



Regular City Council Meeting Agenda
Zoom Meeting
February 23, 2021 - 6:00 p.m.

A. Virtual Participation

In response to Governor Inslee's proclamation 20-28.15 regarding Open Public Meetings during the COVID-19 pandemic, there will not be a physical meeting location for the City Council meeting. The public is encourage to attend the meeting by clicking the link or calling the phone number below. If you have technical difficulties, please call 509-498-9255.

Join Zoom Meeting

[HTTPS://US02WEB.ZOOM.US/J/83626076151?](https://us02web.zoom.us/j/83626076151?pwd=SFPSMVVPBMJYT1FIK2DYVUHMUXRZDZ09)
[PWD=SFPSMVVPBMJYT1FIK2DYVUHMUXRZDZ09](https://us02web.zoom.us/j/83626076151?pwd=SFPSMVVPBMJYT1FIK2DYVUHMUXRZDZ09)

Meeting ID: 836 2607 6151

Passcode: 108428

Dial by your location

+1 253 215 8782

B. Call To Order - Pledge Of Allegiance

C. Roll Call - Excused Absences

D. Minutes

Minutes Of The Regular City Council Meeting Of February 9, 2021

Documents:

[2-9-21.PDF](#)

E. Vouchers/Payroll

2020 Voucher Total = \$1,626.95

2021 Voucher Total = \$1,032,846.79

F. Claims For Damages

Leaf = \$371.95

Hilton Real Estate = \$1,129.84

G. Small Contracts (Less Than \$10,000) - Approved By Mayor

H. Information Items

Parking Fines

Fire Department Efficiency Study RFP

I. Appointments

J. Citizen Comments

Council comments must be submitted via email to COUNCILCOMMENTS@CITYOFCHENEY.ORG or by dropping off written comments in the drop box at Cheney City Hall, 609 2nd St. All comments must be received by 5:00 p.m. the day of the meeting.

K. Action Items

Public Hearings

Resolutions

1. 21-029 - Resolution E-895 - Revised Public Records Policy

RCW 42.56 requires cities to adopt and maintain public records policies. This revision updates the public records officer and the procedures followed while processing requests.

Documents:

[21-029 REVISED PUBLIC RECORDS POLICY.PDF](#)
[E-895 REVISED PUBLIC RECORDS POLICY.PDF](#)
[REVISED PUBLIC RECORDS POLICY 2021.PDF](#)

2. 21-030 - Resolution E-896 - Interlocal Agreement For Plan Review Services

The City of Liberty Lake desires to enter into an Interlocal Agreement with the City of Cheney to obtain building plan review services from Cheney Building Department to assist in enforcing the WA State Building Code Act and other related matters in Liberty Lake in conformance with Liberty Lake Ordinances, and state law RCW 19.27.

Documents:

[CCAR 21-030 INTERLOCAL AGREEMENT FOR PLAN REVIEW SERVICES.PDF](#)
[RES E-896 INTERLOCAL AGREEMENT FOR PLAN REVIEW SERVICES.PDF](#)
[LIBERTY LAKE - CHENEY PLAN REVIEW INTERLOCAL AGREEMENT 2-10-2021 WITH ATTACHMENT.PDF](#)

3. 21-031 - Resolution E-897 - Energy Services Proposal Evaluation

At the February 9, 2021 Council Meeting, City Council approved Resolution E-897 for the Public Works and Utilities Committee to review and evaluate the Energy Services Request for Proposals and provide a recommendation to City Council. The Committee has completed the evaluation and is recommending Apollo Solutions.

Documents:

[CCAR 21-031 ENERGY SERVICES PROPOSAL RECOMMENDATION.PDF](#)
[RES E-897 ENERGY SERVICES PROPOSAL RECOMMENDATION.PDF](#)

4. 21-032 - Resolution E-898 - 2021 Purchase Of Wood Poles

The Light Departments issued an invitation to bid for the purchase of 119 wood poles of various sizes. Stella-Jones Corporation supplied the only bid at \$69,902.00 plus tax.

Documents:

[CCAR 21-032 2021BID FOR PURCHASE OF WOOD POLES.PDF](#)
[RES E-898 2021 BID FOR PURCHASE OF WOOD POLES.PDF](#)
[2021 BID FOR PURCHASE OF WOOD POLES.PDF](#)

Ordinances

1. 21-020 - Ordinance Y-1 - Building Code Amendment CMC 19.06 Second Reading

On February 9th City Council approved the 1st reading of Ordinance Y-1 which includes revisions to CMC19.06. Revisions Include adoption of the 2018 International Code including Washington State Amendments which replaces the 2015 International Code. Adoption of the code is effective February 1, 2021 and the City of Cheney is required to adopt these changes.

Documents:

[CCAR 21-020 BUILDING CHAPTER 19.06 ORDINANCE 2-17-2021.PDF](#)
[ORDINANCE Y-1 AMENDING 19.06 \(BUILDING CODE\).PDF](#)

2. 21-021 - Ordinance Y-2 - Fire Code Amendment AMC 18.06 Second Reading

On February 9th City Council approved the 1st Reading of Ordinance Y-2 which includes revisions to the International Fire Code CMC18.06. Revisions Include adoption of the 2018 International Fire Code which replaces the 2015 International Fire Code. Adoption of the code is effective February 1, 2021 and the City of Cheney is required to adopt these changes.

Documents:

[CCAR 21-021 FIRE CODE AMENDMENT CMC 18.06 2-17-2021.PDF](#)
[ORDINANCE Y-2 AMENDING 18.06 \(FIRE CODE\).PDF](#)

Other Business

L. Staff Reports

M. Mayor's Report

N. Council Reports

O. Executive Session

P. Adjournment

REGULAR CITY COUNCIL MEETING
February 9, 2021

A. Call to Order – Pledge of Allegiance Mayor Grover called the Regular City Council meeting to order at 6:00 p.m.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Overhauser, Councilmember Schmidt, Councilmember Barthels, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, and Councilmember Taves. Staff members present included Mr. Schuller, Ms. Niemeier, Mr. Schwartz, Ms. MacDonald, Mr. Hensley, Mr. Ableman, Mr. Jenkins, Mr. Marx, Ms. Cooper, and Ms. Snider.

C. Minutes of the Regular City Council meeting of January 26, 2021 were approved as distributed.

D. Claims and Vouchers nos. 156256 through 156265 in the amount of \$115,750.78 for 2020, 156266 through 156337 and January interdepartmental billing in the amount of \$130,312.32 for 2021, payroll warrants nos. 63597 through 63633 in the amount of \$17,947.80, direct deposits in the amount of \$413,253.96, claims warrants nos. 156225 through 156250 in the amount of \$251,868.51, and transfers to claims clearing fund for distribution of reported benefit adjustments in the amount of \$259,124.39 for a total payroll of \$942,194.66 were approved as read.

E. Claims for Damages Ms. Niemeier stated that the claim is from Fellowship Baptist Church in the amount of \$6,646.39. Councilmember Overhauser moved to pay the claim. Councilmember Schmidt seconded. Carried unanimously.

F. Small Contracts The small contracts were previously approved.

G. Information Items None

H. Appointments None

I. Citizen Comments None

J. Action Items

1. 21-018 – Resolution E-891 – City Fuel Station Upgrade Mr. Ableman stated that this expands the fuel station capacity. Councilmember Schmidt moved for approval of Resolution E-891. Councilmember Hilton seconded. Carried unanimously.

2. 21-019 – Resolution E-892 – Asplundh Line Clearance Renewal Mr. Marx stated that this is a renewal of the contract. Councilmember Taves moved for approval of Resolution E-892. Councilmember Hilton seconded. Carried unanimously.

3. 21-022 – Resolution E-983 – AFG Grant Type 5 Engine Mr. Jenkins stated that he would like to apply for a type 5 wildland engine. The 5% match required would be \$10,500. Councilmember Weiszmann moved for approval of Resolution E-983. Councilmember Gaard seconded. Carried unanimously.

4. 21-026 – Resolution E-897 – Energy Services Proposal Evaluation Mr. Ableman stated that this assigns the Public Works and Utilities Committee to help review the proposals. Councilmember Schmidt moved for approval of Resolution E-897. Councilmember Hilton seconded. Carried unanimously.

5. 21-020 – Ordinance Y-1 – Building Code Amendment CMC 19.06 Mr. Ableman stated that this replaces the 2015 International Building Code with the 2018 code. He explained the changes. Councilmember Taves moved for the first reading of Ordinance Y-1 in title and summary form only and to defer it to a subsequent meeting. Councilmember Weiszmann seconded. Carried unanimously.

6. 21-021 – Ordinance Y-2 – Fire Code Amendment CMC 18.06 Mr. Ableman stated that this replaces the 2015 International Fire Code with the 2018 code. Councilmember Taves moved for the first reading of

Ordinance Y-2 in title and summary form only and to defer it to a subsequent meeting. Councilmember Hilton seconded. Carried unanimously.

7. 21-024 – Ordinance X-98 – Interfund Loan Ms. Niemeier stated that this is for the fuel station upgrade. It is a \$40,000 loan from the solid waste fund. Councilmember Overhauser moved for the first reading of Ordinance X-98 in title and summary form only, that reading considered the second and third, and that it be placed before Council for final passage. Councilmember Schmidt seconded. Carried unanimously. Yes votes: Councilmember Overhauser, Councilmember Schmidt, Councilmember Barthels, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, Councilmember Taves. Ordinance X-98 passed.

8. 21-025 – Ordinance X-99 – 2021 Budget Amendment #1 Ms. Niemeier stated that the total amendment is \$2,419,700. It is for the use of the CARES funding, Purple Pipe Project, and the fuel station upgrade. Councilmember Barthels stated that he will abstain due to his involvement in the Purple Pipe Project. Councilmember Overhauser moved for the first reading of Ordinance X-99 in title and summary form only, that reading considered the second and third, and that it be placed before Council for final passage. Councilmember Weiszmann seconded. Carried with Councilmember Barthels abstaining. Yes votes: Councilmember Overhauser, Councilmember Schmidt, Councilmember Weiszmann, Councilmember Gaard, Councilmember Hilton, Councilmember Taves. Councilmember Barthels abstained. Ordinance X-99 passed.

K. Staff Reports Mr. Schuller provided a COVID-19 update.

L. Mayor's Report None

M. Council Reports Councilmember Overhauser stated that the LEOFF Board has been meeting regularly by phone or virtually. Councilmember Schmidt stated that the grant application submitted by SRTC for charging stations was ranked first in the state. Avista has agreed to pay the match. Councilmember Barthels provided a report on the Planning Commission meeting. He will be attending the Public Works Committee meeting on Thursday. Councilmember Weiszmann stated that the General Government Committee will be meeting next week. AWC City Action Days will start tomorrow. Councilmember Gaard stated that cold temperatures are coming. Councilmember Hilton will attend the Public Works Committee meeting on Thursday. Councilmember Taves will attend the Public Safety Committee meeting next Wednesday.

