



AMENDED
TOPPENISH CITY COUNCIL
REGULAR MEETING AGENDA
MAY 8, 2023 – 7:00 P.M.

TELEVISED LIVE ON MIDVALLEY TELEVISION
SPECTRUM CABLE CHANNEL 194

1. REGULAR SESSION CALL TO ORDER

Pledge of Allegiance/Roll Call/Welcome

2. NEW EMPLOYEE INTRODUCTION

- a. Jose Sanchez Castro

3. APPROVE AGENDA

4. PUBLIC COMMENT

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

5. CONSENT AGENDA

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

- a. Approve Minutes of the April 24, 2023, Regular Meeting
b. Approve Minutes of the May 1, 2023, Study Session
c. Approve Payroll Checks Numbers 36180 through 36193 and electronic transfers in the total amount of \$206,734.33 dated May 3, 2023, and void Check Number 36156
d. Approve Claims Checks Numbers 97101 through 97168, EFTAP336 and EFTAP337 in the total amount of \$172,116.04 dated May 8, 2023

6. NEW BUSINESS

- a. AB 23-027: Ordinance 2023-05, Amending Chapter 13.16 of the Toppenish Municipal Code for Utility Billing Adjustments
b. AB 23-028: Resolution 2023-19, Adopt the City's Lease Policy
c. AB 23-029: Resolution 2023-20, Authorizing the City Manager to Establish a Key Deposit Policy for the Pioneer Park Restrooms

7. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

8. CITY MANAGER REPORT

9. FIRST EXECUTIVE SESSION

Purpose: Real Estate [RCW 42.30.110(1)(b); RCW 42.30.110(1)(c)]

Time: 15 minutes

Action: Potential action

10. SECOND EXECUTIVE SESSION

Purpose: To discuss potential litigation with legal counsel [RCW 42.30.110(1)(i)]

Time: 30 minutes

Action: Potential action

11. ADJOURNMENT

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MAY 22, 2023

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
April 24, 2023**

Mayor Saavedra called the meeting to order at 7:00 p.m.

ROLL CALL

Attendees: Mayor Elpidia Saavedra, Mayor Pro Tem Clara Jiménez, and Councilmembers Loren Belton, Juan Ceja, Naila Duval, and Kyle Pettit
Absent: Councilmember George Garcia
Staff: City Manager Debbie Zabell (CM Zabell), City Attorney Gary Cuillier, Assistant City Manager/Public Works Director Dan Ford, Chief of Police John Clary, Administrative Services Director Heather Jobe, Public Works Superintendent Shaun Burgess, Information Technology Services Manager Van Donley, City Clerk Heidi Riojas (CC Riojas), and Community Television Manager Sean Davido

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Saavedra, Mayor Pro Tem Jiménez, and Councilmembers Belton, Ceja, Duval, and Pettit responded their attendance during roll call. Councilmember Garcia was not present at the meeting.

Mayor Pro Tem Jiménez moved, seconded by Councilmember Duval to excuse Councilmember Garcia from the April 24, 2023, Regular Meeting. Motion carried unanimously.

APPROVE AGENDA

Councilmember Pettit moved, seconded by Councilmember Duval to approve the April 24, 2023, Agenda. Motion carried unanimously.

PUBLIC COMMENT

Alex Mejia, 402 Bolin Drive, Toppenish, expressed his safety concerns to Council.

Brian Clark, 701 Klickitat Street, Toppenish, a Toppenish High School student, expressed his support of the Community Safety Network (CSN) clean-up activity, and that he helped at the event on April 22, 2023.

Estevan Cruz, 110 North Date Street, Toppenish, a Toppenish High School student, shared that he enjoyed participating in the CSN clean-up on April 22, 2023.

PROGRESS ON THE HOUSING ACTION PLAN UPDATE

Byron Gumz and Albert Miller with Yakima Valley Conference of Governments (YVCOG) presented Council with the progress of the Housing Action Plan Update. Mr. Gumz and Mr. Miller noted that the purpose of the Housing Action Plan is to identify goals, policies and opportunities to increase the housing supply and preferred type of housing based on the community characteristics and anticipated needs.

CONSENT AGENDA

Mayor Pro Tem Jiménez moved, seconded by Councilmember Ceja to approve Consent Agenda items a through c:

- a. Approve Minutes of the April 10, 2023, Regular Meeting
- b. Approve Payroll Checks Numbers 36167 through 36179 and electronic transfers in the total amount of \$292,644.55 dated April 19, 2023
- c. Approve Claims Checks Numbers 97030 through 97100, EFTAP334 and EFTAP335 in the total amount of \$293,500.02 dated April 24, 2023

Motion carried unanimously.

