



CITY OF MATTAWA
COUNCIL MEETING AGENDA
August 17, 2023
5:30 P.M.

Call to Order:

Roll Call: Mayor Maria Celaya, Sun Hwang, Brian Berghout, Silvia Barajas, Tony Acosta, Alex Heredia, Fabiola Hernandez, Wendy Lopez

I. Additions/Approval of Agenda:

II. Public Comments

III. Consent Agenda/Informational:

- Gray & Osborne Project Summary 08/09/23
- Minutes- Council Meeting 08/03/23
- Liquor License Renewal: El Valle Markets & Lep-Re-Kon Harvest Foods #3
- 2023 Claims EFT & Checks Approval #19972-20001 - \$140,405.94
- 2023 Payroll EFT Approval - \$11,400.00

IV. Reports:

Mayor Report

Council Report

Police Department Report

Public Works Department Report

V. Council, Items for Motion (Old Business):

1. None.

VI. Council, Items for Motion (New Business):

1. Final Contract Voucher Certificate – WWTF Fire Restoration (Phase II Building Restoration)
2. Progress Estimate 1 – Well 2 Rehabilitation & Testing
3. Subcommittee Update – Council Rules & Procedures

VII. Council Workshop – Council Rules & Procedures

VIII. Adjournment:

Gray & Osborne/City of Mattawa Project Summary (8/9/23)

Development Projects

Hwang Subdivision – Mike Meskimen, Julio Renteria

Project Number: 21845.05

Funded: Developer Contributions

- Preliminary subdivision approval granted
- Future development agreement required
- No active review requirements
- **Currently undergoing environmental review process**

Bodrero Development – Mike Meskimen, Nancy Wetch

Project Number: 21845.07

Funded: Developer Contributions

- Reviewed conceptual layout and commented last week
- Currently reviewing the submitted TIA – **response by early next week**
- **Currently reviewing subdivision application and SEPA**

Family Dollar – Mike Meskimen, Julio Renteria

Project Number: 21845.08

Funded: Developer Contributions

- No active review requirements
- Discussion of access from Government Rd

Mattawa Community Medical Clinic – Julio Renteria, Mike Meskimen

Project Number: 21845.11

Funded: Developer Contributions

- No active review requirements

Transportation Projects

Government Road Multi-Use Pathway – Julio Renteria, Mike Meskimen, Russ Powers (funding)

Project Number: 20854

Funded: CDBG/City Funds (Developer Contributions)

- 10-foot-wide path from Steven Street to Mansion.
- Construction closeout ongoing
- Project was accepted as completed at the last council meeting
- Engineering amendment was submitted to be paid with remaining grant funds
- **Total Budget: \$715,000**

Riverview Avenue Improvements

Project Number 23844

Project Completion: December 2023

Funded: TIB

- Currently in design
- Survey completed
- G&O currently updating preliminary design based on City comments
- Target advertisement date for bids is 8/16/2023
- **Total Budget: \$100,000**

TIB Applications – Mike Meskimen, Julio Renteria, Michael Woodkey

Project Number: OH230.42

- Applications due August 11, 2023
- Announcements in November
- **City currently reviewing draft funding applications**

Government Road Feasibility Study Update – Mike Meskimen, Julio Renteria, Michael Woodkey

- Cost ranges for update provided by G&O
- City to determine next steps desired
- City may budget this effort for next year

Water System Projects

Water System Plan – Jamin Ankney, Jared McMeen

Project Number: 20854

Project Completion: Final DOH review October 2023

Funded: City Water Fund

- Completed response to DOH comments.
- Resubmitted to DOH for second review.
- G&O reminded DOH of need for expedited review, to allow eligibility for DWSRF
- **Total Budget \$62,700**

Well 2 Rehabilitation – Jared McMeen, Steve Wagner, Jamin Ankney, Aspect Consulting

Project Number 22867

Project Completion: August 2023

Funded: City Water Fund

- Rehabilitation efforts are ongoing
- **Pump test is scheduled for this week**
- **Total Budget: \$266,237**

Well 2 – Re-equipping Design – Jared McMeen, Jamin Ankney

Project Number 22867

Project Completion: April 2024

Funded: City Water Fund

- Design will start once well rehabilitation is complete.
- **Total Budget: \$266,237**

Re-equipping Well 2 Construction/Well 5/Pressure Zone Improvements – Jamin Ankney, Jared McMeen, Russ Powers (funding)

- Applied for Congressional Funding Application
- Applied for Legislative Appropriation
- Applied to CDBG
- Currently applying to PWB
- Will apply to DWSRF Fall 2023
- May consider adding SCADA upgrades to funding application to DWSRF
- **Total Budget: \$7,000,000**

Future/Pending Water System Projects

Water Rights – Aspect Consulting, Jamin Ankney

- **Total Budget: Not an active project**

Reservoir Project – Jamin Ankney, Myron Basden

- Coating Project
- Reservoir No. 1 – No need to evaluate until 2029.
- Reservoir No. 2 – Need to evaluate in 2025 for potential coating project.
- **Total Budget: Not an active project**

SCADA – Jamin Ankney, Brad Bailey (Conley Engineering)

- **Total Budget: Not an active project**
- City has had recent issues with the SCADA system and is working with Connetix to address the issues.
- Based on results of troubleshooting, a SCADA upgrade may be required in the future.

Wastewater System Projects

WWTF Fire Assistance – Nancy Wetch, Russ Powers

Project Number: 20827

Project Completion: August 2023

Funded: Insurance Reimbursement/City Funds (Ecology Emergency Funding)

- Phase 1 – Blower Procurement

- Phase 2 – Building Restoration
- Phase 3 – Equipment Installation
- **Total Budget: The total cost of the fire response, cleanup, design, construction, etc., is not completely known at this time as costs are still being assembled and approved by the insurance company.**

Initial Emergency Response (G&O does not have total cost)

Engineering: \$414,840 (insurance will reimburse)

Phase I: \$93,505.84 (insurance will reimburse)

Phase II: \$320,864 (insurance will reimburse)

Phase III: \$1,189,148 (working on insurance reimbursement, City will be responsible for some costs – TBD)

- Currently finalizing last few items of work and completing punchlist.
- Wall board is missing. Change order costs to add this have been requested from the contractor.

WWTF Improvements Construction – Tim DeVries, Nancy Wetch, Jamin Ankney

Project Number: 19044.01

Project Completion: 2024 (for construction completion)

Funded: Ecology Water Quality Funding

- Construction is ongoing.
- **Total Budget \$5,883,000 (includes design, construction, construction administration)**

WWTF Solids Handling Analysis – Nancy Wetch, Arn Combs

Project Number: 23813

Project Completion: October 202

- This work is currently ongoing
- Will have draft for City review in early Fall 2023
- **Total Budget \$24,200**

Portage Avenue Lift Station Elimination – Nancy Wetch, Jamin Ankney

Project Number: OH220.72

Project Completion: 2025

- Ecology funding approved
- Waiting for funding agreement, likely Winter 2023
- GMA compliance will be require for this funding to be received. SCJ is working to make sure GMA compliance is obtained.
- **Total Budget \$2,417,000**

Other Projects

Construction Standards Update – Jamin Ankney, Jared McMeen

Project Number: 23826

Project Completion: July 2023

Funded: City Funds

- A draft of the updated construction standards are currently under City review.
- **Total Budget \$3,000**

Park Planning – SCJ, Russ Powers

- City has received funding from RCO.
- Needs to be in City's Comprehensive Plan (SCJ Discussions)
- Currently completing contracting with RCO
- Combined project for SCJ + G&O – **Scope of work will be on the agenda for the next council meeting**
- **Total Budget \$60,000**

Park Maintenance – SCJ, Jamin Ankney

- Current funding opportunity.
- For deferred maintenance issues only.
- SCJ will help with funding application.
- **Total Estimate Budget \$125,000**

Basketball Courts – Julio Renteria

Project Number 22861

Project Completion: September 2023

Funded: Foundation Grant

- Bids received exceed funding
- **Planning to rebid later in August**
- **Total Budget \$125,000**

City Hall Feasibility Analysis – Jamin Ankney

- Environmental analysis currently being completed.
- Pending results of environmental analysis, further feasibility studies may be completed.
- **G&O has prepared a draft scope of work for initial feasibility review – possible inclusion on the council agenda in September**

Action Items:

- **G&O to complete review of SEPA, subdivision application, and TIA for Bodrero development**
- **City to complete review of draft TIB applications and submit the applications by August 11.**
- **City to complete review of draft construction standard updates**

Funding News:

Next Meeting – August 23, 2023, 3:30 p.m.

** As of July 20, 2023, the Council approved payment of 2023 Claims EFT & checks approval #19923-19951 in the amount of \$58,255.15, 2023 Payroll EFT approval in the amount of \$12,733.17.
-Councilman Acosta asked about the Gray & Osborne project update report. Councilwoman Hernandez asked about an expenditure in the accounts payable report.

**** M/s; Heredia / Acosta motion that bills, checks, payroll, 07/12/23 meeting minutes be approved.
Motion carried.**

IV. Reports:

Mayor's Report

** Mayor Celaya said that National Night Out & Movie night will be tomorrow. There will be a Belly Bustin Burrito contest as well as donut competitions.

** Mayor Celaya provided a PowerPoint presentation on the state funding that was granted to Mattawa about 5 million, for repairs on existing well and for a new well.

Council Report

** Councilman Acosta mentioned there are a couple places in Mattawa that have parking issues. Councilman Berghout said one issue is one the corner of Williams Ave & Government Rd, where visibility is reduces. Juan mentioned he has addressed that issue already. He also mentioned about RV" s and if they are allowed in the city, Juan responded they are only allowed for recreational use.

** Councilwoman Hernandez gave an update on Mattawa Shade Project. The committee is currently looing into funding for trees. She also mentioned there is currently a person in Mattawa that is in need of housing/lodging.

Police Department Report

** Chief Salinas presented Alejandro Vazquez as newly graduate from police academy. City clerk Anabel administered the oath of office and congratulated Mr. Vazquez as a police officer to the City of Mattawa. Officer Vazques spoke briefly about his experience at the academy.

** Chief Salinas spoke on National Night Out; they will be giving away snow cones and popcorn. A few agencies that have agreed to show support is the national guard, state patrol and Grant County Sherrif.

** The police department received \$10,000 from WASPC for training purposes.

** Councilman Heredia asked when Officer Vazquez starts his FTO. Chief said he would start right away with a portion of his time with sergeant and then with officer Baltazar.

Public Works Department Report

** Government Road project is complete.

** Removed graffiti around the city.

** AC unit at the library was serviced, attic vents are next to be serviced.

** Basketball Court project update, installed fence post, graded parking lot. It is about \$36k more expensive to pour concrete vs. asphalt.

** Well No. 2 Rehabilitation project update: flushing is complete, install test pump completed, install discharge line is next.

** Lead & Copper samples: 20 volunteers are needed, cold water, first morning water from commonly used faucet. Councilwoman Hernandez would like to volunteer.

** Movie at the park tomorrow from 4pm to 9:30pm.

VI. Council, Items for Motion (Old Business):

- 1. Resolution 23.08.13 Amending Fee Schedule Res. 23.04.06**
M/s; Acosta / Heredia motion to approve this resolution. Motion carried.

VII. Council, Items for Motion (New Business):

- 1. Parks, Recreation & Open Space Plan – Scope of Work**
Rachelle went over the preliminary plan.
No action needed.
- 2. Event Permit: Our lady of the Desert Parish (Annual Festival)**
M/s; Berghout / Hernandez motion to approve this event. Motion carried.
- 3. Amendment No. 1 to Contract for Engineering Services – Government Road Multi-Use Pathway – Construction Administration**
Councilman Berghout asked about the reasons of extra engineering services. Jamin explained the utility relocation and other unexpected inspection due to the delay of the project incurred extra costs.
M/s; Berghout / Hwang approve this amendment. Motion carried.
- 4. Government Road Multi-Use Pathway Project Acceptance**
M/s; Heredia / Acosta motion to approve this project as complete. Motion carried.
- 5. Progress Estimate #2 – WWTF Improvements**
M/s; Heredia / Berghout motion to approve this payment. Motion carried.
- 6. Preliminary Letter of Support – Big Bend Tech Hub**
M/s; Berghout / Hernandez motion to support this project. Motion carried.
- 7. Council Subcommittee - Updating Council Rules & Procedures**
M/s; Berghout / Acosta motion to include Alex Heredia, Sun Hwang, and Tony Acosta as part of the subcommittee. Opposed: Hernandez. Motion carried.

VII. Executive Session: RCW 42.30.110

(b) To consider the selection of a site or the acquisition of real estate

Started at 6:52pm for 15 minutes.

Executive Session ended at 7:07 pm.

No decision.

VIII. Adjournment:

The council meeting was adjourned at 7:07 P.M. M/s; Berghout / Heredia. Motion carried.

Respectfully submitted,

Anabel Martinez, City Clerk

Maria Celaya, Mayor

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 08/06/2023

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF MATTAWA
(BY ZIP CODE) FOR EXPIRATION DATE OF 20231130

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. EL VALLE MARKETS INC	EL VALLE MARKETS 308 GOVERNMENT RD MATTAWA WA 99349 0000	086768	GROCERY STORE - BEER/WINE
2. LEP-RE-KON MARTS, INC.	LEP-RE-KON HARVEST FOODS #3 102 BRIAN AVE MATTAWA WA 99349 0197	081522	SPIRITS RETAILER SPIRITS RETAILER

ACCOUNTS PAYABLE

City Of Mattawa

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo
16401	08/17/2023	08/17/2023	1622	ALSCO	79.02 City Hall Mat Maint Services June 21, 2023
	518 30 48 00	Repair And Maintenance	001 000 518	Current Expens	79.02 City Hall Mat Maint Services June 21, 2023
16402	08/17/2023	08/17/2023	1622	ALSCO	79.02 City Hall Mat Maint Services August 2, 2023
	518 30 48 00	Repair And Maintenance	001 000 518	Current Expens	79.02 City Hall Mat Maint Services August 2, 2023
16428	08/17/2023	08/17/2023	3627	ANATEX LABS INC-SPOKANE	50.00 RC Samples
	535 10 41 02	Testing Samples	405 000 535	Sewer Operatin	50.00 RC Samples
16429	08/17/2023	08/17/2023	3130	CASCADE ANALYTICAL EUROFINS, EUROFINS	222.00 RC Water Samples
	534 10 41 02	Chemical Samples	401 000 534	Water Operatin	222.00 RC Water Samples
16404	08/17/2023	08/17/2023	443	CITY OF MATTAWA-PETTY CASH	178.03 Petty Cash
	514 23 31 00	Postage	001 000 514	Current Expens	3.51 Utilities Bills For June 2023
	518 30 47 14	City Hall Utilities	001 000 518	Current Expens	15.00 Drinking Water
	521 20 31 02	Postage	001 000 521	Current Expens	153.50 MPD-Postage Packages
	537 10 31 00	Office Supplies	420 000 537	Solid Waste Fu	6.02 Distilled Water For WastePlant
16403	08/17/2023	08/17/2023	2150	CODE PUBLISHING INC	372.90 Municipal Code-Web Update
	511 30 41 00	Code Book Update	001 000 511	Current Expens	372.90 Municipal Code-Web Update
16399	08/17/2023	08/17/2023	3316	FORD MOTOR CREDIT COMPANY	3,269.63 MPD Vehicle Lease 8/30/23
	591 21 70 00	Police Vehicles (3) 2021 Fo	102 000 594	Police Vehicle I	2,818.63 MPD Vehicle Lease 8/30/23
	592 21 80 00	Police Vehicles (3) 2021 Fo	102 000 594	Police Vehicle I	451.00 MPD Vehicle Lease 8/30/23
16396	08/17/2023	08/17/2023	2792	GARCIA, ESTEBAN	363.55 Refund-Garbage Can
	343 70 00 00	Garbage/Solid Waste Servic	420 000 340	Solid Waste Fu	-309.40 Refund-Garbage Can
	343 70 00 02	Utility Tax On Garbage Sal	420 000 340	Solid Waste Fu	-54.15 Refund-Garbage Can
16407	08/17/2023	08/17/2023	1698	GRANT COUNTY PUD	1,917.54 Power Billing July 2023
	542 63 47 00	Street Lighting	101 000 542	Street Fund	1,741.56 Street Lights
	576 80 47 00	Park Utilities	001 000 576	Current Expens	175.98 Street Lights Park
16411	08/17/2023	08/17/2023	1734	GRAY & OSBORNE INC	304.32 Basketball Court And Parking Lot Improvements Professional Services June 18- July 15, 2023
	594 76 41 00	2022 Paul Lauzier Grant - F	001 000 594	Current Expens	304.32 Basketball Court And Parking Lot Improvements Professional Services June 18- July 15, 2023