N. Executive Session Mayor Grover recessed the meeting at 6:43 p.m. for executive session as per RCW 42.30.110(1)(b) to consider the selection of a site or the acquisition of real estate by lease or purchase. He stated that it would last 40 minutes with possible action to follow. Mayor Grover reconvened the meeting at 7:24 p.m.

21-023 – Consideration of Vacant Land Purchase Councilmember Schmidt moved to accept the purchase and sale agreement for the purchase of vacant real property and authorize the Mayor to sign the agreement with Robin Dare and Karen Smith for \$550,000 with closing to occur as set forth in the purchase and sale agreement. Councilmember Taves seconded. Carried unanimously.

Mr. Schuller stated that he had a conversation with Debora Munguia today and she provided an update on legislation.

O. Adjournment Councilmember Taves moved to adjourn the meeting. Councilmember Weiszmann seconded. Carried unanimously. The meeting was adjourned at 7:27 p.m.

City Clerk

Mayor

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE Revised Public Records Policy **AGENDA ITEM#** 21-029

DEPT. OF ORIGIN: Mayor's Office **DATE** 2-12-21

EXHIBITS ATTACHED OR REFERENCED: Resolution E-895

Council Committee Recommendation Yes No None

DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS

FISCAL IMPACT	EXPENDITURE REQUIRED \$	AMOUNT BUDGETED \$
	APPROPRIATION REQUESTED \$	

SUMMARY: RCW 42.56 requires cities to adopt and maintain public records policies. This revision updates the public records officer and the procedures followed while processing requests.

COUNCIL ACTION REQUESTED: Passage of Resolution E-895

_____ **APPROVED FOR AGENDA**

_____ **DISAPPROVED**

February 23, 2021
_____ **COUNCIL MEETING DATE**

_____ **MAYOR/CITY ADMINISTRATOR**

City of Cheney
609 2nd Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
RESOLUTION E-895**

A RESOLUTION REPEALING RESOLUTION E-556 AND ADOPTING A REVISED PUBLIC RECORDS POLICY INCORPORATING UPDATED LAWS AND UPDATING THE PUBLIC RECORDS OFFICER

WHEREAS, the City of Cheney adopted a revised Public Records Policy on October 10, 2017 through adoption of Resolution E-556; and

WHEREAS, the City of Cheney must comply with rules in RCW 42.56 and case law that affect the way the City processes public records requests; and

WHEREAS, the City of Cheney created a Records Manager position that serves as the Public Records Officer; and

WHEREAS, Resolution E-556 must be repealed and a revised Public Records Policy adopted in order to incorporate the updates.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cheney:

Section 1. Resolution E-556 is hereby repealed.

Section 2. The revised Public Records Policy specifying the procedures the City will follow when processing public records requests is hereby adopted.

ADOPTED, by the City Council of the City of Cheney this 23rd day of February, 2021 at a regular meeting at the Cheney City Council Chambers, 609 Second St, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk

CITY OF CHENEY

PUBLIC RECORDS POLICY

It is the policy of the City of Cheney, (the “City”) to release records of the City in compliance with the Public Records Act (the “Act”) and any other applicable provisions of federal or state law.

I. PURPOSE

The City is required by the Public Records Act (“PRA”), Chapter 42.56 RCW, to adopt and enforce reasonable rules and regulations to provide full public access to public records. This policy complies with the requirements of the PRA by providing for straight-forward, predictable practices for responding to and fulfilling requests for disclosure of public records in a manner consistent with the PRA.

This policy includes both statutory requirements and best practices. Except where these provisions are mandated by statute, any duties identified in this policy are discretionary and advisory only and shall not impose any affirmative duty on the City. The City reserves the right to apply, interpret, modify, or suspend this policy at any time.

This policy shall be available at the City Clerk’s Office, the Mayor's Office, and posted on the City’s Website.

II. DEFINITIONS

A. Incorporation of Definitions

This policy incorporates the definitions in RCW 42.56.010 and any relevant definitions in RCW 42.17A.005.

B. Additional Definitions

1. “Act” refers to the Public Records Act, at Chapter 42.56 RCW.
2. “Bot Request” means a request for public records that the City reasonably believes was automatically generated by a computer program or script.
3. “City” refers to the City of Cheney.
4. “Mayor's Office” is defined in Section II.C of this Policy.
5. “Exemption” refers to any statute that allows or requires the City to withhold information or records in response to a PRA request.
6. “Policy” refers to this policy for the Public Records Act.

7. "Public Record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function, prepared, owned, used, or retained by the City regardless of physical form or characteristics. Records created or received by employees using privately owned devices only qualify as public records if the employee was acting within the scope of employment when the record was created or received, or when the record is subsequently used for a City purpose.

8. "Public Records Officer" or PRO is the person identified in Section III.A.1 of this Policy.

9. "PRA Request" means a request for Public Records made to the City pursuant to the Act.

10. "Requestor" means the person or entity that has made a Records Request to the City.

11. "Withholding" means non-disclosure of exempt records, either all or in part.

12. "Records Portal" means the public records portal located on the City of Cheney website where a citizen may create a secure account within which records may be requested, received, and all communications can occur.

C. Organization of the City

The Mayor's Office is located at:

Cheney City Hall
609 2nd Street
Cheney, WA 99004

All Record Requests shall be inspected at the Mayor's Office by appointment only. The Mayor's Office is open 8 a.m. to 5 p.m., Monday through Friday, except legal holidays.

The City consists of the following departments: Finance/City Clerk, Administration/Mayor's Office, Municipal Court, Police, Fire, Parks & Recreation, Public Works, and Light. Each department is supervised by a director or manager. The location of departments is available through the Mayor's Office or through the City's website.

The Mayor is the chief administrative officer with governance through a seven member City Council.

III. GUIDELINES

A. Public Records Request

1. Public Records Officer.

The Records Manager shall serve as the Public Records Officer of the City of Cheney. All requests must be directed to the PRO. The PRO may be contacted in person at the Mayor's Office, via first class mail addressed to the PRO at the Mayor's Office, by phone at (509) 498-9283, or via email at publicrecords@cityofcheney.org.

The Public Records Officer shall:

- (a) Be responsible for implementing the City's process regarding disclosure of public records;
- (b) Serve as the principal contact point with any Requestor who has made a Records Request to the City, unless the PRO has delegated these responsibilities to a specific staff member;
- (c) Coordinate City staff in this regard, generally ensuring the compliance of the staff with public records disclosure requirements;
- (d) Make the final decision in cooperation with a legal advisor regarding disclosure and application of exemptions;
- (e) Maintain the agency's indices, if any;
- (f) Maintain a log of public records requests; and
- (g) Undergo training required of Public Records Officers by Washington State law.

2. How to Make a PRA Request.

Public records may be inspected or copies of public records may be obtained by the public at the Mayor's Office upon compliance with the following procedures:

- (a) All requests must be directed to the Public Records Officer. The City encourages that all requests be made through the online [Records Portal](#) located on the city website. Additionally, requests may be mailed, emailed, faxed to 509-498-9206, or delivered in person to the Mayor's Office. In-person requests must be made during the Mayor's Office hours. The request should include the following information:
 - (i) An indication that the request is being made for access to a public record pursuant to the PRA;

- (ii) The requestor's name, address, and convenient means of contact, such as email address, phone number, etc.;
- (iii) The date of the request;
- (iv) A description of the public record requested that includes sufficient details to allow the City to identify responsive records;
- (v) Whether the Requestor wants to inspect records or wants copies. If the requestor wants copies, the requestor should indicate if they want the copies mailed, emailed, or if they want to pick them up;
- (vi) Signature of the Requestor.

(b) The Washington Courts have recognized that oral requests for public records can be problematic and therefore Requestors are strongly encouraged to make written requests using the Records Portal. When a Records Request is made orally, the PRO shall document the request by creating a request in the online Records Portal and if an email address is provided a confirmation will be sent to the requestor. Any oral request must be made during the Mayor's Office hours.

(c) It is the requestor's obligation to provide the City with fair notice that a PRA request has been made. When a requestor does not use the City's official Records Portal, or when a requestor submits a request as part of other documents provided to the City for reasons other than making a PRA request, the requestor may not be providing fair notice to the City. To ensure fair notice is provided, requestors are encouraged to use the official online Records Portal, make requests through the PRO, and/or take other steps to clearly identify their request. For example, when a request is submitted with other documents not related to disclosure of public records, it shall be the responsibility of the requestor to provide reasonable notice that a public records request is included. This notice may be in the form of an entry on a cover or transmittal sheet.

B. Procedure for Response to Request

1. Initial Five-Day Response. The City shall respond promptly to PRA requests. Within five (5) business days of receiving a Records Request, the City shall acknowledge receipt of the request and take one or more of the following actions:

- (a) Provide the records or provide notice that the records are available. If the record requested is available on the City's website, the response may include a specific link to the document;
- (b) Seek clarification or refinement of the request if needed to identify the record requested. When clarification or refinement is sought, the City will provide a reasonable estimate of the time the City will require to respond to the request if it is not clarified;
- (c) Indicate that the City does not have any responsive records;

- (d) Indicate that any responsive records are exempt from disclosure; or
- (e) Provide a reasonable estimate of when the request can be fulfilled. For large requests that will be filled in installments, the response will also indicate when the first installment will be made. When providing a reasonable estimate of time required to fulfill a public records request, the PRO may take into account the time required to refine or clarify a request, locate or retrieve requested records, redact or withhold exempt records and create associated documentation, consult with appropriate staff or legal advisor regarding potential exemptions, and notify third parties or other agencies of requests for records of a sensitive nature consistent with the provisions of RCW 42.56.540.

2. Large Requests. When receiving a request that appears to be broad in nature, the Public Records Officer may request clarification from the requestor to ensure that the appropriate records are identified and to determine if the request can be narrowed. Clarification shall focus on information needed to identify responsive records. Any information provided about the purpose of the request shall not be used as a basis for denying the request.

When appropriate, as part of the clarification process, the PRO may work with the requestor to find ways to narrow the request. When a requestor agrees to narrow a request, nothing prevents the requestor from later expanding the request back to its original scope.

When a Records Request is for a large volume of records, the City may elect to provide records on an installment basis. If a Requestor does not contact the PRO within thirty (30) days to arrange for the review of the first installment, the City may deem the request abandoned and stop fulfilling the remainder of the request.

3. Requests for “All Records.” A public records request must be for identifiable records. A request for all or substantially all records is not a valid request for identifiable records. A request for all records regarding a particular topic, person, or containing a specific keyword is a valid request.

4. Requests for List of Names. The PRA prohibits the City from producing a list of names to a requestor who intends to use the list for commercial purposes. When a requestor requests a list of names, the requestor must explain the intended use of the list and will be asked to sign a declaration providing that the list will not be used for commercial purposes. The PRO must conduct research to confirm that the request is not for commercial purposes.

5. Bot Requests. The City may deny a bot request if it is established that responding to the request would cause excessive interference with other essential functions.

