

ORDINANCE NO. 18-3921

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON ADDING A NEW CHAPTER 1.60—RELOCATION ASSISTANCE—TO THE KELSO MUNICIPAL CODE

WHEREAS, in 2017 the state legislature expanded the applicability to the Uniform Relocation Assistance—Real Property Acquisition Policy at Chapter 8.26 RCW to include local public agencies, whether or not federal funding was received; and

WHEREAS, pursuant to WAC 468-100-004, the City is required to adopt operating procedures for relocation assistance when acquiring property for public works programs; and

WHEREAS, the City wishes to adopt the procedures and provide for the appeal of relocation decisions in accordance with Chapter 8.26 RCW and WAC 468-100.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Public Interest.** The Kelso City Council finds it to be in the public interest to adopt procedures for the acquisition of real property for public works projects

Section 2. **New Chapter Added.** That a new Kelso Municipal Code Chapter 1.60—Relocation Assistance--is hereby adopted as follows:

1.60.010. Purpose. The purpose of this Chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of the public works programs of the City of Kelso. In addition, this Chapter is intended to encourage and expedite the acquisition of real property for public works projects by agreement to reduce litigation and to assure consistent treatment of those affected by public works project. Nothing in this Chapter may be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of value or damage separate and distinct from a real property interest.

1.60.020. Relocation Assistance. The City adopts Chapter 468-100 Washington Administrative Code as adopted or hereafter amended to govern the procedures for relocation services in the event a Kelso public works project or program will result in the displacement of persons.

1.60.030. Authorizing the City Manager to develop guidelines.

The City Manager or designee is hereby authorized to take all necessary steps to create guidelines to provide relocation assistance consistent with RCW Chapter 8.26 RCW and WAC Chapter 468-100.

1.60.040. Relocation Assistance Appeals.

- (A) Any person who believes that the City has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-105 or RCW 8.26.200, or a relocation payment under Chapter 8.26 RCW or Chapter 468-100 WAC may file a request for reconsideration within sixty (60) days following a written determination of relocation benefits. The request must be in writing to the Director of Public Works and contain the information contained in KMC 1.60.040(B).
 - (B) All requests for reconsideration and appeals under this section shall be in writing, but no specific form is required and the reconsideration or appeal shall be considered regardless of form. The notice or letter shall state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice shall clearly identify the City project and parcel of real property involved and shall bear the signature and address of the aggrieved person or the person's authorized representative.
 - (C) The Director of Public Works shall make a decision on the reconsideration request within thirty (30) days of receipt of the written request.
 - (D) Any person may appeal the written determination of relocation benefits or the Director's reconsideration decision to the City's Hearing Examiner. The appeal must be made in writing within sixty (60) days of the receipt of the written determination of relocation benefits (if reconsideration not requested) or within sixty (60) days of the written reconsideration decision (if reconsideration is requested). The Hearing Examiner may refuse to schedule any hearing on an appeal until receipt of all information set forth in KMC 1.60.040(B) or may issue an order providing for dismissal of such appeal upon failure of the appellant to comply with KMC 1.60.040(B) within fourteen calendar days of a request by the City for the required information.
 - (E) Failure to file an appeal in a timely manner shall be a bar to consideration of the appeal by the Hearing Examiner.
 - (F) The City shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the City and that are exempt from disclosure under the Public Records Act,
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Chapter 42.56 RCW. The City may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(G) Hearings shall be conducted using the procedures set forth for administrative appeals in this Chapter and KMC 1.50.310 et seq. The Hearing Examiner may adopt additional rules of procedure to govern matters not covered by this chapter.

Section 3. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 5. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law. **ADOPTED** by the City Council and **SIGNED** by the Mayor this 20th day of November, 2018.

Nancy Malone
MAYOR

ATTEST/AUTHENTICATION:

Riana Smith
CITY CLERK

APPROVED AS TO FORM:

Jameon Parker
CITY ATTORNEY

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