



**PLEASE NOTE: This meeting will be held at City Hall, 920 SE Cedar Falls Way, North Bend, WA.**

Members of the public may choose to attend in person or by teleconference. As the in-person/teleconference hybrid meeting option is new technology to City Staff it is strongly encouraged that members of the public that are attending by teleconference provide comments in advance of the meeting. Please email comments on any agenda items prior to the meeting to the City Clerk at [soppedal@northbendwa.gov](mailto:soppedal@northbendwa.gov). Please provide comments by 5 p.m., Tuesday, April 19, 2022 so a copy can be provided to the City Council prior to the meeting.

Members of the public that wish to attend by teleconference may do so by using the Zoom Meetings platform. Instructions on how to access the meeting and provide public comment are available at the following link: [April 19, 2022 City Council Meeting Calendar Item](#). You will be required to have a registered Zoom account and display your full name to be admitted to the online meeting.

Zoom Meeting Information:

To Sign Up for a Zoom Account: <https://zoom.us/join>  
Meeting ID: 851 5515 3517  
Password: 502346  
Call In Phone Number: 1-253-215-8782

**CITY COUNCIL MEETING**

**April 19, 2022 – Agenda**

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

**7:00 P.M. – CALL TO ORDER, ROLL CALL, FLAG SALUTE**

**CONSENT AGENDA:**

		Pg.#
1) Minutes	Special Council Workstudy of March 15, 2022 & City Council Meeting of April 5, 2022	1
2) Payroll	April 5, 2022 – 28473 through 28479, in the amount of \$280,684.63	
3) Checks	April 19, 2022 – 72221 through 72272, in the amount of \$350,002.64	
4) AB22-037	Resolution – Granting Final Plat Approval for Maloney Estates	Mr. Rigos 7
5) AB22-038	Motion – Authorizing Lease Agreement with Pitney Bowes	Ms. Masko 21
6) AB22-039	Resolution – Granting Signature Authority for Federal Grant Reimbursement	Ms. Masko 29
7) AB22-040	Resolution – Updating Bond Procedures & Post Issuance Compliance Policy	Ms. Masko 33
8) AB22-041	Ordinance – Amending 2021-2022 Budget Ordinance 1737	Ms. Masko 51

**CITIZEN'S COMMENTS: (Please restrict comments to 3 minutes)**

**ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:**

9) Presentation	Republic Services Update	Ms. Weiker, Municipal Sales Manager
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## COMMISSION AND COMMITTEE REPORTS:

Planning Commission	Community & Economic Development – Councilmember Miller
Parks Commission	Finance & Administration – Councilmember Elwood
Economic Development Commission	Public Health & Safety – Councilmember Koellen
Regional Committees	Transportation & Public Works – Councilmember Loudenback
	Mayor Pro Tem – Councilmember Rosen
	Eastside Fire & Rescue Board – Councilmember Gothelf

## INTRODUCTIONS:

<b>10) AB22-042</b>	<b>Public Hearing, Resolution – Adopting Saving Water Partnership Water Use Efficiency Goal</b>	Mr. DeBerg	<b>67</b>
<b>11) AB22-043</b>	<b>Ordinance – Authorizing Interfund Loan</b>	Ms. Masko	<b>73</b>
<b>12) AB22-044</b>	<b>Resolution – RE Reimbursement for Water Capital Project</b>	Ms. Masko	<b>77</b>
<b>13) AB22-045</b>	<b>Motion – Authorizing ILA Amendment with DNR for Dahlgren Park</b>	Mr. McCarty	<b>83</b>
<b>14) AB22-046</b>	<b>Resolution – Authorizing Submittal of WWRP Grant for Meadowbrook Farm Trail</b>	Mr. McCarty	<b>89</b>
<b>15) AB22-047</b>	<b>Resolution – Authorizing Submittal of WWRP Grant for South Fork Landing Park</b>	Mr. McCarty	<b>97</b>

**MAYOR, COUNCIL & ADMINISTRATOR CONCERNS AND INITIATIVES:** (Business and general information presented that may be deliberated upon by the Council. Formal action may be deferred until a subsequent meeting; immediate action may be taken upon a vote of a majority of all members of the Council.)

**EXECUTIVE SESSION:** To Discuss Potential Litigation, pursuant to RCW 42.30.110(1)(i)

## ADJOURNMENT:

**DRAFT**

CITY OF NORTH BEND  
CITY COUNCIL SPECIAL WORKSTUDY NOTES

**March 15, 2022**

**Virtual Meeting**

City Hall, 920 SE Cedar Falls Way, North Bend, WA

Mayor Pro Tem Rosen called the meeting to order at 6:00 p.m.

Councilmembers Alan Gothelf, Mark Joselyn, Heather Koellen, Ross Loudenback, Mary Miller and Jonathan Rosen were present. Councilmember Brenden Elwood was excused.

**Staff Present:** Mayor Rob McFarland, City Attorney Lisa Marshall, Deputy City Administrator/Public Works Director Mark Rigos, Community & Economic Development Director Rebecca Deming, Senior Planner Mike McCarty, Senior Planner Jamie Burrell, Interim Communications Manager Bre Keveren, HR Assistant/Emergency Management Coordinator Erin Mitchell, and City Clerk Susie Oppedal.

**Form Based Code Implementation**

Community & Economic Development Director Deming reported that City staff had received inquiries from two developers/residents about certain conditions contained in the Form Based Code (FBC) that was adopted by Ordinance 1748 on June 2, 2021. She noted their concerns related to not allowing single-family homes as a building type and increasing maximum unit size in the Downtown Commercial-Mixed Use (DC-MU) area. Ms. Deming explained that the City was likely to receive additional inquiries of this nature and requested Council's input on their vision for this area and whether or not they were interested in any changes.

Council and staff discussed building types in the DC-MU area, Habitat for Humanity's Taylor Town project, row houses, hybrid court, building size and affordability, average size of apartments/units, typology of different types of buildings, increase in square footage in each transect, 20% increase in non-conforming buildings, accessory dwelling units, workforce/family oriented housing, mix of size that meets overall square footage requirements, positive outcomes and flexibility, square footage of cottage dwellings, and increased density and sewer/water availability.

Council consensus was to not make any changes at this time to the FBC and to have the Community & Economic Development Council Committee reinvestigate the issue later this year.

Mayor McFarland noted that masks would be required when entering the March 23<sup>rd</sup> Sound Cities Association Networking Dinner Meeting in Renton and that the City was hoping to open up City Hall Council Chambers to in-person meetings on April 5, 2022.

**DRAFT**

Deputy City Administrator/Public Works Director Rigos provided an update on Complete Streets and the Transportation Element of the City's Comprehensive Plan.

**Adjournment**

The workstudy closed at 6:44 p.m.

ATTEST:

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Jonathan Rosen, Mayor Pro Tem

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Susie Oppedal, City Clerk

DRAFT

## NORTH BEND CITY COUNCIL MINUTES

April 5, 2022

City Hall, 920 SE Cedar Falls Way, North Bend, Washington

## CALL TO ORDER, ROLL CALL:

Mayor McFarland called the regular meeting to order at 7:01 p.m.

**Councilmembers Present:** Elwood, Gothelf, Joselyn, Koellen, Loudenback, Miller and Rosen.

## CONSENT AGENDA:

**Minutes** – City Council Meeting of March 15, 2022

**Payroll – March 18, 2022 – 28466 through 28472**, in the amount of **\$225,243.32**

**Checks – April 5, 2022 – 72108 through 72220**, in the amount of **\$1,280,442.78**

**AB22-031** – Resolution 2011 Authorizing DEA with NBW Properties for SE 140<sup>th</sup> Project

**AB22-032** – Motion Authorizing Contract with Blueline for Housing Needs Assessment & Housing Action Plan

**AB22-033** – Resolution 2012 Awarding NE 6<sup>th</sup> Street Project to D&G Backhoe

**AB22-034** – Motion Authorizing Purchase of Electric Vehicles

Councilmember Gothelf **MOVED**, seconded by Councilmember Elwood to approve the consent agenda as presented. The motion **PASSED** 7-0.

## ANNOUNCEMENTS, PRESENTATIONS, APPOINTMENTS:

**Presentation** – Economic Development Commission Report

**Audio: 6:26**

Economic Development Commission Chair Wilson reported the Commission's work for 2021 included review and comments on the draft Form Based Code, Economic Development Plan (EDP) goals and content, update to 2018 Economic Profile, finalization of SWOT analysis, review of other municipalities EDPs, analysis of Comprehensive Plan and support of affordable housing and housing grants. She noted the Commission's focus for this year and into the future would include work on the EDP, COVID business resources, grant opportunities and continued support of the SnoValley Transportation Coalition.

## INTRODUCTIONS:

**AB22-035** – Resolution 2013 Setting Public Hearing Date RE Meadowbrook **Audio: 22:46**  
Utility Local Improvement District

Public Works Director Rigos and City Attorney Kenyon provided the staff report.

**DRAFT**

The following individuals commented on the agenda item:

**Wende Miller**, 6814 Denny Peak Drive SE, Snoqualmie

**Joel Molander**, Puget Western, 6903 Pinehurst Ave. NE, Snoqualmie

**Jeffrey Yee**, 12117 SE 261<sup>st</sup> Ct, Kent

Councilmember Loudenback **MOVED**, seconded by Councilmember Miller to approve AB22-035, a resolution accepting petitions and setting a Public Hearing date of May 17, 2022 for the formation of the Meadowbrook Sewer ULID. The motion **PASSED** 7-0.

**AB22-036** – Ordinance 1774 RE City Owned Property in Meadowbrook Utility Local Improvement District **Audio: 48:31**

Community & Economic Development Director Deming provided the staff report.

Councilmember Miller **MOVED**, seconded by Councilmember Loudenback to approve AB22-036, an ordinance amending North Bend Municipal Code Chapter 18.14 Site Plans, Chapter 18.16 Off-street Parking, and Chapter 18.34 Design Standards, as a first and final reading. The motion **PASSED** 7-0.

**MAYOR, COUNCIL, AND ADMINISTRATOR CONCERNS AND INITIATIVES:**

Councilmember Loudenback commented on the introduction of Economic Development Manager Noll and thanked him for visiting area businesses, including Snoqualmie Valley Transportation.

Councilmember Miller noted it was a pleasure to be back in Council Chambers for City Council meetings.

Councilmember Rosen echoed Councilmember Miller's comments and thanked staff for their efforts over the last two years and for facilitating the in-person/virtual component for tonight's meeting.

Councilmember Joselyn echoed Councilmember Rosen's comments and commended the City for its commitment to public engagement.

Councilmember Elwood echoed fellow Councilmember's comments regarding the in-person/virtual meeting option for the public.

Councilmember Koellen noted elk herds were being seen in areas of the City they don't normally frequent and cautioned those driving near the WoodRiver neighborhood to exercise caution.

**DRAFT**

Councilmember Gothelf echoed Councilmember Miller's comments regarding being back in Council Chambers for meetings.

Mayor McFarland spoke regarding the following items:

- In-person Council Meetings & Special Thanks to ACA/Finance Director Dawn Masko
- Eastside Fire & Rescue Strategic Planning Survey
- North Bend Beautification Days – April 22<sup>nd</sup> & 23<sup>rd</sup>
- Yard Waste Recycling – Saturday, April 23<sup>rd</sup> 8 a.m. – Noon @ Public Works
- Vacancy on Planning Commission

**EXECUTIVE SESSION:**

Mayor McFarland recessed the regular meeting for an Executive Session at 8:02 p.m. to discuss potential litigation, pursuant to RCW 42.30.110(1)(i) and property acquisition, pursuant to RCW 42.30.110(1)(b). No action was anticipated as a result of the Executive Session, which was expected to last sixty minutes and videotaping of the meeting ceased.

The regular meeting reconvened at 9:00 p.m.

**ADJOURNMENT:**

Councilmember Rosen **MOVED** to adjourn, seconded by Councilmember Joselyn. The motion **PASSED** 7-0.

The meeting adjourned at 9:00 p.m.

**ATTEST:**

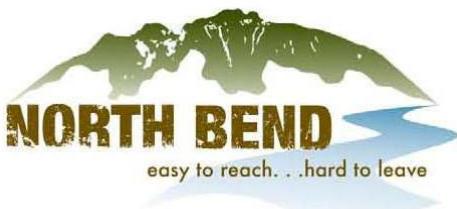
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Rob McFarland, Mayor

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Susie Oppedal, City Clerk





# City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-037
<b>Resolution Granting Final Plat Approval for the Maloney Estates Subdivision</b>	Department/Committee/Individual	
	Mayor Rob McFarland	
	City Administrator – David Miller	
	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Finance – Dawn Masko	
Cost Impact: N/A	Public Works – Mark Rigos	X
Fund Source: N/A		
Timeline: Immediate		
<b>Attachments:</b> Resolution, Final Plat Map, Vicinity Map		
<b>SUMMARY STATEMENT:</b>		
<p>John Day Homes Inc. (“JDH”), owns three tax parcels (#102308-9278, -9277, -9071) which total approximately six acres. The plat (subdivision) is comprised of 23 lots. The site is located west of the recently constructed East Grove subdivision along Maloney Grove Avenue SE (see attached vicinity map for site location). Maloney Estates received Preliminary Plat Approval from the City of North Bend (“City”) on June 16, 2015. Engineering plans were approved July 19, 2021 to construct public improvements including new internal public streets, sewer, water, and storm drainage utilities. Infrastructure construction has been ongoing for approximately the last 8 months.</p> <p>JDH submitted a Final Plat application for Maloney Estates, subject to compliance with all applicable regulations. Construction of the infrastructure and utilities has been inspected and are nearly all approved by the City. JDH has submitted bonds to address outstanding infrastructure improvements that remain to be constructed. The Bill of Sale will occur later when the project’s final punch list items have all been completed.</p> <p>Based on the analysis for meeting North Bend Municipal Code requirements as well as the Preliminary Plat Conditions, and having appropriate bonding in place, City staff recommend Final Plat Approval of Maloney Estates.</p>		
<b>APPLICABLE BRAND GUIDELINES:</b> This project has met the requirements of City design standards.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was discussed at the March 22, 2022 Transportation and Public Works Committee meeting and was recommended for approval and placement on the Consent Agenda.		
<b>RECOMMENDED ACTION: MOTION to approve AB22-037, a resolution granting Final Plat Approval to Maloney Estates Subdivision.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



# RESOLUTION

## A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, GRANTING FINAL PLAT APPROVAL FOR THE MALONEY ESTATES SUBDIVISION

**WHEREAS**, on June 16, 2015, the City's Hearing Examiner granted preliminary plat approval for the proposed Maloney Estates 23-lot subdivision; and

**WHEREAS**, in the Hearing Examiner's preliminary plat approval and consistent with City regulations, the Council has authorized the development of the plat; and

**WHEREAS**, John Day Homes has requested final plat approval for the Maloney Estates subdivision; and

**WHEREAS**, City staff has reviewed the proposed final plat for compliance with North Bend Municipal Code Section 20.01.004 and Chapter 17.16, and finds that there is still additional work that must be completed, but recommends approval subject to adequate security in place to ensure the completion of the remaining work in the event the developer should fail to comply with the terms of the preliminary plat approval; and

**WHEREAS**, the Council finds that the final plat conforms to all the terms and conditions of the preliminary plat approval, as approved by the Hearing Examiner, and approved engineering plans, and that the final plat meets the requirements of applicable laws; and

**WHEREAS**, the applicant has secured a bond guaranteeing completion of the infrastructure and landscaping improvements required by the preliminary plat approval, the approved engineering plans, and shall further complete Bills of Sale and other necessary administrative tasks including providing full as-built plans and GIS requirements, as set forth in the Developer Extension Agreement;

### NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** The City Council finds that adequate security has been provided to ensure the full and prompt completion of the improvements set forth in the Hearing Examiner's decision approving the preliminary plat for Maloney Estates. Accordingly, the final plat of the Maloney Estates Subdivision is hereby approved on condition that the owner first secures and provides a bond in a form acceptable to the City guaranteeing completion of the infrastructure improvements required by the preliminary plat. The owner shall further complete Bills of Sale and other necessary administrative tasks as set forth in and required by the Developer Extension Agreement.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

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**Rob McFarland, Mayor**

**APPROVED AS TO FORM:**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:

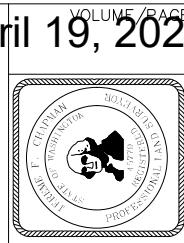
Posted:

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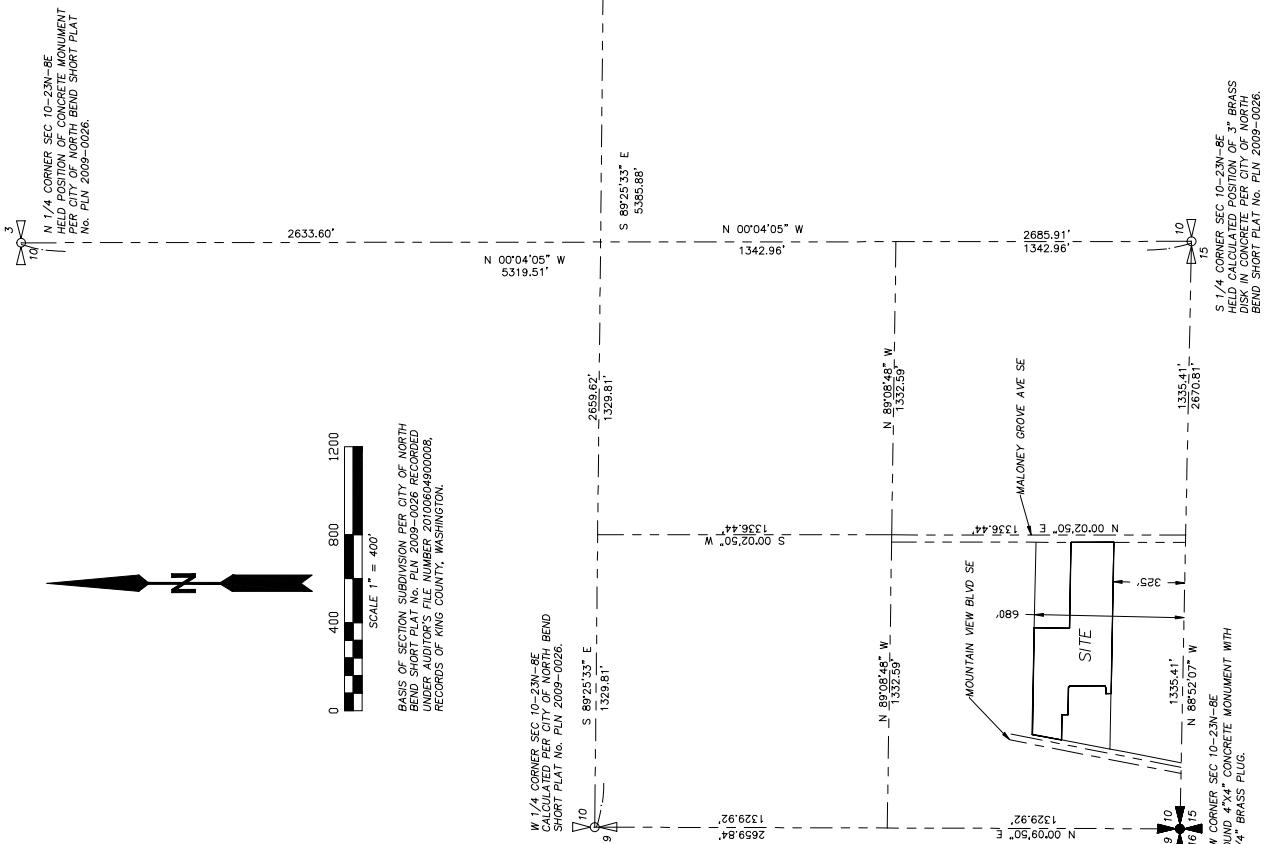
**Susie Oppedal, City Clerk**







**MALONEY ESTATES, A PLAT COMMUNITY DEFINED BY CHAPTER 64.90 RCW**  
 PORTION OF SW 1/4 OF THE SW 1/4 SECTION 10, IN TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M.,  
 CITY OF NORTH BEND, KING COUNTY, WASHINGTON

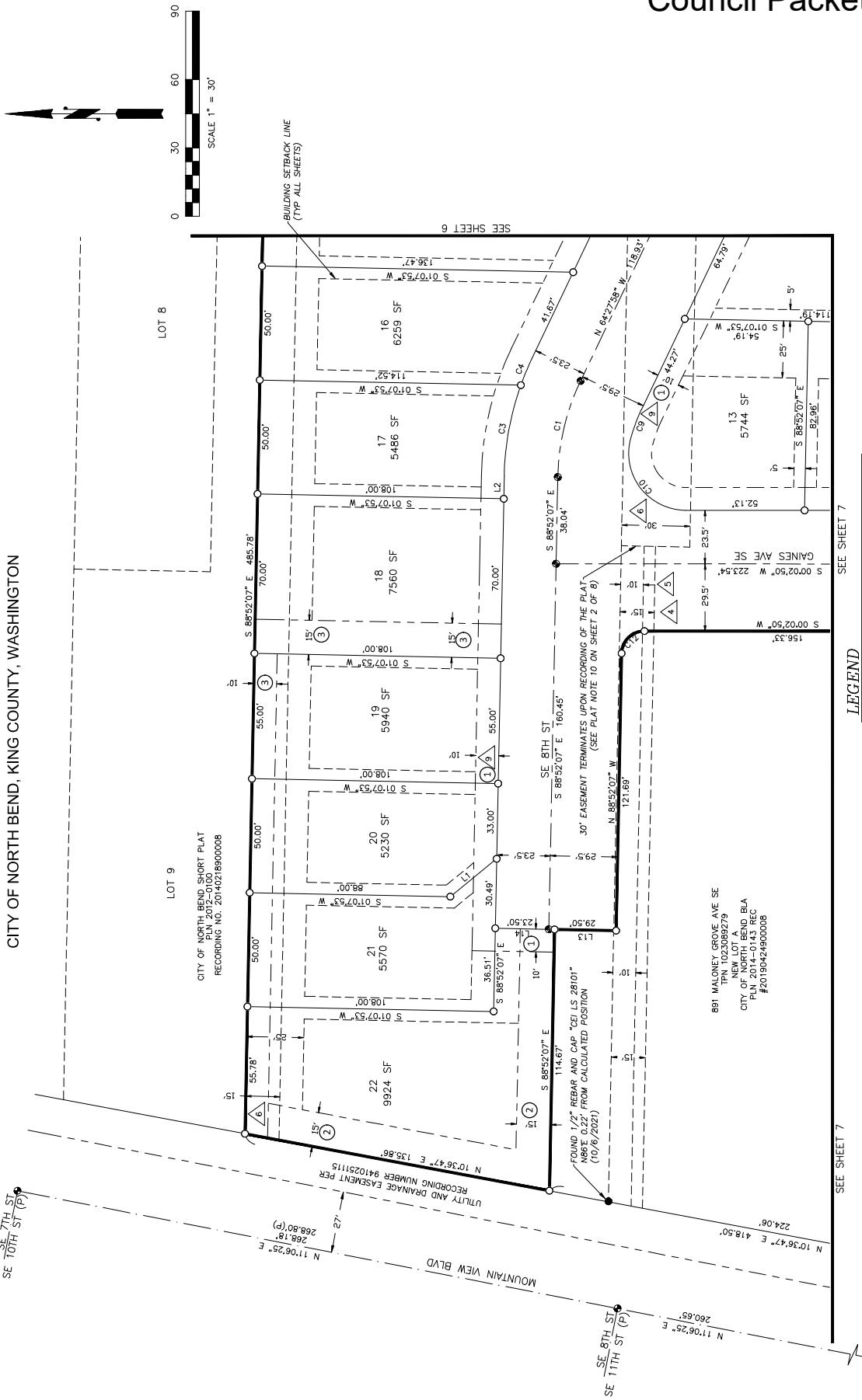




MALONEY ESTATES, A PLAT COMMUNITY DEFINED BY CHAPTER 64.90 RCW

PORTION OF SW 1/4 OF THE SW 1/4 SECTION 10, IN TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M.,  
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