6. Notice to Third Parties. If a public record contains personal information that identifies an individual or organization other than the subject of the requested public record, the City may notify that individual or organization to allow the third party to seek relief pursuant to RCW 42.56.540. The City may take this into account when providing an estimate for when the records will be available. The City should also review any contracts with third parties that may

contain special notice provisions. Nothing in this policy is intended to create any right to such notice.

7. Creating Records. A PRA request only applies to records that exist at the time of the request. The PRA does not apply to requests for information or require the City to create a new record. Requestors cannot make “standing” PRA requests.

8. Failure to Respond. If the City does not respond in writing within five (5) business days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

- (a) Consider the request denied; or
- (b) Petition the PRO.

C. City Actions After a Request is Received

1. Order of Response. Fulfillment of requests shall be processed in the order that provides the timeliest response. Requests may be fulfilled in the order of receipt as long as easily fulfilled requests are not postponed behind larger or more complicated requests strictly because they were received later.

2. Locating Responsive Records. After receiving a request, the PRO shall determine what departments might have responsive records and whether it will be necessary to conduct electronic searches for records. The PRO will then coordinate with the appropriate Department Heads and other City staff as needed. City staff and officials will be prompt in searching for responsive records and providing them to the PRO in accordance with the timeline established by the PRO and providing documentation of their search efforts. If City employees or officials are using home computers, personal devices, or personal accounts to conduct City business, those devices and accounts also need to be searched by the employees or officials who are using them when those devices and accounts may have responsive records. If the City’s contractors performing City work have responsive public records as a consequence of the contract, they should also be notified of the records request. If Department Heads or other staff cannot provide the records by the date established by the PRO, a reasonable estimate of how long it will take to provide the records must be provided.

3. Identifying Potentially Exempt Records. The PRO is responsible for identifying records that are potentially exempt or contain potentially exempt information for all departments. The PRO may work with Law Enforcement officials and a legal advisor to determine if any exemption applies.

D. Exemptions

1. Exemptions. The PRA and other statutes exempt from or prohibit disclosure of certain public records. It is the policy of the City to provide prompt and helpful access to all public records in the City’s custody that state statutes do not exempt or prohibit from disclosure. Requested records may only be withheld or redacted consistent with statutory requirements,

which shall be documented for the requestor in accordance with the requirements of RCW 42.56.210.

Some public records that are otherwise subject to disclosure may contain specific content that is exempt from disclosure. The presence of exempt information does not necessarily exempt an entire record from disclosure. Exempt portions of an otherwise disclosable record shall be redacted prior to inspection or copying and such redactions shall be documented. The requestor shall be notified of the redaction in accordance with the requirements of RCW 42.56.210.

Appendix A contains a list of statutory exemptions and prohibitions that are not included in the PRA. In addition, the following are summaries of common exemptions relied upon by the City. The City reserves the right to assert any exemptions permitted by law when the City determines non-disclosure serves the public interest and is not limited to the exemptions listed in Appendix A or below:

- (a) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five (5) years of the request for disclosure when disclosure would produce private gain and public loss;
- (b) Personal information in files maintained for councilmembers and City employees to the extent that disclosure would violate their right to privacy, including but not limited to addresses, phone numbers, Social Security numbers, driver's license numbers, voluntary deductions, marriage status, information about dependents, and any garnishment deductions;
- (c) Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the City in connection with any City action;
- (d) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (e) Medical records;
- (f) Records in investigation files, including police and code enforcement investigations, to the extent that nondisclosure is essential for effective law enforcement or for the protection of any person's right to privacy;
- (g) Identifying information for victims or witnesses of crimes under certain circumstances;
- (h) Records created in anticipation of litigation;
- (i) Records reflecting communications between attorneys and City employees where legal advice is sought or received;
- (j) Addresses, phone numbers, and email addresses of utility customers; or

(k) Any record which is exempt from disclosure under state or federal law.

2. Withholding Logs and Redaction Logs. When records are withheld or redacted, the requestor shall be informed in writing the statutory citation for the exemption and a brief explanation of how the exemption applies. For withheld records, the City will also provide basic identifying information for each withheld record including the type of record, the date the record was created, the author, and recipients, if any.

E. Charges for Copying Public Records

The fees set forth in this section are default fees set pursuant to RCW 42.56.120. The City finds that calculating the actual cost of providing public records would be unduly burdensome given the limited staff resources and funding to dedicate to a comprehensive study to determine actual copying costs and that conducting such a study would interfere with the City's other essential agency functions.

No fee shall be charged for the inspection of Public Records.

No fee shall be charged when the request is made by a federal, state, or local agency.

No fee shall be charged for a records request that would not exceed a total cost of \$1.00.

1. Copies. The City will charge one or more of the following charges for copies:

(a) Fifteen cents per page for photocopies of public records or printed copies of electronic public records when requested by the person requesting records;

(b) Ten cents per page for any paper documents that are scanned so they can be produced in electronic format;

(c) Five cents per each four electronic files or attachments uploaded to email, cloud-based data storage service, or other means of electronic delivery;

(d) Ten cents per gigabyte for the transmission of public records in an electronic format;

(e) The actual cost of any digital storage media or device provided by the City;

(f) Cost, including taxes, actually charged by any third-party vendor used to make copies;

(g) Postage and shipping costs, including the cost of any containers used in shipping;

(h) Up to a \$2.00 flat fee as an alternative to other authorized fees when the City reasonably estimates and documents that the costs allowed are clearly equal to or more than \$2.00; and

(i) A customized service charge if the City estimates that the request would require the use of information technology expertise to prepare data compilations or provide customized electronic access services when such compilations or customized access services are not used for any other City purposes. The customized service charge may reimburse the City up to the actual cost of providing the services.

2. Deposits. Before copying any record, the City may require a deposit up to 10% of the estimated costs. When records are being produced on an installment basis, the City may charge for each installment. The decision not to request a deposit shall not serve to waive the City's right to request a deposit for future requests. If an installment is not claimed and paid for within thirty (30) days of having been notified the records are available or if the Requestor has not contacted the PRO within this thirty (30) day period to make arrangements to pay for the records outside of this thirty (30) day period, the City is not obligated to fulfill the balance of the Records Request.

3. Copies of Electronic Records. Records available in electronic format that do not require redaction may be provided in native format unless the requestor specifically asks that they be provided in paper or other form. Electronic records that require redaction usually cannot be produced in a native format and will be converted to paper or PDF. When requested and deemed feasible, electronic records may be converted from one format to another provided such conversion is not unduly burdensome.

F. Inspection of Records

1. Notice. Once the PRO has collected all responsive records (or the first installment if the records are being produced on an installment basis), has reviewed the responsive records to remove exempt records, and has prepared an exemption log, the PRO shall notify the Requestor that the records are available.

2. Response by Requestor. If the Requestor does not contact the PRO to arrange for payment of the copies or for review of the records within thirty (30) days after the date of the notice, the City may consider the Records Request abandoned, unless the Requestor seeks an additional amount of time within thirty (30) days to review the records.

3. Protection of Records. In order for Public Records to be protected from damage or disorganization as required by the Act, the following procedures and practices are hereby instituted:

(a) No Public Records shall be removed from the Mayor's Office without the PRO's permission;

(b) Inspection of any Public Records shall be conducted in the presence of the PRO or designated staff;

(c) No public record may be marked, defaced, torn, damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public;

(d) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by City staff; and

(e) Public records of the City may be copied only on the copying machines of the City unless other arrangements are made by the PRO.

4. Loss of Right to Inspect. Inspection shall be denied and the records withdrawn by the PRO if the Requestor, when reviewing records, acts in a manner which will damage or substantially disorganize the records or interfere excessively with other essential functions of the City.

5. Closing the File. Once all copies of requested records have been provided to the Requestor, the Requestor has reviewed the requested records, or thirty (30) days have passed since the Requestor was notified that the records were available and the Requestor has failed to contact the PRO to arrange for the review of those records or for payment for copies, the PRO shall treat the request as closed.

G. Administrative Review of Denial. A Requestor may ask for review of a decision to withhold or redact exempt records by submitting a written petition to the PRO that includes a copy of the redaction or exemption log or detailed description of the City's statement of withholding. The request for review and any relevant information shall be forwarded immediately to the City Attorney, who shall consider the petition and either reverse or affirm the denial within two days of the City's receipt of the petition. The City and the Requestor may mutually agree to a longer period of time for consideration of a petition for review. If the withholding or redaction is affirmed, the decision shall be considered the City's final action for the purposes of judicial review. If the decision to withhold or redact is reversed, the PRO shall proceed to make the subject records available to the requestor for inspection in accordance with the provisions of this policy and procedure.

H. Index of Public Records

For the reasons stated in Resolution D-960, incorporated herein by reference, the City finds that it would be unduly burdensome and would interfere with City operations to maintain an index of records. The City will make available for public disclosure all indices which may at a future time be developed for City use.

I. Disclaimer of Liability

Neither the City nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of Public Records if the person releasing the records acted in good faith in attempting to comply with this policy.

This policy is not intended to expand or restrict the rights of disclosure or privacy as they exist under state and federal law. Despite the use of any mandatory terms such as "shall," nothing in this policy is intended to impose mandatory duties on the City beyond those imposed by state and federal law.

Appendix A

See the [Attorney General's Sunshine Committee](#) webpage for the most up-to-date list of public disclosure exemptions. It is created annually by the Code Reviser's Office.

