

**MEMORANDUM
CITY COUNCIL MEETING
DECEMBER 10, 2020**

Date: December 1, 2020

To: Leana Kinley

From: Robert C. Muth, Council Member Position No. 1

RE: Interlocal Agreement with Skamania County Sheriff's Department

During the November Council meeting, I offered to review the Interlocal Agreement for Law Enforcement Services for the City of Stevenson ("Interlocal Agreement"). The purpose of my review was to determine if there was possible revisions to the Interlocal Agreement to accommodate concerns voiced by some of the Council members during the meeting.

Throughout my tenure as a member of City Council, the City has entered an Interlocal Agreement with the Sheriff's Department to provide the statutorily required law enforcement services. My recollection of the prior years, the Council passed the Interlocal Agreement as presented unanimously. The original Interlocal Agreement was for \$120,000 and has since be adjusted to its current amount of \$176,906.

I am providing the following information to the City Council members in advance of the December 10, 2020 meeting pertaining to the Interlocal Agreement. The Interlocal Agreement is a bilateral agreement; meaning both the City and the Sheriff's Department must accept the terms of the Interlocal Agreement. Just as the City Council entertained changes, modifications and edits to the proposed Interlocal Agreement in the November meeting, the Sheriff's Department has the right to reject any proposed Interlocal Agreement offered by the City.

I understand a couple of the City Council members have reached out to Sheriff Dave Brown directly regarding the Interlocal Agreement. I also understand some Council member(s) may have asked the City Manager to draft revisions or new language to the Interlocal Agreement for the Sheriff to consider in advance of our December 10, 2020 meeting. While I appreciate all dialogue between elected officials and citizens, this is a reminder negotiations of any sort involving City contracts or business is not done in a vacuum, by a few, but to be decided by the majority of the Council in a public meeting.

Aside from any individual City Council Member's personal or perceived opinions as to the Sheriff's Department, the City Council should be aware of statutory obligations when making any decision as to the Interlocal Agreement.

The City of Stevenson is a Code city under the Washington statutes. Under Revised Code of Washington (RCW) 35A.12.020, the City of Stevenson is legally obligated to appoint a chief law enforcement officer. The City is further statutorily obligated to secure legal counsel,

either by appointment on full or part-time basis or by any “reasonable contractual arrangement for such professional services.”

If the City Council chooses to restrict or mandate how the Sheriff operates in the City, the Sheriff may well reject any proposed Interlocal Agreement.

If the City does not contract with the Sheriff to serve as the City’s chief law enforcement officer, the City will be in violation of RCW 35A.12.020. The City will be legally required to appoint a chief law enforcement officer. Under RCW 35A.21.030, every officer of a code city “shall perform, in the manner provided, all duties of his or her office which are imposed by state law on officers of every other class of city who occupy a like position and perform like functions.”

RCW 35.21.333 sets out the eligibility requirements for a chief of police or marshal in a Code city (Stevenson) with a population in excess of one thousand. One of the eligibility requirements is successful completion of the state’s basic training requirement or equivalency within 9 months of appointment. RCW 35.21.334 requires the City to “complete a thorough background investigation of the candidate.” As such, the City cannot simply appoint anyone to the position.

In the November meeting, the Council passed the 2021 Budget. The Budget does not include any monies or allocations for a chief law enforcement officer. If the City is unable to reach a mutually agreeable Interlocal Agreement with the Skamania County Sheriff’s Department, the Council will have to call emergency sessions to define the scope of duties for the chief law enforcement officer; identify and hire the person to fill the statutorily mandated role and to fund the position.

While I have not tabulated the full cost to the City of hiring and funding a chief law enforcement officer; but I am willing to bet the costs will far exceed the amount of the Interlocal Agreement. In short, failing to have an Interlocal Agreement with the Sheriff’s Department may will cost the City a great deal of money.

I am providing this information so each City Council member can fully grasp the severity of rejecting the Interlocal Agreement as presented or in proposing changes, which may cause the Sheriff’s Department to reject the Interlocal Agreement.

Just a reminder to the Council of the financial impact to the City with respect to any decision regarding the Interlocal Agreement.