SE 7TH ST

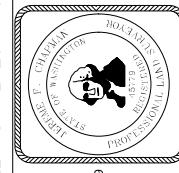


## LEGEND

191 MALONEY GROVE AVE SE  
TPN 1023089279  
NEW LOT A  
CITY OF NORTH REND RIA  
PIN 20190424900008  
#20190424900008

**CITY OF NORTH BEND FILE**

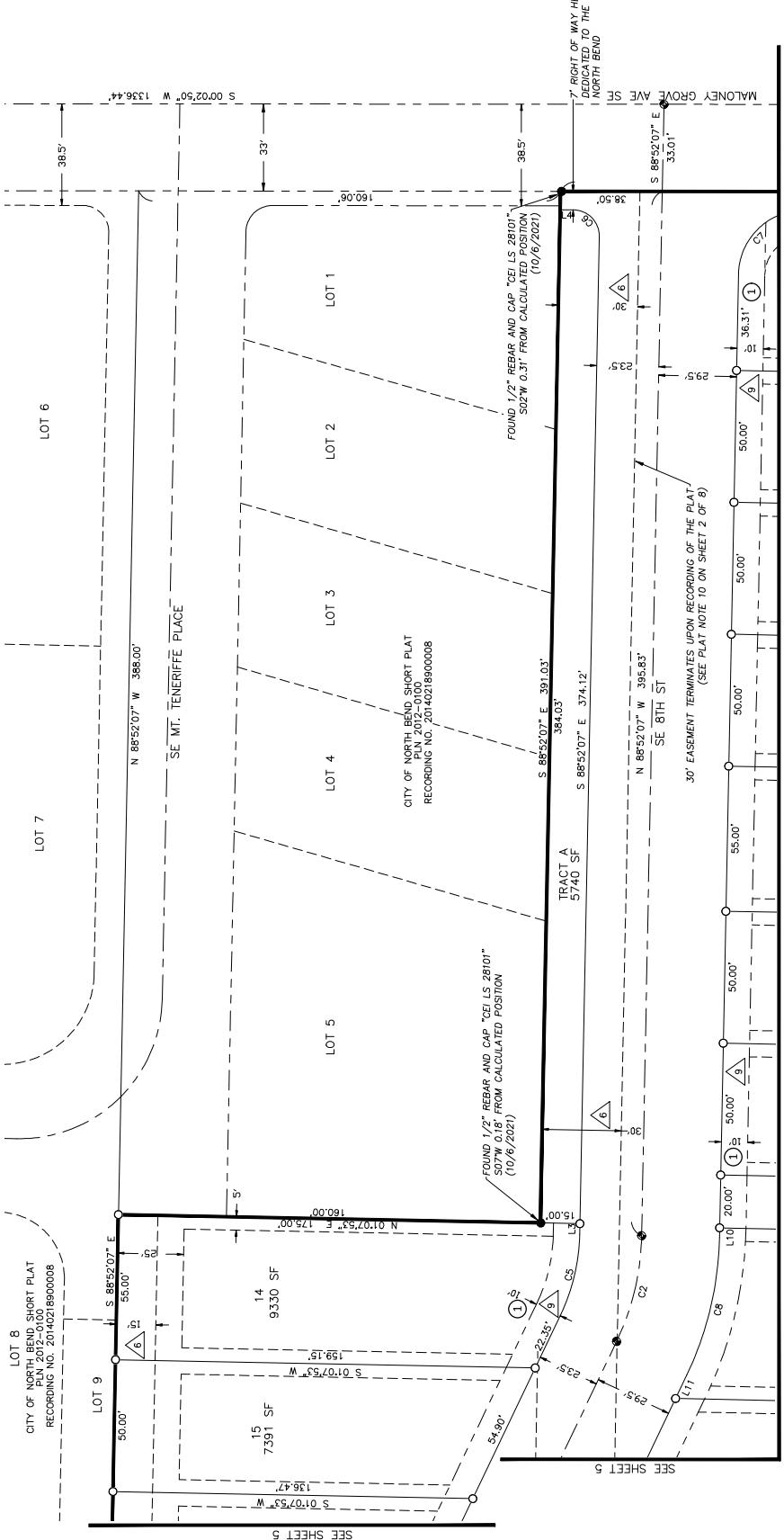
4200 6TH AVENUE SE, SUITE 300  
LACEY, WA 98503  
360.292.7230  
[WWW.NORTHBEND.COM](http://WWW.NORTHBEND.COM)



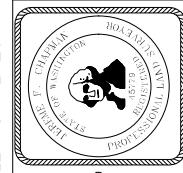
# MALONEY ESTATES, A PLAT COMMUNITY DEFINED BY CHAPTER 64.90 RCW

PORTION OF SW 1/4 OF THE SW 1/4 SECTION 10, IN TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M.,  
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

VOLUME/PAGE



Council Packet April 19, 2022



**Kpff**  
INTERNATIONAL  
CONSULTING ENGINEERS  
www.kpff.com

CITY OF NORTH BEND FILE NO. PLN2014-035

SECTION CORNER AS NOTED  
QUARTER SECTION CORNER AS NOTED  
SET BRASS CAP WITH PUNCH MARK  
STAMPED S 45779 IN MONUMENT CASE  
FOUND MONUMENT IN CASE (8/26/2021)  
FOUND MONUMENT AS NOTED  
SET REBAR AND CAP LS # 45779 OR AS NOTED  
EASEMENTS AS NOTED ON SHEET 2 OF 8  
EASEMENT PROVISIONS AS NOTED ON SHEET 2 OF 8  
# AUDITOR'S FILE NUMBER  
STN PARCEL NUMBER  
NOTE: SEE SHEET 2 OF 8 SHEETS FOR THE  
PROPERTY DESCRIPTION AND EASEMENT NOTES.

LINE	BEARING	DISTANCE
1	N 75°15'50" W	10.73
2	N 88°52'07" E	10.73
3	S 88°52'07" E	4.37
4	N 000260.00 W	4.81
5	S 010753" E	7.00
6	S 010753" W	2.00
7	S 010753" W	2.00
8	N 7445'7" W	0.00
9	N 7445'7" W	0.00
10	N 7445'7" W	3.44
11	S 6943'22" E	10.18
12	N 010753" E	9.37
13	S 010753" E	13.18
14	S 010753" W	26.00

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BARING	DETAILED ANGLE
C1	102.50	43.66	43.34	S 76°40'03" E	24°44'39"
C2	97.50	41.53	41.21	S 76°40'03" W	24°44'39"
C3	126.00	40.70	40.53	S 76°40'03" E	18°30'53"
C4	74.00	12.96	12.55	S 67°22'46" E	55.53'53"
C5	125.00	55.26	54.96	S 67°22'46" E	55.53'53"
C6	125.00	55.26	54.96	S 67°22'46" E	55.53'53"
C7	125.00	54.03	53.73	S 67°22'46" E	55.53'53"
C8	122.00	34.03	33.63	S 76°40'03" W	24°44'39"
C9	75.00	13.40	13.38	S 6943'22" E	10.18
C10	25.00	45.80	39.66	N 52°35'02" E	104°58'23"
C11	25.00	3.66	3.54	N 24°25'34" E	104°58'23"
C12	10.00	15.52	14.07	N 44°24'38" W	86°54'57"

VOLUME/PAGE  
SHEET 6 OF 8  
JOB NO. 8210085

**MALONEY ESTATES, A PLAT COMMUNITY DEFINED BY CHAPTER 64.90 RCW**

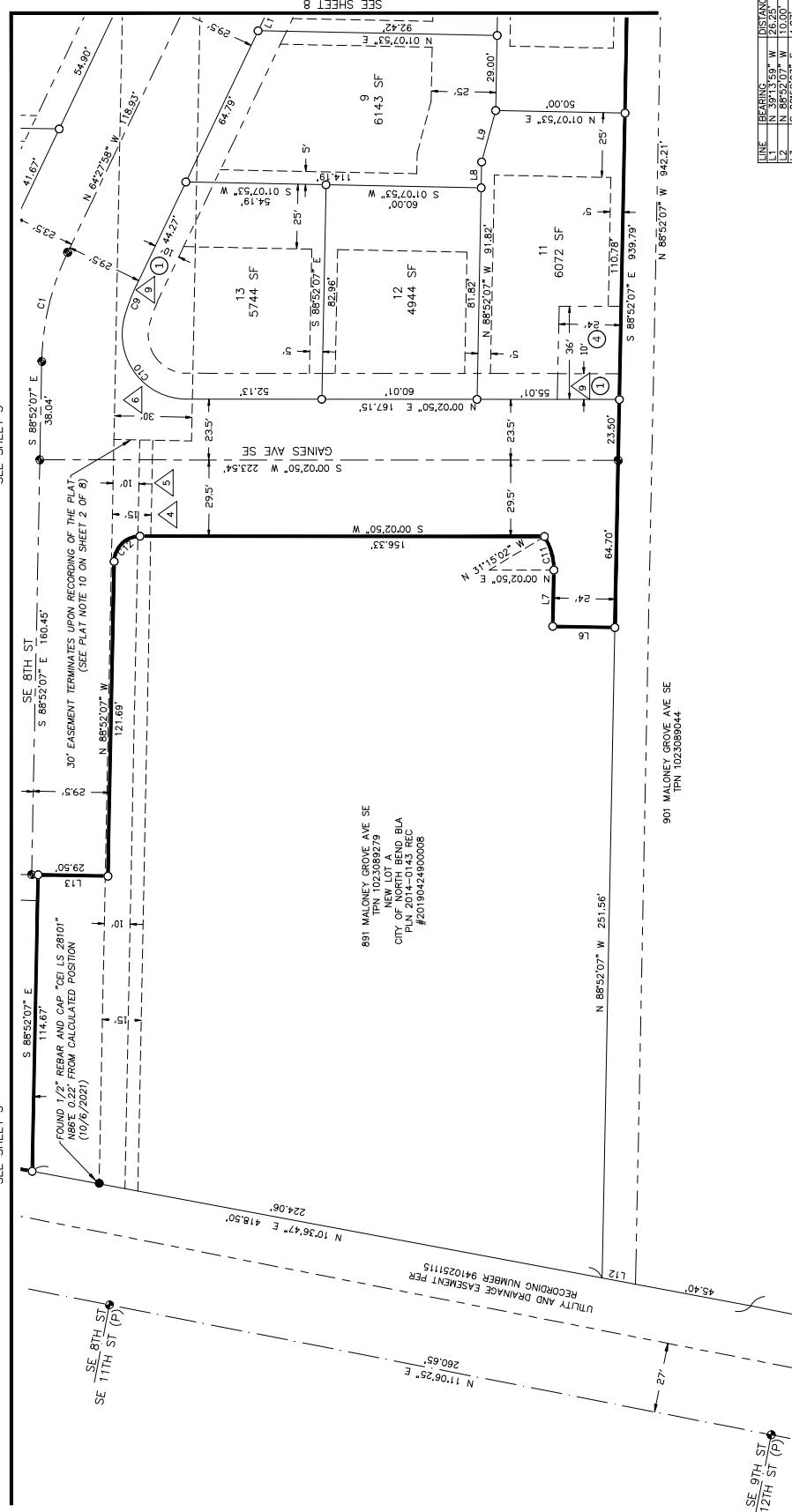
PORTION OF SW 1/4 OF THE SW 1/4 SECTION 10, IN TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M.,  
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

SEE SHEET 5

SEE SHEET 5

SEE SHEET 5

SEE SHEET 5



UTILITY AND DRAINAGE EASEMENT PER  
RECORDING NUMBER 941025115

A surveyor's rod scale bar is positioned at the bottom of the page, showing markings from 30 to 90. Above the scale bar is a callout box containing surveying information:

- QUARTER SECTION CORNER
- SET BIASED CAP WITH PINNACLE STAMPED LS 43779 IN MC
- FOUND MONUMENT IN CASE
- FOUND MONUMENT AS NOTED
- SET REBAR AND CAP LS #
- EASEMENTS AS NOTED ON
- EASEMENT PROVISIONS AS
- ④ AUDITOR'S FILE NUMBER
- SQUARE FEET
- TAX PARCEL NUMBER
- NOTE: SEE SHEET 2, OF 8 SHEETS
- TN

SCALE 1" = 30'

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**LEGEND**

SECTION CORNER AS NOTE

3

OF NORTH BE  
4200 61<sup>ST</sup> AVENUE SE  
LACEY, WA 98503  
360.297.7230

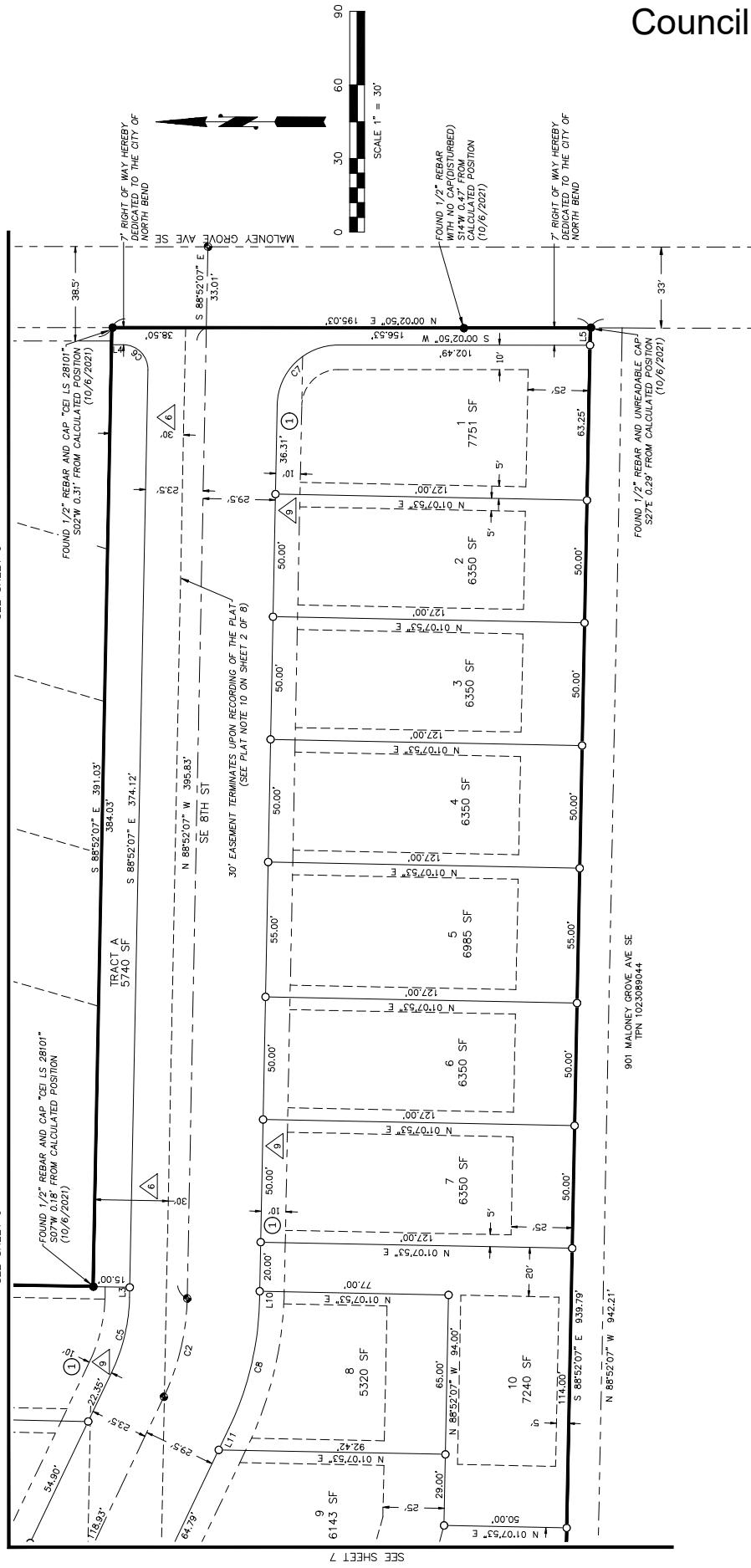
JOB NO 8210085

SHEET 7 OF 8

PORTION OF SW 1/4 OF THE SW 1/4 SECTION 10, IN TOWNSHIP 23 NORTH, RANGE 8 EAST, W.M.,  
CITY OF NORTH BEND, KING COUNTY, WASHINGTON

SEE SHEET 6

SEE SHEET 6



## LEGEND

SECTION CORNER AS NOTED  
QUARTER SECTION CORNER AS NOTED  
SET BRASS CAP WITH PUNCH MARK

STAMPED LS 45779 IN MONUMENT CASE  
FOUND MONUMENT IN CASE (8/26/2021)  
FOUND MONUMENT AS NOTED  
SET REBAR AND CAP LS 45779 OR A  
EASEMENTS AS NOTED ON SHEET 2 OF  
EASEMENT PROVISIONS AS NOTED ON SHEET 2 OF  
AUDITORS FILE NUMBER  
APN  
SQUARE NUMBER  
SPN  
NOTE: SHEET 2 OF 8 SHEETS FOR THE  
PROPERTY, DESCRIPTION AND EASEMENT NOTES.

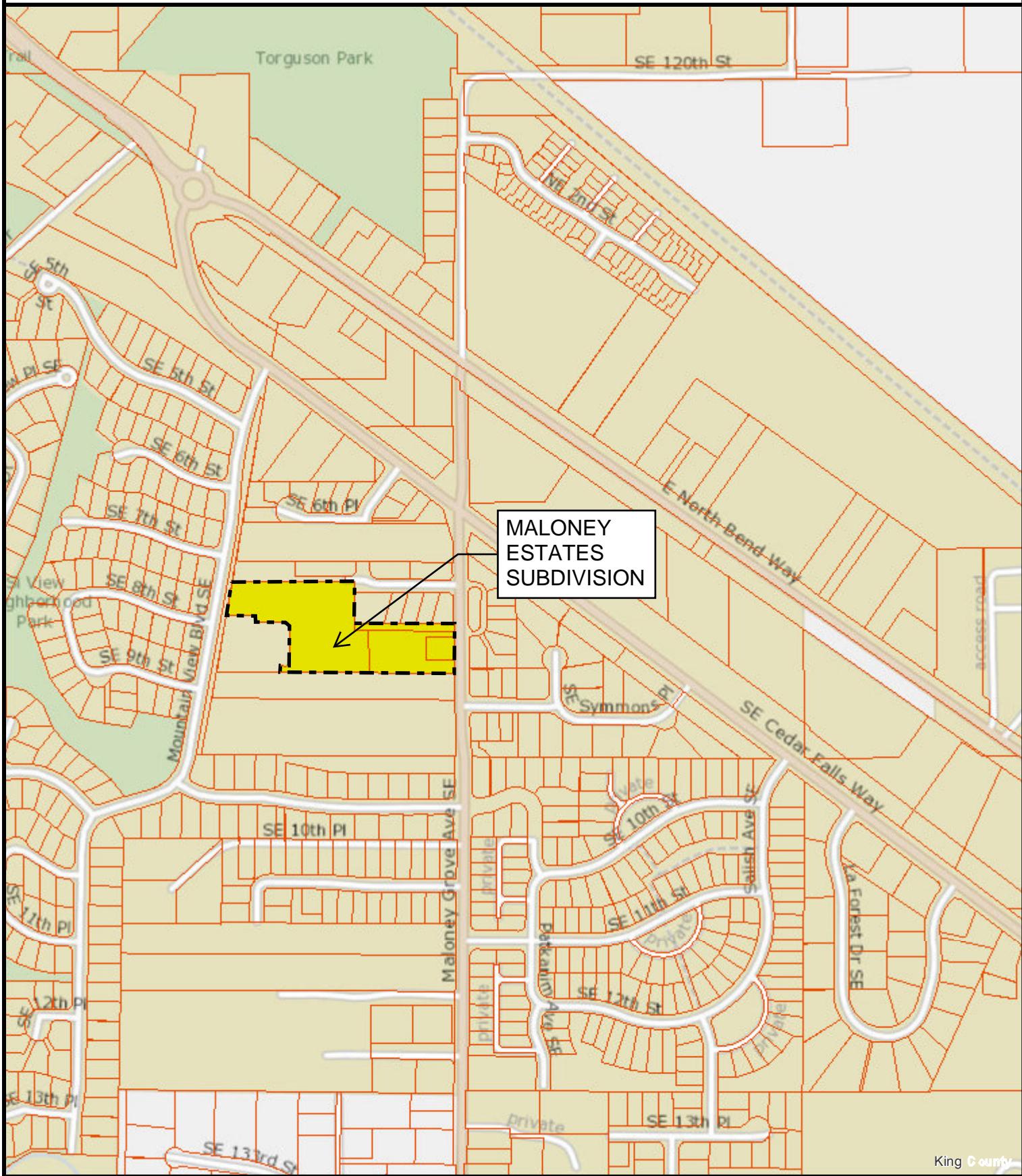
LINE	BEARING	DISTANCE
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L3	N 00°57'07" E	4.077
L4	N 00°50'50" E	4.811
L5	N 88°53'07" E	7.000
L6	N 00°57'07" W	24.000
L7	N 88°53'07" E	21.500
L8	N 00°57'07" W	20.000
L9	N 88°53'07" W	20.000
L10	N 00°57'07" W	20.000
L11	N 88°53'07" E	16.474
L12	N 00°57'07" E	9.877
L13	S 03°47'12" W	13.187
L14	S 01°03'53" E	22.000
L15	S 01°03'53" W	26.000

CURVE	RAADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.50	43.33	43.33	76.003°	242.09°
C2	97.00	43.53	41.21	76.003°	242.09°
C3	120.00	43.53	41.21	53.003°	242.09°
C4	74.00	33.00	31.28	76.003°	242.09°
C5	100.00	33.52	31.28	76.003°	242.09°
C6	25.00	15.90	14.28	45.527°	91.002°
C7	120.00	33.52	31.28	44.243°	91.002°
C8	120.00	54.09	53.58	76.003°	242.09°
C9	3.50	1.50	1.38	53.522°	0.392° <sup>W</sup>
C10	1.00	0.40	0.36	53.522°	0.392° <sup>W</sup>
C11	100.00	15.62	14.40	76.003°	242.09°
C12	100.00	15.27	14.01	76.003°	242.09°