Washington State Statutes

RCW 2.64.111	Judicial conduct commission investigations of judges and initial proceedings
RCW 4.24.550	Information on sex offenders
RCW 4.24.601 and .611	Trade secrets and confidential research, development or commercial information re products or business methods
RCW 5.60.060	Privileged communications
RCW 5.60.070; RCW 7.07.070	Mediation records
RCW 7.68.140	Victims' compensation claims
RCW 7.69A.030(4)	Name, address and photograph of child victim or child witness
RCW 7.69A.050	Child victims and witnesses of certain crimes – protection of address
RCW 7.75.050	Records of Dispute Resolution Centers
RCW 9.02.100	Reproductive privacy
RCW 9.41.097(2)	Mental health information re persons buying pistols or applying for CPLs
RCW 9.41.129	Concealed pistol license applications
RCW 9.73.230	Name of confidential informants in written report on wire tapping
RCW 9.51.050	Disclosing transaction of grand jury
RCW 9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition on disclosure of law enforcement dash cam videos until final disposition of litigation
RCW 9A.44.138	Offender registration information given to high school or institution of higher education re an employee or student
RCW 9A.82.170	Financial institution records re criminal profiteering act
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports – release to public only by judicial order
RCW 10.52.100	Records identifying child victims of sexual assault
RCW 10.77.205	Information re victims, next of kin, or witnesses requesting notice of release of person found not guilty of a sex, violent, or felony harassment offense by reason of

RCW 10.52.100	criminal insanity and the notice itself Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition, with some exceptions
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.97.130	Information about victims of sexual assault under age eighteen
RCW 10.101.020(3)	Information given by an accused regarding determination for indigent defense
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses – release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offender records
RCW 13.50.100	Juvenile/children records not relating to offenses
RCW 13.60.020	Missing children or endangered person information
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act – protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records

RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.031	Information related to reports of child abuse or neglect
RCW 26.44.125	Reports, reviews and hearings related to a review of abuse finding
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records – place of registration and any decision not to register to vote confidential
RCW 29A.08.710	Voter registration records – certain information exempt
RCW 35.102.145	Municipal business and occupation tax – local ordinance can protect return or tax information
RCW 36.28A.060(8)	Tactical and intelligence information provided to WASPC
RCW 39.10.470(2)	Alternative public works - trade secrets or other proprietary information submitted by bidder in connection with an alternative public works transaction if data identified and reasons stated in writing
RCW 39.10.470(3)	Alternative public works – proposals submitted by design-build finalists until notification of highest scoring finalist is made
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 43.43.762	Contents of statewide criminal street gang database
RCW 46.52.065	State toxicologist records relating to analyses of blood samples
RCW 46.52.080	Traffic accident reports – confidentiality
RCW 46.52.083	Traffic accident reports – available to interested parties
RCW 46.52.120	Traffic crimes and infractions – confidential use by police and courts

RCW 46.52.130(2)	Abstract of driving record – limited disclosure
RCW 48.62.101	Local government insurance/risk management liability reserve funds established to settle claims
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of confidential employment security records allowed if identifying information deleted or with consent
RCW 51.28.070	Worker’s compensation records confidential – limited disclosure
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports – confidential – limited disclosure
RCW 68.50.320	Dental identification records – available to law enforcement agencies
Ch. 70.02 RCW	Medical records – access and disclosure – entire chapter (information from HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data.
RCW 70.96A.150	Registration and other records of alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs

RCW 70.125.065	Records of community sexual assault program and underserved populations provider in discovery
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.445	Release of mental health information to Dept. of Corrections
RCW 71.05.620	Access to court records related to mental health cases under chapter 71.05 RCW
RCW 71.24.035(5)(g)	Mental health information system – state, county and regional support networks – confidentiality of client records
RCW 71.34.335	Mental health treatment of minors – records confidential
RCW 71A.14.070	Records regarding developmental disability – confidentiality
RCW 72.09.345	Notice to public about sex offenders – department of corrections access to information
RCW 72.09.585	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.13.075(5)	Juvenile’s status as a sexually aggressive youth and related info
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement – local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

18 USC § 2721 - 2725	Driver and License Plate Information
18 USC § 923(g); Public Law 112-55, div. B, title II, 125 STAT. 609	Firearms trace data provided to local law enforcement by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
20 USC § 1232g	Family Education Rights and Privacy Act

23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC § 405(c)(2)(C)(viii) (I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
42 USC § 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE:	Interlocal Agreement for Plan Review Services	AGENDA ITEM #:	21-030
DEPT. OF ORIGIN:	Public Works	DATE:	2/16/2021

EXHIBITS ATTACHED OR REFERENCED:	1. Resolution E-896 2. Agreement
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Council Committee Recommendation	Yes		No		None	X
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
Public Works/TA	TA			

	EXPENDITURE REQUIRED:		AMOUNT BUDGETED
FISCAL IMPACT	APPROPRIATION REQUESTED:		

SUMMARY:	The City of Liberty Lake desires to enter into an Interlocal Agreement with the City of Cheney to obtain building plan review services from Cheney Building Department to assist in enforcing the WA State Building Code Act and other related matters in Liberty Lake in conformance with Liberty Lake Ordinances, and state law RCW 19.27.
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COUNCIL ACTION REQUESTED:	Passage of Resolution E-896
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APPROVED FOR AGENDA

DISAPPROVED

February 23, 2021

COUNCIL MEETING DATE

MAYOR/CITY ADMINISTRATOR

City of Cheney
609 Second Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
RESOLUTION E-896**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
INTERLOCAL AGREEMENT WITH THE CITY OF LIBERTY LAKE
FOR PLAN REVIEW SERVICES**

WHEREAS, Cheney enforces the WA State Building Code Act pursuant to RCW Chapter 19.27, as amended, to include appointment of officials as necessary to perform the functions and duties prescribed in both the Cheney Municipal Code Chapter 19.06 and RCW 19.27; and

WHEREAS, Liberty Lake enforces the WA State Building Code Act pursuant to RCW Chapter 19.27, as amended, to include appointment of officials as necessary to perform the functions and duties prescribed in both the Liberty Lake Municipal Code Title 9 and RCW Chapter 19.27; and

WHEREAS, Liberty Lake desires to obtain building plan review services from the City of Cheney to assist in enforcing the WA State Building Code Act and other related matters in Liberty Lake in conformance with Liberty Lake Ordinances, and state law RCW 19.27; and

WHEREAS, Pursuant to the above, Cheney has proposed to Liberty Lake the provision of building plan review services as outlined in the Interlocal Agreement through Cheney Building Department, all in accordance with RCW 19.27.050.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Cheney that The Parties are authorized under RCW 19.27.050 to enter into this Interlocal Agreement for the provision of building code enforcement and services, subject to the terms and conditions set forth herein.

ADOPTED, on this **23rd day of February, 2021** by the Cheney City Council at their regularly scheduled meeting at the Cheney Council Chambers, 609 Second Street, Cheney, WA 99004.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHENEY
AND THE CITY OF LIBERTY LAKE FOR THE PROVISION OF
BUILDING PLAN REVIEW SERVICES**

This Agreement is made and entered into this _____ day of _____, 2021, by and between the City of Cheney, a Washington noncharter code city ("**Cheney**"), and the City of Liberty Lake, a Washington noncharter code city ("**Liberty Lake**") with Cheney and Liberty Lake jointly referred to as "**Parties**."

- A. Cheney enforces the WA State Building Code Act pursuant to RCW Chapter 19.27, as amended, to include appointment of officials as necessary to perform the functions and duties prescribed in both the Cheney Municipal Code Chapter 19.06 and RCW 19.27.
- B. Liberty Lake enforces the WA State Building Code Act pursuant to RCW Chapter 19.27, as amended, to include appointment of officials as necessary to perform the functions and duties prescribed in both the Liberty Lake Municipal Code Title 9 and RCW Chapter 19.27.
- C. Liberty Lake desires to obtain building plan review services from Cheney to assist in enforcing the WA State Building Code Act and other related matters in Liberty Lake in conformance with Liberty Lake Ordinances, and state law RCW 19.27.
- D. Pursuant to the above, Cheney has proposed to Liberty Lake the provision of building plan review services as outlined in this Agreement through Cheney Building Department, all in accordance with RCW 19.27.050.
- E. The Parties are authorized under RCW 19.27.050 to enter into this Interlocal Agreement for the provision of building code enforcement and services, subject to the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, it is agreed as follows:

- 1. Purpose. The purpose of this Interlocal Agreement ("**Agreement**") is to provide building plan review services in accordance with the WA State Building Code Act and Liberty Lake Ordinances, as applicable, and state law RCW 19.27.
- 2. Duties of Cheney. Cheney, as a deputy under the authority and directive of the Liberty Lake building official, shall provide building plan review services for Liberty Lake which includes identifying items for correction, correspondence with the building permit applicants and design professionals, and determining whether plans are acceptable for permit issuance.

3. Duties of Liberty Lake. Liberty Lake shall be responsible to complete all permitting processes not included under the Duties of Cheney, render all final interpretations of the WA State Building Codes, and provide the City of Cheney with any standard resources as necessary to facilitate the performance of the Duties in accordance with Liberty Lake standard processes.
4. Duration and Termination. The Agreement shall take effect on February 17, 2021, or as soon thereafter as all of the following events have occurred ("**Effective Date**"):
 - (a) Approval of this Agreement by the governing bodies of each of the Parties;
 - (b) Execution of this Agreement by the duly authorized representative of each of the Parties; and
 - (c) Filing a copy of this Agreement as required by RCW 39.34.040.

The term of this Agreement shall be from the Effective Date to December 31, 2021 ("**Initial Term**") and may thereafter be extended by notice and agreement of the Parties ("**Extension Term**"). If the Parties fail to provide written notice of termination (as set forth below) or reach agreement on an extension, this Agreement shall be terminated.

At least ninety (90) days prior to expiration of the Initial Term or any Extension Term, the Parties shall meet and confer for the purpose of reviewing and adjusting the Cost of Service (see Section 5, below). If the Parties are unable to agree upon an adjustment to the Cost of Service, either party may terminate this Agreement by written notice of termination to the other party delivered by email (with proof of delivery) or regular mail to the contact person identified herein. Following notice, termination shall become effective no sooner than one hundred eighty (180) days from the date of receipt of said written notice.

5. Cost of Service and Payments. For the services set forth herein, Liberty Lake shall pay Cheney 10% of the Building Plan Review Fee assessed by the Liberty Lake building department in accordance with their adopted fee schedule (Attachment A), plus the actual cost of any third-party services as contracted by the City of Cheney to perform similar services ("**Cost of Service**") (as adjusted); provided the percentage of plan review fees paid to the third-party service shall be based upon Liberty Lake Commercial and/or Residential Plan Review Fees, as established in their adopted fee schedule .

On a quarterly basis, Cheney shall bill Liberty Lake for amounts due under this Agreement. Liberty Lake shall pay the amount due within fifteen (15) days of receipt. If Liberty Lake has a good faith dispute with the amount of the invoice, Liberty Lake shall pay the undisputed amount and the Parties shall, within five (5) days, meet and confer to resolve the dispute.

6. Indemnification.

- (a) Liberty Lake Ordinances, Rules and Regulations. In executing this Agreement, Cheney does not assume liability or responsibility for or release Liberty Lake from any liability or responsibility which arises in whole or in part from the existence or effect of Liberty Lake ordinances, rules, regulations, policies or procedures. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any Liberty Lake ordinance, rule, or regulation is at issue, Liberty Lake shall defend the same at its sole expense; and if judgment is entered or damages are awarded against Liberty Lake, Cheney, or both, Liberty Lake shall satisfy the same, including all chargeable costs and attorneys' fees.
- (b) Liberty Lake Indemnification of Cheney. Liberty Lake shall indemnify, defend, and hold harmless Cheney, its officers, agents and employees, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including costs and attorneys' fees in defense thereof, for personal injury, or death of persons (including employees of Cheney), or damage to property, or the violation of any person's civil rights, which is caused by or arises out of Liberty Lake's acts, errors or omissions with respect to the subject matter of this Agreement; provided, however,
- (i) Liberty Lake's obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, damage or civil rights violations caused by or resulting from the sole negligence of Cheney, its officers, agents or employees; and
- (ii) Liberty Lake's obligation to indemnify, defend, and hold harmless for injuries, sickness, death, damage or civil rights violations caused by or resulting from the concurrent actions or negligence of Liberty Lake and Cheney shall apply only to the extent that Liberty Lake's actions or negligence caused or contributed thereto.
- (c) Cheney Indemnification of Liberty Lake. Cheney shall indemnify, defend, and hold harmless Liberty Lake, its officers, agents and employees, from and against any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, including costs and attorneys' fees in defense thereof, for personal injury, or death of persons (including employees of Cheney), or damage to property, or the violation of any person's civil rights, which is caused by or arises out of Cheney's acts, errors or omissions with respect to the subject matter of this agreement; provided, however,
- (i) Cheney's obligation to indemnify, defend and hold harmless shall not extend to injuries, sickness, death, damage or civil rights violations caused by or resulting from the sole negligence of Liberty Lake, its officers, agent or employees; and

(ii) Cheney's obligation to indemnify, defend and hold harmless for injuries, sickness, death, damage or civil rights violations caused by or resulting from the concurrent actions or negligence of Cheney and Liberty Lake shall apply only to the extent that Cheney's actions or negligence caused or contributed thereto.

