

ORDINANCE NO. 2244

ORDINANCE ENACTING A NEW SELAH MUNICIPAL CODE CHAPTER 12.05

WHEREAS, City staff has recommended a new Chapter 12.05, labeled “Garbage Fund”, of the Selah Municipal Code (SMC) be enacted, to be a counterpart-companion to a separate (preexisting and to-be-recodified) Chapter that addresses the Water Fund and also a (to-be-enacted) separate Chapter that addresses the Sewer Fund; 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. Enactment of SMC Chapter 12.05. That a new SMC Chapter 12.05 shall be and hereby is enacted, to read and provide as follows:

Chapter 12.05 GARBAGE FUND

12.05.010 Creation.

There is created a fund to be known as the “garbage fund”.

12.05.020 Deposits into fund.

All revenues generated by the city’s garbage collection service – after applicable interfund utility tax(es), if any, are withheld – shall be deposited into the garbage fund. This includes revenues generated via a city-owned collection service or via a third-party contractor service performed on the city’s behalf.

12.05.030 Use of monies.

Monies in the garbage fund shall only be used for one or more the following purposes: (a) for the operation and maintenance of the city’s garbage collection service, including payment of compensation to employees or contractors for operating or maintaining the service; (b) for the planning and making of additions or betterments to the city’s garbage collection service, including payment of compensation to employees or contractors for planning and making additions or betterments to the service; (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 garbage fund.

12.05.040      Issuance of warrants.

The city finance director or his/her delegatee, if any, may issue warrants drawn on the garbage fund for payment of a purpose allowed by section 12.05.030, provided that proper vouchers must be presented to, audited by and approved by the city council.

12.05.050      Presentation of warrants, insufficient funds, interest.

When a validly-issued warrant is presented for payment, full payment shall be made from the garbage 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.

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

All warrants issued on the garbage 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 garbage 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 2. 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 3. 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 4. 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:



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Courtney McGarity, City Clerk

APPROVED AS TO FORM:



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Rob Case, City Attorney