

Ordinance No. 4804

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLensburg, WASHINGTON AMENDING THE ELLensburg CITY CODE BY RENAMING THE CITY'S PUBLIC WORKS DIRECTOR TO THE PUBLIC WORKS AND UTILITIES DIRECTOR, ASSIGNING THE DUTIES AND FUNCTIONS OF THE ENERGY SERVICES DIRECTOR TO THE PUBLIC WORKS AND UTILITIES DIRECTOR; AMENDING ARTICLES X AND XI OF CHAPTER 2.16 "FUNDS"; AMENDING SECTIONS 2.16.2600 AND 9.20.030; RENAMING TITLE 4 "PUBLIC WORKS CONSTRUCTION" TO "PUBLIC WORKS;" REPEALING SECTION 2.03.080; AND ADDING A NEW CHAPTER TO THE ELLensburg CITY CODE ENTITLED "1.06 CITY MANAGER AND ASSISTANT CITY MANAGER."

WHEREAS, on December 4, 2017, the City Council approved Pay Plan Resolution No. 2017-37 for fiscal year 2018 for non-represented City employees; and

WHEREAS, on May 21, 2018, the City Council approved reorganization of certain City departments through adoption of Resolution 2018-18, which revised the City's Pay Plan as set forth in Resolution 2017-37 by creating the positions of Assistant City Manager-City Attorney, Public Works and Utilities Director, City Engineering Services Manager, Assistant Utilities Director, and Senior Operations Analyst; and

WHEREAS, the City Council has also directed City staff to prepare an ordinance to revising, as necessary, the Ellensburg City Code to implement the changes authorized in Resolution 2018-18; and

WHEREAS, the reorganization of certain City departments also requires changes to Chapter 2.16 ECC renaming accounting funds to reflect the changes; and

WHEREAS, the name of Title 4 should be corrected from "Public Works Construction" to "Public Works" to accurately reflect the scope of the title; and

WHEREAS, other minor changes to other code sections are needed as a result of the reorganization; and

WHEREAS, the Ellensburg City Code does not make provision for the duties of the City Manager position, as permitted in Chapter 35A.13 RCW and it is desirable to specify those duties in a new chapter in the code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.** When the context requires, whenever the term “energy services,” “city light,” “energy services department,” “department of energy services,” or “light department” is used in the Ellensburg City Code or any ordinance or resolution, it shall in the future be referred to as “public works and utilities,” “public works and utilities department,” or “department of public works and utilities,” respectively.

**Section 2.** When the context requires, whenever the term “energy services director” or “director of energy services” is used in the Ellensburg City Code or any ordinance or resolution, it shall in the future be referred to as the “public works and utilities director” or “director of public works and utilities,” respectively.

**Section 3.** When the context requires, whenever the term “public works,” “public works department,” or “department of public works” is used in the Ellensburg City Code or any ordinance or resolution, it shall in the future be referred to as “public works and utilities,” the “public works and utilities department,” or “department of public works and utilities,” respectively.

**Section 4.** When the context requires, whenever the term “public works director” or “director of public works” is used in the Ellensburg City Code or any ordinance or resolution, it shall in the future be referred to as the “public works and utilities director” or “director of public works and utilities,” respectively.

**Section 5.** When the context requires, whenever the term “light department” is used in the Ellensburg City Code or any ordinance or resolution, it shall in the future be referred to as the “public works and utilities department.”

**Section 6.** The public works and utilities director shall have all powers of the energy services director, and the public works and utilities department shall have all powers and functions of the energy services department, as set forth in the Ellensburg City Code. The public works and utilities director shall also have the power to delegate his or her powers and functions, as appropriate, to a designee.