(d) Indemnification for Events Occurring Prior to Termination of Building Plan Review Services. The obligation to indemnify, defend and hold harmless for those injuries provided for in this Section extends to those events occurring prior to the termination of building plan review services under this Agreement. No obligation exists to indemnify for injuries caused by or resulting from events occurring after the last day building plan review services are provided under this Agreement. The obligation of a party to indemnify, defend, and hold harmless under Sections 6 (b) and 6 (c) shall survive termination of this Agreement for any event that occurred prior to such termination.

7. Actions Contesting Agreement. Each party shall appear and defend any action or legal proceeding brought to determine or contest (i) the validity of this Agreement and/or (ii) the legal authority of Liberty Lake and/or Cheney to undertake the activities contemplated by this Agreement. If both parties to this Agreement are not named as parties to the action, the party named shall give the other party prompt notice of the action and provide the other an opportunity to intervene. Each party shall bear any costs and expenses taxed by the court against it; any costs and expenses assessed by a court against both parties jointly shall be shared equally.

8. Independent Contractor. Each party to this Agreement is an independent contractor with respect to the subject matter herein. Nothing in this Agreement shall make any employee of Liberty Lake a Cheney employee for any purpose, including, but not limited to, for withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded Cheney employees by virtue of their employment. Nothing in this Agreement shall make any employee of Cheney a Liberty Lake employee for any purpose, including, but not limited to, for withholding of taxes, payment of benefits, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded Liberty Lake employees by virtue of their employment. At all times pertinent hereto, employees of Cheney are acting as Cheney employees and employees of Liberty Lake are acting as Liberty Lake employees.

9. Notice. Any notice or other communication given hereunder shall be deemed sufficient, if in writing and delivered personally to the addressee, or sent by certified or registered mail, return receipt requested, addressed as follows, or to such other address as may be designated by the addressee by written notice to the other party:

To Cheney:

Todd Ableman, Public Works Director
112 Anderson Road
Cheney, WA 99004

With a copy to: Chris Grover, Mayor
609 2nd Street
Cheney, WA 99004

To Liberty Lake: Cristella Kaminskas, Mayor
22710 E. Country Vista Drive
Liberty Lake, WA 99019

10. Partial Invalidity. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provision of this Agreement which shall prove to be invalid, void or illegal shall in no way affect, impair, or invalidate any other provisions hereof, and such other provisions shall remain in full force and effect. Notwithstanding the foregoing, this Agreement shall be subject to renegotiation as provided in this Agreement.
11. Assignability. The rights, duties, and obligations of either party to this Agreement may not be assigned to any third party without the prior written consent of the other party, which consent shall not be unreasonably withheld.
12. Entire Agreement. This Agreement contains the entire understanding between the Parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the Parties hereto relating to the subject matter of this Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the Parties hereto.
13. Mediation/Arbitration Clause. If a dispute arises from or relates to this Agreement or the breach thereof and if the dispute cannot be resolved through direct discussions, the Parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under the American Arbitration Association's Rules before resorting to arbitration. The mediator may be selected by agreement of the Parties or through the American Arbitration Association. Following mediation, any unresolved controversy or claim arising from or relating to this Agreement or breach thereof shall be settled through arbitration, which shall be conducted under the American Arbitration Association's Arbitration Rules. The arbitrator may be selected by agreement of the Parties or through the American Arbitration Association. All fees and expenses for mediation or arbitration shall be borne by the Parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence. The Arbitration shall be final and binding pursuant to RCW Chapter 7.04A.
14. RCW 39.34.030 Required Clauses.
 - (a) Purpose. See above.
 - (b) Duration. See above.

- (c) Organization of Separate Entity and its Powers. Each party is duly organized and in existence. No new or separate legal or administrative entity is created to administer this Agreement.
- (d) Responsibilities of the Parties. See provisions above.
- (e) Agreement to be Filed. This Agreement shall be filed with each City Clerk and with the Spokane County Auditor or placed on the City's web site or other electronically retrievable public source.
- (f) Financing. Each party shall be responsible for the financing of its obligations through its budgetary process.
- (g) Termination. Either party may terminate this Agreement as set forth above.
- (h) Property upon Termination. Upon termination, each party retains control of its property. Jointly held property shall be divided in proportion to the amount each party contributed to acquisition.

DATED the year and date first set forth above.

CITY OF CHENEY

CITY OF LIBERTY LAKE

By: _____
Chris Grover, Mayor

By: _____
Cristella Kaminskas, Mayor

Attest:

Attest:

Cynthia L. Niemeier, City Clerk

Ann Swenson, City Clerk

ATTACHMENT A
CITY OF LIBERTY LAKE FEE SCHEDULE



PLANNING, ENGINEERING & BUILDING SERVICES FEE SCHEDULE

EFFECTIVE DATE: JANUARY 1, 2020

BUILDING PERMIT FEES

Building permit fees are based on the valuation of the project. The valuation is determined by using data taken from the Building Valuation Data Sheet printed in the “Building Safety Journal” published by the International Code Council twice a year. This Fee Schedule includes the most recent valuation data and is updated administratively as the data changes twice each year.

In addition to the building permit fee, applicants are responsible for the SBCC fee, plan review fees, plumbing permit fees, mechanical permit fees, grading permit fees, City Engineer review fees, Planning review fees, and other fees established by the current adopted fee schedule, as applicable.

The majority of projects within the City of Liberty Lake also participate in the Harvard Road Mitigation Plan, in lieu of a transportation impact study. The fees charged in conjunction with this mitigation plan are applied towards City transportation improvements and are based on the types of land uses associated with the project. Use the following link for more information on adopted mitigation fees: <https://www.libertylakewa.gov/DocumentCenter/View/4990/Updated-Harvard-Road-Mitigation-Plan-Fees-Effective-5-1-14>

Single Family Residential Valuation

On residential type structures and additions, the valuation is based on the following:

	<i>Value per sq. ft.</i>
Main Floor	
new	\$121.24
additions	\$121.24
Second Floor	
new	\$121.24
additions	\$121.24
Basement	
finished	\$46.55
partial	\$23.28
unfinished	\$22.45
Private Garages, Storage Buildings, & Barns	\$48.30 or Contract Value Per Ft.
Open Carports	\$19.85
Decks *	
covered	\$28.73
uncovered	\$22.40

* Decks and patios may be disregarded in computing the valuation of a new house unless they are covered structures or more than 30 inches above ground level.

Commercial Valuation

Building Valuation Data (August 2019)

Square Foot Construction Costs ^{a, b, c}

Group (2018 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	246.61	238.50	232.82	223.18	209.86	203.80	216.12	191.69	184.50
A-1 Assembly, theaters, without stage	225.65	217.54	211.85	202.22	189.15	183.09	195.16	170.98	163.79
A-2 Assembly, nightclubs	191.96	186.56	182.12	174.70	164.94	160.39	168.64	149.29	144.33
A-2 Assembly, restaurants, bars, banquet halls	190.96	185.56	180.12	173.70	162.94	159.39	167.64	147.29	143.33
A-3 Assembly, churches	226.69	218.58	212.89	203.26	191.60	185.54	196.20	173.43	166.24
A-3 Assembly, general, community halls, libraries, museums	190.63	182.52	175.84	167.20	153.09	148.07	160.14	134.97	128.78
A-4 Assembly, arenas	224.65	216.54	209.85	201.22	187.15	182.09	194.16	168.98	162.79
B Business	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
E Educational	207.77	200.59	194.83	186.43	173.71	164.91	180.01	151.89	147.25
F-1 Factory and industrial, moderate hazard	117.60	112.19	105.97	101.84	91.54	87.26	97.61	75.29	70.95
F-2 Factory and industrial, low hazard	116.60	111.19	105.97	100.84	91.54	86.26	96.61	75.29	69.95
H-1 High Hazard, explosives	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	N.P.
H234 High Hazard	109.99	104.58	99.35	94.22	85.14	79.87	89.99	68.89	63.56
H-5 HPM	197.81	190.62	184.70	175.70	160.65	154.63	168.95	141.15	134.99
I-1 Institutional, supervised environment	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
I-2 Institutional, hospitals	330.92	323.73	317.81	308.81	292.72	N.P.	302.06	273.22	N.P.
I-2 Institutional, nursing homes	229.68	222.49	216.58	207.57	193.53	N.P.	200.83	174.02	N.P.
I-3 Institutional, restrained	224.86	217.67	211.75	202.75	188.96	181.94	196.00	169.45	161.29
I-4 Institutional, day care facilities	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
M Mercantile	142.95	137.54	132.11	125.68	115.38	111.83	119.62	99.73	95.77
R-1 Residential, hotels	199.70	192.92	186.99	179.78	164.90	160.43	179.93	148.60	143.96
R-2 Residential, multiple family	167.27	160.49	154.56	147.35	133.71	129.23	147.50	117.40	112.76
R-3 Residential, one- and two-family ^d	154.28	150.09	146.35	142.65	137.55	133.92	140.30	128.74	121.24
R-4 Residential, care/assisted living facilities	197.83	191.05	185.12	177.91	163.28	158.81	178.06	146.98	142.33
S-1 Storage, moderate hazard	108.99	103.58	97.35	93.22	83.14	78.87	88.99	66.89	62.56
S-2 Storage, low hazard	107.99	102.58	97.35	92.22	83.14	77.87	87.99	66.89	61.56
U Utility, miscellaneous	84.66	79.81	74.65	71.30	64.01	59.80	68.04	50.69	48.30

- a. Private Garages use Utility, miscellaneous
- b. For shell only buildings deduct 20 percent
- c. N.P. = not permitted
- d. Unfinished basements (Group R-3) = \$22.45 per sq. ft.

To calculate the valuation of your project, multiply the square footage by the value per square foot specific to your project/construction type from the above two tables. Once you've determined that valuation, round up to the nearest \$1,000 to calculate the applicable review fees using the table on the following page. Valuations are calculated at time of plan review and shall be based on City Staff figures.