NEW BUSINESS

Resolution 2023-18: A Resolution Approving the Construction Quote from Concord Construction to Modify the Public Works Building Creating a More Practical Layout and an Additional Office.

Councilmember Duval moved, seconded by Councilmember Belton to approve Resolution 2023-18. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Belton had nothing to report.

Councilmember Pettit had nothing to report.

Councilmember Duval reported she participated in the CSN clean-up on April 22, 2023.

Mayor Pro Tem Jiménez reported her attendance at the Mayors' Meeting on April 18, 2023.

Councilmember Ceja had nothing to report.

Mayor Saavedra expressed her appreciation that Commissioner Curtis spoke at the Mayors' Meeting. She encouraged people to get involved to help improve the community concerning homelessness, mental health, drug use, behavioral health, and affordable housing.

CITY MANAGER REPORT

CM Zabell updated Council on the following:

- New employees: Police Officer Jose Sanchez Castro and Activities Program Manager Katie Goodale
- CSN Clean-up on April 22, 2023

EXECUTIVE SESSION

At 8:16 p.m., Mayor Saavedra called for the Council to go into Executive Session to discuss potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i). The approximate time for the Executive Session is 30 minutes with potential action. Due to technical difficulties, the Executive Session started at 8:18 p.m.

At 8:48 p.m., Mayor Saavedra extended the Executive Session for 15 minutes.

At 9:03 p.m., Mayor Saavedra extended the Executive Session for 5 minutes.

At 9:08 p.m., Mayor Saavedra extended the Executive Session for 5 minutes.

At 9:13 p.m., Mayor Saavedra reconvened the meeting back to order.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 9:13 p.m.

ELPIDIA SAAVEDRA, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

**TOPPENISH CITY COUNCIL
Study Session Minutes
May 1, 2023**

Mayor Saavedra called the meeting to order at 5:00 p.m.

ROLL CALL

Attendees: Mayor Elpidia Saavedra and Councilmembers Juan Ceja, Naila Duval, George Garcia, and Kyle Pettit
Absent: Mayor Pro Tem Clara Jiménez and Councilmember Loren Belton
Staff: City Manager Debbie Zabell (CM Zabell), City Attorney Gary Cuillier, Assistant City Manager/Public Works Director Dan Ford, Administrative Services Director Heather Jobe, Information Technology Services Manager Van Donley, Activities Program Manager Katie Goodale, City Clerk Heidi Riojas, and Human Resources Generalist Mary Goodale (HRG Goodale).

HRG Goodale conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Saavedra and Councilmembers Ceja, Duval, Garcia, and Pettit responded their attendance during roll call. Mayor Pro Tem Jiménez and Councilmember Belton were not present at the meeting.

Councilmember Ceja moved, seconded by Councilmember Garcia to excuse Mayor Pro Tem Jiménez from the May 1, 2023, Study Session. Motion carried unanimously.

Councilmember Ceja moved, seconded by Councilmember Garcia to excuse Councilmember Belton from the May 1, 2023, Study Session. Motion carried unanimously.

NEW EMPLOYEE INTRODUCTION

CM Zabell introduced Activities Program Manager Katie Goodale to Council.

APPROVE AGENDA

Councilmember Pettit moved, seconded by Councilmember Duval to approve the May 1, 2023, Agenda. Motion carried unanimously.

PUBLIC COMMENT

None.

PIONEER PARK DISCUSSION

CM Zabell updated Council on law enforcement efforts to decrease illegal drug activity in the community, options for gazebo rentals, and lack of public bathrooms at Pioneer Park. After discussion regarding the Pioneer Park, Council suggested implementing a key deposit to allow access to the bathrooms for the gazebo rentals. Due to vandalism, the Pioneer Park bathrooms will remain closed to the public, with the exception for gazebo rentals.

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 5:32 p.m.

