

ORDINANCE NO. 2242

ORDINANCE REPEALING PREEXISTING SELAH MUNICIPAL CODE CHAPTER 9.06  
AND ENACTING A NEW SELAH MUNICIPAL CODE CHAPTER 12.03

WHEREAS, City staff has recommended that the currently-existing Chapter 9.06, labeled "Water Fund", of the Selah Municipal Code (SMC) be repealed and that it be replaced by a to-be-enacted new Chapter 12.03, labeled "Water Fund", so as to to promote better organization of the SMC, to more greatly conform with general formatting of other portions of the SMC, and also to implement additional substantive changes; and

WHEREAS, the City Council finds that good cause exists;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, does hereby ordain as follows:

Section 1. Repeal of SMC Chapter 9.06. That SMC Chapter 9.06, which presently reads and provides as follows:

Chapter 9.06 WATER FUND

9.06.010 Water fund created.

A fund to be known and designated as "water fund" is created.

9.06.020 Revenue for water system.

All money received by the city from the operation of its water system shall be deposited into the water fund for the payment of warrants issued on the fund.

9.06.030 Use of water fund.

Money deposited into the water fund shall be used for the following purposes only; for the operation and maintenance of the water system of the city; for the making of additions and betterments to the extension of the water system of the city; and for the payment of principal and interest of revenue bonds against the water department or transferring from the water fund of any moneys therein for the purpose of meeting sinking fund requirements for the retirement of revenue bonds issued against the water department.

9.06.040 City clerk-treasurer to issue warrants.

The city clerk-treasurer is authorized and directed to issue warrants drawn on said fund in payment of any of the purposes set forth in S.C. 9.06.030 of this ordinance, said warrants to be issued only upon proper vouchers therefor duly audited and allowed by the city council.

9.06.050 Presentation of warrants, insufficient funds, interest.

That upon the issuance of any warrant on said fund the same shall be presented to the city treasurer for payment and if there is then sufficient money in said fund to paid said warrant he must then pay the same, but if there is not sufficient money in said fund to pay such warrant he must endorse on said warrant the words "not paid for want of funds," the date of the endorsement and his signature. That from and after the date of such endorsement said warrant shall draw interest at the rate 4 percent per annum and until paid as hereinafter provided.

9.06.060 Order of priority, notice of sufficiency and prior insufficiency.

All warrants issued on said fund shall be paid in the order of their date and presentation to the treasurer for payment and if not paid for want of funds when thereafter there is sufficient money in said fund to pay any warrant or warrants with interest, the city treasurer shall give notice thereof in the official paper of the city by one publication. Said notice shall fix a day certain not less than five (5) days after the date of publication of said notice on or after which said warrants will be paid and all interest on such warrants shall cease on said day.

; shall be and hereby is fully repealed.

Section 2. Enactment of SMC Chapter 12.03. That a new SMC Chapter 12.03 shall be and hereby is enacted, to read and provide as follows:

Chapter 12.03 WATER FUND

12.03.010 Creation.

There is created a fund to be known as the "water fund".

12.03.020 Deposits into fund.

All revenues generated by the city's domestic water system – after applicable interfund utility tax(es), if any, are withheld – shall be deposited into the water fund.

12.03.030 Use of monies.

Monies in the water fund shall only be used for one or more the following purposes: (a) for the operation and maintenance of the city's domestic water system, including payment of compensation to employees or contractors for operating or maintaining the system; (b) for the planning and making of additions or betterments to the city's domestic water system, including payment of compensation to employees or contractors for planning and making additions or betterments to the system; (c) for a lawful interfund loan to another city fund, on reasonable and appropriate terms;

(d) as directed by the state auditor's office, a court of law, or an arbitration authority exercising proper jurisdiction; or (e) for the payment of principal, interest or both on a revenue bond or warrant issued by the city or on its behalf when such revenue bond or warrant established a debt of, a repayment obligation from, or security against by the city's domestic water fund.

12.03.040 Issuance of warrants.

The city finance director or his/her delegatee, if any, may issue warrants drawn on the water fund for payment of a purpose allowed by section 12.03.030, provided that proper vouchers must be presented to, audited by and approved by the city council.

12.03.050 Presentation of warrants, insufficient funds, interest.

When a validly-issued warrant is presented for payment, full payment shall be made from the water fund if sufficient monies are available and, upon making full payment, the city finance director or his/her delegatee, if any, shall mark it as "paid in full" and also sign and date the warrant. If sufficient monies to make full payment are not available, the city finance director or his/her delegatee, if any, shall mark the warrant as "not paid due to currently-insufficient funds" and also sign and date the warrant. A warrant that is not paid in full when presented shall thereafter accrue simple monetary interest at the rate four percent (4.00%) per annum and until it is paid in full.

12.03.060 Order of priority, notice of sufficiency and prior insufficiency.

All warrants issued on the water fund shall be paid in the order of their date and presentation for payment. If one or more warrants are not paid due to currently-insufficient funds and thereafter sufficient funds to pay such warrant or warrants and the accrued interest thereon come to exist in the water fund, the city finance director or his/her delegatee, if any, shall publish notice once in the city's official newspaper. Such notice shall state that sufficient funds to make full payment now exist, specify a day certain not less than five (5) days after the date of publication of said notice on or after which the previously-unpaid warrants will be full paid with accrued interest, and declare that the accrual of interest on such warrants shall cease on the specified day certain.

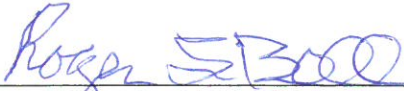
Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation,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

Section 4. Corrections. The City Attorney and the codifiers of the SMC are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to


correcting scrivener errors; changing formatting; eliminating bold, italic and underscore emphasis; changing numbering; and correcting references – when publishing or republishing the official text of any section(s), Chapter(s), title(s) or other portion(s) of the SMC due to any amendment, addition, alteration, change, impact or enactment effectuated by this Ordinance.

Section 5. Publishing & Effective Date. Consistent with RCW 35A.12.130 (3<sup>rd</sup> ¶) and .160 (1<sup>st</sup> and 2<sup>nd</sup> ¶¶), this Ordinance or a summary of it shall be published at least once in the City's official newspaper prior to the Ordinance taking effect.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH,  
WASHINGTON this 11<sup>th</sup> day of February, 2025.

  
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Roger Bell, Mayor

ATTEST:

  
\_\_\_\_\_  
Courtney McGarity, City Clerk

APPROVED AS TO FORM:

  
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Rob Case, City Attorney