Review fees for repair, alteration, remodel, or foundation work are based on the total value of work to be performed (contractor's bid) as submitted by the applicant.

Fire Permit Fees

Fire Suppression & Alarm Systems fees are calculated based upon the Spokane Valley Fire District Permit Fee Schedule, plus the processing fee listed under "Additional Permit Fees & Charges". SVFD's fee schedule is available here: <https://www.spokanevalleyfire.org/wp-content/uploads/2019/12/Permit-Fee-Spreadsheet.pdf>

Permit & Plan Review Fees

Total Valuation	Building Code	City Engineer Review * (% of Building Review Fee for specific projects)	Planning Review ** (% of Building Review Fee for specific projects)	Commercial Plan Review (% of Building Review Fee)	Residential Plan Review (% of Building Review Fee)
\$1 - \$500	\$24.00	25%	15%	65%	25%
\$501 - \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, to and including \$2,000	25%	15%	65%	25%
\$2,001 - \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, to and including \$40,000	25%	15%	65%	25%
\$40,000 - \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, to and including \$100,000	25%	15%	65%	25%
\$100,001 - \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$500,000	25%	15%	65%	25%
\$500,001 - \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	25%	15%	65%	25%
\$1,000,001 - \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, to and including \$5,000,000	25%	15%	65%	25%
\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof	25%	15%	65%	25%

* City Engineer Review Fees Not Applicable for: Typical Single Family Residential Building Permits & Basement Finishes, Typical Residential Accessory Structure Permits, Fire Suppression & Alarm Permits, Swimming Pool Permits, Tenant Improvement / Interior Remodel Permits, and Other Permits, as determined by City Staff, which do not require City Engineer review of civil plans.

** Planning Review Fees Not Applicable for: Typical Single Family Residential Building Permits & Basement Finishes, Typical Residential Accessory Structure Permits, Fire Suppression & Alarm Permits, Swimming Pool Permits, and Other Permits, as determined by City Staff which do not require planning review of zoning or design.

Withdrawn/Expired Applications

Commercial Plan Review, City Engineer Review, and Planning Review - When City review has been conducted and a building permit has not been issued due to a project being cancelled, withdrawn, or expired, the City reserves the right to invoice applicants for the above fees and excessive staff time, as applicable, in addition to the processing fee, as identified in the table “Additional Permit Fees & Charges”.

Additional Permit Fees & Charges

Additional charges that may be assessed on permits:

SBCC surcharge – Residential	\$6.50 plus \$2.00 per each add'l residential unit
SBCC surcharge – Commercial	\$25.00 plus \$2.00 per each add'l residential unit
Harvard road mitigation fee (single family residential example *)	\$671.02 (5/1/14)
Environmental Review Fee / SEPA Checklist (specific projects)	\$200.00
Critical materials review (specific commercial projects)	\$75.00
Investigation fee (additional charge assessed on projects when work is started without a permit)	100% of permit fee
Fast track fee (additional charge assessed on projects for early footing and foundation approval)	25% of permit fee 100% of plan review fee
Excessive Staff Time	\$50.00 / hour
Legal Notice, Postage, and Hearing Examiner Fees, when applicable	Invoiced to Applicant
Processing Fee & Technology Fee (all permits)	\$40.00
Refund Processing Fee	\$20.00

* Use the link below for current mitigation fee charges (if applicable) for all other uses:

<https://www.libertylakewa.gov/DocumentCenter/View/4990/Updated-Harvard-Road-Mitigation-Plan-Fees-Effective-5-1-14>

Other Permit, Inspection, & Review Fees

Additional Plan Review	\$50.00 / hour
Blasting Permit	\$50.00
Change of Use / Certificate of Occupancy Modification	\$50.00
Demolition Permit	\$25.00 (per 1,000 sq. ft.) + SEPA, if applicable
Engineering Review	See Engineering Fees Table
Fences (over 6' tall)	\$25.00 (per 100 linear feet)

Fire Suppression System (Type I Hood Installation)	\$35.00
Grading	See Engineering Fees Table
Inspections Outside Normal Working Hours	\$75.00 / hour
Manufactured / Mobile Homes Setting Permit	\$100.00 (per section) + \$50 Planning Review Fee
Mechanical Permits- New Single-Family Residential (whole house)	\$200.00
Mechanical Permits- All Other Types	Price/Unit as detailed below
A/C & Heat Pump (up to 3 tons)	\$20.00
A/C & Heat Pump (3 - 15 tons)	\$25.00
A/C & Heat Pump (15 - 30 tons)	\$30.00
A/C & Heat Pump (30 - 50 tons)	\$35.00
A/C & Heat Pump (> 50 tons)	\$60.00
Air Handler < 10,000 cfm	\$12.00
Air Handler > 10,000 cfm	\$15.00
Boiler - Electric Boiler Installation (< 250 kw)	\$50.00
Boiler - Low Pressure Steam & Hot Water Installation (< 500,000 btu)	\$100.00
Boiler - Low Pressure Steam & Hot Water Installation (500,000 - 2,000,000 btu)	\$200.00
Boiler - Low Pressure Steam & Hot Water Installation (> 2,000,000 btu)	\$200 for the first 2,000,000 btu; plus \$20 for each additional million btu
Boiler - Power Boiler Installation (< 2,000,000 btu)	\$200 for the first 2,000,000 btu; plus \$20 for each additional million btu Maximum Fee = \$1,000
Boiler - Unfired Pressure Vessel Installation	\$50.00 + \$10 / additional pressure vessel
Boiler - Additional Pressure Vessels	\$10.00 / vessel (inspected at the same time)
Boiler Repair	\$50.00 / hour (50% less if inspected by insurance company)
Clothes Dryer	\$12.00
Duct Work System	\$12.00
Evaporative Coolers	\$12.00
Gas Log	\$12.00
Gas & Hydronic Piping	\$12.00 + \$1.00 per outlet
Gas Water Heater	\$12.00
Heating Equipment < 100,000 btu	\$15.00

Heating Equipment >100,000 btu	\$20.00
Hydrostatic Pressure Test	\$35.00
Miscellaneous	\$12.00
Propane Tanks	\$35.00
Range	\$12.00
Refrigeration Equipment (1 – 100,000 btu)	\$15.00
Refrigeration (101,000 – 500,000 btu)	\$25.00
Refrigeration (501,000 – 1,000,000 btu)	\$35.00
Refrigeration (1,000,000 – 1,750,000 btu)	\$45.00
Refrigeration (> 1,750,000 btu)	\$65.00
Type I Hood	\$60.00
Type II Hood	\$12.00
Ventilating Fans	\$12.00
Unlisted Gas Appliance < 400,000 btu	\$75.00
Unlisted Gas Appliance > 400,000 btu	\$125.00
Used Gas Appliance < 400,000 btu	\$75.00
Used Gas Appliance > 400,000 btu	\$125.00
Woodstove / Insert & Pellet Stove / Insert	\$25.00
Permit, Permit Application & Temp CO Extension	\$50.00
Plumbing Permits- New Single-Family Residential (whole house)	\$120.00
Plumbing Permits - All Other Types	Price/Unit (as listed below)
Bathtub	\$6.00
Clothes Washer	\$6.00
Dishwasher	\$6.00
Drain	\$6.00
Drinking Fountain	\$6.00
Electric Water Heater	\$6.00
Floor Sink	\$6.00
Garbage Disposal	\$6.00
Hydronic Piping	\$12.00 + \$1.00 per outlet
Lawn Sprinkler / Back Flow Preventer	\$6.00
Miscellaneous	\$6.00
Sewage Ejector	\$6.00
Sink	\$6.00

Shower	\$6.00
Toilet / Urinal	\$6.00
Water Softener	\$6.00
Public Assembly Permit	\$50.00
Re-Inspections	\$50.00
Re-Location of Building	\$200.00 + \$50 Planning Review Fee & SEPA, if applicable
Retaining Wall (over 4' tall or impounding)	\$14.00 per lineal foot (minimum fee of \$75.00)
Safety Inspections	\$50.00
Sign Permits (wall signs)	\$75.00 each
Sign Permits (monument & freestanding signs)	\$115.00 each
Special Inspections	\$50.00 / hour
Stationary Pump, Dispenser, Piping, Installation, Alteration, or Repair	\$75.00
Storage Tank Installation (above ground < 500 gallons) *	\$75.00
Storage Tank Installation (above ground > 500 gallons) *	\$415.00
Storage Tank Installation (underground) *	\$415.00 + SEPA, if applicable
Storage Tank Removal or Abandonment	\$225
Storage Tank Removal or Abandonment (home heating oil <1,100 gallons)	\$75.00
Storage Tank Repair, Alteration, or Temp. Out of Service	\$75.00
Swimming Pools	Based on valuation & fee chart above
Temporary Structures	\$150
Timber Harvest Permits	\$600.00 + SEPA

* Non-hazardous (i.e. water tanks) are exempt from the Storage Tank Installation fees, as determined by City Staff

Engineering Review Fees

Additional Plan Review	\$75.00 / hour
Design Deviation Review	\$250.00
Excessive Staff Time	\$75.00/hour
Grading	See Grading Permit Below
Inspections Outside Normal Working Hours	\$112.50 / hour
Re-Inspections	\$75.00

Right of Way Permits:	
Approach Permit	\$50.00
Non-cut Obstruction Permit	\$100.00
Pavement Cut	\$200.00
Boring	\$150.00
Engineering Inspection Fee	\$75.00
Engineering Re-inspection Fee	\$75.00
Street Vacation Request Review	\$400.00
Traffic Impact Analysis Review	\$75.00
Traffic Control Plan Review	\$75.00
Work Beyond Approved Scope	\$75 / hour (minimum \$75.00)
Fences (over 6' tall)	\$25.00 (per 100 linear feet)
Fire Suppression System (Type I Hood Installation)	\$35.00
Grading Permits (amount of cut or fill)	Permit Fee + SEPA, if applicable
50 Cu. Yd. or less	\$25.00
51 – 100	\$25.00
101 – 1,000	\$25 for the first 100 cu. yd.; plus \$10 for each additional 100 cu. yd.
1,001 – 10,000	\$125 for the first 1000 cu. yd.; plus \$10 for each additional 1000 cu. yd.
10,001 – 100,000	\$225 for the first 10,000 cu. yd.; plus \$35 for each additional 10,000 cu. yd.
100,001 – 200,000	\$525 for the first 100,000 cu. yd.; plus \$25 for each additional 10,000 cu. yd.
200,001 +	\$625 for the first 200,000 cu. yd.; plus \$25 for each additional 10,000 cu. yd.
Grading Permits (amount of cut or fill)	Plan Review Fee
50 Cu. Yd. or less	\$0
51 – 100	\$20.00
101 – 1,000	\$25.00
1,001 – 10,000	\$35.00
10,001 – 100,000	\$35 for the first 10,000 cu. yd.; plus \$15 for each additional 10,000 cu. yd.
100,001 – 200,000	\$175 for the first 100,000 cu. yd.; plus \$10 for each additional 10,000 cu. yd.
200,001 +	\$275 for the first 200,000 cu. yd.; plus \$5 for each additional 10,000 cu. yd.

