

## CITY OF KELSO CHARTER 2016

### ARTICLE I GOVERNMENT

- Section 1.01 Incorporation
- Section 1.02 Powers of the City
- Section 1.03 Construction
- Section 1.04 Intergovernmental Relations
- Section 1.05 Form of Government

#### 1.01 Incorporation.

The municipal corporation now existing and known as Kelso shall remain and continue a body politic and corporate in name and in fact by the name of KELSO.

#### 1.02 Powers of the City.

The city shall have all the powers granted to charter code cities by the constitution and general laws of the state and all powers implied hereby, and shall exercise all municipal functions and have all municipal rights, privileges, and immunities except as prohibited by law or by this charter. The enumeration of particular powers by this charter shall not be deemed to be exclusive. The city shall directly or indirectly provide for police, fire and public safety services and for public works and improvements.

#### 1.03 Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

#### 1.04 Intergovernmental Relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any governmental entity or agency.

#### 1.05 Form of Government.

The government provided by this Charter shall be the Council-Manager form.

### ARTICLE II CITY COUNCIL

- Section 2.01 General Powers and Duties
- Section 2.02 Composition, Eligibility, Election and Terms
- Section 2.03 Mayor
- Section 2.04 Compensation; Expenses
- Section 2.05 Prohibitions
- Section 2.06 Vacancies, Forfeiture of Office, Filling of Vacancies
- Section 2.07 RESERVED
- Section 2.08 Independent Audit
- Section 2.09 Procedure
- Section 2.10 Ordinances in General
- Section 2.11 Emergency Ordinance

#### 2.01 General Powers and Duties.

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

#### 2.02 Composition, Eligibility, Election and Terms.

(a) Composition. There shall be a city council composed of seven members to be elected at large. The mayor shall be elected as provided in Section 2.03.

(b) Eligibility. Only those registered voters of the city who shall have resided in the city for one year prior to the election shall be eligible to hold the office of council member.

(c) Election. The registered electors of the city shall elect a council of seven members, at large in the following manner. At the election approving this Charter, the candidates receiving the highest number of votes for each position shall serve. In the event of a tie vote, the election shall be decided by lot. Such lot shall be conducted no later than the second Tuesday after certification of the election.

(d) Terms. Candidates for positions 1, 2 and 3 shall be elected for a four-year term. In order to stagger the terms of office, candidates for positions 4, 5, 6 and 7 shall be elected for a two-year term. After completion of this initial term, the term of office for positions 4, 5, 6 and 7 will be for four years.

#### 2.03 Mayor.

At its first meeting in January following their election to office, the city council shall elect from among its members officers of the city who shall have the titles of mayor and deputy mayor, each of whom shall serve at the pleasure of the council for two years or until removed from the office by a vote of no less than four members of the council. The mayor shall preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual state of the city message, and other duties specified by the council. The mayor shall be recognized as head of the city government for purposes of military law but shall have no administrative duties. The deputy mayor shall act as mayor during the absence or disability of the mayor.

#### 2.04 Compensation; Expenses.

The city council may determine the annual salary of the mayor and council members by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall be eligible for only authorized expenses incurred in the performance of their duties of office.

#### 2.05 Prohibitions.

(a) Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other City of Kelso office or City of Kelso employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former council member to represent the city on the appointive governing boards of other regional or intergovernmental agencies.

(b) Appointments and Removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquiries, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

#### 2.06 Vacancies; Forfeiture of Office; Filing of Vacancies.

(a) Vacancies. The office of a council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by law; in addition, the office of a council member shall also become vacant if any council member fails to attend six scheduled regular meetings of the council during a calendar year unless on authorized City-related business, which shall be approved by a majority of the council.

(b) Forfeiture of Office. A council member shall forfeit that office if the council member:

- (1) lacks at any time during the term of office any qualification for the office prescribed by this charter or by law; or
- (2) violates any express prohibition of this charter; or
- (3) is convicted of a crime involving moral turpitude; or
- (4) discloses matters discussed in any executive session, unless authorized by a majority vote of the council.

(c) Filling of Vacancies. A vacancy in the city council shall be filled for the remainder of the unexpired term, if any, at the next regular election following not less than 60 days upon the occurrence of the vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

#### 2.07 RESERVED

#### 2.08 Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three years, but the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year. If the State makes such an audit, the council may accept it as satisfying the requirements of this section.

#### 2.09 Procedure.

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or two or more members, provided notice of such meetings is given in accordance with State law. Except as allowed by state law, all meetings shall be public, with a portion of each regular meeting set aside for public comment.

(b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum. No action of the council shall be valid or binding unless adopted by a majority of those present, except where a majority vote of the entire council is required by State law. Every Council member including the Mayor shall vote. Abstentions are not allowed except for conflict of interest, which shall be determined by the City Attorney.

#### 2.10 Ordinances in General.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Kelso hereby ordains . . .". Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. At First Reading, the title of such ordinance shall be read. Copies of all such proposed ordinances shall be kept available to the public at the office of the city clerk. Ordinances granting a franchise shall be published once each week for three consecutive weeks prior to finally passing such ordinance.

At the Second Reading, the title of such ordinance shall be read. All persons interested shall be given an opportunity to be heard on the proposed ordinance.

After such opportunity for public comment, the city council may pass such ordinance, with or without amendment. Passage of an ordinance requires at least a majority vote in its favor and the vote shall be taken by yeas and nays, and entered in the public journal of city council proceedings. Every ordinance or resolution passed by the city council shall be signed by the mayor and filed with the city clerk, who shall record the same. When an ordinance fails to pass and a motion is made to reconsider, the vote upon such motion shall not be acted upon before the next meeting of the city council.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective 5 days after publication of the summary of the ordinance or at any later date specified therein. All ordinances shall be published promptly.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in one or more newspapers of general circulation in the city: (1) The summary of the ordinance thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

#### 2.11 Emergency Ordinance.

To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall

be required for adoption. After its adoption, a summary of the ordinance shall be published and printed as prescribed for other adopted ordinances. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. An emergency ordinance shall become effective upon adoption or at such later time as it may specify.

#### ARTICLE III ---RESERVED

#### ARTICLE IV --RESERVED

#### ARTICLE V

##### FINANCIAL PROCEDURES

Section 5.01 Fiscal Year

Section 5.02 Budget

Section 5.03 Budget Control

Section 5.04 Accounting and Auditing

Section 5.05 Fiscal Control

Section 5.06 Fees and Collection

Section 5.07 Purchases

Section 5.08 Competitive Bidding

Section 5.09 Bonds and Indebtedness

Section 5.10 Sale of Bonds

Section 5.11 Taxes and Indebtedness

##### 5.01 Fiscal Year.

The fiscal year of the city of Kelso shall be set by ordinance not in conflict with general laws.

##### 5.02 Budget.

The annual budget shall be prepared and presented to the council by the manager and acted upon in the manner and within the time limits prescribed by general laws. The manager shall attach to each budget such supporting data and explanatory material relating to current operations, capital improvements, and other phases of the budget as may be deemed appropriate.

The manager shall annually prepare and present to the council a program of proposed capital projects for the five fiscal years next succeeding the budget year, with cost estimates relating thereto. This shall be known as the capital expense budget.

##### 5.03 Budget Control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the manager shall submit to the council data showing the relation between the estimated income and expenses and actual income and expenses to date. If it shall appear that the income is less than anticipated, the council may reduce or transfer appropriations, except amounts required to meet conditional obligations and for debt service, interest, and other fixed charges, to keep expenditures within cash income.

##### 5.04 Accounting and Auditing.

The manager shall be in charge of the administration of the financial affairs of the city and shall be responsible for maintaining proper books and records, for accounting, and for auditing all transactions

affecting the city. Reserves for depreciation may be established in accordance with sound accounting practices.

#### 5.05 Fiscal Control.

The manager shall appoint a director of finance who shall supervise the receipt, custody, and disbursement of all city funds and perform such other duties as may be required by general laws, this Charter, the council, or the manager.

#### 5.06 Fees and Collection.

All fees and other moneys collected by any officer or employee shall belong to the city and shall be paid immediately to the finance director.

#### 5.07 Purchases.

Except as otherwise provided in this Charter, the manager shall be responsible for all city purchasing, but this authority may be delegated to a city purchasing officer.

#### 5.08 Competitive Bidding.

All contracts where the total contract is in excess of limits set by State law and all purchase of supplies, material, equipment, or nonprofessional services where the total cost exceeds the limits prescribed by State law shall be subject to sealed bids.

Bids shall be advertised by posting notice thereof in a public place in the city and by not less than one publication in the official newspaper of the city at least ten days prior to the date fixed for the opening of bids. All bids shall be sealed and shall be opened publicly at the time and place designated in the call for bids. The manager, or the manager's representative, shall analyze the bids and provide the council with a summary thereof. Except as hereinafter provided, the contract shall be awarded to the lowest responsible bidder. The council may reject any or all bids.

#### 5.09 Bonds and Indebtedness.

The creation of indebtedness and the issuance of all bonds, warrants, and other evidences of indebtedness shall be governed and controlled by general laws.

No contract shall be executed, the payment of which will be financed by the issuance of bonds, warrants, or other evidences of indebtedness, until the ordinance authorizing the issuance of such bonds or other evidences of indebtedness shall have taken effect. Any contract executed before such time shall be unenforceable.

#### 5.10 Sale of Bonds.

Subject to general laws, bonds, warrants, and other evidences of indebtedness may be sold at public or private sale in any manner and at any price the council deems the best interests of the city require.

#### 5.11 Taxes and Indebtedness.

The city shall have all the powers granted to, or not withheld from, charter code cities by the Constitution and laws of the state in the levying and collection of taxes and incurring of indebtedness.

### ARTICLE VI

#### ELECTIONS

Section 6.01 City Elections

Section 6.02 Initiative and Referendum

#### 6.01 City Elections.

The regular city election shall be held at the time established by state law.

#### 6.02 Initiative and Referendum.

The powers of initiative and referendum are hereby reserved to the electors of the city. Laws of the State of Washington, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.

### ARTICLE VII

#### GENERAL PROVISIONS

##### Section 7.01 Conflicts of Interest

##### Section 7.02 Activities Prohibited

#### 7.01 Conflicts of Interest.

The use of public office for private gain is prohibited. The city council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide for fines and imprisonment for violations.

#### 7.02 Activities Prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of marital status, race, gender, age, handicap, religion, country of origin or political affiliation.

(2) No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment under the provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

(3) No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(4) No person shall knowingly or willfully solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose to be used in conjunction with any city election from any city employee.

### ARTICLE VIII

#### CHARTER AMENDMENT

##### Section 8.01 Proposal of Amendment

#### 8.01 Proposal of Amendment.

Amendments to this Charter may be submitted to the registered electors by the council or by petition of the electorate in the manner provided by the constitution or laws of the state.

#### ARTICLE IX

##### TRANSITION/SEPARABILITY OF PROVISIONS

- Section 9.01 Officers and Employees
- Section 9.02 Pending Matters
- Section 9.03 State and Municipal Laws
- Section 9.04 Time of Taking Full Effect
- Section 9.05 Separability

##### 9.01 Officers and Employees.

(a) Rights and Privileges Preserved. Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

##### 9.02 Pending Matters.

All rights, claims, actions, orders, contracts and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the city department, office or agency appropriate under this charter.

##### 9.03 State and Municipal Laws.

All city ordinances, resolutions, orders, regulations and laws which are in force when this charter becomes fully effective are superseded to the extent that they are inconsistent with this charter.

##### 9.04 Time of Taking Full Effect.

The charter shall be in full effect for all purposes on and after the date and time of the first meeting of the newly elected city council.

##### 9.05 Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.



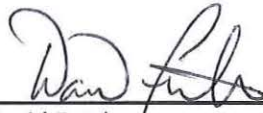
Authentication:

I, David Futcher, mayor of the City of Kelso, do hereby certify that the City of Kelso passed Resolution Nos 16-1161, 16-1162, 16-1163, and 16-1164 and thereby caused certain amendments the Kelso City Charter to be presented to the qualified electors of the City of Kelso; and

That thereafter at the general election held on November 8, 2016, the proposed charter amendments were submitted to the qualified electors of the City of Kelso, whereupon each of the four amendments were declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing Charter is a full, true and complete copy of the Charter of the City of Kelso incorporating the proposed amendments so voted upon and adopted.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of the said city at my office this 6<sup>th</sup> day of December, 2016.



\_\_\_\_\_  
David Futcher,  
Mayor of the City of Kelso

ATTEST/AUTHENTICATION:



\_\_\_\_\_  
CITY CLERK

(corporate seal)