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Accts Pay #	Received	Date Due	Vendor	Amount	Memo		
16412	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	290.34	2022-23 General Engineering TIP Preparation Assitance Professional Services June 18- July 15, 2023
	542 30 41 06	Engineering Services		101 000 542	Street Fund	290.34	2022-23 General Engineering TIP Preparation Assitance Professional Services June 18- July 15, 2023
16413	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	12,063.41	Riverview Avenue Imps.- Professional Services June 18- July 15, 2023
	595 42 63 03	Complete Streets Grant (Ri		101 000 594	Street Fund	12,063.41	Riverview Avenue Imps.- Professional Services June 18- July 15, 2023
16414	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	817.58	Construction Standards Update.- Professional Services June 18- July 15, 2023
	534 10 41 03	Engineering Services		401 000 534	Water Operatin	817.58	Construction Standards Update.- Professional Services June 18- July 15, 2023
16415	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	85.54	WWTF Solids Handling Analysis- Professional Services June 18- July 15, 2023
	594 35 41 05	WWTF Improvements Engi		412 000 594	Sewer Capital I	85.54	WWTF Solids Handling Analysis- Professional Services June 18- July 15, 2023
16416	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	85.54	Bodrero Annexation- Professional Services June 18- July 15, 2023
	518 30 49 01	Engineering Services		001 000 518	Current Expens	85.54	Bodrero Annexation- Professional Services June 18- July 15, 2023
16417	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	931.88	General Engineering Mattawa Community Medical Clinic- Professional Services June 18- July 15, 2023
	518 30 49 01	Engineering Services		001 000 518	Current Expens	931.88	General Engineering Mattawa Community Medical Clinic- Professional Services June 18- July 15, 2023
16418	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	713.10	Hwang Subdivision- Professional Services June 18- July 15, 2023
	518 30 49 01	Engineering Services		001 000 518	Current Expens	713.10	Hwang Subdivision- Professional Services June 18- July 15, 2023

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16419	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	1,480.51	WWTF Fire Assistance- Professional Services June 18- July 15, 2023
	535 10 41 08	Professional Services - WW	405 000 535	Sewer Operatin		1,480.51	WWTF Fire Assistance- Professional Services June 18- July 15, 2023
16420	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	60,671.35	WWTF Improvements CA- Professional Services June 18- July 15, 2023
	594 35 41 00	WWTF Improvements Proj	412 000 594	Sewer Capital I		60,671.35	WWTF Improvements CA- Professional Services June 18- July 15, 2023
16421	08/17/2023	08/17/2023	1734		GRAY & OSBORNE INC	10,271.69	Well 2 Rehabilitation And Re- Equipping- Professional Services June 18- July 15, 2023
	594 34 63 03	Well #2 Rehabilitation & R	401 000 594	Water Operatin		10,271.69	Well 2 Rehabilitation And Re- Equipping- Professional Services June 18- July 15, 2023
16422	08/17/2023	08/17/2023	3628		LINE X PROTECTIVE COATINGS	599.32	PW- Bed Liner 2023 Chevrolet 1500
	534 10 48 02	Vehicle Repair & Maintena	401 000 548	Water Operatin		300.00	PW- Bed Liner 2023 Chevrolet 1500
	535 10 48 03	Vehicle Repair / Maintenan	405 000 535	Sewer Operatin		200.00	PW- Bed Liner 2023 Chevrolet 1500
	537 10 48 01	Vehicle Repair & Maintena	420 000 537	Solid Waste Fu		99.32	PW- Bed Liner 2023 Chevrolet 1500
16436	08/17/2023	08/17/2023	1193		MARTY'S HARDWARE	730.92	Parts/Supplies
	521 20 31 00	Office Supplies	001 000 521	Current Expens		16.22	Keys/ Sharper
	521 20 31 00	Office Supplies	001 000 521	Current Expens		11.92	Battery
	521 22 35 00	LE Equipment/Supplies	001 000 521	Current Expens		37.86	Swab/ Brush/Cleanig Rope
	534 10 31 00	Office Supplies	401 000 534	Water Operatin		32.51	Adapter
	534 10 31 00	Office Supplies	401 000 534	Water Operatin		-2.17	RETURN Stencil Set
	534 10 31 01	Operating Supplies	401 000 534	Water Operatin		30.92	Coupling/PVC/elbows
	534 10 48 03	System Repair & Maintena	401 000 534	Water Operatin		75.78	Elbow/Adapter Reducting/Pipe
	534 10 48 03	System Repair & Maintena	401 000 534	Water Operatin		34.11	Adapter/Coupling/Galv Union
	534 10 48 03	System Repair & Maintena	401 000 534	Water Operatin		6.50	CMP Coupling
	535 10 31 00	Office Supplies	405 000 535	Sewer Operatin		14.49	Adapters/ Locknuts
	535 10 31 00	Office Supplies	405 000 535	Sewer Operatin		9.20	Tape
	537 10 48 00	Office Repair And Mainten:	420 000 537	Solid Waste Fu		6.44	Coupling
	542 30 48 00	City Street Maintenance	101 000 542	Street Fund		45.13	Liners/Paint Brush
	542 30 48 00	City Street Maintenance	101 000 542	Street Fund		7.00	Liners
	542 30 48 00	City Street Maintenance	101 000 542	Street Fund		13.00	Frame Covers
	542 30 48 00	City Street Maintenance	101 000 542	Street Fund		22.53	Frame Covers
	542 30 48 00	City Street Maintenance	101 000 542	Street Fund		22.79	Liners/ Covers
	572 20 31 00	Library Maintenance And C	001 000 572	Current Expens		9.31	Frun Filters

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576 80 31 00	Park Supplies		001 000 576	24.93	Adjustable Rotor	
576 80 31 00	Park Supplies		001 000 576	60.73	Valve/Couplings/Adpaters/Cord Wrap/ Tape	
576 80 31 00	Park Supplies		001 000 576	17.13	Lime Stake Flag	
576 80 31 00	Park Supplies		001 000 576	38.99	Paint	
576 80 31 01	Flags And Supplies		001 000 576	129.81	Lock Hitch/Pin Lock/Plug/Rake	
576 80 31 01	Flags And Supplies		001 000 576	60.42	Paint/Brushes	
576 80 48 00	Park Maintenance		001 000 576	5.37	Adapters	
16427	08/17/2023	08/17/2023	2840	MATTAWA AUTO PARTS, LLC	20.36	PW- Parts/Supplies
534 10 48 03	System Repair & Maintenan		401 000 534	12.78	Booster Pump Hose	
535 10 48 03	Vehicle Repair / Maintenan		405 000 535	7.58	Windshield Wash Fluid Bugs	
16423	08/17/2023	08/17/2023	625	NORCO	28.51	Cylinder Rental
534 10 31 01	Operating Supplies		401 000 534	28.51	Cylinder Rental	
16426	08/17/2023	08/17/2023	494	OVS	22.00	PW-Parts/Supplies
576 80 48 00	Park Maintenance		001 000 576	22.00	Nelson/Flow Control Sprinkler	
16397	08/17/2023	08/17/2023	2820	PETRO-USA MATTAWA MART	2,747.84	MPD-Fuel Services
521 20 32 03	Police Vehicle Fuel		107 000 521	2,747.84	MPD-Fuel Services	
16425	08/17/2023	08/17/2023	2820	PETRO-USA MATTAWA MART	1,185.84	PW-Fuel Services
534 10 32 02	Fuel		401 000 535	500.00	PW-Fuel Services	
535 10 32 00	Fuel		405 000 535	500.00	PW-Fuel Services	
542 30 32 03	Fuel		101 000 542	85.84	PW-Fuel Services	
576 80 32 04	Fuel		001 000 576	100.00	PW-Fuel Services	
16430	08/17/2023	08/17/2023	3626	QUINCY HEATING & AC LLC	302.96	Library HVAC
572 20 31 00	Library Maintenance And C		001 000 572	302.96	Library HVAC	
16435	08/17/2023	08/17/2023	1247	RIO'S AUTO AG SUPPLY	168.07	Parts/Supplies
521 20 48 00	Vehicle Repair And Mainte		001 000 521	48.95	MPD-Breaklean;Towel:Smart Straw	
534 10 31 01	Operating Supplies		401 000 534	10.79	PW-Thread Lock	
534 10 31 01	Operating Supplies		401 000 534	5.41	PW- Tools Pick Hook	
542 30 35 00	Street Signs		101 000 542	81.25	PW-Battery	
576 80 31 00	Park Supplies		001 000 576	21.67	PW- Zip Ties	
16341	08/17/2023	08/17/2023	3611	SALVEX COMMODITIES INC.	500.00	WWTF Blowers
535 10 35 00	Small Tools & Equipment		405 000 535	500.00	WWTF Blowers	

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16409	08/17/2023	08/17/2023	3416		SCJ ALLIANCE	2,836.13	Mattawa Comprehensive Plan Update- Period July 1 To July 29, 2023
	558 60 41 01	Comprehensive Plan Updat		001 000 558	Current Expens	2,836.13	Mattawa Comprehensive Plan Update- Period July 1 To July 29, 2023
16432	08/17/2023	08/17/2023	3416		SCJ ALLIANCE	8,255.75	Planning Services Fee Period July 1- June 29, 2023
	558 60 41 00	Planning-Zoning & Land U		001 000 558	Current Expens	8,255.75	Planning Services Fee Period July 1- June 29, 2023
16433	08/17/2023	08/17/2023	2963		SMARSH INC	31.75	Web Archive -Page- Add Cx June 2023
	518 30 49 14	Professional Services		001 000 518	Current Expens	31.75	Web Archive -Page- Add Cx June 2023
16434	08/17/2023	08/17/2023	2963		SMARSH INC	54.50	Web Archive -Page- Add Cx July 2023
	518 30 49 14	Professional Services		001 000 518	Current Expens	54.50	Web Archive -Page- Add Cx July 2023
16438	08/17/2023	08/17/2023	3299		SOILTEST FARM CONSULTANTS INC	280.00	WWTP RC Samples
	535 10 41 02	Testing Samples		405 000 535	Sewer Operatin	280.00	WWTP RC Samples
16408	08/17/2023	08/17/2023	1979		THE BUILDING DEPARTMENT LLC	7,014.55	Rental/Fire Inspections And Building Permit Fees
	524 20 41 00	Rental/Fire Inspection Cost		001 000 524	Current Expens	640.00	Rental/Fire Inspections Fees
	558 50 41 00	Building Permit & Plan Rev		001 000 558	Current Expens	6,374.55	Building Permit Plan Reviews Fees
16431	08/17/2023	08/17/2023	2140		THINK TANK SANITATION INC.	405.00	Portable Restrooms
	576 80 47 00	Park Utilities		001 000 576	Current Expens	405.00	Portable Restrooms
16406	08/17/2023	08/17/2023	554		U.S. BANK MUN INV. ACCOUNT	26.00	Bank Fees July 2023
	514 23 41 01	Banking And Visa/Merchar		001 000 514	Current Expens	26.00	Bank Fees July 2023
16437	08/17/2023	08/17/2023	274		UNITED STATES POSTAL SERVICES	186.00	Utility Bills Postage Fee August 2023
	534 10 30 02	Postage		401 000 534	Water Operatin	62.00	Utility Bills Postage Fee August 2023
	535 10 31 01	Postage		405 000 535	Sewer Operatin	62.00	Utility Bills Postage Fee August 2023
	537 10 31 01	Postage		420 000 537	Solid Waste Fu	62.00	Utility Bills Postage Fee August 2023
16400	08/17/2023	08/17/2023	613		UTILITIES UNDERGROUND	6.45	Excavation Notification (5)
	534 10 47 01	Utilities		401 000 534	Water Operatin	6.45	Excavation Notification (5)

ACCOUNTS PAYABLE

City Of Mattawa

As Of: 08/17/2023

Time: 17:05:31 Date: 08/14/2023

Page: 6

Accts Pay #	Received	Date Due	Vendor	Amount	Memo		
16439	08/17/2023	08/17/2023	3362		VISION MUNICIPAL SOLUTIONS LLC	1,150.00	IT Services PW, MPD & Clerks Dept.;10 Block Hrs- Prepaid Services For IT
	518 80 41 01	Computer Support/Mainten	001 000 518	Current Expens	383.33	IT Services PW, MPD & Clerks Dept.;10 Block Hrs- Prepaid Services For IT	
	521 10 49 00	Professional Services	001 000 521	Current Expens	383.33	IT Services PW, MPD & Clerks Dept.;10 Block Hrs- Prepaid Services For IT	
	534 10 48 00	Computer Support/Mainten	401 000 534	Water Operatin	191.67	IT Services PW, MPD & Clerks Dept.;10 Block Hrs- Prepaid Services For IT	
	535 10 48 01	Computer Support/Mainten	405 000 535	Sewer Operatin	191.67	IT Services PW, MPD & Clerks Dept.;10 Block Hrs- Prepaid Services For IT	
16440	08/17/2023	08/17/2023	3362		VISION MUNICIPAL SOLUTIONS LLC	540.87	IT Services Annual Subscription: Online Users; Microsoft 365 & Office 365
	518 80 41 01	Computer Support/Mainten	001 000 518	Current Expens	180.29	IT Services Annual Subscription: Online Users; Microsoft 365 & Office 365	
	521 10 49 00	Professional Services	001 000 521	Current Expens	180.29	IT Services Annual Subscription: Online Users; Microsoft 365 & Office 365	
	534 10 48 00	Computer Support/Mainten	401 000 534	Water Operatin	90.14	IT Services Annual Subscription: Online Users; Microsoft 365 & Office 365	
	535 10 48 01	Computer Support/Mainten	405 000 535	Sewer Operatin	90.15	IT Services Annual Subscription: Online Users; Microsoft 365 & Office 365	
16441	08/17/2023	08/17/2023	3362		VISION MUNICIPAL SOLUTIONS LLC	1,264.97	IT Services Multifactor Authentication
	518 80 41 01	Computer Support/Mainten	001 000 518	Current Expens	421.65	IT Services Multifactor Authentication	
	521 10 49 00	Professional Services	001 000 521	Current Expens	421.65	IT Services Multifactor Authentication	
	534 10 48 00	Computer Support/Mainten	401 000 534	Water Operatin	210.83	IT Services Multifactor Authentication	
	535 10 48 01	Computer Support/Mainten	405 000 535	Sewer Operatin	210.84	IT Services Multifactor Authentication	
16398	08/17/2023	08/17/2023	143		WA STATE DEPT OF ECOLOGY	7,000.00	Lake Roosevelt Water Lease
	534 10 40 00	Columbia River Water Righ	401 000 534	Water Operatin	7,000.00	Lake Roosevelt Water Lease	
16405	08/17/2023	08/17/2023	143		WA STATE DEPT OF ECOLOGY	3,194.90	Hydro Study Loan- EL200395 WQC 2020
	591 35 70 00	Hydro Study Re-Payment -	406 000 591	Sewer Debt Fur	2,369.25	Hydro Study Loan- EL200395 WQC 2020	
	591 35 80 00	Hydro Study Re-Payment -	406 000 591	Sewer Debt Fur	825.65	Hydro Study Loan- EL200395 WQC 2020	
16410	08/17/2023	08/17/2023	471		WAHLUKE SCHOOL DISTRICT	7,124.18	COPS Expenditures #20
	521 10 10 02	Contracts & Consultants - V	105 000 521	COPS Grant	7,124.18	COPS Expenditures #20	
16424	08/17/2023	08/17/2023	2957		WASTE MANAGEMENT	199.99	WWTF Garbage Container