ZONING, LAND USE, & SUBDIVISION FEES

This fee schedule is adopted for the purpose of defraying the costs to The City of Liberty Lake regarding the below-listed zoning, land use, and subdivision actions. These are reflective of costs incurred by the City for the processing, reviewing, determining, holding of public hearings, notifying, and appealing of the listed actions. Legal notices, public notice postage, contract services reviews, and Hearing Examiner charges are added to the following fees, as applicable. All applications, except those initiated by the City Council or a Subcommittee of the City Council, the Planning Commission, or Planning, Engineering & Building Services, shall be accompanied by the required fee.

Environmental Policy	
SEPA Environmental Review & Threshold Determination	\$300.00
SEPA - DS / EIS / Addenda	Applicant will be responsible for preparation or will be invoiced for contract services cost and/or City Staff hourly rate \$75.00/hour (\$2,450 Deposit)
SEPA - Public Notices	Applicant will be invoiced for cost
SEPA - Reproducing Environmental Document	Applicant will be invoiced for cost
Land Division & Boundary Line Adjustments	
Alteration / Change of Condition / Major Modification	75% of land division application fee
Alteration / Minor Modification	25% of land division application fee
Preliminary Binding Site Plan (BSP)	\$3,500 for 1st acre + \$30 per acre for each additional acre
Final Binding Site Plan (BS) / BSP Amendments (ROS)	\$2,500 + \$25 per lot
Boundary Line Adjustment (BLA)	\$500
Boundary Line Adjustment (Parcel Aggregation)	\$250 total
Preliminary Plat (P)	\$4,000 for 1st acre + \$30 per acre for each additional acre
Final Plat (P)	\$2,500 + \$25 per lot
Preliminary Short Plat (SP)	\$3,000 for 1st acre + \$30 per acre for each additional acre
Final Short Plat (SP)	\$1,800 + \$25 per lot
Miscellaneous	
Processing Fee & Technology Fee (all permits)	\$40.00
Excessive Staff Time & Actions Not Listed	\$75.00 / hour
Hearing Examiner Public Hearing Fee	Applicant will be invoiced for cost
Major Modification	75% of application fee
Minor Modification	25% of application fee

Professional Contract Services (i.e. surveyor review)	Applicant will be invoiced for cost
Public Notice (Legal Notices & Notice Postage)	Applicant will be invoiced for cost
Modification Review of Previously Approved Site Plans (not in conjunction with building permit applications)	\$75 / hour (1 hour minimum)
Time Extension Review	\$150
Vacation of Approved Preliminary Plat or Short Plat	\$1,000
Zoning Verification Letter	\$200
Shoreline Management	
Shoreline Management App. (< \$10,000 project value)	\$1,000
Shoreline Management App. (\$10,001 - \$50,000)	\$1,400
Shoreline Management App. (\$50,001 - \$250,000)	\$2,700
Shoreline Management App. (\$250,001 - \$1,000,000)	\$5,400
Shoreline Management App. (> \$1,000,000 project value)	\$6,700 + 10% of value > \$1,000,000
Additional Fee for Variance Request	\$2,100
Additional Fee for Conditional Use Permit Request	\$1,800
Permit Amendment	80% of original application fee
Refund Processing Fee	\$20.00
Zoning & Amendments	
Conditional Use Permit (CU) & Major Modifications to an Existing Conditional Use Permit	\$2,500
Comprehensive Plan Amendment (CA)	\$5,000 + SEPA
Home Occupation Permit (H)	\$35.00
Preliminary Planned Unit Development (PUD) Overlay	25% of land division application fee
Final Planned Unit Development (PUD) Overlay	25% of land division application fee
Specific Area Plan Overlay (< 100 acres)	\$4,500 + SEPA
Specific Area Plan Overlay (> 100 acres)	\$9,500 + SEPA
Special Use Permits (SU)	\$2,500
Temporary Use Permits (T)	\$35.00
Variance Request (Class A)	\$250
Variance Request (Class B)	\$2,500
Urban Growth Area (UGA) Boundary Extension Request	\$4,500 + Land Quantity Analysis Prep. & SEPA
Development Code Text Amendment / Zoning Matrix Amendment, or Other Code Amendment (ZTA)	\$2,500 + SEPA

Zoning Map Amendment/ Rezone (ZC - Quasi-Judicial Review)	\$6,500 + SEPA
Appeals	
Appeal Fee	\$950 + Hearing Examiner Fees
Motion for Hearing Examiner Reconsideration	Applicant / Appellant will be invoiced for cost
Transcript / Record Preparation Fee	Applicant / Appellant will be invoiced for cost (Deposit Required)

FEE ADMINISTRATION

A. General Administration of Fee Schedule.

1. All of the required application fees will be paid at the time of application or when the applicant requests information or service for which a fee is charged above and is rendered without an application being filed, provided that for hourly fees the applicant will be billed and the fees paid before the decision is made and findings signed. For building permits, permit fees will be due at time of permit issuance.
2. Commercial Plan Review, City Engineer Review, and Planning Review - When City review has been conducted and a building permit has not been issued due to a project being cancelled, withdrawn, or expired, the City reserves the right to invoice applicants for the above fees and excessive staff time, as applicable.
3. Each action for which there is a listed fee above will constitute a separate action, and the fee will be computed as determined above (i.e. each variance request is a separate action).
4. Measurement of acreage will be rounded to the nearest full acre except for areas less than one acre, which will be computed as one acre.
5. Hourly wages will be rounded to the nearest ½ hour as noted except for hours less than ½ hour, which will be computed as ½ hour.
6. The value of projects and / or construction shall be determined by using data taken from the Building Valuation Data Sheet printed in the "Building Safety Journal" published by the International Code Council twice a year. This Fee Schedule includes the most recent valuation data and is updated administratively as the data changes twice each year. If no building permit was required or the building permit was issued more than one year ago, the value shall be determined by the Building Valuation Data Sheet, per County Assessor records, awarded construction bid, estimated construction cost, or other comparable means, as determined by City Staff.
7. For Building Permits, building permit fees, plan review fees, and Harvard Road Mitigation Fees will be due and payable at the time of building permit issuance. If the building permit is withdrawn or never issued, plan review and processing fees will be billed to the applicant.

B. Refund policy.

1. For Application Fees, an 80% refund of fees will be provided if the Director of Planning & Engineering, or his/her designee, determines that, although the application may have been accepted, no processing by the City has occurred.
2. A 50% refund of application fees will be provided if the Director of Planning & Engineering, or his/her designee, determines that the request is made prior to any mailing of notice or if any processing by the City has occurred.
3. No refund of fees will be provided after an administrative decision / interpretation is rendered or after the mailing of notice unless the application is withdrawn at the City's request.
4. Full refund of fees may be authorized if the City has inappropriately told an applicant that a permit / action is required and later it is determined by the City that the permit / application was not necessary / required.

C. Automatic Modification of Fee Schedule

The Planning, Engineering & Building Services Fee Schedule shall be automatically administratively modified twice a year to remain current with the Building Valuation Data Sheet printed in the "Building Safety Journal" published by the International Code Council twice a year. Additionally, the fee schedule will be reviewed for a yearly cost of living adjustment.

D. Waiver of Fees.

The Director of Planning & Engineering, or his/her designee, may waive all or a portion of the fees established herein for special individual circumstances where there is extreme economic hardship, issues of fundamental fairness, or where application of the fee schedule is otherwise unreasonable or impractical. Requests for the waiver of fees shall be made in writing to the Director, stating a reason for the waiver. The decision shall be indicated by letter stating the basis for approval or denial of the waiver and the decision is final and binding.

CITY OF CHENEY

CITY COUNCIL ACTION REQUEST

ISSUE:	Energy Services Proposal Recommendation	AGENDA ITEM #:	21-031
DEPT. OF ORIGIN:	Public Works	DATE:	2/18/2021

EXHIBITS ATTACHED OR REFERENCED:	(1) Resolution E-897
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Council Committee Recommendation	Yes		No		None	
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
PW/TA	TA			

FISCAL IMPACT	EXPENDITURE REQUIRED:		AMOUNT BUDGETED	
	APPROPRIATION REQUESTED:			

SUMMARY:	At the February 9, 2021 Council Meeting, City Council approved Resolution E-897 for the Public Works and Utilities Committee to review and evaluate the Energy Services Request for Proposals and provide a recommendation to City Council. The Committee has completed the evaluation and is recommending Apollo Solutions.
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COUNCIL ACTION REQUESTED:	Passage of Resolution E-897
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APPROVED FOR AGENDA

DISAPPROVED

February 23, 2021

COUNCIL MEETING DATE

MAYOR/CITY ADMINISTRATOR

City of Cheney, Washington
609 Second Street
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON
RESOLUTION NO. E-897**

**A RESOLUTION OF THE CITY OF CHENEY WASHINGTON
PROVIDING FOR THE RECOMMENDATION OF QUALIFICATIONS
AND PROPOSALS FOR AN ENERGY SAVINGS PERFORMANCE
PROJECT AT THE WASTEWATER TREATMENT FACILITY**

WHEREAS, pursuant to RCW 39.35A, the City of Cheney, Washington may negotiate a performance-based energy contract after a competitive bidding process;

WHEREAS, the City desires to install a photovoltaic solar array to reduce the energy consumption at the Wastewater Treatment Plant;

WHEREAS, the Public Works and Utilities Committee was directed and authorized to review and evaluate the submissions of qualifications and performance-based energy services proposals submitted in response to the RFP; and

WHEREAS, the Public Works and Utilities Committee makes recommendation for Apollo Solutions to begin negotiations with the City of Cheney.

ADOPTED by the City Council of the City of Cheney on this **23rd Day of February, 2021** at the Cheney City Council Chambers, 609 Second St, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE:	Acceptance of Bid for Purchase of Wood Poles	AGENDA ITEM #:	21- 032
DEPT. OF ORIGIN:	Light Department	DATE:	2/18/2021

EXHIBITS ATTACHED OR REFERENCED:	(1) Resolution E-898 (2) Bid Tabulation
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Council Committee Recommendation	Yes		No		None	
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
Light Dept/MS	MS			

	EXPENDITURE REQUIRED:	\$ 69,902.00 + sales tax	AMOUNT BUDGETED	\$
FISCAL IMPACT	APPROPRIATION REQUESTED:	\$ 69,902.00 + sales tax		

SUMMARY:	The Light Departments issued an invitation to bid for the purchase of 119 wood poles of various sizes. Stella-Jones Corporation supplied the only bid at \$69,902.00 plus tax.
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COUNCIL ACTION REQUESTED:	Passage of Resolution E-898
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APPROVED FOR AGENDA

 DISAPPROVED

February 23, 2021

_____ **COUNCIL MEETING DATE**

_____ **MAYOR/CITY ADMINISTRATOR**

City of Cheney
609 2nd Street
Cheney WA 99004

**CITY OF CHENEY, WASHINGTON
RESOLUTION E-898**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF BID FOR PURCHASE OF
WOOD POLES FROM STELLA-JONES CORPORATION**

WHEREAS, the Cheney Light Department conducted a formal bid for the purchase of one hundred nineteen wood poles of various sizes; and

WHEREAS, Stella-Jones Corporation submitted the only bid for the amount of \$69,902.00 plus tax.