ELPIDIA SAAVEDRA, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

Payroll Check Register

Payroll for Period 04/16-30/2023

Fund Number	Description	Amount
001-000-011	Legislative	\$2,645.15
001-000-013	Executive	\$6,018.49
001-000-014	Finance, Record	\$19,520.06
001-000-018	Central Services, Personnel Services	\$12,478.61
001-000-021	Law Enforcement	\$45,475.87
001-000-022	Fire Services	\$30,470.91
001-000-024	Protective Inspections	\$3,431.45
001-000-058	Planning and Community Development	\$1,587.92
001-000-071	Recreational Services	\$1,439.99
001-000-076	Pool, Park Facilities	\$4,102.91
030-000-021	Criminal Justice Fund	\$24,172.52
050-000-000	Special Projects Fund	\$1,361.67
071-000-071	Recreation	\$252.35
101-000-000	Street Fund	\$5,651.11
108-000-000	Cemetery Fund	\$3,849.23
157-000-000	Cable TV Fund	\$3,989.57
401-000-000	Water Fund	\$12,835.53
403-000-000	Wastewater Fund	\$15,592.63
405-000-000	Solid Waste Fund	\$11,858.36
Grand Total:		\$206,734.33

Payroll Checks 36180-36193, Electronic Transfers and Void Check 36156

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



5/3/2023

Heather Jobe, Administrative Services Director

Date:

Accounts Payable Check Register

May 8, 2023

Number	Vendor Name	Account Description	Amount
97101	Zackary Williams	Travel	\$236.00
97102	Castaneda, Ryan	Travel	\$236.00
97103	Frazier, KC	Travel	\$439.23
97104	Schreiner Title Company	Assigned Fund Balance	\$43.71
		Solid Waste Services	\$7.12
		Check Total:	\$50.83
97105	Schreiner Title Company	Assigned Fund Balance	\$154.81
		Solid Waste Services	\$25.20
		Check Total:	\$180.01
97106	Valley Title Guarantee Inc.	Assigned Fund Balance	\$178.29
		Solid Waste Services	\$29.02
		Check Total:	\$207.31
97107	Valley Title Guarantee Inc.	Assigned Fund Balance	\$72.86
		Solid Waste Services	\$11.86
		Check Total:	\$84.72
97108	911 Supply Inc.	Uniforms & Clothing	\$264.22
97109	Alba Enterprises	Professional Services - Interpreting/Translation Services	\$240.00
97110	Aramark Uniform Services Everett Lockbox	Rentals	\$48.58
97111	Backflow Management, Inc.	Cross Connection Program	\$2,000.00
97112	Budget Septic LLC	Professional Services	\$1,667.25
97113	Cascade Natural Gas Corp.	Fuel For Heating	\$753.00
		Fuel for Heating - City Hall	\$181.19
		Fuel for Heating - Fire	\$610.37
		Fuel for Heating - Police	\$628.31
		Fuel for Heating - Swimming Pool	\$14.60
		Check Total:	\$2,187.47
97114	Castaneda, Ryan	Uniforms & Clothing	\$300.00
97115	CDW Government	Capital Purchase - Temporary Police Equipment	\$6,107.74
97116	CenturyLink	Telephone	\$870.20
		Telephone - Utility Billing	\$79.12
		Check Total:	\$949.32
97117	CenturyLink	Telephone	\$2,144.97
97118	Chandler Distributing Co. Inc.	Fuel Consumed Vehicles	\$1,063.54
		Fuel Vehicles	\$8,715.53
		Fuel Vehicles - Street Sweeper	\$362.30
		Fuel Vehicles - WWTP	\$701.33
		Operating/Maintenance Supplies - Vehicles	\$1,786.09
		Check Total:	\$12,628.79
97119	Charter Communications	Internet	\$744.99
		Internet & Cable MVTV	\$186.96
		Internet & Cable City Hall	\$179.98

