

ORDINANCE NO. 01-21

AN ORDINANCE of the City of Richland amending Title 2: Administration and Personnel of the Richland Municipal Code by creating a new Chapter RMC 2.36 providing for relocation assistance.

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code to bring it into alignment with federal and state law; and

WHEREAS, Chapter 8.26 RCW provides a uniform policy for the fair and equitable treatment of persons displaced as a direct result of state or local public works programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole; and

WHEREAS, the City's best interests are served by adopting an ordinance establishing a relocation assistance process, to include a pathway for administrative appeal of relocation assistance decisions.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. A new section, entitled Relocation Assistance, is hereby created and codified as Chapter 2.36 RMC, and shall read as follows:

Title 2 ADMINISTRATION AND PERSONNEL¹

Chapters:

- 2.04 Administrative Code**
- 2.08 Emergency Operations**
- 2.10 Utility Advisory Committee**
- 2.11 Americans with Disabilities Citizens Review Committee**
- 2.12 Library Board**
- 2.13 *Repealed***
- 2.14 Economic Development Committee**
- 2.15 Lodging Tax Advisory Committee**
- 2.16 Planning Commission**
- 2.17 Arts Commission**
- 2.18 Parks and Recreation Commission**
- 2.19 *Repealed***
- 2.20 Code Enforcement Board**
- 2.24 Bonds for Officers and Employees**
- 2.26 Conduct of Public Officials and Public Employees – Code of Ethics**
- 2.28 Personnel Plan**
- 2.30 Legal Actions Brought Against City Officials and Employees**
- 2.31 Fingerprinting**

- 2.32 Salaries
- 2.34 Notice of Civil Trespass for Public Property
- 2.36 Relocation Assistance
- 2.44 Firemen's Pension Board
- 2.48 Police Relief and Pension Board
- 2.49 Travel Expense
- 2.50 Advance Travel Expense Revolving Fund
- 2.51 Gun Permit Change Fund
- 2.54 *Repealed*
- 2.56 Public Information Program
- 2.58 Smoking and the Use of Tobacco-Related Products in the Work Environment
- 2.60 Sister City Relationships

Chapter 2.36
RELOCATION ASSISTANCE

Sections:

- 2.36.010 Purpose.
- 2.36.020 Relocation assistance.
- 2.36.030 Authorizing the city manager to develop guidelines.
- 2.36.040 Relocation assistance appeals.

2.36.010 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 Richland. 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 projects. 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.

2.36.020 Relocation assistance.

The city adopts Chapter 468-100 WAC as adopted or hereafter amended to govern the procedures for relocation services in the event a Richland public works project or program will result in the displacement of persons.

2.36.030 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 Chapter 8.26 RCW and Chapter 468-100 WAC.

2.36.040 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 subsection B of this section.

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 subsection B of this section, or may issue an order providing for dismissal of such appeal upon failure of the appellant to comply with subsection B of this section within fourteen (14) calendar days of a request by the city for the required information. The hearing examiner's decision shall be final and binding on the parties.

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, 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 by the hearing examiner.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction

of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

Section 5. Upon passage of this Ordinance, Resolution No. 66-14 is hereby repealed.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 16th day of February, 2021.



Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: February 21, 2021