**Section 7.** “Article X. Water Department Construction Reserve Fund” of Chapter 2.16 “Funds” of the Ellensburg City Code and Ordinance 2899 is hereby renamed and amended to read as follows:

#### **Article X. Water Department Utility Construction Reserve Fund**

##### **2.16.1480 Created – Purpose.**

There is created a fund for the city water ~~department utility~~ to be designated as the water ~~department utility~~ construction reserve fund, for the purpose of providing funds with which to pay future capital improvements, extensions and betterments of the city water system. [Ord. 2899 § 1, 1972.]

##### **2.16.1520 Fund transfers.**

There may be transferred to the fund created by ECC 2.16.1480 from the accumulated revenues of the city water ~~department utility~~ which are in excess of the actual requirements for current operations, maintenance and debt service, such sums as the city council shall deem necessary and appropriate and authorize by resolution. [Ord. 2899 § 2, 1972.]

##### **2.16.1560 Withdrawals.**

Monies so deposited in the fund created by ECC 2.16.1480 may be withdrawn therefrom and used by authorization of the city council through appropriations in the annual budget, or by appropriate amendatory budget ordinances. [Ord. 2899 § 3, 1972.]

**Section 8.** “Article XI. Sewer Department Reserve Fund” of Chapter 2.16 “Funds” of the Ellensburg City Code and Ordinance 2929 is hereby renamed and amended to read as follows:

### **Article XI. Sewer Department Utility Reserve Fund**

#### **2.16.1600 Created – Purpose.**

There is created a cumulative reserve fund for the city sewer ~~department utility~~ to be designated as the sewer ~~department utility~~ reserve fund, for the purpose of receiving certain funds with which to defray the expenses of future capital improvements, extensions and betterments to the city sewer system. [Ord. 2929 § 1, 1972.]

#### **2.16.1640 Fund transfers.**

There may be transferred to the fund created by ECC 2.16.1600 from the accumulated revenues of the city sewer ~~department utility~~ which are in excess of the actual requirements for current operations, maintenance and debt service, such sums as the city council shall deem necessary and appropriate and such transferred sums shall be authorized by resolution. [Ord. 2929 § 2, 1972.]

#### **2.16.1680 Withdrawals.**

Monies so deposited in the fund created by ECC 2.16.1600 may be withdrawn therefrom and used by authorization of the city council through appropriations in the annual budget, or by appropriate amendatory budget ordinances. [Ord. 2929 § 3, 1972.]

**Section 9.** Section 2.16.2600 of the Ellensburg City Code, as last amended by Section 3 of Ordinance 4782, is hereby amended to read as follows:

#### **2.16.2600 Public works and utilities change and revolving fund established.**

There shall be established a public works and utilities department revolving petty cash fund in the amount of \$150.00 for the purpose of making change and \$75.00 for the payment of small purchases or freight and postage charges due. All expenditures from the fund shall be supported by proper receipts with reimbursement authorized from the claims fund upon presentation of the receipts with vouchers to the city council. [Ord. 4782 § 3, 2017; Ord. 4763 § 1, 2017.]

**Section 10.** Section 9.20.030 of the Ellensburg City Code, as last amended by section 1 of Ordinance 4775 is hereby amended to read as follows:

**9.20.030 General.**

A. All mains (gas, sewer, water and stormwater) and primary voltage facilities installed by or on behalf of the city shall remain the property of the city at all times. After acceptance by the city, all such mains and primary voltage facilities shall be maintained by the city.

B.1. Except as required in subsection (B)(2) of this section, any time that new city utilities must be installed on or over private property adjacent to a customer requesting utility service, a duly executed and notarized easement agreement satisfactory to the city must be obtained from the owners of record of the adjacent property and recorded with the office of the county auditor, which may be executed by the director of the utility department. Service lines installed on or over property owned by a customer requesting utility service are exempt from this requirement.

Existing utility facilities that are replaced in the same location on or over another party's private property to serve a customer requesting utility service that have a utility easement satisfactory to the city are exempt from this requirement.

2. Easements located within city-owned property or right-of-way, easements that require city payment, and easements outside of the city limits shall require city council approval.

3. Any party making modification to a property or structure that results in the need to replace, relocate, or otherwise modify existing utility facilities or obtain additional easements shall be responsible for all associated costs.