ACCOUNTS PAYABLE

City Of Mattawa

Time: 17:05:31 Date: 08/14/2023

As Of: 08/17/2023

Page: 7

Accts Pay # Received Date Due	Vendor	Amount	Memo
535 10 47 00 Utilities	405 000 535 Sewer Operatin	199.99	WWTF Garbage Container

Report Total:	140,123.81
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Fund	
001 Current Expense Fund	24,416.26
101 Street Fund	14,372.85
102 Police Vehicle Fund	3,269.63
105 COPS Grant	7,124.18
107 Public Safety Tax Fund	2,747.84
401 Water Operating Fund	19,907.50
405 Sewer Operating Fund	3,796.43
406 Sewer Debt Fund	3,194.90
412 Sewer Capital Improvement	60,756.89
420 Solid Waste Fund	537.33

This report has been reviewed by:

Anabel Martinez

8/14/23

REMARKS:

Anabel Martinez - City Clerk

Date

Final Contract Voucher Certificate

Contractor Apollo, Inc			
Street Address 1133 West Columbia Drive			
City Kennewick	State WA	Zip 98336	Date 7/13/2023
Project Number (Owner) 20827.00			
Job Description (Title) WWTF Fire Restoration (Phase II Building Restoration)			
Date Work Physically Completed May 26, 2023		Final Amount (including Sales Tax) \$310,024	

Contractor's Certification

I, The undersigned, having first been duly sworn, certify that I am authorized to sign for the claimant; that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift in any form whatsoever has been extended to any employee of the Owner nor have I rented or purchased any equipment or materials from any employee of the Owner; I further certify that the attached final estimate is a true and correct statement showing all the monies due me from the Owner for work performed and material furnished under this Contract; that I have carefully examined said final estimate and understand the same; have paid all labor, material, and other costs for this project; and that I hereby release the Owner from any and all claims of whatsoever nature which I may have, arising out of the performance of said contract, which are not set forth in said estimate.



Dan Sjule
Contractor Authorized Signature Required

Dan Sjule
Type Signature Name

Subscribed and sworn to before me this 9th day of August 20 23

Danielle Warren Notary Public in and for the State of Washington

Residing at _____

Owner Certification

I, certify the attached final estimate to be based upon actual measurements, and to be true and correct. Approved Date _____

Nancy J. Weter
Project Engineer

Owner

This Final Contract Voucher Certification is to be prepared by the Engineer and the original forwarded to the Owner for acceptance and payment.

Contractors Claims, if any, must be included and the Contractors Certification must be labeled indicating a claim attached.



August 9, 2023

Ms. Anabel Martinez
Clerk - Treasurer
City of Mattawa
521 East Government Road
Mattawa, Washington 99349

SUBJECT: PROGRESS ESTIMATE 1, WELL 2 REHABILITATION AND
TESTING
CITY OF MATTAWA, GRANT COUNTY, WASHINGTON
G&O #22867.00

Dear Ms. Martinez:

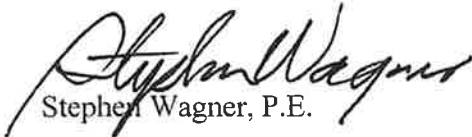
We have enclosed Progress Estimate 1 for this project. Please retain a copy for the City files and also provide a copy to the Contractor with the payment. The amount due the Contractor and the amount to be deposited in the retainage account are as follows:

<u>Payment to Contractor</u>	<u>Amount to be Deposited in Retainage Account</u>
\$45,754.50	\$2,212.50

Please call me if you have any questions or concerns regarding this matter.

Sincerely,

GRAY & OSBORNE, INC.


Stephen Wagner, P.E.

SW/cah
Encl.
By email

cc: Mr. Juan Ledezma, Public Works Director, City of Mattawa
Mr. Jay Pietraszek, Associate Hydrogeologist, Inspector, Aspect Consulting LLC

PROGRESS ESTIMATE 1
AUGUST 9, 2023

CITY OF MATTAWA
 GRANT COUNTY
 WASHINGTON

PROGRESS ESTIMATE PERIOD
 JUNE 19, 2023 TO JULY 28, 2023

PROJECT:
 CITY OF MATTAWA
 WELL 2 REHABILITATION AND TESTING
 G&O JOB NUMBER #22867

CONTRACTOR:
 EMPIRE WELL DRILLING, LLC
 207 RIVER PARK AVENUE, SUITE A
 WENATCHEE, WA 98801

BID ITEMS				QUANTITIES		PROJECT COSTS		PERCENT OF CONTRACT QUANTITY
NO.	DESCRIPTION	QUANTITY UNIT	UNIT PRICE	TOTAL THIS PERIOD	TOTAL TO DATE	AMOUNT THIS PERIOD	AMOUNT TO DATE	
1	Mobilization and Demobilization	1 LS	\$20,000.00	50.00%	50.00%	\$10,000.00	\$10,000.00	50%
2	Sitework, Coordination, and Safety Meetings	1 LS	\$2,500.00	100.00%	100.00%	\$2,500.00	\$2,500.00	100%
3	Well Rehabilitation	40 HR	\$650.00	40.00%	40.00%	\$26,000.00	\$26,000.00	100%
4	Control and Dispose Rehabilitation Derived Waste	1 LS	\$11,500.00	50.00%	50.00%	\$5,750.00	\$5,750.00	50%
5	Furnish and Install Temporary Pump, Flow Meter and Conveyance System	1 LS	\$74,700.00	0.00%	0.00%	\$0.00	\$0.00	0%
6	Operate Step Rate Pumping Test	6 HR	\$1,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
7	Well Chlorination	1 LS	\$1,500.00	0.00%	0.00%	\$0.00	\$0.00	0%
8	Authorized Hourly Rig Time	12 HR	\$650.00	0.00%	0.00%	\$0.00	\$0.00	0%
9	Minor Change	1 CALC	\$20,000.00	0.00%	0.00%	\$0.00	\$0.00	0%
OPTIONAL ITEM 1								
1	Well Video	1 EA	\$2,500.00	0.00%	0.00%	\$0.00	\$0.00	0%

PROGRESS ESTIMATE 1
AUGUST 9, 2023

CITY OF MATTAWA
GRANT COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
JUNE 19, 2023 TO JULY 28, 2023

PROJECT:
CITY OF MATTAWA
WELL 2 REHABILITATION AND TESTING
G&O JOB NUMBER #22867

CONTRACTOR:
EMPIRE WELL DRILLING, LLC
207 RIVER PARK AVENUE, SUITE A
WENATCHEE, WA 98801

	PROJECT COSTS	
	AMOUNT THIS PERIOD	AMOUNT TO DATE
SUBTOTAL EARNED TO DATE	\$44,250.00	\$44,250.00
SALES TAX 8.40%	\$3,717.00	\$3,717.00
MATERIALS ON HAND	\$0.00	\$0.00
TOTAL	\$47,967.00	\$47,967.00
LESS 5% RETAINED (BEFORE TAX)	\$2,212.50	\$2,212.50
TOTAL EARNED TO DATE LESS RETAINAGE		\$45,754.50
<u>LESS AMOUNTS PREVIOUSLY PAID</u>		

TOTAL PAYMENT NOW DUE: \$45,754.50

ORIGINAL CONTRACT AMOUNT (WITHOUT TAX) \$172,500.00
CONTRACT PERCENTAGE TO DATE 26%

PROGRESS ESTIMATE 1
AUGUST 9, 2023

CITY OF MATTAWA
GRANT COUNTY
WASHINGTON

PROGRESS ESTIMATE PERIOD
JUNE 19, 2023 TO JULY 28, 2023

PROJECT:
CITY OF MATTAWA
WELL 2 REHABILITATION AND TESTING
G&O JOB NUMBER #22867

CONTRACTOR:
EMPIRE WELL DRILLING, LLC
207 RIVER PARK AVENUE, SUITE A
WENATCHEE, WA 98801

I HEREBY CERTIFY THE ABOVE ESTIMATE IS A TRUE AND CORRECT STATEMENT OF THE WORK PERFORMED UNDER THIS CONTRACT.

I HEREBY CERTIFY THAT THE WAGES HAVE BEEN PAID IN ACCORDANCE WITH RCW 39.12 (PREVAILING WAGES).

GRAY & OSBORNE, INC.

EMPIRE WELL DRILLING, LLC


STEPHEN WAGNER, P.E.


CONTRACTOR'S REPRESENTATIVE

SUMMARY AND DISTRIBUTION OF PAYMENTS

PAY EST NO.	PROGRESS ESTIMATE PERIOD DATES	TOTAL		SALES		MATERIALS ON HAND	RETAINAGE (5%)	TOTAL PAYMENT
		EARNED PER PERIOD	SALES TAX RATE	TAX AMOUNT				
1	JUNE 19, 2023 TO JULY 28, 2023	\$44,250.00	8.40%	\$3,717.00	\$0.00	\$2,212.50	\$45,754.50	
TOTAL:		\$44,250.00		\$3,717.00	\$0.00	\$2,212.50	\$45,754.50	

Chapter 2.03
CITY COUNCIL, BOARDS, COMMISSIONS, COMMITTEES RULES OF
GOVERNANCE

Sections:

Article I.

Council Procedures

- 2.03.010 Purpose of This Article.**
- 2.03.020 Council Representation.**
- 2.03.030 Meeting Dates and Times.**
- 2.03.040 Agenda Preparation.**
- 2.03.050 Meeting Agenda.**
- 2.03.060 Proclamations.**
- 2.03.070 Public Hearings.**
- 2.03.080 Executive Sessions.**
- 2.03.085 Closed Sessions.**
- 2.03.090 Study Sessions and Workshops.**
- 2.03.100 Special Meetings.**
- 2.03.110 Broadcasting.**
- 2.03.120 Recording Proceedings.**
- 2.03.130 Meeting Attendance.**
- 2.03.140 Council Seating.**
- 2.03.150 Quorum.**
- 2.03.160 Presiding Officer.**
- 2.03.170 Council Discussion.**
- 2.03.180 Voting.**
- 2.03.190 Council Vacancy.**

Article II.

Interaction between City Council, Mayor and City Staff

- 2.03.400 Purpose of This Article.**
 - 2.03.410 Respect.**
-

- 2.03.420 Roles.
- 2.03.430 Requested Written Material.
- 2.03.440 Personnel Selection.
- 2.03.450 City Department Noninterference.
- 2.03.460 Mail Delivery.
- 2.03.470 Confidential Mail.
- 2.03.480 Individual Council Member Directed Actions.
- 2.03.490 Council Member Requests for Information.
- 2.03.500 Staff Assistance for Council Members.

**Article III.
Council Committees**

- 2.03.600 Definition and Scope of Council Standing Committees.
- 2.03.610 Committee Attendance.
- 2.03.620 Composition of the Council Committees.
- 2.03.630 Council Committee Meeting Schedules.
- 2.03.640 Ad Hoc Council Committees.

**Article IV.
Advisory Bodies**

- 2.03.700 Purpose of This Article.
 - 2.03.710 Citizen Advisory Boards and Commissions Created.
 - 2.03.720 Authority and Intent – Governing Law.
 - 2.03.730 Nondiscrimination – Compensation.
 - 2.03.740 Appointments and Confirmation Process.
 - 2.03.750 Reappointments.
 - 2.03.760 Vacancy or Removal.
 - 2.03.770 Chair and Vice Chair.
 - 2.03.780 Meetings, Reports, and Attendance.
 - 2.03.790 Quorum.
 - 2.03.840 Council Concerns About Recommendations.
 - 2.03.850 Removal of Members.
 - 2.03.860 Committee Operations and Records.
 - 2.03.870 Lobbying Efforts Consistent with City Policy.
-

**Article V.
Conflicts and Violations**

- 2.03.900 Conflicts.**
- 2.03.910 Violations.**

Article I. Council Procedures

2.03.010 Purpose of This Article:

The purpose of this article is to establish formal procedures for the conduct for Council meetings.

2.03.020 Council Representation:

~~A. Council will accept nominations and elect the positions of Mayor and Deputy Mayor at the first meeting of even numbered years, or upon resignation of said positions.~~

~~1. Each member of the City Council shall be permitted to nominate one (1) person for Mayor who has previously served for a minimum of two (2) years on the Council and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed.~~

~~2. Each member of the City Council shall be permitted to nominate one (1) person for Deputy Mayor from among the remaining members without consideration of years served and nominations shall not require a second. A nominee who wishes to decline the nomination shall so state at this time. Nominations are then closed.~~

~~B. The Mayor shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by the City Council, shall take command of the police, maintain law, and enforce order.~~

Commented [KK1]: Mattawa is a manager form of government so these sections do not apply to Mattawa.

C. Council members are issued an electronic device for access to electronic documents and City email accounts and are subject to follow the electronic device, network usage, personal use of City-owned property, and social media employee policies.

D. All Council members shall represent the City and their position in an appropriate professional manner.

E. If a Council member appears on behalf of the City before another governmental agency, another organization, through the media or otherwise, and speaks to an issue on which the Council has taken a position, the Council member will state the majority position of the Council, if known, on such issue. Personal opinions and comments which differ from the Council majority may be expressed if the Council member clearly states that these statements do not represent the Council's position. Any correspondence with the media shall be communicated to all members of the Council and the Mayor.