Number	Vendor Name	Account Description	Amount
		Internet & Cable Fire Department	\$179.98
		Internet & Cable Police Department	\$35.13
		Internet & Cable Sewer	\$149.98
		Check Total:	\$1,477.02
97120	Cintas Corporation #605	Rentals	\$19.04
		Uniform Cleaning	\$300.91
		Check Total:	\$319.95
97121	D&G Cleaning LLC.	Janitorial Services - City Hall	\$1,200.00
		Janitorial Services - Police Department	\$1,200.00
		Check Total:	\$2,400.00
97122	Dell Financial Services LLC	Capital Purchase - Equipment	\$74.00
97123	Department of Retirement Systems	Retirement/PERS	\$25.00
97124	Dequan Armstrong	Park Use Fees - Outside City Rate	\$48.00
		Sales Tax Collected	\$3.84
		Check Total:	\$51.84
97125	DeVries Business Records Management, Inc.	Professional Services	\$23.02
97126	Elite Towing and Recovery, LLC.	Professional Services	\$675.79
97127	Elpidia Saavedra	Travel	\$30.00
97128	Employment Security Dept.	Unemployment Compensation	\$68.63
97129	Eurofins Microbiology Laboratories, Inc.	Professional Services	\$370.00
97130	Galls, Inc.	Uniforms & Clothing	\$1,072.19
97131	H.D. Fowler Co., Inc.	Hydrant Installation Services	\$571.97
		Water Meter Service Inventory	\$14,364.04
		Check Total:	\$14,936.01
97132	HLA Engineering and Land Surveying, Inc.	2022 Water Meter Replacement Project - Engineering	\$17,100.46
		Professional Services	\$5,290.54
		Professional Services - Developer Eng/Plan Review Services	\$402.00
		Check Total:	\$22,793.00
97133	Howard's Tire Factory Inc	Service Repair/Maintenance Vehicles	\$3,607.25
97134	Ideal Lumber & Hardware, Inc.	Capital Improvements - Temporary Police Building	\$7.35
		Chemicals	\$291.66
		Graffiti Program Supplies	\$7.44
		Operating Maintenance Supplies - General	\$4.60
		Operating/Maint. Supplies	\$46.99
		Operating/Maint. Supplies - General	\$1,239.31
		Operating/Maint. Supplies - Park Facilities	\$139.39
		Operating/Maintenance Supplies - General	\$507.90
		Operating/Maintenance Supplies - Traffic Control Devices	\$12.21
		Service Repair/Maintenance - Fire Dept Building	\$15.67
		Service Repair/Maintenance MVTV Bldg	\$5.48

Number	Vendor Name	Account Description	Amount
		Service Repair/Maintenance Welcome Center Bldg	\$20.06
		Water Meter Service Inventory	\$14.67
		Check Total:	\$2,312.73
97135	Intermedia.net Inc.	Telephone	\$140.92
97136	Jevons Property Management	Assigned Fund Balance	\$150.95
		Solid Waste Services	\$24.57
		Check Total:	\$175.52
97137	Johnson Controls Security Solutions LLC	Alarm Monitoring	\$1,856.22
97138	Law Office of Gary M. Cuillier	Legal Services - City Attorney	\$1,610.50
97139	Lighting Graphics	Office & Operating Supplies	\$1,838.62
97140	Lynden Precast LLC	Liners & Markers	\$1,692.00
97141	Mobile Modular	Capital Improvements - Temporary Police Building	\$1,512.00
		Police Station Rent	\$12,931.70
		Check Total:	\$14,443.70
97142	Moon Security Service, Inc.	Alarm Monitoring	\$80.94
97143	Northwest Code Professionals	Professional Services	\$3,936.95
97144	ODP Business Solutions, LLC	Office & Operating Supplies	\$86.89
		Operating/Maintenance Supplies - General	\$59.01
		Check Total:	\$145.90
97145	O'Reilly Auto Parts	Operating/Maintenance Supplies - General	\$18.41
		Operating/Maintenance Supplies - Vehicles	\$66.61
		Check Total:	\$85.02
97146	Pacific Alliance Title	Assigned Fund Balance	\$329.47
		Solid Waste Services	\$49.23
		Check Total:	\$378.70
97147	Pacific Office Automation	Photocopies	\$469.21
97148	Pacific Office Automation	Rentals	\$152.41
97149	Racom Corporation	Office & Operating Supplies	\$53.46
97150	Rathbun Iron Works, Inc.	Operating/Maint. Supplies - Park Facilities	\$71.79
		Operating/Maintenance Supplies - Vehicles	\$41.58
		Check Total:	\$113.37
97151	Rodda Paint Co.	Operating/Maint. Supplies - General	\$1,049.97
97152	Sound Uniform Solutions	Personal Protective Equipment	\$2,693.22
		Uniforms & Clothing	\$509.22
		Check Total:	\$3,202.44
97153	Sunnyside Community Hospital Association	Medical Services	\$858.87
97154	Sunnyside Sun Media LLC	Advertising	\$77.50
97155	The Print Guys	Professional Services	\$2,983.96
97156	U.S. Bank Corporate Payment Systems	Advertising	\$475.00
		Capital Purchase - Temporary Police Equipment	\$939.38
		Fuel Consumed Vehicles	\$69.87

