cost of the repairs. His presentation displayed the two substations, and the cost for insurance and deductibles for various disastrous causes. He wanted to point out we do not have enough in the Light & Power reserve fund to cover the required \$250,000 deductible, per unit, in the event there is a flood or earthquake. He wants the Council to keep this in mind when they are working on the budget.  Councilmember Schiller asked what the Mayor's plan is for the REED Board. He wants to know if it will be advertised. The Mayor said it implies in state law, the money can be used to encourage business but can't really be used for Light & Power. Mayor Dent said he will probably have the Clerk put out a notice in the paper. Councilmember Catterlin said one person from the VFW is very interested in equipping the VFW Hall as a disaster relief center. They would like to equip it with cots, blankets, water, and first aid items.
EXECUTIVE SESSION	None.
MEETING ADJOURNED	<b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to adjourn the meeting at 8:04 PM. The next meeting is scheduled for September 10, 2014 at 7:00 PM. Motion Carried 5-0.</b>

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: September 5, 2014  
RE: LEGAL ACTIVITIES as of SEPTEMBER 10, 2014

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **ZONING ORDINANCE:** It is my understanding the matter of final consideration of the zoning in relation to activities subject to licensing under I 502 and the activities related to medical cannabis are before you for consideration this evening.

A. **The Ordinances:** Prior to the last meeting, I provided two drafts. Based upon your comments, I did not prepare a third draft which would have totally implemented the recommendations of Mr. Aaland in terms of allowing the I 502 activities, including retail sites, within the respective zones. Thus, the two drafts are as follows:

1. The "C" draft, if adopted, would not allow any of the uses in any zone within the City.

2. The "B" draft would allow only the commercial growing and processing activities so long as licensed by the State and located in the industrial zone. They would be permitted uses and would not require a conditional use permit.

B. **Recommended Protocol:** I would recommend that the Mayor formally bring the matters before the Council pursuant to the agenda.

1. Prior to taking any action or any comments as to the preferred alternative being made by the Council or Mayor, the Mayor would request any public comment on this particular topic.

2. After receipt of all public comment on the subject of the ordinances, the Council and Mayor move forward with consideration of which approach or permutation thereof you wish to implement through adoption.

If you adopt an approach tonight, the moratorium will automatically end upon the effective date of the ordinance.

2. STORMWATER FUND:

A. Lapsed HOA & the Impact: As is true in one of the other cities which I have the opportunity to represent, a development was allowed to be approved with provision for the stormwater pond to be held and maintained by the HOA. As was true there, in at least one of these situations, the homeowners within the development have allowed the HOA non-profit to lapse and the pond is basically left unmaintained. Ms. Collins, Mr. Baun, and I have had discussions about this type of situation. My understanding is that consideration of approaches is on the agenda this evening.

First, it is likely going to be the best approach in the future to not approve a plat with the stormwater facilities remaining in the ownership of the HOA. That comment is based upon the unfortunate experience we have had.

Second, to paraphrase the language of an economics professor of some years ago, the goal is "to insure that external costs are internalized by those who create them." That could be done by creating a specific rate schedule for properties which are within a development and thus dependent upon a particular stormwater pond. Taking this approach rather than simply raising the general rate insures that all customers of the system would not be bearing the additional cost arising from maintaining a pond which serves only as a collection area for one development. It is entirely possible that Mr. Baun and Ms. Collins may have some monetary recommendations to make to you. If they are not available, I would suggest that they be authorized to develop proposals for your consideration.

B. Use of Fund: As a point of information, a recent opinion confirmed that funds within a stormwater fund may be utilized to fund the sweeping of the streets. The rationale is that the benefit resulting from such activity reduces the problems which would result if the material were "ingested" by the system. Thus, in the preparation of the 2015 budget, that

use would likely reduce the fiscal impact upon the Street Fund, assuming that any sweeping charges are now paid from the Street Fund.

3. **ENHANCED ALL TERRAIN VEHICLE STREET USE ORDINANCE:**

I provided you information on this matter in the last Report. It is my assumption Chief Crumb is looking at the matter and is likely to make a recommendation to you at one stage. In the interim, I am looking at which approach will be the most effective, creating a new chapter in the Code and including as separate sections the various provisions of the statute or incorporating it by reference into the MTO. If the latter approach is feasible, the advantage is that any changes to the sections incorporated which might be made later by statutory amendment by the Legislature would be automatically incorporated. This could save the City some funds in terms of not having to republish the Code sections.