NOW THEREFORE, BE IT RESOLVED the Cheney City Council by majority vote authorizes the Light Department to purchase wood poles from Stella-Jones Corporation for the amount of \$69,902.00 plus tax.

ADOPTED by the City Council of the City of Cheney on this **23rd Day of February, 2021** at the Cheney City Council Chambers, 609 Second St, Cheney, WA 99004.

Chris Grover, Mayor

Attest:

Cynthia L. Niemeier, City Clerk

CITY OF CHENEY, WASHINGTON

BID TABULATION

DEPARTMENT

Light _____

PROJECT NO.

RECAP OF

Wood Pole Purchase

CLD 21-001

Opened

Thursday, February 18, 10:00 a.m.

BID SCHEDULE	Qty	VENDOR Stella-Jones Corporation	VENDOR	VENDOR	VENDOR	VENDOR	VENDOR
30' Class 2	15	\$6,765.00					
30' Class 4	25	\$8,425.00					
40' Class 2	10	\$7,070.00					
40' Class 4	15	\$7,965.00					
45' Class 2	15	\$13,755.00					
45' Class 4	15	\$9,825.00					
50' Class 2	8	\$8,720.00					
55' Class 2	3	\$3,363.00					
60' Class 2	3	\$4,014.00					
Sub-Total		\$69,902.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tax 8.9%		\$6,221.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total		\$76,123.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE:	Building and Construction Ordinance 19.06	AGENDA ITEM #:	21-020
DEPT. OF ORIGIN:	Public Works	DATE:	2/17/2021

EXHIBITS ATTACHED OR REFERENCED:	1. Ordinance Y-1
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Council Committee Recommendation	Yes		No		None
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
Public Works/TA	TA			

	EXPENDITURE REQUIRED:		AMOUNT BUDGETED
FISCAL IMPACT	APPROPRIATION REQUESTED:		

SUMMARY:	On February 9 th City Council approved the 1 st reading of Ordinance Y-1 which includes revisions to CMC19.06. Revisions Include adoption of the 2018 International Code including Washington State Amendments which replaces the 2015 International Code. Adoption of the code is effective February 1, 2021 and the City of Cheney is required to adopt these changes.
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COUNCIL ACTION REQUESTED:	2 nd and 3 rd Reading of Ordinance Y-1
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___ **APPROVED FOR AGENDA**

___ **DISAPPROVED**

February 23, 2021

COUNCIL MEETING DATE

MAYOR/CITY ADMINISTRATOR

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. Y-1**

**AN ORDINANCE AMENDING PORTIONS OF THE
CHENEY MUNICIPAL CODE, CHAPTER 19.06 ENTITLED
"BUILDING CODE" AND PROVIDING FOR AN
EFFECTIVE DATE THEREOF**

WHEREAS, to protect the public health and safety, the City of Cheney adopts various codes that contain minimum performance standards and requirements for construction consistent with uniform engineering, fire and safety codes as required by RCW 19.27.031 (the "State Building Code") to include proposed statewide amendments adopted by the State Building Code Council;

WHEREAS, State law further provides that the City shall enforce the State Building Code within its jurisdictional boundaries;

WHEREAS, the existing City Building Code adopted codes and standards from the 2015 State Building Code, which has now been replaced with the 2018 codes.

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

Section 1. Amendment. Section 19.06.060 entitled "Adoption of codes" is hereby amended as follows:

19.06.060 – Adoption of codes.

The City of Cheney adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.074 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures including permits and penalties:

- (1) The ~~2018~~2015 International Building Code (IBC), published by the International Code Council, Inc., with state amendments, including appendices E, H, and J, and the ICC/ANSI A117.1-2009 is specifically adopted by reference.
- (2) The ~~2018~~2015 International Residential Code (IRC), published by the International Code Council, Inc., with state amendments, including appendices F, H, and Q, is specifically adopted by reference.
- (3) The ~~2018~~2015 International Existing Building Code (IEBC), published by the International Code Council, Inc., with state amendments, is specifically adopted by reference.
- (4) The ~~2018~~2015 International Mechanical Code (IMC), published by the International Code Council, Inc., with state amendments, including appendix A, is specifically adopted by reference.
- (5) The ~~2018~~2015 Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials, with state amendments, including appendices A, B, E, and I, is specifically adopted by reference.
- (6) The ~~2018~~2015 International Fuel Gas Code (IFGC), published by the International Code Council, Inc., except for propane installations, including appendices A, B, and C, is specifically adopted by reference.
- (7) For propane installations, NFPA Standard No. 58, and NFPA 54 Code are specifically adopted by reference.
- (8) The ~~2018~~2015 Washington State Energy Code, chapters 51-11R WAC (Residential) and 51-11C WAC (commercial), as adopted by the State Building Code Council, is adopted by reference.

Section 2. Amendment. Section 19.06.070 entitled "Adoption of amendments" is hereby amended as follows:

- (1) In addition to the permit exemptions listed in the adopted codes and any appendences adopted therein, the following exemptions are added:
 - a. Installation of roll-up doors serving unconditioned spaces not including work to the structure of the building or alterations in opening size.
 - b. Ground signs, as defined by the ~~2018~~2015 International Building Code, not exceeding ~~six~~seven feet in height above grade.
 - c. Wall signs as defined by as defined by the ~~2018~~2015 International Building Code.
 - d. Residential use on ground storable pools, as defined by the ~~2018~~2015 International Swimming Pool and Spa Code, not exceeding 24 inches deep.

- (3) The International Building Code and International Residential Code, section 105.3 and R105.3 respectively shall read as follows:

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. A fully completed building permit application shall include, at a minimum, the requirements set forth in RCW 19.27.095 and shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

A fully complete building permit application for a structure, that is permitted under the zoning or other land use ordinances in effect on the date of the application shall be considered under this chapter 19.06, and the zoning or other land use ordinances, in effect at the time of application. ~~See title 23 entitled "Development Code Administration" for application requirements.~~

- (5) The International Building Code and International Residential Code, section 111.2 and R110.3 respectively shall read as follows:

After the building official inspects the building or structure and finds no violation of the provisions of this code, or provisions of any other city ordinance associated with the permitted project, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of chapter 3.
9. The type of construction as defined in chapter 6.
- ~~10. The design occupant load.~~
- ~~11. If an automatic sprinkler system is provided and whether the sprinkler system is required.~~
12. Any special stipulations and conditions of the building permit.

(6) The International Residential Code, Table R301.2(1), Climatic and Geographic Design Criteria shall read as follows:

Ground Snow Load	Wind Design				Seismic Design Category
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone	
39 lbs/sq. ft.	110 mph (ult.)	No	No	No	C

Subject To Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
Weathering	Frost line depth	Termite					
Severe	24"	Slight to Moderate	10 deg F	Yes	1612.3 IBC FIRM Map	1232	47.2 deg F

MANUAL J DESIGN CRITERIA				
<u>Elevation</u>	<u>Latitude</u>	<u>Winter heating</u>	<u>Summer Cooling</u>	<u>Altitude correction factor</u>
2,352 ft	47°29'19"N	4 deg F	94 deg F	0.928
<u>Indoor design temperature</u>	<u>Design temperature cooling</u>	<u>Heating temperature difference</u>	<u>Cooling temperature difference</u>	<u>Wind velocity heating</u>
70 deg F	75 deg F	66 deg F	9 deg F	15 mph
<u>Wind velocity cooling</u>	<u>Coincident wet bulb</u>	<u>Daily range</u>	<u>Winter humidity</u>	<u>Summer humidity</u>
7.5 mph	61	H	30%	50%

Section 3. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication

Introduced this _____ day of _____, 2021.

Passed by the City Council this _____ day of _____, 2021.

Approved by the Mayor this _____ day of _____, 2021.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Stanley M. Schwartz, City Attorney

CITY OF CHENEY
CITY COUNCIL ACTION REQUEST

ISSUE:	International Fire Code Ordinance 18.06	AGENDA ITEM #:	21-021
DEPT. OF ORIGIN:	Public Works	DATE:	2/17/2021

EXHIBITS ATTACHED OR REFERENCED:	1. Ordinance Y-2
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Council Committee Recommendation	Yes		No		None	
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DEPT/DEPT HEAD INITIALS	APPROVE	DO NOT APPROVE	NO COMMENT	COMMENTS
Public Works/TA	TA			

FISCAL IMPACT	EXPENDITURE REQUIRED:		AMOUNT BUDGETED	
	APPROPRIATION REQUESTED:			

SUMMARY:	On February 9 th City Council approved the 1 st Reading of Ordinance Y-2 which includes revisions to the International Fire Code CMC18.06. Revisions Include adoption of the 2018 International Fire Code which replaces the 2015 International Fire Code. Adoption of the code is effective February 1, 2021 and the City of Cheney is required to adopt these changes.
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COUNCIL ACTION REQUESTED:	2 nd and 3 rd Reading of Ordinance Y-2
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APPROVED FOR AGENDA

 DISAPPROVED

February 23, 2021

COUNCIL MEETING DATE

MAYOR/CITY ADMINISTRATOR

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. Y-2**

**AN ORDINANCE AMENDING PORTIONS OF THE
CHENEY MUNICIPAL CODE, CHAPTER 18.06 ENTITLED
"FIRE CODE" AND PROVIDING FOR AN EFFECTIVE
DATE THEREOF**

WHEREAS, to protect the public health and safety, the City of Cheney adopts various codes that contain minimum performance standards and requirements for construction consistent with uniform engineering, fire and safety codes as required by RCW 19.27.031 (the "State Building Code") to include proposed statewide amendments adopted by the State Building Code Council;

WHEREAS, State law further provides that the City shall enforce the State Building Code within its jurisdictional boundaries;

WHEREAS, the existing City Fire Code adopted codes and standards from the 2015 State Building Code, which has now been replaced with the 2018 codes.

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

Section 1. Amendment. Section 18.06.060 entitled "Adoption of codes" is hereby amended as follows:

18.06.060 – Adoption of codes.

The City of Cheney adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27.040 for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures including permits and penalties:

- (1) The ~~2018~~2015 International Fire Code (IFC), published by the International Code Council, Inc., with state amendments, including Appendices A, B, C, D, E, F and M, is specifically adopted by reference.

Section 2. Effective Date. This ordinance shall become effective thirty (30) days after its passage, approval, and publication

Introduced this _____ day of _____, 2021.

Passed by the City Council this _____ day of _____, 2021.

Approved by the Mayor this _____ day of _____, 2021.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Stanley M. Schwartz, City Attorney