Number	Vendor Name	Account Description	Amount
		Fuel Vehicles	\$127.50
		Memberships- Registrations - Subscriptions	\$4,153.51
		Office & Operating Supplies	\$828.67
		Operating/Maint. Supplies - General	\$168.46
		Postage	\$8.00
		Professional Services	\$36.72
		Travel	\$2,683.47
		Uniforms & Clothing	\$97.45
		Wellness Program Travel	\$316.76
		Check Total:	\$9,904.79
97157	Walker Car Wash Inc.	Professional Services	\$9.00
		Service Repair/Maintenance - Vehicles	\$8.00
		Service Repair/Maintenance Vehicles	\$149.00
		Check Total:	\$166.00
97158	Wapenish Sand & Gravel	Operating Maintenance Supplies - General	\$1,008.54
		Operating/Maintenance Supplies - General	\$1,008.55
		Check Total:	\$2,017.09
97159	Washington State Patrol	Pre-Employment Services	\$11.00
97160	Washington State Treasurer	Death Investigation Account	\$21.44
		Distracted Driving	\$0.26
		Highway Safety Account	\$102.31
		Judicial Information Services	\$763.98
		P: State Building Code Fee - Remit to State	\$114.00
		School Zone Safety	\$9.47
		State General Fund 40	\$2,307.80
		State General Fund 50	\$1,225.96
		State General Fund 54	\$36.56
		State Patrol Highway Account	\$122.07
		Trauma Care	\$116.00
		Traumatic Brain Injury Account	\$98.30
		Veh License Fraud Acct	\$26.90
		WA Auto Theft Prevention Authority Act	\$232.66
		Check Total:	\$5,177.71
97161	Wells Fargo Vendor Fin Serv	Rentals	\$255.56
97162	Wex Bank	Fuel Vehicles	\$48.52
97163	Yakima County Fire District 5	Miscellaneous Fees & Charges	\$12.00
		Office & Operating Supplies	\$155.00
		Operating/Maint Supplies - General	\$217.42
		Service Repair/Maintenance Vehicles	\$706.48
		Check Total:	\$1,090.90
97164	Yakima County Treasurer	County Crime Victims	\$83.80
97165	Yakima Regional Clean Air Agency	Clean Air Authority Assessment	\$887.00
97166	Yakima Valley Conference of Governments	Professional Services	\$2,495.03

Number	Vendor Name	Account Description	Amount
97167	Yakima Valley Farm Workers Clinic	Assigned Fund Balance	\$859.14
		Solid Waste Services	\$139.86
		Check Total:	\$999.00
97168	Yakima Waste Systems, Inc.	Recycling & Shred Services	\$42.62
EFTAP336	Washington State Department of Revenue	Excise Taxes	\$21,337.37
		Sales Tax Remitted	\$192.60
		Check Total:	\$21,529.97
EFTAP337	USDA RD DCFO Loan Payment (EFT)	IG: Interest USDA/RD Loan City Wide Sewer Rehab	\$5,174.84
		IG: Principal USDA/RD Loan City Wide Sewer Rehab	\$6,677.16
		Check Total:	\$11,852.00
Grand Total			\$172,116.04

Accounts Payable Checks 97101-97168 and EFTAP336-EFTAP337

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



Administrative Services Director

May 3, 2023



**CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 23-027**

**Agenda Item
6a**

Meeting Date: May 8, 2023

Subject: Utility Billing Adjustments for Water Leaks

Attachments: Proposed Ordinance 2023-05 Amending Chapter 13.16

Presented by: Heather Jobe, Administrative Services Director

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

For water utilities, a common issue is leakage. Maintenance and repair of water lines on private property is the responsibility of the private property owner, as well as any water lost due to leaks or breakage (all water that has registered through the water meter). A large leak, resulting in an overage of water use, can be costly to the property owner.

Many utility providers allow for an adjustment to a high utility bill due to leakage, on the condition that the customer had no knowledge of the leak and provides proof of the leak being fixed within a specified timeframe from when the customer contacted the city of the water leak.

The proposed ordinance provides for the ability for the Administrative Services Director to adjust high utility bills because of a water leak in the property owner's water line from the City's water main to the structure.

Fiscal Impact: Potential lost revenues

Recommendation: Adopt Ordinance 2023-05 Amending Chapter 13.16

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

ORDINANCE 2023-05

**AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON,
AMENDING CHAPTER 13.16 OF THE TOPPENISH MUNICIPAL CODE TO
PROVIDE FOR ADJUSTMENTS TO THE UTILITY BILL; AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Toppenish provides water services to the residents and businesses of the City of Toppenish and bills for the services on a monthly basis; and

WHEREAS, the City Council authorizes amending Chapter 13.16 Water – Rates and Charges to add new section 13.16.130 to allow for adjustments to utility bills,

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

Section 1: A new section 13.16.130 of the Toppenish Municipal Code is hereby enacted to read as follows:

13.16.130 Adjustment of Utility Bills.

- A. The Administrative Services Director, or their designee, is empowered to resolve utility billing disputes upon receipt of a request to do so from a utility account owner/customer. Utility bill adjustment requests are required to be submitted to the Administrative Services Director. Upon receipt of the request from the utility account owner/customer, the Administrative Services Director shall review the bill with the utility account owner/customer to verify if the water overage amount is justly owed. The utility account owner/customer shall have the right to a meeting to bring forth reasons and evidence why such a bill or portion of said bill should not be due and owing.
- B. The maintenance and repair of the water service line on the customer's side of the water meter setter is the responsibility of the property owner of the premises being served. The maintenance and repair of the sanitary sewer service line from the connection to the City's sewer main to the premises is the responsibility of the property owner of the premises being served. The owner shall keep both water and sewer service lines in good working order.
- C. In the case of a leak in the water service line, the utility customer will be allowed an adjustment to the water utility bill based on the following:
 1. The utility account owner/customer states that there was a leak in the water line on the owner/customer's premises which caused a large consumption of water, and the existence of a leak in the water service line has been inspected and verified by the Public Works Director, or their designee, or by documentary and/or photographic proof supplied by the owner/customer, that has been reviewed and verified by the Public Works Director.
 2. Within seven days of the discovery of the leak by the property owner/customer or within seven days of the City notifying the owner/customer of a probable

leak, whichever occurs sooner, the property owner/customer shall have completed the repair of said leak.

3. Upon the Public Works Director's verification that the leak has been satisfactorily repaired, an adjustment will be considered based on the following:
 - a. Said leak in the water service line was not caused by and/or the fault of the property owner/customer. An adjustment to the utility billing shall not be permitted if such excess water consumption is due to a owner/customer's neglect or failure to timely repair the leak.
 - b. An adjustment for a water service line leak shall only be allowed for the buried water service line from the water meter setter to the premises. No adjustment shall be made for leaking plumbing fixtures, leaks or breaks associated with an irrigation system, or any other typically visible leaks.
 - c. Said property has not had a previous water bill adjustment due to a water service line leak in the previous five years.
 - d. The customer's utility account is current with no past-due amounts owed to the city.
 - e. Utility service to property is classified as a single-family or multi-family residence with no more than three units.
- D. Eligible customers will be entitled to a water service line leak adjustment of the water overage portion of the utility bill, not to exceed \$300.00. Adjustments below \$25.00 will not be processed by the city.
- E. If all the conditions of subsection C of this section are met, the water overage portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the difference between the previous year's three-month average consumption, and the existing disputed bill's consumption. The three-month average shall be calculated by taking the average of the previous year's consumption for the month the leak was detected, the month before, and the month after. For customers who have been owners for less than one year, the adjustment will be by one of the following methods:
 1. The water overage portion of the utility bill in the month the leak is detected shall be adjusted to an amount that is one-half of the difference between the previous three-month average consumption immediately preceding the disputed bill and the existing disputed bill's consumption.
 2. Or in the absence of three complete prior billing cycles, water consumption after the leak repair is complete can be used to estimate consumption during the leak period.
- F. Multi-family residence of four or more units or commercial classified utility service customers are not generally eligible but will be evaluated on a case-by-case basis regarding eligibility for adjustment to their utility bill. For commercial and

industrial utility customers, who are deemed eligible to receive adjustments, adjustments shall be made to water and sewer consumption if the following conditions are met:

1. The utility account owner/customer states that there was a leak in the water service line, without knowledge or fault of the customer, on the customer's premises which caused a large consumption of water, and the existence of a water service line leak is either verified by inspection by the Public Works Director or by documentary and/or photographic proof supplied by the customer, that has been reviewed and verified by the Public Works Director. All repairs must be completed and verified by the Public Works Director within thirty (30) days after notification of the leak. Reduction in charges is limited to one-half of the water overage portion of the amount billed and the entire sewer overage portion of the amount billed as determined by the City to be associated with the billing period in question. If the customer fails to make repairs within thirty (30) days after the notification of the leak, the City will not make any adjustments to the customer's account for any of the excessive water or sewer overage.

G. The City reserves the right to discontinue water service to any premises where the owner refuses to make necessary repairs to avoid the wasting of water. If after reasonable efforts to contact the owner about observable water being lost through leakage, the City at its option may terminate water services and shall leave a written notice as to its action and the reason therefore.

Section 2. Severability: If any section, sentence, clause, or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this section.