In the interim, I would impose upon the Council and Mayor to consider whether you wish to restrict the use to certain identified streets or allow them upon all streets. (Note the major limitation in the statute is that the speed limit may be no higher than 35 miles per hour.)

4. **INDIGENT DEFENSE STANDARDS RESOLUTION:** This is an issue which has been debated among the various "interested parties" for about three years. It was triggered by a U.S. District Court decision which found that level of services and funding provided by Mt. Vernon did not meet what the Judge viewed as appropriate in terms of constitutional standard. The concerns ranged widely and included the case load on the attorneys involved, the provision of services such as investigation to the defendants, and the access to the attorneys. Partially as a result of this decision, the Supreme Court issued proposed standards a couple of years ago. Their implementation has been delayed several times, but we should now anticipate that they will become mandatory in early 2015.

As a result of the decision, a statutory provision, and the Court's rules, the City is required to adopt provisions to insure compliance. Obviously, if the City moves to enter into an interlocal with Elma to provide the City judicial services, you would not have to adopt these standards unless the public defender for McCleary remains separate from the office of the public defender for Elma.

After review of the mandates and considering various approaches, I have prepared a draft resolution. It anticipates several more steps following its adoption. Those steps include review and likely amendment of the contract for defense services

we currently have with Mr. Jordan, as well as developing a formal "case weighting" system. To give you some idea of the details through which the Court, the public defender, and the City will have to work, I have set out at the bottom of this report what I perceived to be the most relevant portion of the Appendix to the Rule relating to Indigent Defense issued by the Supreme Court. It is likely true that if you are awake at the time you begin reading the Standards, you will not be by the time you complete the reading.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

### SUPREME COURT'S INDIGENT DEFENSE STANDARDS

The Washington Supreme Court adopts the following Standards to address certain basic elements of public defense practice related to the effective assistance of counsel. The Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/CrRLJ 3.1/JuCR 9.2 references specific "Applicable Standards." The Court adopts additional Standards beyond those required for certification as guidance for public defense attorneys in addressing issues identified in State v. A.N.J., 168 Wash.2d 91 (2010), including the suitability of contracts that public defense attorneys may negotiate and sign. To the extent that certain Standards may refer to or be interpreted as referring to local governments, the Court recognizes the authority of its Rules is limited to attorneys and the courts. Local courts and clerks are encouraged to develop protocols for procedures for receiving and retaining Certifications.

#### Standard 1. Compensation

[Reserved.]

#### Standard 2. Duties and Responsibilities of Counsel

[Reserved.]

#### Standard 3. Caseload Limits and Types of Cases

Standard 3.1.. The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

Standard 3.2.. The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys, nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.

Standard 3.3. General Considerations.. Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

The experience of a particular attorney is a factor in the composition of cases in the attorney's caseload.

The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in Standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.

**Definition of case.. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide**



**representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.**

Standard 3.4. Caseload Limits.. The caseload of a full-time public defense attorney or assigned counsel should not exceed the following:

150 Felonies per attorney per year; or

[Effective January 1, 2015.] 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year; or

250 Juvenile Offender cases per attorney per year; or

80 open Juvenile Dependency cases per attorney; or

250 Civil Commitment cases per attorney per year; or

Full time Rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full-time attorneys.

Standard 3.5. Case Counting.. Attorneys may not engage in a case weighting system, unless pursuant to written policies and procedures that have been adopted and published by the local government entity responsible for employing, contracting with, or appointing them. A weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation;

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney

workload than average cases should be weighted upward. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

Notwithstanding any case weighting system, resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

**Standard 3.6. Case Weighting.** The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

**A. Case Weighting Upward.** Serious offenses or complex cases that demand more-than-average investigation, legal research, writing, use of experts, use of social workers, and/or expenditures of time and resources should be weighted upward and counted as more than one case.

**B. Case Weighting Downward.** Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

**I.** Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

**ii.** Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Noncomplex sentence violations should be weighted as at least 1/3 of a case.

**iii.** Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must

recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

iv. Cases on a criminal or offender first appearance or arraignment docket where the attorney is designated, appointed, or contracted to represent groups of clients on that docket without an expectation of further or continuing representation and which are not resolved at that time (except by dismissal). In such circumstances, consideration should be given to adjusting the caseload limits appropriately, recognizing that case weighting must reflect that attorney workload includes the time needed for appropriate client contact and preparation as well as the appearance time spent on such dockets.

v. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative noncriminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case. ....

Standard 5. Administrative Costs

Standard 5.1. [Reserved.]

Standard 5.2.

A. Contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel; telephones; law library, including electronic legal research; financial accounting; case management systems; computers and software; office space and supplies; training; meeting the reporting requirements imposed by these standards; and other costs necessarily incurred in the day-to-day management of the contract.