TH AVENUE S  
WA 98503  
17220

NC  
EY,  
0610

NOB NO 8210085 SHEET 8 OF 8



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 3/7/2022

Notes:



King County

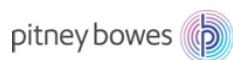




## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-038
<b>Motion Authorizing Lease Agreement with Pitney Bowes for Mailing and Folding Equipment</b>	Department/Committee/Individual Mayor Rob McFarland City Administrator – David Miller City Attorney – Mike Kenyon/Lisa Marshall City Clerk – Susie Oppedal Comm. & Economic Development – Rebecca Deming Deputy City Administrator – Dawn Masko Finance – Richard Gould Public Works – Mark Rigos	X
Cost Impact: Approximately \$2,500 annually		
Fund Source: Various		
Timeline: Immediate		
<b>Attachments:</b> Lease Agreement		
<b>SUMMARY STATEMENT:</b>		
The City purchased mailing and folding equipment in April 2005 to improve efficiency in the billing and mailing process and provide cost savings to the City. The original equipment was replaced in 2011, with an anticipated life cycle of five years. This equipment is now eleven years old and, due to advanced age and obsolete technology, the machines have required frequent service calls and the folding machine is currently inoperable. Additionally, the current mailing machine does not meet IMI (Intelligent Mail Indicia) compliance as required by the US Postal Service.		
The City has maintained an Intergovernmental Cooperative Purchasing Agreement with the State of Washington Department of Enterprise Services for the purpose of making goods and services purchases. RCW 39.34.030 provides authority to the City to make purchases of goods and services with the same terms and conditions as Enterprise Services contract awards with suppliers, which have already assured competitive price establishment by meeting the requirements of RCW 39.04.190. Additionally, they satisfy all of the City's bid and proposal legal requirements and offer the lowest price on many goods and services.		
After a review of the State contract pricing and available options for this type of equipment, staff met with a representative from Pitney Bowes to review the lease or purchase of new equipment. The SendPro C mail system and Relay 4500 Folder inserter has the desired reliability and ability to meet current and future needs. After reviewing all options, staff is recommending a 60-month lease for the mailing and folding equipment at a cost of \$443.09 (exclusive of tax) per month which includes the rental charge for the postage meter and equipment maintenance agreements. The City is currently paying approximately \$270 for service agreements on the current equipment and postage meter rental. This lease would provide the City with new, more reliable equipment that is compliant with USPS regulations.		
<b>APPLICABLE BRAND GUIDELINES:</b> Consistent delivery of quality basic services.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> The Finance & Administration Committee reviewed this item at their April 5, 2022 meeting with a recommendation for approval on the Consent Agenda.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-038, authorizing a Lease Agreement with Pitney Bowes for the lease of mailing and folding equipment.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		





## NASPO ValuePoint Term Rental Installment Agreement (Option A)

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Agreement Number

### Your Business Information

<b>Full Legal Name of Lessee / DBA Name of Lessee</b>		<b>Tax ID # (FEIN/TIN)</b>	
City Of North Bend		916001473	
<b>Sold-To: Address</b>			
920 SE Cedar Falls Way, North Bend, WA, 98045-9566, US			
<b>Sold-To: Contact Name</b>	<b>Sold-To: Contact Phone #</b>	<b>Sold-To: Account #</b>	
Dawn Masko	(425) 888-7630	0011733127	
<b>Bill-To: Address</b>			
920 SE Cedar Falls Way, North Bend, WA, 98045-9566, US			
<b>Bill-To: Contact Name</b>	<b>Bill-To: Contact Phone #</b>	<b>Bill-To: Account #</b>	<b>Bill-To: Email</b>
Juanita Smart	(425) 888-7636	0013229933	JSmart@northbendwa.gov
<b>Ship-To: Address</b>			
920 SE Cedar Falls Way, North Bend, WA, 98045-9566, US			
<b>Ship-To: Contact Name</b>	<b>Ship-To: Contact Phone #</b>	<b>Ship-To: Account #</b>	
Carrie Smith	(425) 888-7651	0011733127	
<b>PO #</b>			

### Your Business Needs

Qty	Item	Business Solution Description
1	RELAY3500	Relay 3500
1	F790042-01	Power Cord
1	STDSLA	Standard SLA-Equipment Service Agreement (for Relay 3500)
1	TI35	Relay 3500 w/Install & Training
1	SENDPROCAUTO	SendPro C Auto
1	1E48	SP100 Label Printer
1	1FXA	Interface to InView Dashboard
1	7H00	C Series IMI Meter
1	993-4B	DM400C Return Kit - Upgrade to 9H00
1	APAC	Connect+ Accounting Weight Break Reports
1	APAX	Cost Acctg Accounts Level (100)
1	APB2	Cost Accounting Devices (10)
1	APKN	Account List Import/Export
1	C5CC	Sendpro C Auto 95

1	CAAB	Basic Cost Accounting
1	ME1A	Meter Equipment - C Series
1	MP81	C Series Integrated Scale
1	PAB1	C Series Premium App Bundle
1	PTJ1	SendPro Online-PitneyShip
1	PTJA	SPO-PitneyShip Basic 1 User
1	PTJN	Single User Access
1	PTK1	Web Browser Integration
1	PTK2	SendPro C Series Shipping Integration
1	STDSLA	Standard SLA-Equipment Service Agreement (for SendPro C Auto)
1	ZH24	Manual Weight Entry
1	ZH29	HZ03 95 LPM Speed
1	ZHC5	SendPro C500 Base System Identifier
1	ZHD5	USPS Rates with Metered Letter
1	ZHD7	E Conf Services for Metered LTR. BDL
1	ZHWL	5lb/3kg Weighing Option for MP81

### Your Payment Plan

Initial Term: 60 months	Initial Payment Amount:	
Number of Months	Monthly Amount	Billed Quarterly at*
60	\$ 443.09	\$ 1,329.27

Tax Exempt Certificate Attached  
 Tax Exempt Certificate Not Required

Purchase Power® transaction fees included  
 Purchase Power® transaction fees extra

\*Does not include any applicable sales, use, or property taxes which will be billed separately.

**Your Signature Below**

By signing below, you agree to be bound by your State's/Entity's/Cooperative's contract, which is available at <http://www.pb.com/states> and is incorporated by reference. The terms and conditions of this contract will govern this transaction and be binding on us after we have completed our credit and documentation approval process and have signed below.

NASPO VALUEPOINT ADSPO16-169897; 05516

State/Entity's Contract#

Lessee Signature

Print Name

Title

Date

Email Address

Pitney Bowes Signature

Print Name

Title

Date

**Sales Information**

Ty Battle

ty.battle@pb.com

Account Rep Name

Email Address

PBGFS Acceptance

Form 8038-GC

(Rev. October 2021)  
Department of the Treasury  
Internal Revenue ServiceInformation Return for Small Tax-Exempt  
Governmental Bond Issues, Leases, and Installment Sales

Under Internal Revenue Code section 149(e)

Caution: If the issue price of the issue is \$100,000 or more, use Form 8038-G.  
Go to [www.irs.gov/Form8038GC](http://www.irs.gov/Form8038GC) for instructions and the latest information.

OMB No. 1545-0047

## Part I Reporting Authority

Check box if Amended Return 

1 Issuer's name  City Of North Bend	2 Issuer's employer identification number (EIN)  916001473
3 Number and street (or P.O. box if mail is not delivered to street address)  920 SE Cedar Falls Way	Room/suite
4 City, town, or post office, state, and ZIP code  North Bend WA 98045-9566	5 Report number (For IRS Use Only)  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6 Name and title of officer or other employee of issuer or designated contact person whom the IRS may call for more information	7 Telephone number of officer or legal representative

Part II Description of Obligations Check one box: Single issue  Consolidated return 

8a Issue price of obligation(s) (see instructions) . . . . .	8a		
b Issue date (single issue) or calendar date (consolidated). Enter date in mm/dd/yyyy format (for example, 01/01/2009) (see instructions)	9a		
9 Amount of the reported obligation(s) on line 8a that is:	9b		
a For leases for vehicles . . . . .	9c		
b For leases for office equipment . . . . .	9d		
c For leases for real property . . . . .	9e		
d For leases for other (see instructions) . . . . .	9f		
e For bank loans for vehicles . . . . .	9g		
f For bank loans for office equipment . . . . .	9h		
g For bank loans for real property . . . . .	9i		
h For bank loans for other (see instructions) . . . . .	9j		
i Used to refund prior issue(s) . . . . .	9k		
j Representing a loan from the proceeds of another tax-exempt obligation (for example, bond bank) . . . . .			
k Other . . . . .			
10 If the issuer has designated any issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check this box . . . . .			<input type="checkbox"/>
11 If the issuer has elected to pay a penalty in lieu of arbitration rebate, check this box (see instructions) . . . . .			<input type="checkbox"/>
12 Vendor's or bank's name: Pitney Bowes Inc.			
13 Vendor's or bank's employer identification number: 06 0495050			

<b>Signature and Consent</b>	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person(s) that I have authorized above.				
	Signature of issuer's authorized representative	Date	Type or print name and title		
<b>Paid Preparer Use Only</b>	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
	Firm's name				Firm's EIN
	Firm's address				Phone no.

## Future Developments

For the latest information about developments related to Form 8038-GC and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/Form8038GC](http://www.irs.gov/Form8038GC).

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted

## Purpose of Form

Form 8038-GC is used by the issuers of tax-exempt governmental obligations to provide the IRS with the information required by section 149(e) and to monitor the requirements of sections 141 through 150.

## Who Must File

Issuers of tax-exempt governmental obligations with issue prices of less than \$100,000 must file Form 8038-GC.

Issuers of a tax-exempt governmental obligation with an issue price of \$100,000 or more must file Form 8038-G, Information Return for Tax-Exempt Governmental Bonds.

**Filing a separate return for a single issue.** Issuers have the option to file a separate Form 8038-GC for any tax-exempt governmental obligation with an issue price of less than \$100,000.

An issuer of a tax-exempt bond used to finance construction expenditures must file a separate Form 8038-GC for each issue to give notice to the IRS that an election was made to

pay a penalty in lieu of arbitration rebate. See the instructions for line 11, later.

**Filing a consolidated return for multiple issues.** For all tax-exempt governmental obligations with issue prices of less than \$100,000 that are not reported on a separate Form 8038-GC, an issuer must file a consolidated information return including all such issues issued within the calendar year.

Thus, an issuer may file a separate Form 8038-GC for each of a number of small issues and report the remainder of small issues issued during the calendar year on one consolidated Form 8038-GC. However, if the issue is a construction issue, a separate Form 8038-GC must be filed to give the IRS notice of the election to pay a penalty in lieu of arbitration rebate.

## When To File

To file a separate return for a single issue, file Form 8038-GC on or before the 15th day of the second calendar month after the close of the calendar quarter in which the issue is issued.

To file a consolidated return for multiple issues, file Form 8038-GC on or before February 15 of the calendar year following the year in which the issue is issued.

**Late filing.** An issuer may be granted an extension of time to file Form 8038-GC under section 3 of Rev. Proc. 2002-48, 2002-37 I.R.B. 531, if it is determined that the failure to file on time isn't due to willful neglect. Write at the top of the form, "Request for Relief under section 3 of Rev. Proc. 2002-48." Attach to the Form 8038-GC a letter briefly stating why the form was not submitted to the IRS on time. Also indicate whether the obligation in question is under examination by the IRS. Do not submit copies of any bond documents, leases, or installment sale documents. See *Where To File* next.

## Where To File

File Form 8038-GC and any attachments at the following address.

Department of the Treasury  
Internal Revenue Service Center  
Ogden, UT 84201

**Private delivery services(PDS).** You can use certain PDS designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. These PDS include only the following:

- DHL Express (DHL): DHL Same Day Service.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day, FedEx International Priority, and FedEx International First.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M., UPS Worldwide Express Plus, and UPS Worldwide Express.

The PDS can tell you how to get written proof of the mailing date.

## Other Forms That May Be Required

For rebating arbitrage (or paying a penalty in lieu of arbitrage rebate) to the Federal Government, use Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate. For private activity bonds, use Form 8038, Information Return for Tax-Exempt Private Activity Bond Issues.

For a tax-exempt governmental obligation with an issue price of \$100,000 or more, use Form 8038-G.

## Rounding to Whole Dollars

You may show the money items on this return as whole-dollar amounts. To do so, drop any amount less than 50 cents and increase any amount from 50 to 99 cents to the next higher dollar. For example, \$1.49 becomes \$1 and \$2.50 becomes \$3. If two or more amounts must be added to figure the amount to enter on a line, include cents when adding the amounts and round off only the total.

## Definitions

**Obligations.** This refers to a single tax-exempt governmental obligation if Form 8038-GC is used for separate reporting or to multiple tax-exempt governmental obligations if the form is used for consolidated reporting.

**Tax-exempt obligation.** This is any obligation including a bond, installment purchase agreement, or financial lease, on which the interest is excluded from income under section 103.

**Tax-exempt governmental obligation.** A tax-exempt obligation that isn't a private activity bond (see below) is a tax-exempt governmental obligation. This includes a bond issued by a qualified volunteer fire department under section 150(e).

**Private activity bond.** This includes an obligation issued as part of an issue in which:

- More than 10% of the proceeds are to be used for any private activity business use, and
- More than 10% of the payment of principal or interest of the issue is either (a) secured by an interest in property to be used for a private business use (or payments for such property) or (b) to be derived from payments for property (or borrowed money) used for a private business use.

It also includes a bond, the proceeds of which (a) are to be used to make or finance loans (other than loans described in section 141(c)(2)) to persons other than governmental units and (b) exceeds the lesser of 5% of the proceeds or \$5 million.

**Issue.** Generally, obligations are treated as part of the same issue only if they are issued by the same issuer, on the same date, and as part of a single transaction, or a series of related transactions. However, obligations issued during the same calendar year (a) under a loan agreement under which amounts are to be advanced periodically (a "draw-down loan") or (b) with a term not exceeding 270 days, may be treated as part of the same issue if the obligations are equally and ratably secured under a single indenture or loan agreement and are issued under a common financing arrangement (for example, under the same official statement periodically updated to reflect changing factual circumstances). Also, for obligations issued under a draw-down loan that meets the requirements of the preceding sentence, obligations issued during different calendar years may be treated as part of the same issue if all of the amounts to be advanced under the draw-down loan are reasonably expected to be advanced within 3 years of the date of issue of the first obligation. Likewise, obligations (other than private activity bonds) issued under a single agreement that is in the form of a lease or installment sale may be treated as part of the same issue if all of the property covered by that agreement is reasonably expected to be delivered within 3 years of the date of issue of the first obligation.

**Arbitrage rebate.** Generally, interest on a state or local bond is not tax-exempt unless the issuer of the bond rebates to the United States arbitrage profits earned from investing proceeds of the bond in higher yielding nonpurpose investments. See section 148(f).

**Construction issue.** This is an issue of tax-exempt bonds that meets both of the following conditions:

1. At least 75% of the available construction proceeds of the issue are to be used for construction expenditures with respect to property to be owned by a governmental unit or a 501(c)(3) organization, and

2. All of the bonds that are part of the issue are qualified 501(c)(3) bonds, bonds that are not private activity bonds, or private activity bonds issued to finance property to be owned by a governmental unit or a 501(c)(3) organization.

In lieu of rebating any arbitrage that may be owed to the United States, the issuer of a construction issue may make an irrevocable election to pay a penalty. The penalty is equal to 1-1/2% of the amount of construction proceeds that do not meet certain spending requirements. See section 148(f)(4)(C) and the Instructions for Form 8038-T.

## Specific Instructions

In general, a Form 8038-GC must be completed on the basis of available information and reasonable expectations as of the date of issue. However, forms that are filed on a consolidated basis may be completed on the basis of information readily available to the issuer at the close of the calendar year to which the form relates, supplemented by estimates made in good faith.

## Part I—Reporting Authority

**Amended return.** An issuer may file an amended return to change or add to the information reported on a previously filed return for the same date of issue. If you are filing to correct errors or change a previously filed return, check the *Amended Return* box in the heading of the form.

The amended return must provide all the information reported on the original return, in addition to the new corrected information. Attach an explanation of the reason for the amended return and write across the top "Amended Return Explanation."

**Line 1.** The issuer's name is the name of the entity issuing the obligations, not the name of the entity receiving the benefit of the financing. In the case of a lease or installment sale, the issuer is the lessee or purchaser.

**Line 2.** An issuer that does not have an employer identification number (EIN) should apply for one online by visiting the IRS website at [www.irs.gov/EIN](http://www.irs.gov/EIN). The Organization may also apply for an EIN by faxing or mailing Form SS-4 to the IRS.

**Lines 3 and 4.** Enter the issuer's address or the address of the designated contact person listed on line 6. If the issuer wishes to use its own address and the issuer receives its mail in care of a third party authorized representative (such as an accountant or attorney), enter on the street address line "C/O" followed by the third party's name and street address or P.O. box. Include the suite, room, or other unit number after the street address. If the post office does not deliver mail to the street address and the issuer has a P.O. box, show the box number instead of the

street address. If a change in address occurs after the return is filed, use Form 8822, Change of Address, to notify the IRS of the new address.

**Note.** The address entered on lines 3 and 4 is the address the IRS will use for all written communications regarding the processing of this return, including any notices. By authorizing a person other than an authorized officer or other employee of the issuer to communicate with the IRS and whom the IRS may contact about this return, the issuer authorizes the IRS to communicate directly with the individual listed on line 6, whose address is entered on lines 3 and 4 and consents to disclose the issuer's return information to that individual, as necessary, to process this return.

**Line 5.** This line is for IRS use only. Don't make any entries in this box.

## Part II—Description of Obligations

Check the appropriate box designating this as a return on a single issue basis or a consolidated return basis.

**Line 8a.** The issue price of obligations is generally determined under Regulations section 1.148-1(b). Thus, when issued for cash, the issue price is the price at which a substantial amount of the obligations are sold to the public. To determine the issue price of an obligation issued for property, see sections 1273 and 1274 and the related regulations.

**Line 8b.** For a single issue, enter the date of issue (for example, 03/15/2010 for a single issue issued on March 15, 2010), generally the date on which the issuer physically exchanges the bonds that are part of the issue for the underwriter's (or other purchaser's) funds; for a lease or installment sale, enter the date interest starts to accrue. For issues reported on a consolidated basis, enter the first day of the calendar year during which the obligations were issued (for example, for calendar year 2010, enter 01/01/2010).

**Lines 9a through 9h.** Complete this section if property other than cash is exchanged for the obligation, for example, acquiring a police car, a fire truck, or telephone equipment through a series of monthly payments. (This type of obligation is sometimes referred to as a "municipal lease.") Also complete this section if real property is directly acquired in exchange for an obligation to make periodic payments of interest and principal.

Don't complete lines 9a through 9d if the proceeds of an obligation are received in the form of cash even if the term "lease" is used in the title of the issue. For lines 9a through 9d, enter the amount on the appropriate line that represents a lease or installment

purchase. For line 9d, enter the type of item that is leased. For lines 9e through 9h, enter the amount on the appropriate line that represents a bank loan. For line 9h, enter the type of bank loan.

**Lines 9i and 9j.** For line 9i, enter the amount of the proceeds that will be used to pay principal, interest, or call premium on any other issue of bonds, including proceeds that will be used to fund an escrow account for this purpose. Several lines may apply to a particular obligation. For example, report on lines 9i and 9j obligations used to refund prior issues which represent loans from the proceeds of another tax-exempt obligation.

**Lines 9k.** Enter on line 9k the amount on line 8a that does not represent an obligation described on lines 9a through 9j

**Line 10.** Check this box if the issuer has designated any issue as a "small issuer exception" under section 265(b)(3)(B)(i)(III).

**Line 11.** Check this box if the issue is a construction issue and an irrevocable election to pay a penalty in lieu of arbitration rebate has been made on or before the date the bonds were issued. The penalty is payable with a Form 8038-T for each 6-month period after the date the bonds are issued. Do not make any payment of penalty in lieu of rebate with Form 8038-GC. See Rev. Proc. 92-22, 1992-1 C.B. 736, for rules regarding the "election document."

**Line 12.** Enter the name of the vendor or bank who is a party to the installment purchase agreement, loan, or financial lease. If there are multiple vendors or banks, the issuer should attach a schedule.

**Line 13.** Enter the employer identification number of the vendor or bank who is a party to the installment purchase agreement, loan, or financial lease. If there are multiple vendors or banks, the issuer should attach a schedule.

## Signature and Consent

An authorized representative of the issuer must sign Form 8038-GC and any applicable certification. Also print the name and title of the person signing Form 8038-GC. The authorized representative of the issuer signing this form must have the authority to consent to the disclosure of the issuer's return information, as necessary to process this return, to the person(s) that has been designated in this form.

**Note.** If the issuer authorizes in line 6 the IRS to communicate with a person other than an officer or other employee of the issuer, (such authorization shall include contact both in writing regardless of the address entered in lines 3 and 4, and by telephone) by signing this form, the issuer's authorized representative consents to the disclosure of the issuer's return information, as necessary to process this return, to such person.

## Paid Preparer

If an authorized representative of the issuer filled in its return, the paid preparer's space should remain blank. Anyone who prepares the return but does not charge the organization should not sign the return. Certain others who prepare the return should not sign. For example, a regular, full-time employee of the issuer, such as a clerk, secretary, etc., should not sign.

Generally, anyone who is paid to prepare a return must sign it and fill in the other blanks in the *Paid Preparer Use Only* area of the return. A paid preparer cannot use a social security number in the *Paid Preparer Use Only* box. The paid preparer must use a preparer tax identification number (PTIN). If the paid preparer is self-employed, the preparer should enter his or her address in the box.

The paid preparer must:

- Sign the return in the space provided for the preparer's signature, and
- Give a copy of the return to the issuer.

## Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law.

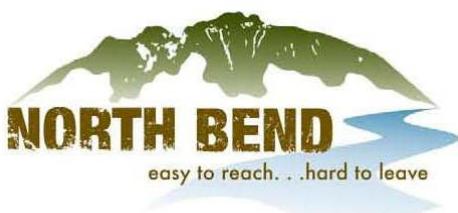
Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for tax exempt organizations filing this form is approved under OMB control number 1545-0047 and is included in the estimates shown in the instructions for their information return.