F. Operating as a Council-Mayor form of government, the Mayor is tasked with carrying out the policy direction and work of the City Council through the direction of the department directors. Council members may access department directors when there is a question about a project or more in-depth information is needed on a topic; however, the direction of work should come through the Mayor. (RCW 35A.12.100.)

2.03.030 Meeting Dates and Times:

A. Regular City Council meetings are held on the first and third Thursdays of each month in the City Council Chambers at 521 Government Road, Mattawa, Washington. Regular meetings start at 5:30 p.m. Meetings will be held in person unless otherwise noticed on the agenda.

B. No Council meeting should be permitted to continue beyond 8:30 p.m. without approval of a majority of the Council members. A new time limit must be established before extending the meeting. In the event that a meeting has not been closed or continued by Council, the items not acted on shall be deferred to the next Council meeting, unless the Council determines otherwise.

C. In the event a City-recognized holiday falls on the third Thursday, the Council meeting shall be moved to the following day. The City Council may, at any time, add or change a meeting date and time by a majority vote of the Council and proper notification pursuant to RCW 42.30.080.

D. In the event of emergency, such as a fire, threatened violence, or inability to maintain order, the Mayor shall declare the meeting adjourned or continued and the Council members shall immediately leave the meeting area.

E. A regular meeting may be canceled by a majority vote of the City Council at the previous meeting before said meeting.

2.03.040 Agenda Preparation:

A. *General Information.* The City Clerk will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council.

B. *Adding an Item to a Published Agenda.* An item may not be placed on a regular Council meeting agenda after the agenda is closed and a notice published, except as authorized by the Mayor or City Council.

C. *Agenda Finalization Schedule.* Agenda materials will be available online on the Friday prior to the meeting. Agenda items are due by 4:00 p.m. the day before packet is distributed. Agenda items submitted after the agenda is published will be processed for the next Council meeting packet.

2.03.050 Meeting Agenda:

Agendas for regular Council meetings must be made available online no later than 24 hours in advance of the published start time of the meeting.

An item may be placed on a Council meeting agenda, in advance of posting an agenda, by any of the following methods: majority vote of the Council; Council consensus; any three (3) Council members; the Mayor; a Council Committee; or the Mayor.

The business of all regular meetings of the Council shall be transacted as follows; provided, however, that the Mayor/Deputy Mayor may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously:

Commented [KK2]: Agenda preparation is subject to Council direction; there are no laws governing how an agenda is prepared other than Council is the body with authority.

- A. Call to order by the Mayor.
- B. Roll call.
- C. Additions/Approval of the agenda.
- D. Public Comments
- E. Consent agenda.
- F. Summary reports: Mayor, Council, and Department Heads.
- G. Old Business.
- H. New business.
- I. Executive Session (if applicable)
- J. Adjournment.

2.03.060 Proclamations:

A. A "proclamation" is defined as an official announcement made by either the City Council or the Mayor. Council proclamations are defined as those noncontroversial events which have a major City-wide impact. Council proclamations shall be publicly read at a Council meeting, and whenever possible, presented to a representative of the event during the Council meeting.

B. "Mayor's proclamations" are defined as those noncontroversial events which are requested by a special interest group. Mayor's proclamations are signed by the Mayor and forwarded to a representative of the event or special interest group.

C. The Mayor shall determine if a proclamation request is for a Council proclamation or a Mayor's proclamation.

D. "Controversy" is defined as a dispute, especially a lengthy and public one, between sides holding opposing views.

E. Special presentations include, but are not limited to, retirements, commendations and recognition by the Mayor and City Council.

2.03.070 Public Hearings:

Prior to the start of the public hearing, the Mayor may require that all persons wishing to be heard sign in with the City Clerk, giving their names, addresses, the agenda item, and whether they wish to speak as a proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so and if time to speak is allowed by Council. At any public hearing, persons who have signed in and wish to be heard shall be given an opportunity to be heard. Individual speaker time is limited to a maximum of three (3) minutes. However, the Mayor shall be authorized to allow additional time if needed or if one (1) speaker represents multiple individuals and still maintains control of the presentations. The Mayor may change the order of speakers so that testimony is heard in the most logical groupings (i.e., proponents, opponents, adjacent owners, vested interests, etc.). The Mayor may reduce the amount of time permitted for each speaker if the number of speakers requires a reduction in time.

Commented [KK3]: only for public hearings; otherwise, citizens are not required to identify themselves

The public hearing is a formal opportunity for citizens to give their views for consideration in the legislative or policy decision-making process. In addition, public hearings are required on quasi-judicial actions which determine the legal rights, duties or privileges of specific parties.

The following procedures shall be adhered to during the hearing:

A. *Legislative and Information Gathering.*

1. The Mayor will open the public hearing and read the rules governing public testimony.
2. Staff will make their presentation.
3. The Mayor will ask if there are any questions from Council for staff.
4. The Mayor will open the hearing for public comments.
5. All comments by the public shall be made in an audible format, and any individual making comments shall first give his/her name and address. Anyone making "out of order" comments shall be subject to removal from the meeting. There will be no demonstrations, applause or other audience participation during or at the conclusion of anyone's presentation. The Council is not allowed to acknowledge such expressions.
6. The Mayor will close the public hearing.

7. The Mayor will invite any additional comments from staff.
8. The Mayor will ask if Council has additional questions of staff.
9. Council discussion will ensue.
10. Council action will be taken.

B. *Quasi-Judicial Closed Record Proceedings or Appeals.*

1. The Mayor will open the closed record proceeding or appeal.
2. The Mayor will ask if any Council member knows of any reason which would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine.
3. Staff will make their presentation.
4. Proponent presentation will be made (fifteen (15) minutes).
5. Opponent presentation will be made (fifteen (15) minutes).
6. Proponent rebuttal will be heard.
7. Staff comments will be made.
8. The Mayor will close the closed record proceeding or appeal.
9. Council discussion will ensue.
10. Council action will be taken.

C. The following rules shall be observed for legislative/information gathering public hearings:

1. For an initial presentation of background information from a City department, board, commission, committee, or an organization, no more than twenty (20) minutes will be allowed unless otherwise authorized by the Mayor.
 2. If a speaker purports to speak for an organization, club or others so as to lead Council to believe that a number of persons support a position, such person shall state how that position was developed by the group.
 3. Comments should be limited to five (5) minutes.
-

4. The Mayor may allow additional time for receipt of written testimony when needed.
5. The City Clerk shall be the official timekeeper.

D. The following rules shall be observed for the quasi-judicial hearing body before which the hearing was held:

1. When the City Council considers a quasi-judicial matter in a closed record proceeding or appeal, no new evidence may be presented except on matters related to the conflict of interest or appearance of fairness challenge to a Council member. Oral argument shall be based solely on the record before the Planning Agency, Hearing Examiner, or other quasi-judicial hearing body before which the hearing was held.
2. If a quasi-judicial proceeding or appeal is on the agenda, the parties will be informed by the City Attorney as to what state law permits for comments.
3. Quasi-judicial hearings will be conducted in conformance to these procedures.
4. Presentations will be limited as set forth, except that the Mayor shall ask the rest of the Council members if they have any comments or questions before the presenter is excused. For example, if there are matters that should be addressed to ensure a complete record of the proceedings.
5. If comments are provided in writing, it is encouraged that such comments be filed with the City Clerk by 3:00 p.m. on the day of the Council meeting. If written comments are given, the presenter should provide eleven (11) copies for the Council and staff.

2.03.080 Executive Sessions:

An executive session is a Council meeting that is closed except to the Council, Mayor, and authorized staff members and/or consultants authorized by the City Council. The public is excluded from attendance. Executive sessions may be held during any Council meeting and will be announced by the Mayor. Before convening an executive session, the Council will make a motion to announce the purpose of the meeting, cite the related statute, and the anticipated time when the session will be concluded. Should the session require more time, a public announcement from the Mayor shall be made that the meeting is being extended. Executive

sessions may be held in accordance with the provisions of the Washington State Open Public Meetings Act. (RCW 42.30.110.)

2.03.085 Closed Sessions:

Closed sessions are exempt from the rules of the Open Public Meetings Act. (RCW 42.30.140.)

2.03.090 Study Sessions and Workshops:

During these meetings, items needing in-depth discussions are introduced and reviewed. It is not typical to take a formal action during a study session or workshop. The purpose of study session or workshop discussions is to allow Council members to be made aware of impending business and allow informal discussion of issues that might be acted upon at a future meeting.

These meetings are open to the public, but no public comment is taken during the discussion of a specific agenda item, unless there is a posted public hearing. Study sessions and workshops do not need a detailed agenda.

The Mayor shall arrange the Council study session or workshop topics for discussion. After the Mayor has approved the topics, an email meeting invite shall be prepared for the Council and affected City staff in advance of the meeting.

2.03.100 Special Meetings:

At the discretion of the Council, special meetings can be held. A notice of the time, place and purpose of such special meeting will be posted pursuant to the requirements as set forth in RCW 42.30.080.

The City Clerk shall coordinate special meetings of the City Council upon direction as stated for agenda items in Section 2.03.050. The agenda shall state the subject(s) to be considered at such special meeting and no other subject shall be acted upon at the meeting. Notice of every special meeting shall be given in writing to every Council member, to the Mayor, to the City Attorney, and to all local news media representatives who have on file with the City Clerk a

request for such notices. The notice shall be delivered personally, by phone, email, or as otherwise possible at least twenty-four (24) hours before the meeting. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice.

2.03.110 Broadcasting:

Regular meetings may be streamed live on the internet with dial-in access for remote attendance of the Council, staff, or public as permitted by the City Council.

2.03.120 Recording Proceedings:

The City Clerk shall maintain an account of all proceedings of the Council in accordance with the statutory requirements, and proceedings shall be entered into a minute book constituting the official record of the Council. Council meeting minutes can be corrected but shall not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

2.03.130 Meeting Attendance:

A. *City Council.* Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. This motion shall be nondebateable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused.

1. Council members shall inform the Mayor or City Clerk if they are unable to attend any Council meeting, or if they will be late to any meeting.
 2. If a Council member has an unexcused absence due to an extraordinary circumstance which precluded the Council member from the notification procedures as described within this article and their presence may have changed the outcome of an action, at the next meeting that the Council member attends, the Council member may request that the Council reconsider their previous motion. The Council member must ask for
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reconsideration prior to the conclusion of the next meeting that they attend and state the reason for his or her absence or tardiness. The Council would then have the opportunity to rescind the original motion and the motion shall be debatable.

3. In the case of a Council member's extended excused absence or disability, a pro tem Council member selected by a majority of the sitting Council shall be appointed to serve during the absence or disability. (RCW 35A.12.065.)

4. A Council member may forfeit his/her office by failing to attend three (3) consecutive regular meetings without being excused by the Council. (RCW 35A.12.060.)

B. *Department Directors.* The Mayor, or any member of the City Council, may, through the Mayor, request the attendance at any meeting of the City Council of any department head, officer, or employee of the City.

C. *Citizens and Media.*

1. All public meetings of the City Council shall be open to citizens.

2. All public meetings shall be open to the media who may record by radio, television or photographic services at any time; provided, that such arrangements do not interfere with the orderly conduct of a meeting.

3. The Mayor has the authority to limit the number of speakers or otherwise exercise such control over the meeting to ensure citizen comments do not interfere or impede with the Council's ability to conduct its business. Public communications will not be permitted on pending quasi-judicial matters which will come before the Council later in the same meeting or at a future meeting.

2.03.140 Council Seating:

The Council members will be seated in the order as determined by the Mayor. Special setup may occur for special meetings that will be determined by the Mayor.

2.03.150 Quorum:

At all meetings of the Council, a majority of the Council (four (4) members, or five (5) members for budget items and appropriations) constitutes a quorum for the transaction of business, but a lesser number may adjourn from day to day or until the time of the next regular meeting and may compel the attendance of absent members in such a manner and under such penalties as the City Council shall prescribe.

2.03.160 Presiding Officer:

A. The presiding officer at all meetings of the Council is the Mayor, and in the absence of the Mayor, the Mayor pro tem will act in that capacity. If both the Mayor and Mayor pro tem are absent, the next ranking member by tenure shall act in that capacity.

The presiding officer shall:

1. Preserve order and decorum in the Council Chambers;
2. Observe and enforce all rules adopted by the Council;
3. Decide all questions on order, in accordance with these rules, subject to appeal by any Council member;
4. Recognize all questions on order, in accordance with these rules, Council members in the order in which they request the floor, giving every Council member who wishes an opportunity to speak. The presiding officer, as a Council member, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Council members; and
5. From time to time, appoint Council members to serve on ad hoc committees.

2.03.170 Council Discussion:

A. *Robert's Rules.* All Council discussion shall be governed by Robert's Rules of Order, Newly Revised. The City Attorney is the parliamentarian. Every Council member shall be provided with

a copy of Robert's Rules of Order, Newly Revised, or a comparable publication when first joining the Council.

B. *Questions of Order.* The Mayor or presiding officer has the authority to rule on questions of order. If the Mayor rules a Council member's comments to be out of order (not germane, or otherwise), the Council member may explain why he or she believes the comments are not out of order. The Mayor/presiding officer will either rescind or confirm the ruling. If confirmed, the Council member shall not continue comment in the manner ruled out of order.

C. *Appeal.* If the Council member questioning order or any other Council member disagrees with the Mayor's/presiding officer's ruling, they can appeal the point of order. The question is then put to the Council to confirm or deny the Mayor's/presiding officer's ruling and whether the Council member shall continue comment.

2.03.180 Voting:

A. *Majority Vote.* All voting must take place at a public meeting with a quorum present either in person or remotely. Passage of most ordinances requires an affirmative vote of the majority of the Council (four (4) votes). A supermajority (five (5) affirmative votes) is required by several statutes related to emergencies and certain expenditures to name a few that can be found in RCW Title 35A, as well as RCW 84.55.0101 for excess property tax. Unless otherwise provided by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Council member, a roll call vote shall be taken and recorded by the City Clerk. The order of the roll call vote shall be determined by the City Clerk.

B. *Tie Vote.* The passage of a motion, resolution, or ordinance is lost by a tie vote; provided, that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present. The Mayor shall have a vote in the case of tie with respect to matters other than the passage of an ordinance, grant, or revocation of franchise or license, or any resolution for the payment of money.

C. *Votes on Questions.* Each member present shall vote on all questions put to the City Council except on matters on which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness Doctrine. Such member shall disqualify himself or herself prior to

any discussion of the matter. If abstaining, the Council member must state the reasons for abstaining, identifying one (1) or more of the following: (1) an excused absence from the prior Council meeting and/or (2) a conflict of interest and/or (3) an appearance of fairness issue. A Council member who abstains but fails to identify the absence, conflict of interest and/or appearance of fairness issue will be considered to have voted for the majority's position in respect to questions before the Council and have their vote so recorded. When disqualification of a member or members results, or would result, in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness Doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all recordings of the proceedings in which the member did not participate.

D. *Reconsideration.* Any action of the Council, including final action on applications for legislative changes in land use status, shall be subject to a motion to reconsider except for:

1. Any action previously reconsidered; or
2. Motions to adjourn or motions to suspend the rules; or
3. An affirmative vote to lay an item on, or take an item from, the table; or
4. A vote electing to office one who is present and does not decline.

Such motion for reconsideration can only be made by a member of the prevailing side on the original action and prior to the publication deadline. A motion to reconsider is debatable only if the action to be reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable. Any motion for reconsideration of a matter which was the subject of a required public hearing or which is a quasi-judicial matter may not be discussed or acted upon unless and until the parties or their attorneys and the persons testifying have been given at least five (5) business days' advance notice of such discussion and/or action.

E. *Dissents and Protests.* Any Council member shall have the right to express dissent from or protest, orally or in writing, against any motion, ordinance or resolution of the Council and have the reason therefor entered or retained in the minutes.

F. *Mayoral Power of Veto.* The Mayor shall have the power to veto ordinances passed by the Council and submitted to her/him as provided in RCW 35A.12.130 but such veto may be

overridden by the vote of a majority of all council members plus one more vote. RCW 35A.12.100.

2.03.190 Council Vacancy:

If a vacancy occurs on the City Council, the Council will follow the procedures outlined in RCW 35A.12.050. In order to fill the vacancy with the most qualified person available until an election is held, the Council will publish a notice of the vacancy, the procedure, and distribute the application form for applying. The Council will draw up an application which contains relevant information, including questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council's selection of the new Council member. A vacancy must be filled within ninety (90) days per RCW 42.12.070(4). The vacancy term is until the next general election results are final and will be for the unexpired term.

Article II. Interaction between City Council, Mayor and City Staff

2.03.400 Purpose of This Article:

The purpose of this article is to establish formal procedures for interaction between the City Council, Mayor and City staff.

2.03.410 Respect:

There will be mutual respect from both Mayor/City staff and Council members of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. When feasible, questions should be asked of staff before the public meetings.

2.03.420 Roles:

The Mayor/City staff will acknowledge the Council as policymakers, and the Council members will acknowledge the Mayor/City staff as administering the Council's policies.

2.03.430 Requested Written Material:

Individual Council members represent the Council as a whole. Council members have a responsibility to bring controversial decisions back to the whole Council whenever possible. All written informational material requested by individual Council members shall be distributed by City staff, after approval of the Mayor, to all Council members with a notation indicating which Council member requested the information.

2.03.440 Personnel Selection:

Council members should not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications, or the granting of City licenses or permits.

2.03.450 City Department Noninterference:

Council should not attempt to interfere with the operating rules and practices of any City department.

2.03.460 Mail Delivery:

Mail that is addressed to the Mayor and Council members should be date stamped, copied and circulated, including the envelope, by the assigned staff as soon as practical after it arrives. Mail will be placed in designated mail slots at City Hall for Council members to pick up at their convenience.

2.03.470 Confidential Mail:

Mail addressed to individual Council members marked personal and/or confidential will not be opened by City staff. The outside of the envelope will be date stamped and the unopened mail will be placed in the appropriate Council member's mail slot at City Hall.

2.03.480 Individual Council Member Directed Actions:

No Council member should direct the Mayor to initiate any action or prepare any report that is significant in nature or initiate any project or study without the consent of a majority of the Council.

2.03.490 Council Member Requests for Information:

Individual requests for information can be made directly to the department director, unless otherwise determined by the Mayor. If the request would create a change in work assignments or City staffing levels, the request must be made through the Mayor.

2.03.500 Staff Assistance for Council Members:

Council members needing staff assistance should work through the Mayor.

Article III. Council Committees

2.03.600 Definition and Scope of Council Standing Committees:

The purpose of the standing committees is purely advisory to review certain items for a deeper discussion prior to presenting for decisions by the full Council. The Mayor will coordinate monthly meeting dates and times, and other staff needing to attend.

Commented [KK4]: I'm not aware of any standing council committees; if there are none anticipated, we can remove this section.

2.03.610 Committee Attendance:

Council committee members are to notify the Mayor's Office of planned absences at least twenty-four (24) hours in advance of a meeting.

2.03.620 Composition of the Council Committees:

Each Council committee shall consist of two (2) or three (3) members appointed by the Mayor with confirmation by the Council. Changes from elections or vacancies will be filled at the next regular meeting possible.

2.03.630 Council Committee Meeting Schedules:

The days and times of all committee meetings shall be determined by a consensus of Council and Mayor and may be amended as necessary or on a temporary basis by a consensus of the committee.

2.03.640 Ad Hoc Council Committees:

From time to time, the Council may appoint special Council or citizen committees to accomplish specific tasks of limited duration. Committee members shall be appointed by the Mayor and the Mayor with confirmation of the Council.

Article IV. Advisory Bodies

2.03.700 Purpose of This Article:

A. *Participation.* The City of Mattawa's commissions, boards, and committees provide an invaluable service to the City. Their advice on a wide variety of subjects aids the Mayor and

Council members in the decision-making process. Effective citizen participation is an invaluable tool for local government. The City Council may assign duties to advisory bodies that are consistent with their oversight.

B. *Purpose.* The City of Mattawa advisory bodies may be acting on a delegation of regulatory duties, to collect the viewpoints of citizens and stakeholders, and to send their advice of such to the City Council.

C. Persons of wide-ranging interests who want to participate in public service but not compete for public office can be involved in governmental commissions, boards, and committees.

D. *Rules.* The adoption of uniform rules of procedure is necessary to assure maximum productivity and fairness. The following governs the City's advisory groups; some of these advisory groups may have more specific guidelines set forth by ordinance or resolution, or at times by state law.

2.03.710 Citizen Advisory Boards and Commissions Created:

A. *Definitions.* For purposes of this article, the following terms have the meanings set forth below:

1. "Ad hoc committee" means a body appointed by the Council to help competing interests come up with a solution that benefits the entire community, provide a forum for voicing concerns, increase community input, discuss alternative solutions and build public consensus over controversial issues before the City Council makes a decision. An ad hoc committee will cease to exist upon completion of its charge as given by the Council.
 2. "Board" means a body established by state statute or city ordinance to study and recommend action to the City Council. Boards are advisory to Council and the work program is delegated by resolution to the board.
 3. "Commission" means a body established by state statute to act in a quasi-judicial capacity. With the exception of the Civil Service Commission, some actions of Commissioners are appealed directly to City Council or Hearing Examiner.
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B. There are established and created the following advisory boards and commissions of the City:

1. Government Road Advisory Committee – MMC Chapter 2.10;
2. Tree Advisory Board—MMC Chapter 2.06;
3. Planning Agency – MMC Chapter 2.03;
4. Civil Service Commission for Police- Chapter 41.12 RCW, and MMC Chapter 2.40;

2.03.720 Authority and Intent – Governing Law:

The City Council of the City of Mattawa is specifically empowered by state law, City code, and ordinance to fill by appointment all boards and commissions established by such state law, code or ordinance, or such other advisory boards or commissions as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly select citizens of the community to serve effectively on boards or commissions. To this end, this article has been created, and it shall remain in effect until such time as the City Council desire to amend or modify it in part or revoke it in whole.

The intent of this chapter is to provide a single source for all citizen advisory boards and commissions of the City of Mattawa, by addressing those requirements that should be considered for all advisory boards and commissions and creating a template from which to base the creation of all future citizen advisory boards and commissions.

The Revised Code of Washington (RCW) provides for specific requirements with respect to certain municipal boards and commissions, great lengths have been taken to ensure that this chapter complies with the RCW; however, where a conflict exists between this chapter and the RCW, the RCW prevails.

2.03.730 Nondiscrimination – Compensation:

No person shall be ineligible as a member of a citizen advisory board or commission by reason of race, color, religion, creed, sex, age, marital status, national origin, physical disability, political affiliation, veteran status, or any other class of individuals protected from discrimination under state or federal law.

All members of citizen advisory boards and commissions shall serve without compensation; provided, however, that reimbursement of actual training expenses may be authorized by the City Council.

2.03.740 Appointments and Confirmation Process:

Upon notice of a citizen advisory board or commission vacancy, the Council will direct the Mayor, or designee, to publish notice of the vacancy on the City's website for the full or unexpired portion of the term. A minimum of ten (10) days shall be provided to citizens to complete the application form provided for the open position.

Unless otherwise provided, the Mayor shall appoint all members of boards and commissions in this chapter; provided, that those appointments shall be recommended by staff of the Advisory Board and be subject to confirmation by a majority vote of the City Council.

2.03.750 Reappointments:

A. *Notification and Evaluation.* Incumbents who wish to be reappointed shall notify the City Clerk's office within ninety (90) days prior to the expiration of their term. There is no vested right to reappointment for any position. An incumbent seeking reappointment will be evaluated by the appropriate chair and City staff. The evaluation and their recommendation shall be given to the Mayor. The evaluation of the candidate shall be based on the following performance criteria:

1. Regularity of attendance;
 2. Understanding of committee or commission function;
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3. Effectiveness;
4. Demonstrated contribution during past term of office on issues, programs, City policies, and signed board responsibilities for the advisory board, committee, or commission; and
5. Term limits as defined by statute, ordinance, or resolution creating the advisory board, committee, or commission.

2.03.760 Vacancy or Removal:

A position will be automatically vacant when a member of a citizen advisory board or commission has:

- A. An unexcused absence from any three (3) consecutive meetings as described in Section 2.03.780;
- B. Submitted written resignation to the City Clerk;
- C. Mortally passed; or
- D. Been removed by recommendation of the Mayor with confirmation from the Council.

2.03.770 Chair and Vice Chair:

- A. Unless otherwise provided, each advisory board or commission shall elect a chair and vice chair from their numbers whose terms shall run for one (1) year, from the first meeting of the year until a new chair and vice chair are appointed in the subsequent year. The chair shall act as the presiding officer over the meeting and coordinate with staff in respect to attendance of members, vacancies and other items of concern.
 - B. The chair may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members, and shall not be deprived of any of the rights and privileges of a member of the board or commission by reason of their acting as the presiding officer.
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C. For the purposes of this chapter, any duties or responsibilities designated to the chair shall transfer to the vice chair in their absence. In the event that both the chair and vice chair are absent from a meeting, the members of any citizen advisory board or commission may elect a chair pro tem from their numbers who shall be empowered to carry out said duties and responsibilities for that meeting.

2.03.780 Meetings, Reports, and Attendance:

All meetings of citizen advisory boards and commissions shall be properly noticed and open to the public in accordance with the Washington State Open Public Meetings Act (Chapter 42.30 RCW). All actions taken by a citizen advisory board or commission, including minutes of all meetings, shall be filed with the City's Public Records Officer and are subject to review by the public in accordance with the Washington State Public Records Act (Chapter 42.56 RCW).

Unless otherwise provided, all citizen advisory boards and commissions shall meet at least once per calendar quarter or at any time that the chair, majority of members thereof, or the City Council shall decide; provided, that any such meeting shall be properly noticed in accordance with other provisions in this chapter.

All citizen advisory boards and commissions shall provide a report to the City Council at least once per calendar year.

Roll call will be taken at the start of all citizen advisory boards and commissions meetings. Members shall notify the chair prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the chair, the member shall contact the assigned staff department director or secretary, who shall convey the message to the chair. Following the roll call, the chair shall announce if a reason was received for a member's absence, state the reason for such absence, and inquire if there is a motion to excuse the member. The motion shall be nondebateable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the secretary will make the appropriate notation in the minutes. Any absence that is not excused by motion and passed shall be deemed unexcused and no further action is required at that meeting. The secretary of the citizen advisory board or commission will report all unexcused absences to the City Clerk.

2.03.790 Quorum:

A majority of a citizen advisory board or commission shall constitute a quorum for the transaction of business. Any action taken by the majority of those present at any regular or special meeting is deemed and taken as the action of the advisory board or commission.

2.03.800 Council Concerns About Recommendations:

Council member concern(s) of a recommended appointment from the advisory board or commission staff should be addressed with the Mayor in advance of the meeting.

2.03.810 Removal of Members:

Members may be removed from any advisory committee prior to the expiration of their term of office by a minimum of four (4) affirmative votes of the City Council based on reported violations to the Rules of Conduct for Board and Commission Members.

2.03.820 Committee Operations and Records:

- A. The City Clerk will forward applications to Human Resources to establish the volunteer personnel file.
 - B. The City Council expects new members will be oriented to the roles and responsibilities of their appointment by the staff of the associated department.
 - C. Staff of the associated department will track training of its members in accordance to the Open Public Meetings Act. Certificates of completion will be forwarded to Human Resources
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2.03.830 Lobbying Efforts Consistent with City Policy:

Lobbying efforts by any advisory bodies on legislative or political matters should first be checked for consistency with existing City policy by contacting the Mayor's office. In the event a position is taken that differs from that of the City's policy, an advisory body acting as an official body of the City of Mattawa cannot represent that position before another body, i.e., the State Legislature or the Grant County Commissioners. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that he or she is not speaking as a representative of the City of Mattawa, or as a member of his or her commission, committee or task force.

Article V. Conflicts and Violations

2.03.900 Conflicts:

In the event that any provision of this chapter conflicts with any other provision of the Mattawa Municipal Code or any other ordinance or resolution of the City, the provisions of this chapter shall control.

2.03.910 Violations:

The provisions of this chapter have been codified for the sole purpose of providing transparency as to the manner in which the City Council will conduct its business and for no other purpose. The provisions of this chapter are enforceable by the City Council only and are not enforceable by any other person. No third party is entitled to be a beneficiary of these rules and procedures. Violations of this chapter are not considered criminal or civil infractions and are subject only to such sanctions as the City Council may impose in its discretion under applicable law.



**CITY OF FERNDALE, WASHINGTON
CITY COUNCIL RULES OF
PROCEDURE and ETHICS
HANDBOOK**



Ferndale City Council Rules of Procedure (Revised and Passed 01/16/2001 - Updated 03/4/2019 and 6/21/2022)



CITY OF FERNDALE, WASHINGTON

CITY COUNCIL RULES OF PROCEDURE and ETHICS HANDBOOK

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The City of Ferndale operates as a non-charter code city with a Mayor-Council form of government, as outlined in RCW 35A.12. These rules of procedure set forth herein are adopted for the benefit of the members of the City Council to assist in the orderly conduct of Council business.

1. COUNCIL MEETINGS - TIMES AND LOCATIONS

All regular meetings of the City Council convening for the purpose of taking action upon city business shall be held on the first and third Mondays of each month. All Council meetings shall be held at the City Hall Annex and shall be "hybrid" meetings, allowing either in-person or remote attendance. Council meetings shall begin at 5 p.m. No meeting shall be permitted to last for more than three hours without approval of a majority of the Councilmembers present. A new time limit must be established before taking a Council vote to extend the meeting. In the event a meeting has not been closed or continued by Council the items not acted on shall be deferred to the next regular meeting, unless the Council, by majority vote of members present, determines otherwise.

In the event that a scheduled Council meeting falls on a legal holiday, the meeting shall be held at 5 p.m. on the first business day following the holiday.

Council Committee meetings are regularly scheduled meetings of the Ferndale City Council, and as such, are subject to the Open Public Meetings Act. (OPMA) Councilmembers may attend a meeting of a Committee of which they are not a member in order to listen and observe; however, in order to avoid a quorum of the full Council, they shall not participate in the meeting in any way.

Committee meeting absences are not subject to the provisions of RCW 35A.12.060 related to unexcused absences for regular meetings.

Committee members do not make final decisions on legislative issues, but only make recommendations to the full council.

The City Clerk's office shall notify the public of meeting cancellations pursuant to Chapter 42.30 RCW, the state's Open Public Meetings Act.

2. COUNCIL MEETINGS - OPEN TO THE PUBLIC - EXECUTIVE SESSIONS

All meetings of the City Council and of Committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140. Executive Sessions are specifically exempted from the Open Public Meetings Act. Such meetings are closed except to the Council, Mayor, City Administrator and authorized staff members and consultants authorized by the Mayor or a majority of the Council. The public is restricted from attendance. Executive Sessions may be held during regular or special Council meetings. Executive Session subjects are limited to considering matters authorized by state law, as set forth in RCW 42.30.110 or RCW 42.30.140 or any other relevant chapter of the Revised Code of Washington.

Before convening an Executive Session, the Mayor shall announce the purpose of the meeting, the expected length of time of the meeting and the potential action by the Council when it reconvenes. Should the session require more time, a public announcement shall be made, extending the meeting for a time certain. At the end of that time, if the discussion has not concluded, the meeting shall by public announcement again be extended to a time certain.

Executive Sessions shall begin and end in accordance with state law.

Councilmembers must keep confidential all written materials and verbal information provided to them during Executive Session to insure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside Executive Sessions when the information is considered to be exempt from disclosure under the Revised Code of Washington.

Pursuant to RCW 35A.12.120, providing for the City Council the ability to make its own rules, Councilmembers who have a conflict of interest or the appearance of a conflict of interest related to an Executive Session item must recuse themselves from the session and leave the room. A City Councilmember should use the officially adopted Ethics Handbook for Elected Officials or any other relevant City code, policy or state policy or statutory authority as guidance to assess a conflict of interest or any issue in which there may be the appearance of a conflict of interest. A Councilmember may participate in that portion of an executive session not related to the item in which they have a conflict of interest or the appearance of a conflict of interest.

Should the City Council deem that a member of the Council has a conflict of interest or the appearance of a conflict of interest and the member refuses to recuse themselves from the session, a majority of the Councilmembers present may vote to exclude that member from that specific portion of the session in which they have said conflict or the appearance of said conflict. The Councilmember who has made a motion to exclude a Councilmember from an executive session should clearly state the reason for the conflict of interest or the appearance of a conflict of interest.

3. SPECIAL COUNCIL MEETINGS

RCW 35A.12.110 and RCW 42.30 (Open Meetings Act) in part specifies public announcement and openness requirements concerning Council meetings. Therefore, the City Council requires that notification of Special meetings be made as follows: The Mayor or any four Councilmembers may call a Special meeting giving 24-hour notice. A meeting notification package that includes place, time, agenda and supporting materials to be discussed and/or acted upon by the Council shall be posted on the City's website and delivered by any reasonable means or method, including e-mail or telephone notification. Councilmembers shall provide the City Clerk with confirmation that they have received the meeting notification package through email receipt or verbal confirmation. Failure to obtain confirmation from all seven Councilmembers will not prevent Special meetings from being conducted; however, final decisions on issues should only be made or concluded at the special meeting if all seven Councilmembers confirm that they received the meeting notification, unless the Special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage. Reasonable means available to notify the public of a Special meeting will be used including daily newspapers, radio, Riverside Drive e-board, city website and social media.

4. STUDY SESSIONS- WORKSHOPS

Regular or Special Council meetings, or a portion thereof, may be designated as Study Sessions or Workshops by the Mayor. Study Sessions and Workshops need have no formal agenda and may be conducted informally. Study sessions and Workshops are subject to the regulations of the Open Public Meetings Act. The City Clerk shall record minutes of Study Sessions and Workshops. The minutes need only reflect the names of members and staff present and a brief description of the topic. No motions shall be entertained or votes taken at a Study Session or

Workshop. The purpose of Study Sessions is to allow Councilmembers to be made aware of impending business and to allow informal discussion of issues that might be acted on at a future meeting. The purpose of Workshops is to allow Councilmembers to do concentrated preliminary work with administration on single subject but time-consuming complex matters (i.e., budget, complex legislation or reports, etc.)

5. PRESIDING OFFICER- MAYOR - MAYOR PRO TEMPORE

The Mayor shall act as the presiding officer at meetings of the Council and shall be recognized as the executive and administrative head of the City, as per RCW 35A.12.100. In the absence of the Mayor, the Mayor Pro Tempore shall act as the presiding officer at meetings of the Council. The Mayor Pro Tempore shall be elected by a majority vote of the Council from its own membership at the first meeting or a meeting soon thereafter after each general election and thereafter at such times as a vacancy occurs. The Mayor Pro Tempore shall hold office at the pleasure of the Council. In the absence of both the Mayor and the Mayor Pro Tempore, the Council shall appoint one of its members to act as the temporary presiding officer. Neither the appointment nor service of a member of the Council as Mayor Pro Tempore or temporary presiding officer shall abridge that individual's right to vote upon all questions coming before the Council.

In the event that the Mayor is incapacitated or the office shall become vacant RCW 35A.12.050 shall apply.

6. QUORUM

Per RCW 35A. 12.120, at all meetings of the Council, four Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money shall require the affirmative vote of a majority (4 members) of the entire Council.

7. ATTENDANCE

A. REMOTE PARTICIPATION

A Councilmember may participate remotely in all or part of a Council meeting, provided all people are able to see and hear each other at the same time. Any Councilmember participating remotely shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic which the Councilmember is voting on. Councilmembers' cameras should remain on unless remote attendance without video has been approved by Council. The appearance and behavior of any Councilmember attending remotely should be the same as when attending in-person. In the event technical problems or difficulties prevent participation in full or part, the Mayor or Councilmember may seek to note these difficulties in the record. Should the difficulties be resolved during the meeting, the record should reflect that the Councilmember has rejoined the meeting. Any technical problems or difficulties that are unable to be resolved during the meeting may result in an excused absence for the Councilmember.

B. EXCUSED ABSENCES

RCW 35 A. 12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Mayor prior to the meeting. If the member is unable to contact the Mayor, the member

shall contact the City Administrator or the City Clerk who shall convey the message to the Mayor. Following roll call, the Mayor shall inform the Council of the member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of Councilmembers present, the member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

8. COUNCIL MEETING AGENDA

The City Clerk shall arrange a list of proposed matters according to the order of business and prepare a preliminary agenda. Proposed matters may be submitted by the Mayor, Councilmembers, Department Heads, and the City Administrator. A single Councilmember may submit a Committee agenda item to the City Administrator, Mayor or City Clerk. Items requiring Council action, other than emergency actions, which have not been previously reviewed by the appropriate Committee, must be approved by a majority of Councilmembers at the beginning of the meeting.

The preliminary agenda shall be completed by 3:00 p.m. on the Tuesday preceding the regular Council meeting in preparation for the Wednesday Committee meetings. Notice shall be furnished on the City website and the agenda distribution email list. Final agenda packets, complete with all necessary information for the Council, shall be available by 12 noon the Friday preceding a regular Council meeting. Should agenda items change after posting on the City website, updates will be made to the website duly noting the change. The Council is under no obligation to consider or act upon agenda items that are presented without necessary supporting information.

Full agenda packets will be available at www.cityofferndale.org.

9. CONSENT AGENDA

Council Committees may recommend that certain items that have been previously discussed by the Council that are so routine and non-controversial that passage without discussion is likely, be placed on the consent agenda. The proper Council motion on the consent agenda is as follows: "I move adoption of the consent agenda". This motion shall be non-debatable, and upon affirmative vote of four Councilmembers, will have the effect of moving to adopt all items on the consent agenda. Prior to the vote to approve the consent agenda, a Councilmember may request of the Mayor or presider of the meeting to remove an item. This is non-debatable. If any matter is withdrawn, the remainder of the consent agenda may be voted on. The Mayor shall place the withdrawn item for separate consideration at an appropriate place on the current agenda or move it to a future meeting.

10. CITY ADMINISTRATOR

The City Administrator or his/her designee shall attend all Council meetings, unless excused by the Mayor or the Council. The Administrator shall recommend measures for adoption; prepare and submit required reports; keep the Council and Mayor fully advised of the affairs of the City; and take part in Council discussions involving the welfare of the City, as stated and defined by the Ferndale Municipal Code.

11. CITY CLERK

The City Clerk or other Mayoral designee shall be the ex-officio Clerk of the Council and shall keep minutes as required by law, and shall perform such other and further duties in the meeting as may be required by the Council, Mayor, or City Administrator. The City Clerk shall keep minutes which identify the general discussion of the issue and complete detail of the official

action or consensus reached, if any. The Clerk shall digitally record the proceedings of all public hearings and regular and special meetings and workshops, and shall keep and make available an index to the contents of each recording. The recordings shall be under the protection of the City Clerk and shall be available on the City website.

12. DECORUM

The City Council will treat City staff and members of the public with a high level of professionalism and respect, and Councilmembers require City staff and members of the public to extend the same courtesy. (See Section 24) Differences of opinion, values, and perspectives are expected, and it is essential the atmosphere and tone of Council meetings be professional and respectful, to foster public trust, confidence, and participation by citizens.

Personal attacks, insults, interruptions, inflammatory language, and profanity are not permitted. Nor are remarks that disparage groups or individuals because of race, religion, sexual orientation, age, or gender.

Any member of the body may rise to a point of order if he or she feels this section is being violated. The chair can rule to uphold or decline the point of order, and the body, by a majority vote, may override the chair.

Councilmembers have the primary responsibility to assure that these guidelines are understood and followed, so that the public can have full confidence in the integrity of their local government. These guidelines are intended to be self-enforcing, thereby requiring an ongoing commitment by Councilmembers to faithfully honor the trust and dignity bestowed upon them as elected leaders and community role models.

13. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)" or "Your Honor". Members of the Council shall be addressed as "Councilmember (surname)". Council shall endeavor to address staff in a formal manner, i.e. "Director (surname)" or "Mr./Mrs./Ms. (Surname)".

14. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chambers according to elected position number.

15. DUTIES OF THE PRESIDING OFFICER OF THE COUNCIL

It shall be the duty of the Mayor, Mayor Pro Tempore or the temporary Presiding Officer to:

- (a) Call the meeting to order and conduct a roll call of attendance.
- (b) Inform the Council of a member's absence, state the reason for the absence, and inquire if there is a motion to excuse the member.
- (c) Keep the meeting to its order of business.
- (d) State each motion and require a second to the motion. Put all motions to a vote and announce the outcome. Suggest but not make motions for adjournment.
- (e) Handle discussion in an orderly way.

(f) Give every Councilmember who wishes an opportunity to speak. No Councilmember may speak twice until every Councilmember who wishes to speak has spoken. The Chair shall attempt to give pro and con speakers alternating opportunities to speak when possible or practical.

(g) Permit audience participation at appropriate times.

(h) Keep all speakers to the rules and the questions.

(i) Appoint committees when authorized to do so.

The Mayor, Mayor Pro Tempore or temporary Presiding Officer shall have the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the rules of the Council.

16. COUNCIL RELATIONSHIP WITH MAYOR, ADMINISTRATION, AND STAFF

The Council as a whole exercises the policy and legislative functions of city government. The Mayor exercises the executive and administrative functions directly or through the City Administrator, as per RCW 35A.12.100. It is the Mayor's authority and responsibility to establish policies regarding the relationship and interactions between Council and Staff. Councilmembers should familiarize themselves with City documents online and when possible minimize requests from staff. Council shall not make information requests of staff outside the policies set forth by the Mayor.

Councilmembers should expect timely information from staff in matters related to their public duties; however, other than legislative action taken by the Council as a whole, individual Councilmembers shall not interfere with the operating rules and practices of any City department or employee.

Concerns about the performance of any City employee, whether a personal concern or a citizen complaint, shall be directed privately to the Mayor and/or City Administrator. Alternatively, three Councilmembers may request an executive session to discuss the performance of an employee.

17. APPEARANCE OF FAIRNESS DOCTRINE - DEFINITION AND APPLICATION

The appearance of fairness doctrine is a rule of law that requires government decision-makers to conduct non-court hearings and proceedings in a way that is fair and unbiased in both appearance and in fact. The Appearance of Fairness Doctrine applies only to those actions of the Council which are quasi-judicial in nature. Quasi-judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010.

Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember, a Councilmember's business

associate, or a member of the Councilmember's immediate family. It could involve ex parte communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember shall disclose such facts to the City Administrator who will seek the opinion of the City Attorney as to whether a potential violation exists. The City Administrator shall communicate such opinion to the Councilmember and to the Mayor.

Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known, or reasonably should have been made known, prior to the issuance of the decision. Upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify a Councilmember shall state with specificity the basis for disqualification; for example, demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in the outcome of the proceedings, pre-judgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Administrator shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in Superior Court. Should such challenge be made in the course of a quasi-judicial hearing, the Mayor shall call a recess to permit the City Attorney to make such interview and render such opinion.

The Mayor or two or more Councilmembers shall have authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. In arriving at this decision, the Mayor or other Councilmembers shall give due regard to the opinion of the City Attorney.

Notwithstanding the request of the Mayor or other Councilmembers the Councilmember may participate in the proceeding.

Specific Statutory Provisions:

(a) Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning as per RCW 42.36.040, except that sitting Councilmembers shall not express their opinions on any such matter which may come before the Council.

(b) A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

(c) During the pendency of any quasi-judicial proceedings, no Councilmember may engage in ex parte (outside the hearing) communication with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:

- (1) places on the record the substance of such oral or written

communications; and

(2) provided that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his/her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. RCW 42.36.060

18. DISSENTS AND PROTESTS

Any Councilmember shall have the right to express dissent from or protest against any motion, ordinance or resolution of the Council and have the reason therefore entered in the minutes.

19. APPOINTMENTS OF BOARDS AND COMMISSIONS

Scheduled and end-of-term vacancies on Boards and Commissions shall be advertised for a period of two weeks via all relevant City communication channels, inviting application by residents no more than 60 days nor less than 45 days prior to the date upon which such vacancy is to be filled.

Unscheduled vacancies shall be filled as soon as practically possible after being advertised via all relevant City communication channels for at least two consecutive weeks. The Mayor shall bring at least one qualified candidate to the full Council for confirmation. Failing confirmation of the first candidate the Mayor may present additional candidates until such time as confirmation is forth coming. Should all qualified applicants fail confirmation, the Council may require that the vacancy be re-posted in the newspaper.

20. APPOINTMENTS OF DEPARTMENT HEADS AND SUPERVISORY PERSONNEL

All open positions shall be advertised in the official newspaper of the City and all relevant City communication channels for two consecutive weeks prior to the date upon which such position is to be filled. The mayor shall bring at least one qualified candidate to the full Council for confirmation by a majority of Councilmembers. All appointments will be selected following established laws, rules, and regulations relative to civil service and other lawful hiring practices.

21. INTERFERENCE - MAYOR - COUNCIL

The Separation of Powers Doctrine requires that the Mayor will not direct Councilmembers in the performance of their duties nor make assignment of tasks unless such tasks are specifically directed and identified by RCW. The Doctrine also requires that the Council and any committee thereof limit their correspondence with City Officials and Employees to activities of inquiry ensuring they do not direct work activities. If the inquiry from a Councilmember will cause extra effort or create substantial work, the inquiry shall be made in writing to the Mayor who will assign the inquiry appropriately. Removal of appointive and direct hire personnel is not within the authority of the Council. Both the Council and the Mayor have equal access to the contract attorney; however, reasonable efforts should first be made to resolve legal questions utilizing staff and/or services provided by organizations such as MRSC and AWC. Nothing herein shall be construed to prohibit the Council, while in Executive session, from fully and freely discussing with the Mayor and/or City Administrator anything pertaining to appointments and removals of City officers and employees. RCW 42.30.110(g).

22. RULES OF ORDER

Rules of order not specified by statute, ordinance or resolution shall be governed by Robert's Rules of Order. (newly revised 11th edition.) Any Councilmember or attending staff member may raise a point of order if he/she believes a procedural error has been made. The member states, "I rise to a point of order." The chair will ask the member to "State your point." The chair shall decide whether or not a procedural error was made; however, his/her decision may be appealed by Council.

23. MOTIONS

All items of business placed before the Council that requires the expenditure of Council and/or administration resources shall be in the form of an affirmative motion. Affirmative motions are preferred to prevent "approval by default" of a failed motion.

24. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted as follows: provided however, the Mayor may during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously.

- (a) Call to order
- (b) Pledge of allegiance
- (c) Roll call (see Section 7 for procedure to excuse absence)
- (d) Approval of agenda
- (e) Public Comment (items not on agenda)
- (f) Consent Agenda
- (g) Public Hearing (if applicable)
- (h) Items for Council consideration/action
- (i) Mayor Reports/Comments
- (j) Council Reports/Comments
- (k) Department Reports
- (l) Executive Session (as required) Note: Executive Session may be held at another point in the meeting as appropriate, per direction of Council or Mayor.

PUBLIC COMMENT

All public comments shall be made to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening or personally abusive while addressing the Council, shall be requested to leave the meeting by the chair. Councilmembers may override the chair's decision by a majority vote.

Any group of three (3) or more persons representing the same position on an issue shall designate a spokesperson who shall limit his/her comments to five (5) minutes. Each additional person representing the same position shall have a one (1) minute time limit.

PUBLIC COMMENT - ITEMS NOT ON AGENDA

All comments by the public shall be made from the speaker's rostrum, and any individual making comments shall first give their name and address for the record, and limit their remarks to three (3) minutes.

PUBLIC COMMENTS - AGENDA ITEMS

All comments by the public shall be made from the speaker's rostrum, and any individual making comments shall first give their name and address for the record, and limit their remarks to three (3) minutes. The procedure for Public comments regarding subjects on the current agenda shall be as follows;

- (a) Introduction of the subject by the Mayor
- (b) Presentation of staff reports or comments where applicable.
- (c) Comments from individuals initially requesting agenda item or those primarily impacted by the decision.
- (d) Council discussion.
- (e) Citizens' comments, directed to the Council, with no person commenting more than once without the full concurrence of the Council and then only after all others wishing to speak have had an opportunity to do so.
- (f) The comment period will be closed and additional comment will be accepted only as requested in the form of a question by a member of the Council or Mayor in order to clarify an issue. Rebuttal of additional comments accepted shall be allowed to insure all points of view are heard.
- (g) The Council will further discuss the agenda item, when applicable frame a motion for debate, and act upon the motion.

25. ACTIONS FOR PUBLIC HEARING

The procedures for a public hearing are as follows:

- (a) The City Clerk shall provide sign-up sheets in Council Chambers for those wishing to speak on an item scheduled for an official public hearing. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard.
- (b) The Mayor, subject to concurrence of the Council, may change the order of speakers to ensure testimony is heard in the most logical groupings, and otherwise organize and control presentations. Speakers shall be given three (3) minutes to speak at the hearing.

(c) The Mayor shall introduce the agenda item, open the public hearing, and announce the following Rules of Order, which will be attached to the back of the council agenda sheet:

1. Audience members who signed up prior to the beginning of our meeting will be called first to speak at this public hearing. If you were unable to sign up before the meeting, you will be given an opportunity to address the council once we've gotten through all the speakers listed on the hearing sheets.
2. Each speaker should state his or her name and address for the record and will be given three minutes to address the council.
3. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

(d) When the Council conducts a hearing to which the Appearance of Fairness Doctrine applies, the Mayor (or in case of a potential violation by that individual, the Mayor Pro Tempore) may ask if any Councilmember knows of any reason that would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows: All Councilmembers should now give consideration as to whether they have: a demonstrated bias or prejudice for or against any party to the proceedings, a direct or indirect monetary interest in the outcome of the proceedings, pre-judgment of the issue prior to hearing the facts on the record, or ex parte contact with any individual, excluding administrative staff, with regard to an issue prior to the hearing. If any Councilmember should answer in the affirmative, then the Councilmember should state the reason for their answer at this time, so that the Mayor may inquire of Administration as to whether participation would result in a potential violation of the Appearance of Fairness Doctrine.

26. VOTING

The votes during all meetings of the Council shall be transacted as follows:

(a) Voice vote is the preferred method for the majority of votes. Any Councilmember or Mayor may request a division of vote by a show of hands or a roll call vote. (RCW 35A.12.120,) The clerk shall record the "ayes" and "nays." The order of the roll call vote shall be determined by the City Clerk. Council may vote to suspend the rules and vote using another method provided it complies with the Open Public Meetings Act. (OPMA)

(b) In case of a tie in votes on any proposal, the proposal shall be considered lost, unless the Mayor is authorized to break the tie. The Mayor is authorized to break a tie with respect to matters other than the passage of any ordinance, grant, revocation of a franchise or license, or any resolution for the payment of money. (RCW 35A.12.100)

(c) Every member who was in the Council Chambers when the question was put forth shall give their vote unless the Council, for special reasons, shall excuse the member by motion, or unless the Councilmember is excused in accordance with Rule 17, Appearance of Fairness Doctrine. If a Councilmember is excused, he or she should leave the meeting until after the vote has been conducted

(d) The passage of any ordinance, grant or revocation of franchise, or license, and any resolution

for the payment of money or approval of warrants shall require the affirmative vote of at least a majority of the whole membership of the Council. RCW 35A.12.120

(e) The passage of any public emergency ordinance (an ordinance that takes effect immediately), expenditures for any calamity or violence of nature or riot or insurrection or war, and provisions for a lesser emergency, such as a budget amendment, shall require the affirmative vote of at least a majority plus one of the whole membership of the Council

(f) The passage of any motion or resolution not subject to the provisions of RCW 35A.12.130, or the Ferndale Municipal Code, shall require the affirmative vote of at least a majority of the Councilmembers present and eligible to vote.

(g) If a member wishes to abstain he/she shall inform Council and the Mayor before the vote is called, stating the reason for the abstention. An "abstain" vote shall not be counted.

(h) The Mayor shall have the power to veto ordinances passed by the Council and submitted to him or her as provided in RCW 35A.12.130, but such veto may be overridden by the vote of a majority of all Councilmembers plus one vote.

27. COUNCIL STANDING COMMITTEES

The procedures governing the appointment and operation of all Committees of the Council shall be as follows:

(a) It shall be the responsibility of the Council to appoint its own members to Council standing Committees at the first regular meeting of the Council in January following the election of Ferndale Councilmembers, or at a meeting soon thereafter, or otherwise as vacancies occur. Each Committee shall consist of three members, at least one of whom, when possible, shall be a re-appointment to the Committee on which he or she served during the previous biennium. Councilmembers shall state their preference for the Committees on which they wish to serve. No Councilmember may select a second Committee on which to serve until all Councilmembers have selected one Committee. In the event more Councilmembers state a preference for a Committee than there are vacancies, the appointment shall be made by drawing of lots. Every Councilmember shall serve on at least one Committee.

(b) Each Committee shall establish its own meeting times.

(c) Special Ad Hoc Committees for a particular purpose may be established and appointed by the Council or the Mayor, along with a clear task description and "sunset" provision.

(d) Committees shall make recommendations, when appropriate, on proposed ordinances, resolutions and motions within their area of responsibility, before action is taken by the Council.

(e) Councilmembers may attend a Committee of which they are not a member in order to listen and observe; however, in order to avoid a quorum of the full Council, at no time may they participate in the meeting in any way.

28. ENACTED ORDINANCES- RESOLUTIONS- MOTIONS

An enacted ordinance is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the city. Council action shall be taken by ordinance

when required by law, or where such conduct is enforced by penalty. An enacted resolution is an administrative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired. An enacted motion is a form of action taken by Council to direct that a specific action be taken on behalf of the city. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

29. RESOLUTIONS

A Resolution may be put to its final passage on the same day on which it was introduced. The title of each resolution shall, in all cases, be read prior to its passage; provided, should a Councilmember request that the entire resolution or certain of its sections be read, such requests shall be granted. Printed copies may be obtained at city hall during regular business hours.

30. ORDINANCES

The procedures for ordinances are as follows:

(a) A proposed ordinance will be presented to the appropriate Committee and designated to either the consent agenda or the regular agenda by a majority vote of the Committee. Ordinances for which a public hearing is required will automatically be placed on the regular agenda.

(b) Any ordinance repealing any portion of the Ferndale Municipal Code shall also repeal the respective portions of the underlying ordinance(s).

31. PERMISSION REQUIRED TO ADDRESS THE COUNCIL

Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Mayor during a meeting of the full Council. Persons other than Councilmembers and administration shall be permitted to address the Council upon introduction by the Committee Chairperson during a Council Committee meeting.

32. RECONSIDERATION

Any action of the Council, including final action on applications for changes in land use status, but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or to vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. Such motions can only be made by a member of the prevailing side on the original action. A motion to reconsider must be made no later than the next succeeding regular Council meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Council meeting for any action the Council deems advisable.

33. LEGISLATIVE PROCESS - AGENDA BILL PREPARATION

All items requiring Council action shall be accompanied by an Agenda Bill detailing background, Committee and staff review, and historical information regarding the issue. Such items shall be considered drafts prior to final passage.

34. COMPLAINTS AND SUGGESTIONS TO COUNCIL

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Mayor shall determine whether the issue is legislative or administrative in nature and then:

(a) If legislative and a complaint about the letter or intent of legislative acts or suggestions for

changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Mayor may refer the matter to a Committee, Administration, or the Council as a whole for study or recommendation.

(b) If administrative and a complaint regarding administrative staff performance, administrative execution of legislative policy or administrative policy, the complaint shall be reviewed by the Mayor. The City Council may request a written report to the Council when the complaint review is complete.

(c) The Mayor, or his/her designee, shall, in writing, by telephone, email, or in person, respond in a timely manner to citizen complaints and suggestions, regarding the disposition of the stated complaint or suggestion.

(d) Citizens bringing a complaint or suggestion to the City Council may leave their contact information with staff to enable staff to respond after further investigation of the situation. Councilmembers will be copied (BCC) on email correspondence with the complainant.

35. ADMINISTRATIVE COMPLAINTS MADE DIRECTLY TO INDIVIDUAL COUNCILMEMBERS

When administrative policy or administrative performance complaints about staff are made directly to individual Councilmembers, the Councilmember shall then refer the matter directly to the Mayor or City Administrator for review and/or action, whichever is appropriate. The individual Councilmember may request to be informed in writing of the action or response made to the complaint.

36. FILLING COUNCIL VACANCIES

If a vacancy occurs in the office of Councilmember, the Council will follow procedures as per RCW 42.12. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of vacancy, along with the procedure for applying. The Council will draw up an application form which contains relevant information to answer set questions posed by the Council.

The application forms will be used in conjunction with an interview of each candidate to aid in the Council's selection of the new Councilmember.

If the vacancy occurs because of an election of a current Councilmember to another office, the current Council shall initiate a search process according to the above procedures, which the incoming Council may or may not use.

37. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPES, ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council Meetings without the consent of the Mayor and a majority of the Council.

38. VIDEO RECORDINGS OF MEETINGS

All regular meetings, Public Hearings and Quasi-judicial Proceedings, Workshops and Study Sessions of the City Council shall be recorded by the City Clerk on a video recording device.

39. PAY PROCEDURES:

The City of Ferndale pays Councilmembers by direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

Compensation shall be issued during the first pay period of each month, generally the fifth day of each month, during the elected official's term of office. If the regular payday occurs on a Saturday, Sunday, or a holiday, Councilmembers will be paid on the last working day before the regular payday.

40. COUNCIL COMPENSATION:

RCW 35A.12.070 governs the compensation and expense reimbursement of elected officials. Council is responsible for the setting of salaries for future councils and shall review such "from time to time."

Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the Council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

41. WAIVER OF RULES

These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of business. The rules of procedure do not grant to the public or third parties any rights or privileges other than those provided by RCW. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents or employees, nor shall failure to adhere to these rules result in invalidation of any Council act. The City Council may, by majority vote, determine to temporarily waive any of the provisions herein.

42. AMENDMENT OF RULES

These rules may be amended, or new rules adopted, by a majority vote of the Council at a regularly scheduled meeting.

APPENDIX A – ETHICS HANDBOOK

City of Ferndale Ethics Policy and Integrity Statement

Public trust is the cornerstone of a healthy city government. City Elected Officials are in a unique position to influence the public's confidence and trust since they are the visible representatives of the City. Elected officials must be committed to a philosophy of ethical behavior and integrity. To this end, this Ethics Handbook has been adopted to serve as a guide in assessing behaviors and decisions that may compromise the City's and the public's standards of behavior.

Note: This Handbook is intended to supplement relevant state law regarding ethics including but not limited to RCW 42.20 Public Officers and Agencies and RCW 35A.12 Mayor-Council Plan of Government. The remedies for violations as described in this Handbook do not supersede criminal or civil penalties that may be assessed pursuant to RCW 42.20.

GENERAL CHARACTER AND STANDARDS OF PERFORMANCE

The preservation of public trust is critical for the preservation of democracy. At the core of ethical behavior are some basic standards that public officials should use to reach a level of conduct that strives to be beyond reproach. Some of the items that define the general character of high ethical behavior include the following:

Honesty and Integrity – The public trust in the City Council and Mayor can be a reality only when public officials are truthful.

Impartiality and Respect – All issues and all citizens shall be handled with fairness, impartiality, and respect. This includes dividing time reasonably among potential speakers on an issue at a public hearing and being accessible, open, and direct to other members of the Council, Mayor, and City staff. The public is entitled to communicate with their public servants and to understand the position of the Council on public issues.

Fair and Equitable Treatment – As public servants, duties must be performed in a fair and equitable manner. This means that elected officials shall not exceed their legal authority to assist private entities or individuals where this would result in preferential treatment, not permitting oneself to be placed under any kind of personal obligation that could lead to expectations of favors, and not treating anyone less favorably because race, color, creed, religion, gender, sexual orientation, gender identity, national origin, age, marital status, political affiliation, mental, sensory or physical disability.

Effort – Elected officials have an obligation to attend meetings and to be prepared. It is expected that officials will review materials, participate in discussions, and make informed decisions on the merits of an issue.

Accountability – Elected officials understand that they shall accept responsibility for their actions, and are accountable and responsible for their own personal code of ethics. In addition, Councilmembers shall set aside politics, partisanship, and personalities and hold each other accountable to ensure adherence to this Handbook by the Council as a whole.

CONFLICT OF INTERESTS

A conflict of interest occurs when an elected official is no longer able to remain impartial or objective between the interest of the City of Ferndale and the interest of oneself. The citizens have a right to expect independence and fairness and expect an elected official to act for their benefit and not favor a few individuals. A situation can sometimes make it appear that a conflict of interest exists but does not meet the technical definition. The appearance of a conflict may be just as damaging to the City's reputation as an actual conflict. All individuals are encouraged to avoid situations that create even the appearance of a conflict of interest. The overall public's interest must be the primary concern.

- If an elected official is in a position to vote on an issue that involves a conflict of interest, he or she should abstain and remove him or herself from participating in the discussion pertaining to the item and not vote or attempt to influence the vote.
- An elected official shall not discuss and/or vote on an issue that he or she stands to gain from financially, or one for which either the elected official or an immediate family member has an ownership interest.
- An elected official shall not solicit or accept any compensation which might influence the manner in which his or her official duties are performed.
- If the issue creates an appearance of a conflict or impropriety, the individual should, at a minimum, disclose the nature of the concern to the other members of the body prior to the vote. Failure to do so jeopardizes the public perception of the outcome of the vote.
- An elected official shall not represent his or her personal opinion as that of the City.
- An elected official shall not solicit, negotiate, renegotiate, or approve, directly or indirectly, any contract or agreement representing the interest of the City unless specifically authorized to do so.

GIFTS

Since gifts always have the potential to influence decisions and create perceptions of impropriety, the standard and general practice is to refuse gifts and to not use one's position to influence, request, or accept a gratuity or gift that is tied in any way to specific Council action. Gifts include, but are not limited to, monetary compensation, gift cards, meals, travel, entertainment tickets, sporting events, concerts, theaters, offers of employment or employment incentives or bonuses, and other tangibles or contributions that have a personal value.

Items that may be considered permissible include:

- Food and refreshments of insignificant value on an infrequent occasion within the course of a meeting, conference, or other occasion where the elected official is representing the city's interest.
- Nominal gifts from other city officials or employees on appropriate occasions (birthdays, weddings, etc.).
- Nominal gifts while visiting other places, or hosting official city visitors when it would be a breach of protocol to refuse the gift.
- Gifts to commemorate a public event in which the elected official participated, such as a ground-breaking ceremony.
- Winning or receiving a promotional gift from a business, where the opportunity to win/receive the gift is open to the community in general.
- Reasonable expenditures for travel, food, and lodging that are made in return for participation in a panel or speaking engagement, assuming however that the sponsoring organization does not do business with the City.
- Honoraria including payment for making a presentation or authoring an article providing that the speech or article is not related to an individual's official duties with the City of Ferndale.
- Occasional and infrequent minor (less than \$50 in value) items such as meals or tickets to public events.

MANAGEMENT OF CONFIDENTIAL INFORMATION

The City of Ferndale is committed to maintaining an open and accessible government intended to engender trust and confidence from the public. Equally important to garnering public confidence, is protecting confidential information. Elected officials often have access to important confidential information regarding the property, operations, policies, or affairs of the city. The disclosure of inside information may benefit the few at the expense of the city and may contribute to the deterioration of public confidence. Specifically elected officials shall not:

- Willfully or knowingly disclose any confidential, privileged, or protected information, whether or not the item was discussed and disclosed in Executive Session, unless authorized or required by law to do so.
- Use any confidential, privileged, or protected information to advance the financial or other private interest of himself or herself or others.

- Accept employment or engage in any business or professional activity which will require the disclosure of confidential, privileged, or protected information, or which could influence the manner in which his or her professional duties are performed.
- Disclose any confidential information, without formal authorization, concerning any city official or employee, or any other person, or any property or governmental affairs of the city.
- Suppress or refuse to provide city reports or other information which is publicly available and constitutes a public record.

How information is collected and used involves ethics and directly impacts the standards of performance and behavior that the City of Ferndale wishes to achieve. Elected officials who trade information that rightfully is considered confidential, privileged, or protected are ultimately liable if these standards are not upheld.

POLITICAL ACTIVITY

Political engagement is necessary for the health of city government and is encouraged for all citizens. To ensure this, elected officials shall not use their political position to advance private interests and shall not use their influence, power, or position to reward or give favors for partisan participation on any campaign or cause. Specific prohibited behavior includes, but is not limited, to the following:

- Elected officials shall not engage in political campaigning at city meetings or within city buildings, however this does not prohibit a candidate from participating in a public forum or debate, nor does it prohibit an elected official from having a political bumper sticker or magnet on his/her personal vehicle that may be parked at a city building. (FMC 18.80)
- Using public resources for political campaigning such as circulating petitions during a city meeting or soliciting city employees to support their specific cause.
- Making campaign speeches at Council meetings or touting their, or another's, candidacy, or urging residents to vote for them or another, through words, buttons, signs, or other means during a duly noticed public meeting.

UNDUE INFLUENCE

As leaders within city government, elected officials need to set the standard through their words and actions by demonstrating the qualities needed to ensure that the City of Ferndale's workplace culture supports personal responsibility, professionalism, collaboration, honesty, fairness, respect, and accountability. Undue influence involves one person taking advantage of a position of power over another person. Elected officials are expected to engage in the highest level of professional behavior when dealing with City employees or others who are supported by the city. No elected official shall knowingly, or with reason to know:

- Use or attempt to use the official position to secure for oneself or others unwarranted privileges or exemptions which are not available to similarly situated individuals.
- Act in a manner which would cause a reasonable person to conclude that the official can improperly influence or unduly enjoy favor through the performance of his or her official duties.
- Place pressure on other elected officials and employees that would cause them to deviate from preferred and acceptable public processes or to deviate from accepted ethical behavior.
- Use the prestige of the office for his or her or another's personal gain or preferential treatment.
- Use the public office for private gain, provide preferential treatment, impede government efficiency or economy, make government decisions outside of official channels or adversely affect the confidence of the public in the integrity of the local government.
- An elected official shall not make any policy statements which promise to authorize or to prevent any future action, agreement, or contract when, in fact, the official has no authority to do so.
- An elected official shall not act on behalf of the city when making contracts when, in fact, he or she has no authority to do so.
- An elected official shall not take any action or create the appearance of making or influencing a government decision outside of official channels.
- An elected official shall not interfere with the ordinary course of law enforcement within the city and shall not suggest or request special favors or consideration or disposition of any law enforcement person in the city concerning any law enforcement matter including, but not limited to parking tickets, traffic tickets, or the enforcement of city codes.
- An elected official shall not seek confidential or privileged information (including personnel information) from any staff member without going through the City Administrator or the Mayor.
- An elected official shall not interfere in the judicial process by involvement in a matter before the court if the elected official is not personally named in the legal action.
- An elected official shall not investigate or cause an investigation or inquiry to be completed for legal actions pending against any citizen or city staff unless the elected official is directly involved in the matter.

- An elected official should not knowingly mislead other elected officials or staff into making a decision or taking action based on false, inaccurate, or misleading information.
- An elected official should not try to effectuate a result based on false, inaccurate or misleading information.
- An elected official shall not engage in any unwelcome or harassing conduct that may affect a staff member's tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.
- An elected official shall not put staff in a position to make unethical decisions or take action outside of their regular job duties.

USE OF PUBLIC PROPERTY, FACILITIES, RESOURCES, AND EXPENSES

It is imperative that the City of Ferndale remains fiscally responsible by properly managing resources. Elected officials should not, directly or indirectly, use or allow the use of city property for anything other than official activities. Specifically this includes, but is not limited to, the following:

- **Expense Reports and Travel** – When traveling on city business, elected officials shall conduct themselves professionally as representative of the City of Ferndale. Officials are entitled to be reimbursed for actual and necessary expenses during travel.
- **Equipment and Facilities** – Elected officials shall not use city equipment or city facilities for private purposes, except to the extent that they are available to the public.
- **Voice and Electronic Mail** – Electronic and voice mail are to be used only for official business and are to be used in a respectful and professional manner. Electronic mail may be considered a public record and may be subject to disclosure.
- **Use of Staff** – Elected officials need to be sensitive to the role of the Mayor and Administrator and shall work through them regarding use of city staff. Councilmembers may ask staff members about the status of a matter and may ask for information, but Councilmembers shall not expressly or implicitly give orders or direction to staff, except through their participation on the City Council. They shall not try to privately influence the decisions or recommendations of staff members, but they may share information with staff. Council shall not intervene directly with staff on behalf of a particular constituent or organization but shall participate with the Council in discussing and deciding policy matters for staff to carry out.

COMPLAINT PROCESS

Complaints regarding ethics are intended to be an internal Council process and are not intended to supplant other legal means of redress. Actions taken to address ethics complaints shall only be initiated by other city elected officials and shall not be commenced by other parties or on the behalf of other parties by an elected city official.

Any elected official who believes that a violation exists as prohibited in this Handbook may make a complaint which shall be a written formal signed complaint to the City Administrator, who shall cause same to be referred to the City Attorney for review and recommendation. By mutual agreement of the City Administrator and City Attorney, the complaint may be directly referred to an outside third party if appropriate. Reasons for directly referring a complaint to an outside third party may include but are not limited to: A conflict of interest between the City Attorney and either the complainant or the subject of the complaint, or the possibility of the City Attorney, City Administrator, Mayor, or City Employee being a potential witness during the investigation of the complaint. Such review may include the ability of the accused to meet with the City Attorney or outside third party to rebut such charges. The City Attorney's or outside third party's review and recommendation shall be forwarded to the City Administrator, with a copy to the complainant.

The complainant must specify the section of the Ethics Handbook that he or she is alleging has been violated. If no provision is specified, the complaint will not be investigated or referred to the Council and will be summarily dismissed upon agreement by the City Attorney and City Administrator.

If the review by the City Attorney or outside third party shows that there was a violation of the Ethics Handbook, the matter shall be referred to a three-Councilperson Ethics Ad-Hoc Committee who shall review the City Attorney's or outside third party's report and forward a recommendation to the full Council. Any materials from the investigation will not be made public by the City until action is taken.

The matter shall then be scheduled for the next available Council Meeting, or as soon thereafter as possible, at which time, final action shall be determined. In accordance with State law, the review and discussion of such complaint shall be held in Executive Session, unless the subject of the complaint requests a public meeting or public hearing per RCW 42.30.110(f). Any final action shall be made in open session of the City Council. Neither the complainant nor the subject of the complaint will be allowed to participate in the Executive Session, or any subsequent action taken during open session, unless Councilmembers request their presence in the Executive Session. In this instance, the complainant and the subject of the complaint shall individually be given the opportunity to address the Council; however, in all instances, Council shall reserve the right to limit participation by the complainant and/or the subject of the complaint. Furthermore, the complainant and/or the subject of the complaint may decline any participation regardless of a request by Council. This section shall in no way supersede the right of an elected official who is the subject of a complaint to request that the complaint be discussed by Council in a public meeting or public hearing, in accordance with RCW 42.30.110(f).

The membership on the Ad-Hoc Ethics Committee shall be determined by the Council in public session on a case-by-case basis and shall not include the accuser or others who are listed on the complaint as witnesses. Should it not be possible for three qualifying Councilmembers to serve on the Ad-Hoc Ethics Committee, the report by the City Attorney or outside third party shall be forwarded directly to the Council for final action.

REMEDIES FOR VIOLATIONS

The integrity of individual councilmembers and the Mayor reflects, both positively and negatively, on the overall public perception of the ethical behavior of the entire Council. The behavior of an elected official colors the public confidence and therefore the City Council and Mayor have a vested interest in promoting ethical behavior and adherence to established levels of professional public interaction.

To promote these goals and to provide a progressive discipline atmosphere wherein the Council is in a position to affect the behavior of its members and the Mayor, the following remedies for violations of this Ethics Handbook are hereby adopted. It should be noted that, depending on the severity of the ethical lapse, the Council has the authority to choose the appropriate level(s) of discipline without strictly adhering to the progressive steps outlined below, and/or to combine two or more steps, or to skip a step, as the initial remedy for the violation. Council has full discretion to determine the method, sequence, and level of discipline so long as it is consistent with the policies herein.

Step One – Should it be determined by majority vote of the Council that an elected official violated one or more sections of this Ethics Handbook, a public Declaration of Admonishment shall be read and entered into the record of a public Council meeting.

Step Two – Should it be determined, by majority vote of the Council that there have been additional violations of the Ethics Handbook subsequent to the issuance of the Declaration of Admonishment, or if the ethical lapse is determined to be of such magnitude, the Council shall issue, via a formal Resolution, a Public Censure.

Step Three – Should there be a subsequent violation of the Ethics Handbook either following the issuance of either a Declaration of Admonishment and/or the passage of a formal Resolution of Public Censure, or if the violation is deemed to be of such severity, the Council shall, by a majority plus one vote, remove the offending elected official from his or her intergovernmental and liaison assignments and publish notice of such action in the newspaper of record. The Council shall also determine the duration of such removal.

Step Four - Should there be a subsequent violation of the Ethics Handbook either following the issuance of either a Declaration of Admonishment, the passage of a formal Resolution of Public Censure, or the removal of the offending elected official from his or her intergovernmental and liaison assignments, or if the violation is deemed to be of such severity, the Council shall, by a majority plus one vote, remove the offending Councilmember from all Council Committee assignments and publish notice of such action in the newspaper of record. The Council shall also determine the duration of such removal.

Note: The invocation of one of these remedies shall not preclude the application of other or

all of the remedies as listed in this section. These remedies shall not be exhaustive in that certain ethical issues might be subject to prosecution or other legal action pursuant to Washington State law. In these instances, the matter may be referred to the County Prosecuting Attorney for review and further legal action.



Ethics Complaint Form

Please type or print legibly and attach additional pages as necessary

Complainant Information

Name of Elected Official: _____
Official Title: _____
Address: _____

Respondent Information

Name of Respondent: _____
Official Title: _____
Address: _____

Allegation(s)

Complaints that allege that an Elected Official engaged in some form of misconduct that is not within the City Attorney's authority to resolve will be forwarded to the appropriate agency for review and possible enforcement.

Section(s) of Ethics Handbook Violated

Complaints must specify the section of the Ethics Handbook that is alleged to have been violated. If no provision is specified, the complaint will not be investigated or referred to the Council and will be

summarily dismissed upon agreement by the City Attorney and City Administrator.

Description of Facts

Provide a specific description of the facts constituting the violation(s), including relevant dates. Attached additional sheets as necessary.

Witnesses

Provide the following information about person(s) you believe may have information that would assist in the evaluation of this complaint.

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Documentation

Attached copies of any documentation in your possession that relate to the allegations stated in this complaint. In addition, indicate below whether there are other records, not in your possession, that you believe may assist the City in its evaluation of this complaint.

Additional Information

Provide any additional information that you believe may assist the City in evaluating this complaint.

Related Complaints

Are there any current or open complaints related to this complaint?

Have you made the same or similar allegations to another agency or court?

If yes, identify the agency or court below and attached a copy of any complaint or other written description of the allegations submitted to that agency or court.

Verification

I certify under the penalty of perjury under the laws of the State of Washington that the above statements are true and correct to the best of my knowledge.

Executed:

(Date)

At:

(City and State)

By:

(Typed or printed name)

(Signature)