B. Public defense attorneys shall have (1) access to an office that accommodates confidential meetings with clients and (2) a postal address, and adequate telephone services to ensure prompt response to client contact.

Standard 6. Investigators

Standard 6.1.. Public defense attorneys shall use investigation services as appropriate.

Standards 7-12

[Reserved.]

**Standard 13. Limitations on Private Practice**

Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

**Standard 14. Qualifications of Attorneys**

Standard 14.1.. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:

- A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and
- B. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and
- C. Be familiar with the Washington Rules of Professional Conduct; and
- D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and
- E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and
- F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and
- G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.....

## STAFF REPORT

To: Mayor Dent  
From: Todd Baun, Director of Public Works  
Date: September 4<sup>th</sup>, 2014  
Re: Current Non-Agenda Activity

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### **Well Improvement Project PWTF Close out**

Jon Hinton and I have been working on closing this project out with the PWTF. By getting this closed out before September 20<sup>th</sup>, 2014, we will reduce our interest rate on this loan. This reduction of the interest rate will save rate payers thousands of dollars over the life the loan.

### **2015 Budget**

Wendy, the Mayor and I have started working on the 2015 Budget. All departments have submitted their request and we will be going through them over the next several weeks.

### **Shoreline Management Plan**

I have provided a draft copy of the Shoreline Analysis Report. This report is also on our website. The Watershed Company will also hold a public meeting on October 8<sup>th</sup> at 6 pm at City Hall council chambers.

### **Cemetery 3<sup>rd</sup> Driveway**

The Public Works crew has completed a new crushed rock driveway for the 3<sup>rd</sup> section of the cemetery. The material was given to us from Roglins and came from the scour project that was completed next to the cemetery. The Public Works crew did an excellent job on the installation of the driveway and I would also like to thank Roglins for the crushed rock.

# STAFF REPORT

To: Mayor Dent  
From: Colin Mercer  
Date: September 5, 2014  
Re: August Building Department

## Activities

- Submit copies of permits issued to Grays Harbor County Assessor's Office.
- High Definition Homes 500 E Huckleberry is in the finishing phase.
- High Definition Homes 1493 N Summit Road is in the framing stage.
- The Beehive is in the rough in stage of phase 2 of their project.
- 116 S 4<sup>th</sup> St is close to completion.
- Allowed tenant at 328 W Pine Street to erect a 6' high fence on the vacated portion of 6<sup>th</sup> street, as long as the site distances are maintained at the corner and the alley.

## Nuisance Issues in Progress

- 415 S Main Street Dangerous Garage- we are still waiting for the demolition permit to be pulled.
- 832 N Summit Road dangerous accessory structure was posted to abate the conditions by either demolition or repair. Demolition Permit has been applied for and issued.
- Travel trailer at 817 W. Simpson Avenue moved to 626 W Ash, the property owner has been notified they are only allowed 30 days per MMC.
- 150 Wildcat attempting to work with bank to get property boarded up and the landscape cut down.

## Nuisances Resolved

- Two properties on Mommsen Road have removed the low overhanging trees affecting the right of way.

## Conservation Program

Month	Applications Received	Conservation Permits Issued	Rebates Paid This Month	Total Rebates Paid To Date
July	1	1	\$774.00	\$16,570.00
August	2	2	\$0.00	\$16,570.00

**Building Department Activity**

<b>ACTIVITY</b>	<b>MONTHLY TOTALS</b>	<b>YEAR TO DATE TOTALS</b>	<b>ACTIVITY EXPLANATION</b>
Customer Service	48	372	Answer building department related questions in person or by phone, meeting with potential applicants.
Building Permits Issued	4	35	Remodels, new construction & additions, both residential and commercial.
Plan Reviews Performed	0	10	Reviewing plans for building code and municipal code compliance.
Inspections Performed	15	125	Field inspections, writing of corrections or approving work.
Finals or Certificates of Occupancies	0	10	Performing of the final inspection & issuing of certificate of occupancy allowing use of the structure.
Complaints Received	3	13	Investigate and address citizen or staff reported issues, obtain resolution or acceptable compromise.
Nuisance Letters Sent	5	44	Formal notice from the City informing citizens of violations and providing expectation of the City for compliance.
Lemay's Garbage Letters Sent	0	26	Formal notice from City after notification from Lemay that service has been stopped.
Building Department Revenue	\$1207.65	\$10,885.58	Funds generated by the Building Department from permits, inspections, reviews etc.