If you have suggestions for making this form simpler, we would be happy to hear from you. You can send us comments through [www.irs.gov/FormComments](http://www.irs.gov/FormComments). Or you can write to:

Internal Revenue Service  
Tax Forms and Publications  
1111 Constitution Ave. NW, IR-6526  
Washington, DC 20224

**Do not** send Form 8038-GC to this address. Instead, see Where To File, earlier.



## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-039
<b>Resolution Granting Signature Authority to the Mayor, City Administrator, Deputy City Administrator or Finance Director for Federal Grant Reimbursement</b>	Department/Committee/Individual Mayor Rob McFarland City Administrator – David Miller City Attorney – Mike Kenyon/Lisa Marshall City Clerk – Susie Oppedal Comm. & Economic Development – Rebecca Deming Deputy City Administrator – Dawn Masko Finance – Richard Gould Public Works – Mark Rigos	
Cost: N/A		X
Fund Source: N/A		
Timeline: Immediate		
<b>Attachments:</b> Resolution		
<b>SUMMARY STATEMENT:</b>		
The City is an active participant in federal grant applications and when successful receives federal grants proceeds for transportation, water/sewer and storm drainage utilities, and other worthwhile public benefits. As a recipient of Federal funds, the City is obligated to follow certain rules, regulations, and codes.		
The Code of Federal Regulations (CFR) is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government. 2 CFR 200.415(a) requires that final fiscal reports or vouchers requesting payment under Federal agreements include a certification, signed by an official who is authorized to legally bind the non-Federal agency.		
In order for the City to seek timely reimbursement for expenditures related to Federally funded grant projects under the Federal revision, this resolution delegates the authority to legally bind the City for the purpose of requesting Federal Grant reimbursement to the Mayor, City Administrator, Deputy City Administrator or Finance Director. The Mayor will continue to execute all Federal grant funding agreements and supplemental agreements with the authorization of the City Council.		
<b>APPLICABLE BRAND GUIDELINES:</b> Economic viability/balanced budget.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was reviewed by the Finance & Administration Committee at their April 5, 2022 meeting with a recommendation for approval on the Consent Agenda.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-039, a resolution delegating signature authority to the Mayor, City Administrator, Deputy City Administrator or Finance Director to legally bind the City for the sole purpose of requesting Federal Grant reimbursements.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



## RESOLUTION

**A RESOLUTION OF THE CITY OF NORTH BEND,  
WASHINGTON, DELEGATING TO THE MAYOR, CITY  
ADMINISTRATOR, DEPUTY CITY ADMINISTRATOR  
OR FINANCE DIRECTOR THE AUTHORITY TO  
LEGALLY BIND THE CITY OF NORTH BEND FOR  
THE SOLE PURPOSE OF REQUESTING FEDERAL  
REIMBURSEMENT**

**WHEREAS**, the City accepts grants from time to time from state, federal, and local agencies for City projects and enters into agreements for the administration of such grants; and

**WHEREAS**, the Code of Federal Regulations, 2 CFR 200.415(a) requires that final fiscal reports or vouchers requesting payment under Federal agreements must include a certification, signed by an official who is authorized to legally bind the non-Federal Agency; and

**WHEREAS**, the City Council approves, and the Mayor subsequently executes on the City's behalf, all Federal grant funding agreements and supplemental agreements; and

**WHEREAS**, the City Council passed Resolution 1764 in May 2017 delegating the Mayor, City Administrator or Finance Director the authority to legally bind the City of North Bend solely for the purpose of requesting Federal Grant reimbursement; and

**WHEREAS**, in order to seek timely reimbursement for proper expenditures related to the Federally funded grant projects, the City desires to update the list of delegated officials to include the Deputy City Administrator;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** For purposes of requesting reimbursement for federally funded projects, the Mayor, City Administrator, Deputy City Administrator or Finance Director are hereby delegated authority pursuant to 2 CFR 200.415(a) to legally bind the City of North Bend as provided in this Resolution.

**Section 2.** Without limitation of the delegation of authority set forth in Section 1 of this Resolution, the Mayor, City Administrator, Deputy City Administrator or Finance Director are hereby authorized to sign all grant reimbursement vouchers for grant-funded projects on behalf of the City of North Bend, and to provide the following certification in accordance with 2 CFR 200.415(a):

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and condition of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

**Section 3.** This Resolution shall be in full force and effect immediately upon passage and signatures hereon.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:  
Posted:

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**Susie Oppedal, City Clerk**



## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-040
Resolution Updating the City's Bond Procedures and Post Issuance Compliance Policy	Department/Committee/Individual	
Cost: N/A	Mayor Rob McFarland	
Fund Source: N/A	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Deputy City Administrator – Dawn Masko	X
	Finance – Richard Gould	
	Public Works – Mark Rigos	
<b>Attachments:</b> Resolution, Exhibit A – Bond Procedure and Post Issuance Compliance Policy		
<b>SUMMARY STATEMENT:</b>		
<p>Effective September 2011, the Internal Revenue Service (IRS) required that tax-exempt debt issuers indicate on bond forms to be submitted to the IRS (Form 8038-G) if written post-issuance compliance policies and procedures are in place. Based on their audits of local government's compliance with post-issuance requirements, the IRS identified to the tax-exempt debt issuer community clear expectations of what policies and procedures should be in place to ensure compliance with IRS requirements. The IRS has made it clear that the absence of such policies will be considered a red flag that could result in an audit of post-issuance compliance for a portion or all of a local government's tax-exempt bonds issued. Accordingly, the City adopted a Post Issuance Compliance Policy in October 2016. This Policy was updated in December 2019 to address additional compliance reporting obligations.</p>		
<p>Due to recent staffing and organization changes, the City is now updating its Bond Procedure and Post Issuance Compliance Policy to incorporate these changes.</p>		
<b>APPLICABLE BRAND GUIDELINES:</b> Economic viability/balanced budget.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was reviewed by the Finance & Administration Committee at their April 5, 2022 meeting with a recommendation for approval on the Consent Agenda.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-040, a resolution updating the City's Bond Procedures and Post Issuance Compliance Policy.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



# RESOLUTION

## A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, UPDATING POST ISSUANCE COMPLIANCE POLICY

**WHEREAS**, the City of North Bend issues from time to time certain bonds and other obligations that may be subject to federal tax and federal securities laws; and

**WHEREAS**, the City adopted a post issuance compliance policy in October 2016 addressing, among other matters, federal tax and federal securities laws applicable to the City's bonds and other obligations; and

**WHEREAS**, the City updated the post issuance compliance policy in December 2019 to address additional compliance reporting obligations; and

**WHEREAS**, the City now desires to update the post issuance compliance policy to update City staff designations; and

**WHEREAS**, the City's bond counsel has reviewed the attached policy and recommends formal ratification and adoption;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The "Bond Procedure and Post Issuance Compliance Policy" which is attached as Exhibit A and incorporated by reference, is hereby ratified and adopted as the official policy of the City of North Bend for meeting, among other requirements, the City's obligations under federal tax and securities laws applicable to the City's bonds and other obligations.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

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**Rob McFarland, Mayor**

**APPROVED AS TO FORM:**

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**Pacifica Law Group LLP**

**ATTEST/AUTHENTICATED:**

Effective:

Posted:

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**Susie Oppedal, City Clerk**



**CITY OF NORTH BEND, WASHINGTON**  
**BOND PROCEDURE AND POST ISSUANCE COMPLIANCE POLICY**  
**(FOR GOVERNMENTAL BONDS)**  
**DATE: ~~DECEMBER 3, 2019~~ APRIL 19, 2022**

**SECTION I. PURPOSE OF BOND PROCEDURES AND POLICY.**

This Bond Procedure and Post Issuance Compliance Policy (“Policy”) addresses the City of North Bend, Washington’s (the “City”) compliance with federal tax and federal securities law requirements applicable to the City’s bond and other debt issuances. This Policy is intended to supplement the City’s policies and procedures adopted by the City relating to its debt issuances, which may include, but are not limited to, policies and procedures relating to financial management and state law requirements.

Numerous federal tax, federal securities and state law requirements must be met in connection with a bond issue. In some circumstances (e.g., revenue bonds) rate and other covenant requirements will also need to be satisfied. These requirements are addressed in the bond transcript completed at bond closing and confirmed in certain respects by the legal opinions included in the bond transcript. For each debt issuance, the City Deputy City Administrator or Finance Director (the “Responsible Officer”) has overall oversight responsibility for compliance with this Policy. The Responsible Officer may delegate tasks to other officers or staff of the City or to outside attorneys, consultants or other experts. Further, the City Council may authorize appropriate officials’ responsibility for compliance with certain portions of this Policy.

This Policy is to be reviewed at least annually and upon each issuance of new bonds, including refunding bonds. In connection with this periodic review, the City will consider whether this Policy should be amended or supplemented to address any particular requirements associated with the new bond issue, or to reflect general changes in legal requirements since the prior bond issue.

**SECTION II. FEDERAL TAX MATTERS.**

**A. Scope.** This Section II applies to all of the City’s tax-exempt and tax-advantaged governmental bonds, and other bonds subject to comparable requirements. As used in this Policy, references to “bonds” include bonds, lines of credit, bond anticipation notes, and equipment and other financing leases.

This Section II is intended to improve the City’s ability to:

- Prevent violations in bond requirements from occurring,
- Timely identify potential violations, and
- Correct identified violations through appropriate remedial steps.

**B. Requirements after Bond Closing.** The following addresses requirements after bond closing relating to federal tax law.

- 1) Primary Responsibility. The Responsible Officer will undertake post-issuance compliance relating to the City’s bonds. The Responsible Officer is familiar with the provisions of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations (the “Regulations”) governing the tax-exempt or tax-advantaged status of the City’s bonds.
- 2) Officials or employees responsible for review. The Responsible Officer is responsible for reviewing compliance with the City’s post-issuance obligations related to federal tax law

compliance, including arbitrage, use of proceeds, use of facilities and Internal Revenue Service (“IRS”) filings. The Responsible Officer is to institute a calendaring system to track compliance with tasks in a timely manner.

The Responsible Officer may need to confer, from time to time, with the City’s bond counsel and/or financial advisor (if any), to confirm the applicability and scope of the requirements outlined in this Policy. For reference, the contact information for these advisors is provided below:

Pacifica Law Group LLP, as bond counsel

Deanna Gregory

206-245-1716

Deanna.gregory@pacificalawgroup.com

Stacey Crawshaw-Lewis

206-245-1714

Stacey.Lewis@pacificalawgroup.com

Alison Benge (tax counsel)

206-602-1210

Alison.Benge@pacificalawgroup.com

3) **Records to be Maintained.** The following documents are maintained in connection with each bond issue. The goal is to retain adequate records to substantiate compliance with federal tax law requirements applicable to the City’s bonds. *Generally records should be maintained for the term of the bonds (plus the term of any refunding bonds) plus three years.* Unless otherwise specified, the following records are to be maintained in the office of the Responsible Officer:

- a) Complete bond transcript (provided by bond counsel) in electronic or hard copy.
- b) Records of investment of bond proceeds in a format showing the date and amount of each investment, its interest rate and/or yield, the date any earnings are received and the amount earned, and the date each investment matures and if sold prior to maturity, the sale date and sale price.
- c) Records of expenditure of bond proceeds in a format showing the amount, timing and the type of expenditure.
- d) Records of invoices or requisitions, together with supporting documentation showing payee, payment amount and type of expenditure, particularly for projects involving multiple sources of funds.
- e) Records necessary to document the allocation of bond proceeds and other sources of funds to particular projects or portions of projects.
- f) Records documenting the final allocation of bond proceeds to projects, including any reallocations of bond proceeds, in a format showing the timing and substance of the reallocation, if applicable.
- g) Records demonstrating compliance with arbitrage and rebate requirements, including arbitrage calculations, documentation of spending exceptions to rebate, rebate reports and IRS filings and payments.
- h) Copies of contracts relating to the use of the bond-financed facility including leases, concession agreements, management agreements and other agreements that give usage rights

or legal entitlements with respect to the facility to nongovernmental persons (e.g., advertising displays, cell tower leases, and naming rights agreements).

- i) Copies of contracts relating to ongoing compliance with respect to the bonds, such as Calculation Agency Agreements or filings.
- j) Copies of any filings or correspondence with the IRS or other regulatory body.

4) **Investment of Bond Proceeds.** In general, bond proceeds and certain other funds can only be invested at a rate that exceeds the yield on the bonds under limited circumstances. Furthermore, amounts earned by investing above the bond yield must be rebated to the IRS, unless the City qualifies as a small issuer or a spending exception is met. The arbitrage and rebate requirements for each bond issue are detailed in the federal tax certificate executed in connection with the applicable bond issue.

The Responsible Officer will monitor the investment and expenditure of the funds and accounts listed below. The Responsible Officer will determine whether the bond issue meets the requirement for one of the expenditure exceptions to arbitrage rebate. The Responsible Officer will determine whether a rebate calculation is necessary and, if so, will perform the calculation or engage a rebate consultant. The Responsible Officer will arrange for the payment of any required rebate to the IRS together with the appropriate IRS form on the dates described below.

- a) **Funds to Monitor.** The following funds will be monitored in connection with each bond issue:
  - i) Bond or debt service funds/accounts
  - ii) Project or construction funds/accounts
  - iii) Any refunding accounts
  - iv) Debt service reserve funds/accounts
  - v) Any other accounts with bond proceeds
  - vi) Any other accounts holding amounts pledged to pay bonds
- b) **Arbitrage Reports; Rebate May Be Due.**
  - i) During construction, the Responsible Officer is to monitor expenditures to confirm satisfaction of expected exceptions to rebate (such as six month exception, 18 month exception, 24 month exception).
  - ii) The first rebate payment is due five years after date of issue of the bonds plus 60 days.
  - iii) Rebate is due every succeeding five years, if there are unspent gross proceeds of the bonds.
  - iv) Final rebate payment is due 60 days after early redemption or retirement of the bonds.
- c) **Limitations on Type of Investments.** Bond proceeds must be invested as permitted under state law. In addition, the bond ordinance or any bond insurance agreement may further limit the permitted investments. To monitor compliance with these investment restrictions, the City may adopt investment policies which detail these requirements.

5) **Use of Bond Proceeds During the Construction Period.** Monitoring the expenditure of bond proceeds is necessary to assure that the required amount of bond proceeds are expended for capital expenditures and that not more than 10% of the bond proceeds are expended for projects that will

be used for in a private trade or business (including by the federal government and nonprofit entities).

- a) The Responsible Officer, in consultation with the appropriate Project Manager, is responsible for reviewing the transcript for the bonds, and in particular the authorizing documents and the federal tax certificate, as well as invoices and other expenditure records to monitor that the bond proceeds are spent on authorized project costs.
- b) If, at the completion of the project, there are unspent bond proceeds the Responsible Officer, conferring with bond counsel, will direct application of the excess proceeds for permitted uses under federal tax law, state law, and bond authorization documents.
- c) If the project involves bond proceeds and other sources of funds and included both governmental and nongovernmental use of the financed facilities, the Responsible Officer in consultation with the project manager or other authorized City official will undertake a final reconciliation of bond proceeds expenditures and expenditures of other funds with project costs no later than 18 months after the later of the date of expenditure or the date that the project is placed in service (but in no event more than five years after the date of issue).
- d) Any change in the scope of the project financed with bond proceeds should be reviewed and documented.
- e) Any delay in the project and the expected spending of bond proceeds should be discussed with bond counsel and documented.

6) Refundings.

- a) For refunding escrows, confirm that any scheduled purchases of State and Local Government Series (“SLGS”) or open market securities are made as scheduled.
- b) On the redemption date, confirm that the refunded bonds have been redeemed and cancelled.
- c) Promptly following the redemption date, confirm that all proceeds of the bonds and all proceeds of the refunded bonds have been spent. Verify that excess proceeds, if any, of the bonds do not exceed an amount permitted by the Regulations.
- d) Final rebate payment is due 60 days after early redemption or retirement of the bonds.

7) Use of Bond-Financed Facilities. Monitoring (and limiting) any private use of the bond-financed facility is important to maintaining the federal tax treatment of governmental bonds. In general, no more than 10% of the bond-financed facility can be used in a *private* trade or business (including by the federal government and nonprofit entities). Private use can arise through any of the following arrangements, either directly or indirectly.

- a) Types of Private Use
  - i) Selling all or a portion of the facility
  - ii) Leasing all or a portion of the facility
  - iii) Entering into a management contract for the facility (except for qualified management contracts under IRS Rev. Proc. 97-13)
  - iv) Use of all or a portion of the facility for research purposes under a research contract (except for qualified research contracts under IRS Rev. Proc. 97-14)

- v) Entering into contracts giving “special legal entitlement” to the facility (for example, selling advertising space or naming rights)
- b) Procedures for monitoring private use; procedures reasonably expected to timely identify noncompliance.
  - i) All leases and other contracts involving bond-financed property will be sent prior to execution to the Responsible Officer for review.
  - ii) The Responsible Officer will confer with personnel responsible for bond financed projects at least annually to discuss any existing or planned use of bond-financed or refinanced facilities.
  - iii) Private use for each bond-financed project will be calculated annually.
- c) Procedures ensuring that the City will take steps to timely correct noncompliance.
  - i) Consult with bond counsel regarding any private use or proposed change in use with respect to bond-financed property.
  - ii) If noncompliance will be remediated under existing remedial action provisions or tax-exempt bond closing agreement programs contained in the Regulations or other published guidance from the IRS, determine the deadline for taking action and proceed with diligence to take the required remedial actions.
  - iii) If remedial actions are unavailable, determine whether to make a submission to the Tax-Exempt Bonds Voluntary Closing Agreement Program (“VCAP”) under Internal Revenue Manual 7.2.3.

8) **Reissuance.** A significant modification of the bond documents may result in bonds being deemed refunded or “reissued.” Such an event will require, among other things, the filing of new information returns with the federal government and the execution of a new arbitrage certificate. Bond counsel should be consulted in the event of modification of the bond documents.

### SECTION III. DISCLOSURE PROCEDURES.

**A. Purpose.** This Section III is intended to establish a framework for compliance by City with its disclosure and/or contractual obligations with respect to bonds, notes, and other securities it issues or that are issued on its behalf (as defined herein, the “Securities”), pursuant to the requirements of federal and state securities laws and other applicable rules, regulations, and orders. This Section III applies generally to all of the City’s tax-exempt and tax advantage bonds discussed in Section II, taxable Securities, and other debt issued on the City’s behalf subject to comparable requirements.

The City from time to time issues or is an obligated party with respect to taxable and tax-exempt Securities in order to finance and/or refinance its projects. The purpose of this Section III is to confirm and enhance existing procedures regarding compliance with applicable laws relating to disclosure by memorializing and communicating key principles and procedures in connection with such Securities in order:

- To facilitate compliance with applicable law and existing ongoing disclosure undertakings when preparing and distributing initial and ongoing disclosure documents,

- To reduce exposure (of the City and its officials and employees) to liability for damages and enforcement actions based on material misstatements and omissions in such documents, and
- To promote good investor relations.

It is the policy of the City to comply fully with applicable securities laws regarding disclosure in connection with the issuance of Securities and with the terms of its Continuing Disclosure Agreements (as defined below), including the Anti-Fraud Rules (as defined below).

The Anti-Fraud Rules require all material information relating to the offered Securities to be provided to potential investors. The information provided to potential investors must not contain any material misstatements, and the City must not omit material information which would be necessary to provide to investors a materially complete description of the Securities and the City's financial condition. In the context of the sale of Securities, a fact is considered to be material if there is a substantial likelihood that a reasonable investor would consider it to be important, in the total mix of information made available to investors, in determining whether or not to purchase the Securities being offered.

The City must exercise reasonable care to avoid material misstatements or omissions when communicating with investors and may not knowingly or recklessly include material misstatements or omissions in such communications. Knowledge of any officer or employee of the City as well as information in files of the City may be imputed to the City.

The Responsible Officer has overall oversight responsibility for compliance with the Anti-Fraud Rules as such rules apply to the City's Securities.

**B. Definitions.** As used in this Section III, the following words and terms shall have the following meanings, unless the context or use indicates another or different meaning or intent.

***Anti-Fraud Rules*** refer to Section 17 of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934, particularly Rule 10b-5 under the Securities Exchange Act of 1934, and regulations adopted by the SEC under those Acts.<sup>1</sup>

***Continuing Disclosure Agreement*** means a certificate, the provisions of an ordinance or resolution, or an agreement of the City by which the City undertakes to provide financial and operating data periodically, and timely notices of certain events under the Rule.

***Continuing Disclosure Filing*** means a filing of financial and operating data or an event notice with the MSRB through EMMA pursuant to a Continuing Disclosure Agreement.

***Disclosure Documents*** mean Offering Documents, Continuing Disclosure Filings and other filings made on EMMA.

***EMMA*** means the Electronic Municipal Market Access System maintained by the MSRB, currently located at <http://www.emma.msrb.org>.

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<sup>1</sup> For example, the Anti-Fraud Rules provide that "It shall be unlawful for any person, directly or indirectly, ...

(a) To employ any device, scheme, or artifice to defraud,  
(b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, or  
(c) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale of any security."

**Final Official Statement** means a document prepared by or on behalf of the City in connection with the sale of its publicly sold Securities that discloses material information on the offering of such Securities.

**Financial Obligation** means a (A) debt obligation; (B) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (C) guarantee of clause (A) or (B) of this definition. The term financial obligation shall not include municipal securities as to which a Final Official Statement has been provided to the MSRB consistent with the Rule.

**Investor Communications** means any statement or other communication that is intended (or reasonably can be expected) to be accessible to and relied upon by investors of the City's Securities. Investor Communications include: Offering Documents, Continuing Disclosure Filings, and other filings made on EMMA, and may include, depending on the context, information uploaded or linked or posted to the website of the City, and press releases and other formal and/or public statements of the City

**MSRB** means the Municipal Securities Rulemaking Board.

**Offering Documents** mean Preliminary Official Statements, Final Official Statements and other documents by which Securities are offered for sale.

**Preliminary Official Statement** means a version of the Final Official Statement prepared by or for the City in connection with its publicly sold Securities prior to the availability of the Final Official Statement.

**Rule** means SEC Rule 15c2-12 under the Securities Exchange Act of 1934, as amended, promulgated under the 1934 Act.

**SEC** means the United States Securities and Exchange Commission.

**C. Guidelines for Preparing Disclosure Documents.** The following guidelines apply to all officials and staff members who contribute information to, or otherwise assist in the preparation of, Investor Communications:

- 1) Staff members and officials involved in the preparation or review of Disclosure Documents or other Investor Communications are responsible for being familiar with the Anti-Fraud Rules.
- 2) Violations of the Anti-Fraud Rules may be punishable by civil or criminal penalties against the City and the individual staff members and officials responsible for the violations.
- 3) Staff members and officials involved in the preparation or review of Disclosure Documents and other Investor Communications are instructed to err on the side of raising issues when preparing or reviewing Disclosure Documents and other Investor Communications. Officials and staff are encouraged to consult with the City Attorney, bond counsel and/or disclosure counsel, if any, and/or the City's municipal advisor, if any, if there are questions regarding whether an issue is material. Any concerns regarding the accuracy of a Disclosure Document or other Investor Communication should be immediately reported to the City Attorney, bond counsel and/or disclosure counsel, if any.
- 4) This Policy is intended for the internal use of the City only and are not intended to establish any duties in favor of or rights of any person other than the City.
- 5) The officers and employees charged by this Policy with performing or refraining from any action may depart from this Policy when they and the Responsible Officer in good faith determine that such departure is in the best interests of the City and consistent with the duties of the City under the Anti-Fraud Rules. The Responsible Officer is encouraged to first consult with bond counsel, disclosure counsel and/or other legal counsel to the City prior to any such departure.