Section 3: This ordinance shall become effective five days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on May 8, 2023.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

GARY M. CUILLIER, City Attorney



**CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 23-028**

**Agenda Item
6b**

Meeting Date: May 8, 2023

Subject: Lease Policy

Attachments: Proposed Resolution 2023-19 Lease Policy

Presented by: Heather Jobe, Administrative Services Director

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

It is the City's goal to assure prudent fiscal management and responsible stewardship of the City's financial and physical assets. These procedures aim to provide all pertinent information and decision-making input to the Administrative Services Department so that accounting and reporting may be accomplished according to applicable governmental accounting standards.

The proposed policy establishes consistent guidelines, rules, and procedures to ensure compliance with generally accepted accounting principles and all other state and federal requirements surrounding leases where the City is lessee.

Fiscal Impact: None

Recommendation: Adopt Resolution 2023-19 Lease Policy

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2023-19

A RESOLUTION OF THE CITY OF TOPPENISH ADOPTING RULES AND REGULATIONS TO ESTABLISH CONSISTENT GUIDELINES, RULES AND PROCEDURES TO ENSURE COMPLIANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPALS AND ALL OTHER STATE AND FEDERAL REQUIREMENTS SURROUNDING LEASES WHERE THE CITY IS THE LESSEE

WHEREAS the City of Toppenish is a Lessee or may become a Lessee in the ordinary, course of business wherein a period of time is established in which the City has the right to use another entity's nonfinancial asset; and

WHEREAS Governmental Accounting Standards Board ("GASB") No. 87 requires accounting for and reporting lease activity on the City's Schedule of Liabilities; and

WHEREAS the City of Toppenish desires to establish a comprehensive set of written rules, regulations, and standards to establish consistent guidelines, rules, and procedures to ensure compliance with generally accepted accounting principles and all other state and federal requirements surrounding leases where the City is lessee,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval of Lease Policy No. 2023-01: The City of Toppenish hereby adopts Lease Policy No. 2023-01, as set forth in Exhibit A.

Section 2. This resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on May 8, 2023.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

CITY OF TOPPENISH

Lease Policy No. 2023-01
Approved by Resolution No. 2023-19
Date of Approval: 05/08/2023

I. POLICY PURPOSE

It is the City’s goal to assure prudent fiscal management and responsible stewardship of the City’s financial and physical assets. The City adopts this Lease Policy for the purpose of establishing consistent guidelines, rules, and procedures to ensure compliance with generally accepted accounting principles and all other state and federal requirements surrounding leases where the City is lessee. The procedures aim to provide all pertinent information and decision-making input to the Finance Department so that accounting and reporting may be accomplished according to applicable governmental accounting standards.

II. SCOPE

The following guidelines apply to operating leases of equipment, buildings, land, or any other tangible physical property which the City leases from a third party. Government Accounting Standards Board (“GASB”) No. 87 requires accounting for and reporting lease activity on the City’s Schedule of Liabilities (“Schedule 9”).

III. DEFINITIONS

- A. Lease: A lease is a contract that conveys control of the right to use another entity’s nonfinancial assets (i.e., building, equipment, land) for a period of time for consideration.
- B. Term: The term is the period during which the lessee has a noncancelable right to use the asset, including extensions that the lessee is reasonably certain to exercise.
- C. Service Component: A service component is the amount of the lease payment paid for services to be provided by the vendor in support of the nonfinancial asset being leased (for example, copier maintenance in a copier lease.)

IV. RESPONSIBILITY FOR THE POLICY

It will be the Administrative Services Director’s responsibility to review and update this lease policy as needed on a regular basis (at least annually). Review will include confirming compliance with all related state and federal laws and governmental accounting standards, and compatibility with other City policies. Periodic review shall be documented.

V. LEASE CRITERIA AND APPROVAL

- A. Approval of lease contracts:
 - 1. All new lease agreements or lease term extensions for property leases shall be reviewed by the Administrative Services Director before approval by City Council.

Exhibit A

2. All new lease agreements or lease term extensions for equipment leases shall be reviewed by the Administrative Services Director before approval by the City Manager.