C. All electrical facilities not installed by city employees must be installed by qualified electrical employees with training equivalent to that required of city employees for the same specific work. All natural gas facilities not installed by city employees must be installed by operator-qualified workers with training equivalent to that required of city employees for the same specific work. The operator qualifications must be approved by the city prior to any electrical or gas work commencing.

D. The city shall have the right and authority to condemn and appropriate so much private property as is necessary for the construction and operation of electric, gas, sewer or water facilities in such manner as may be prescribed by law; and to condemn and appropriate any electric, gas, sewer or water facilities not owned by the city, in such manner as may be prescribed by law for the condemnation of real estate.

E. A utility extension agreement as provided for in Chapter 2.48 ECC and approved by the city council must be executed by a property owner before any city utility service (except gas) can be extended to property located beyond the Ellensburg corporate city limits. The city is authorized, but not mandated, to provide non-gas utility service outside of the corporate city limits but in no case may non-gas utility service be extended outside of the city's urban growth area boundary except as allowed by Chapter 35.84 RCW.

F. The ~~energy services director (gas, telecommunications or electric) or the public works director (sewer or water)~~ public works and utilities director may determine that an extension or oversizing of utility facilities beyond the needs of the customer(s) is in the best interest of the city for the long-term operation or reliability of the utility system. In such cases the city will pay for the extension and/or the net cost of oversizing and be eligible to recover the costs through a reimbursement fee.

G. The utility directors are authorized to establish standards and procedures for processing applications and determining eligibility for utility reimbursement agreements consistent with the requirements of this chapter.

H. Persons paying to extend or upgrade utility mains to their property may seek partial cost recovery from individuals who connect to the extended or upgraded main at a later date. In order to qualify for partial cost recovery the individual must have entered into a reimbursement agreement with the city prior to substantial completion of the development. [Ord. 4775 § 1, 2017; Ord. 4762 § 3, 2016; Ord. 4644 § 5, 2013; Ord. 4503 § 2, 2007.]

**Section 11.** The title of Title 4 "Public Works Construction" of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4744, is hereby renamed "Public Works."

**Section 12.** Section 2.03.080 of the Ellensburg City Code, as last amended by Section 1 of Ordinance 4660, is hereby repealed in its entirety.

**2.03.080 Contracting authority.**

~~The city manager is authorized to execute on behalf of the city purchasing and public works contracts; provided, that formal competitive bids are not required, and other routine contracts under which the municipality's liability does not exceed \$25,000. The city manager may execute such contracts without first obtaining the approval of the city council so long as the contract is consistent with the approved annual budget for the city, and the municipality's liability under the contract does not exceed available fund balances. The city manager shall promptly provide, upon request of any city council member, a copy of the executed contract, along with supportive data or materials, to the city council or the requesting council member, consistent with the request that has been made. [Ord. 4660 § 1, 2014; Ord. 3882 § 1, 1993.]~~

**Section 13.** A new chapter entitled "1.06 City Manager and Assistant City Manager" is hereby added to the Ellensburg City Code to read as follows:

**Chapter 1.06**  
**City Manager and Assistant City Manager**

**Sections**

- 1.06.010      Office of city manager established - authority.**
- 1.06.020      Duties of city manager.**
- 1.06.030      City organization.**
- 1.06.040      Authority to execute agreements, contracts and leases.**
- 1.06.050      Assistant city manager – duties – combined office.**

**1.06.010      Office of city manager established - authority.**

There is hereby established for the city of Ellensburg the office of City Manager. Such office shall be appointive and all appointments to such office shall be made by the City Council.

**1.06.020      Duties of city manager.**

The city manager shall be the chief executive officer and head of the administrative branch of the city. The city manager shall be responsible to the city council for the proper administration of all affairs of the city. The city manager shall have all of the powers and shall perform each and all of the duties specified by Chapter 35A.13 RCW, together with any other duties or authority which may be conferred upon such office by the city council or by the laws of the State of Washington or the laws of the city as they now exist or may hereafter be amended.