**D. Procedures for Investor Communications.** The following procedures shall be followed when preparing, checking, reviewing or issuing the following Investor Communications.

1) Preliminary and Final Official Statements and Other Offering Documents.

- a) The working group for the preparation of Offering Documents used in primary offerings shall consist of the following officers and employees of the City: City Finance Director, City Deputy City Administrator, City finance department staff, City Attorney, City Public Works Director and others as necessary depending on the credit (collectively, the “Disclosure Working Group”).
- b) At the beginning of the process for preparing a Preliminary Official Statement, the Disclosure Working Group will (i) determine (with input from other members of the transaction finance team, which may consist of the underwriter, underwriter’s counsel (if any), bond counsel, disclosure counsel, if any, the City’s municipal advisor (if any), bond registrar, and/or other parties to the transaction (the “Finance Team”)) what information should be disclosed in the Preliminary Official Statement to present fairly a description of the source of repayment and security for the Securities being offered, including related financial and operating information (which may include a discussion of material risks related to investment in the Securities), (ii) assign responsibilities for assembling and verifying the information, (iii) establish a schedule for producing the information and the Preliminary Official Statement that will afford sufficient time for final review by the Disclosure Working Group and Finance Team, and to obtain the approvals required by this Policy, and (iv) determine which City official has been delegated responsibility (in the bond ordinance or otherwise) to ultimately approve the release of the Preliminary Official Statement and approve and sign the Final Official Statement on behalf of the City, it being understood that such individual must read the Preliminary Official Statement and Final Official Statement from cover to cover.
- c) The Disclosure Working Group will (i) identify officers or employees of the City who are likely to know or be able to obtain and verify required information, (ii) request that they assemble, verify, and forward the information and provide information regarding any other fact that they believe to be important to investors, and (iii) establish a reasonable deadline for producing the information.
- d) The members of the Disclosure Working Group will review drafts of the Preliminary Official Statement and the process used to develop the Preliminary Official Statement to determine whether, based on information known or reported to them, (i) this Policy was followed, (ii) the material facts in the Offering Document appear to be consistent with those known to the members of the Disclosure Working Group (and, in the case of information included in audited financial statements or other source documents, are consistent with such source documents), and (iii) the Preliminary Official Statement does not omit any material fact that is necessary to be included to prevent such document from being misleading to potential investors.
- e) Prior to the public release of a Preliminary Official Statement, the Disclosure Working Group will complete a final review, consisting of comparing and resolving any material discrepancies between the City’s audited (and unaudited, if needed) financial statements and other source materials, and cover-to-cover review of the Preliminary Official Statement. The Disclosure Working Group and the Finance Team, as applicable, will complete their review of the Preliminary Official Statement prior to its release. Upon confirmation that the Disclosure Working Group and Finance Team have completed this review, the Preliminary Official Statement will be sent to the Responsible Officer or other authorized officer for approval, based on this confirmation, prior to releasing the Preliminary Official Statement to potential investors. The Responsible Officer’s approval may be documented in the form of a signed “deemed final” certificate, described in the following paragraph.

- f) For the purpose of satisfying the underwriter's compliance with the Rule, the Responsible Officer (and/or any other official designated by the City Council, if any) will be responsible for "deeming final" the Preliminary Official Statement as of its date, except for the omission of information as to offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, maturity dates, delivery dates, and other terms of the Securities dependent on such matters or permitted under the Rule to be omitted.
- g) Prior to release of a Final Official Statement, the Disclosure Working Group will confirm that the pricing information included in the Final Official Statement matches the final pricing numbers and confirm that no material developments have occurred since the date of the Preliminary Official Statement (or, if material developments have occurred, that such developments are disclosed in a supplement). The Disclosure Working Group and Finance Team, as applicable, will complete their review of the Final Official Statement prior to its release. Upon confirmation that the Disclosure Working Group and Finance Team have completed this review, the Final Official Statement will be sent to the Responsible Officer for approval, based on this confirmation, prior to releasing the Final Official Statement to potential investors. The Responsible Officer's approval may be documented in the form of the signed closing certificate described herein.
- h) In connection with the closing of the transaction, the Responsible Officer (and any other official designated by the City Council, if any) will execute a certificate under the Anti-Fraud Rules stating that the Offering Documents, as of their respective dates and as of the dates of pricing and closing, as applicable, do not contain any untrue statement of material fact or omit to state any material fact necessary to make the statements contained in the Offering Documents not misleading in light of the circumstances under which they were made.
- i) The Disclosure Working Group will compile and retain a file (which may consist of electronic records) of the actions taken to prepare, check, review and approve the Offering Documents, including the sources of the information included, the comments and actions of the Disclosure Working Group, the description of the process followed by the Disclosure Working Group, and the confirmations and approvals received prior to releasing the relevant Offering Document.

2) Continuing Disclosure Filings. Certain of the City's Securities are subject to the ongoing filing requirements under the Continuing Disclosure Agreements, which require that the City make annual filings with the MSRB of audited financial statements and certain operating data, and, as required, notices of certain listed events.

a) Annual Filings. The Responsible Officer will be responsible for filing all annual reports required under the City's Continuing Disclosure Agreements.

Under the existing Continuing Disclosure Agreements, the City's annual filings are required to be made no later than the end of nine months (September 30) after the end of the City's fiscal year. If audited information is not available by the filing date, unaudited information must be filed, and the audited information must be filed as soon as it is available.

Further, the Responsible Officer is responsible for providing, in a timely manner, notice of any failure to provide required annual financial information, on or before the date specified in the applicable Continuing Disclosure Agreement.

The Responsible Officer must (i) compile and maintain (and update after every issuance or defeasance of Securities) a list of all financial information and operating data required to be filed with the MSRB pursuant to each of the Continuing Disclosure Agreements, (ii) assign responsibilities to officers and employees, if necessary, for periodically assembling and verifying the data, (iii) request that they assemble, verify, and forward the data to the

Responsible Officer and notify the Responsible Officer if they have learned of any other fact that they consider to be material with respect to the information provided, and (iv) establish a schedule for producing the data (and the documents to be filed) that will afford sufficient time for final review and approval by the Responsible Officer.

Prior to posting an annual filing, the Responsible Officer will complete a final review, consisting of comparing and noting material discrepancies with source materials. Each Continuing Disclosure Filing shall be sent to the Responsible Officer or other authorized officer for approval prior to posting on EMMA.

The Responsible Officer will file or cause to be filed each annual filing with the MSRB through EMMA by the deadline established by the applicable Continuing Disclosure Agreements. The Responsible Officer must exercise reasonable care to file the annual filings in word-searchable PDF format and with the identifying information required by the Continuing Disclosure Agreements, including applicable CUSIP numbers for the Securities.

The Responsible Officer shall enroll on the EMMA website to receive annual email reminders of annual filing deadlines.

Prior to each offering of Securities, the Responsible Officer will determine whether the City has materially complied with all of its Continuing Disclosure Agreements during the previous five years. As applicable, the Responsible Officer will file (or cause to be filed) notice on EMMA disclosing instances of material noncompliance with the Continuing Disclosure Agreements during the previous five years, along with any information that was required to be filed.

b) Notice of Reportable Events. The Continuing Disclosure Agreements require the City to give notice of the following reportable events (except as set forth below) in a timely manner *not more than ten (10) business days after the occurrence* of the event.

1. Principal and interest payment delinquencies
2. Non-payment related defaults, if material
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions, the issuance by the IRS of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the bonds, or other material events affecting the tax status of the bonds
7. Modifications to the rights of bondholders, if material
8. Bond calls, if material, and tender offers
9. Defeasances
10. Release, substitution, or sale of property securing repayment of the Bonds, if material
11. Rating changes (both upgrades and downgrades)
12. Bankruptcy, insolvency, receivership or similar event of the City
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the

termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect Security holders, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

*Additional Considerations for Events 15 and 16.* Disclosure of events 15 and 16 is required by Continuing Disclosure Agreements executed *after February 27, 2019.*

To facilitate compliance with Continuing Disclosure Agreements, the Responsible Officer will create and maintain an inventory of all Financial Obligations, which may consist of copies of each Financial Obligation. For each Financial Obligation, the inventory will show (i) the type of obligation (e.g., general obligation or revenue bond) and the fund from which the obligation is payable, (ii) the dates of its incurrence and maturity (or other expiration), (iii) key terms or a summary of key terms, default provisions, events of acceleration (if any), termination events or other similar reportable events that could reflect financial difficulties if triggered, and (iv) whether the Financial Obligation is determined to be material.

The Responsible Officer will review each Financial Obligation (with the assistance of disclosure counsel and/or bond counsel as needed) to determine whether it is material and subject to reporting under the City's Continuing Disclosure Agreements.

The Responsible Officer will periodically review the definition of Financial Obligations and the inventory of existing Financial Obligations with the appropriate City officers and employees. If there is a foreseeable possibility of any default, event of acceleration, termination event, modification of terms or other similar event is reasonably possible occur, the Responsible Officer will be informed.

- c) Preparation of Notice Filings. If the Responsible Officer learns of a potential reporting event and the event requires notice under the Continuing Disclosure Agreements regardless of whether the event is material or whether it reflects financial difficulty, the Responsible Officer shall prepare a notice giving notice of the event. If the Responsible Officer learns of a potential reporting event and the event requires notice under the Continuing Disclosure Agreements only if material,<sup>2</sup> the Responsible Officer shall assess the materiality of the reported event (with the assistance of disclosure counsel and/or bond counsel if needed). If the Responsible Officer determines that the event is material, the Responsible Officer shall prepare a notice giving notice of the event. If the Responsible Officer learns of a potential reporting event and the event requires notice under the Continuing Disclosure Agreements only if it reflects financial difficulty,<sup>3</sup> the Responsible Officer shall assess whether the reported event (with the assistance of disclosure counsel and/or bond counsel if needed) reflects financial difficulty. If the Responsible Officer determines that the event reflects financial difficulty, the Responsible Officer shall prepare a notice giving notice of the event.

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<sup>2</sup> Noted in italics in the list of reportable events.

<sup>3</sup> Noted in underlined text in the list of reportable events.

Whenever notice of a reportable event is required, the Responsible Officer will draft and file such notice within ten (10) business days of the occurrence of the event. The Responsible Officer will exercise reasonable care to file the event notice in the format and with the identifying information required by the applicable Continuing Disclosure Agreements, including CUSIP numbers for the applicable Securities. With respect to notices of bond calls or defeasances, the Responsible Officer may fulfill the responsibilities of this paragraph by (1) requesting the bond registrar to file notice of a bond call (if the bond registrar is the state fiscal agent) or (2) ensuring that an escrow agreement obligates the escrow agent to file timely notice of the defeasance of the refunded obligations.

- d) **Other Investor Communications.** The Anti-Fraud Rules apply to all Investor Communications. Such Investor Communications may include, but are not limited to, voluntary filings made on EMMA, information on the City's website (such as on an investor relations webpage), communications with investors (or potential investors), press releases and other formal statements of the City that are intended to reach investors. The Responsible Officer and other officers of the City shall exercise reasonable care to make sure that the information in Investor Communications is materially accurate and complete and otherwise in compliance with this Policy.

**E. Document Retention.** The following documents are maintained in connection with each Security. The goal is to retain adequate records to substantiate compliance with the Anti-Fraud Rules. Unless otherwise specified, the following records are to be maintained.

- Complete bond transcript in electronic format or hard copy, including (if applicable) copies of the Continuing Disclosure Agreements.
- A written record of any Financial Obligation or the occurrence of other notice event that is determined to be immaterial or not reflecting financial difficulty and thus not requiring disclosure, and the facts and circumstances used to reach such conclusion.
- Documentation of the actions taken to prepare, check, review and approve each Investor Communication made pursuant to these Procedures, including the sources of the information included.
- Electronic copies of confirmations from EMMA of all Continuing Disclosure Filings.
- Copies of any filings or correspondence with the SEC or other regulatory body.

**F. Engagement of Outside Disclosure Counsel.** In connection with the issuance of a Security, if it is determined to be in the best interest of the City by the Responsible Officer in consultation with the City's legal counsel, if necessary, the City may engage disclosure counsel (which may be bond counsel or other counsel) for advice with respect to the City's disclosure obligations and requirements under the federal securities laws. Disclosure counsel has a confidential, attorney-client relationship with officials and staff of the City.

Disclosure counsel provides a negative assurance letter as to the disclosure set forth in the Offering Document used in connection with the issuance of a Security. The letter advises the City, without assuming responsibility for the accuracy, completeness or fairness of the statements contained in Offering Document, that as a matter of fact and not opinion, that no information came to the attention of the attorneys working on the transaction which caused them to believe that the Official Statement as of its date, as of the date of pricing, and as of the date of its letter, as applicable (except for any financial or statistical data and forecasts, projections, numbers, estimates, assumptions and expressions of opinion, and other customary exclusions), contained or contains any untrue statement of a material fact or omitted to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. Such letters may help to establish that the

City exercised reasonable care when preparing Offering Documents, but are no defense to an action for failing to disclose or misstating a known material fact.

#### **SECTION IV. TRAINING.**

The City will provide opportunities for training to the Responsible Officer, legal counsel, department managers/directors, elected officials and other individuals responsible for complying with this Policy, as needed, specifically including the following training opportunities:

- At or after bond closing, a conference call or meeting with bond counsel to review the requirements applicable to a new bond issue.
- Participation in in-house training sessions, CPE seminars, or seminars/webinars conducted by professional organizations (e.g., GFOA, WPTA, WFOA, PSFOA).
- Training will be provided as necessary to address any changes in law or this Policy.





## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-041
<b>An Ordinance Amending the 2021-2022 Budget Ordinance 1737 to Reflect Changes in Revenues and Expenditures and Salary Schedule</b>	Department/Committee/Individual	
Cost Impact: N/A	Mayor Rob McFarland	
Fund Source: Multiple	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Michael Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Community & Econ. Development – Rebecca Deming	
	Deputy City Administrator – Dawn Masko	X
	Finance – Richard Gould	
	Public Works – Mark Rigos	
<b>Attachments:</b> Ordinance, Exhibit A, Exhibit B		
<b>SUMMARY STATEMENT:</b>		
<p>It is a prudent financial practice to periodically adjust an adopted budget to reflect major revenue or expenditure items that occur during the year and were unanticipated during the budget process. It is not uncommon that Council may approve unanticipated expenditures during the course of the year. Budget amendments are needed to address these issues and ensure that we adjust revenues or appropriations as necessary to keep us within authorized budget limits per Washington State law. Additionally, budget amendments better reflect each fund's anticipated ending fund balances. The State Auditor expects such adjustments to occur.</p>		
<p>This budget amendment consists of miscellaneous and housekeeping adjustments. Miscellaneous adjustments typically account for unanticipated expenditure items and revenue adjustments, recognizing revenues and expenditures due to grants, insurance recoveries and settlements, and donations. Housekeeping adjustments account for corrections and adjustments due to necessary accounting rules, the adjustment of beginning fund balances to equal the prior year actual ending fund balances, and carryforwards of appropriations for projects and/or expenditures already underway but not completed in the prior year.</p>		
<p>The quarterly budget amendment also contains revenue and expenditure adjustments which arise from City Council action taken during the past several months. These actions include awarding professional service and construction contracts, authorizing debt issuance, capital expenditure purchases, contract change orders, and enacting rate increases.</p>		
<p>Detail regarding specific budget line-item changes being recommended for adjustment is contained in Exhibit B to the Ordinance. Highlights include:</p>		
<p><b><u>Citywide:</u></b></p> <ul style="list-style-type: none"><li>• Adjust appropriations for personnel as needed to reflect most current employees and associated benefits and to reflect 2022 personnel benefit costs.</li><li>• Add appropriation for engineering services contract with RH2 for temporary services.</li></ul>		
<p><b><u>General Fund:</u></b></p> <ul style="list-style-type: none"><li>• Recognize higher than budgeted sales tax and B&amp;O tax collections.</li><li>• Recognize increase in revenue associated with delinquent utility and B&amp;O tax payments.</li><li>• Recognize Housing Action &amp; Implementation grant and associated expenditures.</li></ul>		

# City Council Agenda Bill

- Add appropriation for personnel recruitment services, solid waste contract support.
- Adjust transfers-out to Street Fund (101) and Economic Development Fund (108).
- Carryforward appropriations for legal services, public defender, prosecutor, and jail services for 2021 invoices received in 2022.
- Carryforward appropriation for small parks improvements.
- Carryforward appropriation for emergency abatement services.

## Special Revenue Funds:

- Recognize Complete Streets grant and expenditures for three lighted crosswalk systems in Street Fund (101), and Complete Streets corridor plan in Capital Streets Fund (102).
- Increase overtime budget in Street Fund (101) for snow removal.
- Adjust transfers into Street Fund (101) and Economic Development Fund (108) from General Fund.
- Carryforward appropriation for Park Street Overlay in Streets Overlay Fund (103).
- Carryforward and adjust transfers-out to Capital Projects Fund (310) from Capital Streets Fund (102), Streets Overlay Fund (103), Impact Fee Fund (106) and Transportation Benefit District Fund (190) for NE 6<sup>th</sup> Street Water Main Replacement/Road Repairs, 2<sup>nd</sup> Street Sidewalk Improvements, NB Way Bridge Repairs, Middle Fork Roundabout, Bendigo @ 4<sup>th</sup> Street Intersection, South Fork Levee Setback, NB Way Sidewalks, Bendigo/Mt Si Blvd Roundabout, Park Street Left Turn Lane, and South Fork Avenue Extension projects.
- Carryforward appropriation for Interlocal Agreement (ILA) with Department of Natural Resources for Dahlgren Family Park and amendment in Impact Fee Fund (106).
- Carryforward King County Watershed Management Grant and Million Trees Grant funds in Park Capital Improvement Fund (116) and related expenditures.
- Carryforward refund of Genie/Terex bonds in Development Projects Fund (125).
- Carryforward appropriation for AV upgrade projects and placeholder funds in ARPA Fund (130).

## Capital Project Funds:

- Recognize Complete Streets Grant and PSRC Grant for South Fork Ave Extension.
- Carryforward and adjust transfers in from other funds for capital projects.
- Carryforward and adjust appropriations for NB Depot Rehabilitation, 468<sup>th</sup>/Middle Fork Roundabout, South Fork Levee Setback, Bendigo @ 4<sup>th</sup> Intersection, Bendigo/Mt Si Blvd Roundabout, NB Way Sidewalks – Ballarat-Park. NE 6<sup>th</sup> Street Water Main Replacement/Road Repairs, 2<sup>nd</sup> Street Sidewalk Improvements, NB Way Bridge Repairs, Park Street Left Turn Lane, Tenant Trailhead Park, and City Hall projects.
- Appropriate Interfund Loan to Water Fund (401) and principal and interest repayments.

## Utility Funds:

- Recognize Interfund Loan from Capital Projects REET Fund (320) and related principal and interest repayments.
- Carryforward appropriation for mitigation reports preparation, hydrology support services, and deep well mitigation study in the Water Fund (401).

# City Council Agenda Bill

- Carryforward appropriations for Cascade Mitigation Waterline, Pickett Ave Water Main Replacement, and Sallal Mitigation Intertie, and add appropriation for Cascade Well Relocation in Water Fund (401).
- Carryforward appropriations for capital equipment, Meadowbrook ULID professional services, and WWTP High Priority Improvements – Phase 1 and 2 in Sewer Fund (402).
- Add appropriation for emergency garbage hauling services in Solid Waste Fund (405).
- Carryforward and adjust appropriations for transfers out from the Utility Funds to the Capital Project Fund (310) for NE 6<sup>th</sup> Street Water Main Replacement, 2<sup>nd</sup> Street Sidewalk Improvements, and NB Way Bridge Repair projects.

Internal Service Funds:

- Adjust appropriations in Equipment Reserve Fund (502) for replacement trucks.
- Increase appropriations in Technology Reserve Fund (502) for computer replacements.

APPLICABLE BRAND GUIDELINES: Balanced Budget

COMMITTEE REVIEW AND RECOMMENDATION: The Finance & Administration Committee reviewed this ordinance and recommended approval on the Consent Agenda.

RECOMMENDED ACTION: **MOTION to approve AB22-041, an ordinance amending the 2022 Budget and Salary Schedule, as a first and final reading.**

**RECORD OF COUNCIL ACTION**

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2022		



# ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH BEND,  
WASHINGTON, AMENDING THE CITY'S 2021-  
2022 BUDGET AND SALARY SCHEDULE  
ORDINANCE NO. 1737; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE**

**WHEREAS**, the City Council adopted the City's 2021-2022 Budget and 2021 Salary Schedule pursuant to Ordinance No. 1737 on December 1, 2020 and revised the budget and salary schedule pursuant to Ordinance No. 1745, Ordinance 1754, Ordinance No. 1758, Ordinance No. 1763 and Ordinance No. 1770; and

**WHEREAS**, the City Council adopted the Mid-Biennium Budget Modification to the City's 2021-2022 Budget and the 2022 Salary Schedule pursuant to Ordinance No. 1766 on December 7, 2021; and

**WHEREAS**, the City is prohibited from over expending its appropriated budget as set forth in Ordinance No. 1766; and

**WHEREAS**, certain revisions to the 2022 budget are now necessary;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The 2022 Budget, as adopted in Ordinance No. 1766, is hereby amended as set forth in Exhibit "A".

**Section 2.** The explanations of the amendments are listed in Exhibit "B".

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

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**Rob McFarland, Mayor**

**APPROVED AS TO FORM:**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:

Effective:

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**Susie Oppedal, City Clerk**

CITY OF NORTH BEND  
1st Quarter 2022 Budget Appropriation Adjustment  
"Exhibit A"

FUND	BEGINNING BALANCE	REVENUES AND OTHER SOURCES			EXPENDITURES AND OTHER USES			ENDING BALANCE
		Current Budget	Adjustment	Revised Budget	Current Budget	Adjustment	Revised Budget	
<b>Operating General</b>								
001 General	\$ 3,702,838	\$ 9,362,591	\$ 1,524,679	\$ 10,887,270	\$ 10,882,662	\$ 280,036	\$ 11,162,698	\$ 3,427,410
<b>Subtotal General Fund</b>	<b>3,702,838</b>	<b>9,362,591</b>	<b>1,524,679</b>	<b>10,887,270</b>	<b>10,882,662</b>	<b>280,036</b>	<b>11,162,698</b>	<b>3,427,410</b>
<b>Special Revenue</b>								
101 Street	-	880,235	100,733	980,968	880,235	100,733	980,968	-
102 Capital Streets	3,054	306,355	172,001	478,356	295,361	165,178	460,539	20,871
103 Streets Overlay	795,369	381,430	35,307	416,737	623,000	278,049	901,049	311,057
106 Impact Fees & Mitigation	7,026,626	3,213,582	1,645,025	4,858,607	3,053,823	589,842	3,643,665	8,241,568
107 Hotel/Motel Tax	34,825	19,500	878	20,378	-	-	-	55,203
108 Economic Development	-	235,505	2,553	238,058	235,505	2,553	238,058	-
116 Park Capital Improvement	316,151	116,677	32,154	148,811	115,000	20,401	135,401	329,561
117 Park Maintenance Reserve	30,108	10,000	21	10,021	-	-	-	40,129
125 Development Projects	882,086	1,300,000	(239,849)	1,060,151	950,000	20,230	970,230	972,007
130 ARPA Fiscal Recovery Fund	1,012	1,036,058	1,013,121	2,049,179	1,037,070	1,013,121	2,050,191	-
190 Transportation Benefit District (TBD)	1,947,628	623,222	23,945	647,167	744,531	176,726	921,257	1,673,538
<b>Subtotal Special Revenue Funds</b>	<b>11,036,859</b>	<b>8,122,564</b>	<b>2,785,869</b>	<b>10,908,433</b>	<b>7,934,525</b>	<b>2,366,833</b>	<b>10,301,358</b>	<b>11,643,934</b>
<b>Debt Service</b>								
216 2011 Fire Station Bond Redemption	2,542	179,160	6,202	185,362	150,160	-	150,160	37,744
217 2012 LTGO TBD Bond Redemption	-	-	2,569	2,569	-	2,569	-	2,569
218 2015 LTGO Bond Redemption	-	191,769	-	191,769	191,769	-	-	191,769
220 2018 LTGO Bond Redemption	-	245,500	-	245,500	245,500	-	-	245,500
<b>Subtotal Debt Service Funds</b>	<b>2,542</b>	<b>616,429</b>	<b>8,771</b>	<b>625,200</b>	<b>587,429</b>	<b>2,569</b>	<b>589,998</b>	<b>37,744</b>
<b>Total Operating Funds</b>	<b>14,742,239</b>	<b>18,101,584</b>	<b>4,319,319</b>	<b>22,420,903</b>	<b>19,404,616</b>	<b>2,649,438</b>	<b>22,054,054</b>	<b>15,109,088</b>
<b>Capital Improvement</b>								
310 Municipal Projects	171,621	4,358,969	4,085,763	8,444,732	4,139,666	4,151,581	8,291,247	325,106
320 Capital Improvement (REET)	3,874,089	1,042,470	299,302	1,341,772	346,377	1,200,000	1,546,377	3,669,484
<b>Subtotal Capital Improv. Fund</b>	<b>4,045,710</b>	<b>5,401,439</b>	<b>4,385,065</b>	<b>9,786,504</b>	<b>4,486,043</b>	<b>5,351,581</b>	<b>9,837,624</b>	<b>3,994,590</b>
<b>Enterprise</b>								
401 Water Operations & Capital	1,600,794	2,897,183	2,154,225	5,051,408	3,480,516	1,933,479	5,413,995	1,238,207
402 Sewer Operations & Capital	18,574,685	5,187,496	14,749,922	19,937,418	13,111,530	14,366,788	27,478,318	11,033,785
404 Storm Operations & Capital	1,760,432	916,809	517,757	1,434,566	1,186,794	388,245	1,575,039	1,619,959
404 Flood Operations	441,863	191,700	55,726	247,446	271,240	11,056	282,326	406,963
405 Solid Waste & Recycling Operations	483,831	108,000	13,482	121,482	75,616	11,218	86,834	518,479
451 UID #6 Revenue Bond Redemption	723,119	834,734	21,985	856,719	938,552	-	938,552	641,286
<b>Subtotal Enterprise Funds</b>	<b>23,584,774</b>	<b>10,135,922</b>	<b>17,513,097</b>	<b>27,649,019</b>	<b>19,064,248</b>	<b>16,710,816</b>	<b>35,775,064</b>	<b>15,456,679</b>
<b>Internal Service</b>								
501 Equipment Operations	-	293,340	(1,151)	292,189	293,340	(1,151)	292,189	-
501 Technology Operations	-	222,593	-	222,593	222,593	-	222,593	-
502 Equipment Reserve	1,146,664	206,387	1,872	208,259	45,000	1,000	46,000	1,308,923
502 Technology Reserve	278,591	70,105	3,044	73,229	26,800	4,800	31,600	320,220
<b>Subtotal Internal Service Fund</b>	<b>1,425,255</b>	<b>792,505</b>	<b>3,765</b>	<b>796,270</b>	<b>587,733</b>	<b>4,649</b>	<b>592,382</b>	<b>1,629,143</b>
<b>Total Budget</b>	<b>\$ 43,797,928</b>	<b>\$ 34,431,450</b>	<b>\$ 26,221,246</b>	<b>\$ 60,652,696</b>	<b>\$ 43,542,640</b>	<b>\$ 24,716,484</b>	<b>\$ 68,259,124</b>	<b>\$ 36,191,500</b>



CITY OF NORTH BEND  
2022 Budget Appropriation Adjustment

Exhibit "B"

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>General Fund (001)</b>			<b>General Fund (001)</b>		
Beginning Fund Balance - Reserved - Housing Sales Tax	001-000-000-308-31-00-02	\$ 310,628	Legislative - Benefit Adjustments	001-000-011-511-60-20-00	\$ (1,632)
Beginning Fund Balance - Reserved - Affordable Housing	001-000-000-308-31-00-03	27,577	Administration - Personnel Adjustments	001-000-013-513-10-10-00	\$ 408
Beginning Fund Balance - Employee Gift Fund	001-000-000-308-51-00-03	325	Administration - Benefit Adjustments	001-000-013-513-10-20-00	1,178
Beginning Fund Balance - Unreserved	001-000-000-308-91-00-00	821,649	Personnel Recruitment Services	001-000-013-513-10-41-01	13,000
Retail Sales & Use Tax	001-000-000-313-11-00-00	137,750	Solid Waste Contract Procurement Support	001-000-013-513-10-41-05	36,000
Public Safety Sales Tax	001-000-000-313-15-00-00	21,450	Administration - Cellular Communications	001-000-013-513-10-42-01	600
Housing & Related Services Sales Tax	001-000-000-313-25-00-00	30,000	Administration - Travel - carryforward	001-000-013-513-10-43-00	2,000
Affordable Housing Sales Tax Credit	001-000-000-313-27-00-00	2,000	Administration - Education & Training	001-000-013-513-10-49-01	2,000
Local Criminal Justice Sales Tax	001-000-000-313-71-00-00	11,000	Finance - Personnel Adjustments	001-000-014-514-20-10-00	(22,328)
Business & Occupation Tax	001-000-000-316-10-00-00	28,000	Finance - Benefit Adjustments	001-000-014-514-20-20-00	(13,782)
Leasehold Excise Tax	001-000-000-317-20-00-00	300	Finance - Travel/Lodging/Meals	001-000-014-514-20-43-00	(2,000)
DOC - Housing Action & Implementation Grant	001-000-000-334-04-20-01	135,000	Finance - Education & Training	001-000-014-514-20-49-00	(1,000)
Energy Plan Review Fee	001-000-000-343-18-00-00	1,500	Legal Special Projects - carryforward	001-000-015-515-41-41-01	5,429
Utility Late Fees	001-000-000-359-90-00-01	9,000	Public Defender - carryforward	001-000-015-515-41-41-02	33,675
B&O Tax Late Fees	001-000-000-359-90-00-02	3,500	Prosecutor Services - carryforward	001-000-015-515-41-41-03	7,000
Transfer from Development Projects - CED (125)	001-000-000-397-58-00-00	(4,000)	Central Services - Custodial Services	001-000-018-518-30-41-00	2,000
Transfer from Development Projects - PW (125)	001-000-000-397-58-00-01	(11,000)	Central Services - Fire Alarm Services - carryforward	001-000-018-518-30-41-01	1,600
			Central Services - Copier Leases	001-000-018-518-90-45-00	(2,000)
			Central Services - Facility Repairs & Maintenance	001-000-018-518-30-48-00	500
			Central Services - HVAC Maintenance	001-000-018-518-30-48-03	750
			Central Services - Copier Leases	001-000-018-591-18-75-00	2,450
			Central Services - Mailing/Folding Equipment Leases	001-000-018-591-18-75-01	1,035
			Jail Services - carryforward	001-000-023-523-60-49-00	30,000
			Building - Small Tools & Equipment	001-000-024-524-20-35-00	1,025
			Building - Cellular Communications	001-000-024-524-20-42-00	440
			Building - Education & Training	001-000-024-524-20-49-01	50
			Development Services - Personnel Adjustments	001-000-032-558-50-10-00	(48,50)
			Development Services - Benefit Adjustments	001-000-032-558-50-20-00	(14,50)
			Development Services - RH2 Engineering Services	001-000-032-558-50-41-00	69,22
			Planning - Housing Needs Assessment & Action Plan	001-000-058-558-60-41-22	135,000
			Parks - Personnel Adjustments	001-000-076-576-80-10-00	3,422
			Parks - Benefit Adjustments	001-000-076-576-80-20-00	(10,444)
			Small Parks Improvements - carryforward	001-000-076-576-80-35-01	10,000
			Parks - Fire Alarm Services - carryforward	001-000-076-576-80-41-00	7,000
			Parks - Equipment Operations Contribution	001-000-076-576-80-41-05	(1,111)
			Parks - Copier Leases	001-000-076-576-80-45-02	(7,000)
			Parks - Education & Training (CDL Course)	001-000-076-594-59-61-00	2,350
			Parks - PW Truck Replacements	001-000-097-597-42-00-00	(6,800)
			Emergency Nuisance Abatement - carryforward	001-000-097-597-52-00-01	17,165
			Transfer to Street Fund (101)	001-000-097-597-42-00-02	16,222
			Transfer B&O Tax to Capital Streets Fund (102)	001-000-097-597-52-00-02	4,610
			Transfer to Economic Development Fund (108)	001-000-097-597-52-00-01	(947)
			AVC Membership Dues	001-000-099-513-10-49-00	(147)
			Logo Clothing - carryforward	001-000-099-518-10-31-01	5,300
			2022 Clean Air Assessment	001-000-099-553-70-49-00	1,122

**CITY OF NORTH BEND**  
**2022 Budget Appropriation Adjustment**

**Exhibit "B"**

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES		Account Number	Amount
Description	Account Number	Description	001-000-099-566-66-49-00		
<b>Total General Fund Adjustment</b>					<b>\$ 195</b>
<b>Street Fund (101)</b>					<b>\$ 280,036</b>
State TIB - Complete Streets Grant	101-000-000-334-03-80-01	\$ 75,000	101-000-000-542-67-49-00	\$ 3,793	
Insurance Recoveries	101-000-000-395-20-00-00	9,511	101-000-000-542-90-10-00	(238)	
Transfer from General Fund	101-000-000-397-42-00-00	16,222	101-000-000-542-90-10-01	20,000	
			101-000-000-542-90-20-00	1,378	
			101-000-000-542-90-41-00	750	
			101-000-000-542-90-45-01	(750)	
			101-000-000-543-50-48-00	500	
			101-000-000-591-63-75-00	300	
			101-100-002-595-64-63-00	75,000	
				<b>\$ 100,733</b>	<b>\$ 100,733</b>
<b>Total Street Fund Adjustment</b>					
<b>Capital Streets Fund (102)</b>					<b>\$ 165,178</b>
Beginning Fund Balance - Committed	102-000-000-308-41-00-00	\$ 47,381	102-000-000-543-10-10-00	\$ 5,444	
State TIB - Complete Streets Grant	102-000-000-334-03-80-00	50,000	102-000-000-543-10-20-00	763	
Transfer from General Fund (001)	102-000-000-397-00-00-01	4,620	102-000-000-544-40-41-04	120,000	
Transfer from Transportation Impact Fees (106-100)	102-000-000-397-42-00-00	70,000	102-000-000-597-95-00-22	34,770	
			102-000-000-597-95-00-23	4,201	
				<b>\$ 172,001</b>	<b>\$ 172,001</b>
<b>Total Capital Streets Fund Adjustment</b>					
<b>Streets Overlay Fund (103)</b>					<b>\$ 278,036</b>
Beginning Fund Balance - Committed	103-000-000-308-41-00-00	\$ 35,307	103-000-000-597-41-00-00	\$ 63,665	
State TIB - Complete Streets Grant			103-000-000-597-41-00-01	198,402	
Transfer from General Fund Impact Fees (106-100)			103-000-013-595-30-63-00	3,766	
				<b>12,236</b>	<b>12,236</b>
<b>Total Streets Overlay Fund Adjustment</b>					
<b>Impact Fees &amp; Mitigation Fund (106)</b>					<b>\$ 589,878</b>
Beginning Fund Balance - Restricted	106-100-000-308-31-00-00	\$ 284,956	106-100-000-597-41-00-06	\$ 73,032	
Beginning Fund Balance - Restricted	106-200-000-308-31-00-00	1,347,109	106-100-000-597-41-00-08	113,522	
Beginning Fund Balance - Restricted	106-300-000-308-31-00-00	982	106-100-000-597-41-00-12	20,000	
Beginning Fund Balance - Assigned	106-400-000-308-51-00-00	4	106-100-000-597-41-00-14	12,226	
Beginning Fund Balance - Assigned	106-400-001-308-51-00-00	5	106-100-000-597-41-00-16	(103,426)	
Beginning Fund Balance - Assigned	106-400-002-308-51-00-00	8	106-100-000-597-41-00-18	70,000	
Beginning Fund Balance - Assigned	106-400-003-308-51-00-00	7	106-100-000-597-41-00-20	18,792	
Beginning Fund Balance - Assigned	106-400-004-308-51-00-00	3	106-200-000-576-80-49-03	38,556	
Beginning Fund Balance - Assigned	106-500-000-308-51-00-00	(216)	Transfer to Wm Taylor Park (310-200-001)		
Beginning Fund Balance - Assigned	106-700-000-308-51-00-00	12,167			
<b>Total Impact Fees &amp; Mitigation Fund Adjustment</b>		<b>\$ 1,645,025</b>			
<b>Hotel/Motel Tax Fund (107)</b>					
Beginning Fund Balance - Restricted	107-000-000-308-31-00-00	\$ 878			
<b>Total Hotel/Motel Tax Fund Adjustment</b>		<b>\$ 878</b>			

Council Packet April 19, 2022

## CITY OF NORTH BEND

## 2022 Budget Appropriation Adjustment

## Exhibit "B"

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES		
Description	Account Number	Description	Account Number	
<b>Economic Development Fund (108)</b>				
Port of Seattle Tourism Grant	108-000-000-337-00-00-00	\$ 3,500	108-000-000-557-30-41-07	\$ 2,293
Transfer from General Fund (001)	108-000-000-397-52-00-01	\$ (947)	108-000-000-558-70-10-00	\$ 240
<b>Total Economic Development Fund Adjustment</b>		<b>\$ 2,553</b>	<b>108-000-000-558-70-20-00</b>	<b>\$ 20</b>
<b>Park Capital Improvement Fund (116)</b>				
Beginning Fund Balance - Restricted	116-000-000-308-31-00-00	\$ (8,046)	116-000-000-594-76-61-00	\$ 20,401
KC Watershed Management Grant - carryforward	116-000-000-337-07-10-00	\$ 26,409		
KC Million Trees Grant - carryforward	116-000-000-337-07-10-01	\$ 12,225		
Beginning Fund Balance - Restricted	116-100-000-308-31-00-00	\$ 1,546		
<b>Total Park Capital Improvement Fund Adjustment</b>		<b>\$ 32,134</b>	<b>\$ 20,401</b>	
<b>Park Maintenance Reserve Fund (117)</b>				
Beginning Fund Balance - Assigned	117-000-000-308-51-00-00	\$ 21		
<b>Total Park Maintenance Reserve Fund Adjustment</b>		<b>\$ 21</b>	<b>\$ -</b>	
<b>Development Projects Fund (125)</b>				
Beginning Fund Balance - Restricted	125-000-000-308-31-00-00	\$ (275,079)	125-000-000-597-00-00-00	\$ (4,000)
Beginning Fund Balance - Genie/Terex Bond I	125-100-000-308-31-00-01	\$ 23,660	125-000-000-597-00-00-01	\$ (11,000)
Beginning Fund Balance - Genie/Terex Bond II	125-100-000-308-31-00-02	\$ 11,570	125-100-000-582-20-00-01	\$ 23,660
<b>Total Development Projects Fund Adjustment</b>		<b>\$ (239,849)</b>	<b>125-100-000-582-20-00-02</b>	<b>\$ 11,570</b>
<b>ARPA Fund (130)</b>				
Beginning Fund Balance - Restricted	130-000-000-308-31-00-00	\$ 1,013,121	130-000-000-525-20-49-00	\$ 1,003,121
<b>Total ARPA Fund Adjustment</b>		<b>\$ 1,013,121</b>	<b>130-000-000-594-18-64-00</b>	<b>\$ 10,000</b>
<b>Transportation Benefit District Fund (190)</b>				
Beginning Fund Balance - Restricted	190-000-000-308-31-00-00	\$ 21,376	190-500-009-597-00-00-00	\$ 29,333
Transfer from 2012 LTGO (TBD) Bond Fund (217)	190-000-000-397-00-00-00	\$ 2,569	190-500-010-597-00-00-00	\$ 67,413
<b>Total Transportation Benefit District Fund Adjustment</b>		<b>\$ 23,945</b>	<b>190-500-012-597-00-00-00</b>	<b>\$ 80,000</b>
<b>2011 Fire Station Bond Redemption Fund (216)</b>				
Beginning Fund Balance - Restricted	216-000-000-308-31-00-00	\$ 6,202	<b>Total 2011 Fire Station Bond Redemption Fund Adjustment</b>	<b>\$ -</b>
<b>2012 LTGO TBD Bond Redemption Fund (217)</b>				
Beginning Fund Balance - Restricted	217-000-000-308-31-00-00	\$ 2,569	2012 LTGO TBD Bond Redemption Fund (217)	\$ 2,569
<b>Total 2012 LTGO TBD Bond Redemption Fund Adjustment</b>		<b>\$ 2,569</b>	<b>Beginning Fund Balance - Restricted</b>	<b>\$ 2,569</b>

**CITY OF NORTH BEND**  
**2022 Budget Appropriation Adjustment**  
**Exhibit "B"**

**Council Packet April 19, 2022**

REVENUES & OTHER SOURCES			EXPENDITURES & OTHER USES		
Description	Account Number	Amount	Description	Account Number	Amount
<b>Municipal Projects Fund (310)</b>			<b>Municipal Projects Fund (310)</b>		
Beginning Fund Balance - NB Depot Rehab Project	310-000-045-308-91-00-00	\$ (2,661)	NB Depot Rehabilitation Project - Design - carryforward	310-000-045-594-75-63-00	\$ 15,319
DOC Grant - carryforward	310-000-045-334-04-20-00	\$ 17,980	468th/Middle Fork Roundabout ROW - carryforward	310-100-015-595-20-61-00	\$ 54,569
Trans from Trans Impact Fees (106-100) - carryforward	310-100-015-397-00-00-00	73,097	468th/Middle Fork Roundabout - carryforward	310-100-015-595-94-63-00	18,528
Trans from Trans Impact Fees (106-100) - carryforward	310-100-017-397-00-00-00	20,000	So Fork Levee Setback - Design - carryforward	310-100-017-595-30-63-00	20,000
PSRC Grant - carryforward	310-100-019-333-20-00-00	804,000	Bendigo @ 4th intersection Design - carryforward	310-100-019-595-94-63-00	917,523
Trans from Trans Impact Fees (106-100) - carryforward	310-100-019-397-00-00-00	113,523	Bendigo/Mt Si Blvd Roundabout Design - carryforward	310-100-023-595-94-63-00	12,274
WSDOT Federal Indirect Grant (STP)	310-100-023-333-20-00-00	(100,000)	South Fork Ave Extension - Design	310-100-024-595-30-63-00	838,452
Transfer from Transportation Impact Fees (106-100)	310-100-023-397-00-00-00	112,274	NBW Sidewalks - Ballarat to Park - Design - carryforward	310-100-025-595-61-63-00	37,107
Beginning Fund Balance - South Fork Ave Extension	310-100-024-308-51-00-00	53,732	NE 6th St Watermain/Road Project - Design - carryforward	310-100-026-595-30-63-00	59,986
PSRC Federal Indirect Grant	310-100-024-333-20-00-00	967,500	NE 6th St Watermain Project - Construction - carryforward	310-100-026-595-30-63-01	1,213,385
DOC Local Community Pgrms Grant - carryforward	310-100-024-334-04-20-00	2,461	2nd Street Sidewalk Improvements - Design - carryfwd	310-100-027-595-61-63-00	99,345
Transfer from TBD Fund (190) - carryforward	310-100-024-397-00-00-00	29,313	2nd Street Sidewalk Improvements - Construction	310-100-027-595-61-63-01	231,000
TIB - Complete Streets Grant	310-100-025-334-03-80-00	175,000	NB Way Bridge Repairs - Design - carryforward	310-100-028-595-30-63-00	8,402
Transfer from Transportation Impact Fees (106-100)	310-100-025-397-00-00-00	(103,420)	NB Way Bridge Repairs - Construction	310-100-028-595-30-63-01	280,000
Transfer from Storm Fund (404)	310-100-025-397-00-00-01	(34,473)	Park St Left Turn Lane - Design - carryforward	310-100-029-595-30-63-00	18,793
Transfer from Street Overlay Fund (103)	310-100-026-397-00-00-00	63,665	Wm Taylor Park - Construction	310-200-008-594-76-63-01	31
Transfer from Water Fund (401)	310-100-026-397-00-00-01	88,934	Tenant Trailhead Park - Si View MPD Grant - carryfwd	310-200-009-576-80-49-00	40,000
Transfer from Storm Fund (404)	310-100-026-397-00-00-02	319,772	Tollgate Trail - Construction	310-200-010-594-76-63-01	6
CDBG Grant	310-100-027-333-14-00-00	174	City Hall Retaining Refund	310-300-000-582-20-00-00	3,169
Transfer from Streets Capital Fund (102) - carryforward	310-100-027-397-00-00-00	34,770	City Hall - Professional Services - carryforward	310-300-000-594-18-62-00	21,150
Transfer from Street Overlay Fund (103) - carryforward	310-100-027-397-00-00-01	14,902	City Hall - Construction - carryforward	310-300-000-594-18-62-01	28,277
Transfer from Water Fund (401)	310-100-027-397-00-00-02	110,902	City Hall - FF&E/Other Expenses - carryforward	310-300-000-594-18-62-03	234,265
Transfer from Storm Fund (404)	310-100-027-397-00-00-03	102,184			
Transfer from TBD Fund (190)	310-100-027-397-00-00-04	67,413			
Transfer from Streets Capital Fund (102) - carryforward	310-100-028-397-00-00-00	4,201			
Transfer from Flood Operations (401-100) - carryforward	310-100-028-397-00-00-01	4,201			
Trans from Trans Impact Fees (106-100) - carryforward	310-100-029-397-00-00-00	18,793			
Beginning Fund Balance - Wm Taylor Park Entry	310-200-002-308-51-00-00	5			
Transfer from Park Impact Fees (106-200)	310-200-002-397-00-00-00	(5)			
Beginning Fund Balance - Wm Taylor Park - Restricted	310-200-008-308-31-00-00	1			
Beginning Fund Balance - Wm Taylor Park - Assigned	310-200-008-308-51-00-00	2			
Beginning Fund Balance - Tenant Trailhead Park	310-200-009-308-31-00-00	39,816			
Beginning Fund Balance - Tollgate Trail	310-200-010-308-31-00-00	6			
Beginning Fund Balance - City Hall - Retaining	310-300-000-308-31-00-00	3,169			
Beginning Fund Balance - City Hall	310-300-000-308-51-00-00	283,532			
<b>Total Municipal Projects Fund Adjustment</b>		<b>\$ 4,085,763</b>	<b>Total Municipal Projects Fund Adjustment</b>		<b>\$ 4,151,561</b>
<b>Capital Improvements (REET) Fund (320)</b>			<b>Capital Improvements (REET) Fund (320)</b>		
Beginning Fund Balance - Restricted	320-000-000-308-31-00-00	\$ 65,302	Interfund Loan to Water Fund (401)		
Interfund Loan Pmt from Water Fund (401) - Interest	320-000-000-361-40-00-01	2,000			
Interfund Loan Pmt from Water Fund (401) - Principal	320-000-000-381-20-00-01	232,000			
<b>Total Capital Improvements (REET) Fund Adjustment</b>		<b>\$ 299,302</b>	<b>Total Capital Improvements (REET) Fund Adjustment</b>		<b>\$ 1,200,000</b>

CITY OF NORTH BEND

2022 Budget Appropriation Adjustment

Exhibit "B"

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES		
Description	Account Number	Description	Account Number	
<b>Water Operations &amp; Capital Fund (401)</b>		<b>Water Operations &amp; Capital Fund (401)</b>		
Beginning Fund Balance - Assigned	401-000-000-308-51-00-00	\$ 379,449	401-000-000-534-10-10-00	\$ 28,761
Beginning Fund Balance - Assigned	401-500-000-308-51-00-00	574,776	401-000-000-534-10-20-00	2,677
Interfund Loan from Capital Projects REET Fund (320)	1,200,000		401-000-000-534-10-41-03	9,890
Copier Leases			401-000-000-534-10-41-06	750
Mitigation Reports & Hydrology Support - carryforward			401-000-000-534-10-45-00	(2,700)
Legal Services - carryforward			401-000-000-534-20-41-00	21,825
Small Tools & Equipment			401-000-000-534-20-41-11	4,719
Water Meter Replacement Pgm - carryforward			401-000-000-534-30-35-00	4,000
Copier Leases			401-000-000-534-30-35-02	40,010
Mailing & Folding Equipment Leases			401-000-000-591-34-75-00	1,525
PW Replacement Trucks			401-000-000-591-34-75-01	355
Pickett Ave Water Main Replacement Design - carryfwd			401-000-000-594-34-64-15	3,000
Deep Well Mitigation Study - carryforward			401-200-009-594-34-63-00	15,603
Interfund Loan Pmt to REET Fund (320) - Principal			401-500-000-534-20-41-04	29,174
Interfund Loan Pmt to REET Fund (320) - Interest			401-500-000-581-20-79-00	232,000
Salal Mitigation Intertie - carryforward			401-500-000-592-34-82-01	2,000
Cascade Mitigation Waterline - Easement - carryforward			401-500-006-594-34-63-00	84,190
Cascade Mitigation Waterline - Design - carryforward			401-500-009-594-34-61-00	6,000
Cascade Mitigation Waterline - Construction - carryfwd			401-500-009-594-34-63-00	61,296
Transfer to NE 6th St Watermain (310-100-026)			401-500-009-594-34-63-01	140,000
Transfer to 2nd St Sidewalks (310-100-027)			401-500-011-597-00-00-00	889,934
Cascade Well Relocation - Design			401-500-012-597-00-00-00	110,902
			401-500-013-594-34-63-00	247,568
<b>Total Water Operations &amp; Capital Fund Adjustment</b>			<b>\$ 1,933,479</b>	
<b>Sewer Operations &amp; Capital Fund (402)</b>		<b>Sewer Operations &amp; Capital Fund (402)</b>		
Beginning Fund Balance - Bond Proceeds	402-000-000-308-31-00-01	\$ 2,437,546	402-000-000-535-10-10-00	\$ (100,887)
Beginning Fund Balance - Assigned	402-000-000-308-51-00-00	433,143	402-000-000-535-10-20-00	(51,926)
Beginning Fund Balance - Bond Proceeds	402-500-000-308-31-00-01	11,369,366	402-000-000-535-10-41-00	4,117
Beginning Fund Balance - Assigned	402-500-000-308-51-00-00	509,867	402-000-000-535-10-41-10	7,775
Copier Leases			402-000-000-535-10-45-00	(2,551)
Copier Leases			402-000-000-591-35-75-00	1,525
Mailing & Folding Equipment Leases			402-000-000-591-35-75-01	361
Sewer Capital Equipment - carryforward			402-000-000-594-55-64-00	10,850
WWTP HPI Phase 1 - Construction - carryforward			402-100-000-594-35-63-08	35,258
WWTP HPI Phase 2 - Design - carryforward			402-100-000-594-35-63-10	117,441
WWTP HPI Phase 2 - Construction - carryforward			402-100-000-594-35-63-11	2,316,698
WWTP HPI Phase 1 - Construction - carryforward			402-500-000-594-35-63-08	133,641
WWTP HPI Phase 2 - Design - carryforward			402-500-000-594-35-63-10	573,560
WWTP HPI Phase 2 - Construction - carryforward			402-500-000-594-35-63-11	11,310,930
<b>Total Sewer Operations &amp; Capital Fund Adjustment</b>			<b>\$ 14,749,922</b>	

## CITY OF NORTH BEND

## 2022 Budget Appropriation Adjustment

## Exhibit "B"

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES		
Description	Account Number	Description	Account Number	
<b>Storm Operations &amp; Capital Fund (404)</b>				
Beginning Fund Balance - Assigned	404-000-000-308-51-00-00	\$ 53,112	404-000-000-531-31-10-00	\$ (3,868)
Beginning Fund Balance - Assigned	404-500-000-308-51-00-00	\$ 464,645	404-000-000-531-31-20-00	\$ (4,865)
			404-000-000-531-31-41-03	375
			404-000-000-531-31-41-10	4,945
			404-000-000-531-31-45-00	(1,400)
			404-000-000-531-31-48-01	150
			404-000-000-531-31-49-00	250
			404-000-000-531-38-49-00	5,300
			404-000-000-591-31-75-00	910
			404-000-000-591-31-75-01	165
			404-000-000-594-31-64-09	(1,200)
			404-500-012-597-00-00-00	(34,473)
			404-500-013-597-00-00-00	319,772
			404-500-014-597-00-00-00	102,184
<b>Total Storm Operations &amp; Capital Fund Adjustment</b>		<b>\$ 517,757</b>		<b>\$ 388,245</b>
<b>Flood Operations Fund (404-100)</b>				
Beginning Fund Balance - Assigned	404-100-000-308-51-00-00	\$ 55,726	404-100-000-531-91-10-00	\$ (1,917)
			404-100-000-531-91-20-00	(1,693)
			404-100-000-531-91-41-02	375
			404-100-000-531-91-41-09	4,945
			404-100-000-531-91-45-00	(1,200)
			404-100-000-531-91-49-04	5,300
			404-100-000-591-91-75-00	910
			404-100-000-591-91-75-01	150
			404-100-000-597-00-00-00	4,200
<b>Total Flood Operations Fund Adjustment</b>		<b>\$ 55,726</b>		<b>\$ 11,035</b>
<b>Solid Waste &amp; Recycling Operations Fund (405)</b>				
Beginning Fund Balance - Assigned	405-000-000-308-51-00-00	\$ 13,482	405-000-000-537-10-10-00	\$ (701)
			405-000-000-537-10-20-00	(328)
			405-000-000-537-10-31-00	240
			405-000-000-537-60-41-01	12,000
<b>Total Solid Waste &amp; Recycling Operations Fund Adjustment</b>		<b>\$ 13,482</b>		<b>\$ 11,218</b>
<b>UUID #6 Bond Redemption Fund (451)</b>				
Beginning Fund Balance - Assigned	451-000-000-308-31-00-00	\$ 21,985		\$
<b>Total UUID #6 Bond Redemption Fund Adjustment</b>		<b>\$ 21,985</b>		

April 19, 2022

**CITY OF NORTH BEND**  
**2022 Budget Appropriation Adjustment**  
**Exhibit "B"**

REVENUES & OTHER SOURCES		EXPENDITURES & OTHER USES	
Description	Account Number	Description	Account Number
<b>Equipment Operations Fund (501)</b>		<b>Equipment Operations Fund (501)</b>	
Equipment Operations Contribution - Parks	501-000-000-348-30-00-03	\$ (1,151)	
			Personnel Adjustments
			Benefit Adjustments
			Gas, Oil & Diesel
			Fire Alarm Services - carryforward
			Technology Reserve Contribution (502-100)
			Copier Leases
			Copier Leases
			<b>Total Equipment Operations Fund Adjustment</b>
			\$ (1,151)
<b>Technology Operations Fund (501)</b>		<b>Technology Operations Fund (501)</b>	
Beginning Fund Balance - Assigned	501-100-000-308-51-00-00	\$ -	
			Personnel Adjustments
			Benefit Adjustments
			Website Hosting Fees
			Technology Capital Equipment
			<b>Total Technology Operations Fund Adjustment</b>
			\$ -
<b>Equipment Reserve Fund (502)</b>		<b>Equipment Reserve Fund (502)</b>	
Beginning Fund Balance - Central Services	502-000-018-308-51-00-00	\$ 19	
Beginning Fund Balance - Building	502-000-024-308-51-00-00	18	PV Replacement Trucks
Beginning Fund Balance - Water	502-000-034-308-51-00-00	332	PV Replacement Trucks
Beginning Fund Balance - Sewer	502-000-035-308-51-00-00	226	
Beginning Fund Balance - Storm	502-000-038-308-51-00-00	846	
Beginning Fund Balance - Streets	502-000-042-308-51-00-00	3	
Beginning Fund Balance - Parks	502-000-076-308-51-00-00	428	
			<b>Total Equipment Reserve Fund Adjustment</b>
			\$ 1,872
<b>Technology Reserve Fund (502)</b>		<b>Technology Reserve Fund (502)</b>	
Beginning Fund Balance - General Fund	502-100-018-308-51-00-00	\$ 3,009	Technology Equipment - carryforward
Beginning Fund Balance - Water	502-100-034-308-51-00-00	5	Technology Equipment
Beginning Fund Balance - Sewer	502-100-035-308-51-00-00	2	Technology Equipment
Beginning Fund Balance - Storm	502-100-038-308-51-00-00	5	Technology Equipment
Beginning Fund Balance - Flood	502-100-039-308-51-00-00	12	Technology Equipment
Beginning Fund Balance - Streets	502-100-042-308-51-00-00	4	Technology Equipment
Beginning Fund Balance - Shop	502-100-048-308-51-00-00	5	
Beginning Fund Balance - Economic Development	502-100-059-308-51-00-00	2	
			<b>Total Technology Reserve Fund Adjustment</b>
			\$ 3,044
<b>GRAND TOTAL - REVENUE ADJUSTMENTS</b>			\$ 26,221,246
			<b>GRAND TOTAL - EXPENDITURE ADJUSTMENTS</b>
			\$ 24,716,482

19, 2022

Council Packer Apr. 19, 2022





## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-042
<b>Public Hearing &amp; Resolution Adopting the Saving Water Partnership Water Use Efficiency Goal</b>	Department/Committee/Individual Mayor Rob McFarland City Administrator – David Miller City Attorney – Mike Kenyon/Lisa Marshall City Clerk – Susie Oppedal Community & Economic Development – David Miller Finance – Dawn Masko Public Works – Mark Rigos, P.E.	
Cost Impact: N/A		X
Fund Source: N/A		
Timeline: Immediate		
<b>Attachments:</b> Resolution		
<b>SUMMARY STATEMENT:</b>		
Per Washington State law, water purveyors that serve more than 1,000 connections are required to establish and monitor Water Use Efficiency (WUE) goals for their customers. These goals are required to be established at least every 10 years through a public hearing process.		
The most recent customer (demand side) goals set by the City of North Bend were adopted via Resolution #1949 in September 2020. The goals are:		
<ol style="list-style-type: none"><li>1. Goal 1 is a demand side (customer) goal of reducing average day demand by 0.75% per Equivalent Residential Unit (ERU) each year for the next 10 years.</li><li>2. Goal 2 is a production goal of reducing distribution system leakage (DSL) to 10% by 2026.</li></ol>		
In September 2021 the City of North Bend joined the Saving Water Partnership (SWP) in an effort to assist City water service customers in water conservation practices. One of the conditions of joining the Partnership is to adopt the Partnership's Water Use Efficiency goal, which is as follows:		
"Keep the total average annual retail water use of SWP members under 110 million gallons per day through 2028, despite forecasted population growth, by reducing per capita water use."		
City staff recommends adopting the proposed Saving Water Partnership WUE goal, in addition to maintaining the City's previously adopted goals.		
<b>APPLICABLE BRAND GUIDELINES:</b> Consistent delivery of quality basic services including transportation and traffic management.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was discussed at the February 22, 2022 Transportation and Public Works Committee meeting and was recommended for approval and placement on the Main Agenda for discussion.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-042, a resolution adopting the Saving Water Partnership Water Use Efficiency Goal.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



# RESOLUTION

## A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING THE SAVING WATER PARTNERSHIP WATER USE EFFICIENCY GOAL

**WHEREAS**, the Washington State Legislature passed Engrossed Second Substitute House Bill 1338 in 2003, better known as the Municipal Water Law, to address the increasing demand on our state's water resources; and

**WHEREAS**, the law established that all municipal water suppliers must use water more efficiently in exchange for water right certainty and flexibility to help them meet future demands, and directing the Department of Health to adopt an enforceable Water Use Efficiency Program, which became effective on January 22, 2007; and

**WHEREAS**, the Water Use Efficiency Program states, "you must set your own goals through a public process [WAC 246-290-830(4)(a)]," the deadline for the first goal being January 22, 2008, for municipal water suppliers with 1,000 or more connections; and

**WHEREAS**, the most recent goals were adopted by Resolution 1949 on September 1, 2020; and

**WHEREAS**, the City's current water use efficiency goals are to 1) reduce the average day demand per equivalent residential unit by 0.75% per year over the next ten years, and 2) reduce distribution system leakage to ten percent by the year 2026; and

**WHEREAS**, the Water Use Efficiency Program states that goals must be evaluated and reestablished at least every 10 years [WAC 246-290-830(7)]; and

**WHEREAS**, goals may consist of demand side (customer) and production side goals; and

**WHEREAS**, on July 20, 2021, the North Bend City Council voted to approve a contract to join the Saving Water Partnership ("the SWP"), administered by Seattle Public Utilities; and

**WHEREAS**, one of the conditions of the agreement to join the SWP is to adopt the water use efficiency goals of the SWP; and

**WHEREAS**, a public hearing was conducted on April 19, 2022, to obtain public comment on these water use efficiency goals; and

**WHEREAS**, the North Bend City Council wishes to maintain the existing goals and to adopt the SWP water use efficiency goal;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES RESOLVE AS FOLLOWS:**

**Section 1.** The City's demand side goal of reducing average day demand per equivalent residential unit by 0.75% per year over the next ten years and the City's production side goal of reducing distribution system leakage to ten percent by the year 2026 are hereby maintained.

**Section 2.** The goal of the Saving Water Partnership for 2019-2028 to "keep the total average annual retail water use of the members of the Saving Water Partnership under 110 million gallons a day (MGD) through 2028, despite forecasted population growth, by reducing per capita water use" is hereby adopted.

**PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Effective:

Posted:

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**Susie Oppedal, City Clerk**



**LEGAL NOTICE  
CITY OF NORTH BEND  
King County, Washington**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that the North Bend City Council has scheduled a public hearing to receive comments regarding a Resolution Adopting Saving Water Partnership Water Use Efficiency Goal. The public hearing will take place during a Regular City Council Meeting on Tuesday, April 19, 2022, at 7:00 p.m. The City Council meeting will be held either online using Zoom Meetings or in person at City Hall, 920 SE Cedar Falls Way, North Bend, WA. Specific meeting access information will be provided on April 14, 2022 on the City website ([www.northbendwa.gov](http://www.northbendwa.gov)) calendar item for the [April 19, 2022 City Council meeting.](#)

Comments may be presented orally at the public hearing or submitted in writing to the City Clerk at 920 SE Cedar Falls Way, North Bend, WA, 98045, or by e-mail to: [soppedal@northbendwa.gov](mailto:soppedal@northbendwa.gov) up until 4:30 p.m., Monday, April 18, 2022. For questions or additional information please contact Don DeBerg, City Engineer at [ddeberg@northbendwa.gov](mailto:ddeberg@northbendwa.gov).

A copy of the draft resolution containing the Saving Water Partnership Water Use Efficiency Goal is available for viewing under Public Notices on the City website at [www.northbendwa.gov](http://www.northbendwa.gov) or at the following link: [Saving Water Partnership Water Use Efficiency Goals.](#)

Posted: April 1, 2022

Published in the Snoqualmie Valley Record: April 1, 2022





## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-043
Ordinance Approving an Interfund Loan between the Capital Improvement (REET) Fund and the Water Fund	Department/Committee/Individual	
Cost: N/A	Mayor Rob McFarland	
Fund Source: REET Fund	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Deputy City Administrator – Dawn Masko	X
	Finance – Richard Gould	
	Public Works – Mark Rigos	
<b>Attachments:</b> Ordinance		
<b>SUMMARY STATEMENT:</b>		
Water General Facility Charges (GFCs) are being used as a major funding source for the NE 6 <sup>th</sup> Street Water Main Replacement, 2 <sup>nd</sup> Street Sidewalk Improvements, Cascade Well Relocation and Potable Extension, and Cascade Mitigation Pipeline capital projects. There are currently not sufficient GFCs to cover the cost of these projects.		
An Interfund Loan from the Capital Improvement (REET) Fund to the Water Utility Fund is needed to retain a positive cash flow until sufficient GFCs have been collected. Budget projections indicate that sufficient GFCs will be collected from 2022 through 2025.		
The Interfund Loan will be in an amount not to exceed \$1,200,000. Interest will be paid on the loan at a rate which equals the Washington State Treasurer's Local Government Investment Pool (LGIP) rate for the period which the loan is outstanding. The loan will be repaid on or before December 31, 2025.		
<b>APPLICABLE BRAND GUIDELINES:</b> Economic viability/balanced budget.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was reviewed by the Finance & Administration Committee at their April 5, 2022 meeting with a recommendation for approval.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-043, an ordinance approving an Interfund Loan between the Capital Improvement (REET) Fund and the Water Utility Fund, as a first and final reading.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



# ORDINANCE

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AUTHORIZING AN INTERFUND LOAN BETWEEN THE CAPITAL IMPROVEMENT (REET) FUND AND THE WATER UTILITY FUND

**WHEREAS**, the City of North Bend is completing various capital projects within the City; and

**WHEREAS**, these projects are funded through a combination of funding sources, including Water General Facility Charges; and

**WHEREAS**, these funding arrangements result in a short-term funding shortfall within the Water Utility Fund; and

**WHEREAS**, to retain a positive cash flow in the Water Utility Fund while meeting its expenditure obligations the City desires to authorize an interfund loan from the Capital Improvement (REET) Fund to the Water Utility Fund, in the amount of \$1,200,000;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** An inter-fund loan is authorized for a period of no more than 3 years in the amount of \$1,200,000 between the Capital Improvement (REET) Fund and Water Utility Fund.

**Section 2.** The interest rate to be charged by the Capital Improvement (REET) Fund shall be equal to the Washington State Investment Pool rate paid on City deposits, which rate shall be adjusted monthly.

**Section 3. Severability:** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date:** This ordinance shall be published in the official newspaper of the

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City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF  
APRIL, 2022.**

**CITY OF NORTH BEND:**

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**Rob McFarland, Mayor**

**APPROVED AS TO FORM:**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published:

Effective:

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**Susie Oppedal, City Clerk**



## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-044
<b>Resolution Declaring the City's Intent to Reimburse Certain Water Capital Project Expenditures from Bonds that may be Issued in the Future</b>	Department/Committee/Individual	
Cost: N/A	Mayor Rob McFarland	
Fund Source: N/A	City Administrator – David Miller	
Timeline: Immediate	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Deputy City Administrator – Dawn Masko	X
	Finance – Richard Gould	
	Public Works – Mark Rigos	
<b>Attachments:</b> Resolution		
<b>SUMMARY STATEMENT:</b>		
The City is moving forward with certain Water capital projects, including the NE 6 <sup>th</sup> Street Water Main Replacement, Cascade Well Relocation and Potable Extension, Cascade Mitigation Pipeline, and the water portion of the 2 <sup>nd</sup> Street Sidewalk Improvements capital project. This Resolution provides for a mechanism to reimburse the City with proceeds from tax-exempt bonds or other obligations that may be issued in the future.		
Reimbursement resolutions are authorized under Treasury Regulation Sec. 1.150-2 and are utilized to preserve the option for the future issuance of tax-exempt bonds for capital projects. The reimbursement resolution captures the capital costs incurred for the stated projects up to 60 days prior to the official declaration of intent to reimburse. In order to take advantage of such reimbursement, the potential bond issuer (the City) must adopt a resolution stating its intent to reimburse the previous expenditures from bond proceeds within 60 days after the original expenditure. This means that the City would be able to reimburse itself for capital expenditures associated with the NE 6 <sup>th</sup> Street Water Main Replacement, Cascade Well Relocation and Potable Extension, Cascade Mitigation Pipeline, and 2 <sup>nd</sup> Street Sidewalk Improvements projects that have been incurred since February 19, 2022 if this resolution is adopted tonight. This resolution does not bind the Council to the issuance of bonds for this project. However, failure to adopt such a reimbursement resolution within 60 days after the original capital expenditure would foreclose the City from reimbursing itself from bond proceeds.		
<b>APPLICABLE BRAND GUIDELINES:</b> Economic viability/balanced budget.		
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This item was reviewed by the Finance & Administration Committee at their April 5, 2022 meeting with a recommendation for approval.		
<b>RECOMMENDED ACTION:</b> <b>MOTION to approve AB22-044, a resolution appointing the Deputy City Administrator and/or Finance Director for the purpose of designating certain expenditures for reimbursement from bonds that may be authorized and approved by the City for issuance in the future.</b>		
<b>RECORD OF COUNCIL ACTION</b>		
Meeting Date	Action	Vote
April 19, 2022		



# RESOLUTION

**A RESOLUTION OF THE CITY OF NORTH BEND,  
WASHINGTON, APPOINTING THE DEPUTY CITY  
ADMINISTRATOR AND/OR FINANCE DIRECTOR FOR  
THE PURPOSE OF DESIGNATING CERTAIN  
EXPENDITURES FOR REIMBURSEMENT FROM  
BONDS THAT MAY BE AUTHORIZED AND APPROVED  
BY THE CITY FOR ISSUANCE IN THE FUTURE**

**WHEREAS**, the City of North Bend, Washington (the “City”) issues tax-exempt obligations, including bonds, notes, and leases from time to time for the purpose of financing its governmental activities; and

**WHEREAS**, the City intends to commence work on the NE 6<sup>th</sup> Street Water Main Replacement Project and 2<sup>nd</sup> Street Sidewalk Improvements Project (the “Projects”), and intends to reimburse itself for certain expenditures from proceeds of the future bond issue; and

**WHEREAS**, the United States Department of the Treasury has published regulations (the “Regulations”) governing the ability of the City to use the proceeds of tax-exempt obligations for reimbursement of prior expenditures; and

**WHEREAS**, the Regulations require that a governmental entity declare its intent to issue tax-exempt bonds to reimburse itself for expenditures made prior to the issuance of such bonds before the expenditures are incurred;

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF NORTH BEND, WASHINGTON, AS FOLLOWS:**

**Section 1.** Pursuant to U.S. Treasury Regulation Section 1.150-2(e), the City reasonably expects to pay for expenditures described herein with money in its Sewer Fund and expects to reimburse the Water Fund for such expenditures with the proceeds of tax-exempt bonds or other obligations, including but not limited to a tax-exempt line of credit, to be issued by the City (the “Reimbursement Bonds”). The City reasonably expects to spend money in its Water Fund for certain capital expenditures relating to the Projects, including but not limited to architectural and engineering fees, other preliminary expenditures, and construction expenditures.

**Section 2.** The City Council hereby appoints and designates the Deputy City Administrator and/or Finance Director (the “Authorized Representative”) as the official responsible for issuing statements of official intent in compliance with Treasury Regulation Section 1.150-2. Upon a determination by the Authorized Representative that the costs of a particular capital project may be reimbursed from the proceeds of tax-exempt obligations of the City, the Authorized Representative is authorized and directed to execute a certificate of official intent, substantially in

the form attached hereto as Exhibit A. Each certificate so executed shall become a part of the official records of the City available for public inspection and review.

**Section 3.** The maximum principal dollar amount of Reimbursement Bonds expected to be issued for the Projects described in Section 1 is \$4,000,000.

**Section 4.** The adoption of this resolution shall not obligate the City to issue Reimbursement Bonds. The issuance of the Reimbursement Bonds shall require separate and additional official approval by the City Council.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,  
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 19<sup>TH</sup> DAY OF APRIL,  
2022.**

**CITY OF NORTH BEND:**

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**Rob McFarland, Mayor**

Effective:

Posted:

**APPROVED AS TO FORM:**

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**Pacifica Law Group LLP, Bond Counsel**

**ATTEST/AUTHENTICATED:**

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**Susie Oppedal, City Clerk**

**EXHIBIT A**

**FORM OF OFFICIAL INTENT CERTIFICATE**

Pursuant to Resolution No. xxx of the City of North Bend, Washington (the “City”), the undersigned, Deputy City Administrator of the City hereby states as follows:

Section 1. The City reasonably expects to reimburse the expenditures described herein with the proceeds of debt to be incurred by the City (the “Reimbursement Bonds”).

Section 2. The maximum principal amount of Reimbursement Bonds expected to be issued is \$4,000,000.

Section 3. The expenditures with respect to which the City reasonably expects to be reimbursed from the proceeds of Reimbursement Bonds will be made from the City’s Water Fund for project costs related to the City’s NE 6<sup>th</sup> Street Watermain Replacement Project and 2<sup>nd</sup> Street Sidewalk Improvements Project.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Deputy City Administrator





# City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-045
<b>Motion Authorizing First Amendment to the ILA with the Washington Department of Natural Resources Regarding Dahlgren Family Park</b>	Department/Committee/Individual Mayor Rob McFarland City Administrator – David Miller City Attorney – Mike Kenyon/Lisa Marshall City Clerk – Susie Oppedal Comm. & Economic Development Finance – Dawn Masko Public Works – Mark Rigos	
Cost Impact: Transfer of up to a total of \$1,047,510 of Park Impact Fees to the DNR for construction of the Dahlgren Family Park (up to \$85,030 additional via this amendment)		
Fund Source: Park Impact Fees		X
Timeline: Immediate		
<b>Attachments:</b> First Amendment to ILA, Request and cost estimates from DNR		

## SUMMARY STATEMENT:

The City and the Department of Natural Resources (DNR) entered an Interlocal Agreement (ILA) by which the DNR agreed to construct the Dahlgren Family Park for the City, and the City agreed to provide the DNR with the park impact fees collected from the adjacent Dahlgren Multifamily Project. This ILA enabled the DNR to utilize the construction of the Dahlgren Family Park as match toward a Washington Wildlife and Recreation Program that funded broader park improvements to the adjacent Tanner Landing Park and other water access site improvements along the Middle Fork Snoqualmie River. Under the ILA, the DNR is to construct the Dahlgren Family Park utilizing plans that had been prepared by the developer, and a construction estimate was provided in the ILA for the cost of constructing the park.

Not included in this original estimate was the cost to provide electrical service and connection to the restroom building, as well as restroom furnishings including electric hand dryers, auto-flush toilets, and other such features, and providing conduit for potential future electrical connection to the picnic shelter. The City wishes to have these additional features to provide better security, better restroom furnishings, and enable easier maintenance of the restroom. Those costs are estimated at an additional \$37,655.

Also, additional engineering and design costs are estimated as necessary to complete the park design plans, including stormwater, details and specifications for permitting and construction. The drawings that were provided by the developer were not completed to the extent necessary for permitting approvals. These engineering and design costs are estimated at an additional \$47,375.

However, also for consideration is the additional park impact fee amount that was collected due to an increase in the park impact fee rate. From the time that the ILA was approved to the time that the park impact fees were collected for the 212 multifamily units in the Dahlgren multifamily project, the park impact fee rate per the City's Taxes, Rates, and Fees Schedule went up. The actual amount of park impact fees collected from the developer is \$49,210 more than what was established in the ILA.

To enable the DNR to complete the permitting and construction of the Dahlgren Family Park for the City, an amendment to the ILA is proposed authorizing reimbursement of the DNR of up to the total revised estimated cost. As the cost is on a reimbursement basis for actual costs incurred, the actual cost may be less than, but not more than, this amount.

Staff recommend approval of the Amendment to the ILA.

# City Council Agenda Bill

APPLICABLE BRAND GUIDELINES: Sustainably Managed Growth, Consistent Delivery of Quality Basic Services, Commitment to Invest in the City, and Variety of Recreation Opportunities.

COMMITTEE REVIEW AND RECOMMENDATION: The Finance Committee reviewed this item at their April 5, 2022 meeting and recommended approval.

RECOMMENDED ACTION: **MOTION to approve AB22-045, authorizing a First Amendment to Interlocal Agreement #93-100446 with Washington State Department of Natural Resources relating to Dahlgren Family Park, in a form and content acceptable to the City Attorney.**

## RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2022		

**FIRST AMENDMENT TO  
INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH BEND AND  
WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES FOR THE  
IMPLEMENTATION AND MANAGEMENT OF THE RCO WWRP GRANT FOR  
IMPROVEMENTS ALONG THE MIDDLE FORK OF THE SNOQUALMIE RIVER  
DNR AGREEMENT NUMBER: 93-100446**

THIS FIRST AMENDMENT to Interlocal Agreement Between the City of North Bend and Washington State Department of Natural Resources for the Implementation and Management of The RCO WWRP Grant for Improvements Along the Middle Fork of the Snoqualmie River DNR Agreement Number: 93-100446 (“First Amendment”) is entered into by and between the **City of North Bend**, Washington (“North Bend” or “City”) and **Washington State Department of Natural Resources** (“DNR”), known collectively hereinafter as the “Parties.”

**RECITALS**

WHEREAS, on August 3, 2020, the City and DNR executed an Interlocal Agreement (“ILA”) under which DNR agrees to construct the Dahlgren Family Park for the City (hereafter “Park” or “Park Project”), and the City agrees to provide DNR with the park impact fees collected from the adjacent Dahlgren Multifamily Project; and

WHEREAS, the ILA requires the City to pay DNR a total of not more than nine hundred sixty-two thousand four hundred eighty dollars (\$962,480) from the park impact fees associated with the Dahlgren Apartments (the “Original Estimate”); and

WHEREAS, the Original Estimate was based on plans that had been prepared by the developer and did not include the cost to provide electrical service and connection to the restroom building, hand-dryers, auto-flush toilets, and to provide conduit for potential future electrical connection to the picnic shelter, which will add an additional thirty-seven thousand six hundred fifty-five dollars (\$37,655); and

WHEREAS, the Original Estimate did not include additional engineering and design costs necessary to complete the Park Project design plans to include stormwater details and specifications for permitting and construction; the additional engineering and design costs total forty-seven thousand three hundred seventy-five dollars (\$47,375); and

WHEREAS, on February 14, 2022, the City received a written request from DNR to execute this First Amendment to the ILA to reflect the additional eighty-five thousand thirty dollars (\$85,030) needed for completion of the Park Project; and

WHEREAS, the addition of eighty-five thousand thirty dollars (\$85,030) to the Original Estimate will increase the total amount reimbursable by the City to DNR to one million forty-seven thousand five hundred ten dollars (\$1,047,510);

NOW, THEREFORE, in consideration of the terms and provisions, it is agreed by and between the City of North Bend and DNR as follows:

1. **Amendment**. Section 2 of the August 3, 2020, ILA between the City and DNR numbered DNR Agreement No. 93-100446 is hereby amended to read as follows:

2. **Payment**. Upon receipt of the park impact fees from the Developer, the City will pay DNR a total of not more than one million forty-seven thousand five hundred ten dollars (\$1,047,510) from the Park Impact Fees associated with the Dahlgren Apartments. DNR will use the funds to construct Dahlgren Family Park as described in this Agreement and for no other purpose.

All other provisions of the original ILA executed on August 3, 2020, shall remain in full force and effect.

In witness thereof, the Parties have executed this First Amendment on this \_\_\_\_\_ day of 2022.

**WASHINGTON STATE DEPARTMENT OF  
NATURAL RESOURCES**

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Laura Cooper  
Parks Planner, SPS Region  
950 Farman Avenue N  
Enumclaw, WA 98022

Dated: \_\_\_\_\_

**CITY OF NORTH BEND**

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Dave Miller  
City Administrator  
920 SE Cedar Falls Way  
North Bend, WA 98045

Dated: \_\_\_\_\_

**APPROVED AS TO FORM:**

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Mike Kenyon, City Attorney



DEPARTMENT OF  
NATURAL RESOURCES

SOUTH PUGET SOUND REGION  
950 FARMAN AVENUE NORTH  
ENUMCLAW, WA 98022-9282

(253) 740-0008  
LAURA.COOPER@DNR.WA.GOV  
WWW.DNR.WA.GOV

February 14, 2022

Rebecca Deming, Director  
Department of Community and Economic Development  
City of North Bend  
920 SE Cedar Falls Way  
North Bend, WA 98045

### Proposal for Amendment No. 1

To Agreement Number: IAA-93-100446

Interlocal Agreement between DNR and City of North Bend

Dear Ms. Deming,

The Washington State Department of Natural Resources (DNR) is requesting an amendment to Interlocal Agreement IAA-93-100446 between the City and DNR for the Implementation and Management of the RCO WWRO Grant for Improvements Along the Middle fork of the Snoqualmie River.

Under this agreement, DNR is completing the construction of Dahlgren Family Park on behalf of the City using construction plans and specifications that the city obtained from the developer and funding from the Park Impact Fees associated with the Dahlgren Apartments.

DNR is requesting that the total reimbursable amount of the contract be increased to reflect changes in scope of work as described below:

#### PROPOSED CHANGES TO THE SCOPE INCLUDE:

1. Additional Engineering and Design work required to complete the Dahlgren Park Design, including stormwater, detailing and specifications required for permitting and construction. The drawings that were provided by the developer were only schematic.

- Core Engineering- Base Contract (Includes Civil, Larch, Arch):	<b>\$44,375</b>
- <u>City review consultants</u>	<b><u>\$3,000</u></b>
	<b>Subtotal</b>

**\$47,375**

2. City requested upgrades to the toilet building (Denali Model manufactured by CXT): The original plans included a basic toilet building with water fountain. Optional upgrades requested by the City include electrically operated stainless fixtures, an extra outlet in the chase for a plug-in heater, hose bib, and anti-graffiti coating. Electrical service will need

be designed and added to the project to serve the toilet building and provide conduit to the picnic shelter for possible future lighting or outlets.

- Core Engineering-Amendment for Electrical Engineering:	\$9,275
- Optional Restroom Upgrades (\$92,155 Upgraded – \$79,880 Basic)	\$12,275
- 9% Sales Tax for optional toilet building upgrades	\$1,105
- <u>Estimated Construction Costs for electrical meter, lines &amp; hookup</u>	<u>\$15,000</u>
Subtotal	<b>\$37,655</b>

#### PROPOSED CHANGES TO TOTAL REIMBURSABLE CONTRACT AMOUNT:

Item	Amount
Original Reimbursable Contract Amount (IAA-93-100446)	\$962,480
Proposed Amendment No. 1:	\$85,030
- A&E to complete park design: \$47,375	
- City Requested Upgrades: \$37,655	
<b>New Reimbursable Contract Amount</b>	<b>\$1,047,510</b>

#### EXHIBITS ATTACHED:

- Core Engineering Proposal for Park Design
- Core Engineering Amendment for Added Electrical Design and coordination
- CXT Price Sheets (Base & Upgraded)

Please contact me if you have any questions or concerns.

Sincerely,



**Laura Cooper**  
SPS Parks Planner  
Washington State Department of Natural Resources (DNR)  
Cell 253.740.0008  
[laura.cooper@dnr.wa.gov](mailto:laura.cooper@dnr.wa.gov)



# City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-046
<b>Resolution Authorizing Submittal of a WWRP Grant for the Meadowbrook Farm Baq'ab Prairie Loop Trail Project</b>	Department/Committee/Individual	
Cost Impact: N/A for submitting the grant. \$115,000 if grant is awarded.	Mayor Rob McFarland	
Fund Source: If grant awarded, \$115,000 from 2020 share of King County Parks Levy	City Administrator – David Miller	
Timeline: Immediate. If grant is awarded, project construction would occur in 2023.	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Finance – Dawn Masko	
	Public Works – Mark Rigos	
	CED Senior Planner Mike McCarty	X

**Attachments:** Resolution, Map

## SUMMARY STATEMENT:

This resolution authorizes the City of North Bend to apply, jointly with the City of Snoqualmie and the Si View Metropolitan Park District, for a Washington Wildlife and Recreation Program Grant for a trail project at Meadowbrook Farm. The resolution form is provided from the Washington State Recreation and Conservation Office and must be submitted using the form as provided.

If the grant is awarded, the Si View MPD would serve as project coordinator. The City has been awarded a \$500,000 King County Parks Capital Grant for the project, which will be used as match toward the WWRP grant, in addition to \$115,000 from North Bend's 2020 share of the King County Parks Levy proceeds, and \$200,000 from the City of Snoqualmie from their CIP general fund and stormwater fund. The Meadowbrook Farm Preservation Association has also committed \$25,000 of its budget to the project. The total project cost is estimated at approximately \$1,370,000, and the remainder of project funding would come from the grant.

The project would provide a paved 8' wide trail from the Meadowbrook Farm Interpretive Center north through the western portions of Meadowbrook Farm to connect to Snoqualmie Middle School and Centennial Fields Park (with portions of ADA-accessible gravel and boardwalk within wetland areas and their buffers). This trail project is on the City's Parks Capital Improvement Plan and the Meadowbrook Farm Master Plan. (The project cost has increased from the time of the City's original WWRP grant application in 2020 due to increased regional construction costs and the need to add additional boardwalk areas at wetland crossings.)

The project would complete a very valuable recreational loop, linking with the popular existing paved trail along Park Street/Boalch Ave., to form a continuous recreational pathway of approximately 2.6 miles around Meadowbrook Farm. The project would also open up several parts of Meadowbrook Farm that are not currently accessible to the public (except by way of walking through uneven fields with tall grass and mud) and would directly connect Meadowbrook Farm with important community links to Snoqualmie Middle School and Centennial Fields Park.

This is a tremendous opportunity to further stretch the resources that we have available to make a good project happen. The grant application is due to the State Recreation and Conservation Office by May 3, 2022.

If the grant is awarded, staff will bring the grant contract for Council approval and prepare an associated Interlocal Agreement with the Si View MPD to receive the City funds and manage the project.

# City Council Agenda Bill

**APPLICABLE BRAND GUIDELINES:** This grant and project supports the City's brand and vision by supporting economic viability/balanced budget, commitment to invest in the City, providing a variety of recreation opportunities, consistency with marketing and branding, and consistent delivery of quality basic services.

**COMMITTEE REVIEW AND RECOMMENDATION:** The Community and Economic Development Council Committee reviewed the project proposal at their March 15, 2022 meeting and recommended approval of the resolution authorizing submittal of the application.

**RECOMMENDED ACTION:** **Motion to approve AB22-046, a resolution authorizing submittal of a WWRP Grant for the Meadowbrook Farm Baq'ab Prairie Loop Trail Project.**

## RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2022		



## Applicant Resolution/Authorization

Organization Name (sponsor) \_\_\_\_\_

Resolution No. or Document Name\_\_\_\_\_

Project(s) Number(s), and Name(s)\_\_\_\_\_

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	
Project contact (day-to-day administering of the grant and communicating with the RCO)	
RCO Grant Agreement (Agreement)	
Agreement amendments	
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property

acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only—If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only—If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

On File at: \_\_\_\_\_

This Applicant Resolution/Authorization was adopted by our organization during the meeting held:  
(Local Governments and Nonprofit Organizations Only):

Location: \_\_\_\_\_ Date: \_\_\_\_\_

Washington State Attorney General's Office

Approved as to form Brian - Staller 2/13/2020  
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.









## City Council Agenda Bill

SUBJECT:	Agenda Date: April 19, 2022	AB22-047
<b>Resolution Authorizing Submittal of a WWRP Grant with the Si View Metropolitan Park District for South Fork Landing Park Improvements</b>	Department/Committee/Individual	
Cost Impact: \$0	Mayor Rob McFarland	
Fund Source: N/A (Grant match would be provided by the Si View MPD.)	City Administrator – David Miller	
Timeline: Immediate. If grant is awarded, project would occur in 2023-2024.	City Attorney – Mike Kenyon/Lisa Marshall	
	City Clerk – Susie Oppedal	
	Comm. & Economic Development – Rebecca Deming	
	Finance – Dawn Masko	
	Public Works – Mark Rigos	
	CED Senior Planner Mike McCarty	X
<b>Attachments:</b> Resolution, Site plan showing grant improvements		
<b>SUMMARY STATEMENT:</b>		
<p>This resolution authorizes the City of North Bend to submit a joint application with the Si View Metropolitan Park District (Si View MPD) for a Washington Wildlife and Recreation Program Grant to fund improvements at South Fork Landing Park.</p>		
<p>Si View Metropolitan Park District plans to apply for funding from the Washington Wildlife and Recreation Program Grant local parks category for a park development project at South Fork Landing in 2022. In accordance with RCO applicant requirements, the proposal needs to be co-sponsored by Si View Metropolitan Park District and City of North Bend as joint owners of the South Fork Landing property. The grant application is due to the State Recreation and Conservation Office by May 3, 2022.</p>		
<p>If awarded, Si View MPD would design and construct up to 4-miles of soft surface multi use trails, a new 13,200 sf adventure play area, and a parking lot for approximately 30 vehicles at South Fork Landing in accordance with the South Fork Landing Masterplan. This project also includes removal of an existing storage structure to accommodate the parking area.</p>		
<p>The proposed timeline is for design to begin in 2023 and construction in 2024 or as soon as any grant award has been fully executed. The proposed project does not create a financial obligation for the City of North Bend. The cost estimate for the proposed project is \$2,231,256.62. The funding plan includes the following sources:</p> <ul style="list-style-type: none"><li>• 2022 WWRP grant application \$500,000.00</li><li>• 2023 Si View CIP fund and/or local grants \$1,731,256.62</li></ul>		
<p>The South Fork Landing master plan was adopted in early 2020 with input from the community. This project does not implement the full master plan, rather one of several phases. The proposed project is the best suited for RCO grant funding which supports outdoor recreation experiences. Future phases to develop additional park amenities would be coordinated separately when additional funding is available.</p>		
<b>APPLICABLE BRAND GUIDELINES:</b> This grant and project supports the City's brand and vision by supporting economic viability/balanced budget, commitment to invest in the City, providing a variety of recreation opportunities, consistency with marketing and branding, and consistent delivery of quality basic services.		

## City Council Agenda Bill

COMMITTEE REVIEW AND RECOMMENDATION: The Community and Economic Development Council Committee members were briefed on the proposal via telephone and email on 4/13/2022 and indicated support and recommendation of approval.

RECOMMENDED ACTION: **Motion to approve AB22-047, a resolution authorizing submittal of a WWRP Grant with the Si View Metropolitan Park District for South Fork Landing Park Improvements.**

### RECORD OF COUNCIL ACTION

<i>Meeting Date</i>	<i>Action</i>	<i>Vote</i>
April 19, 2022		



## Applicant Resolution/Authorization

Organization Name (sponsor): Primary Sponsor is Si View Metropolitan Park District, City of North Bend is secondary Sponsor.

Resolution No.: (SUSIE PLEASE INSERT RESOLUTION NUMBER).

Location of Resolution: City of North Bend, WA

Project(s) Number(s), and Name(s): WWRP Application 22-1635 DEV, South Fork Landing Adventure Play Park

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Mayor Rob McFarland
Project contact (day-to-day administering of the grant and communicating with the RCO)	Minna Rudd, Si View Metropolitan Park District
RCO Grant Agreement (Agreement)	Mayor Rob McFarland
Agreement amendments	Mayor Rob McFarland
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Mayor Rob McFarland

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
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Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only-If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
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14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

On File at: \_\_\_\_\_

Washington State Attorney General's Office

Approved as to form Brian Teller 2/13/2020  
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.





**South Fork Landing Adventure Play  
Phase 1 of Master Plan Development**  
SiView/Metropolitan Park District

**This concept plan illustrates the full South Fork Landing buildout. The proposed project consists of only the following components, as noted in red:**

- Design and construction of a new 13,200 SF adventure play area with Universal Access as feasible
- Design and construction of up to 4-miles of soft surface trails for hiking and biking, creating meandering loops that encourage exploration of the full park.
- Design and construction of a new parking lot for up to 30 vehicles including removal of existing storage structures, and realignment of park entrance from 436th Ave SE.



## PREFERRED MASTER PLAN CONCEPT

South Fork Landing is a 36 acre open space property located on 436th Avenue SE near I-90 exit 32 in North Bend.

The South Fork Master Plan, developed with input from the local community, and approved by the District and City of North Bend in 2020, envisions a variety of active and passive outdoor recreation opportunities. Conveniently located south of Interstate 90 at the intersection of 436th Ave SE and SE 142nd Street, and in unincorporated King County, the new community park is strategically positioned to fill a gap in the local park system, and to provide connections to a growing network of park facilities and trails.