B. Lease Criteria

1. The initial term, extensions, and cancellation clauses shall be clearly stated in the lease contract.
2. When possible, the applicable interest rate should be stated in the lease contract.
3. For the purpose of determining the term of the lease at inception, for accounting purposes, the Administrative Services Director will make a judgment on whether the total term of the lease should include options to extend (whether options to extend are more likely than not to be exercised by the City or the counterparty). All new lease agreements or lease term extensions shall be reviewed by the Administrative Services Director before approval by City Council for property leases and by the City Manager for equipment leases. This assessment shall be documented in writing or electronically. Factors to consider in the likelihood of exercising lease extensions are:
 - a. City specific (degree of changing needs, prior pattern of execution or extension);
 - b. Market based (competitive pricing, budget, and economy);
 - c. Contract based (economic incentives or penalties); and
 - d. Underlying assets (obsolescence, aging of assets, new features available).
4. When a service component is part of a lease contract, the vendor shall provide the portion of lease payments that pertains to services.

C. Extensions

For leases with extension provisions, the decision authority to extend or terminate each lease will rest with City Council for property leases and the City Manager for equipment leases.

D. Procurement Standards

The Administrative Services Director will ensure each lease complies with procurement standards subject to state law, federal uniform grant guidance and/or City policies as applicable.

VI. ACCOUNTING FOR LEASES

A. Capitalization Threshold

Leases which do not meet the capitalization thresholds are not subject to this policy, except as required by law or federal grant uniform guidance. The Administrative Services Director has the authority to exercise judgment on materiality of lease liabilities to the financial statements. The lease liability materiality threshold will be 10% of total noncurrent liabilities at the fund type level. The dollar amount of the threshold for lease liabilities shall be revaluated each year, as any changes in debt or other payable may affect

Exhibit A

the materiality of lease liabilities. The capitalization threshold for lease assets will be equal to the threshold for capital assets.

B. Discount Rate

Future lease payments will be discounted to present value at the date of inception in order to arrive at the recorded lease liability. The following interest rates shall be used for discounting in order of validity:

1. The interest rate the lessor charges the lessee (as stated in the lease contract or the rate implicit in the lease).
2. If the rate is not readily determinable, the lessee's incremental borrowing rate may be used (the rate of interest that would be charged to borrow the amount of lease payments during the lease term). This rate could be obtained by referencing other recent debt of the City on similar assets, or by obtaining quotes from financial institutions.

VII. LEASE LIABILITY REVIEW

Each year, the Administrative Services Director will review each lease asset and liability for impairment or a required remeasurement.

A. Impairment

A lease asset will be considered impaired when the utility of that asset no longer meets the function originally intended at the inception of the lease. An impairment must be recorded in the period recognized if the magnitude of the decline in utility is significant and the decline is unexpected. Examples of impairment of a lease asset are:

1. Physical damage;
2. Change in laws or regulations affecting the use of the asset;
3. Obsolescence;
4. Change in expected duration of use;
5. Construction stoppage.

B. Remeasurement

The City should remeasure the lease liability and update the discount rate if any of the following have occurred:

1. Change in lease term;
2. Contingent payment conditions change; or
3. The probability of an extension and/or cancellation changes from reasonably certain to not reasonably certain or vice versa.



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 23-029

Agenda Item
6c

Meeting Date: May 8, 2023

Subject: Proposed Key Deposit Resolution

Attachments: Proposed Resolution 2023-20

Presented by: Debbie Zabell, City Manager

Approved For Agenda By: Debbie Zabell, City Manager

Discussion:

As directed by the City Council at the May 1, 2023, Study Session, the proposed resolution authorizes the City Manager to establish and implement a Pioneer Park Key Deposit Policy. The purpose of the policy is to allow community members renting the gazebo at Pioneer Park to have access to restrooms and to protect the restrooms from vandalism.

The policy will provide the process for posting the deposit to obtain the restroom key, and the requirements for refunding the deposit.

Fiscal Impact: No fiscal impact as deposits collected are subject to refund.

Recommendation: Approve Resolution 2023-20 Authorizing the City Manager to establish and implement a Pioneer Park Key Deposit Policy.

Alternatives: 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2023-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON AUTHORIZING THE
CITY MANAGER TO ESTABLISH A KEY DEPOSIT POLICY
FOR THE PIONER PARK RESTROOMS**

WHEREAS, the City Council intends that members of the public renting the Pioneer Park Gazebo have access to the park restrooms, and

WHEREAS, the City Council has directed that a deposit for the restroom be required of the gazebo renter, when associated with rental of the gazebo and restroom, for the duration of the rental, and

WHEREAS, the City Council authorizes the City Manager to establish and implement a restroom deposit policy, and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Effective May 8, 2023, the City Council authorizes the City Manager to establish a Pioneer Park Restroom Deposit Policy, to be implemented at the City Manager's discretion.

PASSED by the Toppenish City Council at its regular meeting held on May 8, 2023.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk