

CHAPTER 2.16

BOARDS AND COMMISSIONS

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2.16.010: Department of Emergency Services: There is a Benton County department of emergency services as required by RCW 38.52.070. Benton County Ordinance No. 59 entitled, "A County ordinance relating to civil defense" passed by the Board of Benton County Commissioners on April 27, 1959, Benton County Code Chapter 5.04, as now enacted

or hereafter amended, be, and the same hereby is, adopted by reference. (Ord. 2363, Sec. 1 (part), 1979; Ord. 676, 1952)

2.16.100: Historic Preservation Commission - Establishment:

There shall be an Historic Preservation Commission consisting of at least five, but not more than 15, members appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. Members must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and sound judgment. To the extent available in the Kennewick area, one member each shall be from the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology. Professional members of the Commission need not be residents of the City of Kennewick.

In making appointments, the Council may consider names submitted from any source, but will notify history and development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source. (Ord. 3915 Sec. 13, 2000; Ord. 3661 Sec. 2 (part), 1995; Ord. 3394 Sec. 1, 1992; Ord. 3193 Sec. 1, 1989; Ord. 3170 Sec. 1 (part), 1988)

2.16.110: Historic Preservation Commission - Powers and Duties:

(1) The Historic Preservation Commission shall identify and actively encourage the conservation of the City's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties; raise community awareness of the City's history and historic resources; and serve as the primary resource in matters of history, historic planning, and preservation.

(2) Responsibilities. In order to carry out its responsibilities, the Historic Preservation Commission will:

- (a) Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City and known as the Kennewick Historic Inventory; publicize and periodically update the Inventory. Properties listed on the Inventory will be recorded on official planning records with an HISI (for Historic Inventory). This classification does not affect the underlying zone classification.
- (b) Initiate and maintain the City's Register of Historic Places. This official register of buildings, structures, sites, and objects identified by the Commission as having historic significance worthy of recognition is intended to encourage owners to maintain, rehabilitate, and preserve properties.
- (c) Review nominations to the Kennewick's Register of Historic Places according to the criteria in Section 18.90.040 and adopt standards to be used to guide this review.
- (d) Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties on the Register as provided in Section 18.90.050; and adopt standards to guide this review and the issuance or waiver of Certificates of Appropriateness.
- (e) Provide for the review either by the Commission or its staff of all applications for approvals, permits, environmental assessments, impact statements, and other similar documents pertaining to identified historic resources.

- (f) Conduct all Commission meetings in compliance with Chapter 42.30 RCW, the Open Public Meetings Act.
- (g) Participate in, promote and conduct public information, educational and interpretive programs pertaining to history.
- (h) Cooperate with federal, state and others in historic preservation and public education.
- (i) Review and report to the City Council on land use, housing and redevelopment, municipal improvements and plans and programs if they affect the historic resources for the City.
- (j) Advise the City Council generally on matters of history and historic preservation.
- (k) Perform other tasks assigned by City Council.
- (l) Serve as the local review board for special valuation and:
 - (i) Make determination concerning the eligibility of historic properties for special valuation;
 - (ii) Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance.
 - (iii) Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2);
 - (iv) Approve or deny applications for special valuation;
 - (v) Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10-year special valuation period; and
 - (vi) Adopt rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW or WAC 254-20.
- (m) Adopt rules and regulations as may be helpful in implementing this chapter.
- (n) Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops or similar activities.
- (o) Officially recognize excellence in the rehabilitation of historic buildings, structures, and sites; and encourage appropriate measures for such recognition.
- (p) Be informed about and provide information to the public and City departments on incentives for preservation of historic resources including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
- (q) Submit nominations to the State and National Registers of Historic Places.
- (r) Investigate and report to the City Council on the use of various federal, state, local or private funds to promote historic preservation in the City. (Ord. 3915 Sec. 14, 2000: Ord. 3661 Sec. 2 (part), 1995: Ord. 3394 Sec. 1, 1992: Ord. 3193 Sec. 1, 1989: Ord. 3170 Sec. 1 (part), 1988)

2.16.200: Planning Commission - Establishment: There shall be a Kennewick Planning Commission consisting of seven members to be appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. (Ord. 3915 Sec. 1, 2000: Ord. 2363 Sec. 1 (part), 1979: Ord. 856 Sec. 2, 1955)

2.16.210: Planning Commission Powers - Duties: The planning commission of the City shall have all of the powers and perform each and all of the duties prescribed by RCW

35A.63, together with any other duties or authority which may hereafter be conferred upon them by the laws of the state or the ordinances of the City. The performance of such duties and the exercise of such authority are to be subject to each and all of the limitations expressed in such legislative enactments. (Ord. 2363 Sec. 1 (part), 1979; Ord. 2070 Sec. 1, 1977); Ord. 1527 Sec. 8, 1970; Ord. 856 Sec. 4, 1955)

2.16.300: Civil Service Commission - Establishment: There shall be a civil service system and a Civil Service Commission, as provided for in RCW 41.08 and 41.12, consisting of three members appointed by the City Manager for a term of four years, expiring on March 31 or until such time as their successor is selected. The Civil Service Commission shall have no jurisdiction concerning any person appointed as fire chief or chief of police after July 1, 1987. (Ord. 3915 Sec. 2, 2000; Ord. 3448 Sec. 1, 1993; Ord. 3188 Sec. 1, 1989; Ord. 2363 Sec. 1 (part), 1979; Ord. 772 Sec. 1 & 2, 1954; Ord. 390 Sec. 1 & 2, 1943)

2.16.400: Parks and Recreation Commission - Establishment: There shall be a Parks and Recreation Commission consisting of seven members appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. In making the appointment of the commission members, the City Council shall choose people who understand parks and recreational needs and interest of the inhabitants of the City and the nearby rural residents. No person shall be appointed if he holds any elective county, or city office, and the election or appointment of any member of this commission to any such elective state, county or city office shall operate to vacate his membership on the commission. (Ord. 3915 Sec. 3, 2000; Ord. 3204 Sec. 2, 1989; Ord. 2363 Sec. 1 (part), 1979; Ord. 1806 Sec. 1 (part), 1975; Ord. 1567 Sec. 2, 1971)

2.16.410: Parks and Recreation Commission - Powers and Duties:

(1) The commission shall make recommendations for the establishment of needed recreational programs and facilities. The commission shall study and appraise recreational needs for the City and is empowered and authorized to solicit and receive gifts, bequests or endowments of money or property and donations and grants from persons, firms, or corporations, including county state or federal government agencies all of which shall be given to and accounted for by the City under applicable laws relating to such gifts.

(2) The commission shall be entrusted with the duty and responsibilities of advising and making recommendations to the City Council for the management, control, improvements and beautification of all squares and parks of the City and all park drives, parkways, boulevards, play and recreation grounds and facilities. Said commission shall also periodically review whether the land that is being used for park purposes is adequate and shall recommend to the council, when necessary, what additional land and grounds should be acquired and used for park purposes.

(3) The commission shall approve and adopt such needful rules and regulations as may be necessary for the proper operation of the City's parks and recreation facilities. (Ord. 3915 Sec. 4, 2000; Ord. 2855 Sec. 1, 1984; Ord. 2363 Sec. 1 (part), 1979; Ord. 1806 Sec. 1 (part), 1975; Ord. 1567 Sec. 4, 1971)

2.16.420: Arts Commission - Establishment:

There shall be an Arts Commission established consisting of at least five members, but no more than 15 members, appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. The Commission shall consist of up to eleven arts professionals or persons with an interest in art, a representative from the Planning Commission, a representative from the Parks & Recreation Commission, a representative from the Historic Preservation Commission; and a member of the Block Grant Advisory Committee. The City Council shall consider arts professionals to be those people, both in the Kennewick community and outside, who have demonstrated professional background in the arts, are familiar with artists in specific categories, and exhibit a sensitivity to site placement, or have a demonstrated interest in art. Initial appointments shall be for the following terms: Parks and Recreation Commission member, one year; Block Grant Advisory Committee, one year; Planning Commission member, two years; Historic Preservation Commission member, two years; arts professionals or persons interested in art, four years. (Ord. 5287 Sec. 1, 2009: Ord. 5187 Sec. 1, 2007: Ord. 4075 Sec. 1, 2003)

2.16.430: Arts Commission - Powers and Duties:

The Arts Commission shall have and exercise the powers, duties, and responsibilities prescribed by KAC 9-11. (Ord. 4075 Sec. 2, 2003)

2.16.500: Disability Board - Establishment: There shall be a Disability Board consisting of five members: two City Councilmembers appointed by the Council, one active or retired firefighter elected by the firefighters employed by or retired from the City, one active or retired law enforcement officer elected by the law enforcement officers employed by or retired from the City, and one member from the public at large who resides within the City, appointed by the other four members. Terms of Councilmembers shall be two years. Terms of non-councilmembers shall be for four years expiring on March 31, or until such time as their successor is selected. (Ord. 3915 Sec. 5, 2000: Ord. 3174 Sec. 1, 1988: Ord. 2363 Sec. 1 (part), 1979: Ord. 1982 Sec. 1 (part), 1976)

2.16.510: Disability Board - Powers and Duties: The Disability Board shall have and exercise the powers, duties, and responsibilities prescribed by RCW 41.26 as now exists or may be hereafter amended and shall have jurisdiction over all of the members of the law enforcement officers= and firefighters= retirement system employed by the City. (Ord. 3915 Sec. 6, 2000: Ord. 2363 Sec. 1 (part), 1979: Ord. 1982 Sec. 1 (part), 1976)

2.16.600: Housing Authority - Establishment: There shall be a Housing Authority consisting of five commissioners appointed by the Mayor for a term of five years, expiring on March 31. If a vacancy shall occur, the Mayor shall appoint a new commissioner to complete the remainder of the unexpired term. No commissioner may be an officer or employee of the City. (Ord. 5024 Sec. 1, 2004: Ord. 3958 Sec. 1, 2000: Ord. 3915 Sec. 7, 2000: Ord. 3299 Sec. 1, 1991: Ord. 3173 Sec. 1 (part), 1989)

2.16.610: Housing Authority - Powers and Duties: The Housing Authority shall have and exercise the powers, duties and responsibilities prescribed by RCW 35.82 as now exists or may be hereafter amended. (Ord. 3915 Sec. 8, 2000: Ord. 3173 Sec. 1 (part), 1989)

2.16.620: Interested Commissioners or Employees: No commissioner or employee of the Kennewick Housing Authority shall acquire any interest direct or indirect in any housing project, nor shall he have any interest direct or indirect in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project. If any commissioner or employee of the authority owns or controls an interest direct or indirect in any property included or planned to be included in any housing project, he immediately shall disclose the same in writing to the authority and such disclosure shall be entered upon the minutes of the authority. Failure so to disclose such interest shall constitute misconduct in office. Upon such disclosure such commissioner or employee shall not participate in any action by the authority affecting such property. (Ord. 3173 Sec. 1 (part), 1989)

2.16.700: Improvement Board - Establishment: There shall be an Improvement Board consisting of five members appointed by the City Council for a term of four years, expiring on March 31, or until such time as their successor is selected. No more than one member of the Board may be employed in the business of buying or selling real estate, nor may more than one member be a landlord. Members shall be appointed by the City Council after approval by the City Manager certifying that their residences and other premises in and around Kennewick fully comply with the standards of KMC 9.44 and 9.48. (Ord. 3915 Sec. 9, 2000: Ord. 3753 Sec. 1 (part), 1997)

2.16.710: Improvement Board - Powers and Duties: The Improvement Board shall hear and determine matters concerning unfit dwellings, buildings, structures, and premises in accord with Chapter 9.44 of the Kennewick Municipal Code as authorized by RCW 35.80 and such other duties as may from time to time be assigned by the City Council. (Ord. 3915 Sec. 10, 2000: Ord. 3753 Sec. 1 (part), 1997)

2.16.800: Board of Adjustment - Establishment: There shall be a Board of Adjustment consisting of seven members appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. (Ord. 3915 Sec. 11, 2000: Ord. 3592 Sec. 1 (part), 1996: Ord. 3001 Sec. 32 (part), 1986)

2.16.810: Board of Adjustment - Powers and Duties: The Board of Adjustment shall:

(1) Hear and decide appeals where it is alleged there is error in the issuance or refusal to issue any permit, order, requirement, decision, determination or interpretation made in the enforcement or administration of Title 17 or Title 18; and

(2) Hear, decide and grant or deny variances to the regulations or restrictions contained in Title 17 or Title 18, when such variances are in harmony with the general purpose and intent of Title 17 or Title 18 and are in accord with general or specific rules contained herein. (Ord. 3915 Sec. 12, 2000: Ord. 3592 Sec. 1 (part), 1996: Ord. 3001 Sec. 32 (part), 1986: Ord. 1980 Sec. 1, 1976: Ord. 1594 Sec. 32.3 (3), 1972)

2.16.820: Fire Pension Board - Establishment: There shall be a Firemen=s Pension Board consisting of five members: the Mayor or the Mayor=s designated representative who shall be an elected official, who shall chair the board, the City Clerk, the Support Services Director, and two regularly employed or retired firefighters elected as provided in RCW 41.16.020 and an alternate, who shall serve in the absence of the regularly elected firefighter members. In case a vacancy occurs in the membership of the firefighters or retired members, the members shall in the same manner elect a successor to serve the unexpired term. The members to be

elected by the firefighters shall be elected annually for a two-year term expiring on March 31, or until such time as their successor is elected. (Ord. 5024 Sec. 2, 2004)

2.16.830: Fire Pension Board - Powers and Duties: The Firemen=s Pension Board shall have and exercise the powers, duties, and responsibilities prescribed in the Firemen=s Relief and Pension Act of 1947, RCW 41.16.020, as amended. (Ord. 5024 Sec. 3, 2004)

2.16.840: Public Facilities District- Establishment:

(1) There shall be a Public Facilities District Board consisting of five members appointed by City Council as follows:

- (a) Two at large members appointed by the City Council; and
- (b) Three members appointed by the City Council based on recommendations from local organizations that may include, but are not limited to the local Chamber of Commerce and local Economic Development Council as provided in RCW 35.57.010.

(2) The members appointed under (1)(a) shall not be members of the City Council.

(3) The Board member appointment shall be for four years, expiring the third Thursday in April, or until such time as their successor is selected. (Ord. 5078 Sec. 1, 2005)

2.16.850: Public Facilities District - Vacancies: A vacancy on the District Board of Directors shall be deemed to exist in case of the death, disability, resignation, removal, forfeiture, or expiration of term of membership. A vacancy shall be filled by appointment in accordance with the terms of RCW 35.57 and KMC 2.16.840. Any person selected to fill a vacancy on the Board, other than the expiration of a term, shall serve the balance of the term of the person being replaced. Anyone selected to fill an expired term shall serve the same duration as the person being replaced. It shall be the responsibility of the Executive Director of the District or the President of the Board to notify the Kennewick City Clerk when a vacancy occurs. (Ord. 5078 Sec. 2, 2005)

2.16.860: Public Facilities District - Powers and Duties: The Board shall have and exercise the powers, duties, and responsibilities prescribed in RCW 35.57. (Ord. 5078 Sec. 3, 2005)

2.16.900: General Powers: Each board, commission and agency of City government shall have all necessary and proper powers to carry out the duties imposed by law and ordinance and may adopt and enforce needful rules and procedures to that end. (Ord. 2363 Sec. 1 (part), 1979)

2.16.910: Conduct of Members: All members of each board, commission and agency of City government shall abide by the rules of conduct provided for public employees and officers and shall regularly attend meetings. Failure to comply with rules or the commission of a crime of moral turpitude is grounds for removal by the appointing authority. (Ord. 3915 Sec. 15, 2000: Ord. 2363 Sec. 1 (part), 1979)

2.16.920: Term of Office - Compensation: The term of office for members of boards, commissions and agencies which are not for an indefinite period, shall commence on the 1st day of April and end on the 31st day of March, unless another date is prescribed by statute or ordinance. Members of boards, commissions and agencies shall receive no compensation for

their services but may be reimbursed for actual expenses incurred during the course of their official duties. (Ord. 3204 Sec. 1, 1989; Ord. 2363 Sec. 1 (part), 1979)

2.16.930: Qualification: Unless otherwise provided, members of boards, commissions or agencies shall be residents of the City, not employees or appointed or elected officers of the City, and qualified by experience or education to effectively perform their duties as members. (Ord. 2363 Sec. 1 (part), 1979)

2.16.940: Perjury - Obstruction: Any person who gives false testimony or other false information or who interferes with or obstructs any board, commission or agency shall be guilty of a gross misdemeanor. (Ord. 2363 Sec. 1 (part), 1979)

2.16.950: Subpoenas - Oaths: All boards, commissions and agencies may issue subpoenas and administer oaths when conducting investigations. (Ord. 2363 Sec. 1 (part), 1979)

2.16.960: Filling of Vacancies: If a vacancy should occur prior to the expiration of a term, the term shall end, and a new committee member shall be appointed, by a majority vote of the City Council. The new appointee shall begin a new four-year term, with the beginning date of the term established as April 1 of the year the appointment is made. (Ord. 3915 Sec. 16, 2000)

2.16.965: Maximum Length of Service on a Committee: A person may serve no more than twelve consecutive years on a board, commission, or agency without a break in service of at least one year. A member of the Housing Authority may serve no more than fifteen consecutive years without a break in service of at least one year. This section shall not apply to Councilmembers appointed to serve on a board, commission, or agency. (Ord. 4093 Sec. 1, 2003; Ord. 3958 Sec. 2, 2000; Ord. 3915 Sec.17, 2000)

2.16.970: Attendance Requirements: All members of boards, commissions or agencies shall be removed from their appointment if they have two or more unexcused absences in any calendar year. An unexcused absence is defined as a failure to notify the chairperson or secretary of their absence prior to the meeting, unless for a bona fide emergency. (Ord. 3915 Sec. 18, 2000)

2.16.975: Conflict of Interest: All members of boards, commissions, or agencies shall avoid any instance of conflict of interest, real or perceived. No individual shall use an official position to gain a personal advantage. (Ord. 3915 Sec. 19, 2000)

2.16.990: Applicability: Insofar as the provision of Sec. 2.16.900 through 2.16.990 are not inconsistent with express provisions otherwise, they shall apply to all boards, commissions and agencies of the City. (Ord. 2363 Sec. 1 (part), 1979)