**Comments:**

## STAFF REPORT

To: Mayor Dent  
From: Paul Nott, Light & Power  
Date: September 3, 2014  
Re: August Report



	Monthly Statistics;	YTD Totals;
<b>New Services;</b>	2	5
<b>System Outages;</b>	0	8
<b>Pole Replacements;</b>	0	19
<b>Maintenance Work Orders;</b>	6	33
<b>Billable Work Orders;</b>	2	5

The month of August consisted of the completion of the Mommsen re-conductor project, two new service connections, six transformer change outs, and numerous customer service jobs.

We have completed the Mommsen re-conductor. All that is left is to remove the old poles once phone and TV has made their transfers to the new poles.

We have changed out numerous transformers that needed to be changed for the cut over project.

We had two new service connections this month. One in Summit Place II and one for a business on Fourth Street.

We will be continuing on the cut over and working in the alley South of Simpson Ave and also from the bridge West on Simpson in the next month.

As always if you have any questions feel free to contact us...

In case of a power outage, please contact:

Light and Power Department 360-495-4533  
City Hall 360-495-3667  
Dispatch Non-Emergency 360-533-8765



**Staff Report**

**To: Mayor Dent**  
**From: George M. Crumb, Chief of Police**  
**Date: September 5, 2014**  
**RE: For September 10, Council Meeting**

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**SUMMARY OF POLICE INCIDENTS / ACTIVITIES:**

The below listed information are calls or contacts received by McCleary Police Officers either generated by Grays Harbor County dispatch 911 service, citizen reports, call in reports, contacts, or other officer generated incidents.

1334 Incident histories reported as of time of this report period (090514)

- 00-Speeding Infractions
- 00-DWLS
- 00-Speeding in School Zone
- 00-Burglary
- 00-Fire Response's
- 00-Disorderly Conduct/Obstructing
- 00-Harassment
- 00-Agency Assist's
- 00-Drug Incidents (adult w/meth/jail)
- 00-Animal Complaints
- 00-Curfew Violations
- 00-Assault
- 00-Welfare Checks
- 00-Trespass (Criminal)
- 00-Suspicious Person, Vehicle or Circumstance
- 00-Police Information or Referral
- 00-Alcohol Offense
- 00-Traffic Offense-4/Reckless-0/Hazard-6
- 00-Found-4/Lost Property Reports-1
- 00-Motorist Assist-6/Citizen Assist-16
- 00-Theft Reports
- 00-Death, report
- 00-Malicious Mischief
- 00-911 Open Line or Hang Up
- 00-Citizen dispute-1/Civil-1/Vio Court Order-
- 00-Audible Alarm
- 00-Traffic Accident
- 00-Fraud
- 00-Parking Complaint
- 00-Threats Complaint
- 00-Traffic Stop's
- 00-Weapons Offense
- 00 Extra Patrol Request
- 00-Child Abuse
- 00-Abandon Vehicle
- 00-Unsecure Residence
- 00-Unknown or No Classification
- 00-Fireworks Complaint
- 00-Municipal code violation
- 00-Juvenile Problems-3/Run-a-way-/1-Missing-
- 00-Warrant Arrests-/Search Warrant/Confirm-1
- 00-Domestic Violence/Verbal Argument-1
- 00-D.U.I. or Broadcast
- 00-Subject Stop
- 00-Noise Complaints
- 00-Sex Offense

Council Members Present: ALL... Mr. Catterlin-Position 1, Mr. Reed-Position 2,  
Mr. Peterson-Position 3, Mr. Schiller-Position 4,  
Mr. Ator-Position 5.

Mayor Dent: Present / Not Present

Officer Reporting: Chief Crumb



## STAFF REPORT

To: Mayor Dent  
From: Kevin Trewhella, Water & Wastewater manager  
Date: September, 5, 2014

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At the Waste Water Treatment plant, we are currently getting pricing on upgrading the SCADA operating system. This SCADA program communicates with all the computers throughout the wastewater treatment plant to make sure it continues to function properly. If this system goes down there is a chance that we could violate our permits. The computer is over 8 years old, one of the drives on it has already failed. A technician we use for some of our Programmable Logic Control told me that if the other drive fails it would take a programmer a minimum of 1 week, of 16 hour days, to get the system fully functional

This Upgrade was approved in the 2014 budget. The cost for replacing the computer, upgrading the license and the cost for the engineer to do the programming changes, will be approximately \$15,000.00.

Currently there are no operational issues at the Water Treatment Plant.

## **STAFF REPORT**

To: Mayor Dent  
From: Colin Mercer Webmaster  
Date: September 5, 2014  
Re: August Website

### **Re-Occurring Website Activities**

- Council Agenda/Packet posted online.
- Council Minutes posted online.

### **New Website Activity**

- Increased the storage capacity of the site to 3072 MB.
- Create and post new Organization Chart.
- Completed the transition of the Cemetery Map, Name Log and Headstone Photos to the website.
- Create a Staff Access Page on the website to replace the sharepoint system.
- Removed the Rate our Website feature, since it was just being used as a spamming outlet for people.
- Removed the Police Levy Proposition information from the Police News page.
- Re-activate the "Tell us what you think" online form.
- Added the Community Wide Garage Sale to the events calendar.
- Start to upload copies of the City Ordinances for public access.
- Arranged for additional website storage capacity through Govoffice, our website provider.
- Create new staff vacation calendar on the staff page of the website.
- Create new Community Center and park Kitchen calendar on the staff page of the website to replace the old intranet calendar.
- Upload the Shoreline Analysis Report draft to the SMP Page.

### **Additional Tasks**

### **Website Comments:**

First Name: kathy  
Last Name: elofson  
Address: 321 W Hemlock ST.  
Phone Number: XXX-XXX-XXXX  
Email:

Comments: To Tom & Larry, I hope you will listen to the people of McCleary, If 70% of the people that voted wants McCleary to go with the County, Then please vote that way. You are there to represent the people. Not Gary Dent. We are counting on you.

Kathy Elofson

This person selected the following option(s).

- Yes - you may share my name and comments with the media.

**Website Traffic August 1, 2014 through August 31, 2014 (Top visited pages shown only)**

Section	Page Views	Percent of Total
<a href="#">Default Home Page</a>	2932	28.14%
<a href="#">City Jobs</a>	881	8.45%
<a href="#">Events Calendar</a>	467	4.48%
<a href="#">Agendas and Minutes</a>	412	3.95%
<a href="#">Mayor and Council</a>	350	3.36%
<a href="#">Water / Wastewater</a>	348	3.34%
<a href="#">City Departments</a>	332	3.19%
<a href="#">Utilities</a>	326	3.13%
<a href="#">Conservation Program</a>	274	2.63%
<a href="#">Police</a>	238	2.28%
<a href="#">Municipal Code</a>	204	1.96%
<a href="#">Search Results</a>	201	1.93%
<a href="#">City Forms &amp; Documents</a>	200	1.92%
<a href="#">Bear Festival</a>	177	1.7%
<a href="#">Staff Page</a>	144	1.38%
<a href="#">Ordinances</a>	143	1.37%
<a href="#">Administration</a>	142	1.36%
<a href="#">Cemetery Data Page</a>	140	1.34%
<a href="#">Public Facilities</a>	135	1.3%
<a href="#">Light &amp; Power</a>	131	1.26%
<a href="#">Helpful Links</a>	125	1.2%
<a href="#">Chamber of Commerce</a>	118	1.13%
<a href="#">Cemetery</a>	109	1.05%
<a href="#">FAQ's Page</a>	108	1.04%
<a href="#">2008-14 Budget</a>	104	1%
<a href="#">Data Page</a>	102	0.98%
<a href="#">Home Page</a>	98	0.94%
<a href="#">Fire</a>	92	0.88%
<a href="#">Planning Department</a>	91	0.87%
<a href="#">Interlocal Agreements</a>	77	0.74%
<a href="#">Tell Us What You Think!</a>	67	0.64%
<a href="#">Development Services / Building</a>	63	0.6%
<a href="#">Shoreline Master Program</a>	62	0.6%
<a href="#">Municipal Court</a>	54	0.52%
<a href="#">9.34 Firearms, Dangerous Weapons, Explosives, and Hazardous Waste</a>	53	0.51%

## STAFF REPORT

To: Mayor Dent  
From: Todd Baun- Director of Public Works  
Date: September 4<sup>th</sup>, 2014  
Re: 3<sup>rd</sup> Street Design Options

---

Last Council meeting Skillings Connolly presented the council with 4 options for the 3<sup>rd</sup> street design. They showed the following options:

- A1- Full width construction of 3<sup>rd</sup> street. This design includes separate bike lanes. This is also requires more construction easements, additional design time and additional costs.
- A2- Construction of 3<sup>rd</sup> Street would be moved primarily to the west side of the ROW. This design includes shared bike lanes. This is the cheaper option due to the reduction of construction easements and additional design time,
- B1- Full width construction of 3<sup>rd</sup> street. This design includes separate bike lanes. This will be a similar cost to B2. It just comes to preference of how you would like to match A1 or A2
- B2- Construction of 3<sup>rd</sup> Street would be moved primarily to the west side of the ROW. This design includes shared bike lanes. Again, this will be a similar cost to B1. It just comes to preference of how you would like to match A1 or A2.

Also discussed was the closed off section of 2<sup>nd</sup> street. We have the following options.

- Open 2<sup>nd</sup> street to traffic. Make it a one way North/South.
- Close 2<sup>nd</sup> street to traffic. Create a cul de sac turnaround.
- Close 2<sup>nd</sup> street to traffic. Create a possible hammer head turn around.

### **Staff Recommendation:**

I would recommend A2 due to the significant cost difference to A1. I also recommend B2 due to potential problems the large fir trees in the area could present in the B1 design. I would also like to recommend closing 2<sup>nd</sup> street to traffic and creating a hammer head turn around. That would clean up the entrance to the city and proved an excellent place to put in a new, clean, and nice “Welcome to McCleary” sign.

### **Action Requested:**

Please discuss and let me know how you would like to proceed the options that were presented.

## STAFF REPORT

To: Mayor Dent  
From: Todd Baun- Director of Public Works  
Date: September 4<sup>th</sup>, 2014  
Re: Private Storm Water Pond Maintenance

---

We have 6 storm water treatment pond in the City of McCleary. 5 of the ponds are privately owned or Homeowners Associations (HOA) owned and 1 is owned and maintained by the City.

The issue that we are having is proper maintenance of the private storm ponds. All 5 of the ponds that privately owned are now overgrown and are not functioning as they were designed. We have attempted to contact the HOA of these storm ponds and have found that the HOA's don't exist or are inactive.

After talking with Dan, he has suggested a couple of options. Here are as few options that we could pursue

- Contact all homeowners in the development and have them re-establish or activate the HOA's. Then have the HOA's perform maintenance and bring the storm ponds up to design standards.
  - This does option does not guarantee any maintenance will be completed on the storm ponds.
- City crews perform initial the maintenance on all the ponds and bring the ponds up to design standards. Homeowners would then take over maintenance of their storm ponds. City would then have to find suitable way to recover the cost from homeowners that are using the storm ponds.
  - The City cost for this initial maintenance will be several thousand dollars. Recovery of cost could be extremely problematic.
- City takes ownership of the storm ponds and create an "adjusted rate" for the homeowners that use the storm ponds. City would then control all maintenance of the storm ponds.
  - A rough calculation for the "adjusted rates" for the affected developments ranges from \$3.79 to \$5.80. The "adjusted rate" would be an additional charge to their current storm water charge.

### **Action Requested:**

Please discuss and let me know how you would like to have this private storm pond maintenance issue handled.

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO ZONING, PROHIBITING CERTAIN USES, ADDING A NEW SECTION TO CHAPTER 17.20 MMC, AMENDING SECTION 17.16.030, AS LAST AMENDED BY SECTION 3, ORDINANCE 737, PROVIDING FOR ENFORCEMENT, REPEALING ANY ORDINANCE IN CONFLICT HEREWITH, PROVIDING SEVERABILITY & AN EFFECTIVE DATE.

## R E C I T A L S:

1. With the adoption of Initiative 502 certain business activities were authorized subject to licencing by the Liquor Control Board (the LCB). Additionally, the matter of activities authorized under the provisions of RCW 69.51A, known as the Medical Cannabis Act, remain basically unregulated.

2. So as to have time to adequately review the issues related to such activities and to provide time for the Legislature to act upon recommendations which had been requested from the LCB, the City has had in place a moratoriums on these activities.

3. The legislative session has ended and the Legislature has taken no steps to clarify the matter of the licencing of activities under RCW 69.51A. The Mayor and Council have observed how other municipal entities, counties and cities, have dealt with the issues. Additionally they have been made aware of an opinion issued by the Attorney General of the

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reserved right of cities to regulate, including banning, the activities and, as to activities under RCW 69.51A, an appellate decision confirming that authority.

4. The Mayor and Council requested the Hearing Examiner to hold a public hearing with notice, receive public testimony, and provide a written report with findings, conclusions, and recommendations. That has been done.

5. The Council and Mayor have reviewed the Examiner's report and adopt by reference the findings and conclusions which are consistent with the action taken in this ordinance. They do, however, choose to implement a more limited zoning approach than he has recommended.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: It is found to be in the best interests of the City for a variety of reasons, including but not limited public safety, to implement a prohibition of certain activities within the corporate limits and governing the siting and implementation of certain other uses, all as set forth in Section II.

SECTION II: There shall be added to Chapter 17.20 of the Municipal Code a new section to read as follows:

A. General: No use that is illegal under local or state law shall be allowed in any zone within the city.

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**B. Specific Application—Medical Marijuana Dispensaries**

**and Collective Gardens:** Dispensaries of cannabis and/or collective gardens for the production, distribution, and dispensing of cannabis for medical uses, all as further defined and set forth in Chapter 69.51A RCW, as now existing or hereafter amended, are not allowed in any zone within the city.

For purposes of this section,

1. "Dispensary" means any person, entity, site, location, facility, business, cooperative or collective, whether for profit or not for profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges or gives away cannabis for medicinal or other purposes.

2. "Collective garden" means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients, for medical use, as set forth in Chapter 69.51A RCW, as now existing or hereafter amended or succeeded.

**C. Retailing of Marijuana Prohibited:** The retail sale of and retail outlets for the sale of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington, including RCW 69.50, and implementing regulations in Chapter 314-55 WAC, both as now existing or hereafter amended, are each prohibited and not allowed in any zone within the city.

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**D. Production and Processing of Marijuana:** The production and processing of marijuana by a person or entity possessing a valid license to do so as a marijuana producer or marijuana processor which has been issued by the Washington State Liquor Control Board pursuant to its authority granted by Initiative 502 and applicable provisions of RCW 69.50 and WAC 314-55, as now existing or hereafter amended or succeeded shall be allowed as a permitted use in the Industrial (I) zone so long as such activities are in compliance with the terms and conditions under which the license was issued. Section 17.20.030 shall be amended to include these as permitted uses.

In relation to the utilizations authorized by this section, the following specific provisions shall apply:

The facility shall be equipped with such air handling and filtering equipment so as to prevent the odor associated with the growth and processing of marijuana from escaping the interior of the facility.

For purposes of this section, the following definitions apply: PROVIDED THAT, in the event that either RCW 69.50 or WAC 314.55 provide a different definition, the definition in the WAC or RCW 69.50 shall govern.

1. "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

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2. "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

**D. Enforcement:** Any violation of this section is declared to be a public nuisance per se, and shall be abated by the police department, code enforcement officer, or city attorney under the applicable provisions of this code or state law, including, but not limited to, the provisions of Chapter 17.40.140 MMC.

**SECTION III:** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION IV:** This Ordinance shall take effect upon the fifth day following date of publication. As of that date, any moratorium imposed by prior ordinances on these activities covered by this ordinance shall be deemed repealed.

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SECTION V: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, by the City Council of the City of McCleary, and signed in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON     )  
  : ss.  
GRAYS HARBOR COUNTY    )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to

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DG/1e

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have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number \_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, Residing at:  
My appointment expires:

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**08/20/2014**  
DG/1e

**CITY OF McCLEARY**  
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO ZONING, PROHIBITING CERTAIN USES, ADDING A NEW SECTION TO CHAPTER 17.20 MMC, PROVIDING FOR ENFORCEMENT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**R E C I T A L S:**

1. With the adoption of Initiative 502, certain business activities were authorized subject to licencing by the Liquor Control Board (the LCB). Additionally, the matter of activities authorized under the provisions of RCW 69.51A, known as the Medical Cannabis Act, remain basically unregulated.

2. So as to have time to adequately review the issues related to such activities and to provide time for the Legislature to act upon recommendations which had been requested from the LCB, the City has had in place a moratoriums on these activities.

3. The legislative session has ended and the Legislature has taken no steps to clarify the matter of the licencing of activities under RCW 69.51A. Further, the Mayor and Council have observed how other municipal entities, counties and cities, have dealt with the issues. Additionally they have been made aware of an opinion issued by the Attorney General of the reserved right of cities to regulate, including banning, the

**ORDINANCE -C- 1**  
**08/20/2014**  
DG/la

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activities and, as to activities under RCW 69.51A, an appellate decision confirming that authority.

4. The Mayor and Council requested the Hearing Examiner to hold a public hearing with notice, receive public testimony, and provide a written report with findings, conclusions, and recommendations. That has been done.

5. The Council and Mayor have reviewed the Examiner's report and adopt by reference the findings and conclusions which are consistent with the action taken in this ordinance. They do, however, choose to implement a zoning approach not authorizing the uses involved rather than the approach he has recommended.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: It is found to be in the best interests of the City for a variety of reasons, including but not limited public safety, to implement a prohibition of the allowance within the corporate limits of the siting and implementation of the uses set forth in Section II.

SECTION II: There shall be added to Chapter 17.20 a new section to read as follows:

**A. General:** No use that is illegal under local, state, or federal law shall be allowed in any zone within the city.

**B. Specific Application—Medical Marijuana Dispensaries and Collective Gardens:** Until such time as this code is amended to provide specific provisions and land use controls allowing and

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regulating dispensaries of cannabis and/or collective gardens for the production, distribution, and dispensing of cannabis for medical uses, all as further defined and set forth in Chapter 69.51A RCW, as now existing or hereafter amended, such uses are not allowed in any zone within the city.

For purposes of this section,

1. "Dispensary" means any person, entity, site, location, facility, business, cooperative or collective, whether for profit or not for profit, that distributes, sells, dispenses, transmits, packages, measures, labels, selects, processes, delivers, exchanges, or gives away cannabis for medicinal or other purposes.

2. "Collective garden" means the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients, for medical use, as set forth in Chapter 69.51A RCW, as now existing or hereafter amended or succeeded.

**C. Production, Processing, and Retailing of Marijuana**

**Prohibited:** Until such time that this code is amended to provide specific provisions and land use controls allowing and regulating production, processing, retail sale, and retail outlets for the sale of marijuana and marijuana-infused products, all as defined in Initiative Measure No. 502, as codified in the Revised Code of Washington, including RCW 69.50, and implementing regulations in Chapter 314-55 WAC, both as now existing or hereafter amended,

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such uses are each prohibited and not allowed in any zone within the city.

**D. Enforcement:** Any violation of this section is declared to be a public nuisance per se, and shall be abated by the city attorney under applicable provisions of this code or state law, including, but not limited to, the provisions of Section 17.40.140 MMC.

**SECTION III:** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION IV:** This Ordinance shall take effect upon the fifth day following date of publication. As of that date, any moratorium imposed by prior ordinances on the activities covered by this ordinance shall be deemed repealed.

**SECTION V: Corrections by the Clerk-treasurer or Code Reviser.** Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make

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\_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, Residing at:  
My appointment expires:

**ORDINANCE -C- 6**  
**08/20/2014**  
DG/le

**CITY OF McCLEARY**  
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**McCLEARY, WASHINGTON 98557**

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION RELATED TO THE ADOPTION OF  
PUBLIC DEFENSE STANDARDS.

## R E C I T A L S:

1. Section 10.101.030 of the Revised Code of Washington requires cities operating a court to adopt standards for the delivery of public defense services.

2. That statute provides that the standards endorsed by the Washington State Bar Association for the provision of public defense services "should serve as guidelines" to the City Council in adopting standards.

3. Also, the Washington State Supreme Court has adopted Standards for Indigent Defense more specifically, Standard 3 regarding case load limits.

4. It is found to be most effective to adopt by reference those standards, including any mandatory amendments which may be adopted after this date.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: Public Defense Services shall be provided to all individuals who qualify for such services in a manner consistent with the minimum standards set forth by the Washington

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State Bar Association, the Rules of Professional Conduct, and applicable court rules adopted by the Washington State Supreme Court defining the duties of counsel and the rights of defendants in criminal cases. These standards and rules are hereby adopted by reference, as they now exist or are hereafter amended or succeeded.

SECTION II: Public Defense shall be provided to indigent clients whose eligibility has been determined through an established screening process.

SECTION III: All Public Defenders providing services by contract shall certify their compliance with the standards for indigent defense by filing a Certification of Compliance as required by the applicable provisions of the adopted rules and standards. Such forms shall be filed with the City's Municipal Court. Copies of each Public Defender's certification shall be available to the City on request.

SECTION IV: The Public Defender shall comply with all federal, state, and local non-discrimination laws or ordinances. The duty of non-discrimination relates not only to the provision of services by the Public Defender to the clients, but also with respect to the hiring and employment practices of the Public Defender Contractor.

SECTION V: The City recognizes that by adopting these Standards by reference, it is important that changes be reviewed on a regular basis, at least annually. Accordingly, the Mayor

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and Clerk-Treasurer may provide a report to the Council in conjunction with the annual budget process so that it may evaluate the need to update these Standards, as well as any Public Defense contract or the other elements of the criminal justice system such as the Court, prosecutor, and police department.

SECTION VI: In recognition of the various effective dates of the standards and rules adopted by reference, they shall become applicable only as of the effective date set out by the issuing entity or authority.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013, by the City Council of the City of McCleary, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY OF McCLEARY:

\_\_\_\_\_  
D. GARY DENT, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

**RESOLUTION - 3**  
**9-4-14**  
DG/1a

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