**1.06.030      City organization.**

A. The city manager is authorized to create, eliminate, consolidate and modify such departments, offices and employment as from time to time he or she may find necessary or advisable for the efficient operations of the city and may determine the powers and duties of each department or office and consistent with appropriations budgeted by the city council. The city manager may delegate to such employee any duties required or authorized to be performed by the city manager.

B. The city manager may appoint and remove at any time all department directors, officers and employees of the city, except members of the city council; provided, that sufficient funds required for any salary appropriations have been budgeted by the council for any appointments of personnel.

**1.06.040 Authority to execute agreements, contracts and leases.**

A. The city manager, and, in the absence of the city manager, the assistant city manager or acting city manager, and designees of the city manager, assistant city manager or acting city manager employed in the administrative service of the city, are authorized to execute the following agreements, contracts and leases on behalf of the city of Ellensburg; provided, that sufficient funds required for any appropriations have been budgeted by the council:

1. Purchases and sales that do not exceed \$40,000. The city manager may delegate this authority to department directors for contracts under which the city's liability does not exceed \$10,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$2,500;

2. Agreements and contracts which have an annual value up to \$40,000, and amendments thereto which do not increase the annual value of such agreement or contract beyond an aggregate amount of forty thousand dollars. The city manager may delegate this authority to department directors for agreements and contracts under which the city's liability does not exceed \$10,000. Department directors may delegate this authority to other employees of their department for contracts under which the city's liability does not exceed \$2,500;

3. Leases that do not exceed one year in length and do not exceed forty thousand dollars in value;

4. Agreements and contracts with the city's designated public depositaries;

5. Agreements, contracts and leases awarded by the council at any regular or special meeting of the council;

6. Any other agreements, contracts and leases authorized by the council by ordinance, resolution, or motion;

7. Amendments to agreements, contracts and leases awarded or authorized by the council; provided, that the aggregate value of all amendments to any agreement, contract or lease may not exceed \$40,000 or 10% of the original contract amount, whichever is greater, unless otherwise authorized by the council; and

8. Amendments to agreements, contracts and leases awarded or authorized by the council that do not materially alter such agreement, contract or lease, and do not increase the financial obligation of the city beyond the total amount authorized by the council in its award, ordinance, resolution or motion.

B. Agreements, contracts, and leases executed on behalf of the city shall be filed with the office of the city clerk and open to public inspection in the manner provided by law subject to exceptions,

prohibitions, and exemptions therein provided. The city manager shall regularly report to the council all agreements, contracts and leases he or she executes on behalf of the city.

**1.06.050 Assistant city manager – duties – combined office.**

An assistant city manager may be appointed by the city manager and shall have such duties as shall be assigned to him or her by the city manager. The office of assistant city manager may, at the direction of the city manager, be combined with the office of any city official described in the city code.

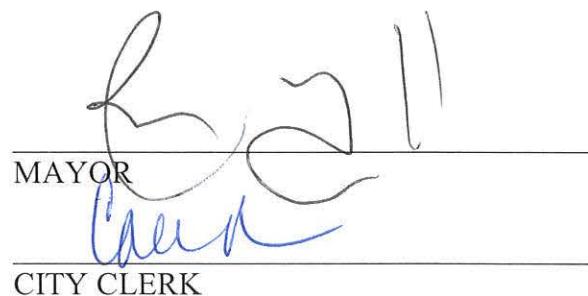
**Section 14. Severability.** If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

**Section 15. Corrections.** Upon the approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 16. Effective Date.** This ordinance shall take effect and be in full force five (5) days after publication as required by law.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 18th day of June, 2018.

ATTEST:



MAYOR  
CITY CLERK

Approved as to form:



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CITY ATTORNEY

Publish: 6-21-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4804 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4804 was published as required by law.



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COREEN M. RENO